



C·V·R·D

**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday,
June 2, 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**

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8. **PARKS**

9. **INFORMATION**

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10. **NEW BUSINESS**

NB1	Discussion regarding Section 946 ALR Applications	
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11. **PUBLIC/PRESS QUESTIONS**

12. **CLOSED SESSION**

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

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CSSR1	Staff Report regarding Section 90(1)(c).....	226-229

13. **NEXT MEETING**

Tuesday, June 16, 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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, May 19, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Rob Conway, Manager, Development Services Division
Warren Jones, Administrator
Rachelle Moreau, Planning Technician
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included deleting Delegations D1 and D2 and adding two items of New Business.

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

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the minutes of the May 5, 2009 EASC meeting, be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 – Landale Signs

The Chair noted that the applicant for Landale Signs regarding Application No. 8-E-08DP indicated that they are still not ready to make their presentation to the EASC and that they will appear at an upcoming meeting.

D2 – Mark Johnston

The Chair noted that the applicant for The Limona Group regarding Application No. 4-A-08DP/RAR has withdrawn their application.

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D3 - Mansueti

Rachelle Moreau, Planning Technician, presented Application No. 2-C-08DP by Angelo Mansueti (Victoria Truss Ltd.) to build a 117 m² addition to the office and manufacturing shop building located at 3605 Cobble Hill Road in accordance with the Mixed Use Development Permit Area contained within the Cobble Hill Village Neighbourhood Plan.

The applicant was present and stated that he had no further comments to add to the Planner's presentation.

There were no questions to the Planner or applicant from Committee members.

It was Moved and Seconded

That Application No. 2-C-08DP be approved, and that a development permit be issued to Victoria Truss Ltd. for Lot A, Sections 12 and 13, Shawnigan District, Plan 41285, for the construction of an addition to the existing building, subject to completion of the landscaping as proposed along the western property boundary, or posting of an irrevocable letter of credit appropriate to cover landscaping costs if not completed prior to construction.

MOTION CARRIED

STAFF REPORTS

SR1 – Boat Patrols

Discussion ensued respecting Staff Report dated April 29, 2009, from Tom Anderson, General Manager, regarding RCMP Boat Patrols on Shawnigan and Cowichan Lakes. Note: item was referred back to EASC at the May 13th Board meeting.

Director Marcotte arrived to the meeting at this point.

It was Moved and Seconded

That the CVRD provide funding in the amount of \$13,000 to the RCMP to assist with costs for additional summertime lake patrols, and that the funds be extracted from Bylaw Enforcement budget Function 328.

MOTION DEFEATED

SR2 – File No. 4-A-07DP (Mill Bay Co-op)

It was Moved and Seconded

That the Corporate Secretary be authorized to execute a Sidewalk and Landscaping Maintenance Agreement with Peninsula Consumer Services Co-operative and a Licence of Occupation with the Ministry of Transportation and Infrastructure for landscape and sidewalk improvements within the Deloume Road right-of-way

MOTION CARRIED

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APC

AP1 to AP5 - Minutes

It was Moved and Seconded

That the following APC minutes be received and filed:

- minutes of Area F APC meeting of May 13, 2009
- minutes of Area I APC meeting of April 7, 2009
- minutes of Area D APC meeting of February 16, 2009
- minutes of Area E APC meeting of April 16, 2009
- minutes of Area E APC meeting of April 28, 2009

MOTION CARRIED

PARKS

**PK1 , PK2, PK4 -
Minutes**

It was Moved and Seconded

That the following Parks Commission minutes be received and filed:

- minutes of Area I Parks Commission meeting of January 13, 2009
- minutes of Area I Parks Commission meeting of February 10, 2009
- minutes of Area I Parks Commission meeting of April 14, 2009

MOTION CARRIED

PK3 - Minutes

It was Moved and Seconded

That the minutes of the Area I Parks Commission meeting of March 10, 2009, be received and filed.

MOTION CARRIED

Discussion regarding Mile 77 park. Further discussions to include Brian Farquhar, Parks and Trails Manager.

NEW BUSINESS

1 – Water Conference

It was Moved and Seconded

That Director Giles be authorized to attend the BC-CWRA Co-operative Approaches to Water Management seminar (May 26/27, 2009) in Cowichan Bay, and that one day registration fees in the amount of \$175 be extracted from Electoral Area Services Function 250.

MOTION CARRIED

2 – CVRD Survey

Director Marcotte expressed concerns with the recent CVRD resident survey. She stated that the questions are not relevant to the whole valley and that residents in North Oyster are unhappy with the questions in the survey. It was felt that an extra option should have been available such as “does not apply to me”.

Warren Jones stated that the subject will be discussed at the Regional Services meeting.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 4:16 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:35 pm.

Chair

Recording Secretary

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D 1

Date: May 25, 2009

To: Mike Tippet
Manager
Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District

Subject: Application No. 2-I-05RS

In response to your request to have our application put on the June 2, 2009 EASC meeting agenda, we, the Carley Cove Co-Owners, have elected to not withdraw our application and ask that our application be put on hold.

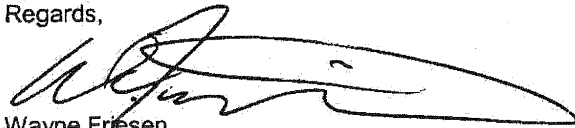
Looking at the minutes from the June 17, 2008 EASC meeting regarding our application, it is stated ***"...that prior to the return of this application to the EASC, that the CVRD add to the 2009 work program a public consultation process regarding the advisability and consequences of permitting land use development along the entire Cowichan Lake shoreline west of Honeymoon Bay and Youbou, and that the results of the process be reported to the Committee".***

Although it is unfortunate and an inconvenience that the commitment from EASC was not upheld, we are a patient group who believe in the merits and value of our proposal and have been following the direction of the past Area I Director and your recommendations regarding the best way to proceed with rezoning our property. Since this commitment has not been completed, we would like our application to be held until this process has taken place or other events have transpired to allow the CVRD to provide support for our application.

In addition, your most recent report dated April 28, 2009 shows our proposal incorrectly as "rezoning to permit the creation of five lots, each permitting two residences". The revised proposal is for "a strata on the entire property with 10 footprint limited dwellings and reduced parcel coverage to 3% from the current 20%" which the APC recommended approval to the CVRD staff. I understand that you have made comments further in your report to this revision, but I just want to be sure there is no misunderstanding.

I look forward to your response.

Regards,



Wayne Friesen
(on behalf of the Carley Cove Co-Owners)

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D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MONDAY, MAY 5, 2009

DATE: April 29, 2009 **FILE NO:** 8-E-08 DP
FROM: Rob Conway, Manager
Development Services Division **BYLAW NO:** 1490 & 1840
SUBJECT: Development Permit Application No. 8-E-08DP
(Landale Signs & Neon Ltd.)

Recommendation:

That Application No. 8-E-08DP (Landale Signs and Neon Ltd.) to permit additional fascia signs on Lot 1, Section 14, Range 6, Quamichan District, Plan 4077 shown outlined in red on Plan 1500R, except that part shown in red on Plan 1688OS and except part in Plan 40941 (PID: 012-522-449), be denied.

Purpose:

To permit additional fascia signs on a commercial/retail warehouse building located within the Trans Canada Highway Development Permit Area.

Background:

Location of Subject Property: 5380 Trans Canada Highway

Legal Description: Lot 1, Section 14, Range 6, Quamichan District, Plan 4077 shown outlined in red on Plan 1500R, except that part shown in red on Plan 1688OS and except part in Plan 40941 (PID: 012-522-449)

Owner: Parhar Property Management Ltd

Applicant: Landale Signs and Neon Ltd.

Size of Parcel: 0.65 hectares

Existing Zoning: I-1 (Light Industrial)

Minimum Lot Size Under Existing Zoning: 0.1 hectare for parcels served by community water and sewer system

Existing Plan Designation: Industrial

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Existing Use of Property: Commercial/Retail

Existing Use of Surrounding Properties:

North:	Industrial
South:	Industrial
East:	Trans Canada Highway
West:	Industrial

Services:

<u>Road Access:</u>	Trans Canada Highway Frontage Road
<u>Water:</u>	City of Duncan Water System
<u>Sewage Disposal:</u>	Eagle Heights

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) has not identified an Environmentally Sensitive Areas on the subject property.

Archaeological Site: None identified

A development permit was issued for the subject property last year that authorized the reconstruction and expansion of a commercial/retail warehouse that was damaged by fire in January, 2008. The permit, among other things, addressed building design, site layout, landscaping and signage. The permit included approval for lettering over the main building entrance to identify the business that will occupy the building ("The Brick") and a pylon sign near the entrance to the site that would replace an existing freestanding sign. Approval for the design of the pylon sign was delegated to the Manager of Development Services. The property owner has submitted drawings for the pylon sign and is presently having them amended based on staff comments. The building tenant has now requested additional fascia signs that were not included with the previous development permit application. As the new signs proposed by the building tenant were not addressed in the previous application, a new development permit is required to authorize the additional signage.

The Proposal:

The subject application proposes lettering and product logos located above windows on either side of the main entry to the building, as shown on the attached building elevation. The signs would be between 12 and 20 feet above grade level, and would add an additional 16.1 square metres (173.5 sq. f.) of sign area to the front exterior of the building in addition to the 15.75 sq. m (169 sq. ft.) that was approved as part of a previous development permit. The content of the proposed signs advertises products sold by the business (mattresses, furniture, appliances, etc.), rather than the business itself. Drawings showing the proposed signs are attached to this report.

Policy Context:

Signs at the location of the subject property are regulated by CVRD Sign Bylaw No. 1095 and the Trans Canada Highway Development Permit Area, which is contained in Official Community Plan Bylaw No. 1490. As the TCH Development Permit Area addresses signage, a sign permit is not required in addition to the required development permit. Signs, however, are

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required to comply with both the sign bylaw and applicable development permit guidelines.

Sign Bylaw:

The Sign Bylaw regulates, among other things, the type and area of signage permitted on a property. The amount of signage permitted on a property varies depending on the zoning class of the subject property (Agricultural and Forestry, Residential and Institutional, Commercial, Industrial, Waterfront) and the property's road frontage. In this case, as the property is zoned Light Industrial (I-1), and has approximately 104 metres (343 ft.) of road frontage, the Sign Bylaw permits up to 63.75 sq. m. (686 sq. ft.) of facia signage and up to 63.75 sq. m. (686 sq. ft.) of free standing signage on the property. Free standing signs are limited to a maximum area of 13.93 sq. m. (150 sq. ft.).

Section 3.6 of the Sign Bylaw states, "*Where a Development Permit Area establishes guidelines for the characteristics and appearance of signs, the provisions of this Bylaw shall not apply insofar as they would conflict with the provisions of a Development Permit. In particular, where a Development Permit authorizes the placement of a sign, a sign permit under this Bylaw shall not be required.*" As the Trans Canada Highway Development Permit Area addresses signage, the Sign Bylaw establishes the amount of signage permitted on a property with additional standards established within the DPA guidelines.

Trans Canada Highway Development Permit Area:

The TCH Development Permit Area includes policies and guidelines for industrial, commercial and multi-family development in Area 'E' along the Highway corridor. With respect to signage, the DPA includes the following guideline:

Signs are to be in compliance with the CVRD Sign Bylaw, the Motor Vehicle Act or current Ministry of Transportation and Highways policies and the following guidelines:

- *Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.*
- *Where multiple free standing signs are required on a site these signs shall be consolidated into a single comprehensive sign grouping or panel.*
- *Free standing signage shall be low and should not exceed 5 metres in height, except where a site is lower than the adjacent road surface. In these cases, variations may be appropriate and should be considered on their own merit.*
- *Facia or canopy signs may be considered, provided that they are designed in harmony with the architecture of the structure proposed.*
- *Projecting signs should be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of commercial buildings.*
- *Where signs are illuminated, favourable consideration should be given to external light sources or low intensity internal light sources. High intensity panel signs should be avoided.*

Applications for development permits in the TCH Development Permit Area are required to include a signage plan showing all proposed signs and sign areas.

Development Application Procedures and Fees Bylaw:

Section 7 of Bylaw No. 2255 delegates the authority to issue development permits for signs to the General Manager of Planning and Development (formerly Manager of Development Services). In this case, however, since the application proposes to amend a development permit previously issued by the Regional Board, the General Manager of Planning and Development has referred the application to the Board for consideration.

Advisory Planning Commission Comments:

Area "E" Advisory Planning Commission reviewed the subject application on March 26, 2009. The minutes of the meeting show that a motion that "application File # 8-E-08DP be approved" was defeated. No subsequent motion or comments were recorded in the minutes.

Planning Division Comments:

A proliferation of signs along the Trans Canada Highway between the Koksilah River and the Highway 18 turn-off has contributed to this section of the Highway being commonly referred to as "The Duncan Strip". The negative reaction that many local residents and visitors have to the appearance of commercial development and signage through this section of highway has lead to to the Cowichan Valley Regional District, the City of Duncan and the District of North Cowichan all implementing development permit areas to establish standards for new commercial development, in an attempt to improve the appearance of development and signage along the highway corridor.

The Area "E" TCH Development Permit Area includes design guidelines for commercial, industrial and multi-family development within approximately 200 metres of the Highway. With respect to signage, the guidelines explicitly state that signs should be designed to complement the architecture and landscape design of a site. Facia signs, such as the type proposed with this application, are permitted within the TCH Development Permit Area, provided they are "designed in harmony with the architecture of the structure proposed". The guidelines clearly intend that signage be considered as part of an overall design strategy for a site.

When the development permit application for the re-construction of "The Brick" was reviewed by the Advisory Planning Commission, the Electoral Area Services Committee and the Regional Board last year, signage was carefully considered and was incorporated into the development permit that was issued. While this does not mean additional signage cannot be added following issuance of a development permit, any new signage should be carefully considered to ensure that it does not detract from design approved in the original permit

The additional signage proposed in this application is part of a corporate brand The Brick utilizes on its new buildings. While the establishment of a corporate identity is an important and legitimate marketing objective for retail businesses, it does not necessarily recognize local priorities and site context. The design guidelines for the TCH Development Permit Area were implemented with the objective of establishing a higher standard for commercial development along the Trans Canada Highway. Given that the building on which the subject signage would

be placed is very prominent from the Highway, staff suggest that signage on this building should be considered differently than if the building were less visible from the Highway.

Staff believes the proposed signs do not comply with the applicable development permit guidelines for the following reasons:

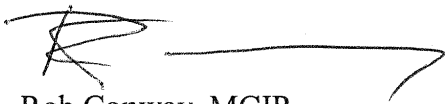
1. A comprehensive signage plan for the entire property was not provided. There are multiple tenants on the subject property and there is little or no consistency between the proposed signs and other signs on the property.
2. The signs do not demonstrate any obvious relationship to the building's architecture. Although there are panels on the building on either side of the building's entry way that are large enough to accommodate the proposed signs, additional signage on the panels does not appear to serve any architectural purpose. In contrast, the primary facia sign over the main entryway ("The Brick"), serves an architectural purpose by identifying the building entrance.

For the above reasons, staff recommends that the application be denied. Alternatively, should the Committee wish to permit some form of additional facia signage on the building, Staff recommend that this be done only after a comprehensive signage plan has been submitted and approved for the subject property.

Options:

1. That Development Permit Application No. 8-E-08DP be denied.
2. That the applicant be requested to prepare and submit comprehensive signage plan for the subject property and amend the proposed signs to be consistent with the signage plan prior to consideration of Development permit Application No. 8-E-08DP.
3. That Development Permit Application No. 8-E-08DP be approved.

Submitted by,



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

Department Head's Approval:

Signature

RC/ca

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COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-E-08DP

DATE: JUNE 9, 2008

TO: PARHAR PROPERTY MANAGEMENT LTD.

ADDRESS: 320 FESTUBERT STREET

DUNCAN, BC V9L 3S9

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
That Part of Lot 1, Section 14, Range 6, Quamichan District, Plan 4077 Shown outlined in Red on Plan 1500R Except that part shown in red on Plan 1688 OS and Except part in Plan 40941
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the attached site plans and amendments, and subject to the following conditions:
 - a) *Conformance with the Landscape Plan, Parking Plan, and Main Floor Plan from Ellins Architects Inc. dated February 25, 2008.*
 - b) *Subsequent amendment of the Parking Plan, which clearly indicates the location of parking stalls for the disabled in front of each of the buildings.*
 - c) *Subsequent amendment to the Landscape and Parking Plans which incorporate garbage bins that are screened and located to the north side of the building along the property line.*
 - d) *Approval of the sign by the Manager of Development Services, in accordance with the provisions of CVRD Development Application and Procedures and Fees Bylaw No. 2255.*
 - e) *Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years if the plantings are successful and to the satisfaction of the CVRD Planning Department; and landscaping to be in accordance with the BC Society of Landscape Architects Standards.*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Form 1, Main Floor Plan by Ellins Architect Inc, dated February 25, 2008
 - Form 2, Site Plan by Ellins Architect Inc, dated April 28, 2008.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

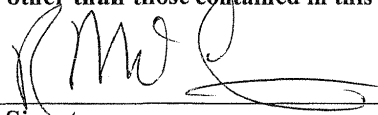
ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-322(8) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14TH DAY OF MAY 2008.

Tom Anderson, MCIP
Manager, Development Services

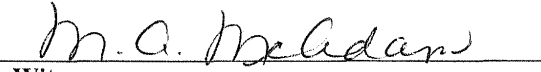
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NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

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



Signature

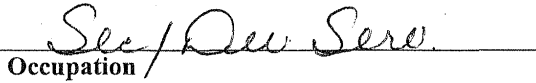


Witness

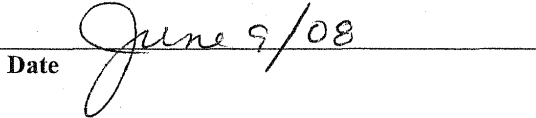
Owner/Agent

JUNE 9, 2008

Date



Occupation



Date

000014

ELECTORAL AREA E APC MEETING MINUTES

Glenora Community Hall

March 26, 2009

Meeting called to order at 7:10 p.m.

PRESENT:

Director Area "E": Loren Duncan

Members: David Coulson, Jim Marsh, Ben Marrs, Frank McCorkell, Dan Ferguson, David Tattam, Colleen MacGregor

ABSENT: Keith Williams, John Salmen and Darin George

ORDER OF BUSINESS:

1. Election of Officers:

Chair – Jim Marsh

Vice-Chair – Frank McCorkell

Secretary – Colleen MacGregor

2. MOTION:

It was moved to approve the Minutes of Nov. 13, 2008

MOTION CARRIED

3. Directors Update – next meeting set for April 16, 2009 at 6:00 pm at the Sahtlam Fire Hall.

4. APPLICATION File # 8-E-08DP

Applicant: Landale Signs & Neon Ltd.

Delegates: Dave Backstrom - Regional Director Brick Warehouse
Jay Brown – Landale Signs & Neon Ltd.

MOTION:

It was moved and seconded that Application **File # 8-E-08DP** be approved.

MOTION DEFEATED



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.

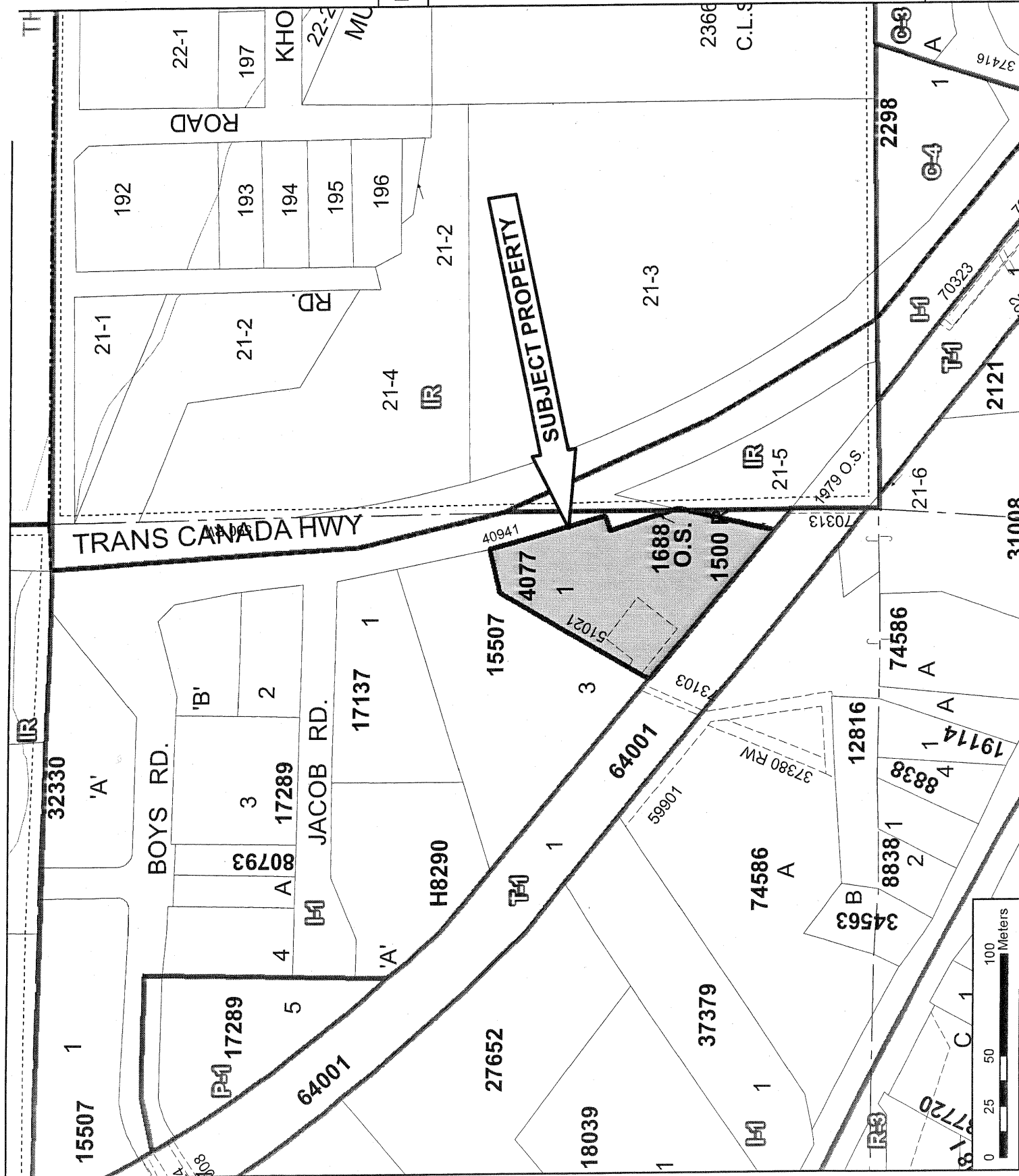
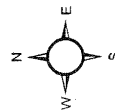
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 8-E-08-DP

ZONING

Legend



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

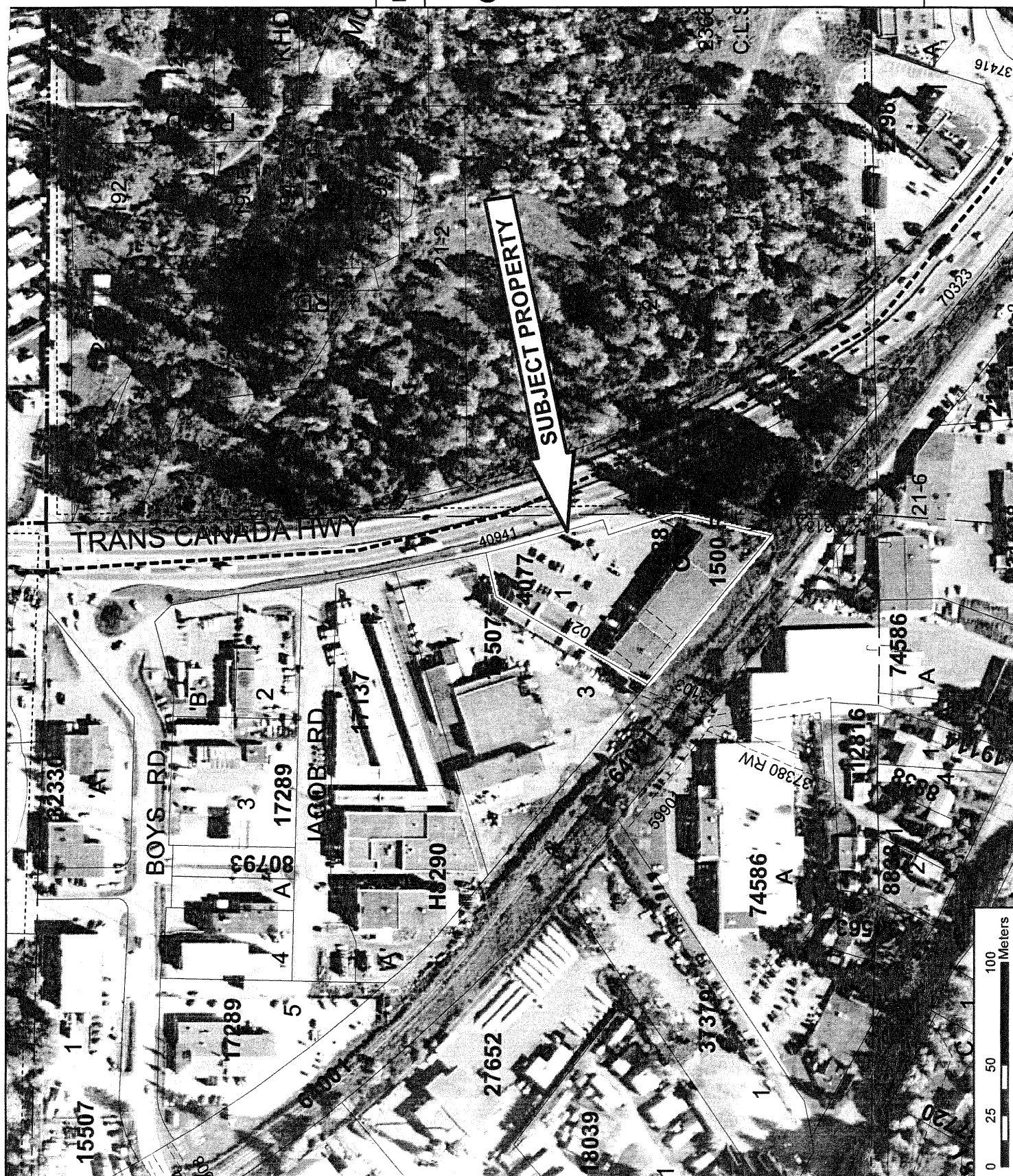
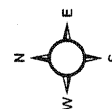
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FILE: 8-E-08-DP

**Orthophoto
(2004)**

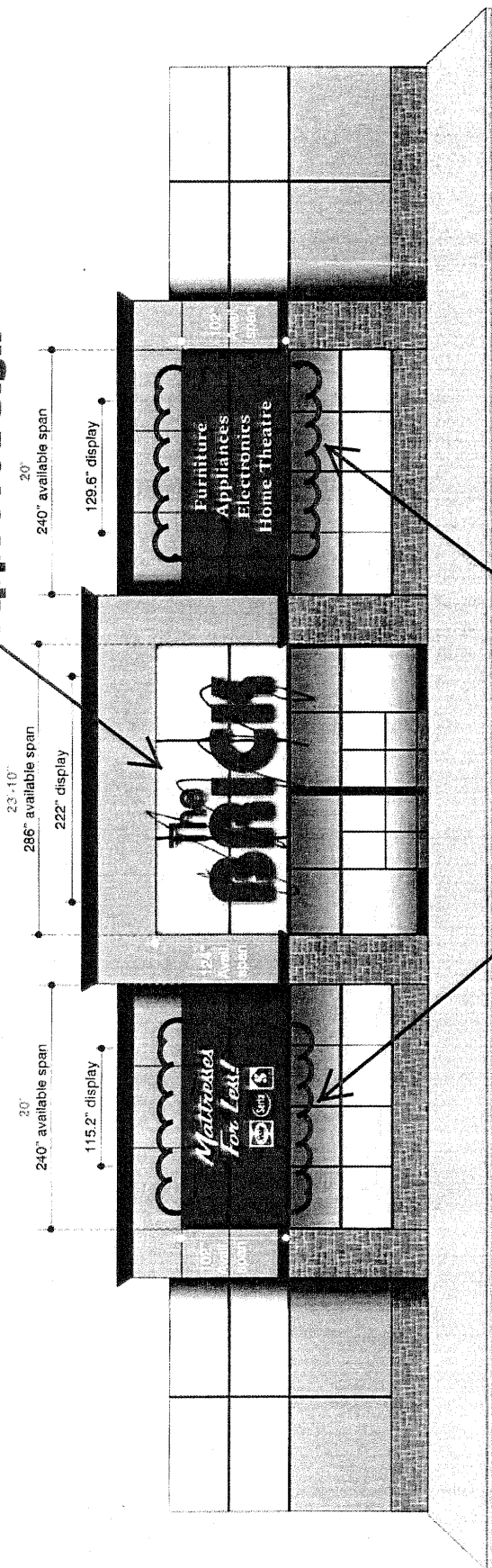


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Showing Exterior Signs - 5' tall "The Brick" illuminated channel lettering with non-illuminated secondary lettering

Approved Sign



Proposed Signs



make one set

Option A:
Non-Illuminated White Plastic Cut Out Letters and panels, panels sheathed with vinyls and wrapped with 1" white trim cap
Pin Mounted
1 Set Required



Make ONE SET

Supply & install 5' tall illuminated Channel Letters Self Contained Electrical with Pass Thru GET COREY LED Illumination Faces - 31'6" / 2780 sq. RED Acrylic with 1" White Trim Cap White 8" Deep .050 Aluminum Returns Aluminum Letter Backs 1 set required



make one set

Option A:
Non-Illuminated White Plastic Cut Out Letters wrapped with 1" white trim cap
Pin Mounted
1 Set Required

COLORS ARE CONFIRMED
SITE CHECK IS NOT CONFIRMED

LANDALE
Signs & Neon



good company to be SEEN with
The Brick - Sustained growth through Partnership
Monday, August 12, 2008 11:07 AM
www.landaleusa.com

Revised: July 30/08 @ 3:05 pm

Scale: 3/32" = 1'
DATE: 7/29/08
BY: J. LANDALE
VO: # reference XXXX

sales: Mary Wirth
designer: Andrew Winek
date: June 13/08
location: Duncan

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Sketch # 5909 The Brick - Duncan - Exterior



Customer Approval
Dated:

000019



Showing Exterior Signs - non-illuminated secondary lettering



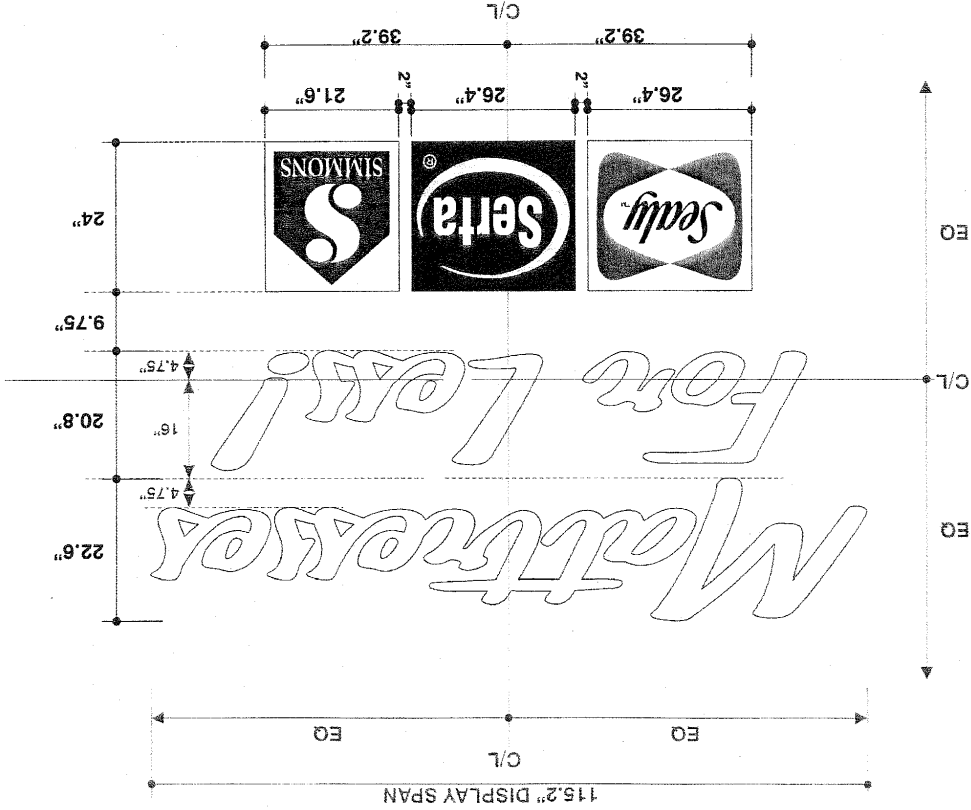
make one set
Option A:
Non-Illuminated White
Plastic Cut Out Letters and panels,
panels sheeted with vinyls
and wrapped with 1" white trim cap
Pin Mounted
1 Set Required



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Tuesday, August 12, 2008 12:57 PM
mailto:design@landalesigns.com

000000



Scale: 1/2" = 1'
SIZES SHOWN
ARE APPROXIMATE
WO# reference XXXXX

sales: Mary With
designer: Andrew Weik
date: June 13/08
location: Duncan

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vinyls, digital print ink, acrylic paints and the luminosity of neon.

Customer Approval

Dated:



Regular 015-2 White Acrylic
Sealy: MACMark 9889-00 Gloss Black
MACMark 9839-24 Medium Blue
Regular
Seta: MACMark 9889-00 Gloss Black
MACMark 9809-00 Dark Yellow
Regular
Simmons: MACMark 9839-11 Vivid Blue
Regular

Color Chart:



Showing Exterior Signs - non-illuminated secondary lettering

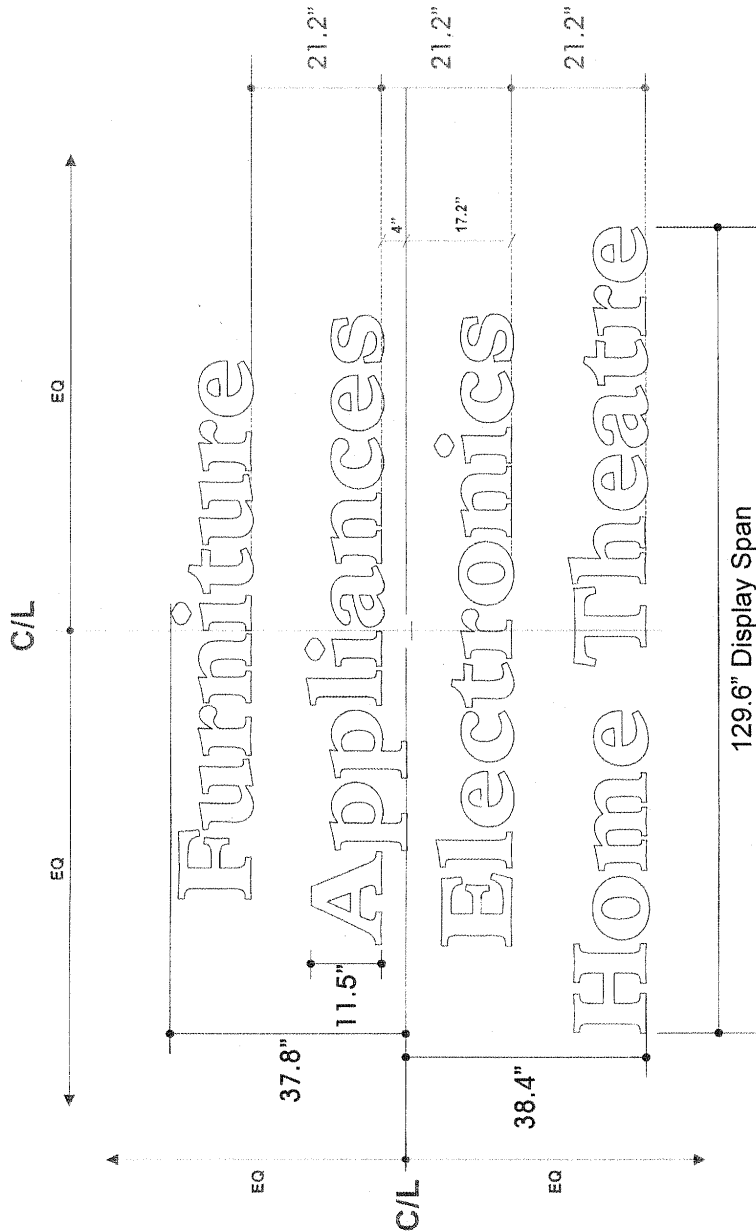
3



make one set

Option A:

Non-Illuminated White
Plastic Cut Out Letters
wrapped with
1" white trim cap
Pin Mounted
1 Set Required



Color Chart:
015-2 White Acrylic

LANDALE
Signs & Neon



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Tuesday August 12, 2008 8:37 AM email: landale@landale.com

Scale: 1/2" = 1'
SIZES SHOWN
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WO# reference XXXXX

sales: Marv With
designer: Andrew Wnek
date June 13/08
location: Duncan

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Sketch # 3909 The Brick - Duncan - Exterior

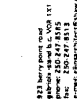
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Customer Approval
Dated:

000021

[illegible]

DUNCAN B.C.



DRAWING:

1000

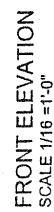
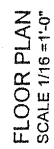
NEWARK, N.J.

DATE:

SCALE:

PROJECT

NO. 08-0



MAIN FLOOR PLAN

February 25, 2008

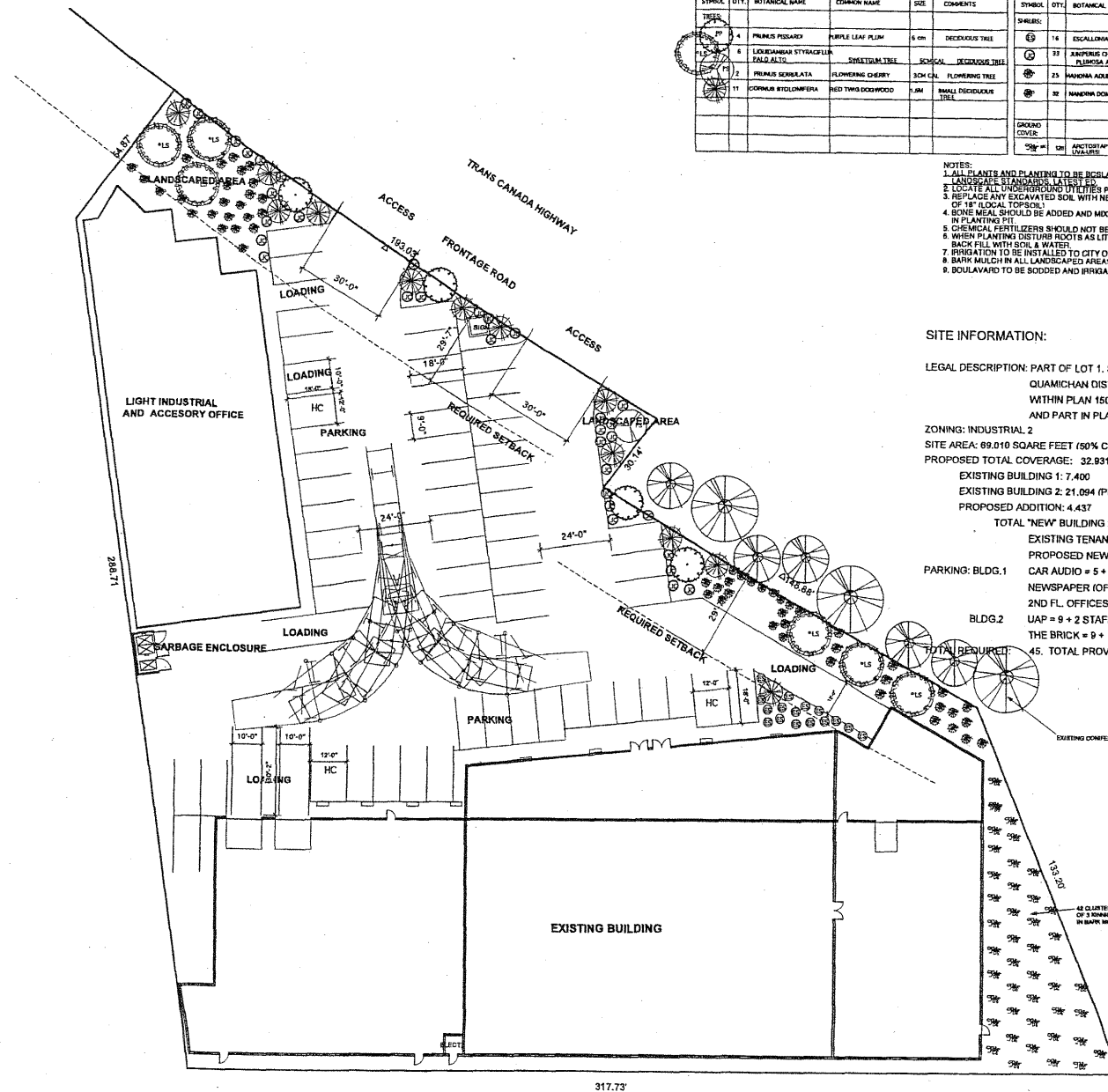
000022

NOTES:

1. ALL PLANTS AND PLANTING TO BE BGSLA / BGNTA.
2. LANDSCAPE STANDARDS, LATESTED.
3. LOCATE ALL UNDERGROUND UTILITIES PRIOR TO DIGGING.
4. REPLACE ANY EXCAVATED SOIL WITH NEW SOIL TO A DEPTH OF 18" LOCAL TOPSOIL.
5. BONE MEAL SHOULD BE ADDED AND MIXED INTO LOOSE SOIL IN PLANTING PIT.
6. CHEMICAL FERTILIZERS SHOULD NOT BE USED.
7. WHEN PLANTING DISTURB ROOTS AS LITTLE AS POSSIBLE.
8. BACK FILL WITH SOIL / WATER.
9. IRRIGATION TO BE INSTALLED TO CITY OF NAIMANO STANDARDS
10. BARK MULCH IN ALL LANDSCAPED AREAS
11. BOULAVARD TO BE SODDED AND IRRIGATED TO CITY STANDARD

LEGAL DESCRIPTION: PART OF LOT 1, SECTION 14, RANGE 6.
QUAMICHAN DISTRICT PLAN 4077
WITHIN PLAN 1500R, EXCEPT PART IN PLAN 1688 OS
AND PART IN PLAN 40841

PARKING: BLDG.1
CAR AUDIO = 5 + 2 STAFF = 7
NEWSPAPER (OFFICE) = 9
2ND FL. OFFICES = 8
UAP = 9 + 2 STAFF = 11
BLDG.2
THE BRICK = 9 + 1 = 10
TOTAL REQUIRED: 45. TOTAL PROVIDED 57.



923 berny point road
calabria island b.c. VOR 1X1
phone: 250-247-8585
fax: 250-247-8513
e-mail: ellinsarchitect@shaw.ca

ellins architect inc.
architecture • planning • interior design

DRAWN BY:	JDE.AK
DATE:	APRIL 28 2008
SCALE:	as noted

PROJECT NO. 08-003	DRAWING NO. A1
-----------------------	----------------------

NO. DATE:	
REVISION:	
FEB 18, 2008 ORIGINAL	
FEB 25, 2008 ELEVATION	
APR 28, 2008 ELEVATION	
MAY 30, 2008	

00023



D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JUNE 2, 2009

DATE: May 27, 2009 **FILE NO:** 2-E-08RS
FROM: Rob Conway, MCIP **BYLAW** 1840 & 1490
NO:
SUBJECT: Proposed Official Community Plan and Zoning Bylaw Amendment (Inwood Creek Estates – Phase 2)

Recommendation:

That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended; AND FURTHER, that the subject properties and surrounding lands be considered as a possible residential expansion area as part of the 2010 Area 'E' OCP review.

Purpose:

To amend Cowichan–Koksilah Official Community Plan Bylaw No. 1490 and CVRD Electoral Area “E” – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 to allow the subject property to be developed for up to 44 single family lots and public open space.

Financial Implications: None identified

Interdepartmental / Agency Implications: None identified

Background:

Location of Subject Properties: Between Old Lake Cowichan Road and Highway 18, west of Clements Road and Pollock Road

Legal Description: Block A, Section 1, Range 6, Seymour Land District (PID 002-592-959)
Block B, Section 1, Range 6, Seymour Land District (PID 009-901-213)
Section 10, Range 8, Sahtlam Land District (PID 009-850-929)

Date Application and Complete Documentation Received: May 15, 2008

Owner: 3L Developments Inc.

Applicant: Kabel Atwall

000024

Size of Parcel: Approximately 89 ha. (220 ac.)

Current Zoning: F-1 (Primary Forestry)

Proposed Zoning: To be determined

Minimum Lot Size Under Existing Zoning: 80.0 ha (197.6 ac.)

Minimum Lot Size Under Proposed Zoning 1 ha. (2.47 ac.)

Current Plan Designation: Forestry

Proposed Plan Designation: To be determined

Existing Use of Property: Forestry / Vacant

Existing Use of Surrounding Properties:

North:	Crown Land/Trail (Zoned F-1)
South:	Crown Land/Rural Residential (Zoned F-1 and R-2)
East:	Rural Residential (Zoned A-2)
West:	Crown Land/Forestry (Zone F-1)

Services:

<u>Road Access:</u>	Clements Road, Pollock Road, Highway 18 via Forestry Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On-site sewage disposal

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Archaeological Site: None identified.

Proposal:

The application proposes to rezone the subject properties from F-1 (Primary Forestry) to a new residential zone in order to allow them to be subdivided into 44 one hectare residential lots. The concept is to dedicate almost half of the property as park or publicly-owned open space with the remainder developed for residential use. The proposed park and open space is intended to provide wildlife habitat, riparian protection area, and publicly accessible trail routes through the property. Although the size of the proposed residential lots are less than the 2 hectare lot size specified in the OCP for un-serviced lots, the applicant is suggesting that the average lot size is comparable to that recommended by the bylaw when the proposed park and open space is included.

Site Context:

The proposal involves three properties with a total area of about 89 hectares (220 acres). The lands are located north-west of Sahtlam, between Cowichan Lake Road and Highway 18, west of Pollock Road and Clements Road. Much of the subject lands have been logged, although there is some standing timber along the creeks that cross the property and in a wetland area in the north-west corner of the site.

The objective of the OCP and Zoning Bylaw amendment application is to allow the property to be subdivided into approximately 44 one-hectare rural residential lots which would be marketed as the second phase of the Inwood Estates subdivision. The first phase of Inwood Estates was comprised of approximately 14 two-hectare lots. The applicant contends that smaller, 1-hectare lots with approximately 48% of the site dedicated as public land would make the second phase more marketable and would provide a substantial community benefit in the form of land dedication.

An un-named tributary to Inwood Creek crosses the site in a west-to-east direction and effectively bisects the site into a southern parcel and a northern parcel. The southern parcel is accessed from Clements Road, through Phase 1 of Inwood Creek Estates. The northern parcel is accessed via Highway 18 and the Currie Creek Forest Service Road. Substantial road construction has already occurred to provide access to the lands.

The subject properties are surrounded by Crown-owned land to the north, south and west. Rural residential properties are located to the east, with lot sizes that range from approximately 0.4 ha (1.0 ac.) to 12 ha. (30.0 ac.). These lands are designated "Agricultural" in the OCP and are predominantly zoned A-2 (Secondary Agricultural). Suburban Residential designated lands are located south of the subject lands, on either side of Cowichan Lake Road between River Bottom Road to the east and Culverton Road to the west.

Policy Context:*Official Community Plan:*

The OCP for Area E and Part of Area F (Bylaw No. 1490) designates the subject property and lands to the north, south and west as Forestry. Forestry designated lands are intended primarily for timber production although secondary uses such as forest-based recreation are also permitted. The following policies from the OCP apply to the Forestry designation and the subject lands:

Policy 5.1.1

Except where otherwise provided in this Plan, forestry related uses shall be given priority on lands designated Forestry in the Plan map, however, the following subordinate uses may be permitted:

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

Policy 5.1.2

Lands in the Forestry designation where continuous forestry is envisioned shall be zoned "Primary Forestry" with applicable minimum parcel sizes of 20.0 hectares.

Policy 5.1.3

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

Policy 5.1.8

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

- a) Lands currently in a Tree Farm License;*
- b) Lands currently classified as private Managed Forest under the Assessment Act;*
- c) Lands that were classified as private Managed Forest under the Assessment Act within 5 years of the date of application for rezoning of such lands; or*
- d) Provincial Forest Land.*

As the application is proposing to change the designation of the subject lands to Residential, the following OCP policies are also applicable:

Policy 7.1.1

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

Policy 7.1.2

Where a review of residential land availability indicates that there is sufficient land available to satisfy the anticipated population growth over a five year period or where additional residential areas would reduce the area's ability to economically provide for community services, designation of additional residential lands shall be denied or deferred until infilling of existing residential areas has occurred.

Policy 7.1.3

Cluster forms of development may be permitted through the use of a density averaging formula where it would facilitate more efficient use of the land while providing amenities and protecting features of a specific site. Where a subdivision is created by means of a density averaging, it shall be necessary for a restrictive covenant to be registered in the name of the Regional District against the title of the lands at the time of registration of the subdivision, prohibiting further subdivision of any lot created from the original parcel where the aggregate average of all lot sizes does not permit further subdivision of the original parcel.

Policy 7.1.6

Where a rezoning proposal would result in the creation of five or more parcels, a neighbourhood plan shall be required which will establish an overall subdivision concept that would permit efficient use of land and outline possible impacts on surrounding land uses and a public meeting shall be held prior to first reading.

With respect to density and minimum lot size, the OCP identifies a minimum parcel size of 5.0 hectares (12.35 ac.) for the Rural Residential designation and 2.0 hectares (4.94 ac.) for parcels that are designated Suburban or Urban Residential, where neither community sewer or water are available.

Advisory Planning Commission Comments:

The Area 'E' Advisory Planning Commission visited the property and discussed the application at its April 16, 2009 meeting. The application was reviewed again on April 28, 2009, where the following motion was passed:

That the application be accepted subject to the following conditions:

- 1. That lot 5 be eliminated for elk habitat and a developed lot (with well, power and septic) be given to the CVRD for Area E parks revenue and a developed lot (with well power and septic) be given to the Sahtlam Fire Department for the purchase of equipment making a total of 43 lots for the development;*
- 2. That the developer continue dialog with Cowichan Tribes regarding elk habitat and elk movement corridors,*
- 3. That the rights-of-way between lots 24 and 25 and lots 37 and 38 be re-instated for connectivity and that a (3 metre minimum) right-of-way between lots 33 and 34 be established;*
- 4. That the developer build a pedestrian bridge to connect the right-of-way between lots 28 and 29 and the right-of-way between lots 16 and 17 subject to Riparian Area Regulation; and*
- 5. That, as recommended in the April 28th, 2009 letter from Cowichan Tribes, some reforestation be carried out in the dedicated areas.*

As a portion of the subject land is directly adjacent to boundary between Area E and Area F, the application was also referred out of courtesy to the Area 'F' APC. The minutes from the May 13, 2009 Area 'F' APC meeting recorded the following motion regarding the application:

That Area "F" APC endorse application 2-E-08RS (44 lot project) as presented.

Parks Commission Comments:

The Area 'E' Parks Commission reviewed the application on April 20, 2009. Although the Commission did not pass a resolution regarding the proposal, the minutes from the meeting and comments from individual parks Commission members are attached to this report.

Government Agency Comments:

This application was referred to government agencies on March 10, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Pursuant to section 52(3)(a) of the Transportation Act, approval is granted subject to the following reasons: The Ministry of Transportation would have no objections to the land use proposed, however this is not to be construed as approval of any subsequent subdivision.*
- Ministry of Forests – *No comments received*
- Sahtlam Volunteer Fire Department – *No comments received*

- Vancouver Island Health Authority – *At the subdivision stage, the applicant will have to comply with the Vancouver Island Health Authority Subdivision Standards once this office receives a referral from the approving officer.*
- Cowichan Tribes – *See attached letter*
- School District 79 – *No comments received*
- CVRD Parks, Recreation and Culture Dept. – *Refer to Parks Commission Comments*
- Ministry of Community Services – *Interest unaffected – Please see the following documents: Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia and A Guide to Green Choices – Ideas and Practical Advice for Communities in BC.*

Planning Division Comments:

Land Use:

Official Community Plan bylaw No. 1490 discourages the conversion of forestry land for residential or other non-forestry uses. Primary forestry land is intended to be maintained as large parcels (20 ha. or larger) for commercial forestry. Smaller parcels sizes of between 3.5 ha. and 8 hectares may be considered where land is not suitable for forestry due to poor growing condition or conflicting land uses. Lot sizes less than 3.5 ha. are not considered suitable for forestry use and would require a residential OCP designation in order to rezone and subdivide as proposed.

The subject lands are on the periphery of the Sahtlam community, in an area that has been primarily used in the past for forestry. The forestry lands have partially defined the northern limits of the Sahtlam community, and conversion of these lands to residential use represents an expansion of the residential area recognized as Sahtlam. OCP policies 7.1.1 and 7.1.2 acknowledge that some expansion of the Sahtlam community may be necessary to accommodate future growth of the community. The Plan does not, however, identify when and where such an expansion should occur, but rather suggests that residential expansion should not occur until a review has been completed that demonstrates a need for additional residentially zoned land.

Current and Future Residential Land Supply:

Although a comprehensive review of residential land supply and demand in the Sahtlam area has not been completed, observation of the local housing market does indicate a need for additional residential lots in the area at this time. Lots in phase one of Inwood Creek Estates have been slow to sell and many remain for sale. Additional lots in the area are also expected to become available as the 50 lots approved for the Caromar lands are developed. Other approved and in-process development applications could result in a further 15-20 lots between Kapoor Road and Riverbottom Road. At this time, it does not appear to staff that additional residential development land is warranted.

While staff do not see an immediate need for additional residential development land in the area, the subject properties appear to be a good location for accommodating expansion of the Sahtlam community in the future. The lands abut existing settlement on the east boundary and are close to existing residential development to the south and would make a logical extension of the existing community. Although the subject properties are partially surrounded by crown-owned forestry land, it is likely these Crown lands will be part of a future treaty settlement. The referral response letter from Cowichan Tribes (see attached) indicates these lands are intended to provide future housing for Cowichan Tribes members. If so, the lands that are the subject of this

application would be largely surrounded by residential use and may be impractical for commercial forestry.

Official Community Plan Review:

In the absence of obvious pressures for additional residential development land in Sahtlam, staff recommend the subject properties and adjacent lands be reviewed as part of the Area 'E' Official Community Plan review scheduled for 2010. This would allow the future use of the properties to be considered in a larger context and would allow the community to more actively participate in determining future growth patterns for the area. A possible risk with this approach is that the owners may choose to remove gravel deposits from the properties and preclude public access if consideration of the proposal is deferred pending the outcome of the OCP review.

Alternatively, if the Committee and Board believe there is sufficient merit with the application it could proceed in advance of the 2010 OCP review. If the Board chooses this option, staff recommended that it occur based on the following conditions.

1. That the applicant amend the application and conceptual site plan to address the conditions identified in the April 29, 2009 Area "E" APC recommendation.
2. That a public meeting be held where the Sahtlam community can review and comment on the proposal.

Zoning and Development Approval:

Should the subject application be approved and the Board directs that amendment bylaws be prepared, it will be necessary to determine an appropriate form of zoning. As there is substantial public land dedication proposed and possibly other amenities should the applicant agree to the conditions identified by the APC, staff recommend either a density bonus zone or a phased development agreement to secure the amenities. Either of these approaches will require that the commitments associated to be clearly defined before the bylaw amendments and associated agreements and covenants can be drafted. Bylaw drafting is therefore not recommended until after the public meeting and after direction from the EASC and the Board.

Options:

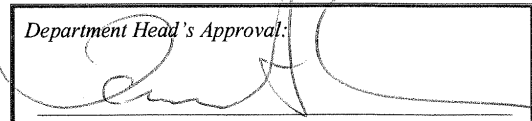
- A. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended; AND FURTHER, that the subject properties and surrounding lands be considered as a possible residential expansion area as part of the 2010 Area 'E' OCP review.

- B. 1. That the applicant for OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) provide written confirmation as to how he intends to address the conditions indentified in the April 29, 2009 Area “E” APC recommendation prior to the application proceeding to public meeting; AND
2. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.
- C. That staff be directed to prepare OCP and Zoning amendments bylaws for Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) and that a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Duncan, Morrison and Iannidinardo appointed as Board delegates.

Submitted by,

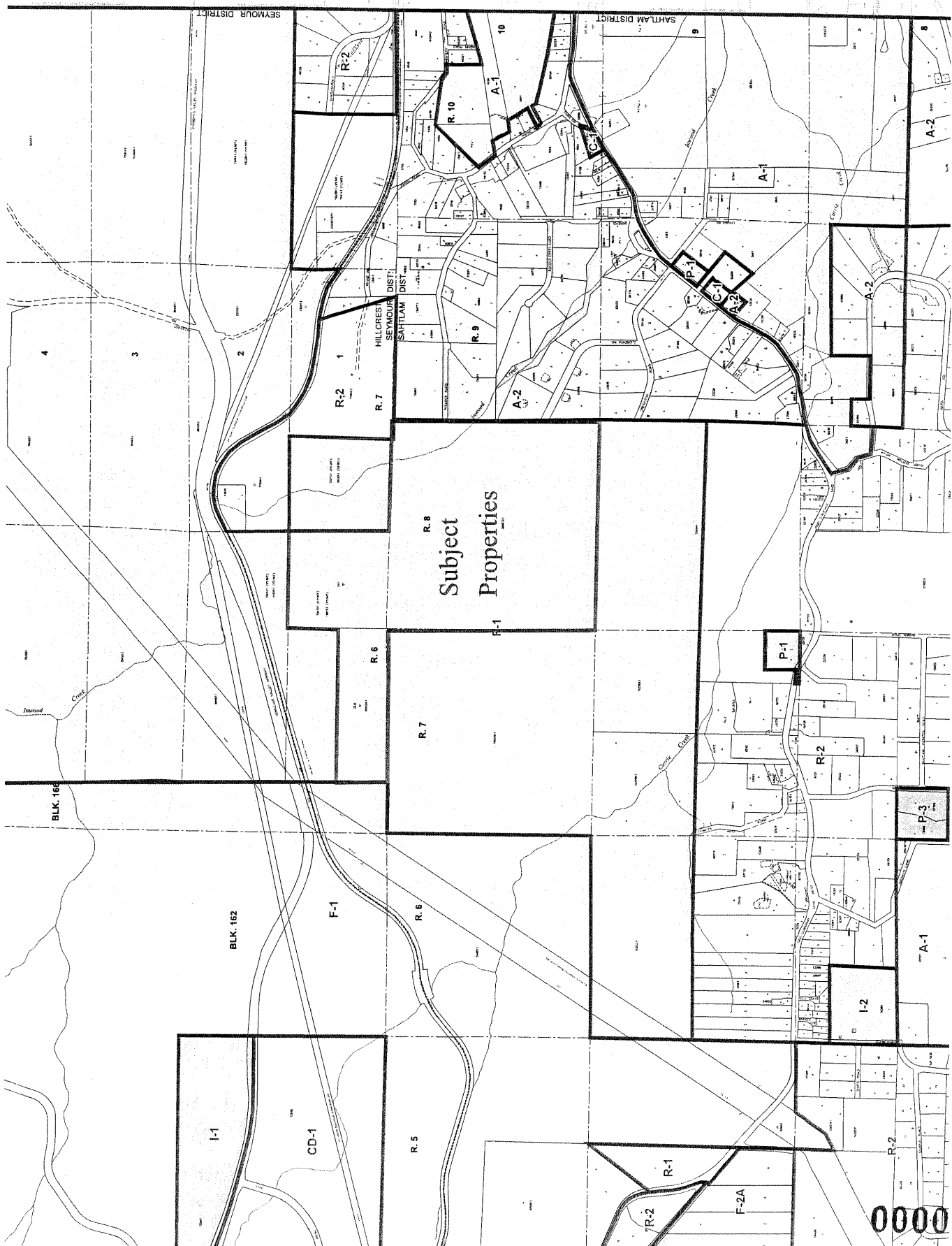


Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department

Department Head's Approval:

Signature

RC/ca
Attachments

000031



000032



**Cowichan
Valley
Regional
District**

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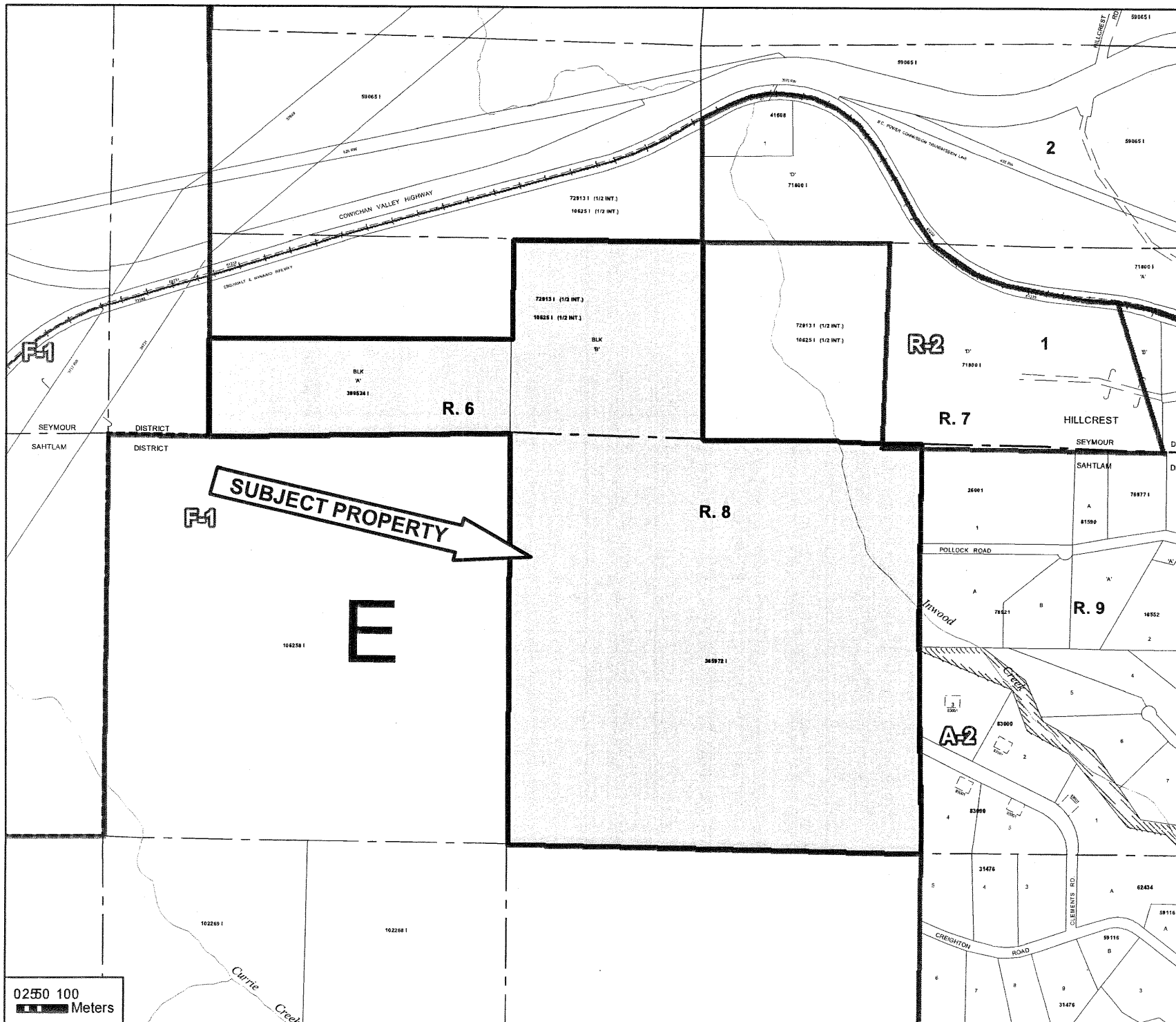
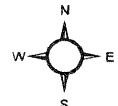
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-E-08-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area E



02550 100
Meters

000033



**Cowichan
Valley
Regional
District**

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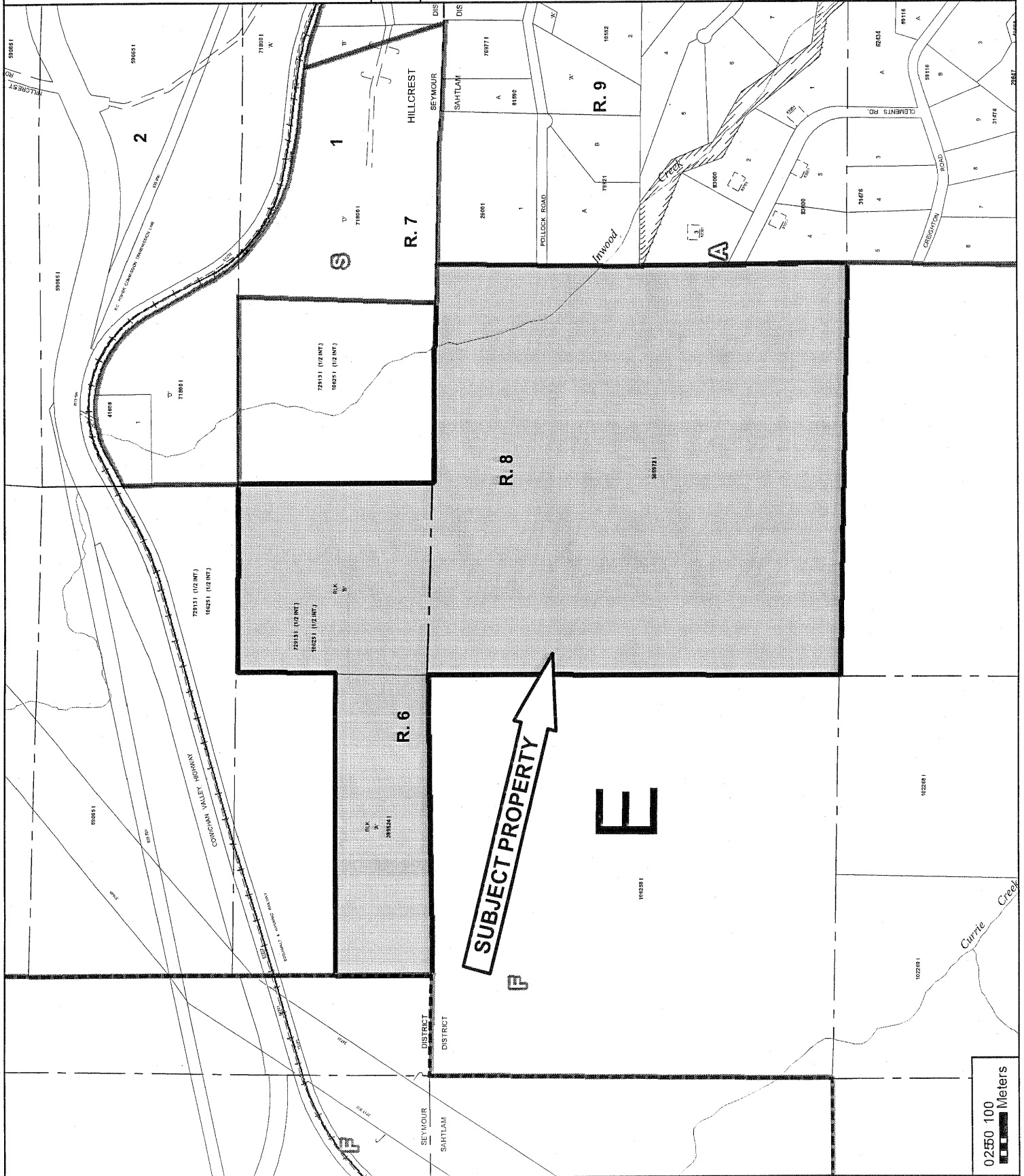
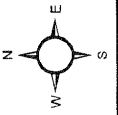
FILE: 2-E-08-RS

OCP

Legend



Subject Property
OCP Electoral Area E



0250 100 Meters

000034



Cowichan
Valley
Regional
District

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various sources for internal
use and is designed for
reference purposes only.

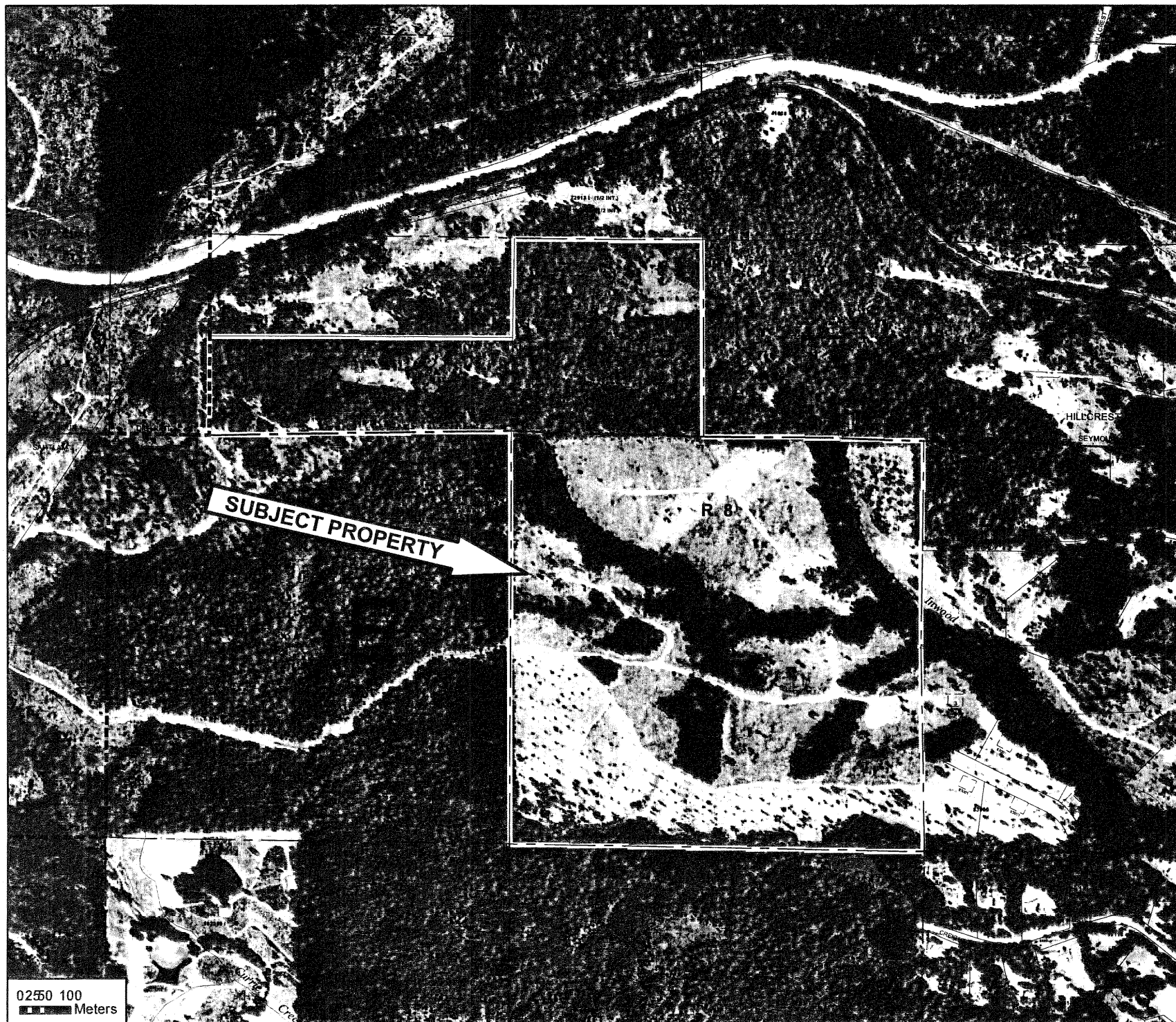
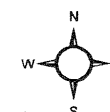
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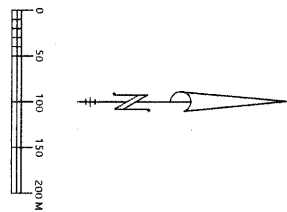
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 2-E-08-RS

Orthophoto
(2002)



000035



Single Family Lot Size - 2.5 acre (10,117.15 sq.m)

Minutes of the Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Meeting, held on April 20th, 2009 at 6:00 p.m. at Sahtlam

Present: Director Loren Duncan, Paul Slade, Howard Heyd, Irene Evans, Phil Gates, John Ramsey, Larry Whetstone, Ron Smith, Frank McCorkell and Tanya Soroka, CVRD Parks Planning Technician.

On-site Tour: Prior to holding the Commission meeting an on-site tour was made of the potential re-zoning of Inwood Creek Development—Phase 2. This 89 hectare parcel is owned by 3L Developments and owner Kabel Atwall accompanied the Commission.

Call to Order: The meeting resumed at the Sahtlam Fire Hall at 7:20 p.m.

Following the on-site the Chair asked Mr Atwall to provide the Commission with any additional background information that would assist with its deliberation regarding the parkland dedication within the development. Mr. Atwall indicated that at this time there was going to be approximately 45% of the land dedicated to park although this would likely raise a little as he was planning to ask this staff to eliminate some of the lots in one area and possibly include some in another portion of the property. Furthermore servicing of the lots would be wells on each lot, septic on each lot, and above ground hydro. Access to the top section of the property would be from the Currie Creek Forest Road off Highway 18 and this road would have to be brought up to highway standards and then become a public road. This would be done at the developer's expense. Likely the development would be done in two phases.

At this point there were questions by members of the Commission with respect to the possible access off Highway 18 and why the road would not be connected and join Highway 18 with Old Lake Cowichan Road. It was pointed out by both the developer and Director Duncan that the Sahtlam community was quite opposed to this idea.

In addition there was further discussion on one particular area (lots 6-10 and 19, 20) of the most recent plan. Mr. Atwall indicated a new plan of subdivision was being developed and he would try and get it to the parks staff in a week or so and would likely show some lots within this cluster eliminated.

At this point Mr. Atwall and Ms. Soroka left the meeting.

Minutes

The Minutes of the March 5th, 2009 meeting were distributed and reviewed by the Commission members.

Business Arising

There was some discussion regarding the Glenora Staging Area Community Park and the Commission requested that the Parks Department contract to have the park road graded and dust abatement measures be initiated right away. It was requested that the material to control the dust be administered from the east end of the east parking lot through to the far end of the west parking lot near the new washrooms. In addition that the Department publish a request for tenders to contract for snow plowing the road very soon.

A memorandum from Brian Farquhar Parks and Trails Manager, regarding the insurance coverage for CVRD Volunteers was distributed to each member for their information.

Minutes of the Parks and Recreation Commission meeting of April 20, 2009 continued:

New Business

3L Developments Inc. Proposal:

There were additional input from all members of the Commission regarding this proposed subdivision as it pertains to the size and location of park land to be dedicated. Because the owner was aware of the concerns some Commission members held he is planning to draft a new plan which will be distributed to all members as soon as it is made available to the Parks Department—in approximately a week.

With this in mind there was a general consensus that the Commission could not made a definitive recommendation regarding the park dedication at this time.

The Chair suggested that if there was agreement he would request the Parks Department to send out the new map to each member by e-mail or mail once it is available. Each Commission member would then send their comments to the Chair, via e-mail or phone at which time the comments would be compiled and sent to the Department so it can be included in any information package to be provided to the Development Services Committee.

Upcoming Meeting At Cowichan Station

Director Duncan distributed information regarding the meeting to be held on May 4th at 7p.m. regarding the future use of the Cowichan Station School Site. He requested as many members of the Commission as possible attend the meeting.

Next Meeting

The next meeting will be held in mid May and will include an on-site tour with members of the horse riding fraternity of the Cowichan Valley at the Glenora Staging Area Park. The Chair will establish the exact date in consultation with Director Duncan and the horse club members.

Adjournment

The meeting adjourned at 8:50 p.m.

Hi Jim:

I asked for comments from our Commission members regarding this rezoning/subdivision proposal. While the issues to be addressed should be limited to the 'green space/parkland dedication as you will read below a number of other issues came in to the discussion. I'll not attach any individual names but have input from all members. One who is on the APC and Commission will speak at your meeting.

Commission Member 1

I assumed by the way Kabel was talking 4 further lots would be deleted (including 6 & 7) and the last lot "8" with the well would stay. Other than that, 48% dedication to parkland is fair.

Commission Member 2

The elk corridor is quite sufficient and with the increase in the public park land to 48% I have no objections to this subdivision from a Parks and Recreation perspective.

Commission Member 3

I feel the lot size should be a minimum of 2 ha., that Road 'A' should be completed to proper standards and connected to Clements Road at the time of subdivision so future taxpayers don't have to pay for its development. And finally, fisheries should be asked for their input.

Commission Member 4

Lot 6, 7 and 18 should be removed, and eliminate the green corridor between lots 16 and 17 and between 8 and 9 except at the rear of these two lots alone the present property boundary.

Commission Member 5

I'm concerned with the lot size, and think they should be similar to those in existing phase one. Also, am concerned with the standing water in many of the text holes and the need to prove water. Finally, Road 'A' should be developed and paved to the standard existing in phase one and connected to Clements Road. If all conditions are met I'm in favour of the proposal.

Commission Member 6

My comments are as follows:

1. I agree with Tanya's observations which accord with my understanding of the April 20, 2009 discussion of the "Kabel" Plan
2. My fundamental disagreement with the "Kabel Plan" remains that it fails to measure up from a **Community** perspective:
 - A) It ignores the policy of Cowichan Tribes that "the city should stay in the city, and the country should stay in the country" (see Tribes letter to CVRD dated May 22, 2007) because the "Kabel Plan" creates a subdivision development "in the middle of nowhere" (i.e. halfway between Duncan and Lake Cowichan) with poor social & public transit connections except by automobile (i.e. not a "Green" project!)
 - B) The "Kabel Plan" effectively severs this development from becoming part of the Sahtlam community by denying vehicular traffic over the connecting bridge to the South to Lake Cowichan Road.
 - C) the siting of Lots #6, #7 and #8 effectively cuts off the general public's (including the adjacent First Nations residents) enjoyment of the viewpoint North across the natural valley overlooking the Roosevelt Elk Meadow. (this area of outstanding beauty of parkland with its existing horse & hiking trails must be preserved in perpetuity without threat of commercial development including clear cut logging and/or the taking of gravel from the Site.

D) The existing Roosevelt Elk egress across this area must be preserved by a significant & meaningful trail corridor which must be dedicated as a "Nature Preserve" within the proposed "parkland area" designated under C above.

In conclusion, I regret the absence of a Regional Strategic Plan for the CVRD to allow the Parks Committee to measure land usage considerations intelligently rather than on an ad hoc basis with the developer always in a more knowledgeable position on the technical aspects of a specific project. I therefore rest my case on the unanswered (in the latest Plan) concerns raised by Tanya Soroka in her Memorandum of April 7, 2009 on the "Potential rezoning of Inwood Creek Development Phase 2 (3L Developments Inc)-Potential Park Dedication and I conclude that unless the current Plan lots #6, #7 and #8 are dedicated "Parkland" the proposed public land dedication does NOT adequately protect environmental and recreational features of the Site."

Finally!!

Commission Member 7

I believe lot 6 should also be eliminated from the plan and I also am not in favour of lots being less 2 hectares in size.

There you have it Jim.

Ron

**Elk Habitat Assessment for Inwood Creek Estates
Phase 2, Cowichan Valley**

EXECUTIVE SUMMARY

This report was prepared in support of a rezoning application by the proponent, 3L Developments, to allow subdivision and development of the site. The property is located in the Cowichan Valley, north of Paldi and south of Highway 18. It has a total area of about 94 ha, with parkland dedications covering about 45 % of the area. A total of 46 lots are proposed at full build-out. The site will be accessed from a short road off the Currie Creek Forest Service Road and by extending Clements Road.

The proponent had noted the presence of several Roosevelt Elk, a Provincially Blue-Listed subspecies of considerable management interest, on the property over the past few years. However, prior to this study the nature and intensity of elk use at the site had not been investigated. As a result, the primary objectives of this assignment were to:

- 1) Document elk occurrence on and near the site, and place it in a regional context;
- 2) Assess habitat conditions on the property;
- 3) Identify potential impacts on elk or elk habitats associated with site development;
- 4) Discuss strategies for mitigation of any impacts considered significant; and
- 5) Identify opportunities for on-site elk habitat enhancement.

The assessment was based on site inspection carried out October 30th and 31st of 2007, background review of existing information and interviews with personnel familiar with the region. Based on the information obtained through fieldwork and desktop review, the following were concluded:

1. Five habitat types present on the site are considered attractive to Roosevelt Elk. Early Seral Forest, Seeded Pasture, and Alder Swamp habitats are valued primarily for their high forage values, while Riparian Forest and Shrub Carr habitats are valued for both their forage and security/travel cover values.
2. Given the low elevation of the site, the dearth of optimal snow interception cover is not expected to be a limiting factoring in the persistence of local elk herds.
3. The size of the lower Cowichan Valley elk herd is estimated to be in the vicinity of 60 animals. It appears to be increasing in numbers, while the herd in the neighbouring Chemainus River Valley is believed to be stable.
4. No elk were directly observed on the site during the October reconnaissance. However, evidence of elk use was recorded on the site and neighbouring areas, primarily in the north-central and northwestern parts of the site.
5. Based on the presence of sign, elk appear to use the site in all seasons. The amount of observed sign suggests use by only one or a few elk (i.e. <8).

6. Given the apparent low levels of use by elk, and the extensive retention of green space on the site (45 % of the total area), habitat impacts from site development are not expected to be significant at the individual or local herd level.
7. A potential area of concern for traffic-related impacts to elk occurs near the mid-point of proposed Road 'A,' where it would bisect retained high-use Alder Swamp and Riparian Forest habitats.
8. The possibility exists that recently cleared parts of the Phase 2 site will eventually attract use by members of the large elk herd occurring a few kilometers to the east. This would most likely involve a small "bachelor" group of mature but subordinate bulls. It may also include mixed groups of bulls, cows, and calves.

The following recommendations were offered to minimize potential environmental impacts associated with site development:

- To reduce the potential for elk-vehicle collisions along Road 'A', standard highway "Elk Crossing" signs should be installed between Lot 6 and Lot 7.
- The potential for conflicts arising from elk damage to lawns and/or landscaping could be reduced by having homeowners install 2.4 m high page wire wildlife exclusion fencing around the perimeter of their properties.
- While on-site habitat enhancement for elk is not recommended at this time, consideration should be given to establishing a "decoy" meadow within the existing green space area, to reduce elk damage to lawns and landscaping should a large increase in elk numbers occur in future years.

7.0 FORESTRY AND AGRICULTURAL ZONES

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

7.1 F-1 ZONE - PRIMARY FORESTRY(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an F-1 zone:

- (1) management and harvesting of primary forest products, excluding sawmilling, manufacturing, dry land log sorting operations, *offices* and works yards;
- (2) *agriculture, silviculture, horticulture*;
- (3) *bed and breakfast accommodation**;
- (4) daycare, nursery school accessory to a residential use*;
- (5) *home occupation**;
- (6) one single *family dwelling*;
- (7) *secondary suite**, or *small suite**.

* use may require approval of Forest Land Commission

(b) Conditions of Use

For any *parcel* in an F-1 zone:

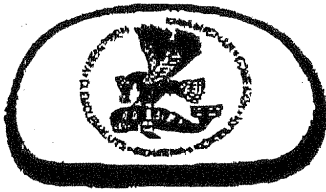
- (1) the *parcel coverage* shall not exceed 30 percent for all *buildings* and *structures*;
- (2) the *height* of all *buildings* and *structures* shall not exceed 10 metres;
- (3) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for residential and *accessory uses* in Column II and for *agricultural* and other permitted *uses* in Column III:

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

- (4) Notwithstanding Section 7.1(b)(3), a *building* or *structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size in the F-1 zone is 80 Ha.



Cowichan Tribes
5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

April 28, 2009

Our File No. 714 (8852095)
VIA FAX: 250-746-2621

CVRD
175 Ingram Street
Duncan BC V9L 1N8

**Attention: Rob Conway, Development Services Division, Planning and Development
Department**

Dear Mr. Conway;

Re: Bylaw Amendment: Inwood Creek. Your File: 2-E- 08RS (3L Developments Inc)

This letter is in response to the Bylaw Amendment referral letter sent to Cowichan Tribes, dated March 10, 2009. The project area is within the traditional territory of Cowichan Tribes. This site is an historical and contemporary aboriginal use site for our Cowichan Mustimuhw (people) for sacred and ceremonial purposes, medicine and gathering locations, Kwewe'uts (Roosevelt elk) habitat, all of which are impacted by this proposal.

Cowichan Tribes reviewed the development site area on April 20, 2009 and Kabel Atwall, of 3L Development, was in attendance.

Elk Habitat

Elk habitat is disappearing quickly in the Cowichan Valley. Cowichan members rely upon elk meat to supplement their families' diets. Elk habitat must be given due consideration in any new development to maintain biological diversity and respect traditional subsistence patterns. The executive summary of the report by Ursus Environmental, "Elk Habitat Assessment for Inwood Creek Estates Phase 2, Cowichan Valley" noted three habitat types present on the site that are important for their high forage values and two habitat types important for both forage and security/travel cover values. Elk sign is present on the site and with the increasing populations of elk in the area, potential problems of the human/wildlife interface are likely to occur. These include elk-vehicle collisions and conflicts arising from elk damage to lawns and gardens, as suggested in the Ursus report. The report suggests homeowners install 2.4 m high wildlife exclusion fencing around the perimeter of their properties. Fences further reduce the travel corridors for elk, hence reducing their ability to get to their forage areas.

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Throughout the Cowichan Valley, developments continue to destroy elk habitat and movement corridors. This development proposal is yet another example of this. An Elk management plan for the Cowichan Valley has not yet been developed by the Ministry of Environment, nor has a Regional Growth Strategy been developed by the CVRD. Increasing agricultural conflicts and roadway incidents are occurring as a result of human encroachment into Elk habitats. Wintering areas and safe travel corridors are essential to prevent these conflicts. Consideration of elk habitat would ensure adequate hunting opportunities for our people.

In this proposal, not only is valuable elk habitat lost, but the area where the elk corridor has been planned, is bisected by a road. This again sets up the potential for elk/human conflict. We do note however, that the most recent draft of your planned development has increased the area of the elk corridor between adjacent Crown lands.

Water

Two wetland ecosystems are identified on the property. Inwood Creek and other secondary creeks flow through the property. Inwood Creek is fish-bearing and flows into the Cowichan River. This creek has well-established contemporary cultural and spiritual use sites which are very important to Cowichan Tribes.

Higher development densities put more pressure on the local aquifer which ultimately affects the Cowichan River. Water issues are unresolved and there is uncertainty about how much water is present in local aquifers. Cowichan Tribes stresses that a comprehensive water study for the Cowichan River watershed is needed in order to ensure that our water supply is not put at risk by the numerous development proposals received and approved by the CVRD.

Should this development take place, we recommend that several well monitors be in place so that data on aquifer water levels can be applied in the future.

Rezoning Forested Lands

Cowichan Tribes does NOT support rezoning of forestry lands. This rezoning process continues to create ad hoc development throughout the Cowichan Valley, with no for sight into the future needs of the community and the protection of the environment. Communities across BC are striving to keep development contained to pre-determined growth areas, and the best tools available to do this are the Official Community Plan and a Regional Growth Strategy. The Cowichan Tribes recommends that a **moratorium** be placed on rezoning forestry zoned land until a Regional Growth Strategy is developed for the valley. Forests must be properly managed with the potential to preserve wildlife and bird habitat, allow First Nations to pursue cultural activities, maintain rural values, provide hunting and recreational opportunities, and to generate jobs and tax revenue.

Adjacent Crown Land

Crown land is located to the north, south and west of this proposed development area. These Crown lands have been designated for Cowichan Tribes' treaty table. Development adjacent to natural areas on Crown land reduces the value of that Crown land for wildlife habitat, traditional hunting, as well as many other cultural and spiritual activities that are known to occur there.

According to the Phase Two Proposed Development map, access to the site is by way of Currie Creek FSR. This Forestry Service Road is on Crown land and the connecting unnamed road is on Crown land

April 27, 2009

and has a license of occupation.

It has not gone unnoticed that developments in this area are going ahead with the presumption that the Crown lands (i.e., Treaty lands) will remain forested into the future thereby compensating for the habitat values that would be lost to development. This assumption is not fair or realistic since once treaty negotiations are complete, Cowichan Tribes intends to address its dearth of healthy housing by building new homes for our members. Potentially these particular Crown land pieces will be considered in the future for that purpose. What of elk habitat in the event of this occurring?

Dedicated Areas

Most of the property has been recently logged, and very few trees remain standing, including the dedicated areas. A portion of the area has recently been planted, in what looks like grasses. We recommend that reforestation be carried out in these areas and should include western redcedar, Douglas fir, and native shrubs. Note that the Ursus Environmental states that this would benefit the elk, by increased security cover.

Please contact our referrals coordinators, Helen Reid or Tracy Fleming, if you wish to discuss this matter further.

Yours truly,



Larry George

Land and Governance Manager

LG/hr

pc. Kabel Atwall, 3L Developments



04

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JUNE 2, 2009

DATE: May 27, 2009 **FILE No:** 6-E-08 DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW No:** 1840
SUBJECT: Application No. 6-E-08DVP
(Fay Parkes)

Recommendation:

That Development Variance Permit Application No. 6-E-08DVP be approved and that the Planning Division be authorized to issue a Development Variance Permit to Fay and Gordon Parkes with respect to Lot A, Section 9, Range 9, Sahtlam District, Plan VIP 59116 that would vary Section 5.23(g) of Zoning Bylaw No. 1840 by 2.8 metres to permit the length of the mobile home (small suite) to be increased from 13 metres to 15.8 metres.

Purpose:

To consider a request by Fay and Gordon Parkes to vary Section 5.23(g) of Zoning Bylaw No. 1840 by 2.8 metres to permit a mobile home with a length of 15.8 metres to be used as a small suite

Background:

Location of Subject Property: 4387 Creighton Road

Legal Description: Lot A, Section 9, Range 9, Sahtlam District, Plan VIP59116
PID 018-805-400

Owner: Gordon Parkes

Applicant: Fay Parkes

Size of Parcel: 0.810 ha

Existing Zoning: A-2 (Secondary Agricultural)

Minimum Lot Size Under Existing Zoning: 2 ha

Existing Plan Designation: Agriculture

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Existing Use of Property: Residential

Existing Use of Surrounding Properties:

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

Services:

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

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has not identified any streams on the subject property. However, CVRD Mapping has identified a nest tree (H104-002) at the rear portion of the subject property, and the 100 metre buffer area encompasses the entire property. There is no Development Permit Area applied to this subject property.

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

The Proposal:

An application has been made to: The Regional Board to vary Section 5.23(g) of Zoning Bylaw No.1840.

For the purpose of: issuing a Development Variance Permit that would permit a small suite in the form of a mobile home to be 2.8 metres longer than the 13 metre maximum length specified in the Bylaw.

Planning Division Comments:

The subject property is approximately 0.810 hectares, and is zoned A-2 (Secondary Agricultural). The A-2 zoning permits one single family dwelling and a small suite or secondary suite. A small suite is a dwelling unit not exceeding 74 m² (800 sq. ft). Currently located on the property is a single family home, a workshop, a shed and the subject mobile home (proposed small suite).

The applicant placed the mobile home on the property prior to issuance of a building permit, and in May 2008 applied for the required building permit. As this is an older mobile home, it has neither the CSA Z-240 or A-277 standard, therefore the applicants were required to obtain an engineer's letter confirming its suitability as a dwelling.

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However, Section 5.23(g) of the Zoning Bylaw states that *"The small suite may be in the form of a mobile, manufactured or modular home but may not exceed a length of 13 metres."* As shown on the site plan, the proposed small suite is 15.8 metres (52 feet), which exceeds the maximum length of a mobile to be used as a small suite. Despite the increased length of the mobile, it does conform to the maximum 74 m² floor area requirements of the Zoning Bylaw.

This variance application was received in September, 2008 with the engineer's report submitted and fees for the variance paid in February/March, 2009. At its April 8, 2009 CVRD Board meeting, the following Board policy was 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."

In the future, therefore, no mobile homes will be permitted unless they conform to the Regional Board policy as noted above. If the variance is approved, the applicants will be required to satisfy the necessary requirements to obtain a building permit.

The Zoning Bylaw does not specify a maximum length of mobile homes when they are the principal dwelling, however, as it is to be considered a small suite it is subject to the regulations governing small suites. It is not clear where the limit on length of mobile homes was derived from. For the Committee's reference, at the time of adoption in 1998, Bylaw No. 1840 specified the current size of a small suite and length permissible for a mobile home. Additionally, Bylaw No. 1090 (the predecessor for the current Zoning Bylaw), was amended in 1992 to include small suites. When these were first permitted, however, the maximum size was 50 m² and they were not permitted to be mobile homes.

The shape of the dwelling (length) should be of little consequence, considering that the proposed mobile home conforms to the maximum size restrictions of the small suite regulations.

Please see attached documents in support of this application, including subject property maps, Section 5.23 from Electoral Area 'E' Zoning Bylaw, and a site plan.

Surrounding Property Owner Notification and Response:

A total of 10 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 did not receive any comments with regards to this variance request.

Options:

1. That Development Variance Permit Application No. 6-E-08 DVP be approved and that the Planning Division be authorized to issue a Development Variance Permit to Fay and Gordon Parkes with respect to Lot A, Section 9, Range 9, Sahtlam District, Plan VIP 59116 that would vary Section 5.23(g) of Zoning Bylaw No. 1840 by 2.8 metres to permit the length of the mobile home (small suite) to be increased from 13 metres to 15.8 metres.
2. That Development Variance Permit Application No. 6-E-08 DVP be denied.

Submitted by,



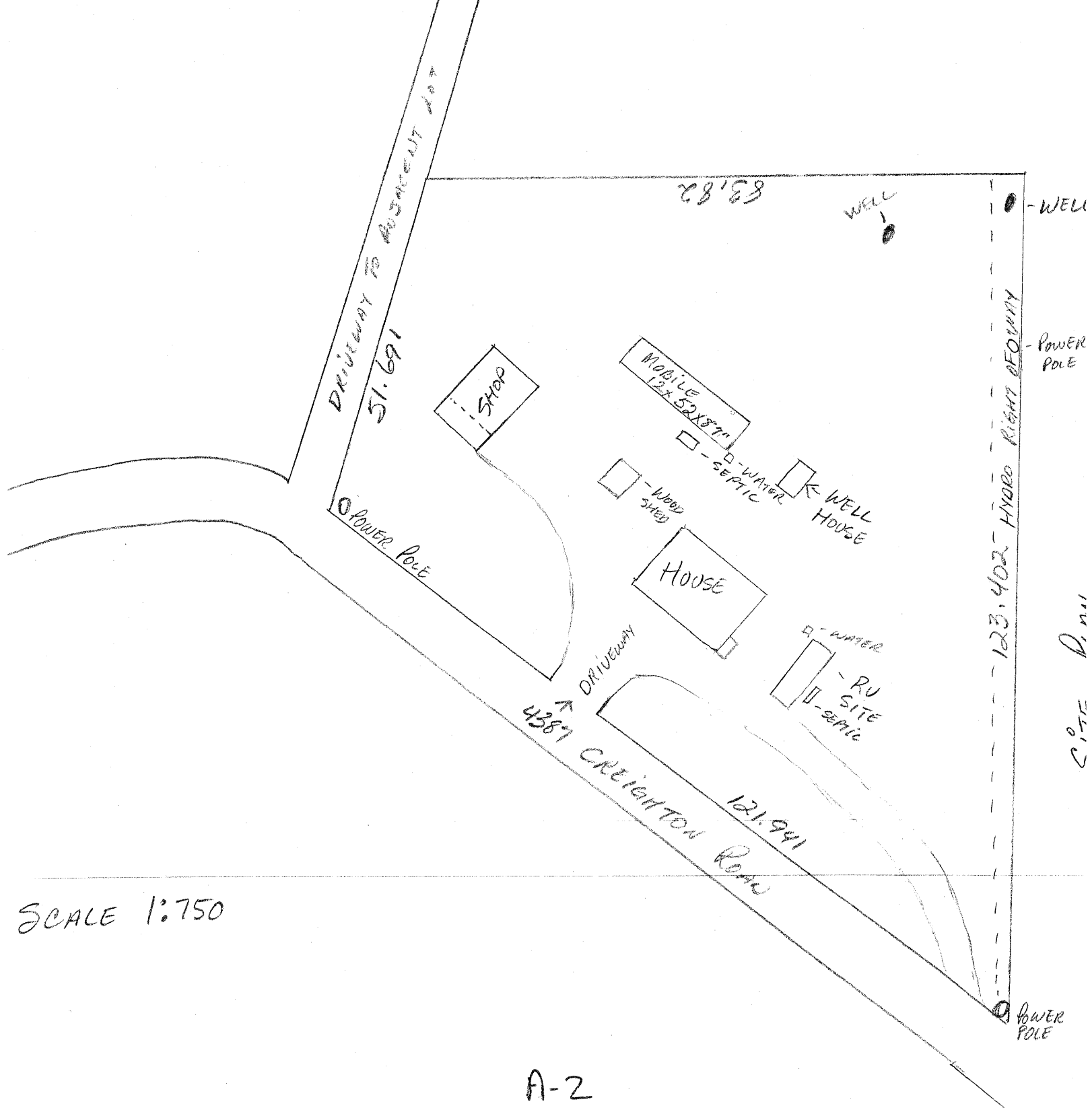
Rachelle Moreau,
Planning Technician
Planning and Development Department

RM/ca

Department Head's Approval:

Signature

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SCALE 1:750

A-2

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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: 6-E-08-DVP

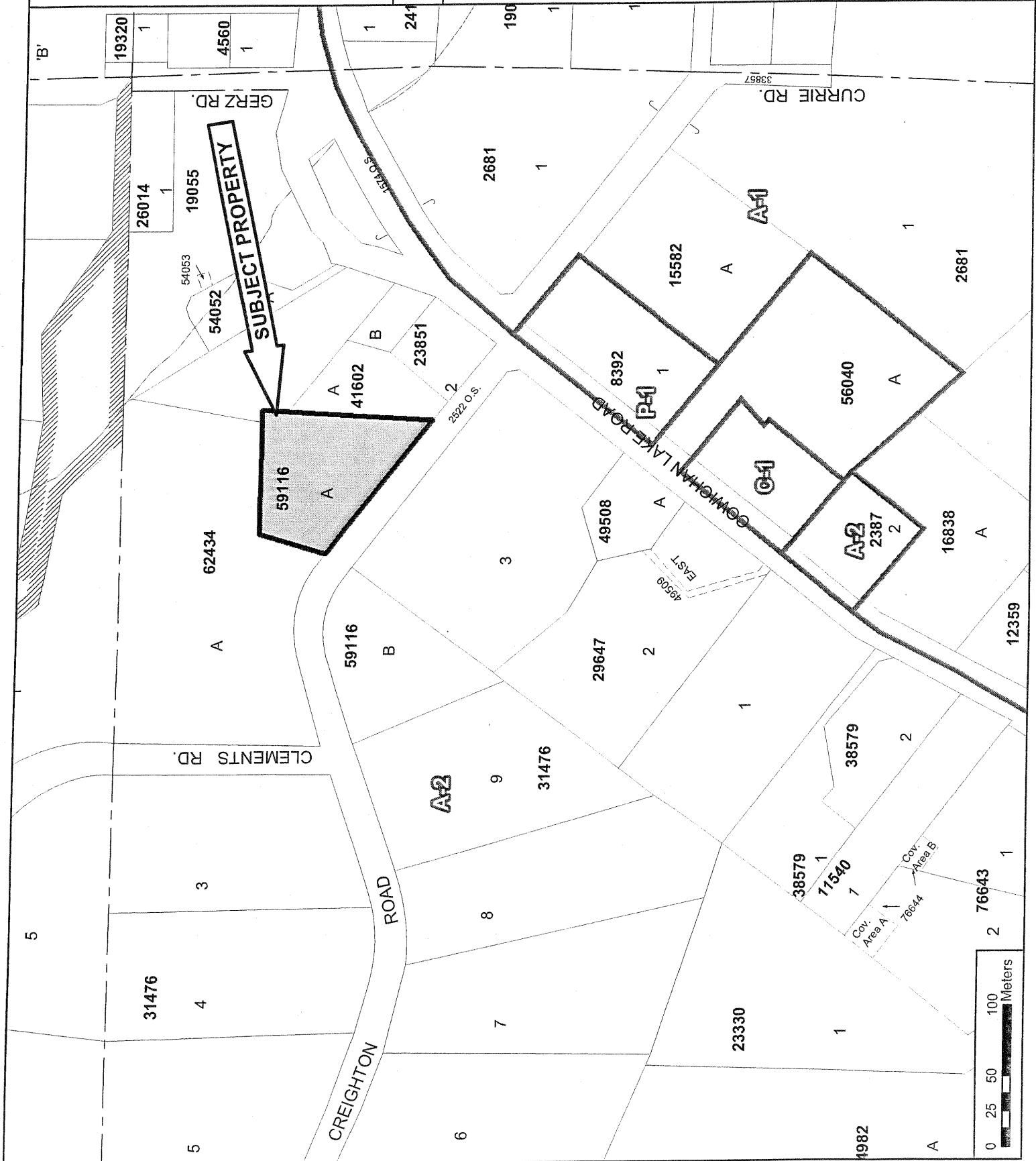
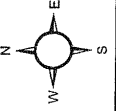
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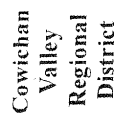


Subject Property

Zoning Electoral Area E



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

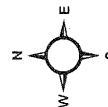
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 6-E-08-DVP

**Orthophoto
(2004)**



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5.21 Siting - General

- (a) The siting regulations of this bylaw apply to *parcels* and, notwithstanding the generality of the foregoing, to bare land *strata lots*.
- (b) The *interior side parcel* line requirements of this bylaw shall not apply to *strata lots* under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more *parcels* within a *building*.

5.22 Siting of Kennel Buildings

Within a zone in which *kennels* are a permitted *use*, *buildings* and *structures* for the accommodation of dogs, including dog runs, shall not be located within 45 metres of a *parcel* line.

5.23 Small Suites

- (a) The maximum *floor area* of a *small suite* shall not exceed 74 square metres;
- (b) The *small suite* shall be freestanding;
- (c) Two additional on-site *parking spaces* shall be provided;
- (d) Prior approval of the authority having jurisdiction for sewage disposal must be secured before issuance of building permit;
- (e) Prior approval of the authority having jurisdiction for potable water must be secured before issuance of building permit;
- (f) The *small suite* shall not be in the form of a recreational vehicle nor park model unit;
- (g) The *small suite* may be in the form of a mobile, manufactured or modular home but may not exceed a length of 13 m.;
- (h) Only one *suite*, either *secondary* or *small* shall be permitted per *parcel*.
- (i) An owner of the parcel must occupy either the *small suite* or the principle dwelling;
- (j) The small suite is subject to Section 5.26 of this Bylaw;
- (k) A small suite may be incorporated into or attached to an accessory building.

7.6 A-2 ZONE - SECONDARY AGRICULTURAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an A-2 zone:

- (1) *agriculture, horticulture, silviculture, turf farm* and fish farm;*
- (2) *one single family dwelling;*
- (3) *a second single family dwelling on parcels six hectares or larger*;*
- (4) *bed and breakfast accommodation*;*
- (5) *daycare, nursery school accessory to a residential use*;*
- (6) *home occupation*;*
- (7) *sale of products grown and reared on the property;*
- (8) *small suite* or secondary suite*.*

*use may require approval of Agricultural Land Commission

(b) Conditions of Use

For any *parcel* in an A-2 zone:

- (1) the *parcel coverage* shall not exceed 30 percent for all *buildings and structures*;
- (2) notwithstanding 7.6(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;
- (3) the *height* of all *buildings and structures* shall not exceed 10 metres except for *accessory buildings* which shall not exceed a *height* of 7.5 metres;
- (4) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for residential and *accessory uses* in Column II and for *agricultural uses* in Column III:

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

- (5) notwithstanding Section 7.6(b)(4), a *building or structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 2 Ha.



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 6-E-08 DVP

DATE: _____

TO: _____

ADDRESS: _____

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of subdivision:
Lot A, Section 9, Range 9, Sahtlam District, Plan VIP 59116 PID: 018-805-400
3. Zoning Bylaw No. 1840, applicable to Section 5.23, is varied as follows:
 - a) The length of the mobile home to be used as a small suite is permitted to be increased from 13 metres up to 15.8 metres.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. _____ PASSED BY THE BOARD OF
THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF ____
_____ 2009

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Signature

Witness

Owner/Agent

Occupation

000056



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 27, 2009 **FILE NO:** 2-I-09 DP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 2650
SUBJECT: Application No. 2-I-09 DP
(Gerald and Caroline Thom)

Recommendation:

That application No. 2-I-09 DP be approved, and the Planning and Development Department be authorized to issue a development permit with variance to Gerald and Caroline Thom with respect to Lot 4, Block 312 and Unnumbered Portion, Cowichan Lake District, Plan VIP 56533 (PID: 018-256-295) for the renovation of the dwelling and extension of the upper floors to correspond with the location of the foundation 4 metres from the natural boundary of Cowichan Lake.

Purpose:

To consider the issuance of a development permit with variance for renovation and addition to a dwelling on the subject property 4 metres from the natural boundary of Cowichan Lake.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

Location of Subject Property: 9254 Youbou Road

Legal Description: Lot 4, Block 312 and Unnumbered Portion, Cowichan Lake District, Plan VIP 56533 (PID:018-256-295)

Date Application and Complete Documentation Received: April 6, 2009

Owner: Gerald and Caroline Thom

Applicant: As above

000057

Size of Parcel: 0.320 ha (0.79 acres)

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

Minimum Lot Size Under Existing Zoning: 80 hectares

Existing Plan Designation: Forestry

Existing Use of Property: Residential Dwelling

Existing Use of Surrounding Properties:

North:	Forestry (F-1 zone)
South:	Cowichan Lake
East:	Residential Dwelling
West:	Residential Dwelling

Services:

<u>Road Access:</u>	Youbou Road
<u>Water:</u>	Well
<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 a minimum 15 metre setback for residential dwellings from the natural boundary of Cowichan Lake. Additionally, any construction within 30 metres of the high water mark requires a Development Permit, and normally a Riparian Areas Regulation Assessment.

Planning Division Comments:

The subject property is a 0.320 ha waterfront lot located off Youbou Road, with one dwelling, an RV shed, a garage and a shed located on it. The lot is within a small six lot subdivision created in 1993 south of Creekside Estates.

000058

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 Area is a Riparian Areas Regulation Assessment Report, prepared by a Qualified Environmental Professional. In this case, however, a Riparian Areas Assessment was not required as the proposed construction is on an existing foundation. When construction is proposed on an existing foundation the RAR does not require an assessment. The applicants are undertaking structural repairs and renovations to their dwelling to remediate deficiencies in the construction of the dwelling (see attached letter).

The dwelling was constructed in 1968 approximately 4 metres from the current natural boundary (high water mark) of Cowichan Lake. The applicants have engaged Trystan Willmott of Madrone Environmental Services Ltd. to provide an opinion with respect to the applicability of the RAR in this case. The report advises that existing structures and land uses that occur within the Riparian Areas Assessment Area and Streamside Protection and Enhancement Area (SPEA) prior to adoption of the Riparian Areas Regulation in April 2006 are considered "grandfathered".

As the dwelling was built prior to the requirement to obtain building permits and prior to zoning in the area, the siting of the dwelling is considered legal non-conforming. Section 911 of the *Local Government Act* states that a building or structure that is non-conforming for siting "*may be maintained, extended, or altered only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started*".

The applicants are proposing to extend the two upper floors approximately 1.8 metres (6 feet) towards the lake, creating an aerial intrusion into the setback area. Therefore, as this would involve further construction within the setback area, a variance is required. No change to the foundation of the dwelling is proposed.

Surrounding Property Owner Notification and Response:

A total of 8 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. The two week period for a written reply will be complete on May 29, 2009, and at the time this report was prepared we had not received any letters with regards to this application.

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:

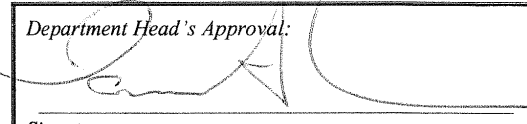
1. That application No. 2-I-09DP be approved, and the Planning and Development Department be authorized to issue a development permit with variance to Gerald and Caroline Thom with respect to Lot 4, Block 312 and Unnumbered Portion, Cowichan Lake District, Plan VIP 56533 (PID: 018-256-295) for the renovation of the dwelling and extension of the upper floors to correspond with the location of the foundation 4 metres from the natural boundary of Cowichan Lake.
2. That application No. 2-I-09DP be denied.

Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

RM/ca

Department Head's Approval:	
Signature	

000060

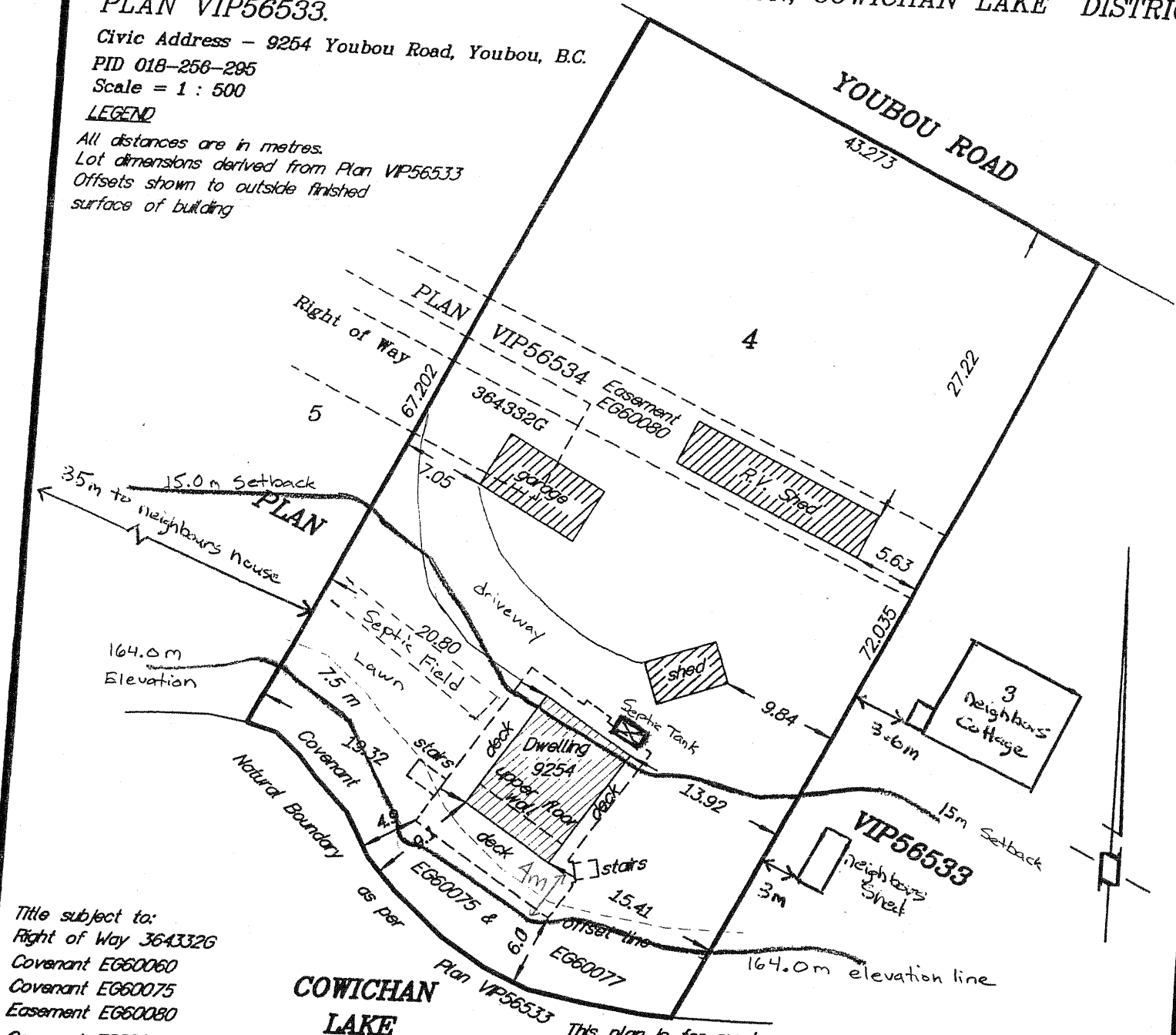
**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON
LOT 4, BLOCK 312 AND UNNUMBERED PORTION, COWICHAN LAKE DISTRICT
PLAN VIP56533.**

Civic Address - 9254 Youbou Road, Youbou, B.C.
PID 018-256-295

Scale = 1 : 500

LEGEND

All distances are in metres.
Lot dimensions derived from Plan VIP56533
Offsets shown to outside finished
surface of building



Title subject to:
Right of Way 364332G
Covenant EG60060
Covenant EG60075
Easement EG60080
Covenant EG60077

Date of Field Survey: June 15, 2007.

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without the consent of the signatory.

G.W. LINDBERG LAND SURVEYING INC.

Professional Land Surveyor
Surveying & Geomatics Services

9261 Chemahus Road Tel. (250) 246-9393
Chemahus, B.C. V0R 1K5 Fax (250) 246-9393
Email gwlindberg@shaw.ca

This plan is for mortgagee purposes and shall not be
used for the re-establishment of property boundaries.
This document has been prepared for the exclusive use of
Gerald Thom and Gerald W. Lindberg, B.C.L.S., accepts
no responsibility or liability for the unauthorized distribution and/or
any use a third party makes of this document.

This document shows the relative location of the
surveyed structures and features with respect to the
boundaries of the parcel described above.

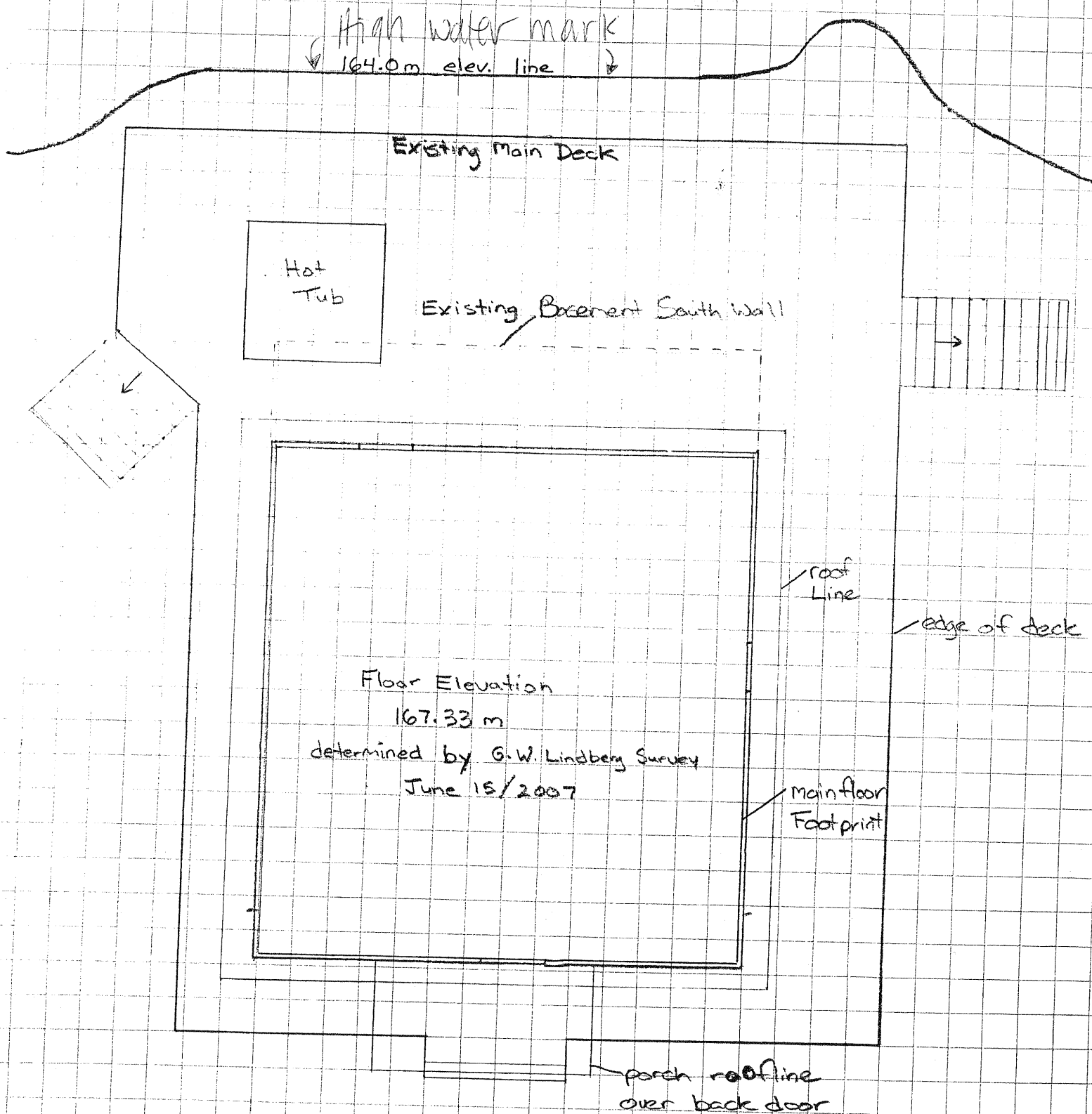
This document is not valid unless originally signed and sealed.
Certified correct this 18 day of June, 2007.

Gerald W. Lindberg

B.C.L.S.

© G.W. Lindberg, 2007.

000061 File GWL07-41BCLC

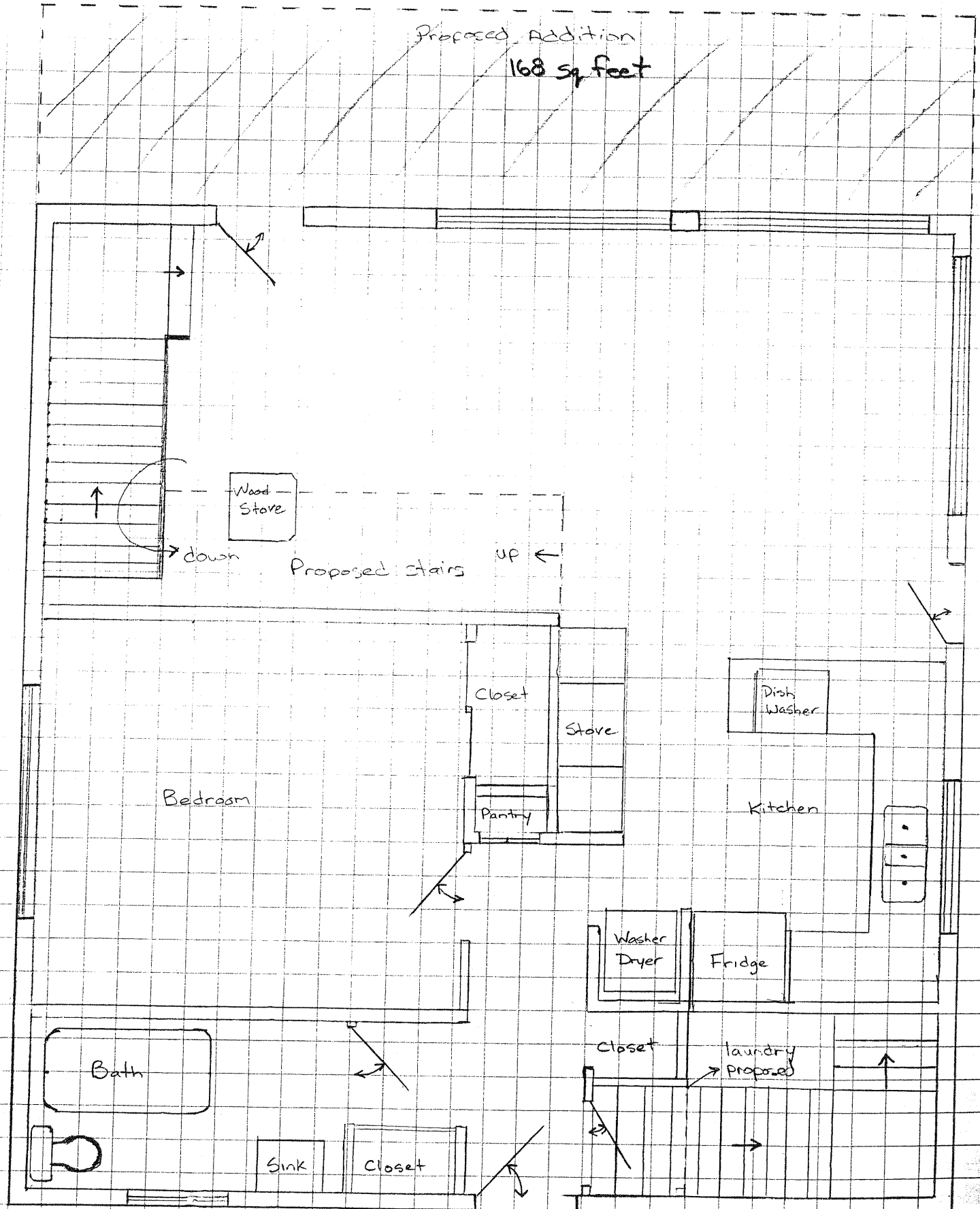


Plan View House + Decks
existing foot print
(no change proposed)

Scale $\frac{1}{8}" = 1 \text{ foot}$



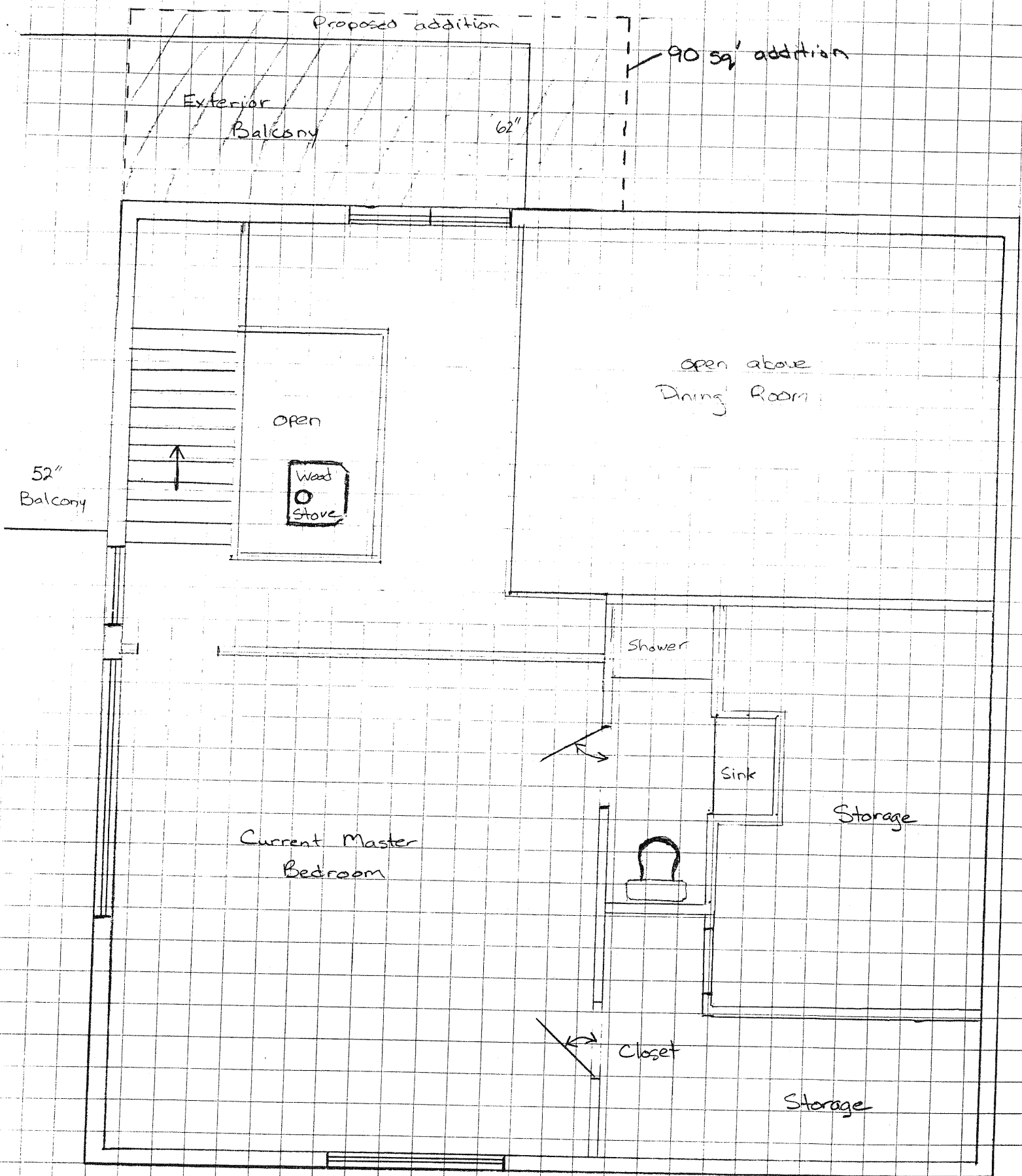
000062



Main Floor Plan
existing to proposed change

Scale 1/4" = 1 foot

N
↓
000063



Upper Floor Plan Scale $\frac{1}{4}" = 1 \text{ foot}$
existing w proposed change

N ↓ 000064



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

The Regional District does not warrant the accuracy.

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

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

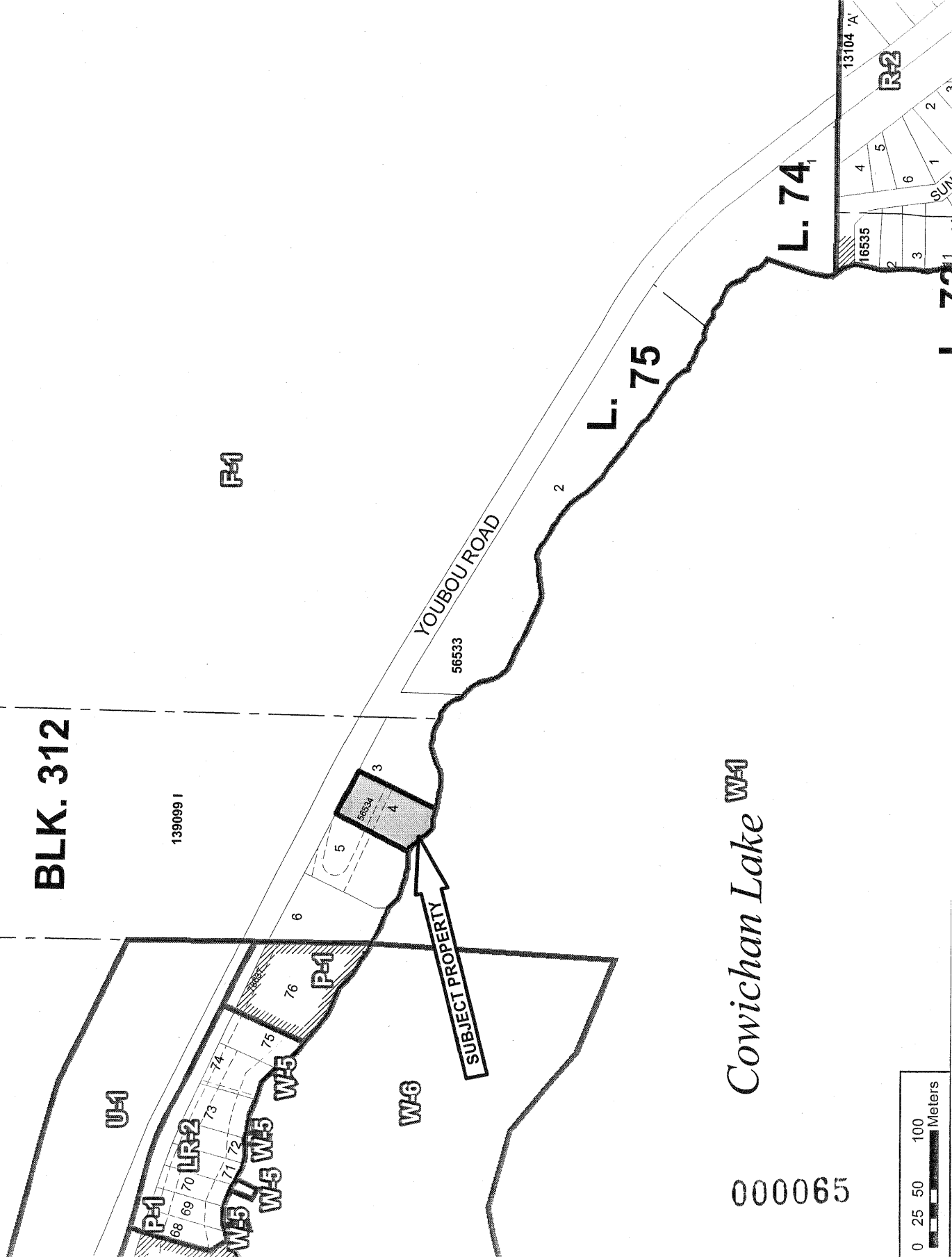
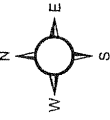
FILE: 2-1-09-DP-
VAR

ZONING

Legend



Subject Property
Zoning Electoral Area I



Cowichan Lake

000065



To whom it may concern

Background Information For Renovation

My wife and I purchased our dream home in August/2007 from Ross Cameron (9254 Youbou Rd.). Ross had a home inspection done prior to sale and we had a second one done prior to purchase. Neither inspection indicated any significant problems with the structure.

Our first indication of a problem occurred the first winter when the carbon monoxide detector came on when the back-up generator was on during a power outage. On further investigation we determined the generator was improperly sited under the deck. We corrected this problem with a permit for gas and electrical this spring.

This past winter we noticed shifting in the main floor west wall and south wall and cracking in the drywall and south windows. Further inspection by two friends in construction revealed several problems with the structure: 1) too low of roof slope 12:1 and uneven roof

loading (with snow) due to past renovated roof changes and metal cladding.

- 2) lack of air space in roof structure
- 3) improper point loading of beams over south windows and improper interior wall support for roof beams.
- 4) Waterproofing risk and lack of air space in deck between basement and main floor south deck.
- 5) Unsafe interior stairs

We are anxious to correct these problems before this next winter as a heavy snow fall could be disastrous. We are determined to do things right and have consulted construction professionals to assist us with both structural and aesthetic improvements.

000066

In consultation with a renovation specialist, engineer, environmental consultant and designer we have drawn the attached plans (preliminary) to solve the problems listed above and to improve the safety, liveability and aesthetics of our home. These changes do not affect the existing footprint of the foundation or main floor decks however an aerial variance will be required as the house was built in 1968 and is well within the 15 meter riparian zone.

We have contacted Tristan Willmott of Madrone Env. to assist us with an environmental letter of flex. We have also removed all non-native invasive plant species within the riparian zone and beyond and are in the process of revegetating with native plants to improve habitat. As an aquaculture technician I appreciate the importance of Lake Cowichan's riparian zone and therefore I am dedicated to its protection and improvement.

I am a volunteer member of area I's APC, Parks Commission and Lake Cowichan Stewardship Society and therefore am keen to work with you to do things properly. My wife and I both love our home and environment and are keen to improve both as we are newly retired and full time lake residents. Your cooperation and assistance would be appreciated in achieving these goals. Please advise us as soon as possible if you require any other information.

9254 Youbou Rd
Youbou, B.C. V0R-3E1
Phone (250) 749-7203

Sincerely



Gerald and Eudeline Thom

000067

April 14th 2009

Gerald Thom
9254 Youbou Road
Youbou, BC
VOR 3E1

Dear Mr. Thom,

I understand that you are intending to carry out structural repairs and renovations to your residence, which is located on the north shore of Cowichan Lake near Youbou. You have enlisted my assistance due to your knowledge and potential applicability of the provincial Riparian Area Regulations (RAR).

In general, any development activities located within 30m of a "stream" (includes lakes, wetlands, creeks, rivers and ditches) requires the completion of a detailed assessment under the RAR. There are some instances where development inside the 30m Riparian Assessment Area (RAA) does not require the completion of an assessment under the RAR.

In your particular case, concerns over the structural integrity of your residence, which you purchased in 2007, require that repairs are carried out. I visited your property on April 14th 2009 and noted that the residence is located well within the 30m RAA, with the front of the house being approximately 2m from the High Water Mark (164m contour) of Cowichan Lake. I also noted that both the HWM and 15m Streamside Protection and Enhancement Area (SPEA) have been clearly marked in the field. The 15m SPEA would apply if development activities were to trigger the assessment procedure under the RAR.

Existing structures and land-uses that occur within the RAA and SPEA are considered legally non-conforming (i.e. "grand parented") if the development occurred prior to the implementation of the RAR (April 2006). I understand that the focus residence was built in 1968, and associated land use disturbances on the site

occurred prior to your acquisition of the property in 2007. Therefore, the structure and associated land uses are considered to be legally non-conforming. Any new development activities, however, or changes to the existing footprint may trigger the RAR assessment procedure.

Pages 11 and 12 of the RAR Assessment Methodology and page 9 of the RAR Implementation Guidebook are particularly relevant to your specific proposal. Excerpts from these documents are included here: (refer to highlighted sections)

1.4 Does the RAR Apply to the Proposal

1.4.1 Types of Development

RIPARIAN AREAS REGULATION definition - development "means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

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

The Regulation applies to local government regulation or approval of residential, commercial or industrial activities or ancillary activities under Part 26 of the *Local Government Act* as "development" along streams.

The Riparian Areas Regulation does not apply to:

- A development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a permanent structure described in section 911 (8) of the *Local Government Act* if the structure remains on its existing foundation.
- Existing permanent structures, roads and other development within riparian protection areas are "grand parented." Landowners can continue to use their property as they always have even if a streamside protection and enhancement area is designated on it. The Regulation also has no effect on any repair or reconstruction of a permanent structure on its existing foundation. Only if the existing foundation is moved or extended into a streamside protection and enhancement area (SPEA) would the Regulation apply.
- Developments that have been approved but not yet built are honoured. Requests for changes to the approved development may, however, trigger a review with reference to the Regulation, depending on the significance of the proposed change (e.g., a request for a new zone, different land use, or larger structure than the one approved).
- Farming activities are not subject to the Regulation. Most of them are subject to the Farm Practices Protection (Right to Farm) Act or other provincial legislation or guidelines. A Farm Practices Guide is being developed that will address stream setbacks for farming activities. However, while the Regulation does not apply to some farming activities themselves, it does apply to non-farming activities on lands that may otherwise be used, designated, or zoned for agriculture. For instance, construction of non-farming-related building or development of a golf course on Agricultural Land Reserve land would be regulated by local government bylaws and subject to the Regulation.
- Mining activities, hydroelectric facilities and forestry (logging) activities are also not subject to the Regulation, as these land uses are regulated by other provincial and federal legislation and not by local governments. However, a local government can regulate how and where mineral or forest products may be processed. For instance, processing activities are usually considered as industrial for the purposes of a zoning bylaw and thus fall within the definition of development that can be regulated under the Regulation. As for these resource extraction activities, the bottom line is that all such land uses are still subject to the federal Fisheries Act.
- Federal lands and First Nations reserve lands would be exempt from the Regulation but only to the extent that they are already exempt from local government bylaws. However, activities on these lands are still subject to the federal Fisheries Act. With regard to treaty Settlement Lands, compliance with the Regulation and local government bylaws will be negotiated in each treaty. The policy of the MOE is to seek to include the standards set out in the Regulation in treaties.
- Parks and parkland are subject to other legislation and may, in some cases, be exempt from the Regulation. In other cases, activities such as commercial development within them may still be subject to the Regulation. As well as activities that are ancillary to residential, commercial, or industrial development may be subject to the regulation. For example if as part of a residential development an area was designated as park, then a trail within the park would be subject to the

1.4 What types of development does the Regulation NOT apply to?

The Regulation does not apply to activities that are NOT residential, commercial or industrial activities or ancillary activities regulated or approved by local government under Part 26 of the *Local Government Act*. The Regulation does not apply to the following:

- *A development permit or development variance permit issued only for the purpose of enabling reconstruction or repair of a permanent structure described in section 911 (8) of the Local Government Act if the structure remains on its existing foundation. Section 911 (8) states: "If a building or other structure, the use of which does not conform to the provisions of a bylaw under this Division is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, it must not be repaired or reconstructed except for a conforming use in accordance with the bylaw."*
- *Existing permanent structures, roads and other development within riparian protection areas are "grand parented." Landowners can continue to use their property as they always have even if a streamside protection and enhancement area is designated on it. The Regulation also has no effect on any repair, renovation, or reconstruction of a permanent structure on its existing foundation. Only if the existing foundation is moved or extended into a streamside protection and enhancement area (SPEA) would the Regulation apply.*

I have reviewed the proposed structural repairs and footprint of the repaired structure and it is clear that the footprint of the existing residence will not change. The foundations will remain identical, and despite the fact that the new roof will extend beyond the existing roof dimensions, it will not extend past the existing footprint of the deck beneath it. I understand that your renovation is valued at approximately \$150 000 and that the residence is valued at \$238 000. The renovation therefore represents 63% of the value of the home, which is well below the 75% threshold value that would disqualify the structure as being legally non-conforming.


In my professional opinion, the proposed renovation/repair does not require the completion of an assessment under the RAR. From a biological perspective, the proposed works will have no impact on the existing function of riparian vegetation. In addition, the regulations (excerpted above) clearly state that the proposal does not trigger the RAR process. I understand that there will be no requirements for heavy machinery to access the site and, due to the fact that no excavations will be required, sediment and erosion control will not be an issue.

000071

Any other future "development" inside the RAA beyond the scope of the current proposal (refer to list "a-j" above for definitions of development) would trigger the RAR procedure. I understand that you have removed invasive species from the SPEA since acquiring the property and will be planting native species in their place. This type of work is commendable and will add to the biological function of the SPEA.

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

Sincerely


Trystan Willmott, B. Sc. A.Sc.T. 15/04/09
Wildlife and Fisheries Technician

RAR Assessment Methodology Accessed at:

(http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/assessment_methods.pdf)

RAR Implementation Guidebook Accessed at:

http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/ImplementationGuidebook.pdf

000072

5.1 F-1 FOREST RESOURCE 1 ZONE

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

1. Permitted Uses

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

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

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

- d. Bed and breakfast accommodation;
- e. Buildings and structures accessory to a principal permitted use;
- f. Home occupation.

2. Minimum Parcel Size

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

3. Number of Dwellings

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

4. Setbacks

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

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

5. Height

In the F-1 Zone, the height of all buildings and structures must not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

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

7. Parking and Loading

Off-street parking and loading spaces in the F-1 Zone must be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

3.18 Secondary Dwelling Unit

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

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

3.19 Setback Exceptions

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

3.20 Setbacks from a Watercourse

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

000074



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-I-09 DP/VAR

DATE: _____

TO: _____

ADDRESS: _____

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
*Lot 4, Block 312 and Unnumbered Portion, Cowichan Lake District, Plan VIP56533
PID: 018-256-295*
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - No change to the existing foundation is permitted within the Riparian Areas Regulation Assessment Area;
 - Section 3.20 of Zoning Bylaw No. 2465 is varied from 15 metres down to 4 metres in order to permit the upper two floors to be extended to correspond with the location of the existing foundation.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Site Plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION
NO. _____ PASSED BY THE BOARD OF THE COWICHAN VALLEY
REGIONAL DISTRICT THE __th DAY OF _____.

Tom Anderson, MCIP
Manager, Development Services

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

000075



D6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JUNE 2, 2009

DATE: May 27, 2009 **FILE NO:** 3-D-08 DP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 925
SUBJECT: Application No. 3-D-08DP
(Hylton McAlister/Elizabeth Shatzko)

Recommendation:

That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:

- a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008;
- b) Reduction of the number of deck pilings to eight or fewer; and
- c) That the platform of the stilt home including supports and decks be constructed of non-combustible material.

And further, that the following variances be granted:

- a) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- b) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

Purpose:

To present additional information as requested by the Electoral Area Services Committee at their meeting of May 5, 2009.

Financial Implications: N/a

Interdepartmental/ Agency Implications: N/a

Background:

The applicants, Hylton McAlister and Elizabeth Dianne Shatzko, have applied for a Development Permit to construct a stilt home in Cowichan Bay.

000076

The new residence is proposed to be approximately 107 m² (1156 sq. ft) in size, two storeys at the road and one storey on the water front side.

The proposed stilt home will vary between 4.8 metres and 6.02 metres wide and is 12.8 m long. It will be supported by 15 concrete pilings, each with one square metre footings. A deck will be constructed at the rear of the residence and will protrude an additional 4.26 metres (revised) into the ocean side of the lease lot. The deck will be supported by 8 or fewer pilings as required by the Cowichan Estuary Environmental Management Committee (CEEMC).

Planning Division Comments:

At the May 5, 2009, Electoral Area Services Committee (EASC) meeting, the Committee requested more information with regards to fire protection service, liability concerns, elevation and setback issues. The following sections will present the additional information as requested.

Fire Safety – Non combustible materials

At the EASC meeting, there was discussion regarding fire protection for these stilt homes. CVRD staff have since been in discussion with the Cowichan Bay Volunteer Fire Rescue in order to better understand the challenges of fire fighting on stilt homes. Please see the attached letter received from Ken Bulcock of the Cowichan Bay Volunteer Fire Rescue. As a result, the Chief Building Inspector has, in consultation with the Fire Chief, made the following recommendations with regards to the construction material for stilt homes:

- 1) That the platform of the stilt home including supports and decks be constructed of non-combustible material.

It is intended that this requirement will better protect the stilt home from fire, and also establishes a minimum standard for future redevelopment of stilt homes. Using this type of building construction material will reduce the likelihood of a fire or the spread of fire when creosote coated pilings become involved or if a burning vessel encroached under a structure causing the underside of the building or the pilings to catch fire.

Liability

On the topic of fire protection, a further concern of the Committee was that of liability. The Chief Building Inspector has advised that any permits that are issued will conform to the standards specified in the BC Building Code. The building code addresses spatial separation requirements and glazed openings, in addition to the type of materials for the exterior walls. It specifically states the number of windows permitted on a wall and the type of construction material that must be used relative to the proposed setbacks.

Elevation

The proposed dwelling will be two storeys at the front (road side) and one storey at the rear (water front side) with a maximum height of 8.2 metres (26.9'). The neighbour to the west suggested that the applicant be permitted to build higher in order to achieve the desired square footage of the dwelling while occupying a smaller footprint. If the Committee is inclined to do this, a revision to the proposal would be required and if any variance to the height is proposed we would be obligated to send new letters advising of the variance request.

Parking

Under the current proposal, a parking space cannot be accommodated on the lot. The lot is too narrow to include a parking space to the side. Alternatively, to include additional area for parking at the front of the dwelling would either push the whole development further ocean side requiring a second review by the CEEMC or reduce the living area of the dwelling to 48 m² (520 sq. ft) as noted in the applicants letter (attached). The only option would be to require that the applicant supply a proper parking space, possibly through a lease agreement, on another parcel of land in Cowichan Bay.

Setbacks

One of the difficulties with the application has been determining the appropriate angle of the dwelling on the lot. The applicants are proposing to skew the dwelling towards the northeast (see attached Illustration 1). As noted in the letter from the Fire Chief, without access around the building fire fighters cannot safely and effectively combat a fire.

The advantage with skewing the building is that greater distances from existing dwellings may be achieved. For example, the northwest corner of the dwelling will be a maximum of 1.2 metres from the property line, and the south east corner will be 1.04 metres. On the west side where the building is closest to the property line the setback will be 0.6 metres which requires a variance of 0.162 metres. On the east side where the structure is closest (0 metres) this is deck so it would not present increased challenges for fire fighting.

The disadvantage with having the dwelling parallel to the lot lines is that it is more difficult to achieve greater distances from existing dwellings. Although the setbacks are equal on both sides and could meet the required setback of 0.762 metres, neither side provides any substantial area for access because of the narrowness of the lot and the proximity of the neighbouring dwellings to their respective lot lines.

A third consideration was given to placing the dwelling as close as possible to the eastern lot line to address some of the concerns of the neighbour to the west, however this does not achieve the fire access objectives.

Therefore, it appears that skewing the dwelling as proposed by the applicant is appropriate in this instance.

Attachments

Please see the attached Electoral Area Services Committee Staff Report of May 5, 2009 for the background information, the environmental report and the correspondence received from neighbouring property owners. Additionally, please find enclosed the letter from the Cowichan Bay Volunteer Fire Rescue dated May 18, 2009, and two letters from the applicant addressing the parking requirements and the orientation of the dwelling on the lot.

Options:

1. That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:

- a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008;
- b) Reduction of the number of deck pilings to eight or fewer; and
- c) That the platform of the stilt home including supports and decks be constructed of non- combustible material.

And further, that the following variances be granted:

- d) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- e) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

2. That application No. 3-D-08 DP be denied.

3. That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:

- a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008;
- b) Reduction of the number of deck pilings to eight or fewer; and
- c) That the platform of the stilt home including supports and decks be constructed of non- combustible material.

And further, that the following variances be granted:

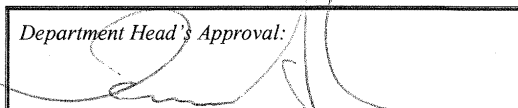
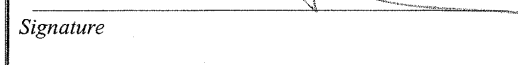
- d) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero;
- e) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

Option 1 is recommended as it is the proposal that has been approved by the APC, it is oriented with the existing stilt homes and therefore appears to provide maximum distance between the existing stilt homes, and the proposed dwelling has been reduced to a single storey on the ocean side.

Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

Department Head's Approval: 
Signature 



Est. 1947

COWICHAN BAY VOLUNTEER FIRE RESCUE

4461 Trans-Canada Highway
Box 16, R.R. 1, Cowichan Bay, B.C. V0R 1N0
Telephone: (250) 743-7111 Fax: (250) 743-7113 Cell: (250) 246-7776
E-Mail: cowbayfd@cbvfr.com
Website: www.cbvfr.com

May 18, 2009



MAY 19 2009

Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

ATTENTION: Electoral Area D Advisory Planning Commission Chair & Members

SUBJECT: CVRD file number 3-D-08DP

Cowichan Bay Volunteer Fire Rescue would like to readdress the issue of the development permit at 1783 Cowichan Bay Road. Unfortunately due to transitional changes within our organization, we were not aware that we could make comments on upgrades that were outside the scope of the BC Fire Code, and thus we would like to add our comments at this time.

We recognize that the stilt homes in Cowichan Bay are a unique and rare entity in regards to residential housing in British Columbia. As Fire Chief I also recognize and have experienced first hand the challenges of fighting a fire in one of these structures. The fire on December 10, 2008 clearly demonstrated that it is difficult to effectively fight a fire on a narrow road, with no access to the rear or sides of the structure.

The origin of that fire was at the ocean side of the structure; with only limited access on both sides of the building it was extremely dangerous to deploy firefighters down the sides of the buildings to fight the fire, so it was initially limited to a street front and ocean front operation. Unfortunately due to receding tides, and small fire pump aboard the fire boat, we were unable to utilize it as an effective tool. Teams were eventually able to deploy a hose line and perch themselves on a neighbors steep roof, which in itself was a dangerous situation. Though we eventually put out the fire, we encountered many challenges that we would not normally have on a regular residential fire.

It was extremely lucky that evening to have many factors in our favor such as, no wind, good manpower availability due to the fire call coming at supper time on weekday, and building construction limited this fire to one structure. Had wind been present as it often is in December, we could have seen a major fire loss in Cowichan Bay that evening.

With that said, we now believe that this is the opportune time to set up new regulations in regards to the building standards for stilt homes, so that they do not pose a threat to the Life Safety of the volunteer firefighters that respond to fires within them.

The National Fire Protection Associations code on Marinas and Docks (NFPA 303) does lay out the requirements for buildings built on piers, and though it does not apply to private residential units, it does have good engineering practices that could be used as a guideline and good starting point. It is ironic, that if a residential unit was built on a pier within a marina, it would have to meet the requirements of NFPA 303, but because private stilt homes are such a rarity in North America they were never captured in any other code, thus slipping through the cracks.

Due to the density of the stilt homes in Cowichan Bay and the challenges of fighting a fire in that neighborhood, we would like to see the following standards be applied to this development and any other development of this nature in the future;

Residential Sprinklers:

Unlike normal residential structures, stilt homes do not have the Fire Department access that is needed to safely and effectively contain a fire within the structure, and thus the chances of a neighboring structures becoming involved is extremely high. The installation of a residential sprinkler system would be an effective means of preventing a structure fire in the first place, thus reducing the risk to my firefighters and the adjacent structures.

Non Combustible Pilings and Decking:

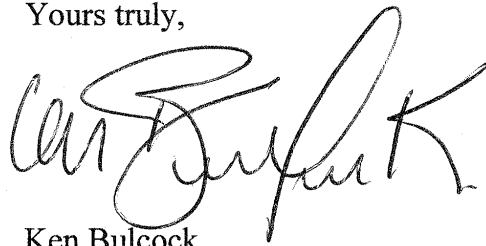
Another issue with stilt homes is the combustibility of the pilings and underside of the structure. There is an imminent risk to the structure if an adjoining home catches fire and the creosote coated pilings become involved, the proximity of the piles and the heat generated from the ensuing fire could cause a chain reaction fire under one or more of the homes. There is also the risk of a burning vessel encroaching under a structure causing the same results. For these reasons we would like to see the pilings and pier deck be constructed out of non-combustible materials.

Fire Department Access:

It is extremely imperative that Fire Department access is incorporated around the building, firefighters cannot effectively or more importantly safely combat a fire in one of these structures if firefighters access the building properly. During the December 2008 fire, two firefighters were injured, due to falls while trying to negotiate their way on narrow and slippery access points.

In closing I would ask the Board of the CVRD to seriously consider our request to make changes to the way we construct stilt homes on the Cowichan Bay strip. It could be said that we do not ask for these requirements in other residential homes why these? Well these are not regular residential homes and should not be treated as such. The fire in December 2008 clearly demonstrated to our department the challenges that lay ahead if we are unfortunate enough to have another fire amongst the stilt homes. We are asking you to make these changes, first and foremost for the safety of the volunteer firefighters that are being asked to respond, and as an effective means to reduce the potential for future fires.

Yours truly,

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

Ken Bulcock
Fire Chief

Cc: Glen Smith, CBVFR
Brian Duncan, CVRD

Illustration 1

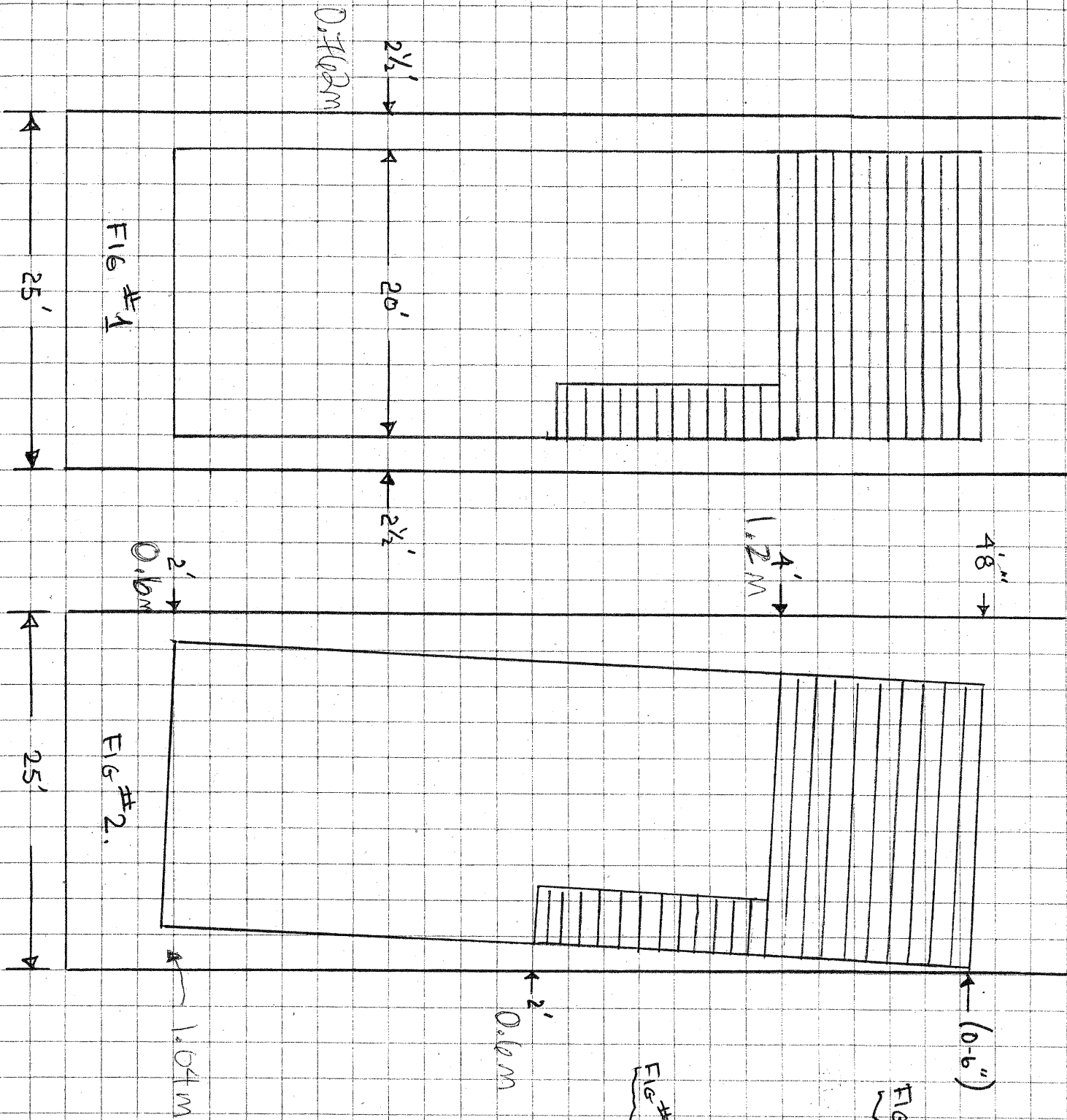
000083

Fig #1 - Angled

- No Sideland
- Setback Variance
- 10% of 25 ft = 2 1/2'

Fig #2 - Angled

- Preferred



Rachelle Moreau

From: Hylton McAlister [dhmcalister@shaw.ca]
Sent: Monday, May 11, 2009 10:11 AM
To: Rachelle Moreau
Subject: Off-Street Parking

The provision of off-street parking creates an undue hardship for the applicants.

House plans call for a structure of approximately 1150 sq ft of which 760 sq ft are on the main floor. This is not a big cottage. By comparison, Plum Cottage directly to the east is 1004 sq ft; the cottage to the west is 1154 sq ft (including a 64 sq. ft. garage, just big enough to hold a smart car). An average vehicle is 17X6 feet and minimum requirements for a garage or carport is 20 x 12 feet.

1. Including off-street parking for even one vehicle would reduce the main floor living space to 520 sq ft, which is unacceptably small.
2. Of the existing stilt homes, only 5 provide off-street parking, typically at the side of the house. None of the lots with less than 50 feet frontage provide **any** off street parking.
3. Proximity to a blind corner, 100 feet to the east creates a dangerous situation if one has to back in or out of a perpendicular parking stall. Last year Monica, one of the residents, was T-boned in exactly that spot when a speeding car rounded the corner. The damage was around \$3000. She was held liable by ICBC.
4. With No Parking signs springing up, on-street parking by the residents does not exacerbate the parking "problem".
5. Trying to force an off-street parking spot into a 25 foot lot will have only negative architectural visual implications and makes no sense..

There is lots of room for on-street, parallel parking in front of the proposed cottage which is 15 feet from the white road line. A 6 foot wide vehicle will leave 4 1/2 feet of clearance on either side for pedestrian traffic.

There is not a parking problem in Cowichan Bay.

The problem is a lack of enforceable rules and regulations.

By way of examples:

1. Last year a 35 foot camper was parked in the Village for 4 months and did not move.
2. Last week, an SUV was parked in front of the Rock Cod for a week. The owner lives in Duncan, works in Cow Bay and she went sailing with her boyfriend.
3. Few retail staff walk to their place of work. Most park right in the Village.

4. There is an ever increasing number of live-aboards. Most have one vehicle, some have two. They all park as close to their Marina as they can. They have no parking restrictions nor do they pay any property taxes. By nature of their lifestyle, some of their vehicles rarely move.

5. There is lots of street side parking in front of Hecate Park and rarely is there a lack of parking. People are reluctant to walk a couple of hundred metres to the Village; meanwhile all levels of government are promoting healthy diet, fitness and exercise.

This recommendation for on-street parking will not exacerbate nor will it resolve the parking issues in Cowichan Bay. Resolution of those issues, if deemed important, should be the subject of another time and another place.

File: cowbay.park

Rachelle Moreau

From: Hylton McAlister [dhmcalister@shaw.ca]
Sent: Tuesday, May 19, 2009 9:21 AM
To: Rachelle Moreau
Subject: Skewing

Hi Rachelle:

Even though there appear to be "no rules" regarding the siting and design of the stilt homes and the total disregard for conformity, that is what makes them appealing. Each individual has applied his/ her individuality to the cottages to make them unique. Having said that, some conformity is necessary to enhance that appeal. The conformity I suggest is that parallel siting (to the adjacent cottages) is preferential to parallel siting (with the interior lot lines) for the following reasons:

1. Pedestrian views of the water between the cottages will be increased.
2. The orientation of the cottage will be "away" from the neighbour to the west (who has been quite vocal)
3. The proposed cottage will be 4 feet from the lot line to the west, (giving her more space and privacy).
4. A 4 foot clearance between cottages is necessary during construction to both 1) apply the siding and 2) maintain in the future.

Hylton



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 3-D-08 DP

DATE: _____

TO: _____

ADDRESS: _____

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):

District Lot 202, Cowichan District, Lease 101449

3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.

4. The development shall be carried out subject to the following conditions:

- The measures to ensure environmental protection during the construction (Excavated materials, p. 5; concrete leachate, p. 6; and additional measures, p. 6 in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008) must be implemented;
- Reduction of the number of deck pilings to eight or fewer;
- The proposed dock is not permitted;
- The sewer connection to this residence must be securely braced to the structure of the residence, and there must be a "fencing" of some form that will exclude logs from floating under the residence and breaking the sewer line;
- The platform of the stilt home including supports and decks must be constructed of non-combustible material;
- Section 12.7(b) of Zoning Bylaw 1015 is varied to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- Section 4.1 of Off-street Parking Bylaw No. 1001 is varied to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedule is attached:

- Schedule A – Site Plan
- Schedule B – Building Elevations
- Schedule C – Streamline Environmental Consulting Ltd. report prepared July 9, 2008

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

000087



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MAY 5, 2009

DATE: April 30, 2009 **FILE NO:** 3-D-08 DP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 925
SUBJECT: Application No. 3-D-08DP
(Hylton McAlister/ Elizabeth Dianne Shatzko)

Recommendation:

That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:

- a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008. The front setback is permitted to be reduced from 7.5 metres down to 0 metres;
- b) Reduction of the number of deck pilings to eight or fewer.

And further, that the following variances be granted:

- c) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- d) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

Purpose:

To consider an application to build a stilt home with an approximate area of 107m² on a water lease lot in accordance with the Cowichan Bay Development Permit Area.

Background:

Location of Subject Property: 1783 Cowichan Bay Road

Legal Description: District Lot 202, Cowichan District, Water Lease 101449

Date Application and Complete Documentation Received: May 6th, 2008
Revised Plan January 2009

Owner: Province of BC (water lease)

000088

Applicant: Hylton McAlister and Elizabeth Dianne Shatzko

Size of Water Lease Lot: 0.04 ha

Existing Zoning: W-8 (Water Lot Residential)

Minimum Lot Size Under Existing Zoning: N/A

Existing Plan Designation: Water Lot Residential

Existing Use of Property: No residential use; however there is an existing garage/shed.

Existing Use of Surrounding Properties:

North: Cowichan Bay Foreshore

South: Cowichan Bay Road

East: Water lease lot residential

West: Water lease lot residential

Services :

Road Access: Cowichan Bay Road

Water: Cowichan Bay Waterworks District

Sewage Disposal: Cowichan Bay Sewer System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The subject property is within Cowichan Bay, and the Cowichan Bay Village Development Permit Area guidelines state that where shading of the foreshore from buildings and structures is proposed as an aspect of development in Cowichan Bay, review and approval from the Cowichan Estuary Environmental Management Committee (CEEMC) has been obtained (see following DP guideline point c). The CEEMC's objective is to maintain and protect habitat and protect the marine environment from negative impacts related to development.

Archaeological Site: None have been identified.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Cowichan Bay Village Development Permit Policies contained within Official Settlement Plan Bylaw No. 925 for the purpose of constructing a stilt home on a residential water lease lot.

Planning Division Comments:

Policy Context

The subject property is located within the Cowichan Bay Village Development Permit Area (DPA) as specified within Official Settlement Plan Bylaw No. 925 (OSP). Section 919 of the *Local Government Act* provides the authority to establish Development Permit Areas. There are several grounds for the creation of development permit areas, including protection of the natural environment, protection of development from hazardous conditions, and establishment of objectives for the form and character of intensive residential development (to name a few). In this case, the Cowichan Bay DPA was created to protect the marine environment from damage and natural hazard, to ensure compatibility of new development with the existing character of the village, to strengthen the village core as the commercial focal point of Cowichan Bay, and to

help realize the full potential of the village from a heritage, economic, touristic, cultural and architectural perspective.

Prior to subdivision, alteration of the foreshore or construction, a development permit is required. Section 13.4.6 of the OSP outlines the guidelines from which to evaluate applications (see attached).

Project Description

District Lot 202 located on the water at Cowichan Bay is the last of 13 residential lease lots with no residence on it (however one of these has been destroyed by fire this past winter). The lease areas and the District Lots are not uniform in size, some of the leases consist of two District Lots each approximately 7.62 metres wide, some are greater than 7.62 metres (e.g ranging from 10-16 metres). Few are similar to the subject property at approximately 7.62 metres wide, and this is the most narrow of the District Lots. The applicant has two leases (one for each District Lot), therefore they are able to build one home per 7.62 metre wide lot. Approval by the Integrated Land Management Bureau (ILMB) for an amendment to the lease to allow residential use was given in December 2008.

Currently, there is a 6 metre x 4 metre (approximate) garage and deck area on the subject lot which the applicants propose to remove and replace with a stilt house. The new residence was initially proposed to be two storeys and approximately 107 m² (1156 sq. ft) in size, however the applicant has revised the proposal to be two-storeys at the road side and one storey on the water front side. To maintain the same floor area, the applicant has proposed a small extension on the east side of the dwelling (please see attached building elevation drawings).

The proposed stilt home will vary between 4.8 metres and 6.02 metres wide and is 12.8 m long, and will be supported by 15 concrete pilings, each with one square metre footings. A deck will be constructed at the rear of the residence and will protrude an additional 4.88 metres (approximate) into the ocean side of the lease lot. The deck will be supported by an additional 9 pilings. The applicants initially proposed to also build a ramp and a 1.5 m x 15 m dock, which would have required an additional 2 pilings. However, the Cowichan Estuary Environmental Management Committee (CEEMC) rejected this aspect of the proposal as the dock would rest on the intertidal mud during low tides. Additionally, the deck on the rear of the residence has been approved by the CEEMC providing there are measures taken to redesign the supports to reduce the number of required pilings in the intertidal mud substrates. As noted above, there are currently 9 pilings proposed for the deck.

The applicant has submitted architectural drawings to show the overall design of the residence, and has stated that the home will be a timber frame structure with Hardie Plank siding, a concrete black tile roof, wood frame windows and doors, and will rely on natural, subtle colours. The entire structure is Timber framed, and as seen on the attached drawings the front and rear sides of the building incorporate timbers, shingles, and a false gable to improve the appearance of the residence.

The existing garage and deck, along with many other existing stilt home structures, are constructed from the edge of the backshore immediately adjacent to Cowichan Bay Road and extend into the upper portion of the intertidal zone of the Bay. Although these homes are not located on the travelled portion of Cowichan Bay Road, they are generally built within the road allowance. The current plans would see the new stilt home constructed 0.6 metres (2') further

back (ocean side) than the existing structure, however it would still be substantially located on the road allowance. The attached sketch provided from the applicant shows that the new residence, including the deck, would be located 4.5 metres (15') from the white line along Cowichan Bay Road.

The construction of other stilt homes on Cowichan Bay has previously required the approval from the Ministry of Transportation and Infrastructure (MoTI), as the majority of these residences are partially built on the MoTI road allowance. MoTI and the ILMB are working to transfer part of the road allowance to the ILMB so that these areas can be included in the water leases. In the meantime, however, Ross Deveau with MoTI has advised that their interests are unaffected by the proposed construction of this dwelling.

Height

The current proposal would see the residence constructed to a height of 5.79 metres (19'), from the elevation of Cowichan Bay Road. However, the main floor of the residence would be approximately 1.2 metres (4') lower than Cowichan Bay Road. The height of the structure itself would be 7 metres (23') plus 1.2 metres (4') to include the 1.2 metre (4') unoccupied space between the main floor of the house and the high tide level for a total of 8.2 metres (26.9'). Electoral Area D Zoning Bylaw No. 1015 specifies that the height of a structure must be measured from the surface of water at high water/tide and permits a maximum of 10 m for dwellings. However, the Development Permit guidelines suggest that buildings be constructed substantially lower than that permitted in the Bylaw and that the largest of the dwellings should be one-storey possibly with lofts and dormers. The neighbouring residence to the west is a one-storey structure built approximately 1.5 metres (5') lower than Cowichan Bay Road and the residence to the east is a two-storey structure (two-storeys at the front and one storey at the rear of the house).

Setbacks

Electoral Area D Zoning Bylaw No. 1015 states that the setback for a dwelling in the W-8 zone is 7.5 metres from the road. Required side setbacks are 10% of the parcel width or 3 metres whichever is less. Therefore, the required side-yard setback for the subject lot is 0.762 m. The applicant has proposed a 0 metre setback from the front, 0.6 metre from the west side, and 0 m from the east side. As the proposed setbacks require variances to the zoning bylaw, notices have been mailed to residences within 60 m of the proposed dwelling for their comment, as required by CVRD Bylaw No. 2255. Please find enclosed the five letters we have received.

The W-8 zone does not appear to have recognized the current placement of the stilt homes so close to the road and interior lot lines. For example, a required setback of 7.5 metres from the front parcel line is required in the W-8 zone but given the location of the stilt homes this size of setback is not practical or desired. However, in terms of the side setback areas, the zoning bylaw provides a more flexible setback allowance. For example, by establishing a setback of 10% of the parcel width, it could be argued that this provides an opportunity to construct a dwelling in keeping with the scale of the lot. However, due to the extreme narrowness of the lot, 10% of the parcel width may itself be too large of a setback to reasonably allow a dwelling on the lot. As mentioned above, the subject property is unique in that it is one of the most narrow District Lots. Therefore, a setback reduction in this case may be justified. In many instances, the narrow width of the District Lots has been addressed by building over more than one lot. In one example a stilt home is constructed over three District Lots and consists of only one lease.

For both side setbacks, there will be a 0.46 m (1'6") (approximate) overhang into the setback area for the eaves of the dwelling. Zoning Bylaw No. 1015 permits projections into the setback area for eaves provided that the overhang is not more than 1.5 metres measured horizontally, which in this case it is not.

As shown on the site plan, the dwelling is oriented to be parallel to the adjacent homes. On the west side where the building is closest to the adjacent property the eaves will project into the setback area to within 0.15 metres (6 inches) of the lot line but will not extend over the property boundary. As indicated on the site plan, the neighbouring residence to the west is built quite close to and almost touching the lot line (as most are in these lease lots), and the neighbour's dining room window is located about a third to midway along the length of the proposed dwelling. As noted in the applicants' description of the project, the new dwelling will block the view from this neighbour's window.

There will be no overhang into the neighbouring property on the east side where the building is closest to the property line (0 metres), as this area will be occupied by the deck. Although the views from this dwelling will also be blocked to some degree, this property is also owned by the applicants.

The BC Building Code (Section 9.10(15)) has spatial separation requirements (for fire protection) that apply when dwellings are constructed close together. For example, in instances where a setback is less than 1.2 metres, no windows are permitted on that portion of the building. Compliance with the BC Building Code will be determined at the Building Permit stage. This application has also been referred to the Cowichan Bay Volunteer Fire Department, who advised that their interests are unaffected.

Parking

Bylaw No. 1001 regulates the number and location of parking spaces required for dwellings. For a single family dwelling, two off-street parking spaces are required. Overall, there appears to be a shortage of parking spaces in the Cowichan Bay village area, and only five (possibly six if it is a small car) of the homes provide parking as part of their residential development. Of these, four of them provide parking to the side of the development and not directly in front. The applicant intends to park in the road right of way in front of the dwelling. The Advisory Planning Commission (APC) recommended that staff and the applicant determine if there is a practical way to provide off-street parking as part of this development. Due to the narrowness of the lot, in order to provide off-street parking, the parking area would have to be located in front of the dwelling which would require the dwelling to be built further out (oceanside), thereby increasing the footprint of the development. If the Committee would like to pursue this option, we would require that a revised plan be prepared and reviewed for approval by the CEEMC as it would include a larger footprint area than that initially approved. Alternatively, the parking requirement can be varied through the Development Permit process or the applicant could be required to prove that off-site parking has been leased or otherwise secured elsewhere.

Cowichan Bay Village Development Permit Area Guidelines

The DPA guidelines apply to proposed construction, subdivision, and alteration of land unless specifically exempted. Therefore, the guidelines are quite broad and not all are relevant to construction of a single dwelling. Of primary importance within the guidelines is project review by members of the Cowichan Estuary Environmental Management Committee (CEEMC) and design approval by the APC.

Please see the attached excerpt from the OSP with respect to the DPA guidelines.

- a) Storm flows will flow onto beach/ocean. Aside from the dwelling and deck there are no impervious surfaces.
- b) No discharges of deleterious substances are planned in association with the residential use of the property. However, caution should be taken during the construction phase. Streamline Environmental Consulting Ltd. has prepared a report outlining potential impacts of the development and measures to mitigate negative impact. With regards to discharges that could potentially damage water quality, the report advises that uncured concrete is toxic to aquatic life as it is highly alkaline (high pH). The report further outlines the measures to be taken to reduce the impact during construction.
- c) The CEEMC has provided the following information regarding the subject property (noted in italics):

"The development's physical and environmental parameters are contained in the report from Adam Compton (Streamline Consulting) dated July 9, 2008. This report was helpful in our review, however there are opinions expressed concerning the site's "low ecological values" that we do not share.

Issues that were addressed during our site visit included,

- 1) *The proposed building is small in size to reduce the development footprint on the lease.*
- 2) *The building is to be located on the lease, in a manner that it will not extend beyond the intertidal gravel substrate, as described in the Compton report. The deck will extend over the mudflat.*
- 3) *We noted that the Compton Report does not address tidal storm surges (that may be expected in coastal BC with the onset of the future global warming). This is an issue that the CVRD will have to address in future planning for this area. Hylton did indicate during our visit that the residence would be built two (2) feet higher than neighbouring residences. We remain concerned about flooding of the stilt homes and other infrastructure in the Village.*
- 4) *15 concrete pilings with 1-metre square footings will support the building. A further 9 pilings are designed to support a deck.*
- 5) *A ramp and dock are proposed. The dock would be anchored with pilings that would be pile-driven and sited on the mud substrate.*
- 6) *The timing of the construction "works" will follow the DFO BMP's for constructing docks and floats (attached).*

Based on the review of the site and information provided in Streamline's report, the CEEMC is prepared to approve the building of the proposed residence with the following conditions:

- 1) *The construction of a residence at 1784 Cowichan Bay Road as shown in a site plan drawing 1: May 2008: Tim Richardson Building Design.*
- 2) *The deck on the rear of the residence is approved, provided there are measures taken to redesign the supports so that there is a reduction in the number of (9) pilings to be located in the intertidal mud substrates.*
- 3) *The measures to ensure environmental protection during the construction (Excavated materials, p.5; concrete leachate, p.6; and additional measures p.6 in the Compton report) must be implemented*
- 4) *The proposed dock is not approved, as it will rest on the intertidal mud during low tides. Although the Compton report states there are minimal impacts associated with the development of a dock, we see this mudflat as an important ecological feature of the site (and the estuary) and will not approve of any docks that ground out on the site. We*

000093

encourage Hylton (the applicant) to look at other methods for dock development that meets the spirit and intent of the Department of Fisheries and Oceans Best Management Practices.

- 5) *The sewer connection to this residence must be securely braced to the structure of the residence, and there must be a "fencing" of some form that will exclude logs from floating under the residence, and breaking the sewer line.*
The committee discussed the idea of eelgrass restoration on Hylton's leases, as a community stewardship initiative. If Hylton is open to the idea, we can discuss the idea with the Cowichan Community Land Trust who are applying for funding next year to continue eelgrass restoration."
- d) The Streamline report states that the timing of all works shall occur within the timing window recommended within the Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (between June 1 and February 15). As noted above, the report prepared by Streamline has outlined potential impacts associated with the proposed development and mitigation measures with respect to the following: loss of intertidal beach habitat associated with footings, excavated material and concrete leachate as well as general measures to mitigate impacts during construction.
- e) The existing retaining wall will be used.
- f) No vegetation shall be removed and no deposit of fill is required. However, excavation associated with forming and pouring of concrete footings will be required, and mitigation measures have been proposed that can form part of the conditions of the development permit. For example, the Streamline report recommends all excavation be dug by hand after the tide has receded, no operation of machinery in the intertidal zone and spreading the excavated material over the adjacent beach before the tide rises.
- g) This dwelling will be connected to the Cowichan Bay Sewer System.
- h) The applicant has designed the cottage to include more wood elements to the exterior of the dwelling and incorporates a covered entrance and porch, shingles and a false gable.
- i) See above.
- j) The stilt homes in Cowichan Bay do not have one cohesive design style and that is generally what makes the area special.
- k) The proposed dwelling will be oriented in the same direction and will not extend further than the neighbouring residences. Across from Cowichan Bay Road is a steep bank and all development is well above these stilt homes so there is no danger to views from this side. Because the new dwelling is larger and taller than the existing garage, it will occupy more view area of the Bay from passerby pedestrian and vehicle traffic. The garage is quite small and naturally a dwelling will occupy more space. The height of the dwelling is higher than the neighbour to the west and, as proposed, the neighbour to the west will completely lose the view from her dining room window. Also, due to the height and proximity of the two dwellings, the neighbour to the west has suggested in her letter (see attached) that the amount of natural light penetrating through the window will be decreased.
- l) Variances to the front and side setbacks are proposed.
- m) The applicant is proposing a two-storey structure at the road and a one-storey structure at the rear with a maximum height of 8.2 metres including the unoccupied space above the high water mark. There are approximately four one-storey dwellings, however the general trend for these stilt homes appears to be more than one storey: either a full two-storey or split or even a variety of different roof lines. The residences adjacent to the proposed dwelling vary in colour from yellow and orange to blue with white trim, and the applicant has proposed neutral colours.
- n) No public viewpoints are present in these residential lease areas.

- o) N/A
- p) N/A
- q) N/A
- r) N/A
- s) N/A
- t) As noted above, the exterior will be HardiePlank and the structure will be timber framed with exposed wood elements on the front and rear of the dwelling. Lattice and arbours will be provided in the landscaped portion of the front "yard".
- u) N/A
- v) Landscaping, that will be provided, will consist of arbours, lattice, potted plants and climbing vines. No drawings have been submitted.
- w) This guideline is applicable to larger scale projects.
- x) Vehicle parking will be on Cowichan Bay Road.
- y) N/A
- z) Wiring to the stilt homes is above-ground.
- aa) N/A

Surrounding Property Owner Notification and Response:

A total of 26 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 5 letters in regards to the proposal. One letter writer had no objection to the proposal while the others generally had concerns with the minimal setbacks proposed, the lack of parking in the area, obstruction of existing views, sunlight and air circulation (please find attached letters).

Government Agency Comments:

The Electoral Area D Advisory Planning Commission met on April 6, 2009 and they discussed this application at that time. They submitted to us the following comments and recommendation (in italics):

"Members had a wide ranging discussion about the merits and risks of the proposal including:

- *Concerns were expressed about the siting (skew) and building height and the impact on views from the road and neighbouring properties;*
- *The proponents were complimented on the completeness of their presentation;*
- *Lack of parking was a concern;*
- *Good example of a project to renew the strip and an opportunity to build better with fire retardant materials.*

Recommendation: By a vote of 8 to 3, the members recommend that the application be approved subject to the following:

- *That the applicant and CVRD staff determine if there is a practical way to provide off street parking in front of the building."*

The application was referred to the Cowichan Bay Volunteer Fire Department who advised that their interests are unaffected.

000095

Staff are generally supportive of the proposal, however we share concerns that the proposed setbacks are small and that the scale of the dwelling will be large in comparison to the existing neighbouring dwellings. We have also considered that the neighbouring properties will ultimately be redeveloped, and the setbacks for this development must be sufficient to allow for redevelopment of the neighbouring properties. In an earlier drawing supplied with the application, the home was proposed perpendicular to the road (not skewed in the current proposed orientation). The benefit to this orientation is that when redevelopment occurs, the other dwellings can be encouraged to also be built perpendicular to the road, and hopefully with larger setbacks. Additionally, this earlier version proposed a 1.52 metre setback from the west parcel line; a 0 metre setback from the east; was a two-storey structure with no additional bump out on the east side and a 1.22 metre wide deck ran the length of the building in the setback area on the east side. This would have provided more space between the dwelling and the west lot line. However, now that the building is stepped to be two-storeys in the front and one-storey at the rear with the bump out to the east side and associated eaves, the only gain in the setback area would be 0.15 metres (6 inches) when the dwelling is placed in the center of the lot. The applicant has argued that due to the orientation of the dwelling to the west, placing the new dwelling in the center of the lot is not practical as there would not be adequate space to work during the construction phase when the siding is going up. Staff have been in discussion with the applicant with regards to the concerns put forth by the adjacent property owners and the APC, and the applicants have indicated that some changes to the dwelling have been made in an attempt to address concerns by the neighbours. It also does not appear that there is a practical way to establish a parking area on the site, however consideration could be given to require the applicant to provide parking off-site.

Options:

Three options are provided below, which would approve the application as proposed, not approve the application or thirdly, approve the application with a change to the proposed setback. The third option involves changing the proposal to a two storey building with a larger setback to the west. This illustration is provided within the Streamline report (attached).

1. That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:
 - a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008 The front setback is permitted to be reduced from 7.5 metres down to 0 metres;
 - b) Reduction of the number of deck pilings to eight or fewer.

And further, that the following variances be granted:

- c) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- d) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

2. That application No. 3-D-08 DP not be approved, and that the applicants be directed to amend the plan and to identify an alternative to parking on the road right of way.
3. That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:
 - a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008. The front setback is permitted to be reduced from 7.5 metres down to 0 metres;
 - b) Reduction of the number of deck pilings to eight or fewer.

And further, that the following variances be granted:

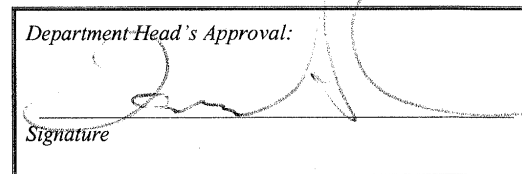
- c) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero;
- d) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

There is no clear indication which proposal would be the best. There are benefits and impacts to each and we are choosing to recommend Option 1 in this instance as it is the proposal that has been approved by the APC, goes with the orientation of the existing stilt homes, and the proposed dwelling has been reduced to a single storey on the ocean side.

Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department



RM/ca

000097

CVRD

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

BYLAW AMENDMENT REFERRAL FORMDate: **April 3, 2009**CVRD File No. **3-D-08DP (McAlister/Shatzko)**

We have received an application to consider an application to build a stilt home on a water lease lot in Cowichan Bay.

General Property Location: **1783 Cowichan Bay Road**Legal Description: **District Lot 202, Cowichan District, Water Lease 101449**

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Friday, April 17, 2009**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact Rachelle Moreau, Planning Technician, Development Services Division, Planning and Development Department, (250) 746-2620.**

Comments:



Approval recommended for
reasons outlined below



Interests unaffected



Approval recommended subject
to conditions below



Approval not recommended due
to reasons outlined below

Signature

(Sign & Print)

KEN BULCOCK

Title

FIRE CHIEF

This referral has been sent to the following agency:

☒ Cowichan Bay Volunteer Fire Department

000098

Response to dev per 3-D-08DP/VAR McAllister/Shatzko
from Cathy Basskin, 1785 Cowichan Bay Road.

RECEIVED
CVRD

MAR 27 2009

I have no concerns that what will ultimately be built by the Applicant will be well done. My concerns are what will be lost entirely for me and future residents of my property, and changes to the residential streetscape of the Bay and the overall integrity of our coastal hamlet that will produce a look of urban infill.

The Development permit area specifies a height of no more than 7.5 metres and addresses protection/consideration of views. Variance considerations in the areas of height and property lines provide some possible solutions.

Views from the existing home on lots 203 and 204 will be negatively and significantly impacted. The proposed 2 storey west facade completely blocks the view from my diningroom window with a solid, unbroken two storey wall. There will be no more beach, water, docks, boats, Saltspring or sky views or even glimpses and no sun. The resultant loss of light and air circulation will mean colder, damper interior and exterior conditions. The 0 setback at the front will additionally occlude sightlines, and will block all sun to front windows, deck and gardens until late afternoon. Gardens and plantings will be lost.

At the rear of the proposed plan, the deck will extend 3.5 metres beyond the end of the house and at a slightly higher level. The impact at the back of my house is loss of views, loss of privacy, loss of sunlight and warmth. The proposed building has direct viewing right into my eastern bedroom from the deck; my views will be obstructed to the east for at least 30% of the existing sightlines. People on the proposed deck will look directly into this window as well as across my entire back deck. There will be no privacy. Direct morning sun will be lost. Colder, damper conditions will result inside and out. The noise impact of people on the deck will be significant.

The potential to grant variances from the existing bylaws could in this instance include an increased height to 3 stories with no additional negative impact at the road or to the south. Designing with maximum west side setback relative to my existing house and permitting an encroachment so that the proposed new structure sits over the lot line to the east thereby lessening the loss of existing, established advantage and quality of life and view to me.

Protection of light values into the sea for the benefit of marine vegetation and creatures must be significantly compromised where the proposed incursion over the water is more than double that of the existing structure even before the proposed rear deck is calculated.

000099

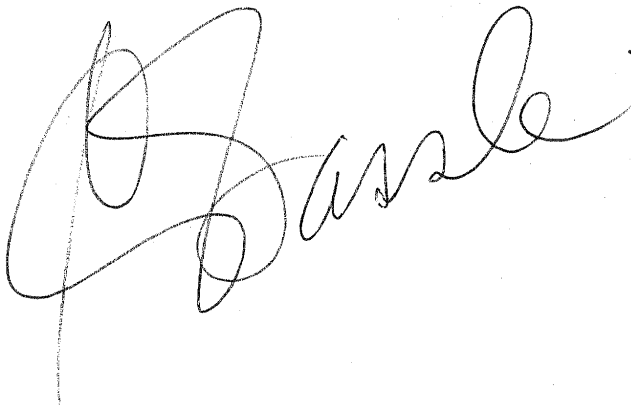
The plans submitted as a courtesy to me but not with the application show a timberframe structure, an infill look with no particular relationship to the existing tone and character of seaside Cowichan Bay.

Cowichan Bay design considerations with exposed pilings on the outside and great big metal joints for example to make it look nautical would be an improvement. We are a unique coastal site. If we celebrate and mandate this in the designs along public thoroughfares, the charm will remain intact. If we build in an urban infill manner, we'll suffer a loss of our identity and appeal. Cowichan Bay deserves the most thoughtful and conscientious design approach.

Should this application be accepted, at the very least as permanent resident and owner of the affected property I would expect;

A proviso be registered that the property at 1785 Cowichan Bay Road be permitted a full second floor. Side windows should be permitted to be angled out to capture seaward views to capture lost light and views. This remediation to my existing bungalow would be done at the cost of the applicant.

Existing gardens, planters, irrigation system, rock and aggregate work on and adjacent to lots 203 and 204 impacted by the extensive light and heat loss will require redesign and remediation and will be undertaken by professionals at the expense of the applicant before occupancy permits are granted.

A handwritten signature in black ink, appearing to read "D. Aske". The signature is fluid and cursive, with a large initial "D" and a trailing flourish.

March 1/09

Regarding file No - 3-12-08DP/JAR
McAlister/Shatzko

Att Rachelle Moreau

I don't think any new
construction should be allowed
to obstruct the existing
views of its neighbours, or
the bylaws changed
regarding set backs & lot
lines. They are already too
close & the recent fire could
have been a catastrophe!

Any recent construction has
had to stick to the rules &
so should they.

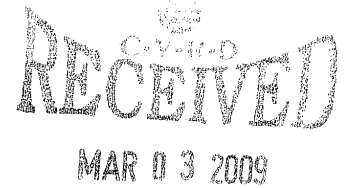

RECEIVED

MAR 02 2009

Don & Marilyn Miller
1815 Pritchard Rd
Cowichan Bay.

000101

1805 Pritchard Rd
Cowichan Bay BC
VOR 1N1
February 27, 2009



Ms Rachelle Moreau
Development Services Division
Cowichan Valley Regional District
175 Ingram Street,
Duncan B.C. V9L 1N8

RE: 1783 Cowichan Bay Road – District Lot 202, Cowichan District

I have recently been made aware of the development planned for 1783 Cowichan Bay Road.

As this is directly below me, I live on Pritchard Road and my property extends to Cowichan Bay Road. I am extremely concerned that my view may be Impacted.

As you are aware, these stilt homes were built in the 1920's and were built without any planning or direction. The recent fire at 1781, which is to be rebuilt, again emphasis the necessity to properly plan any new construction in this area. I believe that one reason for allowance between properties was set for fire safety, this development permit would erase the already small margin.

I do not believe that this is an appropriate place for new development as parking is already nonexistent, and the fire hazard extreme.

Please take the time to correct the problems that were inherited from the past.

Yours Truly

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

Bernie Falt

Cc: Director Lori Iannidinardi

000102

Rachelle Moreau

From: CVRD Development Services
Sent: Tuesday, February 17, 2009 8:31 AM
To: Rachelle Moreau
Subject: FW: 1783 Cowichan Bay Road

From: BEN LEVINSON [mailto:benlevinson@telus.net]
Sent: Saturday, February 14, 2009 12:04 PM
To: CVRD Development Services
Subject: 1783 Cowichan Bay Road

Attention Rachel Moreau
File number 3-D 08DP/Var.

We have no objection to Hylton McAlister and Elizabeth Shatzko Development Variance Permit at lot 202 Cowichan District.

We also do not object to a small boat dock in front of it.

We DO object to the dangerous state of the burnt out illegal duplex building as it presents a fire hazard to all buildings on the waterfront.

Yours truly,
Carla and Ben Levinson,
1777 Cowichan Bay Road

000103

Mike & Val Tansley

1779 Cowichan Bay Rd.
Cowichan Bay. BC V0R 1N0
Phone # 250-746-0967
E-mail miketansley@shaw.ca

Ms. Rachelle Moreau.
Development Services Division.
Cowichan Valley Regional District.
175 Ingram St.
Duncan. B.C. V9L 1N8

File No 3-D-08DP/VAR

Dear Ms. Moreau:

Re: 1783 Cowichan Bay Rd – District Lot 202, Cowichan District

We do not oppose the building of a house on this site but do object strongly to the proposed plan to situate the building diagonal across a 25ft lot, with 0 metre setbacks from the front lot line and from the east side lot line.

In our opinion, the house should be square to the front lot line with equal setbacks on both sides. The front of the building should be set back to be approximately in-line with the adjacent houses (lot 203 and 201) so as to allow space for parking and for pedestrian traffic, which is considerable as many tourists visit the Bay.

The applicants are also the owners of the house situated on lot 201 and if it was to be eventually sold, we will be dealing again with 0 metre setbacks.

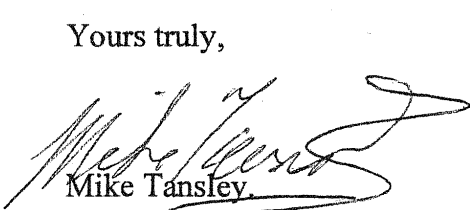
The house at 1781 Cowichan Bay Rd, (lot 200 and 199) that was recently completely destroyed by a fire, has been sold and there are plans to dismantle the building and rebuild.

Also, the neighbour to the West has major concerns that there will be a considerable loss of view, light and privacy due to the height of the proposed building.

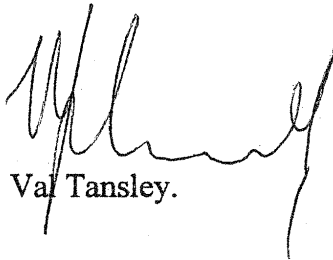
Therefore, there is now an opportunity to correct past mistakes and increase, whenever possible, the space between these stilt homes.

Please contact us if you require any further information,

Yours truly,



Mike Tansley.



Val Tansley.

Cc. Director Lori Iannidinardo

NB. The notation on the site plan states "15 jan '08 dock + ramp removed".

We have lived at 1779 for 15 years and there has never been a dock or ramp at that location.

000104

Submission to CVRD Planning Department

Hylton and Dianne McAlister, (the Applicants), have made an application for a development permit to build a new cottage on the 25 ft leased lot directly west of 1783 Cowichan Bay Road. The lot is one of 13 residential lots leased from the Provincial Government. Twelve of the lots have stilt homes built on them and this is the last one available for new construction. There is a dilapidated garage on the property which will be demolished prior to construction.

The application has been approved by the CEEMP, MOTM, DFO, First Nations and ILMB.

Preliminary designs were by Tim Richardson. Pacific West Timberframes Ltd. is enhancing the original plans so that they are more in keeping with the funky character of Cowichan Bay. The cottage is 42 ft long. The width narrows from 20 ft at the road to 16 ft near mid structure. The deck extends a modest 16 ft on the waterside. The southerly-most location of the cottage will be farther from the road than the existing garage. There will be no ramp or dock. The 2 bedroom cottage is approximately 1156 sq. ft.

A timber frame is a simple yet elegant structure consisting of posts, beams and interlocking joinery. This 2 storey structure will mostly be prefabricated off site and the construction time to lockup typically would be about one week.

Current zoning calls for a maximum height restrictions of 10 m (33 ft); the cottage will be within this guideline. Zero interior lot line setbacks are the norm for the stilt homes. The proposed cottage will have a minimum setback to the west of .6m and to the east of 0 m to the corner of the deck. The Applicants have attempted to address any concerns of the neighbour to the west. She will lose her view from the dining room window however the Applicants have ensured there will be no further visual obstruction of her view of the bay or the marinas.

Streamline Environmental Consulting was contracted to do an environmental impact assessment. Their report concludes with the statement "*It is noted that the lot was created for the proposed use and the proposed development is not expected to result in any significant environmental impacts*". BMP's (Best Management Practices) during the brief construction period will be carefully adhered to.

Construction materials, will consist of a concrete black tile roof, natural wood windows and doors and Hardy Plank siding. Hardy Plank comes in several profiles - horizontal beveled siding; vertical board and baton; and shingles, both standard and fish scale, so there are a variety of options. Railings will be black powder coated metal.

There is very little upland to landscape (probably around 100 sq. ft). It is intended that arbours, lattice, potted plants and climbing vines will provide visual appeal and colour through spring and summer.

In summary, we are proposing a cottage (upscale in quality and downscale in size) that will exude a combination of Old World craftsmanship, energy efficiency and visual appeal. It will be a showcase by which all other construction is measured.

29.2

LEASE 101449

221° 29' 25"

221° 29' 25"
51.45

Hand-drawn site plan of a proposed house. The house is a rectangle with a width of 12.30 and a depth of 23.11. A porch area of 5.46 is attached to the right side. The total width of the house and porch is 17.76. The house is situated on a lot that is 1.52 wide and 1.60 deep. A driveway of 0.60 is shown on the left side, leading to the house. The house is labeled "PROPOSED HOUSE" and the driveway is labeled "entry canopy over". The house is also labeled "EXISTING GARAGE".

E.O.W. I C H A N B A Y R O A D

3. TITLE PAGE

15 Jan'00: dock+ ramp removed

TIM RICHARDSON
BUILDING DESIGN
3075 Cobble Hill Road
Mill Bay, BC V0R 2P3
Phone/Fax: 743-7913
E-mail: nwinspections@shaw.ca

SITE PLAN
MAY 2008
DRAWING:

1764 COWILMAN BAY RD
PROPOSED HOUSE FOR
HAYLTON McALISTER

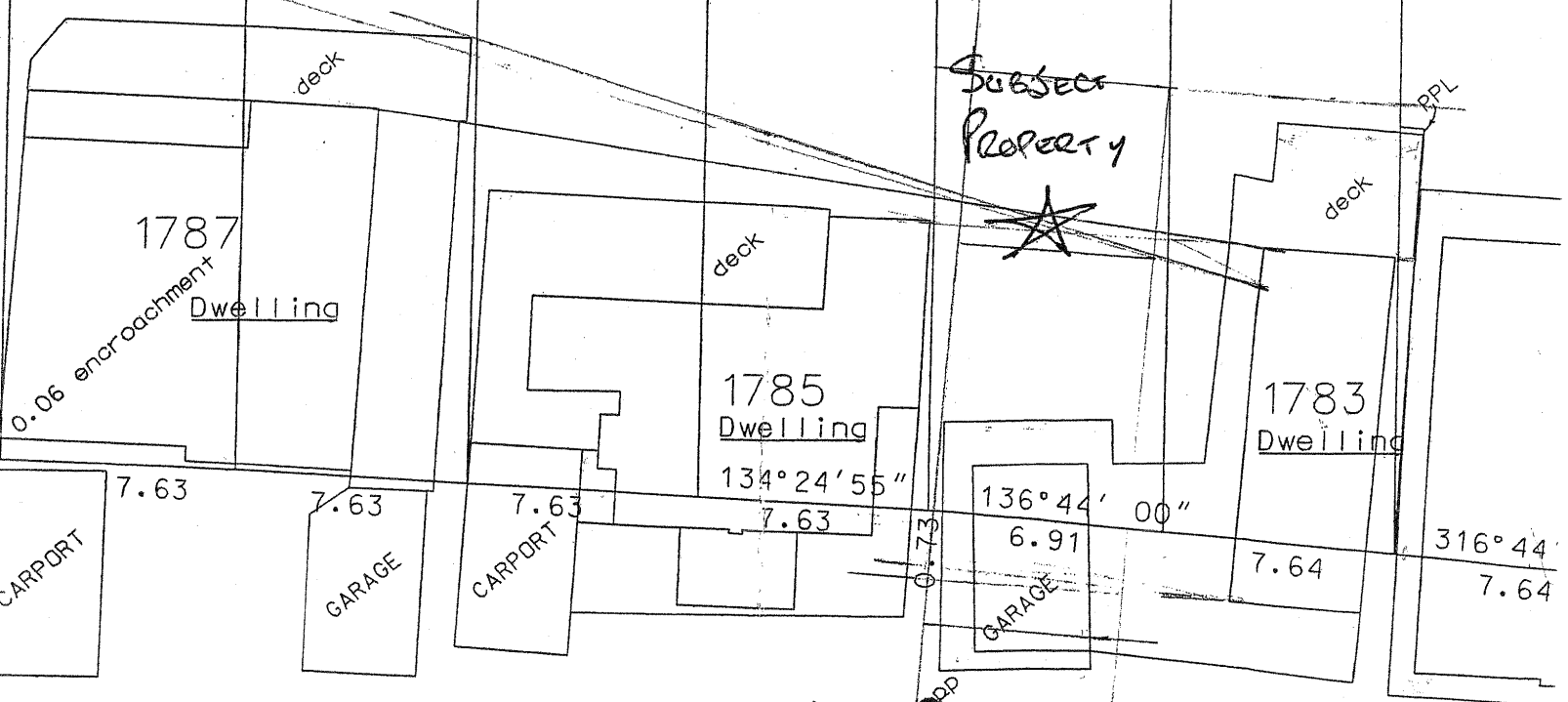
000106

REVIEWED BY
NAME OFFICER
Marine Corps, Pacific Region
8200-08-8403
SEP 11 2008 9
J. SCHELLENBERG
REF No. 394

206 205 204 203 202 201 20

49.20 221°28'35" 49.60 221°28'50" 49.99 221°29'10" 50.38 221°29'25" 50.77 221°29'45" 51.45 221°30'30" 52.15

LEASE 102090 LEASE 103530 LEASE 101293 & LEASE 101449 LEAS



~~SUBJECT PROPERTY~~

white paint line

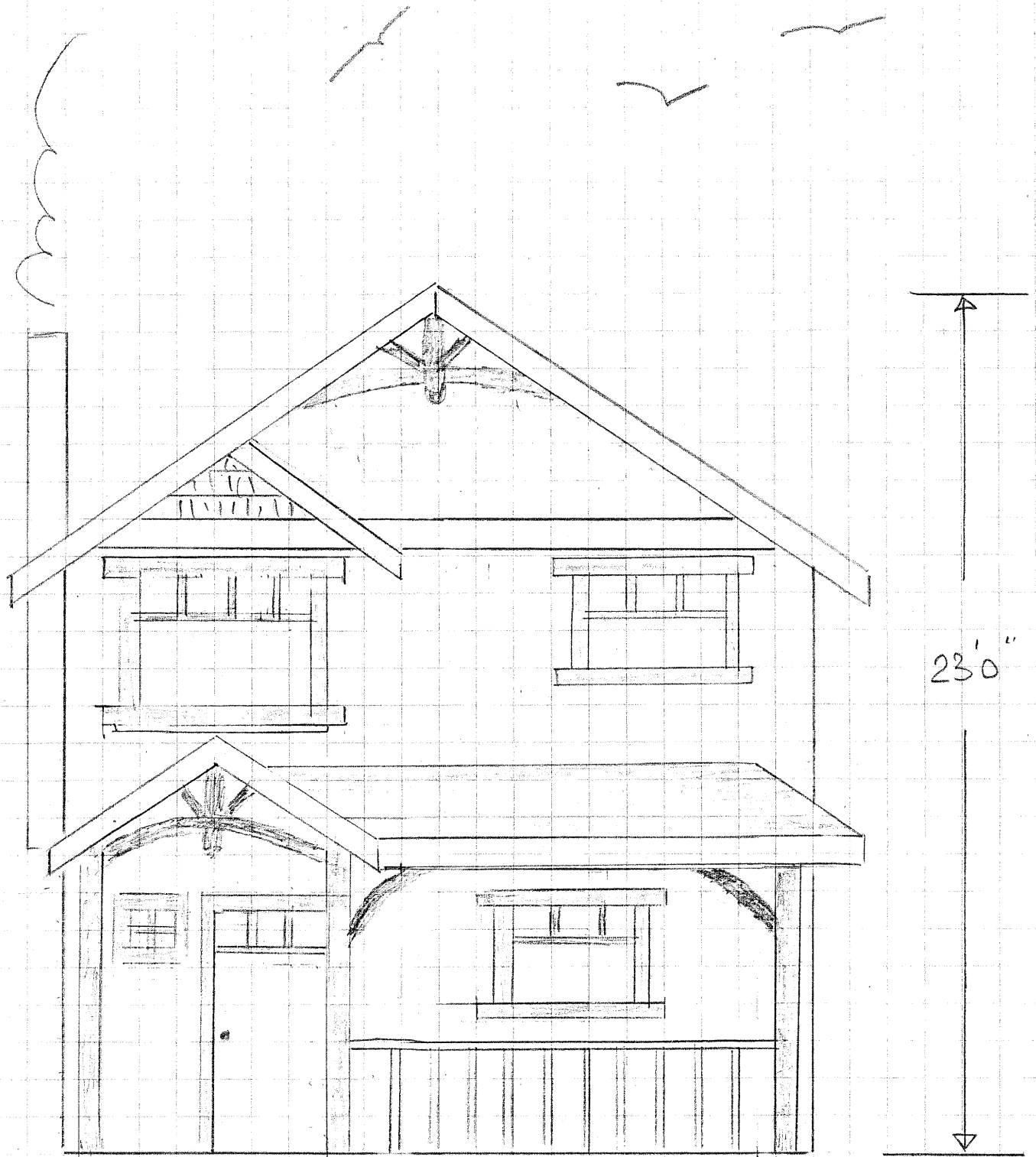
double yellow paint line

Road

white paint line

000107

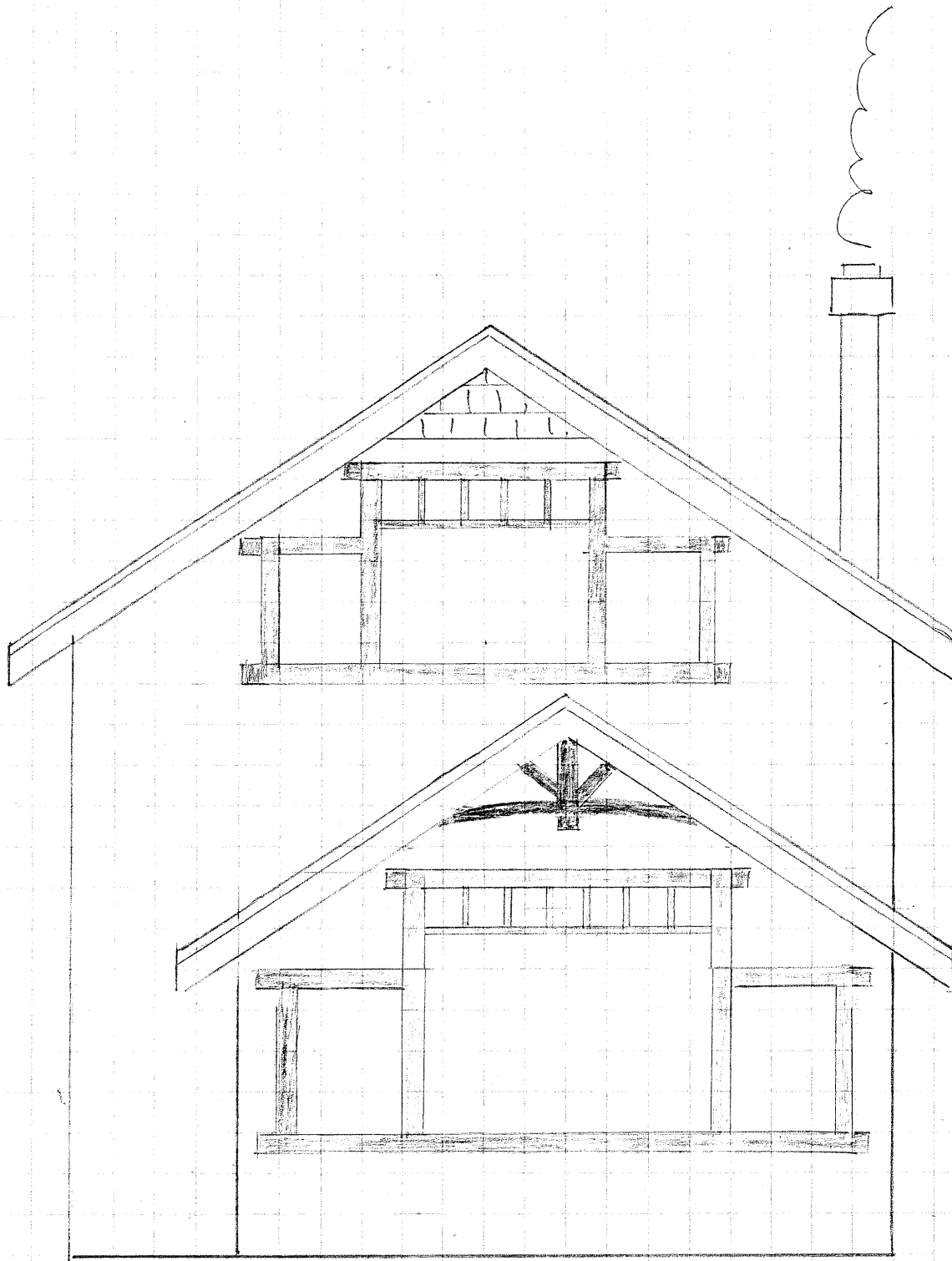
PLEASE NOTE THAT ALTHOUGH
ALMOST ALL COTTAGES HAVE
RAMPS & DOCKS, THEY ARE
NOT SHOWN ON THIS MAP.



FRONT ELEVATION

000108

Apr 09

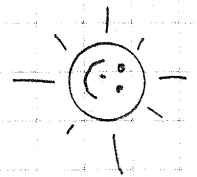


REAR ELEVATION
(WATER SIDE)

000109

APR 09

A hand-drawn architectural floor plan on graph paper. The plan shows a large rectangular building. On the left side, there is a small square chimney. Below it, there is a small rectangular room with a window. Further down, there is another small rectangular room with a window. On the right side, there is a long, narrow rectangular room. At the bottom right, there is a small square room with a wavy line next to it, possibly representing a door or a wall. The drawing is done in black ink on a grid of small squares.



000110

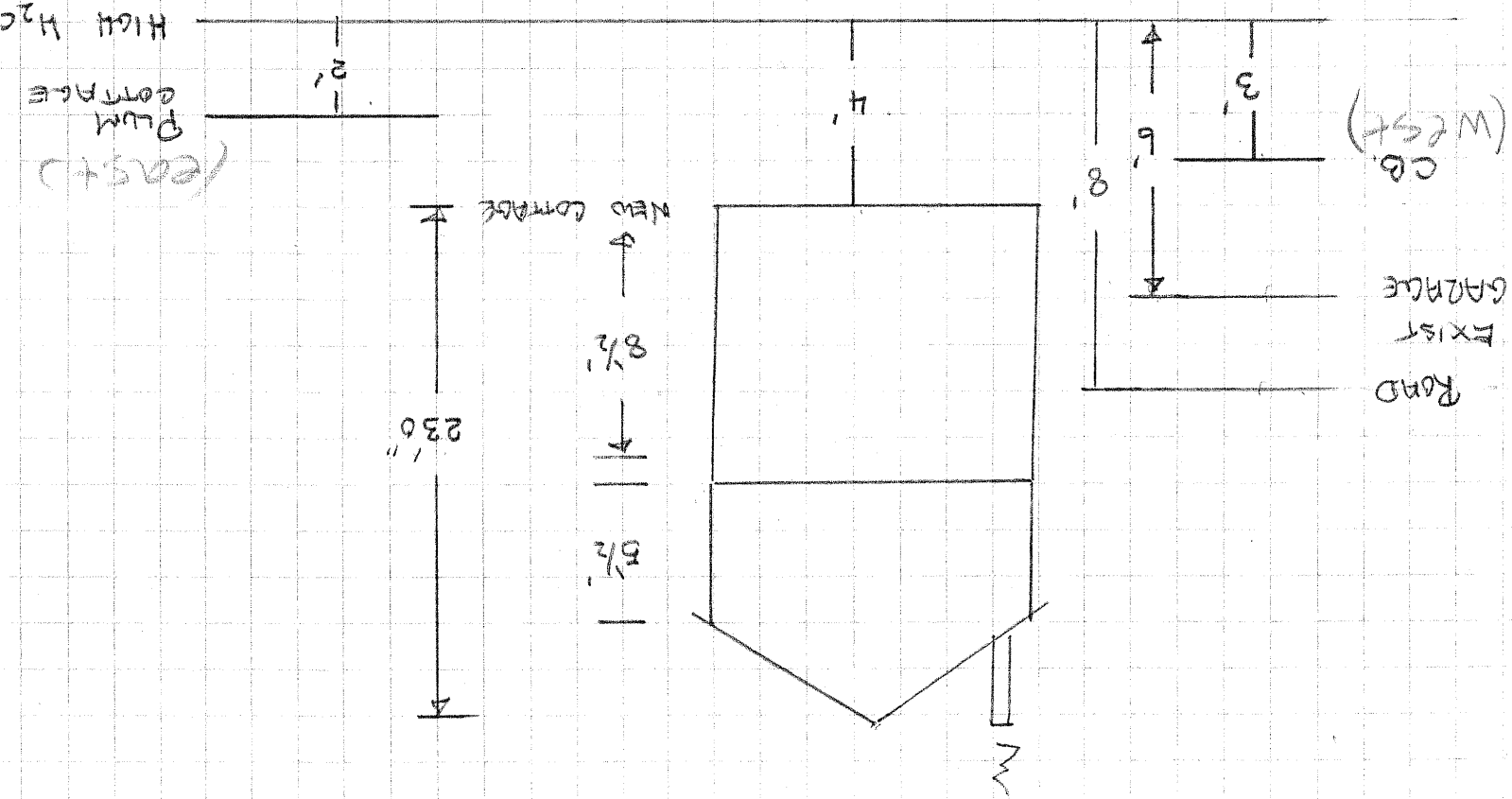
April - 69

① NEW COTTAGE = 23' IN HEIGHT (FROM FOOT)

= 19' ABOVE ROAD GRADE

② BY COMPARISON, PEGGY'S COVE = 27' ABOVE ROAD GRADE

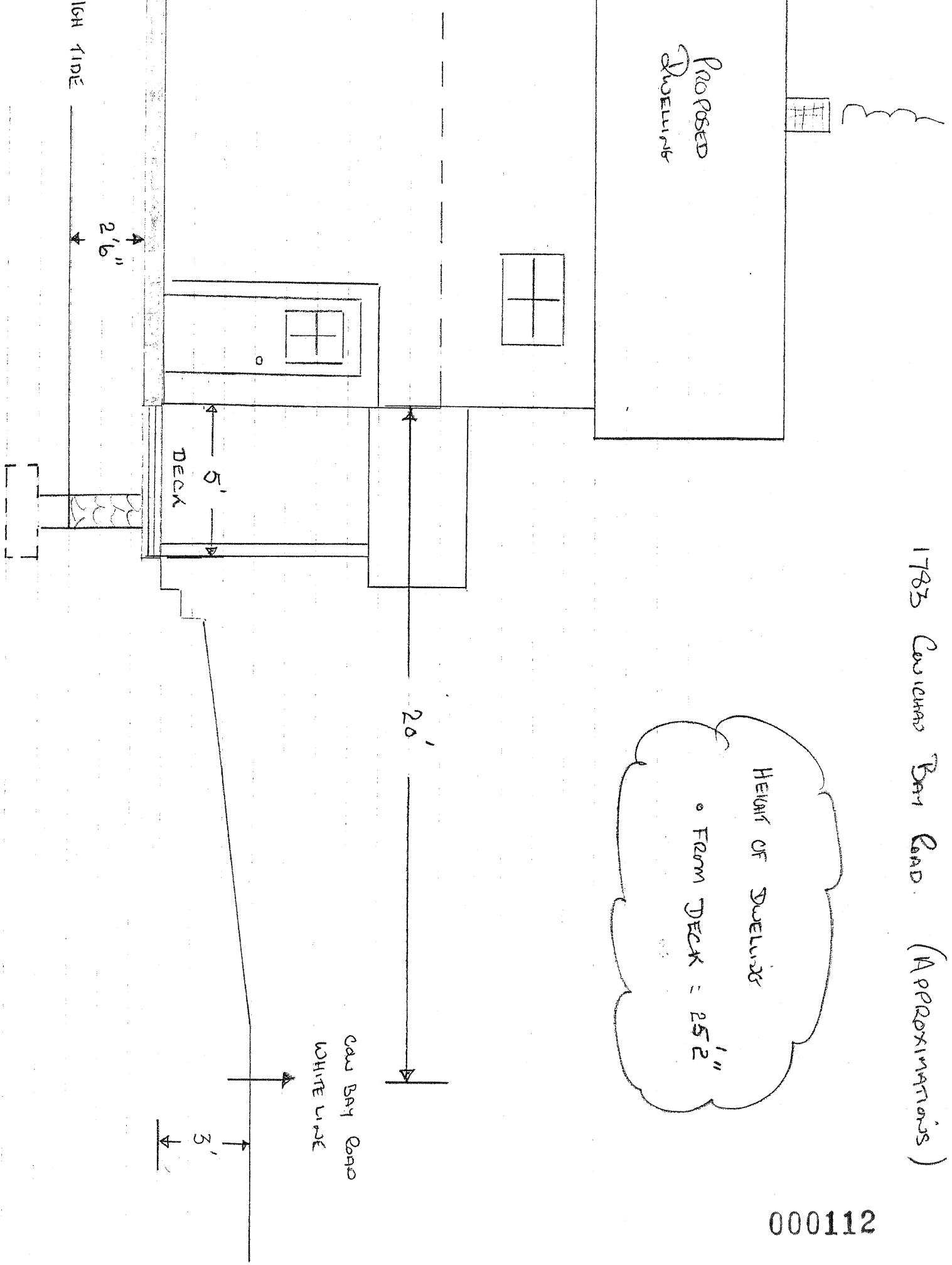
ANNE'S COTTAGE = ~ 26' ABOVE ROAD.



000111

provided April 28, 09

1783 Covered Bay Road (Approximations)



000112

January '09



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.

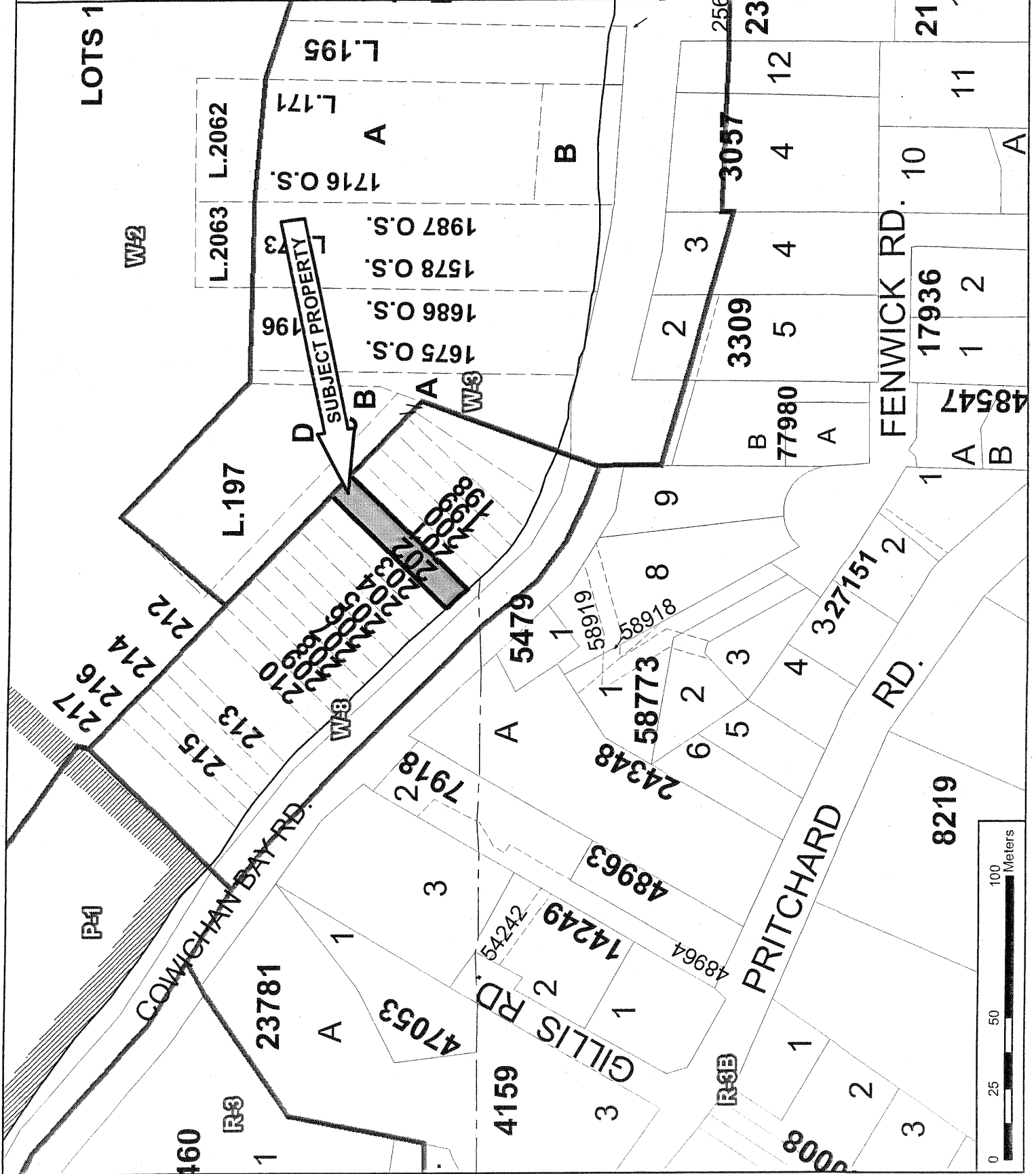
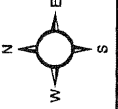
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ZONING

Legend



Subject Property
Zoning Electoral Area D



000113



Cowichan
Valley
Regional
District

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reference purposes only.

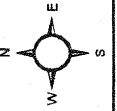
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of the Bylaws.

FILE: 3-D-08-DP

Orthophoto
(2004)



000114



Cowichan
Valley
Regional
District

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various sources for internal
use and is designed for
reference purposes only.

The Regional District does not
warrant the accuracy.

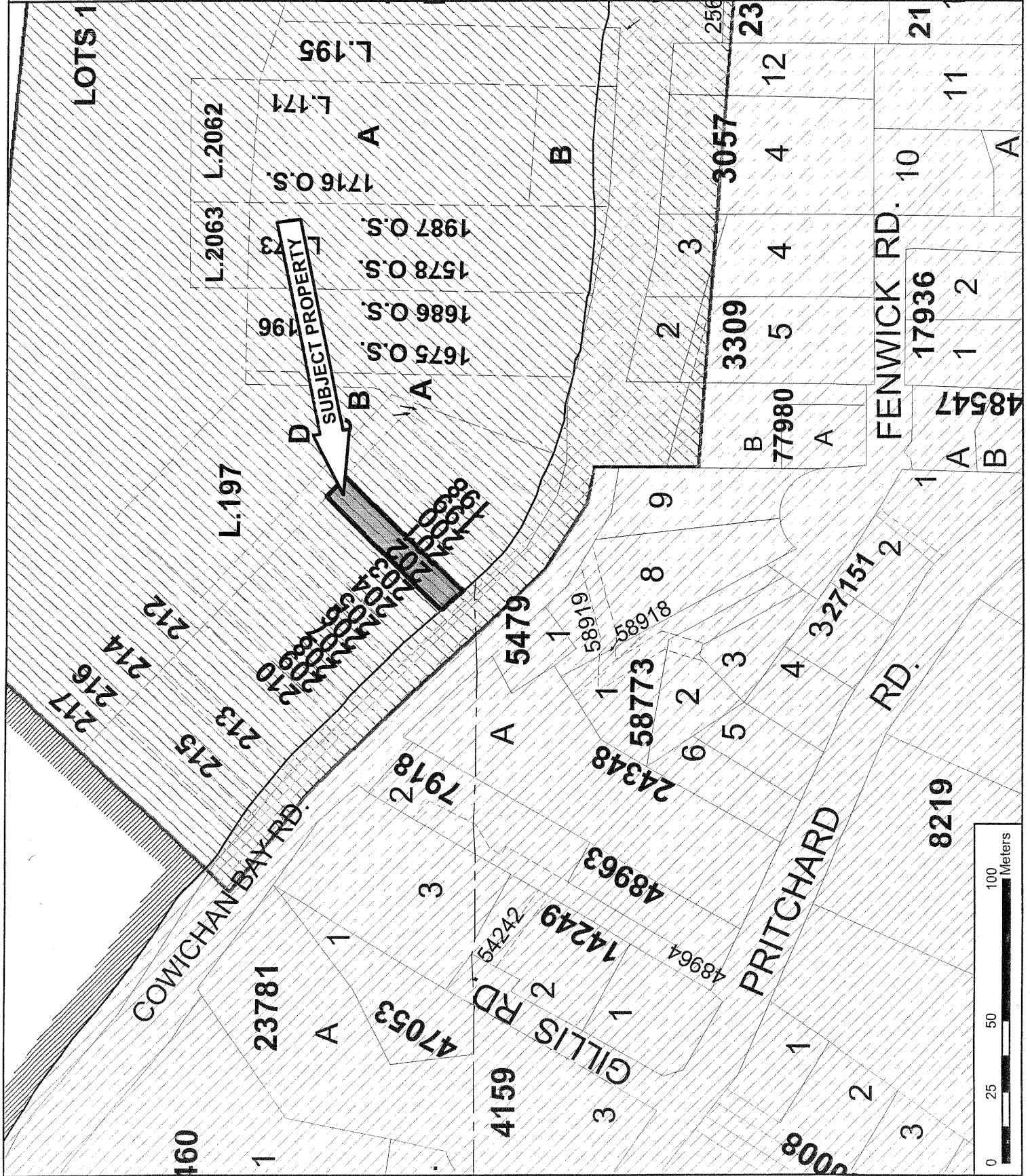
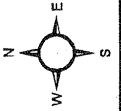
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FILE: 3-D-08-DP

DPA

Legend



000115



Cowichan
Valley
Regional
District

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warrant the accuracy.

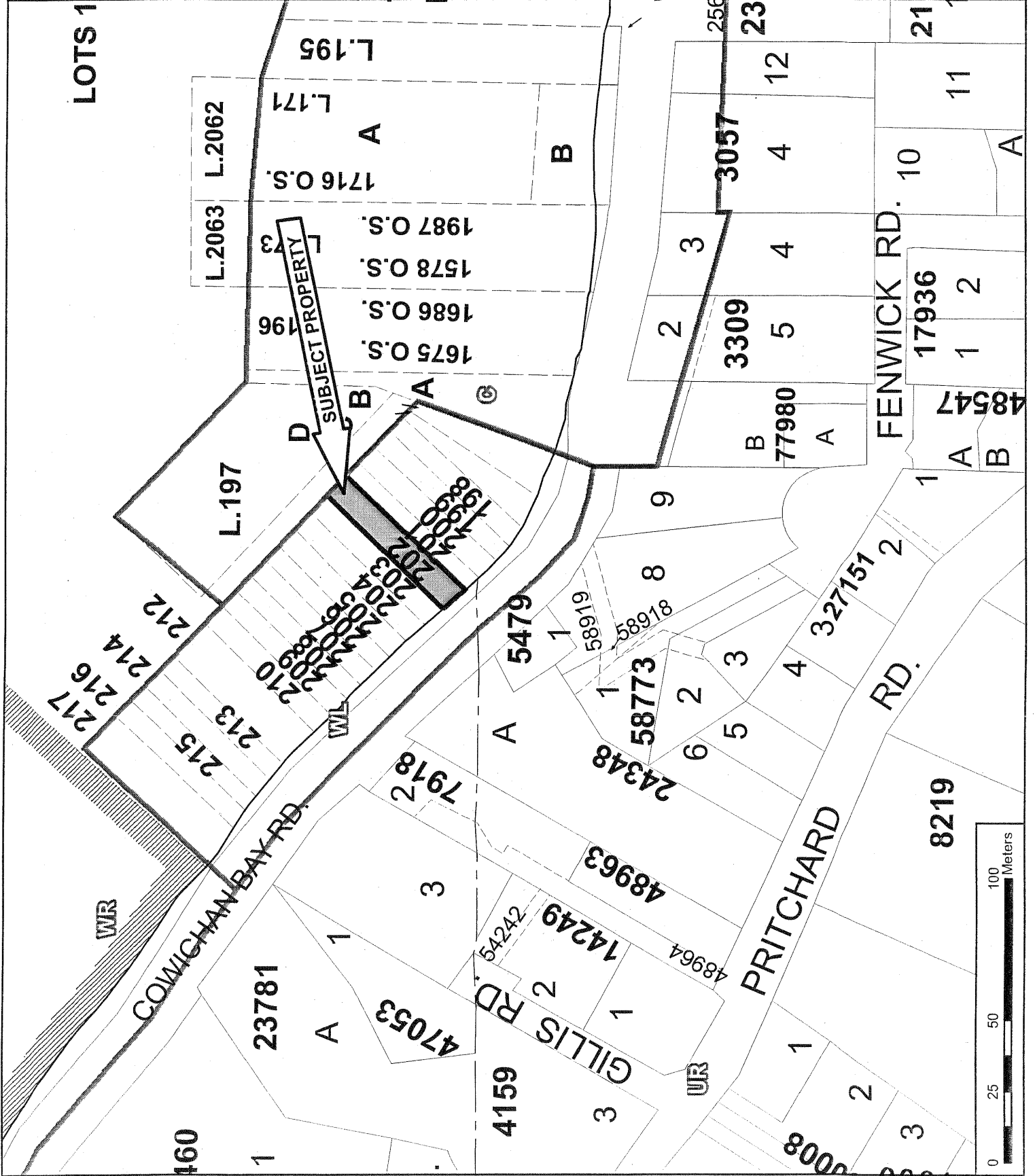
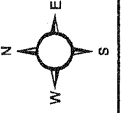
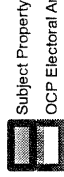
All persons making use of this
compilation are advised that
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boundaries are representational.

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consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 3-D-08-DP

OCP

Legend



July 9, 2008

File 2364

Hylton McAlister
6618 Westcott Road
Duncan, BC V9L 6A4

Re: Proposed development at 1783 Cowichan Bay Road.

Dear Hylton:

Streamline Environmental Consulting Ltd. (Streamline) was retained to conduct an Environmental Impact Assessment for the proposed construction of a stilt house, deck and dock at 1783 Cowichan Bay Road within the Cowichan Valley Regional District (CVRD). The assessment is needed so that the Cowichan Estuary Environmental Management Plan (CEEMP) can review the environmental issues associated with the proposed development and advise the CVRD with respect to their opinion of the proposed project. The CVRD requires CEEMP review of such projects within the Cowichan Bay Estuary prior to issuance of a development permit.

I conducted a site visit on June 6, 2008 immediately following a 0.1 m predicted low tide that occurred at 13:23. During the site visit, I obtained information regarding existing site conditions, environmental resources and proposed works. The purpose of the assessment was to identify potential environmental impacts associated with the proposed development and develop mitigation measures to minimize or avoid adverse effects. Mitigation measures considered herein are for the design and construction stages of the project.

EXISTING SITE CONDITIONS

The subject property is located just north of the Village of Cowichan Bay. Thirteen leased lots are present immediately north of the village and 12 of them currently contain stilt homes. These stilt homes are generally constructed from the edge of the backshore immediately adjacent to Cowichan Bay Road, out into the upper portion of the intertidal zone of the bay. Much of the commercial portion of the Village of Cowichan Bay is also constructed on stilts. Many of the stilt homes have been there for several decades and a variety of stilt construction methods have been utilized, renovated and repaired over the years.

Many of the homes have associated decks with ramps down to docks that are anchored by pilings (dolphins). These docks float during mid to high tide levels but do not float during lower tide levels. Cowichan Bay Marina is located a short distance northeast of the southernmost of these lots, including the subject property and this limits the placement of docks.

The subject property is the only one of the 13 lots without a stilt house. The only structure currently located on the property is an old garage and deck accessible from Cowichan Bay Road (Photo 1).

The backshore beach along this area is consistently cobble dominated substrate with a moderate gradient (Photo 1). The cobble beach extends a short distance into the intertidal zone and ends approximately 1 m below the high tide elevation. Where the sloped cobble beach ends, the beach abruptly flattens to the intertidal mud flat that continues throughout the remainder of the intertidal zone (Photo 2). The mud flat is dominated by fine sands and silts with some gravel and small cobble interspersed throughout the sediment matrix.

Dominant marine life observed along the cobble beach included barnacles, shore crabs and the occasional Pacific oyster (Photo 3). Marine life observed within the upper portion of the mudflat where three 30 cm x 30 cm, shallow plots were hand dug was minimal. Species observed included one marine worm, one ghost shrimp and two macoma clams (Photo 4). While very few shellfish were observed, shell fragments were abundant throughout the sediment. Further out into the intertidal (adjacent to existing docks), the mudflat is more fine grained (muddy) and less rocks are present. Many clam siphons (likely geoduck and/or horse clam) were observed throughout this area.

An average of approximately 10 m beyond the end of the existing docks was the lowermost portion of the intertidal zone where some relatively sparse, intermittent eelgrass was present. At the time of survey, the eelgrass beds were just below the elevation of the tide (Photo 5).

Natural vegetation along the backshore is absent except for some small ornamental trees along the north side of Cowichan Bay Road. Other than some green algae (typically attached to large rocks and waterlogged wood), no vegetation was observed within the area where development is proposed.

The subject property is surrounded by development on all sides (the marina to the north, the stilt houses on either side and Cowichan Bay Road to the south). As such, the natural environment has been heavily impacted and degraded and contains relatively low ecological and biodiversity values, especially in comparison to less disturbed, more pristine estuarine areas.

PROPOSED DEVELOPMENT

Proposed development includes the complete removal of the existing garage and deck then construction of a stilt home (cottage), deck, ramp and dock. The proposed cottage is a less than 1200 sq ft (15 ft x 42 ft footprint), two storey structure supported by 15 cast in place concrete pilings on cast in place 1 m x 1 m footings. The proposed deck extends 12 ft out from the cottage and is supported by 9 concrete pilings on cast in place 1 m x 1 m footings. From the deck, a ramp would be constructed to access the floating dock. The proposed dock is 1.5 m (4.9 ft) x 15 m (49.2 ft) and is anchored with two treated wood pilings (dolphins). As the location of the dock into the subtidal zone is precluded by the presence of the marina and the marina traffic, the proposed dock is located within the intertidal and will not float during lower tides. Based on predicted tides during the site visit, I estimate that the dock will begin to touch bottom when the tide recedes to ~0.7 m and will begin to float again when the tide rises to ~0.5 m. That is, the dock would be fully floating at approximately 0.7 m and higher tides and would be fully beached at approximately 0.5 m and lower tides.

The cottage, deck and dock would all be approximately in line with similar, adjacent structures in terms of how far out into the intertidal each structure would extend.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The following discusses potential adverse environmental impacts that could occur from the proposed development. Where impacts are deemed excessive, mitigation measures are provided.

Loss of intertidal beach habitat associated with footings:

The placement of 24 1 m x 1 m cast in place concrete foundations that will support the pilings represents removal of 24 m² of existing beach habitat within the intertidal zone. This will create a permanent loss of subsurface (benthic) habitat and a temporary loss of surface habitat that is primarily utilized by low to moderate densities of barnacles.

Over time, barnacles will colonize both the foundation pads as well as the concrete pilings. Colonization of pilings and pads was evident throughout the adjacent developed areas (Photo 6). Given the barnacles will eventually colonize the pads and pilings, a net increase in barnacle habitat will result and this will offset the temporary loss of habitat.

Mitigation measures include the following:

- All rocks and debris containing barnacles that are to be disturbed by excavating to construct the forms for the footings shall be removed by hand and placed, barnacle side up, on the adjacent beach at a similar elevation.

Loss of intertidal beach habitat associated with dock:

The proposed dock will represent an intermittent, minimal disturbance to the mudflat habitat. When the dock is floating it will not be adversely impacting the mudflat. Some shading will occur, however, there are no marine plant colonies such as eelgrass beds at this location. When the dock is beached, there will be a short term disturbance to the mudflat. This may affect shellfish activity and/or behaviour; however, this is expected to be minimal and should not affect feeding that occurs when the dock is floating.

Installation of the two pilings will represent a minimal loss of mudflat habitat but this will be replaced with suitable substrate that barnacles and possibly other marine organisms (mussels etc.) will colonize.

Mitigation measures include the following:

- Non-creosote treated wood pilings that are treated to BMP specifications shall be used (see www.dfo-mpo.gc.ca/Library/245973.pdf for additional information).
- Follow Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (attached). Note that as previously discussed, meeting the BMP condition that the bottom of the dock be at least 1.0 m above the bottom of the sea at low tide is not possible for the proposed dock.

Effects of currents on barnacles and other filter feeders:

The placement of structures into any moving body of water has at least localized effects on natural current conditions. However, given that significant, similar development has occurred on all sides of the proposed development the additional effect of the proposed development is expected to be negligible. As filter feeders, barnacles rely on currents and the rising and falling tide to provide a source of food within the water column. Given that barnacles are growing on the adjacent piles and footings, the proposed development is likely a future net benefit to barnacles by providing additional habitat.

Effects of shade:

The proposed development will result in additional shading of the area. The proposed cottage and deck will provide full shade to an area that is currently only partially shaded by the existing garage and the adjacent structures on the south side. The proposed dock and ramp will provide partial shade to an area that is currently not shaded.

The effects of shading are generally related to the negative impacts on primary production in a given area by limiting and/or preventing plant growth. The negative impacts of shade are somewhat offset by benefits to organisms that favour shade. For example, many fish species will utilize shaded areas because they can provide cooler water temperatures and cover from predation. Best Management Practices for structures such as docks and piers in marine ecosystems call for minimizing shade impacts through mechanisms such as structure orientation, minimizing width, maximizing height above the seabed and using materials that allow some light penetration. However, all

documents reviewed discuss that the reason for these measures is to minimize impacts to marine plants.

Little information could be found regarding the impacts of shade on other marine organisms (barnacles, shellfish etc.). Struck et al. (*Effects of Bridge Shading on Estuarine Marsh Benthic Invertebrate Community Structure and Function*, 2004) studied the effects of shading on estuarine marsh benthic invertebrates caused by bridges and found that invertebrate density and diversity was negatively correlated with increased shading. However, this occurred in areas where shading reduced plant growth beneath the bridge. This suggests that negative impacts associated with shade are mostly, if not entirely the result of direct and indirect impacts on plant growth (primary production).

The area below the proposed development is devoid of plant growth with the exception of some algae growing on rocks and debris within the mud flat. As such, the direct impact on vegetation and the associated indirect impacts to the local ecosystem resulting from the additional shading is expected to be minimal.

Barnacle and shellfish presence in adjacent, fully shaded areas suggests that shading will not preclude such species from inhabiting the area.

Mitigation measures are not recommended.

Excavated material:

Care must be taken to minimize impacts associated with excavating cobble/mudflat to form and pour the concrete footings.

Mitigation measures include the following:

- All excavation shall be done by hand when the tide has recently receded from the hole(s) to be dug that day.
- No machinery shall be operated within the intertidal zone.
- Each day, excavations shall only be dug for those holes that can be formed the same day to avoid holes filling in upon the next rising tides.
- All excess excavated material shall be spread evenly over the adjacent beach before the tide rises to prevent suspension of sediment when the tide rises and to minimize potential smothering of benthic organisms beneath piled material.

Concrete leachate:

The proposed development calls for cast in place concrete pilings and footings. Uncured concrete is toxic to aquatic life as it is highly alkaline (high pH).

Mitigation measures include the following:

- All cast in place concrete and grouting shall be totally isolated from seawater for a minimum of 48 h.
 - All concrete pouring to occur when the tide is out, well beyond the immediate work area.
 - Cover the top of freshly poured footings with poly sheeting and seal the sheeting to the concrete by weighing down the perimeter with several cobbles.
 - Line all forms that are above the surface of the beach with poly sheeting so that water does not come into contact with freshly poured concrete within the form and so that concrete is prevented from leaking out of the form.
- If pumping is required to dry excavations immediately prior to pouring concrete, water shall be pumped as far up the beach as possible so that it settles out before reaching the seawater. Pumping shall cease as soon as concrete is poured so that concrete wash is not being pumped, and subsequently introduced, uncured into the seawater.
- Concrete equipment and tools shall not be rinsed where rinse water can make its way into the marine environment. This includes mixers, wheel barrels, hand tools, and concrete truck equipment.
- Any accidentally spilled concrete shall be immediately removed from the beach and disposed of such that it is not at risk of coming into contact with the sea.
- The Environmental Monitor (Streamline) shall be on-site periodically during concrete pouring within the intertidal areas to verify that recommended mitigation measures and procedures are being followed.

Additional measures to mitigate impacts during construction:

- The timing of all works within the intertidal zone shall occur within the timing window recommended within the Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (between June 1 and February 15).
- All construction materials and debris shall be removed from the beach and intertidal areas at the end of each day and before the tide rises over the given work area.
- Painting, staining or waterproofing of all exterior items of the proposed structures shall be conducted carefully to avoid introduction of potentially deleterious substances into the sea.
- There should be no in situ or residential treatment of wood used in the aquatic environment. Creosote oil and copper naphthenate are wood-treatment products commonly sold at lumber yards for homeowner application. Only factory-treated wood bearing the BMP mark should be considered for aquatic use. This includes any wood products used on the dock and the ramp.

SUMMARY

The subject property is surrounded by development on all sides (the marina, the stilt houses on either side and Cowichan Bay Road). As such, the natural environment has been significantly impacted and contains relatively low ecological value in comparison to less disturbed and pristine estuaries. While the proposed development will create some lasting effects that cannot be mitigated (namely shade and habitat loss), the extent of the impacts is considered small and insignificant. Construction related potential impacts can be readily mitigated. It is noted that the lot was created for the proposed use and the proposed development is not expected to result in any significant environmental impacts if the recommended measures and BMPs are adhered to.

DISCLAIMER / STATEMENT OF LIMITATIONS

This report was prepared exclusively for Hylton McAlister by Streamline Environmental Consulting Ltd. The quality of information, conclusions and estimates contained herein is consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by Streamline Environmental Consulting Ltd. and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in this report. This report is intended to be used by Hylton McAlister only. Any other use or reliance on this report by any third party is at that party's sole risk.

Thank you for retaining Streamline Environmental Consulting Ltd. to assist you with your development plans. Please do not hesitate to contact me if you have any questions.

Sincerely,

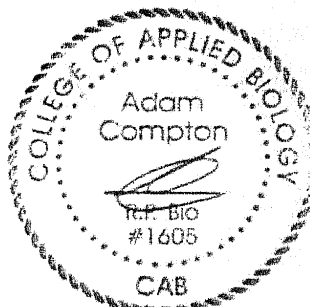
Streamline Environmental Consulting Ltd.



Adam Compton, B.Sc., R.P. Bio.

Attachments:

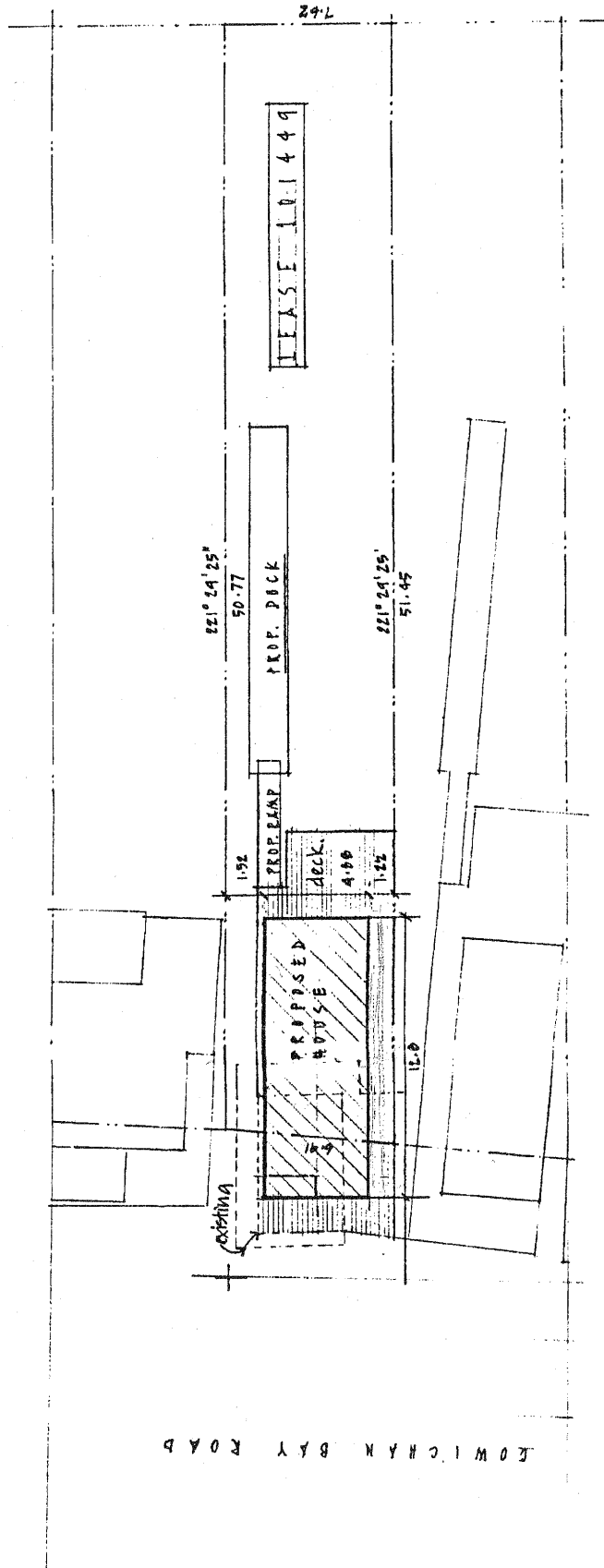
- Site Plan
- Photographs
- Dock BMP



Original signed &
sealed July 9/08

LOWICHAH BAY ROAD

LOWICHAH BAY



TEASE 101449

TIM RICHARDSON
BUILDING DESIGN
3075 Cobble Hill Road
Mill Bay, BC V0R 2P3
Phone/Fax: 743-7913
E-mail: twinspections@shaw.ca

1704 LOWICHAH BAY RD
PROPOSED HOUSE FOR
MYLTON McALISTER
MAY 2009
DRAWING: 101449

5 June 09: Deck added

SITE PLAN

000124

Site Photographs

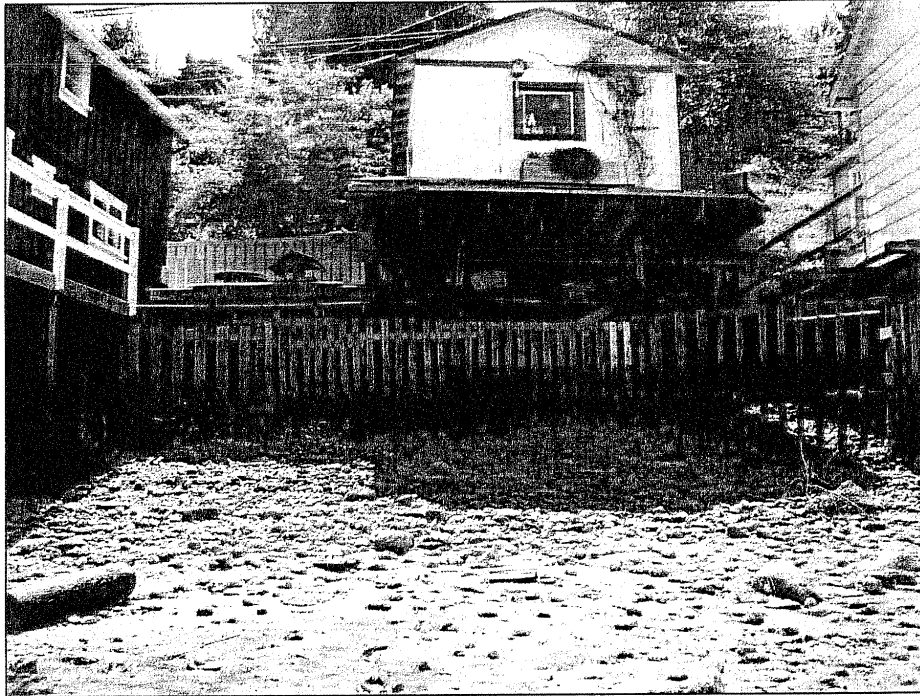


Photo 1. View looking southwest at existing garage and cobble beach.

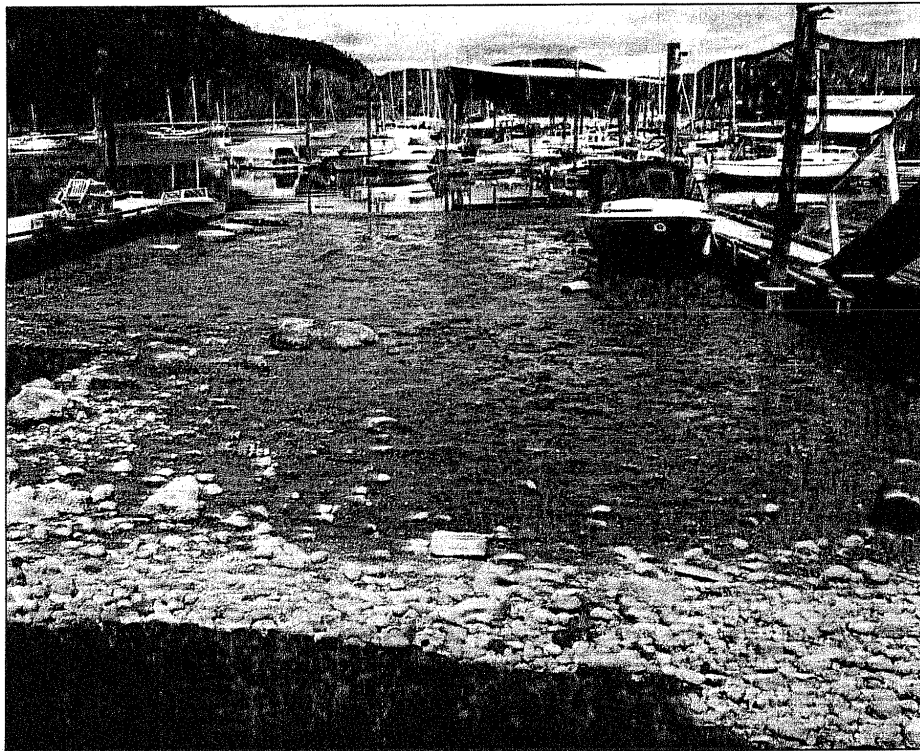


Photo 2. View looking northeast at transition from cobble beach to mudflat.



Photo 3. View of typical cobble substrate.



Photo 4. View of 2 benthic organisms found within mudflat plots.



Photo 5. View of sparse eelgrass beds ~ 10 m beyond the end of existing/proposed docks.

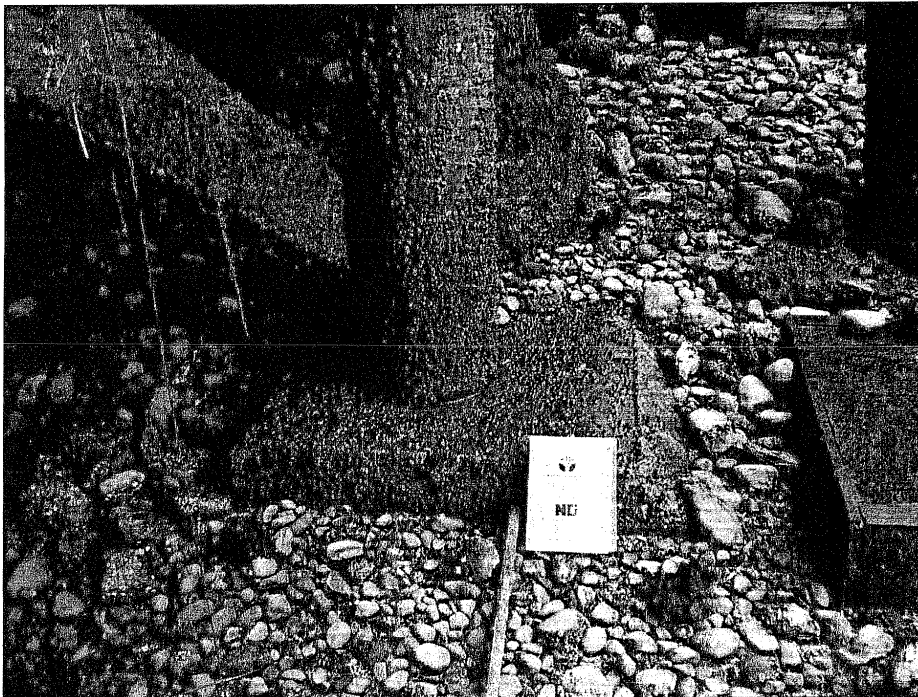


Photo 6. View of existing pile upon cast in place concrete footing immediately adjacent to the subject property. Note that barnacles have colonized and have higher densities than adjacent cobbles.



Fisheries
and Oceans

Pêches
et Océans

Pacific Region

Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (Vancouver Island - Sunshine Coast)

- These BMPs apply to docks, floats and gangways proposed for marine foreshores and freshwater lakes. They do not, however, apply to streams, congested waterways or foreshores where there are presently numerous docks and floats in a restricted area.
- Adherence to the BMPs should allow a property owner to construct a dock or float that will not adversely affect fish habitat.
- Docks and floats must be located a minimum of 125m from bivalve shellfish beds (clams, oysters, scallops and geoducks) harvested by aboriginal, commercial or recreational diggers. If bivalve shellfish beds are present within 125m of your proposed structure, you are advised to retain a qualified biologist to conduct a shellfish assessment prior to conducting any work. Some documented bivalve shellfish harvest areas are noted in the DFO Clam atlas on our website: http://www-heb.pac.dfo-mpo.gc.ca/maps/maps-data_e.htm
- If you are able to meet the criteria set forth in these BMPs, you do not require further advice from Fisheries & Oceans Canada (DFO) Habitat Management staff. Completion of the notification page of this document and provision of the notification to the local DFO office is all that is necessary (See notification form attached).
- It is your responsibility to ensure that you have met the requirements of other agencies with jurisdiction over land and water development in your area (Transport Canada, Land and Water BC; First Nations, local government, Regional Districts, etc).

The focus of these BMPs is to protect fish habitat from the impacts of shading, fill placement and low tide grounding of both structures and vessels.

1. Access ramps or walkways should be a minimum of 1.0 metre above the highest high water mark (HHW) of the tide or lake.
2. Walkways should be a maximum width of 1.5 metres.
3. The bottom of floats should be a minimum of 1.0 m above the bed of the sea, lake or stream during the lowest water level or tide. Float height above lowest water level will need to be increased if deep draft vessels are to be moored at the dock or float.
4. Grating incorporated into ramps, walkways or floats will increase light and reduce shading of the sea/lake/stream bed. If grating is impractical, deck planks should be no wider than 15cm (6in) and planks should be spaced at least 2.5cm (1in) apart to allow light penetration.
5. North/South dock alignments will further improve light penetration.
6. Floats must not be installed over marine or freshwater vegetation (eelgrass, kelp, saltmarsh, lake weeds, etc.).
7. Concrete, steel, BMP-treated or recycled timber piles are acceptable. For detailed information on treated wood options, refer to the *Guideline to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region*, available on-line at <http://www.dfo-mpo.gc.ca/Library/245973.pdf>.

Canada

000128

8. The dock/float structure and the vessel to be moored at the structure are not to come to rest on intertidal seabed or lakebed areas during the lowest tide or lowest water period of the year.
9. Construction must not to include use of native beach materials (boulders, cobble, gravel, sand, drift logs etc.).
10. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. If heavy equipment is required to work on the beach or access is required along the beach, you should seek the advice of a professional biologist to ensure that fish habitat, including riparian, intertidal saltmarsh or in-water vegetation, is not adversely affected during construction.
11. Filling, dredging or blasting below the High Water Mark is not permitted.
12. Works at the upland/water interface are to be conducted when the site is not wetted by the tide or when the water levels in lakes have receded, if practical.
13. Works are to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (e.g. sediment, uncured concrete, sediment, fuel, lubricants, paints, stains, etc.) into waters frequented by fish.
14. Refueling of machinery and washing of buckets and hand tools must take place a minimum of 10m away from waters frequented by fish.
15. Marine foreshore construction should take place between June 1 and February 15 of any calendar year. Freshwater construction should occur during the period July 1 to August 31 in any calendar year. Exceptions may apply – please consult a professional biologist.
16. Terrestrial riparian vegetation and intertidal saltmarsh or in-water vegetation must not be harmfully affected by access or construction. You are advised to seek the advice of a professional biologist if vegetation will be affected in any way by your proposed works

Please be advised that works in and around fish habitat (riparian habitats adjacent to fish bearing waters, tidal foreshores and lakeshores) can negatively affect fish habitat. Section 35(1) of the Fisheries Act prohibits the harmful alteration, disruption or destruction of fish habitat (HADD). The Fisheries Act may be enforced if a HADD occurs during access, construction or maintenance of docks and floats.

For additional information, please visit our DFO website at www.pac.dfo-mpo.gc.ca

Revised by: DFO-Habitat Management, South Coast Area, May, 2008

NOTIFICATION TO DFO – CONSTRUCTION OF FLOATS AND DOCKS

Your signature below indicates that you have read and understood these guidelines and will abide by them.

Name: _____
Address: _____

Telephone #/cell#: _____
Worksite Location (if different from above): _____

Contractor: _____
Contractor Address: _____

Contractor Telephone #/Cell #: _____
Detailed Description of Work (dimensions; materials-attach a drawing if desired):

Other Agencies/Regulators Contacted (eg. Local gov't): _____

Start Date for Work: _____ End Date for Work: _____

I acknowledge that I will adhere to the conditions described for construction of erosion control structures as outlined above. I will not place fill below the HHW mark, use native beach materials for construction or harmfully affect riparian or in-water vegetation or other fish habitats

Signature: _____ Date Signed: _____

Fax/Mail this form to your local DFO office AT LEAST 5 BUSINESS DAYS PRIOR to the planned construction start date. A Fisheries Officer may inspect your construction site to ensure compliance with the Fisheries Act.

Fax Numbers:

DFO- Campbell River: (250) 286-5852
DFO- Comox: (250) 339-4612
DFO- Duncan: (250) 746-8397
DFO- Habitat Management, Nanaimo (250) 756-7162
DFO- Nanaimo: (250) 754-0309
DFO- Pender Harbour: (604) 883-2152
DFO- Powell River: (604) 485-7439
DFO- Port Alberni: (250) 724-2555
DFO- Victoria: (250) 363-0191

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13.4 COWICHAN BAY VILLAGE DEVELOPMENT PERMIT AREA

13.4.1 CATEGORY

The **Cowichan Bay Village Development Permit Area** is designated as a Development Permit Area under Sections 919(1)(a), (b), (d), (e) and (f) of the *Local Government Act*. Development Permits shall be required for all specified projects occurring within the Development Permit Areas identified herein. Unless specifically exempted by this plan under Section 13.4.4, no subdivision, alteration of foreshore or construction shall take place prior to the issuance of a development permit.

13.4.2 COWICHAN ESTUARY ENVIRONMENTAL MANAGEMENT PLAN (CEEMP)

Some of the lands subject to this development permit area are within the area regulated by the CEEMP. Enacted by Order-in-Council 1652, on September 12, 1986, the CEEMP is the most important Provincial regulation affecting the **Cowichan Bay Village Development Permit Area**. The objective of this provincial designation is to maintain and protect habitat and protect the marine environment from negative impacts related to development.

Generally, existing land uses in the village and harbour area are recognized by the CEEMP. However, the Order-in-Council requires the approval of Minister of Water, Land and Air Protection before any construction activity occurs in areas that are not presently developed – in other words, where portions of foreshore not previously shaded by buildings and structures would be developed. In such cases, the CVRD cannot issue building permits unless the owner has secured the Minister's approval. For renovations of and additions to existing buildings that do not add shade to the foreshore, the Ministry of Water, Land and Air Protection has left approvals up to the CVRD, with a request that the Ministry be informed of projects and that Provincial and Federal best management practises be followed.

13.4.3 JUSTIFICATION

Cowichan Bay Village is the commercial heart of Electoral Area D. It has a distinct character redolent of the seaside-historical nature of the community. It includes residential, commercial, industrial, recreational and institutional uses. The density and form of development within the area determines the character of the community. It is also situated in a very sensitive estuarine environment, which is highly productive biologically and therefore important in the life cycles of many organisms. There are also some geotechnical considerations that need to be addressed within some parts of the village. The objectives of this designation are to:

- ensure that development occurring in this area is compatible with - and enhances the form, scale and character of - existing development;

- to strengthen the village harbour as the primary commercial focus of Electoral Area D;
- to realise the heritage, economic, touristic, cultural and architectural potential of this area;
- to ensure that development and re-development does not in any way damage the environment or impair its productivity;
- to avoid natural hazards.

13.4.4 APPLICATION

The lands within the **Cowichan Bay Village Development Permit Area** include all parcels and uses located on the north side of Cowichan Bay Road, as shown on Figure 4.

13.4.5 EXEMPTIONS

- 1) A development permit shall not be required and the guidelines of Section 13.4.6 of this Plan shall not apply to the following works:
 - interior renovation and repair of existing buildings;
 - replacement of roofing, siding or existing windows;
 - a one-time-only addition to existing residential buildings, provided that not more than 10 m² of new floor area is created, exterior finishes are identical to the existing building and no additional shading of the foreshore or intertidal zone will occur;
 - a one-time-only additions to existing commercial, industrial or institutional buildings, provided that no more than 20 m² of floor area is created, exterior finishes are identical to the existing building and no additional shading of the foreshore or intertidal zone will occur;
 - changes to the text or message on existing signs 2 square metres in area or less;
 - emergency repairs to buildings, existing docks, wharfs, breakwaters and seawalls and other structures, where there is a demonstrable and immediate risk to human safety or property and the scope of work proposed has been discussed with the Manager of Development Services or designate; and
 - landscaping, walkways, parking areas, fences less than 1.2 metres in height.
- 2) A development permit exemption under 1) above does not exempt any person from the requirement to secure a building permit, electrical permit, road access permit or any other requirement of a bylaw, statute or regulation.

13.4.6 GUIDELINES

Environmental Protection

- (a) Runoff from the development should be strictly limited to prevent storm flows from damaging the estuary during normal rainfall events. Efforts should be made in the site design to buffer storm flows and limit impervious surfaces to

the minimum. Parking areas should contain oil/water separators and use pervious landscaping that can absorb runoff, where feasible, and proof of a maintenance program for these will be provided. Applicants are expected to submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit.

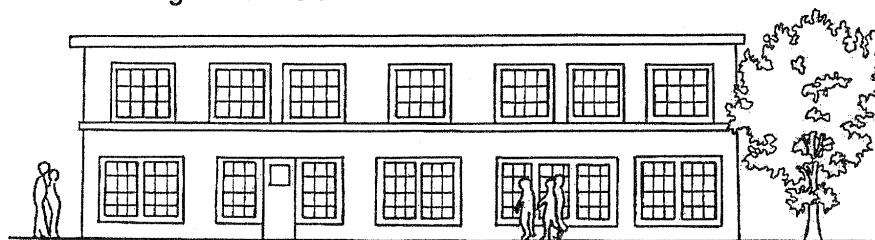
- (b) Discharges of material that could potentially damage water quality are prohibited.
- (c) Proposals involving new additions, structures or buildings that would shade more of the foreshore or intertidal area of the Bay will be referred to the Cowichan Estuary Environmental Management Committee (CEEMC) for consideration. In the event that the CEEMC approves such a proposal, the development permit guidelines of this Plan will apply, in addition to any conditions that the CEEMC may impose in its approval.
- (d) The following best management practices (BMPs) and any successors thereto will be incorporated into the (re-) development proposal:
 - Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water Land and Air Protection, 2004);
 - Shoreline Structures Environmental Design: A Guide for Structures along Estuaries and Large Rivers (Adams/Fisheries and Oceans Canada, 2002);
 - Best Management Practices for Constructing Docks and Floats in the South Coast Area (Fisheries and Oceans Canada, 2004);
 - Best Management Practices for Pile Driving (Fisheries and Oceans Canada);
 - Marina Development Guidelines (Fisheries and Oceans Canada);
 - Coastal Stewardship Guide (Fisheries and Oceans Canada);
 - Erosion Protection Structures Guidelines (Fisheries and Oceans Canada);
 - Any other BMPs that may come into existence, and have a bearing on environmental matters in Cowichan Bay.
- (e) Construction/reconstruction of seawalls and other earth-retaining devices shall be subject to engineering design and supervision during construction. Furthermore, the CVRD Board may, where it believes that development is proposed near or in an area that may be subject to erosion or ground instability, require the applicant to hire an engineer experienced in natural hazards identification and mitigation. The engineer's recommendations shall be incorporated into a Development Permit, if one is issued.
- (f) No vegetation shall be removed from a landform unless it has been approved in a development permit under this section, nor shall any site preparation, excavation or filling occur without a development permit specifically authorising it.

- (g) All new buildings requiring toilet facilities will be connected to the Cowichan Bay Sanitary Sewer system, and expansions to existing docks and wharves will be accompanied with a mandatory sewage holding tank pump-out for vessels located on the dock(s), or another arrangement for dealing with sewage in an environmentally responsible fashion, to be approved and verified by the CVRD.

Architecture and Urban Design

- (h) In selecting a building design for the village, applicants are encouraged to emulate the west coast seaside vernacular architecture in the Bay. Building form, colour and architectural details which are considered to be appropriate to the Cowichan Bay Village area should be consistent (but not limited to) the diagrams shown as examples in the following Figures 4.1 through 4.3.

Figure 4.1: COMMERCIAL WAREHOUSE STYLE



Human Scale -- One to Two Story
Access to and around commercial buildings on two or three sides is preferable.

- (i) Buildings shall be designed in keeping with the west coast climate with particular attention given to rain related design with overhangs to protect walls, windows and covered walkways. The design of buildings should acknowledge the varying influence of sunlight during the day and seasonally, and take advantage of natural light.
- (j) Buildings and structures should be designed in harmony with the aesthetics of the surrounding lands and landscaping plans. All plans and building designs should promote personal and public safety.
- (k) Buildings should be human scale, and should be limited in height and mass in order to preserve views of the Bay. Where protecting views would require that building height be limited in order to offer to both visitors to the community and residents, a development permit may specify a lower height limit than the zoning bylaw.

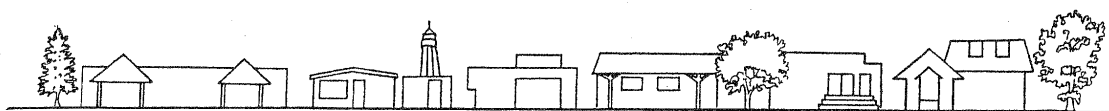
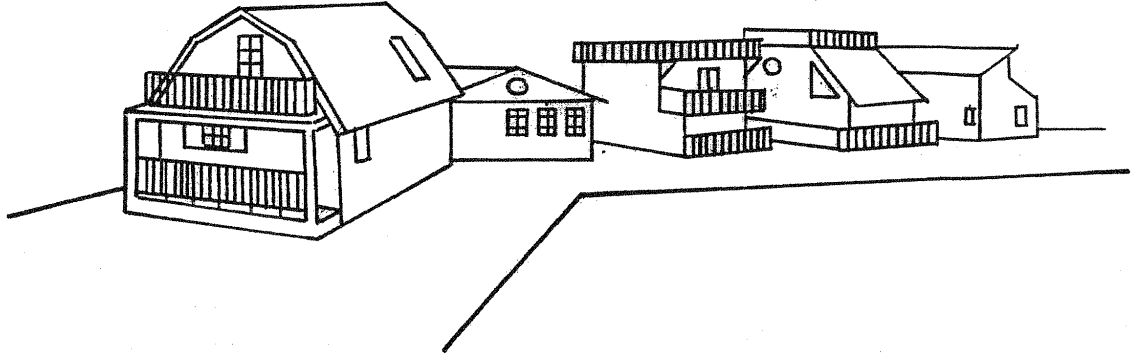


Figure 4.2: COMMERCIAL ROOF LINES AND FACADES

- (l) Building siting should be consistent with the historical pattern of building and land use in Cowichan Bay village. In the past, many buildings were not set back at all from certain parcel lines. Where this guideline may collide with a setback regulation in the zoning bylaw, considering the context of nearby buildings and structures, the CVRD may substantially vary setback and other regulations in a development permit.

Figure 4.3: HOUSEBOAT STYLE



- (m) Redevelopment of residential cottage lease sites in the Bay will be limited such that the replacement building is of a similar scale and size to the small cottages that are presently in the Bay. Preferably, the largest cottages will be one storey, possibly with a loft and dormers, and the height of these buildings should be substantially lower than the 10 metre height limit in Zoning Bylaw 1015.

Pedestrian Areas

The following guidelines are illustrated in Figure 4.4: Pedestrian Areas:

- (n) Public access to viewpoints within lease areas, overlooking the Bay will be incorporated into proposed construction projects, wherever possible.
- (o) Safe pedestrian routes across, within and between sites shall be clearly delineated by means of separate walkways, gangways, sidewalks or raised paths where they cross a parking lot or parallel Cowichan Bay Road. These pedestrian routes are encouraged to be constructed as boardwalks to emulate the marine character of the Bay while differentiating pedestrian areas from concrete or asphalt roads and parking areas. Views towards the sea are an important element of pedestrian access.

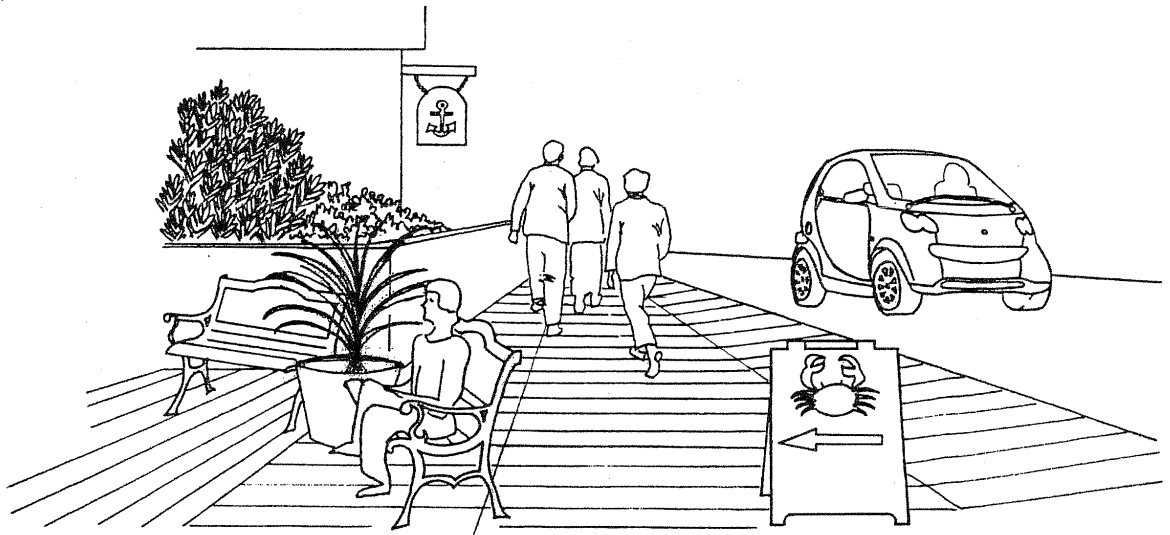


Figure 4.4: PEDESTRIAN AREAS

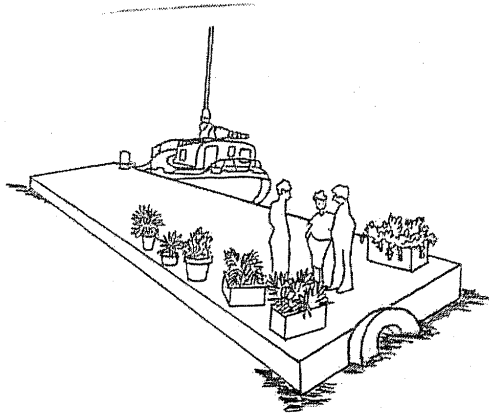
Boardwalks shall be used to differentiate pedestrian areas from vehicular areas.

Boardwalks should also be used to clearly denote public areas from semi-public, semi-private, and private areas. This can also be accomplished through other urban design solutions and the use of materials shown in Figure 4.5.

Seating shall be encouraged at viewpoints into the Bay.

Signboards, handcrafted signage.

Floating public and private dock gardens shall be encouraged



- (p) Boardwalks, edges, signage, and other urban design solutions and nautical materials shall be utilized to define public areas from semi-public, semi-private and private areas, particularly within the commercial lease areas.
- (q) Establishing pedestrian links between uses in Cowichan Bay village, Hecate Park, the Theik Reserve Path and other areas of Cowichan Bay may be achieved by means of dedicated walkways, boardwalks, and other means and is strongly encouraged.

Signs

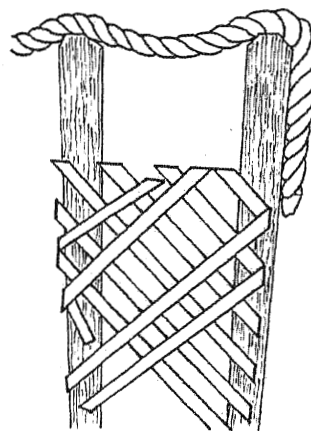
- (r) Signs should be designed to reflect the rustic and vernacular seaside architecture of Cowichan Bay village and be in harmony with the landscaping plans for the site, but shall be limited in height and area, commensurate with the site characteristics. If multiple signs are required, they should be grouped and shared and fluorescent lighting should not be used. Frontal lighting with incandescent bulbs is preferred.
- (s) The use of thematic, painted, wooden signs shall be encouraged over other types of signage. The use of handcrafted signs is encouraged. Illuminated, roof-mounted signs are prohibited within Cowichan Bay village.

Materials

- (t) The use of natural materials in urban design and for exterior finishing of buildings and structures shall be encouraged for all uses locating in the area. Unless prohibited for safety reasons, the following materials shown and listed below in Figure 4.5 shall be encouraged:

Figure 4.5: Materials

Board and Battens
Bricks
Clapboard
Driftwood
Lattice
Netting
Piers and Pilings
Rope
Sails
Shakes
Shingles
Wood Plank



Lighting

- (u) Parking areas and pedestrian routes should be well lit, with lamp standards appropriate in design for the village area, without glare to other lands and roads.

Landscaping

- (v) Landscaping shall be provided for all sites. The objective is presentation of an attractive site to residents.
- (w) Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA). Safety from crime should be considered in landscaping plans.

Vehicular Access

- (x) All vehicle access points, circulation patterns and parking layouts will be designed in such a way as to minimise impact upon Cowichan Bay Road.
- (y) Vehicle access points, pedestrian pathways, and parking and circulation patterns shall be physically linked and, where feasible, shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. Unnecessary duplication of access points is strongly discouraged.

Underground Wiring

- (z) Underground wiring is encouraged.

Parking

- (aa) In order to maintain the unique character of Cowichan Bay village, off-road parking standards for new uses locating in the area may be reduced where development has specific regard for maintaining the area's character. The CVRD will consider creating a parking service bylaw for Cowichan Bay, in which case cash in lieu of onsite parking may be accepted in where off-street parking cannot be provided by a proponent, in order to build and operate common parking facilities in the vicinity of the village.

13.4.7 APPLICATION REQUIREMENTS

Prior to issuing a Development Permit within COWICHAN BAY VILLAGE DEVELOPMENT PERMIT AREA the Regional Board requires applicants to furnish at their expense a development permit application which shall include:

- 1) A fee in the amount prescribed by the Regional District's Development Application Procedures and Fees Bylaw;
- 2) A description of the project;
- 3) Survey plans indicating the:
 - location of the project;
 - existing natural features, including vegetation;
 - all existing and proposed buildings and structures;
 - all existing and proposed property boundaries; and, location of all site improvements including proposed access and egress, site drainage, proposed lighting, surfacing, parking areas, refuse storage areas, signage and site landscaping.
- 4) Building elevations for road frontage and their relationship to adjacent uses and structures;
- 5) A report by a professional engineer, (P.Eng.), licensed to practice in British Columbia on the measures necessary to protect proposed uses from flooding and wave action.



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 27, 2009
FROM: Dana Beatson, Planner
SUBJECT: Potential Rezoning Application Process
Cowichan River Bible Camp

Action:

Direction from the Committee is requested.

Purpose:

To seek direction from the Committee with regards to a potential rezoning process for 5070 West Riverbottom Road in Electoral Area F.

Background:

Location of Subject Property: 5070 West Riverbottom Road

Legal Description: Lot 3, P Section 6, Range 5, Sahtlam District, Plan 2271 Except That Part Thereof Lying To The South Of Sahtlam Road And to The West and North West Respectively of Boundaries Parallel To and Perpendicularly Distant 100 Feet From the Westerly and North Westerly Boundaries of Said Lot and The Productions of Said Boundaries and Except Part In Plan 32679.

Date Application and Complete Documentation Received: January 4, 2008

Owner: Cowichan River Bible Camp Inc.

Size of Parcel: \pm 30 ha (\pm 76 acres)

Existing Zoning: P-1 (Parks 1 Zone)

Minimum Lot Size Under Existing Zoning: none

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Existing Plan Designation: River Corridor

Existing Use of Property: Bible Camp

Existing Use of Surrounding Properties:

North:	Private Land
South:	Cowichan River
East:	Private Land
West:	Cowichan River Provincial Park

Services:

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified a TRIM Stream with confirmed fish presence on the subject property and a TRIM Stream with possible Fish Presence on the property. A wetland has also been identified on the southern portion of the property.

Archaeological Site: There are no known archaeological sites.

The Proposal:

A request has been made by Mr. Gerald Wall Director of the Cowichan River Bible Camp to amend the Area 'F' Zoning Bylaw by rezoning the subject property from P-1 (Parks 1 Zone) to P-2 (Institutional 2 Zone).

Planning Division Comments:

In December 2007 an inquiry was made by Gerald Wall General Director of the Cowichan River Bible Camp regarding the zoning of the subject property. The property currently contains institutional uses including a church, cabins and campgrounds.

Staff began compiling information in response to this inquiry and noticed that the P-1 zone does not permit institutional uses. Staff informed the Mr. Wall that the current uses were not permitted on the property. Mr. Wall advised staff that the P-1 zone in the previous Area F zoning bylaw (Bylaw No. 1000) had permitted the bible camp and other institutional uses and he suspects that when the new Electoral Area F Zoning Bylaw was adopted (Bylaw No. 2600) in 2006 a mistake was made and the property remained within the P-1 zone when it should of been placed within the P-2 zone.

A copy of the P-1 zone from Zoning Bylaw No. 1000 and Zoning Bylaw No. 2600, including a complete list of permitted uses, are attached to this report. Additionally, a copy the definitions for institution from both zoning bylaws and a copy of the P-2 zone extract from Zoning Bylaw No. 2600 have been attached.

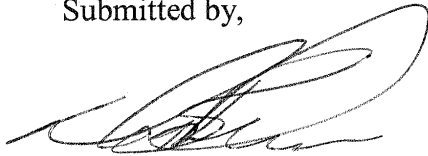
There does not appear to be any records indicating why the property was left within the P-1 zone after Bylaw No. 2600 was adopted. Because the property remains in the P-1 zone the bible camp and accessory uses are considered legal non-conforming and in accordance with Section 911 of the *Local Government Act* the non-conforming use of the property cannot be permitted on a scale or to an extent greater than at the time of adoption of the bylaw.

With regards to moving this request forward, the CVRD could initiate a bylaw amendment that would rezone the subject property from P-1 to P-2. Alternatively, the CVRD could direct the applicant to apply for the rezoning application, which would then be considered in due course.

Options:

- 1) To direct staff to initiate the appropriate bylaw amendments that would rezone the subject property P-1 (Parks 1 Zone) to P-2 (Institutional 2 Zone).
- 2) To request that Cowichan River Bible Camp Inc make application to rezone the subject property from P-1 (Parks 1 Zone) to P-2 (Institutional 2 Zone).

Submitted by,

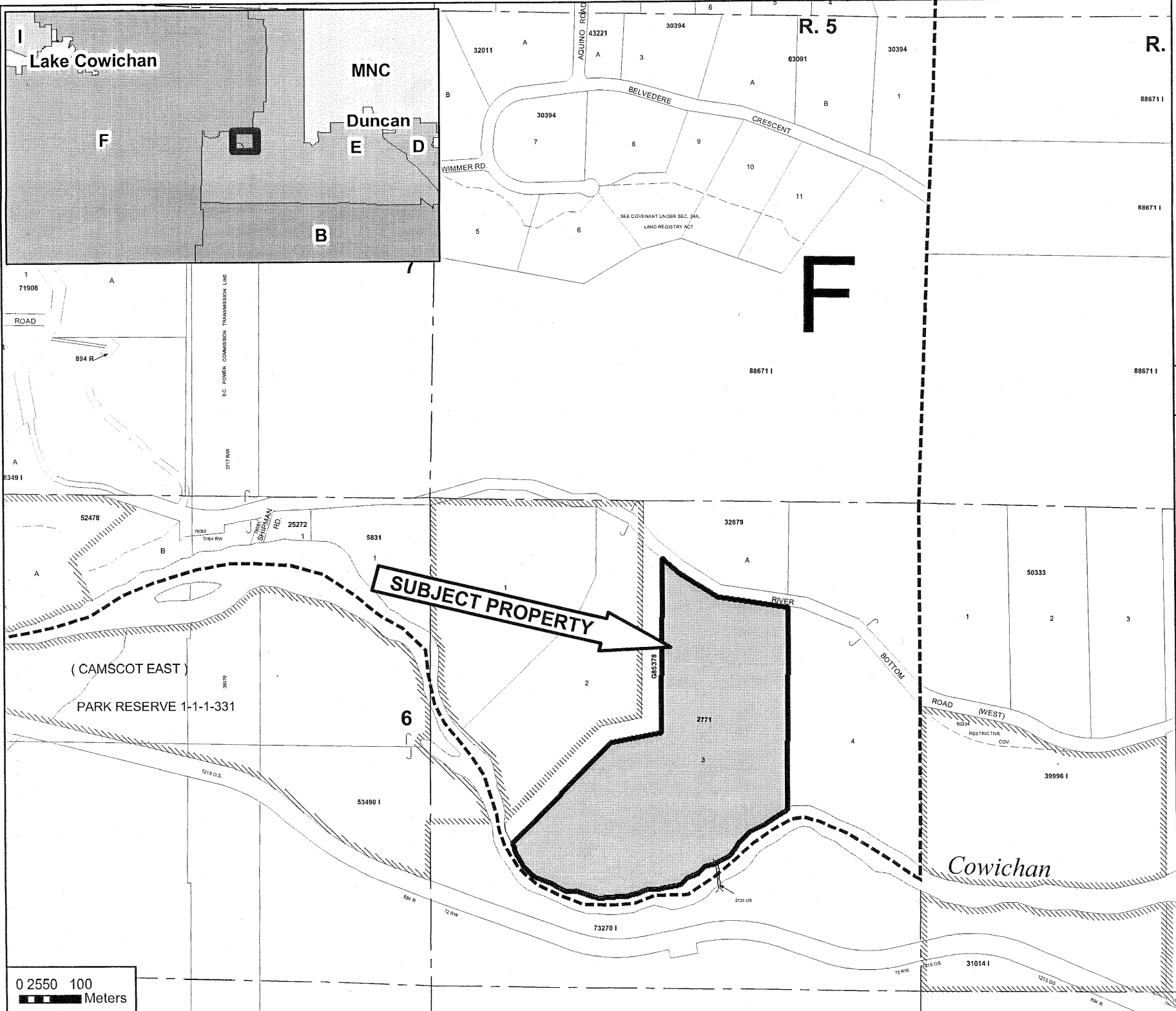


Dana Beatson,
Planner
Development Services Division
Planning and Development Department

DB/ca

Department Head's Approval:

Signature



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.

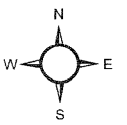
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

Cowichan River Bible Camp

Legend

 Subject Property



000144



Cowichan
Valley
Regional
District

000145

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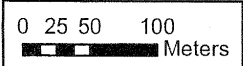
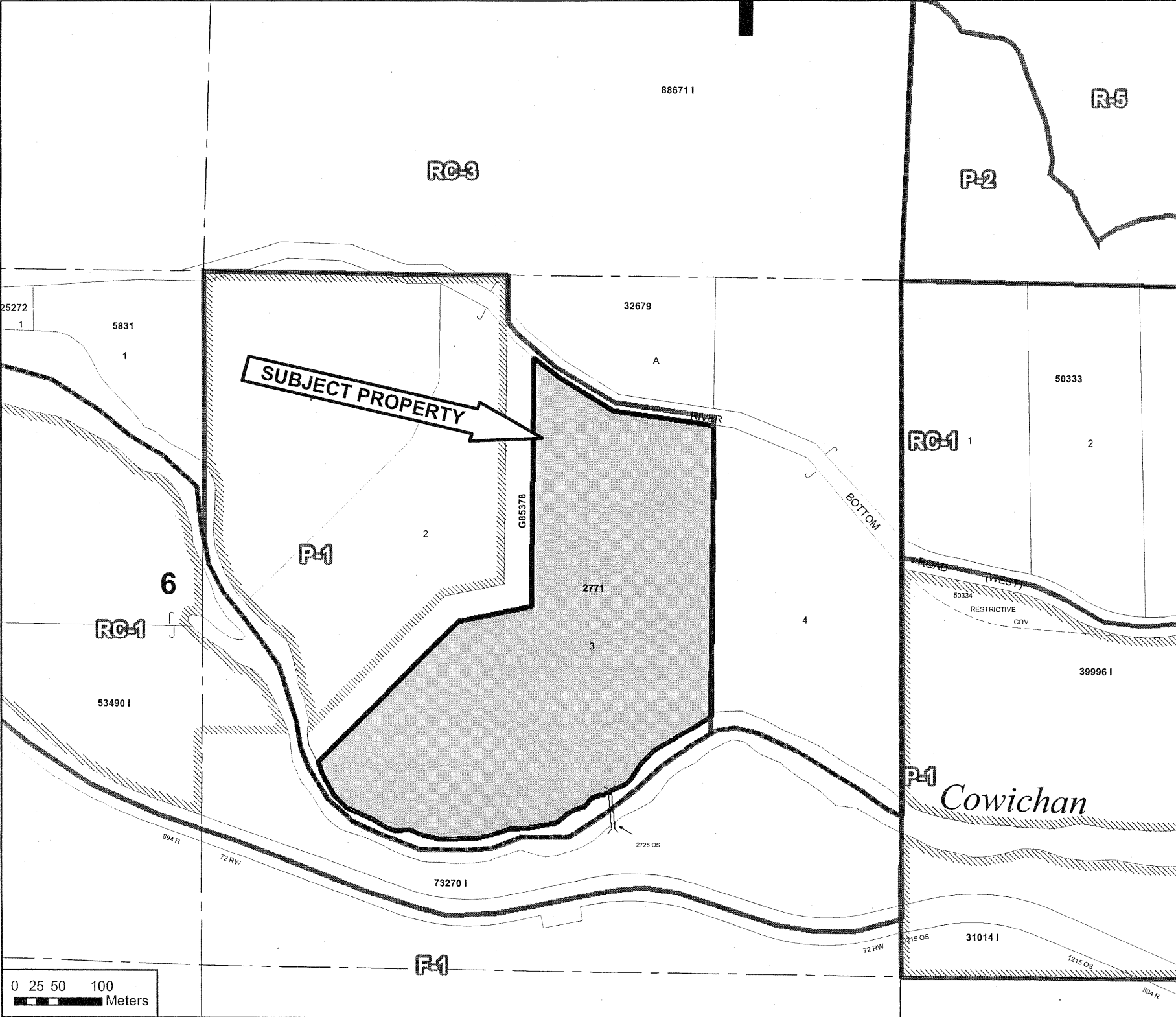
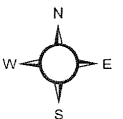
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**Cowichan River
Bible Camp**

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area F





Cowichan
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Regional
District

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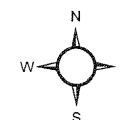
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**Cowichan River
Bible Camp**

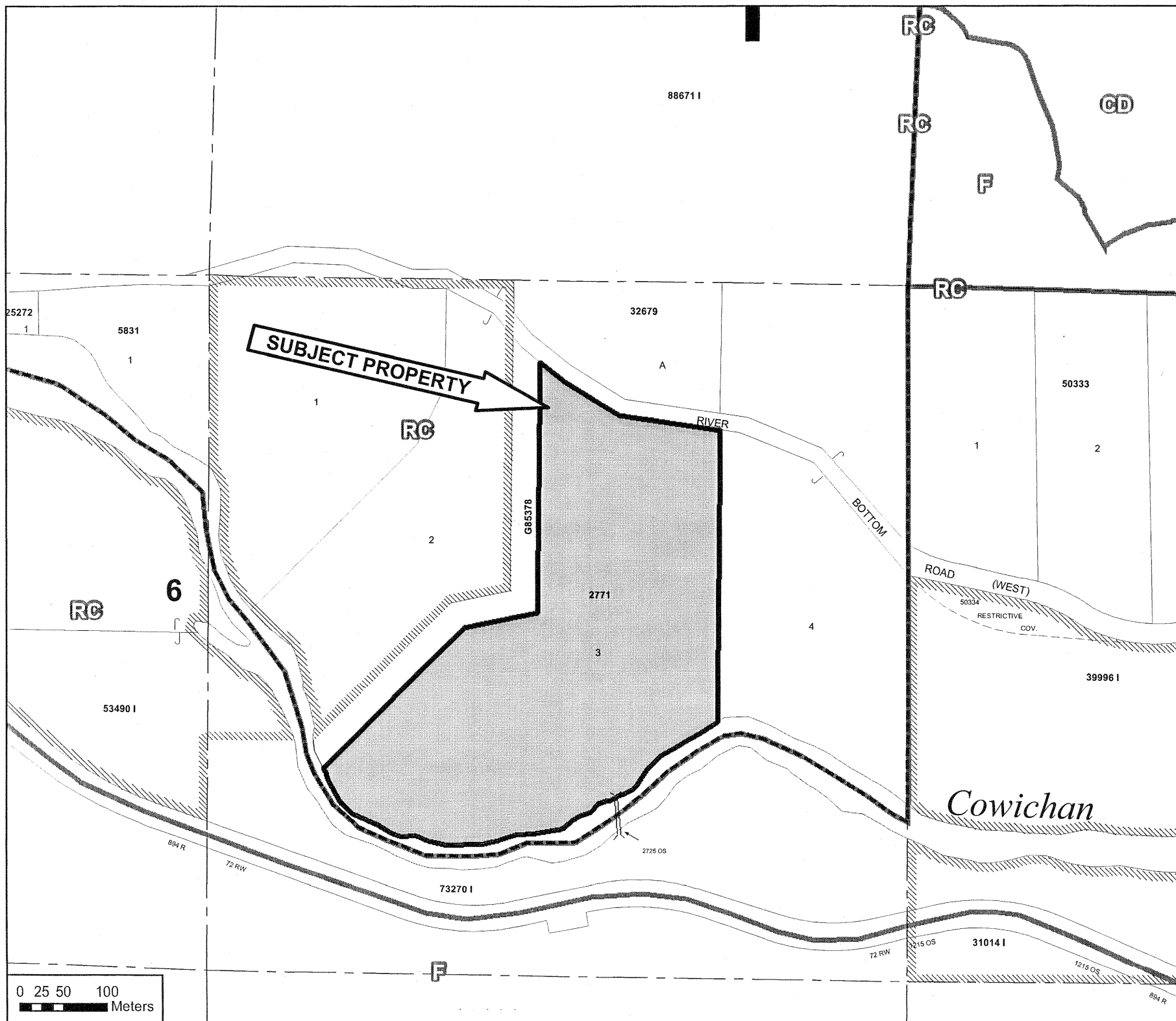
OCP

Legend

-  Subject Property
-  OCP Electoral Area F



000146



0 25 50 100
Meters



Cowichan
Valley
Regional
District

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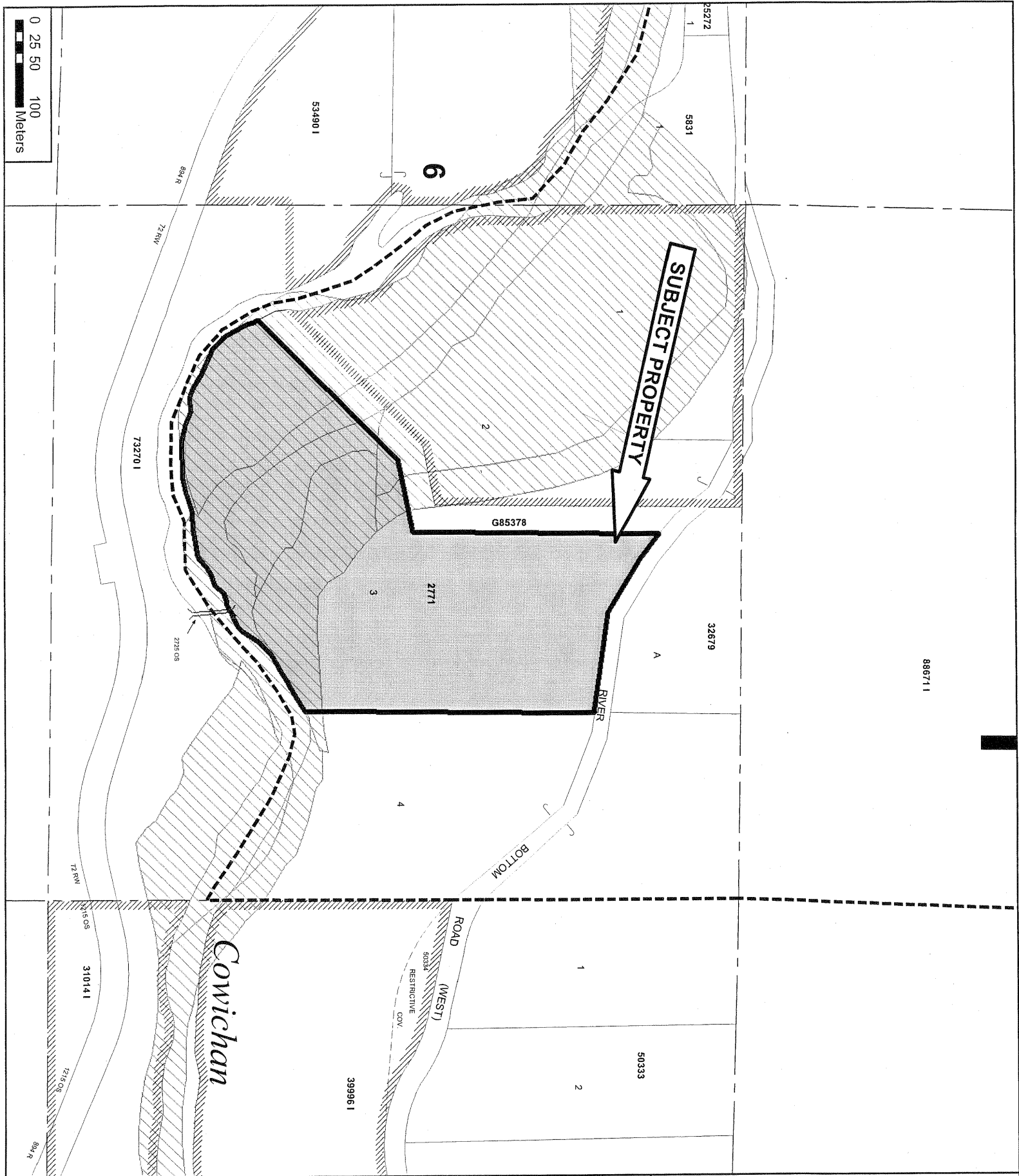
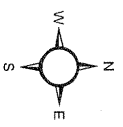
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Cowichan River
Bible Camp

Sensitive Ecosystem Inventory

Legend

 Subject Property
SEI 2004





Cowichan
Valley
Regional
District

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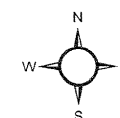
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**Cowichan River
Bible Camp**

**Orthophoto
(2004)**



0 25 50 100
Meters

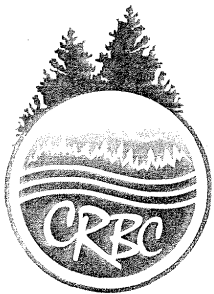
SUBJECT PROPERTY



RIVER

WEST

Cowichan



Cowichan River Bible Camp

RECEIVED
C.V.R.D.

JAN 05 2008

January 04, 2008

Planning Department C.V.R.D.

Dear Leslie Clarke

Re: Part Lot 3, Plan 2771, Section 6, Range 5, Sahtlam Land District, S of Sahtlam Rd. & East of 100' strip, PID 006-381-073 located at 5070 Riverbottom Rd. W.

Please consider this our formal request to change the zoning of the above noted property from P-1, Parks 1 Zone **to** P-2, Institutional Zone. It has come to our understanding that our usage is in contravention of our current zoning. Should you have any questions, please refer to C.V.R.D. letter dated Dec. 12, 2007.

Thank you for your attention to this matter.

Yours truly,

Gerald Wall

General Director

SEE ENCLOSED

000149

PART TEN

PARK AND INSTITUTIONAL ZONES

10.1 P-1 ZONE - PARKS AND INSTITUTIONAL

(a) Permitted Uses

The following uses and no others are permitted in a P-1 Zone:

- (1) institution;
- (2) assembly use;
- (3) civic use, transportation facility including airport;
- (4) ecological reserve, public park, greenbelt;
- (5) public botanical garden;
- (6) personal care facility;
- (7) public school, private school, including boarding facilities;
- (8) utility, including telecommunication facilities; and
- (9) one single family residential dwelling unit per parcel.

(b) Conditions of Use

For any parcel in a P-1 Zone:

- (1) the parcel coverage shall not exceed 40 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 12.0 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	6.0 metres
Side	6.0 metres
Rear	6.0 metres

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ZONING BYLAW

No. 1000

"institution" includes an arena, armory, cemetery, college, community centre and community hall, court of law, fire hall, hospital, library, municipal office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool;

"interior side parcel line" means a parcel boundary between two parcels other than a front, rear or exterior side parcel line;

"kennel" means the use of a parcel, building, or structure for the boarding or breeding of dogs and cats;

"lane" means a highway which provides a second access to a parcel and is less than 11 metres wide;

"mobile home" means any structure containing one dwelling whether ordinarily equipped with wheels or not that is designated, constructed or manufactured to be moved from one place to another by being towed or carried but does not include travel trailers, campers or other vehicles exempt from the provisions of the Mobile Home Act;

"mobile home park" means land used or occupied by a person for the purpose of providing space for the accommodation of mobile homes either on a rental or ownership basis;

"mollusc" means any of the soft bodied invertebrates usually protected by a calcareous shell of one or more pieces and including clams, oysters, mussel and scallop;

"motel" means a building which contains sleeping units and may contain auxiliary assembly, commerce, entertainment, indoor recreation or restaurant uses and premises licensed to serve alcoholic beverages;

"neighbourhood shopping centre" means a group of retail stores, offices and service establishments having a gross floor area of less than 1400 square metres;

"parcel" means any lot, block or other area in which land is held or into which it is subdivided including water lease lots, but does not include a highway;

"parcel coverage" means the gross floor area of buildings on a parcel expressed as a percentage of the parcel area;

"parcel width" means the distance between two side parcel lines measured at a point at which a principal building is or is to be established, and in no case shall such a dimension be measured within the panhandle portion of a panhandle lot;

"passive recreation" means outdoor recreation activities which does not involve the use of buildings and structures;

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

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No. 1000

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5.23 P-1 PARKS 1 ZONE

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

1. Permitted Uses

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

- a. Public park;

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

- b. Buildings and structures directly related to the park use;
- c. Park caretaker's residence.

2. Number of Dwellings

Not more than one single family dwelling is permitted on a parcel in the P-1 Zone.

3. Setbacks

The minimum setbacks in the P-1 Zone is 6.0 metres from all parcel lines, for all buildings and structures.

4. Height

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

5. Parking and Loading

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

5.24 **P-2 INSTITUTIONAL 2 ZONE**

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

1. **Permitted Uses**

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

- a. Institutional use;

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

- b. Buildings and structures accessory to a principal permitted use;
- c. Temporary stay accommodation accessory to a principal permitted use;
- d. Camping accessory to a principal permitted use;
- e. Single family dwelling or caretaker's residence.

2. **Prohibited Uses**

Notwithstanding the definition of "institutional use", no parcel, building or structure in the P-2 Zone shall be used:

- a. as a treatment facility for drug or alcohol addicted persons;
- b. as a halfway house or detention facility for recently-released prisoners or young offenders.

3. **Minimum Parcel size**

The minimum parcel size in the P-2 Zone is:

- a. 0.2 ha for parcels served by a community water system and a community sewer system;
- b. 0.4 ha for parcels served by a community water system only;
- c. 1.0 ha for parcels not served by community water or community sewer systems.

4. **Density**

The following density limits apply in the P-2 Zone:

- a. Not more than one single family dwelling or caretaker's residence is permitted per parcel;
- b. Not more than 40 temporary stay accommodation units (other than campsites) are permitted in a P-2 Zone;
- c. In addition to the density permitted above, non-commercial camping sites accessory to a principal permitted use are permitted in a P-2 Zone, in addition to the 40 temporary stay accommodation units in (b), provided appropriately-sized and VIHA-approved sewage disposal methods are in place for the total density on the parcel.

5. **Setbacks**

The minimum setbacks in the P-2 Zone is 6.0 metres from all parcel lines, for all buildings and structures.

6. **Height**

In the P-2 Zone, the height of all buildings and structures shall not exceed 10 metres, except in accordance with Section 3.9 of this Bylaw.

7. **Parcel Coverage**

The parcel coverage in the P-2 zone shall not exceed 40% for all buildings and structures.

8. **Parking and Loading**

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

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No. 2600	

"family" means:

- a. a person or persons related by blood, marriage, adoption or foster parenthood living within one dwelling; or
- b. not more than five unrelated persons sharing one dwelling;

"fence" means a freestanding structure and includes arbour, archway, gate, screen, trellis and wall, including retaining wall, but does not include hedges and similar landscaping;

"fish farm" means a facility for the commercial growing and rearing of farmed fish;

"floor area" means the space on any storey of a building between exterior walls and required firewalls, measured from the inside of the exterior walls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosing assemblies;

"front parcel line" means a parcel boundary common to a parcel and a highway other than a lane, provided that where a parcel is adjoining the intersection of two highways, the front parcel line is the shortest parcel boundary adjoining a highway other than a lane;

"gross floor area" means the total floor area of all buildings on a parcel measured to the outer limits of each building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, and excluding auxiliary parking, unenclosed swimming pools, balconies or sun decks, elevators or ventilating equipment;

"group home" means a community care residential facility that is licensed by the province pursuant to the *Community Care Facility Act*, serving no more than the maximum number of residents permitted by the Act;

"ha" means hectares, a measure of land equivalent to 10,000 m² (square metres);

"height" means the vertical distance from the average existing natural grade (or the surface water at high water/tide) at the perimeter of a building or structure, to the highest point of the building or structure;

"high water mark" means the natural boundary as defined in this Bylaw;

"highway" means a way open to public use, and includes a street, road, lane, bridge, viaduct, but does not include a private right-of-way or easement on private property;

"home-based business" means a profession, occupation, business or craft and the sale of the services and goods, where such activities are carried on as an accessory use in a dwelling or accessory building to the dwelling;

"horticulture" means the practice of growing flowers, fruits, vegetables or ornamental plants, and excludes mushroom farming;

"hotel" means a building or buildings used for the temporary accommodation of persons, which contains sleeping units and may contain accessory assembly, convention, entertainment, restaurant, indoor recreation and retail sales uses;

"institutional use" includes, but is not limited to: an ambulance station, arena, armoury, artist/artisan centre and retreat, assembly use, civic use, college, community centre, community hall, fire hall, government office, health and wellness centre and retreat, hospital, library, outdoor recreation use, park, playground, police station, post office, public art gallery, public botanical gardens, public museum, public swimming pool, religious facility and retreat, school, stadium, and utility;



D8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 13, 2009

FROM: Dana Beatson, Planner

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

Action:

Direction from the Committee is requested.

Purpose:

To consider if the proposed bylaw amendments for application 1-F-06RS should be given first and second reading and a public hearing scheduled.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

An application to amend the Area 'F' Zoning Bylaw and Area 'E' and Part of Area 'F' Official Community Plan to permit residential uses on the subject property located at the junction of Kapoor Road and Old Cowichan Lake Road was considered at the April 7, 2009 EASC meeting. The Committee recommended that the application be referred back to staff for clarification.

In mid April, 2009 Planning and Development staff participated in a telephone conference call with the applicant Mr. Cooper. At that time staff advised Mr. Cooper that he may want to consider amending his rezoning application in order to address some of the concerns raised by the Electoral Area Services Committee at the meeting on April 7th. Staff suggested that the applicant remove the area of land lying west of the BC hydro right-of-way from the rezoning application and proceed in only rezoning the land lying east of the hydro right-of-way. For the land on the east side of the hydro right-of-way staff suggested that the applicant develop a conceptual subdivision plan which would include two parcels plus a remainder. The applicant indicated that he would think about his options and inform staff about his decision.

In May 2009 staff received an amended rezoning application and a revised conceptual subdivision plan from Mr. Cooper (see attached plan). Mr. Cooper is proposing to rezone the lands east of the hydro right-of-way from F-1 (Forest Resource 1 Zone) to R-1 (Rural Residential 1 Zone) and is proposing to leave the lands west of the hydro right-of-way under its current F-1 zoning. The

000155

existing hydro right-of-way will form the zoning boundary between the F-1 and the R-1 lands. There is approximately 9.1 ha (22.5 acres) of land on the east side of the hydro right-of-way and according to the attached plan Mr. Cooper is proposing to subdivide the land into four lots for residential use. Proposed lots 1 and 2 are 2.0 ha each and would be accessed off of Old Lake Cowichan Road, proposed lot 3 is 3.2 ha and would have access to Old Lake Cowichan Road via a panhandle, and proposed lot 4 is 2.4 ha. It should be noted that Mr. Cooper is proposing to gift lot 4 to the CVRD as parkland. In addition, there is a 6 metre wide statutory right-of-way to accommodate a trail corridor which will run north from lot 4 where it will exit at the north-east end of the property.

The Area F Parks and Trails Commission has not had the opportunity to review this revised application. The CVRD Parks Department will be receiving a copy of this report for review and the matter of park dedication will be referred to the Electoral Area F – Cowichan Lake South/Scutz Falls Parks Commission for their comment and input on the proposed park dedication. If this application moves forward, Planning staff are recommending that the CVRD receive the Area F Parks and Recreation Commission comments prior to the scheduling of a public hearing.

Planning Division Comments:

There are three key differences between Mr. Cooper's current application and the application the Electoral Area Services Committee considered at their meeting on April 7. Firstly, Mr. Cooper is no longer applying to rezone the 20 hectare portion of land on the west side of the hydro right-of-way. Second, the applicant is proposing 4 lots on the east side of the hydro right-of-way rather than two lots. Thirdly, Mr. Cooper is proposing that lot 4 be gifted to the CVRD as parkland. This proposed parkland represents approximately 26% of the total land on the east side of the hydro right-of-way.

The staff report that was considered by the Committee on April 7, 2008 is provided as an attachment to this report. Drafts of the proposed amendment bylaws are also attached.

Options:

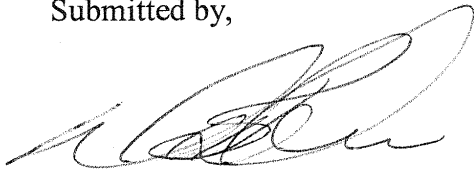
1. That a Zoning Amendment Bylaw to rezone a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, from Forestry Resource 1 (F-1) to Rural Residential 1 (R-1) be prepared and forwarded to the Regional Board for first and second reading;

That 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; and

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

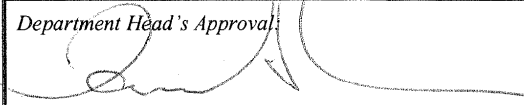
2. That application 1-F-06RS (Cooper) be denied.

Submitted by,



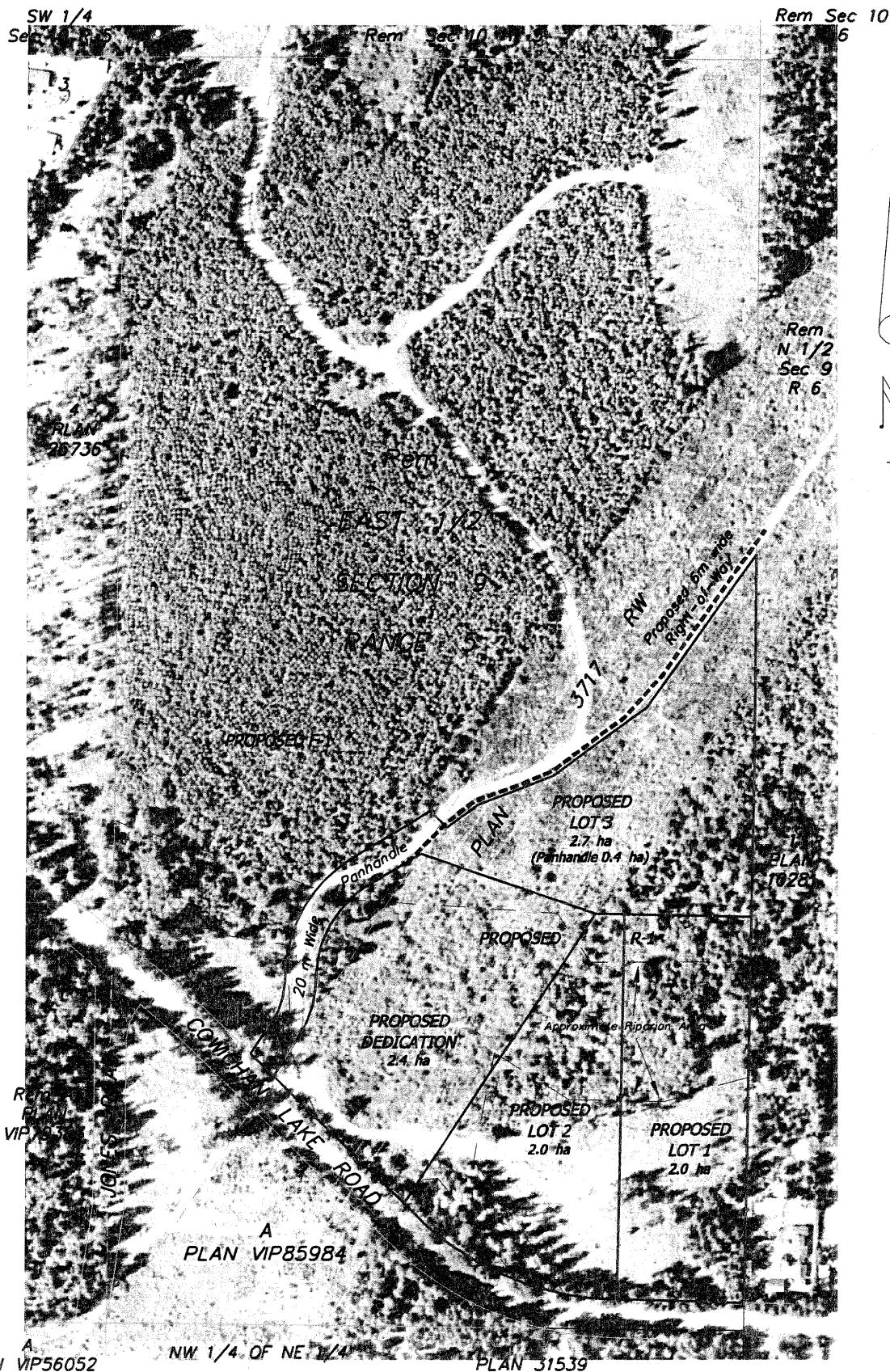
Dana Beatson,
Planner
Development Services Division
Planning and Development Department

DB/ca
Attachments

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

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

SCALE 1:2500 50 0 50 100 150 metres





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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

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

Action:

Direction from the Committee is requested.

Purpose:

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

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

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

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

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Planning Division Comments:

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

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

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

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

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

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

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

Options:

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

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

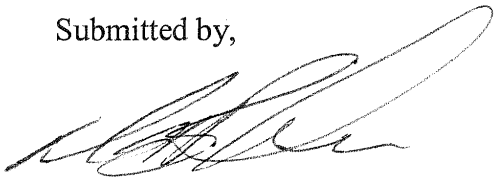
That a Zoning Amendment Bylaw to rezone a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, from Forestry Resource 1 from Forestry Resource 1 (F-1) to Forestry/Residential (F-2A) be prepared and forwarded to the Regional Board for first and second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

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

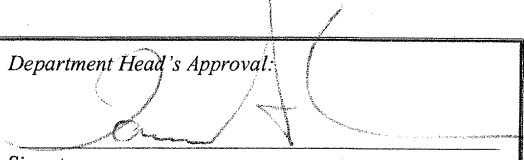
That a public hearing be scheduled for the Zoning and OCP Amendment Bylaws with Directors Morrison, Marcotte, and Dorey named as delegates.

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

Submitted by,



Dana Beatson,
Planner
Development Services Division
Planning and Development Department

Department Head's Approval:

Signature

DB/jh

000161



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO.

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

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

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

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

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

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

1. **CITATION**

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

2. **AMENDMENTS**

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

3. CAPITAL EXPENDITURE PROGRAM

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

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

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

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

ADOPTED this _____ day of _____, 2009.

Chairperson

Secretary



C·V·R·D

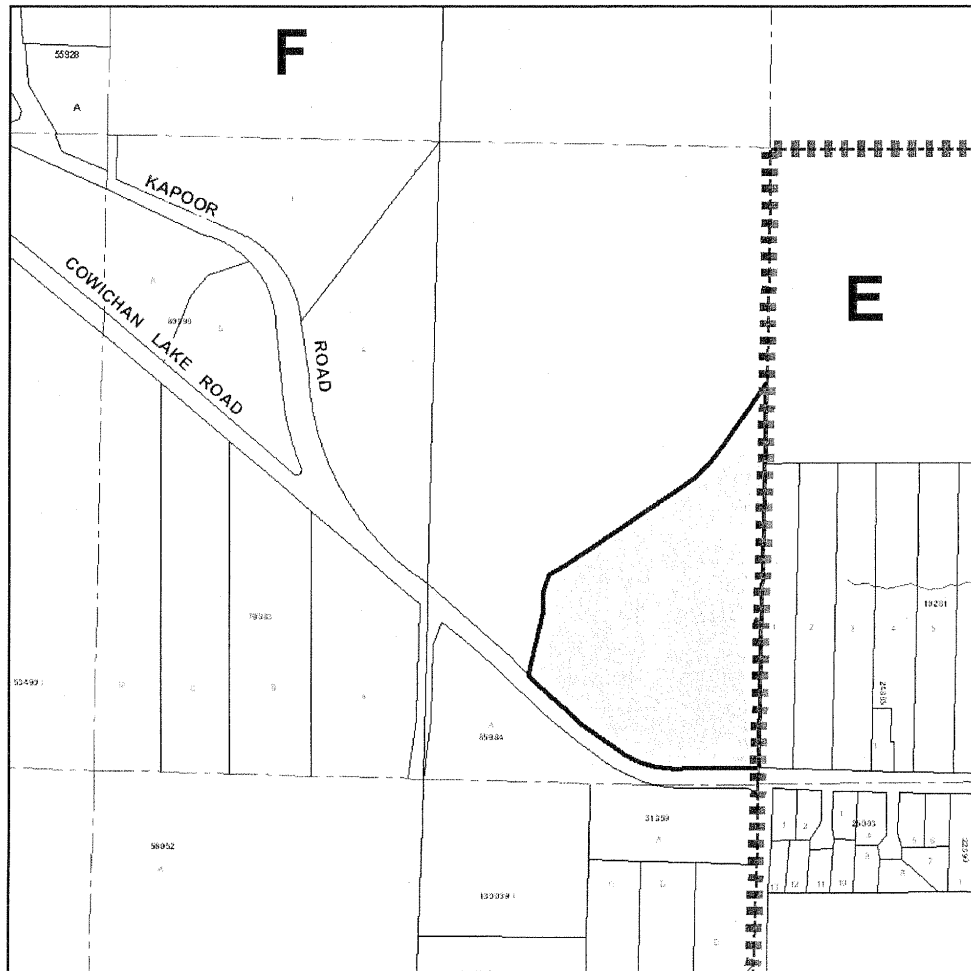
SCHEDULE "A"

To CVRD Bylaw No.

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

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

Abstract



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry **TO**

Suburban Residential	APPLICABLE
----------------------	------------

TO ELECTORAL AREA _____



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No.

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

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

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

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

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

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

1. CITATION

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

2. AMENDMENTS

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

.../2

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

3. **FORCE AND EFFECT**

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

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

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

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

ADOPTED this _____ day of _____, 2009.

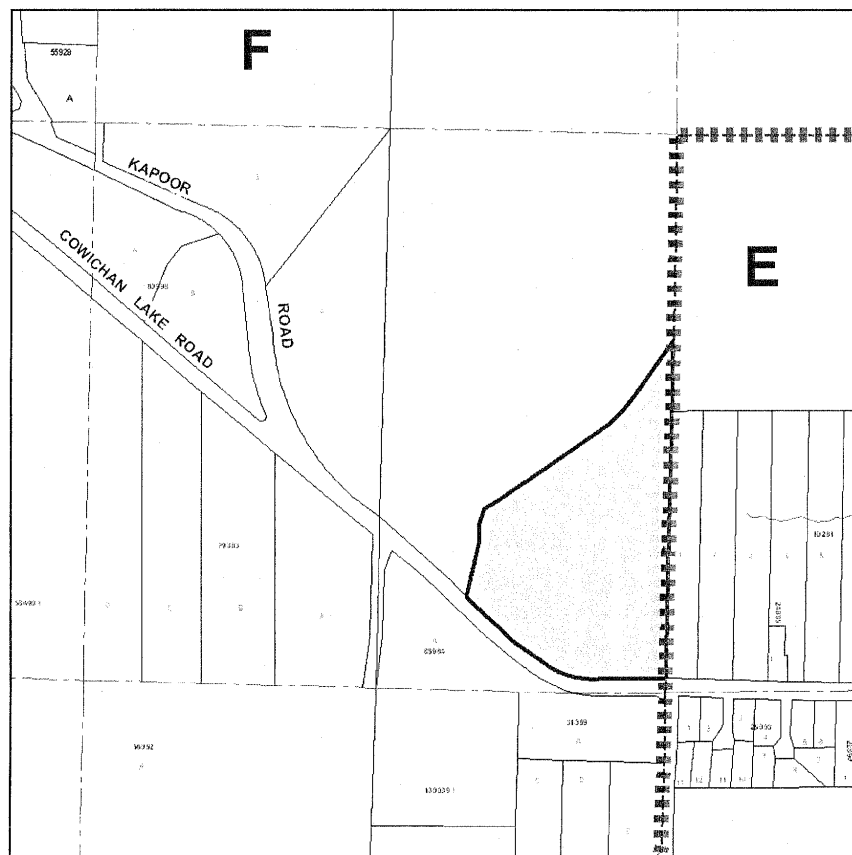
Chairperson

Secretary

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PLAN NO. _____ Z-

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1

TO

R-1

APPLICABLE

TO ELECTORAL AREA _____



SR1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 25, 2009

FILE NO:

FROM: Administrator

BYLAW NO:

SUBJECT: CVRD Costs – Training Sessions

Recommendation:

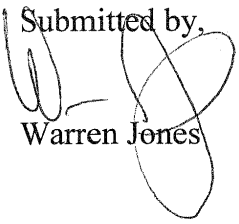
To be received for information.

Background:

In January 2009 at an Electoral Area Services Committee meeting, a request was made to bring forward the costs of the three (3) "training sessions" that were organized following the 2008 Local Government General Elections. The Committee will recall that the CVRD, City of Duncan, Town of Ladysmith, Municipality of North Cowichan and Town of Lake Cowichan jointly sponsored these workshops facilitated by George Cuff, Eli Mina and Bull, Housser, Tupper.

CVRD Directors, Alternates and senior staff were invited to attend the three (3) sessions. The total CVRD cost of all the training sessions was \$2490.44. A more detailed breakdown is attached to this report for information. From staff's perspective the jointly sponsored events were an effective and economical way to provide information and training.

Submitted by,


Warren Jones

000169



MEMORANDUM

DATE: May 25, 2009

FILE NO:

TO: Administrator

FROM: Allison Nelson, Executive Assistant

SUBJECT: New Director Training Workshops – CVRD Share

Warren,

As requested, to follow is a breakdown of costs for the three (3) workshops held after the November election.

Governance Workshop - George Cuff (December 11, 2008):

Total cost: \$4,426.17 CVRD share (24 people): \$1,106.55 **Cost per person: \$46.11**

Eli Mina Workshop (January 17, 2009):

Total cost: \$4,953.10 CVRD share (19 people): \$1,299.32 **Cost per person: \$68.39**

Bull, Housser, Tupper (January 22, 2009) / *provided at no cost by Bull, Housser, Tupper:*

Total cost: \$422.88 CVRD share (13 people): \$84.57 **Cost per person: \$6.51**

Allison Nelson



SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 27, 2009

FILE NO:

FROM: Brian Farquhar, Parks and Trails Manager

BYLAW NO:

SUBJECT: Campground Closures

Action:

For information purposes.

Purpose:

To provide information that has been received by the Ministry of Environment respecting closure of campgrounds at Koksilah Provincial Park and Skutz Falls.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

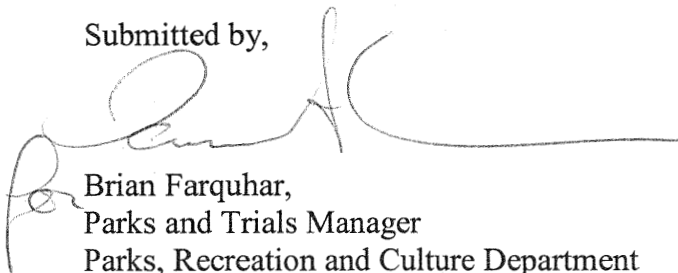
Background:

The following resolution was passed at the April 7th EASC meeting:

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.

A letter was sent to the Ministry on April 28th and the attached response has been received.

Submitted by,



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

/ca
attachment

000171

May 22, 2009

File: 85700-40/ Cowichan River Park
85700-40/ Koksilah Park

Brian Farquar
Manager, Parks and Trails Division
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

Dear Mr. Farquar:

Thank you for your letter dated April 28, 2009 regarding the closure of campgrounds at Koksilah Provincial Park and Skutz Falls, adjacent to Cowichan River Provincial Park.

As I previously indicated, there are outstanding legal issues associated with the campground at Skutz Falls on Indian Reserve #8 which do not allow for continued operation of the campground at this time. BC Parks is working with Cowichan Tribes First Nation and the federal government to determine the legal requirements and the most appropriate future use of this site, which may include a campground.

The closure of the campground at Koksilah Park was due to a combination of significant budget pressures and a long history of concerns expressed by local residents, government agencies and stakeholders with the variety of ongoing unauthorized activities (parties, vandalism, and garbage) at this site. Our annual average campground attendance at this site totalled 70 camping parties per year. As you know, the park will remain open as a day use area with operation and maintenance continuing to be funded by BC Parks and provided by our park facility operator.

.../2

We thank you for your comments and appreciate your understanding of this situation.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Closson", with a stylized flourish at the end.

Don Closson
Cowichan Area Supervisor
Vancouver Island Region
Parks and Protected Areas
Ministry of Environment

bc: Chris Kissinger, A/Regional Manager
Andy Macdonald, Section Head
Sydney Martin, Recreation Services Specialist



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 27, 2009

FILE NO: CHR

FROM: Catherine Tompkins, Planner III

SUBJECT: Community Heritage Register - Kinsol Trestle

Recommendation:

1. That the following resolution to create a Community Heritage Register (CHR) be adopted:

WHEREAS the Cowichan Valley Regional District, pursuant to the provisions of Section 954 of the *Local Government Act*, may, by resolution, establish a local government community heritage register;

AND WHEREAS the Board of Directors wishes to establish a local government heritage register for the benefit of the following electoral Areas: Electoral Areas A, B, C, D, E, F, G, H, and I;

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

1. Citation
This resolution may be cited for all purposes as "Cowichan Valley Regional District Community Heritage Register Resolution No. xxxx"
2. Establishment of the Register
 1. In the Cowichan Valley Regional District, a Community Heritage Register is established called the "Cowichan Valley Regional District Heritage Register"
 2. The Board may maintain the Community Heritage Register in the CVRD Community Heritage Conservation Service Area;
 3. For the purposes of maintaining a Community Heritage Register, the following provisions in relation to the heritage properties shall apply:
 - a) *Local Government Act*
Section 954 – Community Heritage Register;
Section 974 – Giving Notice to owners and occupiers;
Section 977-Giving Notice to the minister responsible for the *Heritage Conservation Act*

000174

3. Participating Areas

1. The boundaries of the extended service area are the entire Cowichan Valley Regional District, excluding the member municipalities.
2. The participants in the Community Heritage Register established in clause 2.1 are the following: , which encompasses lands within Electoral Areas A, B, C, D, E, F, G, H, and I.

4. Amendment to the Community Heritage Register

1. The Regional District Board may add or remove a building, structure, landscape, artifact, or site from the Community Heritage Register by resolution. The owners of the subject building, structure, landscape, artifact, or site shall be advised of the Board's decision pursuant to Section 974 of the *Local Government Act*.

2. That the Board place the Kinsol Trestle on the CVRD Community Heritage Register.
3. That the Planning and Development Department initiate a process for on-going implementation of the CHR.

Purpose:

To establish a Community Heritage Register (CHR) for the electoral areas of the Cowichan Valley Regional District, and to place the Kinsol Trestle on the Community Heritage Register.

Financial Implications:

Placing the Kinsol Trestle on a CVRD Community Heritage Register enables the CVRD to apply for funding from the provincial and federal levels of government.

Interdepartmental/Agency Implications:

Establishing a Community Heritage Register allows for a greater degree of both interdepartmental and interagency involvement in heritage conservation.

Background:

This report is intended to provide a resolution to establish a community heritage register (CHR) and to place the Kinsol Trestle on the CHR. Regional Board Resolution 09-126(1), passed at the regular Board Meeting of March 11, 2009 states that

“It was moved and seconded:

- 1) That the Board recognize the Kinsol Trestle as having heritage value and character, and that it be placed on a Community Heritage Register in the Cowichan Valley Regional District. “

A Community Heritage Register (CHR) can be established by a Board resolution pursuant to Section 954 of the Local Government Act. CVRD Heritage Conservation Bylaw No.1972, 1999, already establishes heritage conservation as an extended service in the CVRD electoral Areas.

When established, the CHR will allow the CVRD to integrate heritage conservation with land use planning, and to monitor and manage changes to historic places. When changes are proposed that could affect a registered historic place, the CVRD will be informed and will have a legal opportunity guide the change, hence allowing for the most effective form of conservation to occur. Placing historic places on the CHR can also enhance the CVRD's and private landowners' ability to apply for and receive funding for heritage conservation.

The first heritage resource proposed to be placed on the CHR is the Kinsol Trestle. As noted above, on March 11, 2009 the Regional Board recognized the Kinsol Trestle as having heritage value, and it has been the subject of a comprehensive process whereby a 'statement of significance' has been prepared. When the Kinsol Trestle is placed on the CHR, it will be monitored by the CVRD and will automatically be added to the British Columbia Heritage Register.

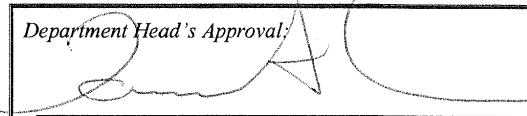
Once the Board passes a resolution establishing the CVRD Community Heritage Register (CHR), and the subsequent resolution that places the Kinsol Trestle on the CHR, it is recommended that the Planning and Development Department initiate a process for on-going implementation. This would culminate in a means to determine the heritage value of other resources, based upon locally generated aesthetic, historic, scientific, cultural, social and spiritual heritage values.

Submitted by,



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

CT/ca

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



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 2, 2009

DATE: May 27, 2009
FROM: Mike Tippet, Manager
Community and Regional Planning Division
FILE NO: Procedures and Fees Bylaw
BYLAW NO: 2255
SUBJECT: Procedures and Fees Bylaw update

Recommendation:

That the attached Procedures and Fees Bylaw No. 3275 be approved as a replacement for Bylaw 2255.

Purpose:

To follow up on the Committee's direction from the meeting of May 5, 2009, regarding a consequential amendment to the Procedures and Fees bylaw with respect to the Agricultural Land Reserve.

Financial Implications:

None.

Interdepartmental/Agency Implications:

Proposed Bylaw 3275 uses the new post-reorganization departmental names and job titles.

Background:

At the Committee meeting of May 5th, the Committee directed that a minor amendment be made to the Procedures and Fees Bylaw respecting the referral of family subdivisions in the ALR to Advisory Planning Commissions.

In the process of making this amendment, staff realized that it would be appropriate to rewrite the entire bylaw because the departmental names as well as the positions referred to in the bylaw have been changed following the reorganization of early 2009. Accordingly, we have rewritten the bylaw with the intent of making it compatible with our present corporate structure.

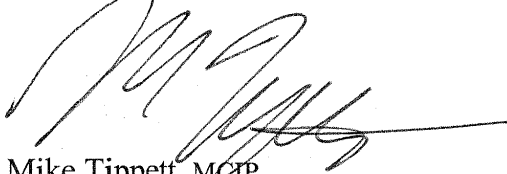
We have also clarified that a development permit application that incorporate a variance will pay the same fee as for a development variance permit application, a matter that staff believe was an oversight in our original Procedures and Fees Bylaw 1740, dating from 1998.

000177

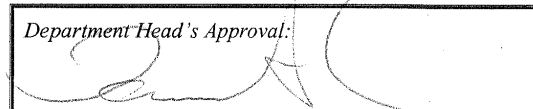
Options:

1. That the attached Procedures and Fees Bylaw No. 3275 be approved as a replacement for Bylaw 2255.
2. That existing Bylaw 2255 be left intact and no amendments be made to it.

Submitted by,



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

Department Head's Approval:

Signature

MT/ca
attachment



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3275

**A Bylaw to Establish Procedures to Amend an Official Community Plan
or a Zoning Bylaw, Amend a Land Use Contract, Process an Agricultural Land Reserve
Application or to Issue a Permit Under Part 26 of the *Local Government Act***

WHEREAS the Board of Directors of the Cowichan Valley Regional District has adopted official community plans, zoning bylaws, and land use contracts;

AND WHEREAS the Board has designated areas in the Official Community Plans within which temporary commercial and industrial permits and development permits are required;

AND WHEREAS the Board has a duty, under the *Agricultural Land Commission Act*, to provide information and a resolution regarding Agricultural Land Reserve applications in the CVRD;

AND WHEREAS the Board must, pursuant to Section 895 of the *Local Government Act*, by bylaw, establish procedures to amend a plan, bylaw or issue a permit;

AND WHEREAS the Board may, pursuant to Section 931 of the *Local Government Act*, by bylaw, impose fees for applications and inspections;

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

1. CITATION

This bylaw may be cited for all purposes as the "**CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009**".

2. SCHEDULES

The following Schedules are attached to, and form part of, this bylaw:

- a) Schedule "A" – Application Forms
- b) Schedule "B" – Fee Schedules
- c) Schedule "C" – General Sign Specifications
- d) Schedule "D" – Sign Information

3. SCOPE

This bylaw shall apply to the following:

- a) Application, by a party other than the Regional District, for amendment to:
 - i) an Official Community Plan;
 - ii) a Zoning Bylaw; and
 - iii) a Land Use Contract.
- b) Applications, by a party other than the Regional District, for a:
 - i) Development Variance Permit;
 - ii) Development Permit;
 - iii) Temporary Commercial/Industrial Use Permit;
 - iv) Board of Variance decision; and
 - v) *Agricultural Land Commission Act* approval.
- c) Subdivision Application Fees pursuant to Section 931 of the *Local Government Act*.
- d) Discharge or consent to amendment of a Restrictive Covenant to which the CVRD is a signatory or named party.
- e) File review in response to a letter requesting a review of many aspects of a parcel's status such as: present or historical zoning, building permits, bylaw enforcement and other permits.

4. APPLICATIONS

- a) Applications listed in Section 3 shall be made by the owner of the land involved, or by a person authorized by the owner.
- b) Applications for amendments or permits shall be made to the General Manager, Planning and Development Department of the CVRD, on the applicable form, attached hereto as Schedule "A" of this bylaw.

5. FEEES

At the time of an application listed in Section 3, the applicant shall pay to the CVRD an application fee in the amount prescribed in Schedule "B" of this bylaw, or in accordance with any statute or regulation of British Columbia.

6. STAFF DUTIES AND REPORTS

- a) Applications shall be received by the General Manager of Planning and Development or a nominated designate;

- b) Where any application or administrative process would be within a Riparian Assessment Area pursuant to the *Riparian Areas Regulation* (RAR), the procedures set out therein shall be followed, without being subject to subsections c), d) and e) below;
- c) Written reports prepared by the Planning and Development Department shall be submitted to the appropriate Advisory Planning Commission (APC), where these exist, in the case of OCP amendments, zoning amendments and development permits;
- d) In the case of development variance permits and Agricultural Land Reserve applications, these will not be sent to an Advisory Planning Commission unless the Director of the affected area specifically requests it, but will instead be the subject of a Planning and Development Department report to the Electoral Area Services Committee;
- e) Following step (c) above, once an APC has prepared a recommendation or comments on an application it has considered, Planning and Development Department staff will prepare a report to the Electoral Area Services Committee;
- f) The recommendation of the Electoral Area Services Committee will then be considered by the CVRD Board of Directors.

7. **DELEGATION OF DEVELOPMENT PERMIT APPLICATIONS**

The CVRD Board of Directors delegates the ability to issue development permits to the General Manager of Planning and Development in the following circumstances:

- a) where a development permit application has been made pursuant to a Riparian Areas Regulation Development Permit Area or exclusively pursuant to RAR Development Permit Area guidelines;
- b) where a development permit would be required only for a sign.
- c) where a development permit has been applied for in the Woodley Range Development Permit Area (Electoral Area H).

8. **PUBLIC NOTICE**

8.1 Statutory References

The public notice requirements for development applications are prescribed in Part 26 of the *Local Government Act*, as illustrated by the following table:

APPLICATION TYPE	LOCAL GOV'T ACT SECTION
Official Community Plan	875
Zoning Bylaw Amendments	903
Development Permits	920
Temporary Commercial/ Industrial Use Permits	921
Development Variance Permits	922
Land Use Contracts	930
Board of Variance	901

8.2 Public Notice Requirements

Public notice, in any case noted in Section 8.1 other than Development Permit applications that do not incorporate a Variance, and Board of Variance applications, when required to be mailed, shall be mailed or otherwise delivered to the owners of parcels located within **60 metres** of the subject property.

8.3 Sign Requirement

- a) The applicant, on those parcels subject to an amendment to:
 - i) an official community plan or zoning bylaw;
 - ii) land use contract, temporary commercial or industrial use permit.
 - iii) development variance permit and a development permit that incorporates a varianceshall erect or cause to be erected a development application sign on the subject property.
- b) The development application sign shall be of a form substantially in conformity with the specifications of Schedules "C" and "D", and located in conformity with the following:
 - i) the bottom edge of the sign(s) shall be a minimum of 1 metre above the ground, and not more than 1.5 metres above the ground;
 - ii) one sign shall be located within 3 metres of the edge of pavement of any fronting road, or on the parcel boundary line, whichever makes the sign(s) more legible for passers-by;
 - iii) the sign(s) shall be located approximately at the mid-point along each fronting road or parcel boundary line, except where this requirement would have the effect of obscuring the sign.

- c) The development application sign will be erected as soon as practical after application has been made, and shall be kept in place continuously, until after the Public Hearing, for a bylaw amendment, and until after Board of Directors has rendered a final decision, for a permit application. The General Manager of Planning and Development may require proof in a form acceptable to him that the sign has been posted as required by Section 8 of this bylaw.
- d) For the purposes of Section 8 of this bylaw, the CVRD may make a series of re-useable signs that conform to Schedules "C" and "D" available to applicants, for a fee as prescribed in Schedule "B".
- e) Notwithstanding anything to the contrary in this Bylaw, applicants whose properties lie within Electoral Area F of the CVRD are not required to post development application signs on their property in accordance with this Section.

9. **PUBLIC HEARING**

In the case of applications for amendments to the official community plan and the zoning bylaw, public hearings are governed by Section 890 of the *Local Government Act*. In the absence of the public, a public hearing may be adjourned after a minimum of 15 minutes from the advertised time of commencement of the hearing.

10. **PENALTY FOR POSTPONEMENT OF PUBLIC HEARING**

Any costs associated with the postponement of a hearing, due to failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant, in addition to application fees previously paid.

11. **PROCEDURE AFTER PUBLIC HEARING**

The Board shall, after the public hearing, if any, proceed in accordance with Section 894 of the *Local Government Act*.

12. **PERMIT - ISSUANCE OR REFUSAL**

The Board may, in the case of an application for a development variance permit, development permit, or temporary commercial use or industrial use permit:

- a) authorize the issuance of the permit; or
- b) authorize the issuance of the proposed permit as amended by the Board in its resolution;
or
- c) table the permit; or
- d) refuse to authorize the issuance of the permit.

13. REFUSAL

Where an application has been refused by the Board, the General Manager of Corporate Services or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.

14. INACTIVE APPLICATION

Where an applicant under this Bylaw has not pursued the application for a period of twelve (12) months, after being asked by CVRD staff to provide further information or follow a procedure outlined in this Bylaw, the application is deemed to be inactive, and the file will be closed. If a partial fee refund is due under the Official Community Plan and Zoning Amendment refund policy, it will be issued at the time of file closure. **Approximately three (3) months before file closure or nine (9) months into an inactive period, a warning letter will be sent to the applicant advising them that their file is about to become inactive.**

15. REFUND

No refunds are available for any type of applications upon which CVRD Staff have expended time in processing the application, except in accordance with the **Refund Policy** under **Schedule B to this Bylaw – Rezoning/Official Community Plan Fee Schedule.**

Where any type of application has been submitted along with the required fee, and the applicant withdraws an application before staff effort has been expended on the file, a 100% fee refund will be given to the applicant.

16. REAPPLICATION

Subject to Section 895 of the *Local Government Act*, reapplication for an amendment or permit that has been refused by the Board shall not be considered within a 12 month period immediately following the date of refusal. The time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Regional Board members eligible to vote on the reapplication.

17. SEVERABILITY

If any word, section, subsection, sentence, phrase, or schedule of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

18. **REPEAL**

Development Approvals Procedures Bylaw No. 2255, cited as "CVRD Development Approval Procedures Bylaw No. 2255, 2001"; and amendments thereto are hereby repealed.

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

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

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

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



SCHEDULE A

To CVRD BYLAW NO. 3275

Includes the following Application Forms:

1. Application for Development Permit
2. Application for Development Variance Permit
3. Application for Rezoning and/or Official Plan Amendment, or Land Use Contract Amendment
4. Application for Temporary Use Permit

COWICHAN VALLEY REGIONAL DISTRICT**APPLICATION FOR DEVELOPMENT PERMIT**

1. Name of Owner(s) _____
2. Address of Owner(s) _____
3. Telephone No. of Owner(s) _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Existing Use of Property _____
11. Adjacent Land Use:
North _____
South _____
East _____
West _____
12. Zoning _____
13. Official Plan Designation _____
14. Proposed Use of Property _____

(additional written material may be attached)
15. Request for Variance ? _____

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, _____, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

Signature_____
Date

000187

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for development permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner, of

do hereby authorize _____, to act on my behalf with respect to the above described development permit, and I acknowledge that all correspondence and communications regarding this matter shall be between _____

_____ and the Cowichan Valley Regional District.

Signature of Owner

Signature of Agent

Date _____

Date _____

ADDRESS APPLICATION TO:

General Manager
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, B.C. V9L 1N8

000188

COWICHAN VALLEY REGIONAL DISTRICT**APPLICATION FOR DEVELOPMENT VARIANCE PERMIT**

1. Name of Owner _____
2. Address of Owner _____
3. Telephone No. of Owner _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Existing Use of Property _____
11. Adjacent Land Use:
North _____
South _____
East _____
West _____
12. Zoning _____
13. Official Plan Designation _____
14. Proposed Use of Property _____

15. I require a variance to Section _____ of CVRD Bylaw No. _____
which states: _____
16. Indicate the extent of the variance requested and the justification for the proposed variance

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, _____, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

Signature_____
Date

000189

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of the easement, covenant and right-of-way documents etc on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development variance permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff, Advisory Planning Commission members and Agricultural Advisory Committee members as authorized by the Regional Board.

Where the applicant for development variance permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner of

do hereby authorize _____, to act on my behalf with respect to the above described development variance permit, and I acknowledge that all correspondence and communications regarding this matter shall be between _____ and the Cowichan Valley Regional District.

Signature of Owner

Signature of Agent

Date _____

Date _____

ADDRESS APPLICATION TO:

General Manager
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C. V9L 1N8

000190

COWICHAN VALLEY REGIONAL DISTRICT**APPLICATION FOR REZONING AND/OR
OFFICIAL PLAN AMENDMENT, LAND USE CONTRACT
AMENDMENT OR RURAL LAND USE BYLAW AMENDMENT**

1. Name of Owner _____
2. Address of Owner _____
3. Telephone No. of Owner _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Amount of property in the ALR _____ (if applicable)
11. Amount of property in the FLR _____ (if applicable)
12. Existing use of property _____
13. Adjacent land use:
North _____
South _____
East _____
West _____
14. Services Provided and/or proposed by applicant
Sewage Disposal _____
Water Supply _____
Road Access _____
Other _____
15. Existing Zoning _____
16. Existing Official Plan Designation _____

000191

17. Proposed Zoning _____
18. Proposed Official Plan Designation _____
19. Bylaw text change requested (if applicable): _____
20. Proposed use and reasons for requesting the change:
- _____
- _____
- _____
- _____

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, _____, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

Signature

Date

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents, etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

000192

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff, Advisory Planning Commission members and Agricultural Advisory Committee members as authorized by the Regional Board.

Where the applicant for re-zoning, plan amendment, land use contract amendment or rural land use bylaw amendment is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner, of

do hereby authorize _____, to act on my behalf with respect to the above described rezoning/plan amendment, and I acknowledge that all correspondence and communications regarding this matter shall be between _____ and the Cowichan Valley Regional District.

Signature of Owner

Date _____

Signature of Agent

Date _____

ADDRESS APPLICATION TO:

General Manager
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C. V9L 1N8

000193

COWICHAN VALLEY REGIONAL DISTRICT
APPLICATION FOR TEMPORARY USE PERMIT

1. Name of Owner _____
2. Address of Owner _____
3. Telephone No. of Owner _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Amount of property in the ALR _____ (if applicable)
11. Amount of property in the FLR _____ (if applicable)
12. Existing Use of Property _____
13. Adjacent Land Use
North _____
South _____
East _____
West _____
14. Services Provided and/or proposed by applicant
Sewage Disposal _____
Water Supply _____
Road Access _____
Other _____
15. Existing Zoning _____
16. Existing Official Plan Designation _____
17. Proposed use and reasons for requesting a permit:

000194

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see attached).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff, Advisory Planning Commission members and Agricultural Advisory Committee members as authorized by the Regional Board.

Where the applicant for a temporary use permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner, of

do hereby authorize _____, to act on my behalf with respect to the above described temporary use permit, and I acknowledge that all correspondence and communications regarding this matter shall be between _____ and the Cowichan Valley Regional District.

Signature of Owner

Date _____

Signature of Agent

Date _____

ADDRESS APPLICATION TO:

General Manager
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C. V9L 1N8

000195



C·V·R·D

SCHEDULE B

To CVRD BYLAW NO. 3275

Includes the following Fee Schedules:

1. Development Permit Fees
2. Development Variance Permit Fees
3. Rezoning/Official Plan Amendment Fees
4. Miscellaneous Fees
5. Subdivision Fees

FEE SCHEDULE - DEVELOPMENT PERMIT

TYPE OF APPLICATION

FEE

Environmental Protection Development Permit Areas:

- Riparian Areas Regulation DPA:)-	
- Mill Bay DPA – with Riparian Areas Regulation)-	\$ 200.
- Cowichan River DPA – Cowichan-Koksilah OCP)-	plus \$200.
- Stream Protection DPA – Saltair)-	for each parcel
- Habitat Protection DPA – Saltair)-	or dwelling unit
- Watercourse Protection DPA – Youbou/Meade Creek)-	

All Other Development Permit Areas:

Minor Commercial or Industrial:
(Structures less than 200 m² in area)

\$400.*

Major Commercial or Industrial:
(Structures 200 m² in area or greater)

\$400.*
plus \$100. for each
100 m² of gross floor area

Sign Only: =.75 m²
 >.75 m² and <3 m²
 = or >3 m²

\$ 20.*
\$ 40.*
\$100.*

**Exterior Cosmetic Renovations,
Parking and Loading Changes:**

\$300.*

Residential: One Dwelling or Parcel

\$200.*

Residential: More than one Dwelling or Parcel

\$200*, plus \$200. for each parcel
or dwelling unit

* where a development permit application also includes a variance, an additional \$200. is required

ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE: See note below

NOTES:

1. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, the Board may require an independent review prior to any decision being made on a development permit. In such cases, the applicant will be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000. maximum) before the review is undertaken.
2. Where a property that is the subject of an application for a development permit lies in multiple development permit areas, only one development permit fee will be charged.
3. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel is payable to the CVRD, to cover the cost of filing notice at the Land Titles office.

000197

FEE SCHEDULE - DEVELOPMENT VARIANCE PERMIT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
DEVELOPMENT VARIANCE PERMIT:	\$ 400.

NOTE:

1. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel shall be payable at the time of but prior to the issuance of the permit so as to cover the cost of filing notice of the permit at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate development variance permit application fee shall be required for each parcel and/or for each building or dwelling if separate variances are required for each.

FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
(a) OFFICIAL PLAN AMENDMENT ONLY:	\$2200.
(b) OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:	\$2400. plus amounts shown in (d) and (e) below, if applicable
(c) ZONING MAP AND/OR TEXT AMENDMENT:	\$2200. plus amounts shown in (d) and (e) below, if applicable
(d) ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS :	an additional \$120. for each dwelling or parcel permitted by the amendment Bylaw ⁴
(e) ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)	\$120. plus a further \$120. for each additional 0.1 ha of parcel area
ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE: In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000. maximum) before the review is undertaken.	

- The application fees prescribed above shall be due upon application regardless of whether or not the rezoning/plan amendment application is approved.
- Refund Policy** If an application for Official Plan, Zoning or Land Use Contract is withdrawn, denied by the Board or deemed inactive in accordance with Section 14 of this Bylaw, in all cases prior to the CVRD having caused a Newspaper Notice to be published:
 - a full refund will be given only where the file has not been worked on at all by CVRD Development Services staff;
 - a refund of \$1,500. will be given to the applicant, in cases where the application fees were either \$2,200. or \$2,400.;
 - a refund of \$1,500. plus an additional \$33 per extra \$100 of application fees paid will be given to the applicant.
- All applications must be acted upon. Any rezoning application that has been inactive for more than one calendar year is considered defunct and closed unless otherwise determined by the Regional Board. Should the applicant wish to reactivate the file, he or she must re-apply and submit the required fees.
- For residential development, the number of dwellings or parcels permitted shall be calculated by dividing the total area of the site to be rezoned by the maximum parcel or dwelling density allowed by the proposed zone regardless of the level of water or sewer servicing.

FEE SCHEDULE - MISCELLANEOUS

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
BOARD OF VARIANCE:	\$400.
LAND USE CONTRACT AMENDMENT:	Same as for rezoning amendment, development permit, development variance permit (whichever is applicable) plus advertising costs
TEMPORARY USE PERMITS:	\$1,000. plus advertising costs
LIQUOR LICENCE APPLICATION	\$1,500. plus advertising costs
OTHER:	
CVRD Development Application Sign Deposit	\$30
CVRD File Review Fee	\$150
Restrictive Covenant Processing /Amendment Discharge Fee	\$250

NOTE:

1. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel shall be payable at the time of, but prior to, issuance of the permit so as to cover the cost of filing notice at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate permit application fee shall be required for each parcel unit/or for each building or dwelling if separate variances are required for each.
3. The applicant will be sent a first invoice for the anticipated cost of the advertising for the public hearing/notice. The public hearing/notice will not be scheduled until payment of the first invoice has been received, and payment of the final invoice must be received prior to the recommendation being forwarded to the Regional Board.
4. In a case where an application is withdrawn or turned down by the Regional Board prior to the public notification process having commenced, a refund of \$100. shall be returned to the applicant.

FEE SCHEDULE - SUBDIVISIONS**TYPE OF APPLICATION****FEE****SUBDIVISIONS OR BOUNDARY ADJUSTMENT:**

\$500 for boundary adjustment or first new lot, plus an additional \$500 for the second and every subsequent new parcel

Prior to final approval and signature of a plan of subdivision by the Approving Officer, a fee of \$500 for every new parcel to be created shall be due and payable to the Cowichan Valley Regional District Development Services Department.

Additional fees as shown below shall be due and payable to the Cowichan Valley Regional District Engineering Services Department for properties that are within an existing local service area or are proposed to become designated a local service area (water and/or sewer utility) under the jurisdiction of the Cowichan Valley Regional District, based on the following noted formula.

SUBDIVISIONS: SEWER UTILITY

\$100. plus \$50. for every new parcel within a sewer utility local service area owned and operated by the CVRD

SUBDIVISIONS: WATER UTILITY

\$100. plus \$50. for every new parcel within a water utility local service area owned and operated by the CVRD

SUBDIVISIONS: SEWER & WATER UTILITY

\$200. plus \$50. for every new parcel within water & sewer utilities local service area owned and operated by the CVRD



C·V·R·D

SCHEDULE C

To CVRD BYLAW NO. 3275

Sign Specifications:

1. Sign Size:

- 91 cm x 91 cm, minimum dimensions

2. Sign Material:

- Corrugated plastic, plywood or other durable material
- Colour: white background

3. Sign Lettering:

- Block lettering in black paint or black vinyl
- Major headings as per Schedule D: 7 cm letters (minimum)
- Secondary headings as per Schedule D: 5 cm letters (minimum)
- All other words: 4 mm (minimum)

4. Sign Content:

- Sign content shall be substantially as shown on Schedule C, Page 2, or
- Sign content may be varied from the above with the prior consent of the General Manager of Planning and Development or nominated designate, provided the sign meets all of the minimum requirements of this Schedule and adequately provides public notice.

5. Sign Installation

- Notice of Development Application signs shall be installed in a sound manner, be capable of withstanding typical winds and weather, and be clearly legible from the fronting road right-of-way.



C·V·R·D

NOTICE of DEVELOPMENT APPLICATION

AN APPLICATION HAS BEEN SUBMITTED TO THE
COWICHAN VALLEY REGIONAL DISTRICT AS DESCRIBED BELOW:

For details of the insert, see Schedule D

For further information, please contact:
Planning and Development Department
COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, BC V9L 1N8
Telephone: (250) 746-2620 or 1-800-665-3955

000203



To CVRD BYLAW NO. 3275

Type: **DEVELOPMENT PERMIT with VARIANCE**

<i>Applicant's name and address:</i>	<i>Subject property:</i>	<i>Parcel Area:</i>
ABCD Developments Inc. PO Box 1234 Duncan, B.C. V0V 0V0 Tel: (250) 123-4567	9876 Somewhere Road Lot 1, Block B, Plan 785 B, Shawnigan Land District	2000 m² (1/2 acre)
<i>OCP Designation:</i> Residential	<i>Zoning :</i> R-3	<i>ALR:</i> Out
<i>Development Permit Area:</i> Yes	Village Residential Serviced	<i>FLR:</i> Out

Summary:

Map:

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Suite 60
10551 Shellbridge Way
Richmond
British Columbia
Canada V6X 2W9
604.270.8226
Fax 604.270.9116
ubcm@civicnet.bc.ca

UBCM MEMBER NOTICE

TO: Chair and Regional District Board
Administrator

FROM: Al Richmond, Electoral Area Representative

DATE: May 11, 2009

RE: **ELECTORAL AREA DIRECTORS MEETING**

A meeting for Electoral Area Directors is planned for **Friday, June 26, 2009** at the Delta Vancouver Airport Hotel in Richmond.

The meeting is for Electoral Area Directors and senior staff to discuss major issues of concern.

Attached are a registration form and a draft agenda for the upcoming meeting. In addition, attached is a form to solicit your ideas for discussion during the final session. This session is intended to be an opportunity for you to share information and discuss common problems.

Some of the issues being proposed for detailed review at the meeting are the following:

- Sewage regulation
- Delivery of Fire Services
- Regional District Task Force

DON'T MISS THIS OPPORTUNITY - REGISTER TODAY

If you have any questions please contact Ken Vance, Senior Policy Advisor (Ph: 604-270-8226 Ex. 114; E-mail: kvance@civicnet.bc.ca).

**REMEMBER TO BOOK YOUR HOTEL ACCOMMODATIONS
TO RECEIVE THE SPECIAL CONFERENCE RATE!**

See attached registration form for details.

Original	file	Copies to:	Rosa
Board			
(Action)	ASC		
Done	Sh	Date	May 14/09
File #			

000205

Electoral Area Directors Meeting

June 26, 2009

Conference Registration & Information

(Please Print)

Delegate Surname: _____ First Name: _____

Delegate Title: _____
(to appear on nametag)

Regional District: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

REGISTRATION FEE: \$125.00 (+ GST \$6.25) = \$131.25
(includes Friday continental breakfast, morning coffee break, lunch and afternoon coffee break)

PAYMENT: Please return this form with a cheque payable to UBCM for the full amount:
Union of BC Municipalities
60-10551 Shellbridge Way
Richmond, BC V6X 2W9

VENUE: **Delta Vancouver Airport Hotel**
3500 Cessna Drive
Richmond, BC
Phone: 604-278-1241 or 1-800-268-1133
Fax: 604-276-1975
Email: dvareservations@deltahotels.com
Web: www.deltahotels.com

ACCOMMODATION:

A limited room block has been reserved for conference delegates at the Delta Vancouver Airport Hotel in Richmond. Please advise hotel staff that you are registering under the room block for the "ELECTORAL AREA DIRECTORS MEETING" in order to receive a conference rate of \$139 (single) or \$159 (double) per night. You are encouraged to book early as the room block will be released very soon.

PLEASE CALL UBCM IMMEDIATELY IF YOU MUST CANCEL SO WE MAY FILL VACANT SEATS
Cancellation notice required five working days prior to event to receive a refund.

Deadline for registration is Friday, June 5, 2009

000206

**ELECTORAL AREA DIRECTORS
MEETING****DRAFT AGENDA****FRIDAY, JUNE 26, 2009**

7:30 am – 8:30 am

Registration

8:00 am – 8:30 am

Breakfast

8:30 am – 8:40 am

Introduction**Chair Al Richmond, Electoral Area Representative**

8:40 am – 10:15 am

Septic Sewage Regulation**Chair Al Richmond, Electoral Area Representative (chair)****Chair Al Richmond:** Overview of the work of the SSR Working Group**Tim Lambert:** MOHLS SSR Update/ Restructuring Options**Glen Brown:** Ministry of Community Development, Governance Options**Tim Lambert:** RD Engagement Strategy**Questions**

10:15 am – 10:30 am

Coffee Break

10:30 am – 12 noon

Delivery of Fire Services and Electoral Areas**Chair Al Richmond, Electoral Area Representative (chair)****Dave Stuart,** Administrator, North Vancouver District Local Government Mangement Association Representative on the Fire Services Liaison Model Project**Steve Gamble,** President, BC Fire Chiefs' Association Chair, Fire Services Liaison Model Project

12:00 pm – 1:00 pm

Lunch

1:00 pm – 2:45 pm

Regional District Task Force**Chair Robert Hobson, UBCM President (chair)****Chair Al Richmond, Electoral Area Representative****Gary Paget,** Senior Executive Director, Governance and Structure Division, Local Government Division, Ministry of Community Development

000207

2:45 pm – 3:00 pm	Coffee Break
3:00 pm – 3:55 pm	Electoral Area Directors: Discussion Session Chair Al Richmond, <i>Electoral Area Representative</i>
3:55 pm – 4:00 pm	Conference Summary Chair Al Richmond, <i>Electoral Area Representative</i>
4:00 pm	Adjourn

Union of BC Municipalities
Electoral Area Directors Meeting
June 26, 2009

Delta Vancouver Airport Hotel Richmond, British Columbia

Issues for PANEL DISCUSSION

ISSUE #1(EXPLAIN):

ISSUE TITLE :

DISCUSSION:

BACKGROUND:

SOLUTIONS:

ISSUE #2 (EXPLAIN):

ISSUE TITLE:

DISCUSSION:

BACKGROUND:

SOLUTIONS:

ISSUE #3 (EXPLAIN):

ISSUE TITLE:

DISCUSSION:

BACKGROUND:

SOLUTIONS:

Thank you very much for your input.

NAME: _____

REGIONAL DISTRICT: _____

PHONE: _____

FAX: _____

E-MAIL: _____

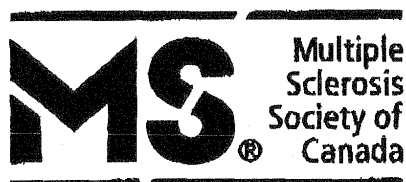
Please fax back to UBCM office at 604.270.9116 by May 30, 2009 or post your ideas on the Electoral Area Directors Wiki:

wiki.civicnet.bc.ca/groups/ead

For information or assistance using the wiki, please contact Reiko Tagami, Information & Resolutions Coordinator
Tel: 604.270.8226 ext. 115 E-mail: rtagami@civicnet.bc.ca

000209

C2

**Fax**

Anne Muir
Cowichan Valley Office
MS Society of Canada
South Vancouver Island Chapter
321 Coronation Ave
Duncan BC V9L 2T1
Telephone & Fax: (250) 748-7010
anne.muir@msociety.ca

To: Cowichan Valley Regional District

Fax #: 250-746-2513

From: Anne Muir, MS Society of Canada, Cowichan Valley Office

Date: May 6th, 2009

**Number of pages
(including cover sheet):** 4

**IF ALL PAGES OF THIS TRANSMISSION ARE NOT
CLEARLY RECEIVED, PLEASE CALL (250) 748-7010.**

MESSAGE:

At the request of the Ministry of Highways I am writing to notify you of the 9th Annual RONA MS Bike Tour: Cowichan Valley Grape Escape. This year the event is to be held August 8th & 9th, 2009. Over the past eight years the event has been a great success with no problems of any kind. I have included in this fax a general overview of the event and route maps with a list of stops. Both the Duncan & Mill Bay BC Ambulance offices have been notified of the event, as have the Duncan & Shawnigan Lake RCMP. I will be obtaining the necessary permits through the Ministry of Highways.

If you have any questions or require more information do not hesitate to contact me. I look forward to your written response of support, either by email or fax via the above contact information, at your earliest convenience.

Sincerely, Anne Muir

Original: <i>file</i>	Copies to: <i>P.D. ASD.</i>
Forward: <i>info pkg</i>	<i>EIE</i>
Compliance	
File #	

14/09

This message is intended only for the addressee. It may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete or destroy the original message. For information about the Multiple Sclerosis Society of Canada's Privacy Policy, please visit www.mssociety.ca or contact priv-bc@msociety.ca.

00210

General Event Description

Event Name : 2009 RONA MS Bike Tour – Cowichan Valley Grape Escape

Organization : MS Society Of Canada

Contact Person : Anne Muir, Event Coordinator

Contact Information

Phone/fax 250-748-7010

Email anne.muir@mssociety.ca

Event Day Phone 250-709-8260

This event is a non-competitive pledge-based fund raising event for the Multiple Sclerosis Society of Canada, Capital Region Chapter, taking place August 8th & 9th 2009. It is a two-day event, with both days taking place in the Cowichan Valley. Please note, the maps provided in this fax are from 2009. There may be changes to some of the stops along the way but the route & roads used will be the same.

The riders will spend the day traveling along the route provided making stops at any of the places we have identified. They will be very spread out, traveling in small groups at their own pace. We will have 8-10 guide cyclists riding with the participants interspersed between the first & last riders.

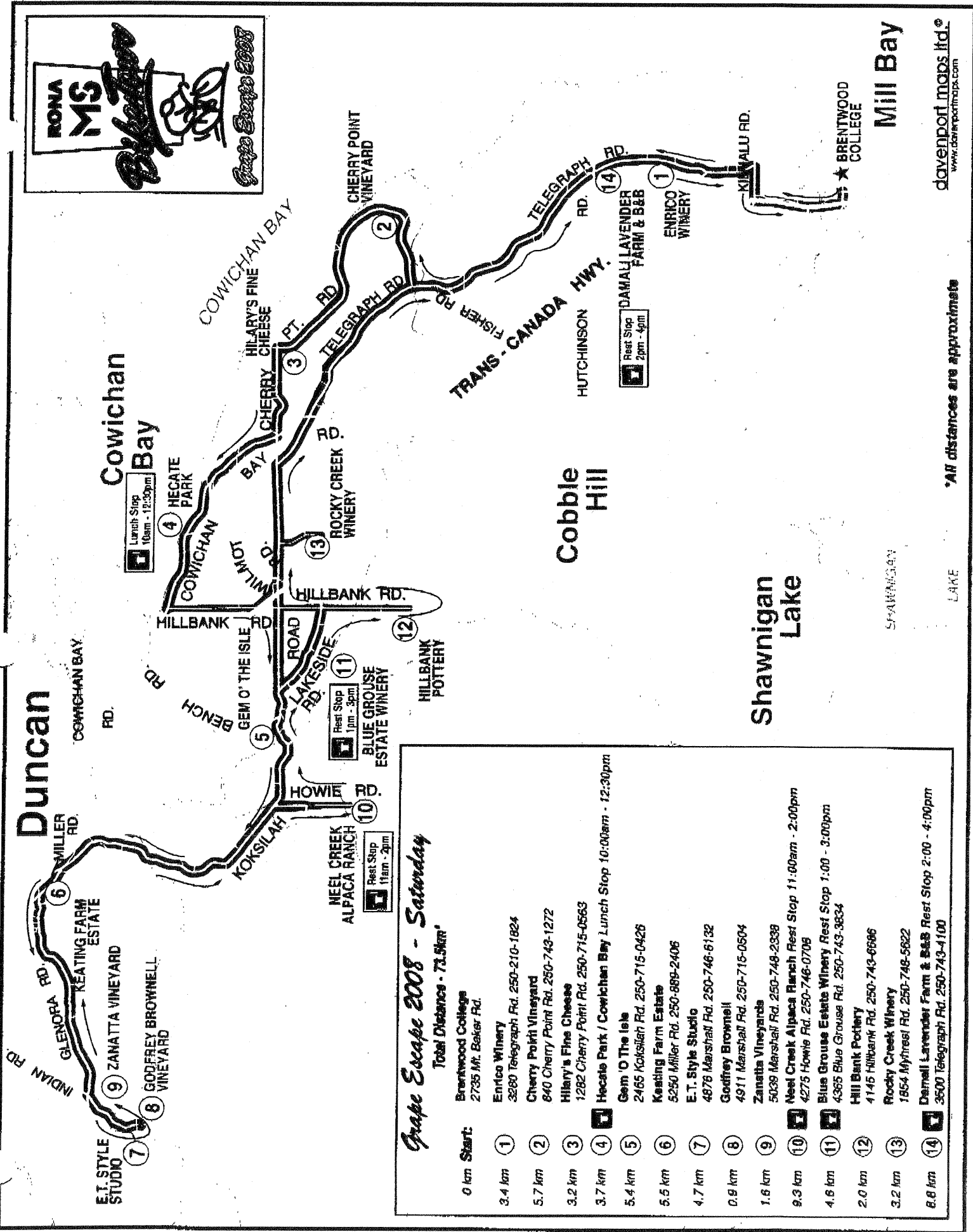
We anticipate approx 375 riders, as well as 3 support vehicles on the route. In the past we have had volunteers on motorcycles to monitor the ride, this has not yet been confirmed for this year but is likely.

On Saturday August 8th, the riders will leave about 10am and return by 4:30pm. On Sunday August 9th they will leave at 9am & return by 2:30pm.

All riders will be provided with a detailed map. As well, the route will be clearly marked with signage. We will have volunteers directing them through the very beginning of the route, they will then follow the signs. They will be advised to follow the rules of the road & to only cross the highway at the designated intersection, with the lights. As we did in 2007 & 2008, we will be asking the local RCMP to assist with traffic control at the Trans Canada Highway in Mill Bay at the very start of the ride both days. This worked extremely well in 2007 & 2008. No other vehicle traffic will need to be stopped at any time. Route marshals will be at various points along the course but will not stop or control traffic, just direct the cyclists.

We will have 2 bicycle repair support vehicles on the route and will provide transportation home for anyone needing a ride. We will have people with First Aid training at key positions along the route and will have a ham radio communication system in place. Ministry of Highways, Municipality of North Cowichan, Shawnigan & Duncan RCMP & the BC Ambulance Service have all been notified of the event. See maps included for the routes the participants will be following.

000211



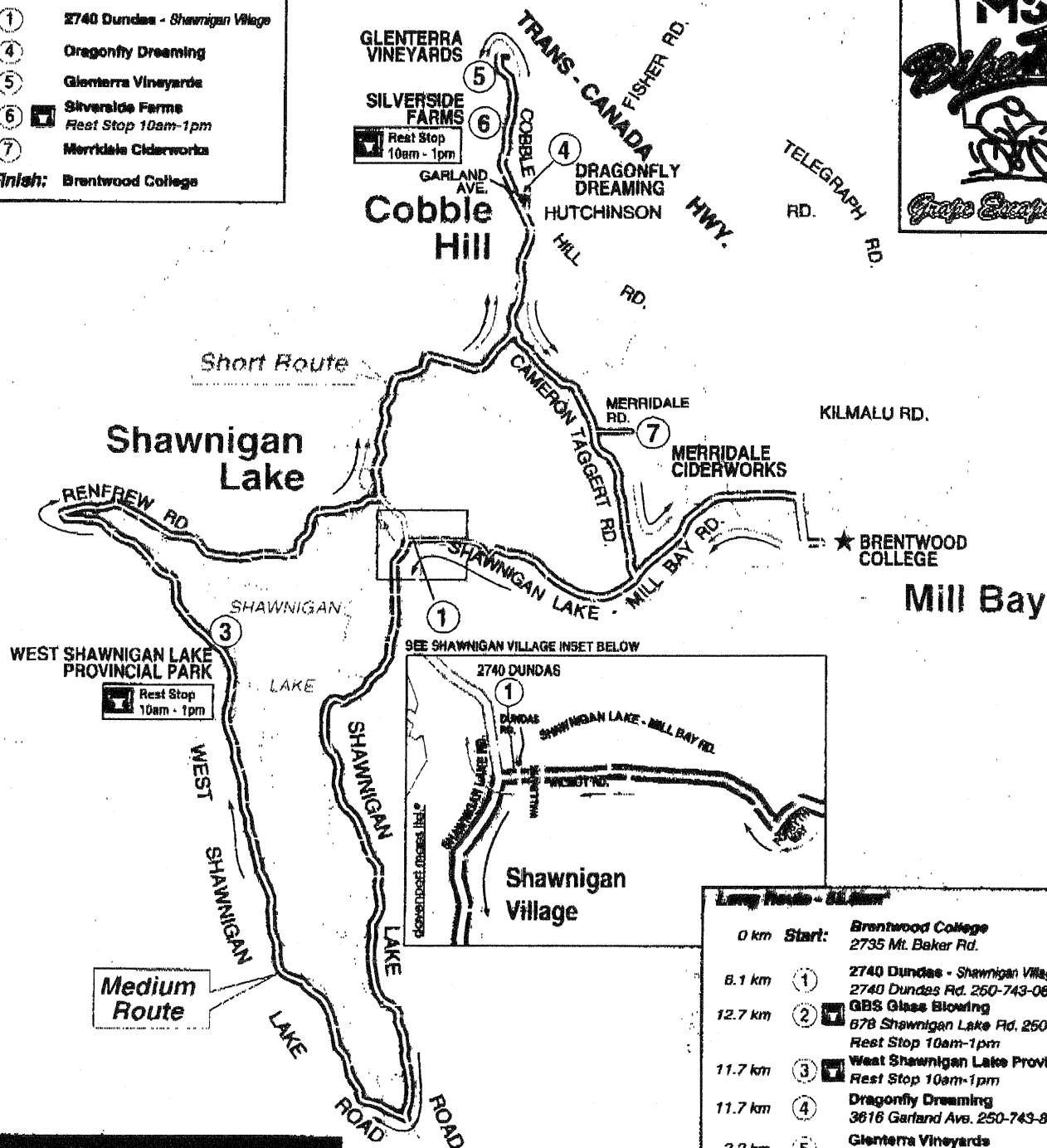
Grape Escape 2008 - Saturday
Total Distance - 73.5km

0 km	Start:	Rest Stop	Time
3.4 km	1 Enrico Winery	2735 Mt. Baker Rd.	11am - 2pm
5.7 km	2 Cherry Point Vineyard	3280 Telegraph Rd. 250-210-1824	
3.2 km	3 Hilary's Fine Cheese	840 Cherry Point Rd. 250-743-1272	
3.7 km	4 Hecate Park / Cowichan Bay Lunch Stop	1282 Cherry Point Rd. 250-715-0563	10:00am - 12:30pm
5.4 km	5 Gem O' The Isle	2465 Koksilah Rd. 250-715-0426	
5.6 km	6 Keating Farm Estate	5250 Miller Rd. 250-889-2406	
4.7 km	7 E.T. Style Studio	4876 Marshall Rd. 250-746-6132	
0.9 km	8 Godfrey Brownell	4911 Marshall Rd. 250-715-0504	
1.6 km	9 Zanatta Vineyards	5038 Marshall Rd. 250-748-2338	
9.3 km	10 Neel Creek Alpaca Ranch Rest Stop	4275 Howie Rd. 250-746-0709	11:00am - 2:00pm
4.6 km	11 Blue Grouse Estate Winery Rest Stop	4365 Blue Grouse Rd. 250-743-3834	1:00 - 3:00pm
2.0 km	12 Hill Bank Pottery	4145 Hillbank Rd. 250-743-6686	
3.2 km	13 Rocky Creek Winery	1854 Myntrest Rd. 250-748-5822	
8.8 km	14 Damall Lavender Farm & B&B Rest Stop	3500 Telegraph Rd. 250-743-4100	2:00 - 4:00pm

Sunday



0 km	Start:	Brentwood College
6.1 km	①	2740 Dundas - Shawnigan Village
6.3 km	④	Dragonfly Dreaming
2.2 km	⑤	Glenterra Vineyards
0.5 km	⑥	Silverside Farms Rest Stop 10am-1pm
5.1 km	⑦	Merridale Ciderworks
5.8 km	Finish:	Brentwood College



0 km	Start:	Brentwood College
6.1 km	①	2740 Dundas - Shawnigan Village
14.1 km	③	West Shawnigan Lake Provincial Park Rest Stop 10am-1pm
11.7 km	④	Dragonfly Dreaming
2.2 km	⑤	Glenterra Vineyards
0.5 km	⑥	Silverside Farms Rest Stop 10am-1pm
5.1 km	⑦	Merridale Ciderworks
5.8 km	Finish:	Brentwood College

0 km	Start:	Brentwood College 2735 Mt. Baker Rd.
6.1 km	①	2740 Dundas - Shawnigan Village 2740 Dundas Rd. 250-743-0865
12.7 km	②	GBS Glass Blowing 678 Shawnigan Lake Rd. 250-743-5866 Rest Stop 10am-1pm
11.7 km	③	West Shawnigan Lake Provincial Park Rest Stop 10am-1pm
11.7 km	④	Dragonfly Dreaming 3616 Garland Ave. 250-743-8036
2.2 km	⑤	Glenterra Vineyards 3897 Cobble Hill Rd 250-743-2330
0.5 km	⑥	Silverside Farms 3810 Cobble Hill Rd. 250-743-9149 Rest Stop 10am-1pm
5.1 km	⑦	Merridale Ciderworks 1230 Merridale Rd. 250-743-4293
5.8 km	Finish:	Brentwood College 2735 Mt. Baker Rd.

Rest Stop
10am - 1pm
GBS GLASS
BLOWING

*All distances are approximate

davenport maps ltd.
www.davenportmaps.com

000213



CVRD

REC

C3

M

COWICHAN VALLEY REGIONAL DISTRICT

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

Financial Services Department

Submitted by Director DOREY Area G

Grantee:

Grant Amount \$ 500.⁰⁰NAME: Nanaimo - Ladysmith Schools FoundationADDRESS: 550 Seventh St.Nanaimo, B.C. V9R 3Z2Contact Phone No: 250-753-4074 Fax 250-741-8326PURPOSE OF GRANT: BURSARY (SALT AIR COMMUNITY)To a graduating student who attends
Ladysmith Secondary and lives in Saltair.

REQUESTED BY:

M. J. Dorey
Director Requesting Grant

ACCOUNT NO.

AMOUNT

GST CODE

01-2-1950-0361 - 117500.⁰⁰10.0FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

000214

**Nanaimo - Ladysmith
Schools Foundation**

"Helping our Students Reach for Tomorrow"



Telephone : (250) 753-4074
Fax: (250) 741-8326

550 Seventh St.
Nanaimo, B.C.
V9R 3Z2

May 15, 2009

Mel Dorey
11095 Valdon Road
Ladysmith, BC
V9G 1Z3

Dear Mel Dorey:

RE: SALTAIR COMMUNITY BURSARY

Our Commence Exercises for 2009 will occur on **Friday, June 26th at 11:30 a.m.** At that time, the above award will be presented.

Would you please notify Erin van Steen (753-4074) as to who will be your representative by Monday, June 15, 2009. We ask that Donors meet **at 11:00 a.m. in the Library** at Ladysmith Secondary. When you arrive, please check in with me to receive your envelope to present to the student. The program will begin promptly at 11:30 a.m.

Please also find attached an invoice for your award(s). If I have already received the funds, please disregard the invoice. If I have not received your money, could you please mail or bring a cheque from your organization to the ceremony. All monies will not be released until the recipient of your award has provided me with proof of registration from a post-secondary institute.

Ladysmith Secondary School will be contacting you in late May in regards to the Donor Tea. At this time, a date has not been decided but an invitation will be sent out to you as soon as the date is set.

Thank you for your continued support of the graduating students of Ladysmith Secondary School.

Yours sincerely,

Erin van Steen, Executive Director
Nanaimo-Ladysmith Schools Foundation

encl./evs

Honours Invitation.rtf

000215



REC C4

M/

COWICHAN VALLEY REGIONAL DISTRICT

Financial Services Department

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

Submitted by Director DOREY Area G

Grantee:	Grant Amount \$ <u>500.⁰⁰</u>
NAME:	<u>CHEMAINUS SECONDARY SCHOOL</u>
ADDRESS:	<u>9947 Daniel Street</u> <u>Chemainus, B.C. V0R 1K1</u> <u>Tel 250-246-4711</u>
Contact Phone No:	<u>same</u>
PURPOSE OF GRANT:	<u>Bursary to a grade 12 student</u> <u>who lives in Saltair.</u>
REQUESTED BY:	<u>McDorey</u> Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0318-117	500. ⁰⁰	10.0

FOR FINANCE USE ONLYBUDGET APPROVAL ✓
VENDOR NO. _____**Disposition of Cheque:**Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

October 20, 2005

Mr. Mel Dorey
Saltair District Ratepayers Assoc.
11095 Valdon Rd.
Ladysmith, B.C. V9G 1Z2

Dear Mr. Dorey:

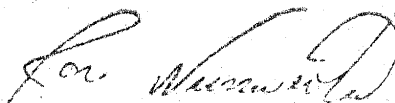
At this time, our attention is once again focused on scholarships and bursaries, which are awarded to our graduating students, annually.

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

We need to know at this time if your organization will be able to donate to the program this year. We would be grateful if you could complete the attached questionnaire and return it by Friday, December 2nd, 2005.

Thank you for your kind consideration.

Yours sincerely



Ron Nunweiler
Chairperson of Graduation Committee

/dk

Encl.

000217

A P I

Area A Advisory Planning Commission Meeting
06 May 2009
Held at Francis Kelsey Secondary School

Minutes

Present: David Gall, Dola Boas, Cliff Braaten, Deryk Norton, Margo Johnston, Brian Harrison (Director Area A)

Regrets: Archie Staats, June Laraman, Ted Stevens, Roger Burgess (Alternate Director Area A)

Meeting called to order at 6:32 pm

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 4 March 2009 meeting be adopted.

MOTION CARRIED

New business:

There was no new business

Updates:

Tour of Mill Springs and Sentinel Ridge (Area A – PRC had invited the APC to attend)

- On the walk, Tanya (CVRD planning) outlined the park areas of Mill Springs
- Sentinel Ridge tour has not happened to date

Tour of Dockside Green

- All APC present who had attended the tour expressed they came away with a better understanding of the meaning of a sustainable designed community

Continuing business:

Bamberton Update – the final report from TRILLIUM for the Regional Impact Assessment not yet available to the APC

Report from Area A Director:

- Kerry Park Recreational Centre report on May 12th
- Recycle in South end – a site not found to date
- Burning bylaw – being reviewed

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Notice of next meeting: June 3rd , 2009 at 6:30 pm at Francis Kelsey Secondary School

The meeting adjourned at 7:37 pm

000218

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: April 9, 2009

Time: 7:13 PM

Location: North Oyster Community Center

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Gaynel Lockstein, Jody Shupe, Alison Heikes and Ben Cuthbert

Also Present: Director – Mary Marcotte

Members of the Public Present: 0

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes: At the request of the chair, the minutes of the regular meeting, March 12, 2009 be reviewed. It was moved and seconded, that the minutes of the March 12, 2009 Advisory Planning Commission meeting, as circulated, be accepted.

Motion: Carried

Old Business Arising from the Regular Meeting, March 12, 2009

None

New Business:

- A. **Introductions:** Chairman Mike Fall introduced and welcomed the two new Advisory Planning Commission members.
- B. **Application No. 1-H-09ALR (Pilcher for Tolley).** To subdivide the subject property under Section 946 of the *Local Government Act* (Subdivision to provide a residence for a relative) and under Section 21(2) of the *Agricultural Land Commission Act*.

Delegate(s) present: Bonita (Bonnie) Tolley, her son Trevor Tolley and applicant, Maureen Pilcher.

The applicant made a presentation to the Advisory Planning Commission. After a brief discussion, a motion to do a visual inspection (site visit) of this application No. 1-H-09ALR was made.

Motion: Carried.

This visit was scheduled for April 15th @ 6:30 PM

Regular Business:

A. Director's Report:

Director Marcotte updated the Advisory Planning Commission on both old and new applications. She mentioned that both the School Sites Bylaw was adopted with definitions and the Chemainus First Nations shellfish bylaw was adopted.

The CVRD has had a meeting with the Ministry of Transportation (highways) and the contractor for the Ministry regarding winter maintenance, with a successful outcome.

Mary has been working on a website for this area. The advisory planning commission were each asked to submit a picture that could be used on this web site.

Next Meeting: The regular meeting of the Advisory Planning Commission will be held
Thursday, May 14, 2009 @ 7:00 PM – Diamond Hall

Adjournment: Moved and Seconded @ 8:54 PM *Motion:* Carried

Jan Tukham – Secretary

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

AP3

Date: May 14, 2009

Time: 7:00 PM

Location: Diamond Hall

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Gary Fletcher, Jody Shupe, Alison Heikes and Ben Cuthbert

Also Present: Alternate Director – Rob Waters

Members of the Public Present: 2

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes: At the request of the chair, the minutes of the regular meeting, April 9, 2009 and the minutes of the site visit, April 15, 2009 be reviewed. It was moved and seconded, that the minutes of the April 9, 2009 Advisory Planning Commission meeting and the site visit minutes of the Advisory Planning Commission, be accepted as circulated.

Motion: Carried

Old Business Arising from the Regular Meeting, March 12, 2009

- A. **Application No. 1-H-09ALR (Pilcher for Tolley).** To subdivide the Subject property under Section 946 of the Local Government Act (Subdivision to provide a residence for a relative) and under Section 21(2) of the Agricultural Land Commission Act.

Delegate(s) present: Applicant's representative, Maureen Pilcher

After a discussion period of questions and answers to Ms. Pilcher the following motion was made.

Motion: The advisory planning commission recommend that this application (proposal) be denied.

Motion: Carried

Based on the discussions at all 3 meetings; the Advisory Planning Commission was concerned with the following:

1. The subject property is surrounded with larger agricultural parcels and numerous 10 to 15 acre small farms and 'hobby farms'. Subdivision of this parcel would increase the 'densification' of this very rural community.

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2. Approval of this application could encourage numerous similar applications, many of which would, by precedent, most likely be approved, changing the entire nature of the community. The APC must view each application with the entire community in mind. (i.e.; does the application enhance the community (i.e.: is there a benefit to the community?) OR does the application detract from the community?
3. Although the agricultural potential of this property is low, there are two small, reasonably good quality fields at the northern extremity; one on the west side of the wetland and one on the east side of the wetland. The proposed subdivision would split these two arable pieces and reduce the agricultural potential of this property to almost zero.
4. There is a steep "ravine" running along the northern part of the west boundary. Due to the positioning of this "ravine" and adjacent steep slopes, the "new" property line (of the proposed subdivision) would cut off the access to the field/pasture area west of the wet land area (pond).
NOTE: *The heavily treed area that is shown on the submitted drawing (i.e. the piece west of the pond) is a field area, not a heavily treed area as indicated.* This would significantly restrict or virtually eliminate the agricultural use of the proposed western lot.
5. This property is already much smaller (9.59 ac) than what is permitted in the existing zone (A-1; min 30.0 ac.) and in fact is even too small to be subdivided under the next lower zone (A-2; min 5.0 acres).
6. The expressed intent for this application was "to provide an area for a single family dwelling for Ms. Tolley's son, who would assist her in the day to day maintenance of her livestock." It was suggested that an application for a second dwelling (under ALR legislation) would satisfy this objective without fractionating the land. At least one APC member indicated (and others indicated agreement) such an application would be viewed much more favorably.

The advisory planning commission has recognized that there are at least two buildings on the proposed property line that, if this application were approved, would not meet the required set backs. These buildings would have to be moved or the proposed property line altered.

New Business: None.

Regular Business:

A. Director's Report: Directory Marcotte was absent this evening.

Next Meeting: The regular meeting of the Advisory Planning Commission will be held
Thursday, June 11, 2009 @ 7:00 PM
– North Oyster Community Center

Adjournment: Moved and Seconded @ 7:59 PM *Motion:* Carried

AREA "H" ADVISORY PLANNING COMMISSION
SITE VISIT MINUTES (Subject to APC approval)

Date: April 15, 2009

Time: 6:30PM

Location: 13785 Hill Road

Applicants: Maureen Pilcher & Associates – Representative: Bonita Tolley

Members Present: Mike Fall, Jan Tukham, Chris Gerrand, John Hawthorn, and Jody Shupe

Also Present: Director Marcotte.

The advisory planning commission members toured the subject property, Lot A, District Lot 25, Oyster District, Plan 32458 (PID:000-154-351)
Chairman Mike Fall advised the representative that this would be further discussed at the regular Advisory Planning Commission meeting to be held May 14, 2009, Diamond Hall @ 7 PM.

Adjournment: The site visit was completed at 8:00 PM

Jan Tukham - Secretary

MEMORANDUM



DATE: May 5, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF APRIL, 2009

There were 32 building Permits and 2 Demolition Permit(s) issued during the month of April, 2009 with a total value of \$ 2,195,072

Electoral Area	Commercial	Institutional	Industrial	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				497,282		6	22	497,282	5,454,772
"B"				470,250		8	32	470,250	2,409,775
"C"	161,000			395,840	60,000	7	17	616,840	1,795,815
"D"				141,665		3	11	141,665	322,540
"E"				10,200	10,000	2	9	20,200	527,570
"F"				54,340		1	4	54,340	114,820
"G"				235,960		2	5	235,960	647,200
"H"		5,000		60,000		2	13	65,000	1,131,815
"I"				93,535		3	12	93,535	1,292,915
Total	161,000	5,000	0	1,959,072	70,000	34	125	2,195,072	13,697,222
NEW RESIDENTIAL					TOTALS TO DATE				
April	2009	(9)		\$ 1,570,605	April	2009	(34)	\$	2,195,072
April	2008	(22)		\$ 3,505,267	April	2008	(63)	\$	8,236,367
4 Months	2009	(46)		\$ 5,493,110	4 Months	2009	(125)	\$	13,697,222
4 Months	2008	(82)		\$ 11,714,798	4 Months	2008	(191)	\$	19,357,580

B. Duncan, RBO
Chief Building Inspector
BD/db

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