



NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
September 1, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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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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Tuesday, September 15, 2009
13. **ADJOURNMENT**

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

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M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, August 4, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Warren Jones, Administrator
Sybille Sanderson, Acting General Manager, Public Safety
Dana Beatson, Planner
Rachelle Moreau, Planning Technician
Alison Garnett, Planning Technician
Jennifer Hughes, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding all items as listed on the New Business Summary along with another New Business item and two new Closed Session New Business items.

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 July 7, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

Director Giles reported that on Page 7, Item 4, Parks Commission Chairs, that there has been further feedback from Joe Barry, Corporate Secretary, who advised that in order to carry out that motion the CVRD Procedures Bylaw would have to be amended and advised that when that resolution comes before the Board it will be pulled and defeated. Director Giles advised that she will ask for further clarification from Mr. Barry prior to the Regional Board meeting and she will then email the pertinent information onto the Directors.

DELEGATIONS

D1 - Kimpfel

Rob Conway, Manager, presented Application No. 1-D-09DP by Wendy and

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George Kimpfel to construct a single family dwelling at 1790 Pritchard Road which is within the Habitat Protection DPA.

Committee members directed questions to Mr. Conway.

Mr. Kimpfel was present and stated that he had nothing further to add.

It was Moved and Seconded

That Application No. 1-D-09DP be approved, and that a development permit be issued to Wendy and George Kimpfel for Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262 for the construction of a single family dwelling subject to exterior construction works occurring between August 15 and February 15.

MOTION CARRIED

D2 – Pilcher/Tolley

Rachelle Moreau, Planning Technician, presented Application No. 1-H-09ALR by Maureen Pilcher to subdivide under Section 946, 3.88 hectares located at 13785 Hill Road to provide a residence for the applicant's son to assist with their horse training business.

Maureen Pilcher, applicant, was present on behalf of owner, Bonita Tolley, and provided further information with regard to the application.

Committee members directed questions to the applicant.

It was Moved and Seconded

That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be denied and not forwarded to the Agricultural Land Commission.

MOTION CARRIED

**D3 – Mid-Island
Aggregate Ltd.**

Alison Garnett, Planning Technician, presented Application No. 5-B-09DVP by Mid-Island Aggregate to consider an application to relax the size restrictions of a freestanding sign located on Stebbings Road (Lot 3, District Lots 50 and 132, Malahat District, Plan VIP85007).

There were no questions from Committee members to staff or to the applicant, Randy Thiessen.

It was Moved and Seconded

That the application by Rocky Point Metal Craft (Mid-Island Aggregate Ltd.) for a variance to Schedule 2 (b)(2) of CVRD Sign Bylaw No. 1095, by increasing the allowable size of a freestanding sign within a forestry zone from 1.85 m² to 6.7 m², on Lot 3, District Lot 50 and 132, Malahat District, Plan VIP 85007, be approved.

MOTION CARRIED

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D4 – Weidenfeld

Alison Garnett, Planning Technician, presented Application No. 2-B-09DVP by Mike and Shelley Weidenfeld to consider an application to relax the setback of an accessory building to the rear and side interior parcel lines at 1708 Robin Hill Drive.

Committee members directed questions to Staff.

The applicant, Mike Weidenfeld, was present and there were no questions directed toward the applicant.

It was Moved and Seconded

That the application by Mike Weidenfeld for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres down to 0.6 metres, and decreasing the setback to a side interior parcel line for an accessory building from 1 metre to 0.6 metres on Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361, be approved.

MOTION CARRIED

D5 – Main

Rachelle Moreau, Planning Technician, presented Application No. 3-B-09DVP by Ian and Colleen Main to consider an application to vary the rear parcel line setback of an accessory building from 4.5 metres (14.76 ft.) down to 0.9 metres (3 ft.).

There were no questions from Committee members to staff or to the applicant, Ian and Colleen Main.

It was Moved and Seconded

That the application by Ian and Colleen Main for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres (14.76 ft) to 0.9 metres (3 ft), on Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679, be approved subject to receipt of a legal survey showing the proposed setback.

MOTION CARRIED

D6 – Webb

Rachelle Moreau, Planning Technician, presented Application No. 4-A-09DP by Alf Webb to consider a development permit application to subdivide the subject property into two +2000m² lots located at 2638 Mill Bay Road.

There were no questions from Committee members to staff or to the applicant, Alf Webb.

It was Moved and Seconded

That Application No. 4-A-09 DP be approved, and that a development permit be issued to Alf Webb Holdings Ltd. for Lot 18, Block H, Section 1, Range 9,

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Shawnigan District, Plan 1720 to permit subdivision of the subject property into two lots.

MOTION CARRIED

D7 – Parhar Holdings

Rachelle Moreau, Planning Technician, presented Rezoning Application No. 3-D-08RS to amend the Area D Zoning Bylaw No. 1015 and Official Settlement Plan Bylaw No. 925 to permit a mixed commercial and light industrial business park located at 5301 Chaster Road.

There were no questions directed to staff.

Balbir Parhar and Russ McArthur were present from Parhar Holdings Ltd. and Mr. McArthur made a presentation with regard to the proposed Application. Committee members directed questions to Messrs. McArthur and Parhar.

It was Moved and Seconded

That staff be directed to prepare OSP and Zoning amendment bylaws for Application No. 3-D-08RS (Parhar Holdings Ltd.) in the manner suggested by staff that would:

- a) permit a range of smaller scale light industrial and commercial uses;
- b) that would reduce the permitted parcel coverage from 50%;
- c) that would establish setbacks as currently proposed by the applicant;
- d) that would include the entire subject property in a new DPA with new guidelines;

And further that

- e) the draft bylaws be reviewed by the Electoral Area Services Committee at a subsequent meeting where detailed conditions for approval of the bylaws will also be provided; and that
- f) the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division will be reviewed at the above-mentioned meeting;
- g) that a public meeting be held to obtain community input with regard to the proposed application.

MOTION CARRIED

D8 – Pfaffe

Dana Beatson, Planner, presented Application No. 1-A-08RS by Nikolaus Pfaffe, to amend Zoning Bylaw No. 2000 to allow the subject property to be subdivided into a maximum of three residential lots located on Lot 10, District Lot 101, Malahat District, Plan 46865 (Benko Road, Mill Bay).

Alexander Pfaffe, owner of the property, was present and provided further information to the application.

Committee members directed questions to staff.

It was Moved and Seconded

That Rezoning Application 1-A-08RS (Pfaffe) be denied, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3262.

MOTION CARRIED

**D9 – Atwall/3L
Developments Inc.**

Rob Conway, Manager, presented Application No. 2-E-08RS by Kabel Atwall/3L Developments Inc. 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 43 single family lots and public open space located between Old Lake Cowichan Road and Highway 18, west of Clements Road and Pollock Road.

Kabel Atwall was present representing Inwood Creek Estates, the owners of the subject property, and clarified the property is 228 acres in size and he further made a brief presentation to the Committee.

Committee members directed questions to staff and to Mr. Atwall.

It was Moved and Seconded

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.

MOTION CARRIED

D10 – Friesen

Wayne Friesen was present with regard to Denial of Application No. 2-I-05RS. Mr. Friesen stated that he was not aware of the previous EASC meeting where the application was denied as he was on holidays and stated that he would have had liked had the opportunity to present their application to the new Electoral Area Directors at that EASC meeting.

There were no questions directed toward Mr. Friesen.

Committee discussion ensued and questions were directed toward staff.

It was Moved and Seconded

That Wayne Friesen be granted permission to make his formal presentation with regard to Application No. 2-I-05RS at an upcoming EASC meeting.

MOTION DEFEATED

BREAK

The Committee took a 5 minute break at 4:50 pm and re convened the meeting at 4:55 pm.

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STAFF REPORTS

**SR1 – Reserve Fund
Expenditure from
Reserve Fund Bylaw
#1301**

It was Moved and Seconded

That staff be authorized to prepare a Reserve Fund Expenditure Bylaw authorizing the expenditure of a maximum of \$10,000 from Reserve Fund Bylaw #1301 [Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment Bylaw #1, 1990], for the purpose of acquiring an imaging camera, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**SR2 – Cowichan Lake
Fire Protection
Service Area & North
Oyster Fire Protection
Service Area
Amendment Bylaw
(Boundary
Extensions)**

It was Moved and Seconded

- 1) That CVRD Bylaw No. 3293 – Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.
- 2) That CVRD Bylaw No. 3294 – North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**SR3 – Reserve Fund
Bylaw for Electoral
Area F Community
Parks Projects**

It was Moved and Seconded

That a Reserve Fund Expenditure Bylaw be prepared authorizing the expenditure of no more than \$40,000 from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) for the purpose of completing the dismantling of the old store building in Mesachie Lake Park and installation of lighting in Central Park; and that the Bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**SR4 – FCM 2010
Conference**

It was Moved and Seconded

That Director Cossey and two other Directors, who have not had the opportunity to attend a FCM in the past, be invited to attend the FCM 2010 Conference.

MOTION CARRIED

**SR5 – Derelict Ship in
Cowichan Bay**

It was Moved and Seconded

That the Staff Report dated July 21, 2009, from Mike Tippet, Manager, regarding Derelict Ship in Cowichan Bay be referred, after the September 9th meeting with the District of Central Saanich, to a future EASC meeting.

MOTION CARRIED

**SR6 – Proposed
Revision to the Fee
Schedule Charge at**

It was Moved and Seconded

That CVRD Development Application Procedures and Fees Bylaw No. 3275 be forwarded to the Regional Board for consideration of Three Readings and

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**the Time of OCP
Amendment and
Rezoning
Applications**

Adoption.

MOTION CARRIED

**SR7 –Referral from
Ministry of
Transportation,
Proposed Road
Closure – Mill Bay
Road**

It was Moved and Seconded
That Application No. 5400-04 Proposed Closure of Mill Bay Road (MoT File
No. 2009-04276) be recommended without objection to the Ministry of
Transportation and Infrastructure.

MOTION CARRIED

**SR8 – Referral from
Ministry of
Transportation,
Proposed Road
Closure – Heald Road**

It was Moved and Seconded
That Application No. 5400-04 proposed Closure of Heald Road (MoT File
No. 2008-00055) be recommended without objection to the Ministry of
Transportation and Infrastructure.

MOTION CARRIED

CORRESPONDENCE

**CR1 – Cowichan
Valley Naturalists
Society – Re: Hood
Canal Bridge in
Cowichan Estuary**

It was Moved and Seconded
That the letter dated July 14, 2009, from Cowichan Valley Naturalists Society,
regarding Hood Canal Bridge in Cowichan Estuary be received and filed.

MOTION CARRIED

**CR2 to CR3 – Grants
in Aid**

It was Moved and Seconded
That a Grant-in-Aid request (Electoral Area B – Shawnigan Lake) in the amount
of \$250 be given to Cowichan Green Community to aid with the 2nd Annual Fall
Harvest and Sustainability Festival.

That a Grant-in-Aid request (Electoral Area D – Cowichan Bay) in the amount
of \$250 be given to Cowichan Green Community to aid with the 2nd Annual Fall
Harvest and Sustainability Festival.

That a Grant-in-Aid request (Electoral Area D – Cowichan Bay) in the amount
of \$1,000 be given to Bruce Stewart/Cittaslow Cowichan to assist with costs for
the signage for Cittaslow at the Cowichan Bay Entrance Sign.

MOTION CARRIED

APC

AP1 to AP3 – Minutes

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

- Minutes of Area A APC meeting of July 16, 2009
- Minutes of Area G APC meeting of July 15, 2009
- Minutes of Area H APC meeting of June 11, 2009

MOTION CARRIED

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PARKS

PK1 to PK4 - Minutes

It was Moved and Seconded

That the following Parks minutes be received and filed:

- Minutes of Area A Parks Commission meeting of June 25, 2009
- Minutes of Area B Parks Commission meeting of June 18, 2009
- Minutes of Area H Parks Commission meeting of June 22, 2009
- Minutes of Area I Parks Commission meeting of July 14, 2009

MOTION CARRIED

INFORMATION

IN1 – Building Report

It was Moved and Seconded

That the June, 2009 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Grant in Aid – Area C

It was Moved and Seconded

That a Grant-in-Aid request (Electoral Area C – Cobble Hill) in the amount of \$5,500. be given to Shawnigan Cobble Hill Farmers Institute to promote Cobble Hill and its agricultural industry through signage.

MOTION CARRIED

NB2 – Request for Sewer and Water Utility Easements Through Hollings Creek Park

It was Moved and Seconded

That the request from the Developer of the Briarwood Green project for the extension of water and sewer utility services through Hollings Creek Park in Electoral Area A be approved, subject to the following conditions:

- The Developer, at their cost, replace the existing wood culvert on Handysen Creek within Hollings Creek Park with a new culvert or like structure as approved by the Ministry of Environment and construct a Type 3 Pedestrian/Cycling Trail between Lilmac Road and Briarwood Drive over the upgraded crossing to CVRD Parks and Trails Division standards.
- That the lands along Handysen Creek bounded to the north and south by Hollings Creek Park be dedicated to the Regional District as a titled lot for park purposes to complete the park corridor along Hollings Creek within the proposed subdivision development area and that such dedication be approved through the up to 50 Percent Public Land Dedication Provisions of the Mill Bay/Malahat Zoning Bylaw.
- That a trail corridor of no less than 4.0 metres in width be dedicated as a titled lot to the Regional District between the proposed cul de sac on Briarwood Drive and Hollings Creek Park to facilitate the Type 3 Pedestrian/Cycling Trail between Briarwood Drive and Lilmac Road.
- The Developer, at their cost, construct a new pedestrian trail to the CVRD Type 2 Trail Standard between the upgraded crossing of Handysen Creek

downstream along the west side of Handysen Creek to Hollings Creek, complete with a pedestrian bridge crossing over Hollings Creek, all within Hollings Creek Park, and from the Hollings Creek Crossing to Bourbon Road in Kerry Village, with said trail alignment and bridge crossing to be locations approved by the Regional District. A irrevocable letter of Credit in an amount of 120 percent of the estimated value of the works, as approved by the CVRD, will be provided to the Regional District prior to installation of the sewer and water services within the park.

- That all works through Hollings Creek Park are subject to CVRD approval to ensure the impacts to the park are minimized and that the works include appropriate environmental mitigation and environmental restoration work.
- That a letter of credit be secured from the Developer to cover any potential negative environmental impacts arising from in-stream works or works undertaken within Hollings Creek Park.

MOTION CARRIED

**NB3 – Topics for
September 1st EASC
Meeting**

It was Moved and Seconded

That Staff prepare a report for the next EASC meeting regarding Section 946 subdivision applications.

MOTION CARRIED

It was Moved and Seconded

That Staff prepare a report for the next EASC meeting regarding Committee meeting start times.

MOTION CARRIED

**NB4 – Cowichan
Lake Power Surge**

Director Morrison updated the Committee on the Power Surge that occurred east of the Town of Lake Cowichan and in the Skutz Falls Area. Director Morrison thanked staff for the letter that was sent to BC Hydro and noted that a response has been received by the CVRD. He advised that he held a public information meeting last week in Lake Cowichan which was well attended and that he understood there are now 179 claimants that have come forward after the power surge. Director Morrison further stated that he also understood that a number of claimants were likely proceeding toward class action suits and numerous small claims and advised that he would keep the Committee informed of the matter as it proceeds.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 5:20 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:50 pm.

Chair

Recording Secretary



D1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 1, 2009

DATE: August 26, 2009 **FILE NO:** 3-F-08 RS
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 2600
SUBJECT: Rezoning Application No. 3-F-08RS
(Gordon Bay Provincial Park – CVRD)

Recommendation:

That Application No. 3-F-08 RS (CVRD for Ministry of Environment) to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by rezoning Lot 1, Section 37, Renfrew District (Situate in Cowichan Lake District) Plan VIP82826, be approved and that proposed Zoning Amendment Bylaw No. 2981 be forwarded to the Board for consideration of first and second reading; that a public notice process occur in place of a public hearing; and further that the referral to the Ministries of Transportation and Infrastructure, Community and Rural Development, and Environment, the Agricultural Land Commission, Ditidaht First Nation, Lake Cowichan First Nation, Hul'qumi'num Treaty Group be accepted.

Purpose:

To amend Electoral Area F (Cowichan Lake South/Skutz Falls) Zoning Bylaw No. 2600 by rezoning the subject property from A-1 (Agricultural Resource) and F-1 (Forest Resource) to P-1 (Parks 1 zone). The subject property is a recent addition (March 2007) to Gordon Bay Provincial Park.

Background:

Location of Subject Property: Lot 1, South Shore Road (Gordon Bay Provincial Park)

Legal Description: Lot 1, Section 37, Renfrew District, (Situate in Cowichan Lake District) Plan VIP82826 (PID: 027-014-908)

Date Application and Complete Documentation Received: N/A

Owner: Ministry of Environment

Applicant: CVRD

Size of Parcel: 48.1 ha

Existing Zoning: A-1 (Agricultural Resource) and F-1 (Forest Resource)

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Minimum Lot Size Under Existing Zoning: 12 hectares (A-1)
80 hectares (F-1)

Existing Plan Designation: A (Agriculture) and F (Forestry)

Existing Use of Property: Park

Existing Use of Surrounding Properties:

North: Block 178 is primarily forestry use (F-1)
South: Honeymoon Bay Ecological Reserve
and golf course (A-1 and A-3)
East: Gordon Bay Provincial Park (P-1)
West: Block 178 and remainder Section 37 (F-1)

Services:

Road Access: South Shore Road
Water: N/A
Sewage Disposal: N/A

Agricultural Land Reserve Status: In

Contaminated Sites Regulation: N/A

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a TRIM stream with possible fish presence

Archaeological Site: No archaeological sites have been identified on the subject property.

Planning Division Comments:

On December 13, 2006, the CVRD Board considered an application from the Ministry of Environment to subdivide a ± 84.7 ha parcel of land adjacent to Gordon Bay Provincial Park, near Honeymoon Bay. The application was to subdivide the A-1 (Agricultural Resource) and F-1 (Forest Resource) split-zoned parcel into two lots, one 48.1 ha parcel to be acquired by the Ministry of Environment as an addition to Gordon Bay Park and a ± 33 ha remainder to remain as a managed forest.

The CVRD Board recommended approval of the application, and referred it to the Agricultural Land Commission (ALC) for consideration, as the parcel is within the Agricultural Land Reserve (ALR). The ALC approved the subdivision application on February 14, 2007, and in their decision, they noted that the park acquisition is primarily intended to expand the width of the existing park, to allow for a new access off South Shore Road and provide protection for the adjacent Honeymoon Bay Ecological Reserve. The Commission acknowledged the potential for some campsite development on the subject property, as the existing campsites at Gordon Bay Park are located alongside the border of the subject property. However, the Commission's concluding remarks stated that there would be little degradation of the land on the subject property, and the proposal would not significantly impact existing or potential agricultural use of the surrounding lands.

In 2006 when the Regional Board recommended approval of the subdivision, they did so with the provision that should the application be approved by the ALC, the new addition to Gordon Bay Park should be rezoned to P-1 (Parks 1).

Property Context

The Canada Land Inventory soil capability mapping is not available for this area. Information on soil capability is available from the ALC's meeting minutes, in which they note that the subject property is relatively flat, and the whole area is rated as Class 5 on their soil capability assessment maps. Generally speaking, Class 5 soils have limitations that restrict capability to produce perennial forage crops.

As stated above, the subject property is split zoned A-1 (Agricultural Resource) and F-1 (Forest Resource). Large Forestry Resource zoned parcels surround the subject property to the north and west, and the original Gordon Bay Provincial Park is located to the east, and is zoned P-1 (Parks 1). The Honeymoon Bay Ecological Reserve and golf course, which are split-zoned A-1 and A-3 (Golf Course/Agriculture), are located to the south of the subject property.

Official Community Plan Re-designation

The objectives of the Plan in terms of agriculture are to maintain the agricultural land base; to prevent development of agricultural land for non-agricultural uses; and to minimize conflict between agricultural and non-agricultural activities.

Furthermore, Policy 5.1 (Agriculture) of the Official Community Plan states that *"All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agriculture shall be designated as Agricultural on the Plan Map."*

Policy 10.1 (Recreation, Parks and Institutional Uses) of the Official Community Plan states that, *"While parks existing at the time of adoption of this Plan will be designated as Parks/Institutional, parks are compatible in any land use category of the Community Plan and are therefore permitted in any land use designation and zone."*

As the majority of parks in Electoral Area F have a Parks and Institutional OCP designation as well as a Parks zoning, and in the interest of consistency, it may be desirable for the subject property to be re-designated from Agricultural to Parks and Institutional on the OCP map. However, in light of the above-mentioned policies to maintain land in the ALR within the Agricultural designation and the park policy stating that parks are compatible with any land use category it would be, in staff's opinion, more appropriate to leave the OCP designation as Agricultural.

Government Agency Comments:

The proposed amendment was referred to the following external agencies and their comments (if any) are as follows:

- Agricultural Land Commission – *Interests Unaffected, it is noted that this amendment is in accordance with Commission Resolution 11/2007.*
- Ministry of Transportation and Infrastructure – *Preliminary Approval is granted for the rezoning for one year pursuant to Section 53(3)(a) of the Transportation Act.*
- Ministry of Environment – *No comments received.*
- Ministry of Community and Rural Development – *No comments received.*
- Ditidaht First Nation – *No comments received.*
- Hul'qumi'num Treaty Group – *No comments received.*
- Lake Cowichan First Nation – *No comments received.*

This application was not referred to the Electoral Area F Advisory Planning Commission, as it was felt that the proposed zoning amendment is consistent with previously given Board direction.

Options:


1. That Application No. 3-F-08RS (CVRD for Ministry of Environment) to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by rezoning Lot 1, Section 37, Renfrew District (Situate in Cowichan Lake District) Plan VIP82826, be approved and that proposed Zoning Amendment Bylaw No. 2981 be forwarded to the Board for consideration of first and second reading; that a public notice process occur in place of a public hearing; and further that the referrals to the Ministries of Transportation and Infrastructure, Community and Rural Development, and Environment, the Agricultural Land Commission, Ditidaht First Nation, Lake Cowichan First Nation, Hul'qumi'num Treaty Group be accepted.
2. That Application No. 3-F-08 RS (CVRD for Ministry of Environment) to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by rezoning Lot 1, Section 37, Renfrew District (Situate in Cowichan Lake District) Plan VIP82826, be denied

Option 1 is recommended.

Submitted by,



Rachelle Moreau
Planning Technician
Planning and Development Department

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

RM/ca

000016



Cowichan
Valley
Regional
District

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

The Regional District does not
warrant the accuracy.



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

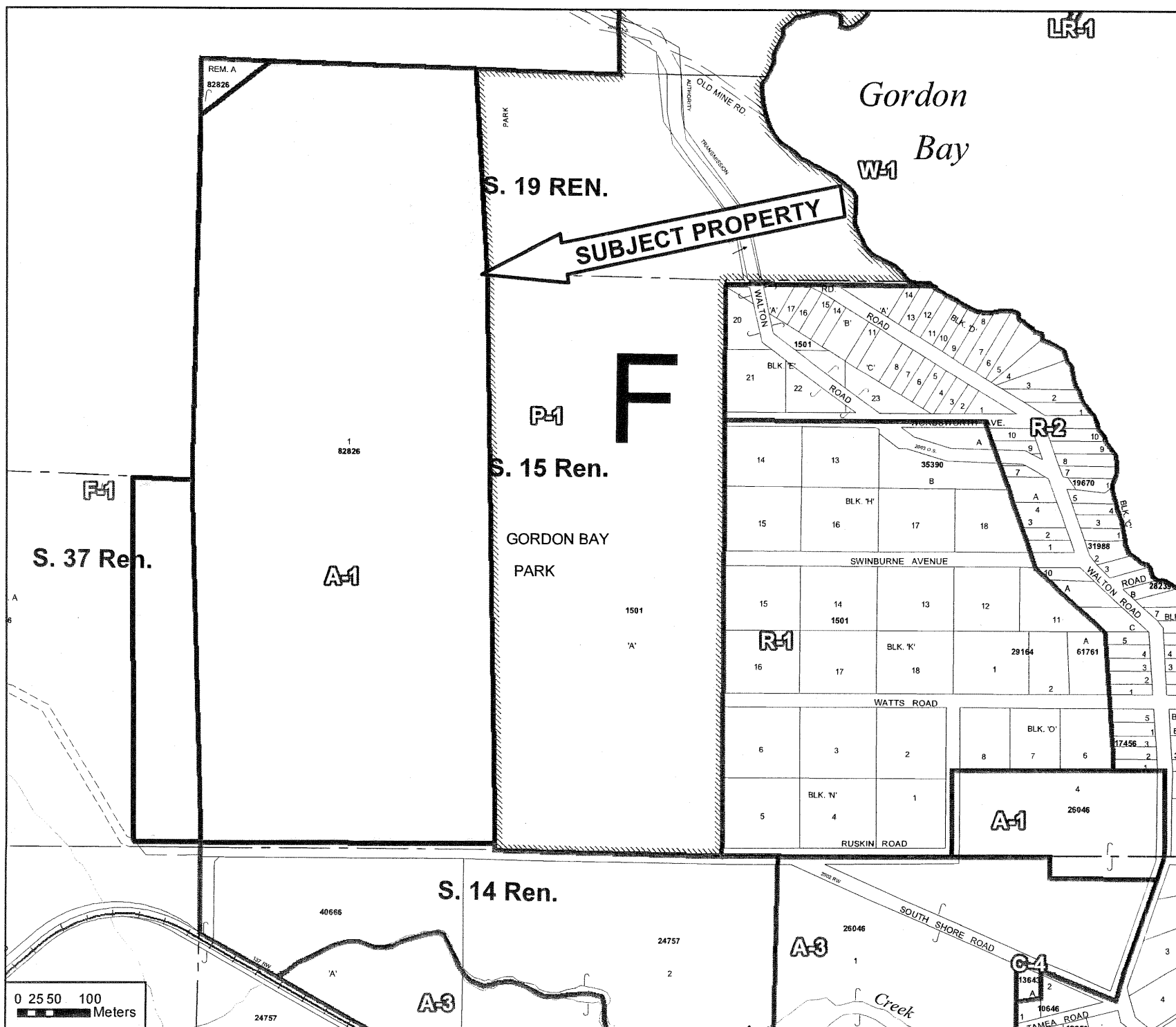
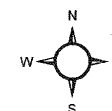
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 3-F-08-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area F



0 25 50 100
Meters

000017



**Covician
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.

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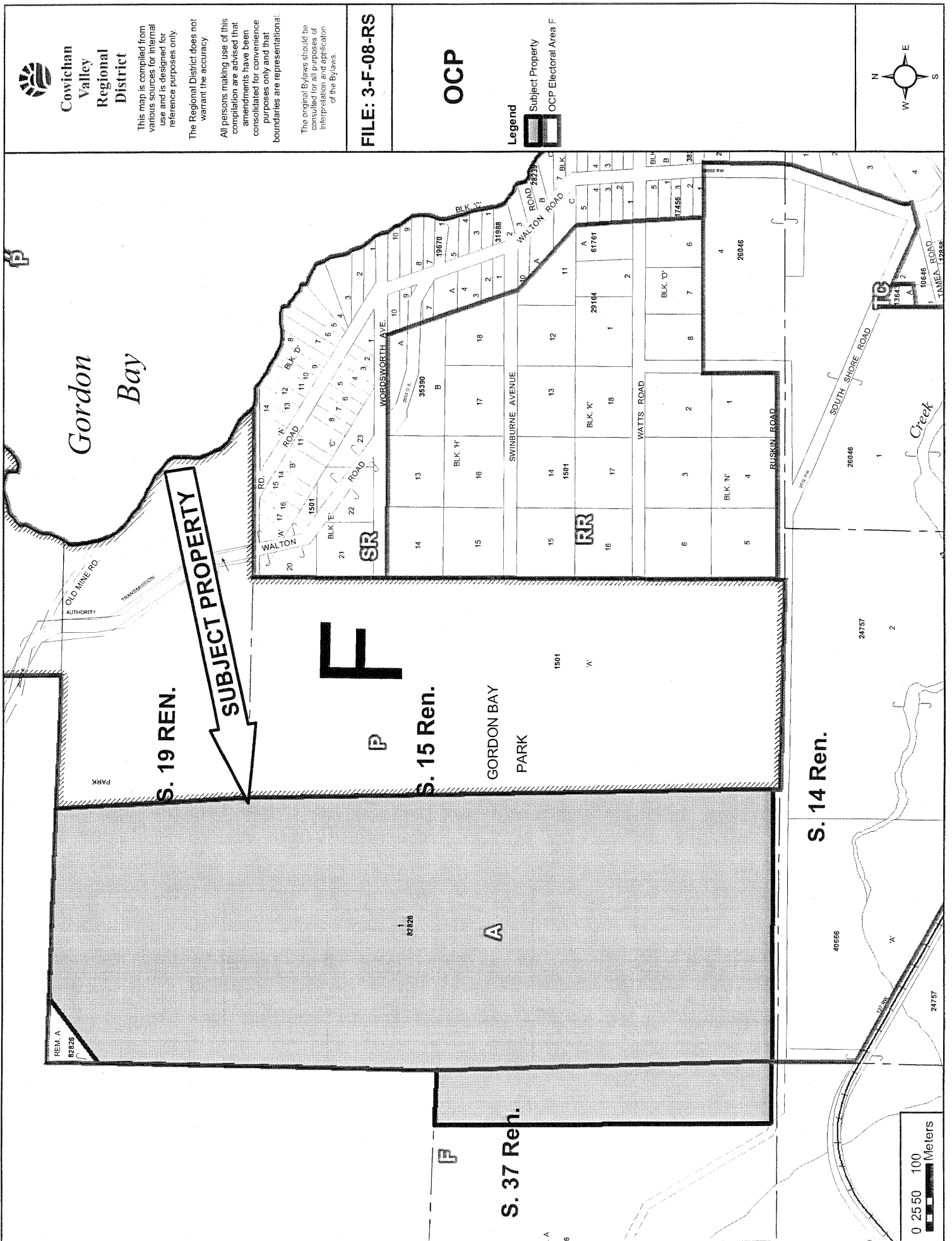
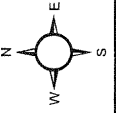
FILE: 3-F-08-RS

OCP

Legend



Subject Property
OCP Electoral Area F





Cowichan
Valley
Regional
District

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

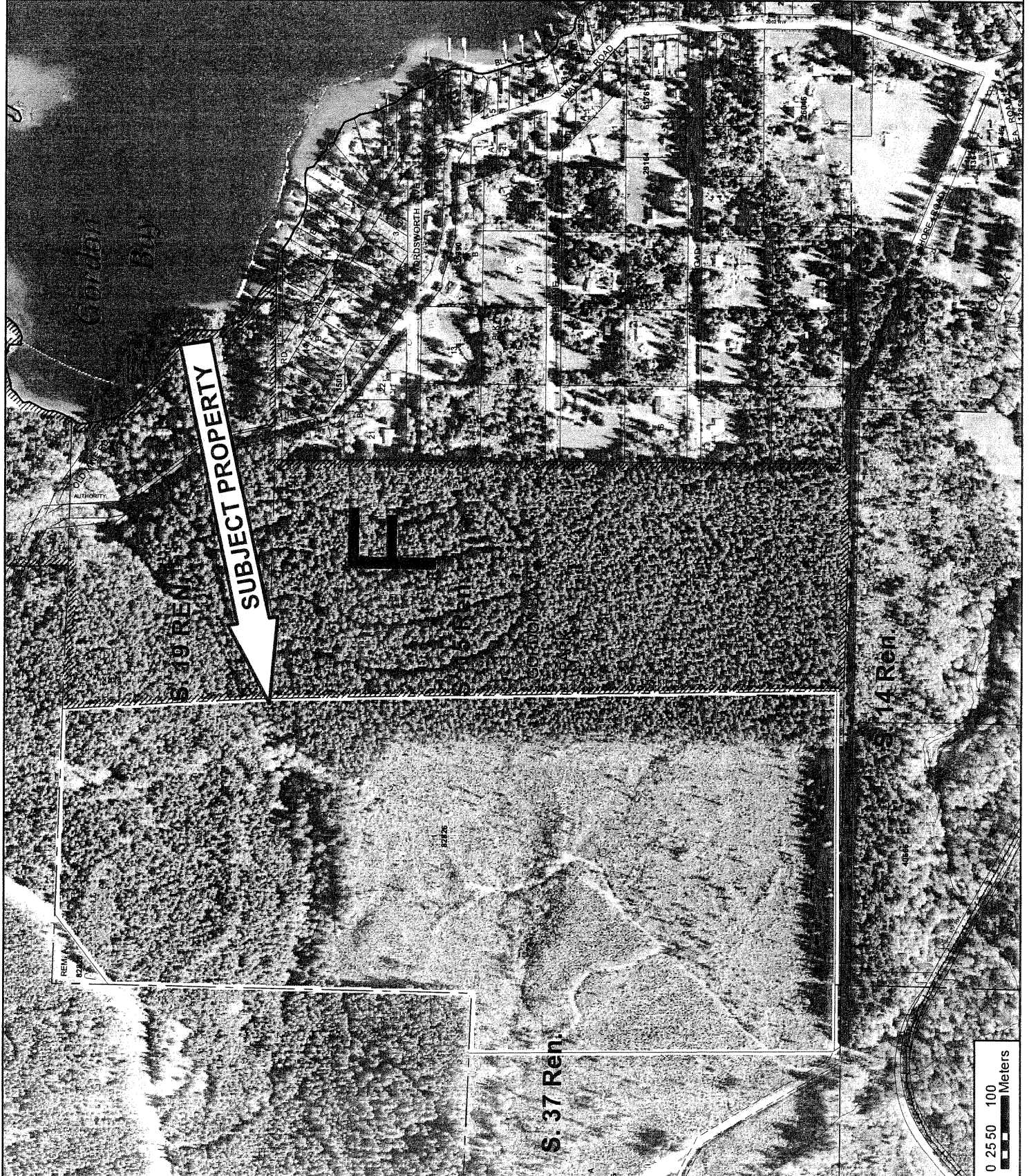
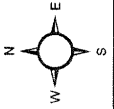
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FILE: 3-F-08-RS

Orthophoto (2004)



000019

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.

000020

5.1 A-1 AGRICULTURAL RESOURCE 1 ZONE

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

1. Permitted Uses

The following principal uses and no others are permitted in the A-1 zone:

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

The following accessory uses are permitted in the A-1 zone:

- c. Bed and breakfast accommodation;
- d. Buildings and structures accessory to a principal permitted use;
- e. One additional temporary dwelling as required for an agricultural use, subject to Sectional 5.1.3.b;
- f. Home-based business,
- g. Sale of products grown or reared on the parcel.

2. Minimum Parcel Size

The minimum parcel area in the A-1 Zone is 12 hectares.

3. Number of Dwellings

- a. One dwelling is permitted per parcel in the A-1 Zone.
- b. One additional temporary dwelling (manufactured home) for farm help may be permitted on a parcel in the A-1 zone, provided
 - i. the parcel has farm classification on BC Assessment Authority records;
 - ii. the parcel is, in the opinion of the CVRD Development Services staff, used as a *bona-fide* farm;
 - iii. the additional dwelling is located on the lowest capability lands, if possible within the vicinity of existing farm buildings so as not to interfere with or alienate useable farm land;
 - iv. the applicant demonstrates that the additional dwelling is necessary to accommodate a bona-fide assistant employed full time in the farm operation whose residence on the farm property is considered critical to the overall operation of the farm. The scale of the farm operation must be large enough that permanent help is necessary for reasons of security, regular feeding, watering, and caring of livestock, or tending of equipment, or other agricultural activities which are required in the operation of the farm; and
 - v. the applicant covenants with the Regional District that the additional temporary dwelling will be removed once it is no longer required to accommodate farm help.

4. Setbacks

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

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

5. Height

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

6. Parcel Coverage

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

- a. 30 percent for all buildings and structures;
- b. Notwithstanding Section 5.1.6.a, the parcel coverage may be increased by an additional 20% of the site area for the purpose of accommodating greenhouses.

7. Parking and Loading

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

000022

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

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

1. **Permitted Uses**

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

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

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

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

2. **Minimum Parcel Size**

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

3. **Number of Dwellings**

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

4. **Setbacks**

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

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

5. **Height**

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

6. **Parcel Coverage**

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

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

7. **Parking and Loading**

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



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 2981

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 notification period and with due regard to the public comments 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 "**Cowichan Valley Regional District Bylaw No. 2981 - Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (CVRD for Ministry of Environment), 2009.**".

2. **AMENDMENTS**

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

- a) That Schedule B (Zoning Map) to Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning Lot 1, Section 37, Renfrew District (situate in Cowichan Lake District), Plan VIP82826, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-2981, from A-1 (Agricultural Resource) and F-1 (Forest Resource) to P-1 (Parks).

3. **FORCE AND EFFECT**

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

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

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

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

ADOPTED this _____ day of _____, 2009.

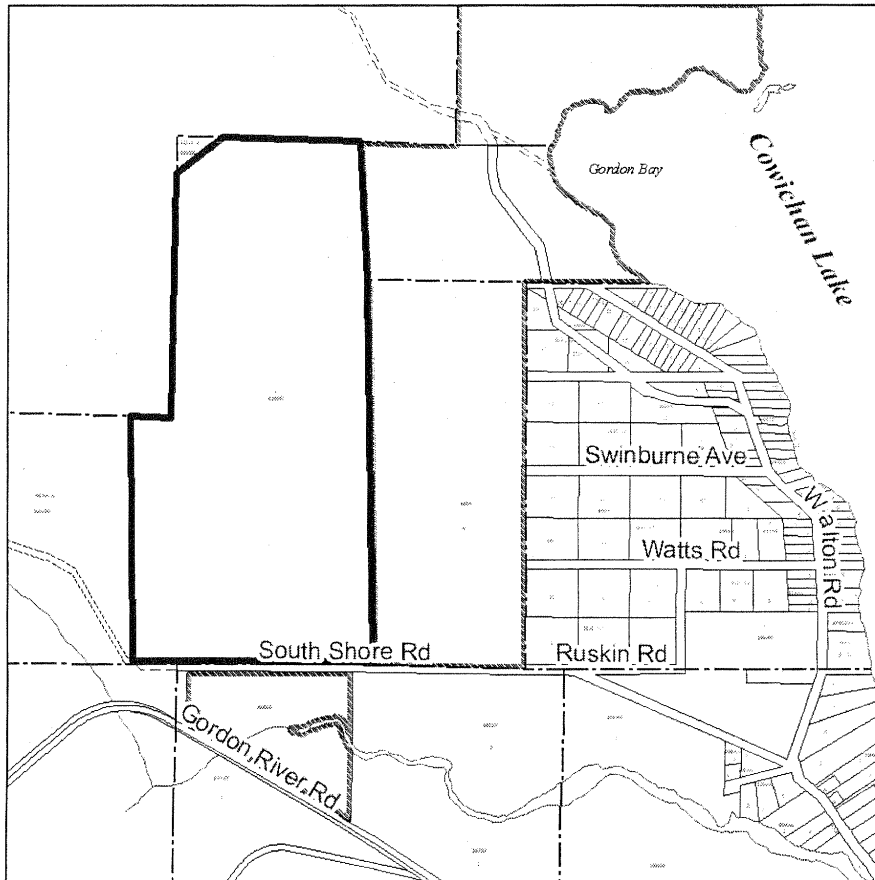
Chairperson

Secretary

PLAN NO. Z-2981

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

2981



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-1 (Agricultural Resource) and F-1 (Forest Resource) **TO**

P-1 (Parks) **APPLICABLE**

TO ELECTORAL AREA F



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 1, 2009

DATE: August 26, 2009 **FILE NO:** 3-E-09 DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 1840
SUBJECT: Development Variance Permit Application No. 3-E-09DVP
(Cander)

Recommendation:

That Application No. 3-E-09DVP by Stephen and Christina Cander for a variance to Section 7.6(b)(4) of Zoning Bylaw No. 1840, by decreasing the setback to a front parcel line for a residential structure from 7.5 metres (24.6 ft) to 4.81 metres (15.8 ft), on Lot 1, Section 9, Range 9, Sahtlam District, Plan 26014 (PID: 002-710-285), be approved, subject to the applicant providing a survey confirming compliance with the approved setback.

Purpose: To consider an application to vary the front parcel line setback of a residential structure from 7.5 metres (24.6 ft.) to 4.81 metres (15.8 ft.).

Background:

Location of Subject Property: 4345 Gerz Road

Legal Description: Lot 1, Section 9, Range 9, Sahtlam District, Plan 26014 (PID: 002-710-285)

Date Application and Complete Documentation Received: June 15, 2009

Owner: Stephen and Christina Cander

Applicant: Same

Size of Parcel: 0.3 ha (0.79 acres)

Existing Zoning: A-2 (Secondary Agricultural)

Minimum Lot Size Under Existing Zoning: 2.0 ha

Existing Plan Designation: Agriculture

000027

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Inwood Creek Park and vacant A-2 land
South:	Residential
East:	Residential
West:	Residential

Services:

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

Environmentally Sensitive Areas: The subject property is within the “stream planning area” for Inwood Creek. However, a site visit confirmed that the area of proposed construction is outside the 30 metre Riparian Areas Assessment Area.

Archaeological Site: None have been identified.

The Proposal:

An application has been made to: the Regional Board to vary Section 7.6(b)(4) of Bylaw No. 1840.

For the purpose of: constructing an addition (front porch) to the existing residential structure 4.81 metres from the front parcel line.

Planning Division Comments:

The subject property is located on Gerz Road just before the Inwood Creek Estates subdivision. Prior to this development in 2007, Gerz Road was a small dead-end road. However, as a result of the development, the travelled surface of the road has since been widened and paved.

Currently, the front door to the house is at the rear of the house, and the applicants would like to improve the appearance of their residence and formalize the entryway by adding a front door and enclosed front porch on the front of their home.

The dwelling, at approximately 6.63 metres from the front parcel line, is already closer to the property line than the current 7.5 metre setback restrictions allow. By adding the new front porch, this would further reduce the setback to 4.81 metres from the road. However, it would appear in this case that the impact would be minimal, and that the appearance of the dwelling from the road would be improved.

The Ministry of Transportation and Infrastructure (MOTI) setback from a road is 4.5 metres. The applicant has not proposed to encroach within this setback, rather the front porch will be 4.81 metres from the road.

000028


Surrounding Property Owner Notification and Response:

A total of 9 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 provided for a written reply will be complete on September 2, 2009, and at the time this report was prepared we had received one letter stating no objection to this application. Any additional correspondence received prior to the Electoral Area Services Committee or Board meeting will be forwarded to the attention of the Directors at the appropriate meeting.

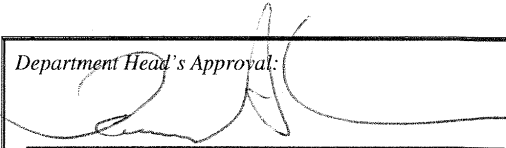
Options:

1. That the application by Stephen and Christina Cander for a variance to Section 7.6(b)(4) of Zoning Bylaw No. 1840, by decreasing the setback to a front parcel line for a residential structure from 7.5 metres (24.6 ft) to 4.81 metres (15.8 ft), on Lot 1, Section 9, Range 9, Sahtlam District, Plan 26014 (PID: 002-710-285), **be approved, subject to the applicant providing a survey confirming compliance with the approved setback.**
2. That the application by Stephen and Christina Cander for a variance to Section 7.6(b)(4) of Zoning Bylaw No. 1840, by decreasing the setback to a front parcel line for a residential structure from 7.5 metres (24.6 ft) to 4.81 metres (15.8 ft), on Lot 1, Section 9, Range 9, Sahtlam District, Plan 26014 (PID: 002-710-285), **be denied.**

Submitted by,

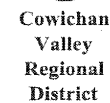


Rachelle Moreau,
Planning Technician
Planning and Development Department

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

RM/ca

000029



000030

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The Regional District does not warrant the accuracy.

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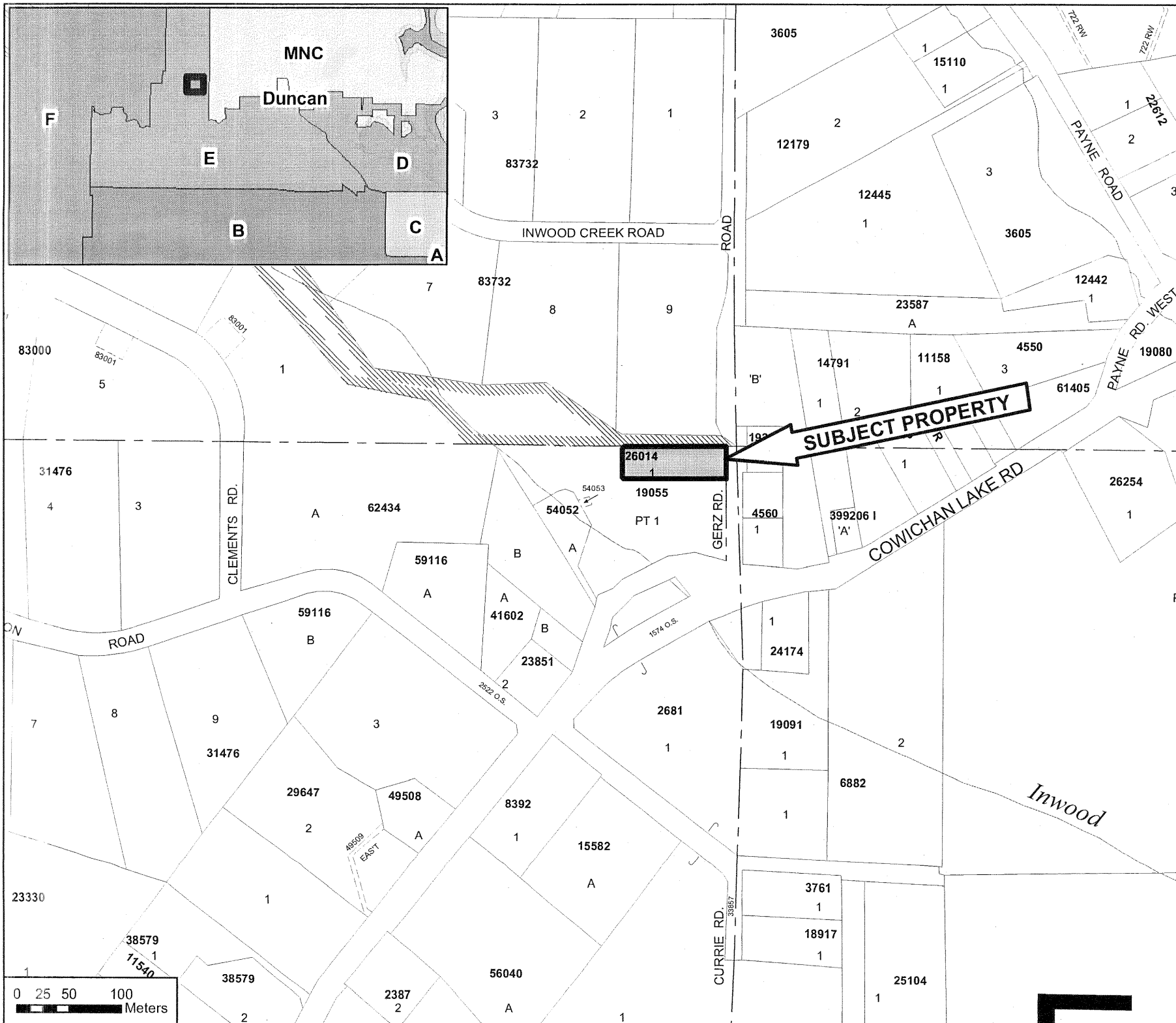
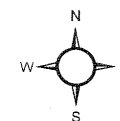
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 3-E-09-
DVP**

Legend



Subject Property





Cowichan
Valley
Regional
District

000031

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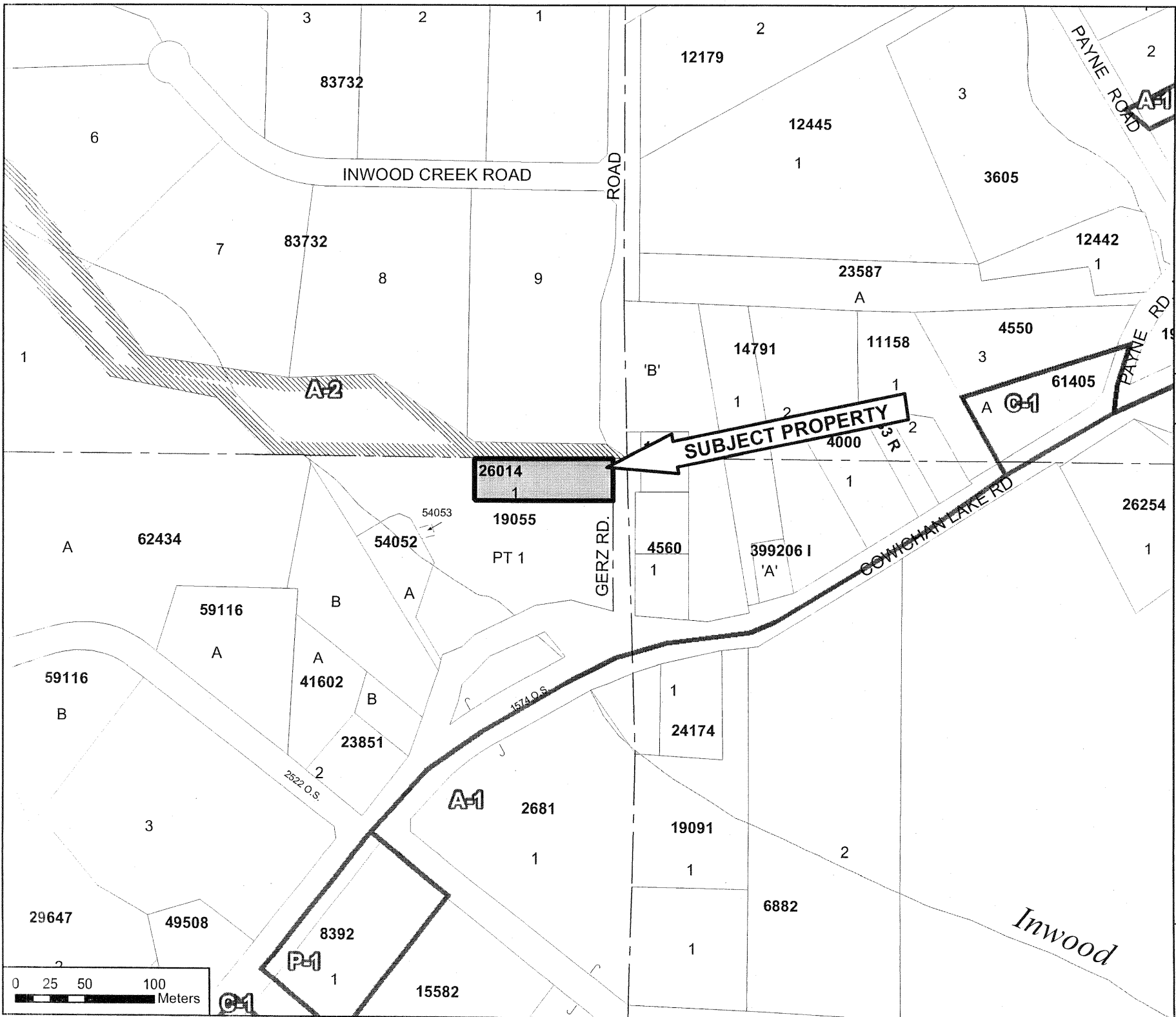
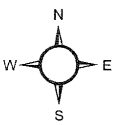
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FILE: 3-E-09-DVP

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area E





Cowichan
Valley
Regional
District

000032

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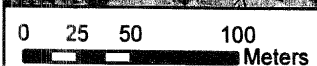
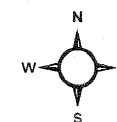
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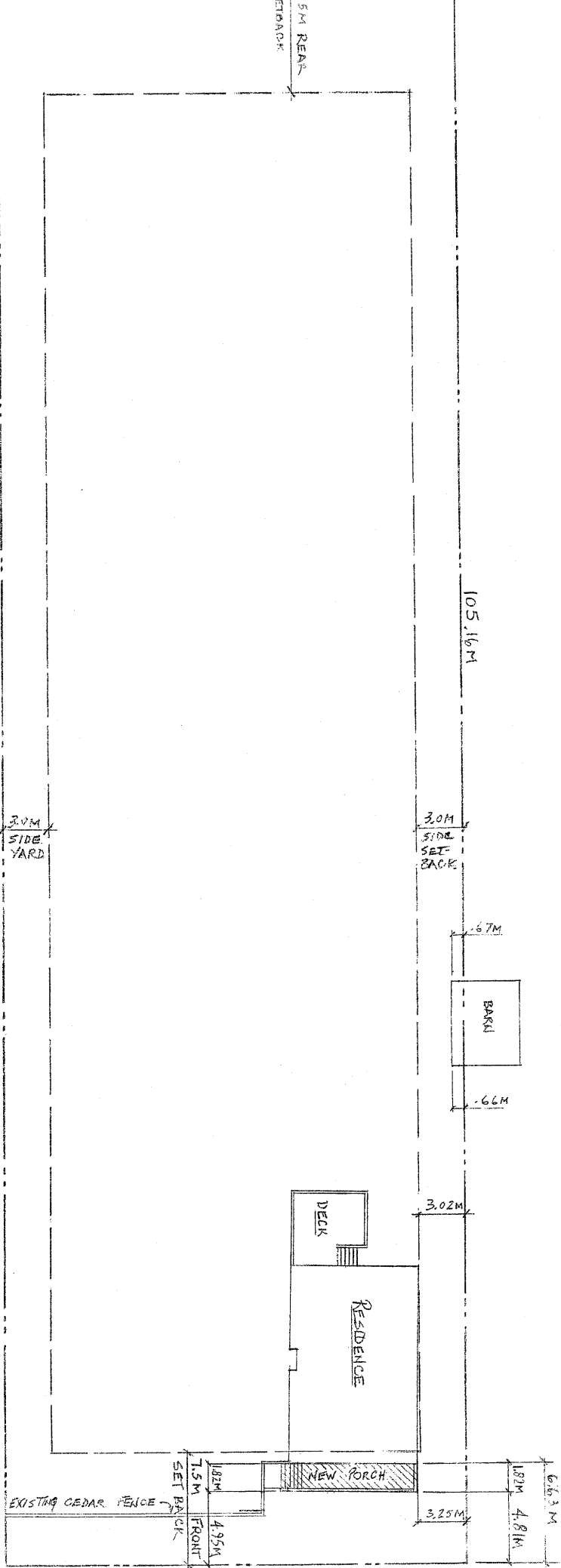
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FILE: 3-E-09-
DVP

Orthophoto
(2004)



000033



REQUEST FOR RELAXATION OF FRONT SETBACK FROM 7.5 METERS TO 4.5 METERS

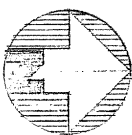
HOUSE CONSTRUCTION PRE-DATES CREATION OF C.V.R.D. RENOVA TOWN TO ADD NEW FRONT PORCH AND MOVE FRONT DOOR FROM SOUTH TO EAST FACE WILL IMPROVE LOOK OF HOUSE AND MAKE IT EASIER TO FIND THE FRONT DOOR.

SITE PLAN

1:250 METRIC

LEGAL DESCRIPTION

LOT 1
SECTION 9
RANGE 9
SARITLAM DISTRICT
PLAN 26014
ZONING A-2



PROPOSED VARIANCE TO FRONT SETBACK

FOR

STEVE & CHRISTINA CANDLER

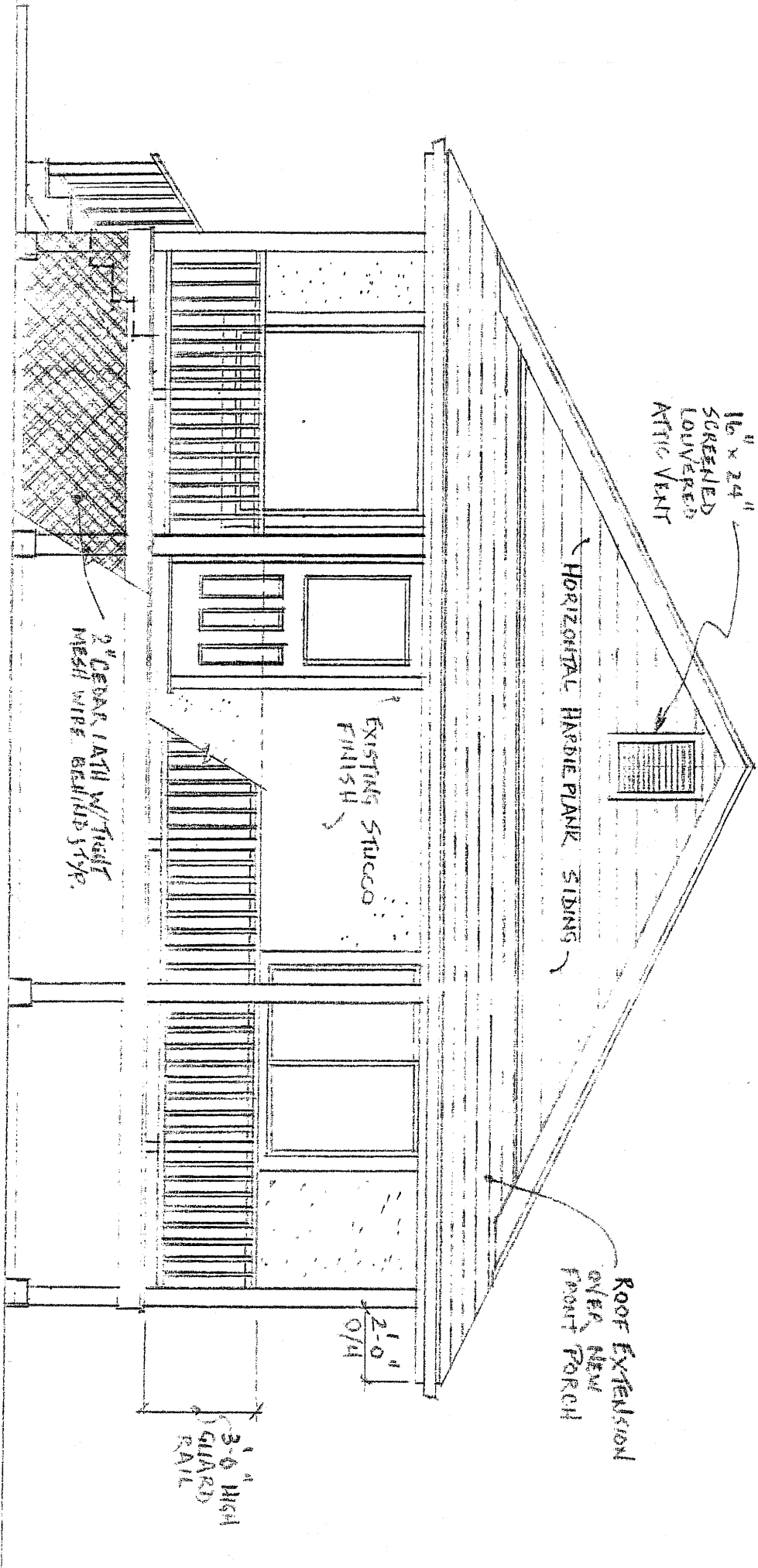
4345 GERZ ROAD DUNDAS & C

JIM CLEOUGH

DESIGN & DRAFTING

477 ALDENIA ST.
DUNDAS, B.C.
V9L 3V3
1 (250) 748-8122
1 (603) 440-8122

JOB NO.	SCALE	SHEET TITLE
0904	1:250 METRIC & 1/4" = 1'-0"	SITE PLAN FRONT ELEVATION
JOB DATE	CLIENT	
APRIL 30 2009	CANDLER	
PRINT DATE	DRAWN BY	SHEET NO.
	J. CLEOUGH	A-1 of 1



PROPOSED NEW FRONT ELEVATION
1/4" = 1'-0"

March 4, 2009

We, Stephen and Christina Cander, owner & occupants of 4345 Gerz Rd, would like to add a covered porch and front door to the roadside of our house. Currently our front door is at the side, awkward to reach and unwelcoming.

We feel by adding a door to the roadside our home will be much more approachable, friendly and attractive.

In order to proceed with this we need to apply for a variance with the CVRD. If you feel this renovation/addition to our home will cause no negative impact on you, our neighbours, or our neighbourhood we appreciate a signature of support below.

Thanks so much

Ed Jaycox {4341}

000035

West Bike

PROFESSIONAL MOTORCYCLE SERVICE
Est. 1981

Tel - 748-8465 - Fax

4335 Gerz Road, (Sahltam area), R.R. #2, Duncan, B.C.

File No 3-E.09 DVP

Re: 4345 Gerz Rd.

Lot 1, Sec 9, Range 9 SAHltam Dist.
Plan 26014 (PID: 002-710-285)

Rachelle Moreau -

I am ok. with this Plan
This is a good improvement -

Thank you



FRED BEHRINGER

000036



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 3-E-09 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 1, Section 9, Range 9, Sahlam District, Plan 26014 PID: 002-710-285
3. Zoning Bylaw No. 1840, applicable to Section 7.6(b)(4), is varied by 2.69 metres for the construction of an addition to the existing dwelling 4.81 metres from the front parcel line.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan
 - Schedule B – Building Elevation
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. _____ PASSED BY THE BOARD OF
THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF ____
_____ 2007

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

000037



D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 1, 2009

Date: August 25, 2009 File No: 2-G-08RS

FROM: Rob Conway, Manager Development Services Division BYLAW NO: 2524

SUBJECT: Rezoning Application No. 2-G-08RS (Parkinson)

Recommendation:

1. That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 2-G-08RS (Parkinson) that would permit one new lot.
2. That a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Dorey, Marcotte and Iannidinardo appointed as Board delegates.
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Community Services, the CVRD's Parks, Recreation and Culture Department and Engineering and Environmental Services Department be accepted.
4. That a Section 219 Covenant requiring dedication of a 7 metre wide trail connection between Clifcoe Road and Chemainus Road at the time of subdivision be required prior to adoption of amendment bylaws.

Purpose:

To consider an application to amend Electoral Area "G" Official Community Plan Bylaw No. 2500 (2005) and CVRD Zoning Bylaw No. 2524 (2005), applicable to Electoral Area G – Saltair/Gulf Islands, to rezone 10755 Chemainus Road in order for it to be subdivided into two parcels.

Background:

Location of Subject Property: 10755 Chemainus Road

Legal Description: Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508 (PID 006-198-945)

000038

Date Application and Complete Documentation Received: October 8, 2008

Owner: Keith Parkinson

Applicant: As above

Size of Parcel: 1.72 ha. (4.25 acres)

Existing Plan Designation: Suburban Residential

Proposed Plan Designation: General Residential

Existing Zoning: R-2 (Suburban Residential 2)

Minimum Lot Size Under Existing Zoning: 1.0 ha. if not connected to community sewer system
0.4 ha. if connected to community sewer

Proposed Zoning: R-3 (General Residential 3)

Minimum Lot Size Under Existing Zoning: 1.0 ha. if not connected to community water system
0.4 ha. if connected to community water system
0.2 ha. if connected to community sewer and water

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential (Zoned R-2)
South: Residential (Zoned R-2)
East: Residential (Zoned R-3)
West: Residential (Zoned R-2 and C-2)

Services:

Road Access: Chemainus Road
Water: Saltair Water System
Sewage Disposal: On-site

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify environmentally sensitive areas on the subject property or on properties directly adjacent to it.

Archaeological Site: None identified.

Application Context:

The applicant applied to the Ministry of Transportation in August, 2005 to subdivide the subject property with the intention of creating a residential lot for his son and family. The application was made pursuant to Section 946 of the *Local Government Act*, which permits the subdivision of a parcel to a lot size less than the minimum required by zoning when the subdivision is for a relative. The subdivision application proposed creating a 0.52 ha. (1.28 ac.) parcel for the applicant's son and a 1.2 ha (2.96 ac.) remainder that would be retained by the applicant.

When the applicant applied for subdivision in 2005, Zoning Bylaw No. 1180 was the applicable Zoning Bylaw in Area G. This bylaw would have allowed the proposed subdivision either as a subdivision for a relative (i.e. Section 946 subdivision) or as a conventional subdivision. In November, 2005, however, the Regional Board adopted Zoning Bylaw No. 2524, which replaced Zoning Bylaw 1180. The new Zoning Bylaw included two changes that effectively precluded the applicant's ability to subdivide. Firstly, the minimum parcel size in the R-2 zone was increased from 0.4 ha (1 ac.) to 1.0 ha (2.47 ac.) for parcels not connected to a community sewer system. Secondly, Zoning Bylaw No. 2524 established a minimum size of 25 hectares (61.75 ac.) for parcels to be eligible for Section 946 subdivision. The adoption of Bylaw No. 2524 therefore removed the potential to subdivide the property as intended without a zoning amendment.

Because the subdivision application was submitted prior to adoption of Zoning Bylaw No. 2524, Section 943 of the *Local Government Act* provided the applicant protection against the zoning changes for a period of one year. Although the applicant undertook considerable work on the subdivision during this period, he was unsuccessful in completing the subdivision within 12 months of adoption of Zoning Amendment Bylaw No. 2524 due to complications encountered with obtaining approval from the Vancouver Island Health Authority for on-site sewage disposal. By the time the applicant had obtained approval from VIHA in October 2007, the 12 month protection period had expired and the applicant was no longer eligible to subdivide the parcel. Without protection of Section 943, the applicant's only option for pursuing the subdivision was to apply for rezoning.

The Proposal:

The applicant has proposed amending the zoning of the subject property from R-2 (Suburban Residential 2) to R-3 (General Residential 3). A corresponding change to the OCP is also proposed that would amend the Plan designation for the property from Suburban Residential to General Residential. Should the rezoning application be approved and the necessary amendment bylaws adopted, the applicant intends to complete the subdivision he applied for in 2005. A plan showing the proposed subdivision is attached to this report.

The proposed subdivision would create a new 0.52 ha. (1.28 ac.) lot on the north side of the subject property and a 1.2 ha. (2.96 ac.) remainder where the owner's existing home is located. In expectation of subdivision approval the applicant has already undertaken much of the work necessary for completion of the subdivision including identification of sewage disposal covenant areas on the proposed lot and remainder and construction of a sewage treatment plant on the proposed new lot. A water connection to the proposed new lot is not installed, but the Engineering and Environmental Services Department has confirmed the water system has capacity for the connection and can be provided.

000040

Policy Context:

Official Community Plan:

The Area G Official Community Plan has two primary residential designations. The Suburban Residential designation, which applies to the rural and semi-rural parts of Saltair, and the General Residential designation, which applies to the more urban parts of the community – roughly between Clifcoe Road and Davis Lagoon.

The subject property is presently designated as Suburban Residential in the OCP. This designation is intended to ensure such areas remain semi-rural and agricultural over time. Objectives of the Suburban Residential designation are,

- a) To preserve the rural residential character of Saltair;*
- b) To ensure that there is adequate designation of land for new housing requirements;*
- c) To encourage affordable rental and special needs housing in a manner in keeping with the rural residential nature of the community;*
- d) To protect and encourage home-based businesses that are compatible with the rural setting; and*
- e) To minimize conflicts between residential development and agriculture.*

Relevant Suburban Residential policies in the OCP include:

Policy 7.2 – The minimum parcel size in the Suburban Residential Designation will not be less than 1 hectare for parcels not connected to a community sewer system, and 0.4 hectares for parcels connected to a community sewer system.

Policy 7.3 – In addition to one single family dwelling, a secondary suite may be permitted on a parcel in the Suburban Residential designation, on parcels of at least 0.4 ha. in area. The strata conversion or subdivision of secondary suites will not be permitted.

Policy 7.7 – The OCP does not support the concept of “density averaging” (the concentration of development opportunity permitted on an entire parcel onto a portion thereof) for lands in the Suburban Residential Designation.

New urban residential development in the Plan area is intended to be focused within the General Residential designation so as to avoid urban expansion into the rural and semi-rural parts of the community. Objectives of the General Residential Designation include:

- a) To preserving the rural character of Saltair by placing clear limits on urban development;*
- b) To encourage affordable rental and special needs housing in appropriate areas;*
- c) To encourage an adequate supply of land for housing requirements; and*
- d) To protect and encourage home based businesses that are in keeping with the rural residential character of the community.*

General Residential Policies in the OCP applicable to the subject application include:

Policy 8.2 – The minimum parcel size in the General Residential Designation will be:

- *1 hectare for lands not connected to a community water system or a community sewer system;*
- *0.4 hectare for lands connected to a community water system; and*
- *0.2 hectare for lands connected to a community water system and community sewer system.*

Policy 8.4 – In addition to one single family dwelling, a secondary suite may be permitted in the General Residential Designation, on parcels of at least 0.4 ha in area. The strata conversion or subdivision of secondary suites will not be permitted.

Zoning Bylaw:

Zoning Bylaw No. 2524 was adopted concurrently with OCP Bylaw No. 2500 and implements many of the objectives and policies stated in the OCP.

The Zoning Bylaw zones the subject property R-2 (Suburban Residential 2 Zone), in accordance with the OCP designation. The R-2 zone permits Single Family Dwelling as a permitted use and a Secondary Suite on parcels 0.4 ha. or larger. Other permitted uses in the zone include Restricted Agriculture, Bed and Breakfast, Home Based Business, Residential Day Care and accessory uses.

The R-3 zone requested by the applicant has the same permitted uses as the R-2 zone except Horticulture is permitted instead of Restricted Agriculture. The difference between these two uses is that Horticulture excludes farm animals, poultry and mushroom farming. The primary difference between the R-2 and R-3 zone is that R-3 has a minimum parcel size of 0.4 ha for lots connected to community water but not community sewer. Such lots in the R-2 zone have a minimum parcel size of 1 ha. A comparison of other differences between the two zones is shown on Table 1.

Table 1:

	R-2 (Suburban Residential)*	R-3 (General Residential)*
Front Parcel Line Setback	7.5 m	7.5 m
Interior Side Setback	3.0 m	3m or 10% of parcel width, whichever is less
Exterior Side Setback	4.5 m	4.5 m
Rear Parcel Line Setback	7.5 m	4.5 m
Maximum Building Height	10.0 m	7.5 m
Parcel Coverage	25%	35%

* Principal Residential Use

With respect to subdivisions for relatives, Section 3.22 of the Zoning Bylaw states:

The minimum size for a parcel that may be subdivided under Section 946 of the Local Government Act throughout Electoral Area G – Saltair shall be 25 hectares.

Advisory Planning Commission Comments:

The Area G Advisory Planning Commission reviewed this application on July 15, 2009 where it unanimously passed the following resolution:

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for proposed Lot 1.

A copy of the APC meeting minutes are attached to this report. Please note comments regarding a potential trail connection through the property.

Parks Commission and Parks and Trails Division Comments:

Staff from the Parks and Trails Division of the Parks, Recreation and Culture Department referred this application to the Area G Parks Commission on July 15, 2009. Although no written response has been received from the Parks Commission, Parks staff have noted that a 7 metre wide trail connection through this subject property connecting Stocking Creek Park to Clifcoe Road and the public beach access to the east is desirable. It was also noted that this connection is shown on the Trails Plan (Map 5) of the OCP. The applicant, however, is opposed to the trail connection as he believes it will impact the privacy and use of the land and because there is an alternate pedestrian route to the north that provides a connection between Clifcoe Road and Stocking Creek Park.

Referral Agency Comments:

This application was referred to government agencies on June 25, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Approval recommended. Approval of this rezoning application is not to be construed as approval of the proposed subdivision application.*
- Vancouver Island Health Authority – *Approval recommended. This property's soil profile etc. meet the intent of our Standards to ensure Public Health Protection. Please see attached letter.*
- Ministry of Community Services – *In addition to ensuring adequate consultation with First Nations on this proposed bylaw amendment, and to referring it to all potentially affected agencies, you may wish to consider the commitment your regional district has made by signing Climate Action Charter, specifically in the area of developing compact, complete communities.*

- CVRD Parks and Trails Division – *Comments pending*
- CVRD Engineering and Environmental Services Department – *Property is within CVRD Saltair Water System. Currently there is no community sewer system in this area. CVRD Engineering and Environment has no objection as the Saltair Water System has capacity to expand.*

Development Services Division Comments:

The subject property is located on the western boundary of the General Residential designation and R-3 zone. Expanding the General Residential Plan designation and R-3 zone could therefore be accomplished without resorting to “spot zoning”. In addition, since there is commercially zoned land on the opposite side of Chemainus Road, the General Residential designation and higher residential density permitted with the R-3 zone may be compatible with future uses on the near-by commercially zoned lands, particularly if community sewer became available in this area.

That said, most of the land on the east side of Chemainus Road is designated Suburban Residential and is zoned R-2. As the Suburban Residential designation and R-3 zoning was not applied to lands along Chemainus Road, it appears the OCP and Zoning Bylaw deliberately discouraged subdivision to lot sizes less than 1 ha. in this area, likely to maintain the rural character of Chemainus Road and to discourage additional driveway accesses. In this regard, it appears the proposed rezoning is not supported by the policies and objectives of the OCP.

The circumstances surrounding this application are, however, somewhat unique. Had the applicant not encountered problems with the Health Authority Approval, or if adoption of the Zoning Bylaw had been delayed, the proposed lot would now exist. Although the OCP and Zoning regulations now discourage the type of subdivision proposed, it is unlikely this proposal itself would compromise the objectives of the Plan. Since the applicant had initiated the subdivision prior to adoption of the OCP and Zoning Bylaw and we are not aware of other property owners in the area with similar circumstances, approval would not necessarily establish a precedent.

The APC, in reviewing this application, noted that rezoning the entire parcel to R-3 could allow the property to be subdivided into more than two parcels. Staff share a similar concern since the property is large enough to permit up to three new lots created without community sewer if the zoning amendment is granted. If community sewer were available, up to seven new parcels would be possible. Limiting the bylaw amendments to just the northern part of the property where the new lot is proposed would preclude the potential for further subdivision of the remainder without subsequent zoning amendment.

As this application proposes to create one lot, there is no requirement for park land dedication at the time of subdivision. Parks issues can, however, be considered in conjunction with the rezoning of the property and requirements for parks or trails can be conditions of zoning approval should requirements for parks or trails be determined to be in the public interest. Comments from the Parks staff noted earlier in this report and the fact that a trail connection through the property is identified in the OCP highlight the possible trail connection as a central issue associated with this application. If the Committee considers the trail connection to be advantageous to the community, it could be made a condition of zoning approval, or, as

suggested by the APC, the trail corridor could be protected and dedication made a requirement of any future subdivision of the remainder. Either option would require an appropriate covenant be prepared prior to a public hearing and registered on the property prior to adoption of amendment bylaws.

Although the OCP does have policy supportive of this application and there are not any obvious planning-based justifications, staff believe the circumstances surrounding the application warrant consideration at a public hearing and possible approval. The situation the owner found himself in as a result of adoption of the new Area G OCP and Zoning Bylaw in 2005 is different than that of other property owners in Saltair in that Mr. Parkinson had seriously pursued subdivision prior to adoption of bylaws and has made a substantial investment in doing so. Staff do not believe the creation of one additional lot in this case will compromise the intent of the OCP, nor will it create a precedent for similar applications in the future.

Options:

Option A:

1. That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 2-G-08RS (Parkinson) that would permit one new lot.
2. That a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Dorey, Marcotte and Iannidinardo appointed as Board delegates.
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Community Services, and the CVRD's Parks, Recreation and Culture Department and Engineering and Environmental Services Department be accepted.
4. That a Section 219 Covenant requiring dedication of a 7 metre wide trail connection between Clifcoe Road and Chemainus Road at the time of subdivision be registered against the subject property prior to adoption of amendment bylaws.

Option B:

Same as Option A, but with item 4 changed to:

4. That a Section 219 Covenant requiring protection of a 7 metre wide future trail corridor between Clifcoe Road and Chemainus Road and dedication at the time of any future subdivision of the proposed remainder lot be registered against the subject property prior to adoption of amendment bylaws.

Option C:

Same as Option A, but with item 4 removed.

Option D:

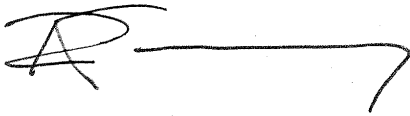
That OCP and Zoning Amendment Application No. 2-G-08RS (Parkinson) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.

Option E:

That Zoning Amendment Application No. 2-G-08RS (Parkinson) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option A is recommended.

Submitted by,



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

RC/ca
Attachments

Department Head's Approval:



Signature

with

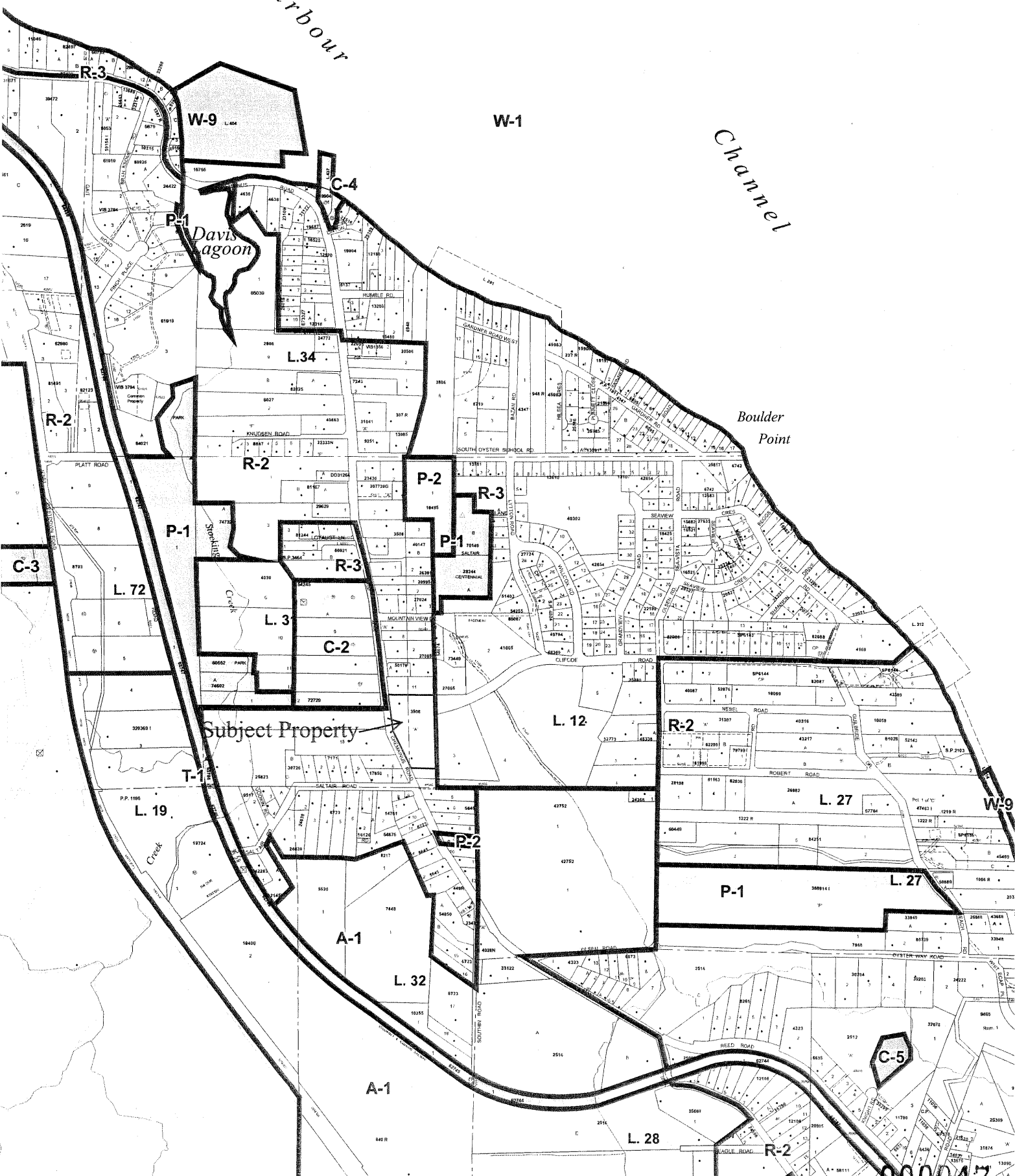
Harbour

Channel

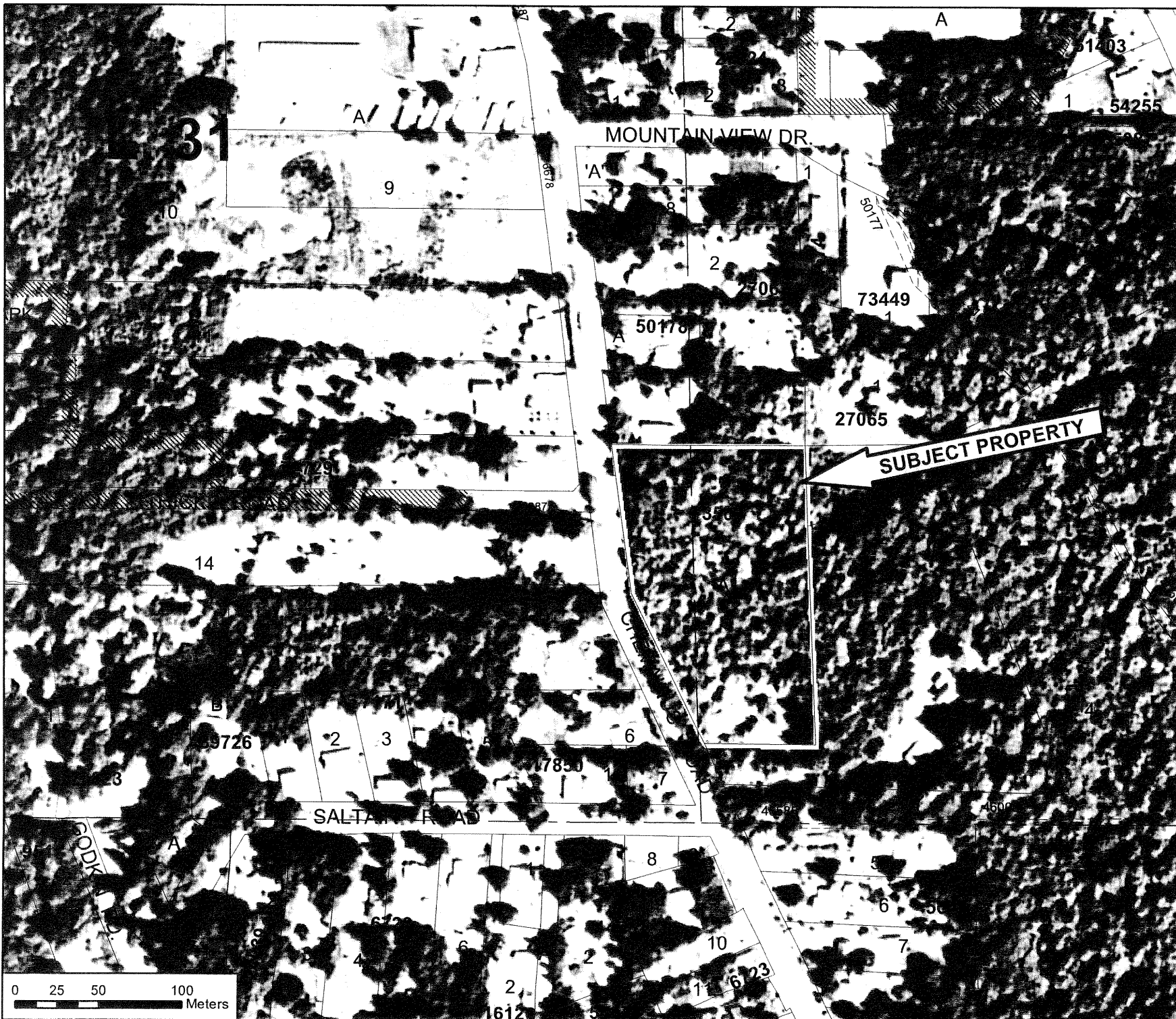
Boulder Point

Davis
agoon

Subject Property



000047



**Cowichan
Valley
Regional
District**

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

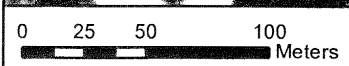
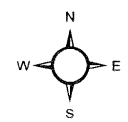
The Regional District does not warrant the accuracy.

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: 2-G-08-RS

**Orthophoto
(2002)**



000048



**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.

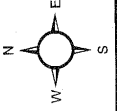
FILE: 2-G-08-RS

OCP

Legend

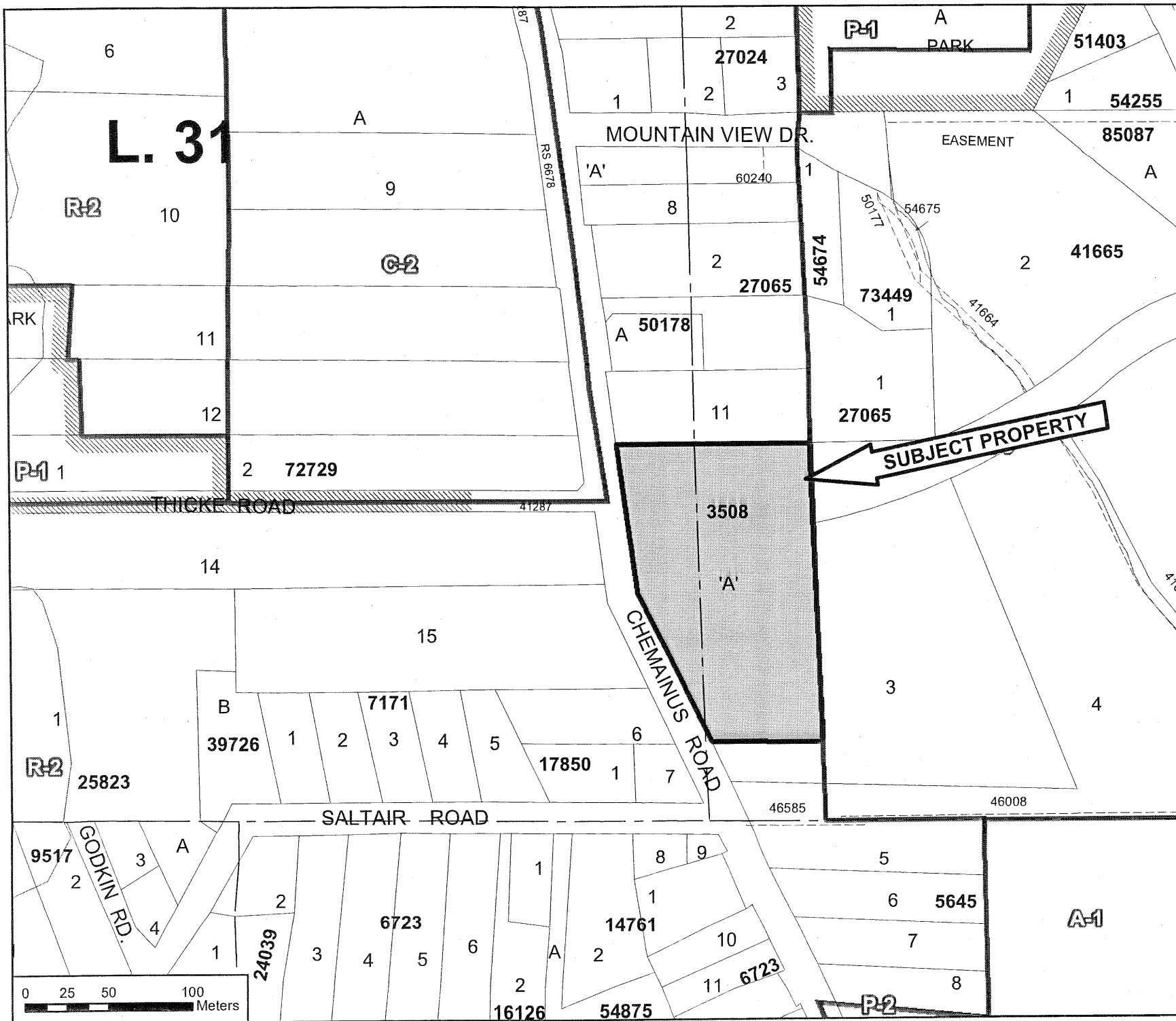


Subject Property
OCP Electoral Area G



000049

000050

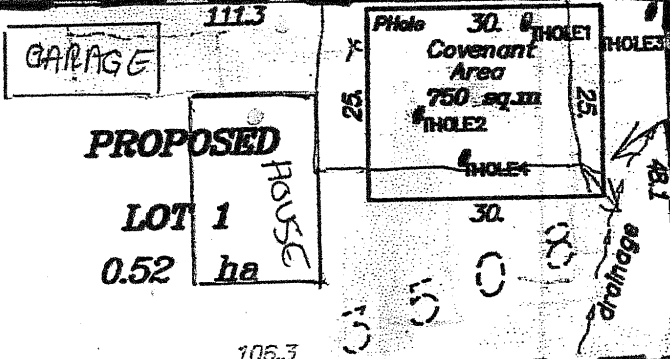


CHEMAINUS

REM. 1

PLAN 3508

PLAN 27065

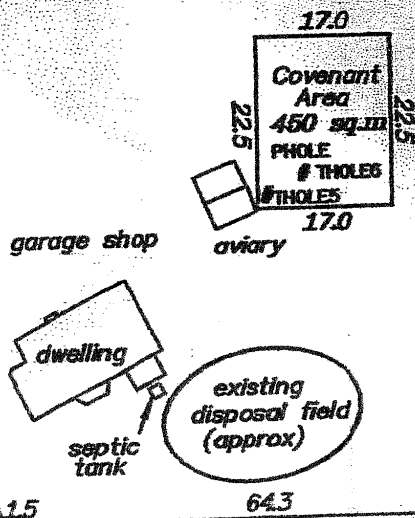


at 10m
CLIFCOE ROAD

PLAN

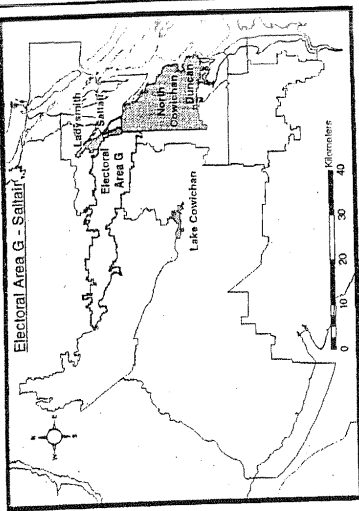
REMAINDER A
(DD 82676N)
AREA = 1.20 ha.

3
PLAN 41665

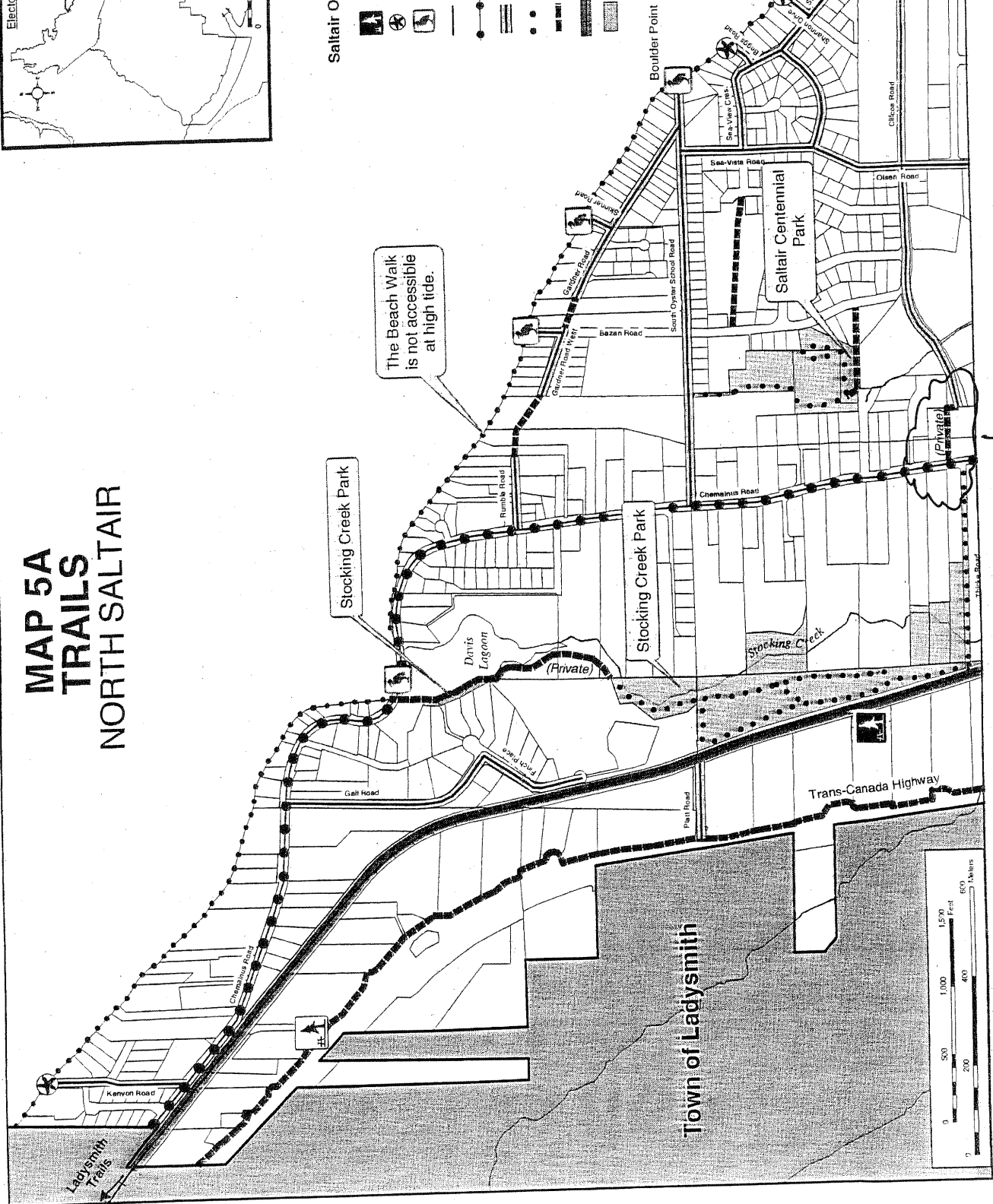


000051

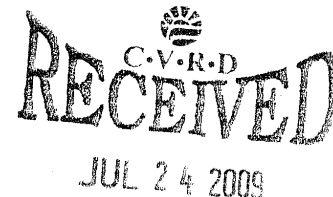
MAP 5A TRAILS NORTH SALT AIR



- Saltair Official Community Plan**
- C.V.R.D.
- Potential Future Real Area
 - Beach Access (Undeveloped)
 - Developed Beach Access
 - Streams
 - Trail / Cycling Route
 - Favoured Road Routes
 - Trails
 - Suggested Future Trail
 - Future Cowichan Valley Trail Route
 - Parks



Possible Trail Connection



Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
July 15, 2009

In attendance: Ted Brown, Ruth Blake, Gary Dykema, David Thomas, Director
Mel Dorey

Also in attendance: Mr. and Mrs. Keith Parkinson (applicants) and other
members and friends of the Parkinson family

The purpose of the meeting was to review Rezoning Application No. 2-G-08RS (Parkinson)

The Meeting was called to order at 8:00 p.m. by Chairman Ted Brown.

Keith Parkinson provided the Commission with background information with respect to the application, including the following points:

- The purpose of the application is to allow the subdivision of one parcel from the parent property so the applicant's son may build a house on it.
- The original subdivision request was made under the old Saltair OCP at which time both the OCP and Provincial subdivision regulations would have allowed the subdivision without the need for a rezoning of the property.
- Due to the length of time it took to secure an approved septic treatment system for the property not only had the old OCP been replaced with the current plan but the Provincial subdivision rules had changed, thus requiring a rezoning of the property.
- The Parkinson's were strongly opposed to any walkway being required through their property connecting Clifcoe Road with the Chemainus Road. Such a walkway was not possible along the north boundary of their property given the location of the septic treatment facility and a walkway between the two proposed parcels would result in an unwanted disruption between the parent's and son's homes.
- The Parkinson's also noted that, apart from creating the new lot, they had no desire to further subdivide the balance of the property.

Following questioning of the applicants and discussion, the following motion was made:

000053

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for the proposed Lot 1.

Carried Unanimously

In discussing this motion the members of the APC were of the view that the rezoning should be restricted to the proposed Lot 1 and that any broader based rezoning should only occur through a more comprehensive review of the OCP. It was recognized that this proposal could be construed as a "spot rezoning" but, given the history of the application, there was a strong consensus the rezoning should be approved in order that the additional lot could be created.

There was also considerable discussion about whether or not a walkway linking Clifcoe Road and Chemainus Road should also be required at this time. While such a walkway would provide a direct link to the Stocking Creek Park entrance at Thicke Road as well as a convenient pedestrian link from lands to the east to the commercial area on Chemainus Road it was felt that such a requirement would be overly onerous given that only one lot was being requested. However, there was discussion about protecting the opportunity to establishing such a walkway should the balance of the property be developed at some point in the future. This could be accomplished by modifying the boundaries of the proposed Lot 1 and the rezoning boundary so as to leave a small triangular piece of land in the southeast corner of the proposed Lot 1 as part of the parent parcel. The idea of placing a covenant on the parent parcel protecting this option was also discussed. It was emphasized, however, that the walkway requirement would only come into effect should the landowners choose to further develop their property.

Ted Brown
Chairman
Saltair Advisory Planning Commission



October 2, 2007

File # 01.002.26494

Cal Fradin, District Development Technician
Ministry of Transportation
3rd Floor – 2100 Labieux Road
Nanaimo, BC V9T 6E9

Dear Mr. Fradin,

**RE: Proposed subdivision for Lot A, Plan 3508, DL 12 & 31, Oyster District,
Chemainus Road, PID 006-198-945**

I have inspected this proposal to witness the soil profile and area meeting our Standard requirements. I recommend your approval and request the appropriate covenant review prior to your final approval.

If you have any questions, I can be reached at (250) 248-2044. See attached inspection plan.

Yours truly,

Glenn Gibson, CPHI(C), REHO
Land Development
Environmental Health Officer

GJG: gm

Cc: Keith Parkinson
W.R. Hutchinson, BCLS

000055

Health Protection and Environmental Services

Parksville	(250) 248-2044	Fax: (250) 248-8624	Port Alberni	(250) 724-1281	Fax: (250) 724-4376
Nanaimo	(250) 755-6215	Fax: (250) 755-3372	Courtenay	(250) 334-5450	Fax: (250) 334-5466



04

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 1, 2009

DATE: August 17, 2009 **FILE No:** 1-H-08 RS
FROM: Mike Tippet, Manager **BYLAW No:**
Community and Regional Planning Division
SUBJECT: Application No. 1-H-09RS - zoning amendment in the Shell Beach area of North Oyster (Wendy Clifford for Dr. B. Wiggins)

Recommendation:

That Application No. 1-H-08RS be supported and that amendment bylaws for the Official Community Plan and Zoning Bylaw for North Oyster/Diamond be forwarded to the Board for consideration of two readings, and that following the submission of an archaeological overview assessment, a public hearing be scheduled for late September, with Directors Marcotte, Dorey and Kuhn named as delegates, and that the referral of this application to the Ministries of Transportation and Infrastructure, Community and Rural Development, the Agricultural Land Commission, School District 68, Chemainus First Nation, Shell Beach Water Utility, North Oyster Volunteer Fire Department and CVRD Parks Recreation and Culture be approved.

Purpose:

To consider a request to rezone the subject property in order to allow its subdivision into four parcels of land.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

None apparent.

Background:

Location of Subject Property: Shell Beach Road / Evening Cove, North Oyster

Legal Description: Parcel B (DD EF76800) of District Lot 93, Oyster District (PID: 009-472-924)

Date Application and Complete Documentation Received: November 17, 2008

Owner: Dr. Bryan Wiggins Inc.

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Applicant: Wendy M. Clifford, Barrister & Solicitor, Heath and Company

Size of Parcel: 4.2 hectares

Existing Zoning: A-2 Secondary Agriculture

Minimum Lot Size Under Existing Zoning: 2 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North: Chemainus First Nations land (IR #13)
 South: Evening Cove – open water
 East: Shell Beach Estates subdivision (R-2 Suburban Residential)
 West: A-2 Secondary Agricultural land, located in the Agricultural Land Reserve

Services:

Road Access: Shell Beach Road and Fearn Way extension
Water: No community water nearby, well supply is proposed
Sewage Disposal: On-site sewage treatment and disposal

Agricultural Land Reserve Status: Out (excluded from ALR in December 2003)

Contaminated Sites Regulation: declaration signed

Environmentally Sensitive Areas: Potentially sensitive shoreline area

Archaeological Site: None shown on Provincial registry, although there is a close proximity to mapped shell middens immediately to the east of this lot. Any eventual excavations on the beach or nearby should trigger an archaeological review.

The Application:

An application has been made to amend the Official Community Plan and Zoning Bylaw No. 1020 in order to permit the creation of four parcels of land on the subject property.

Previous Applications:

This property was the subject of previous applications in 2003, 2004 and 2006.

The 2003 application was for the removal of this land from the Agricultural Land Reserve. The Board did not support this request but the Agricultural Land Commission excluded this property from the ALR on December 17, 2003.

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After receiving ALC approval for the exclusion, the applicant applied in 2004 for a zoning amendment that would have permitted the creation of nine residential parcels, each of 4000 m² or about one acre in area. This application was denied by the CVRD Board on December 8, 2004.

In July 2006, the owner re-applied for a zoning amendment, this time seeking 10 residential bare-land strata lots. This proposal was not supported at the APC in May 2007, subsequently the application was withdrawn.

What the Present Zoning Permits:

The present A-2 Zone has a minimum parcel size of 2 hectares, so the property is in principle subdividable, which would result in a total of two parcels where there is now one. The owner has gone some way towards a subdivision under these present regulations, and he indicates that in the event this application is not successful, this subdivision will proceed. Provided each of the two lots created are 2.0 hectares in area or larger, each parcel would be permitted to have two homes on it, with a suite also being possible, for a total potential density of 6 units on this 4.2 hectare site. While three units could be on each parcel, separate titles by way of strata plan are prohibited by the Zoning Bylaw.

The Current Proposal:

This latest proposal is a significant departure from the two previous ones, in that a total of four strata lots are proposed, three being around 3000 m² in area and one being about 3 hectares. All four lots would have waterfront and the largest one would be "hooked" across a private strata road extension of Fearn Way.

Sewage disposal areas would be set back some 250 metres from the shoreline, as shown on the attached conceptual site plan that was submitted with this application. The applicant was originally proposing a common well system, which we understand has now been replaced with the idea of each lot having its own well. If a combined well system was proposed, it would presumably be operated by the strata corporation. The well presently located on this land is about 20 metres south of Shell Beach Road.

At the time an application for a zoning amendment is made, some proponents propose amenities for the community, such as additional parkland or other amenities that are in some way related to or appurtenant to the land and their proposed development. Following several discussions between the applicant and the APC, Director and Staff, the applicant is proposing a series of amenities which could make this development proposal more attractive to the community and the CVRD. Principal among these amenities is a proposed 0.4 hectare parcel of land fronting on Shell Beach Road to the CVRD for the purpose of the North Oyster Volunteer Fire Department. The purpose of this dedication would be to potentially accommodate a satellite fire hall, or at least an equipment depot for firefighting services. This would provide for better fire protection in the area. The applicant is also proposing to provide a well capable of delivering sufficient water for both domestic use in the building that may be erected on the site and for fire flows, which would be beneficial to local residents generally. Finally, the applicant is also proposing to permit the lot that would be for CVRD Fire Services use to connect its septic tank (to be installed by the CVRD at a future date) to a suitable drain field on the adjacent property. This use would be protected through the use of suitable legal instruments on title. This recognizes that a suitable drain field may not be available on the proposed Fire Services lot and it would also free up a maximum of space for building and Fire Department training activities. Staff discussed this

possible arrangement with the Provincial Approving Officer for subdivisions and he indicated that he would consider such an arrangement to be satisfactory in this situation.

Arrangements respecting amenities can be addressed through Sections 904 or 905.1 of the *Local Government Act*, depending upon the complexity of the proposed amenities and related land development. Staff will recommend that an amenity provision be introduced to the proposed zoning that would link the additional density above one additional parcel to the provision of this land area, and related amenities, for firefighting purposes.

Park dedication is not proposed in this application. Under Section 941 of the *Local Government Act* the CVRD would be entitled to collect on behalf of the Area H Community Parks Acquisition Fund a sum of cash-in-lieu of 5% of the land value (over \$80,000), or at our choice, 5% of the land in a location suitable to the CVRD. Discussions at the Parks and Recreation Commission were focused on the potential suitability of this parcel for public beach access. Given the steep and rocky access to the shore, it would have been a difficult proposition and although the idea of a trail corridor from either Fearn Way or Shell Beach Road to the shore on the eastern edge of the parcel were discussed in some depth with the applicant, this did not seem to be a candidate area for such an access to be practical. Therefore, it is likely that cash-in-lieu of parkland would have been sought instead. However, the value of the amenities described above is certainly at the very least commensurate with the 5% land value figure. We have indicated to the applicant that we'd be prepared to take the present proposal – minus any park dedication – to the public for consideration, with the possibility of not seeking park dedication at the time of subdivision if the overall proposal meets with widespread support in the community.

Additional information from the applicant concerning the proposal is:

- only the largest of the four proposed parcels would have a suite on it, which would be attached to the principal residence;
- no docks would be proposed;
- a statutory building scheme would be proposed to control site development and design.

The first two of these points can be addressed in the amendment bylaw, in a regulatory fashion.

From discussions between Director Marcotte, staff and the applicant, we have proposed that there would be no need to have Fearn Way opened as a public road through the subject lands. We spoke with the Provincial Approving Officer about this possible subdivision and he agreed that there is no need for that road to be public. The proponent is keen to keep the ornamental gate that was installed on the property last year and would be proposing to make the extension of Fearn Way a private strata road.

The applicant has supplied a list of adjacent property owners and their signatures, as evidence of community support for this application. This list is attached to this report.

Referral Agency Comments:

The agency comments are attached to this report; the following is a brief summary of the comments:

Vancouver Island Health Authority – *although they were not a referral agency, they responded to a subdivision proposal on these lands, when a combined single well was proposed for water supply, by stating that the Drinking Water Protection Act would require several measures to be taken if a water purveyor was established.*

Ministry of Community and Rural Development – *Interests unaffected.*

Ministry of Transportation and Infrastructure – *Approval recommended for reasons outlined below: No objections to proposed re-zoning application; application for proposed 4-lot bareland strata subdivision to be made with the Ministry of Transportation and Infrastructure – these comments are not to be construed as approval for proposed subdivision configuration.*

Chemainus First Nation – *Recommend that an archaeological overview assessment be done on the site and that if any archaeological or cultural resources are identified that further study be done; that Shell Beach Road is considered to be narrow and the approving authority should consider its widening, that CFN would be prepared to connect the proposed development to its community water service if required, as well as other in the Evening Cove area.*

Shell Beach Water Utility – *Should this development proceed, Shell Beach Utility would be prevented from possible expansion towards the west, and if its expansion is prevented, the system may be rendered unprofitable. Would support development if it was connected to their system.*

Agricultural Land Commission – *No reply received.*

School District 68 – *No reply received.*

Advisory Planning Commission Comments:

The Electoral Area H Advisory Planning Commission reviewed this application at the meeting of June 11, 2009. The following motion was passed:

That the Area H Advisory Planning Commission does not support rezoning of agricultural land; however, because there is a potential for significant community benefit with this application and because a residential zone would be compatible with the surrounding properties, we recommend that a new site-specific zone be created and that this application proceed to the public hearing. And further, we recommend the applicant and the CVRD explore all options for maximizing the public benefit.

Examples being: that there be no small suites, no secondary dwellings, no home occupation, no bed and breakfast, no docks or any such disturbance of the foreshore;

That the applicant provide a source of water for fire fighting and dedicate a piece of land for a future satellite fire hall and also a piece of land for a park.

And finally that prior to going to a public hearing that the revised proposal be returned to the APC for its perusal.

Following this meeting, further discussions were held between the CVRD and the applicant with Director Marcotte following up on the APC's advice. After these discussions, Director Marcotte reported back to the APC in July as to the present status of the application and we are now of the opinion that it would be appropriate to take this application forward to the Electoral Area Services Committee for direction.

Parks and Recreation and Fire Services Commission Comments:

Director Marcotte has met with the Area H Parks and Recreation Commission and Fire Commission and brought both bodies up to date with the present status of the application. The Fire Commission was particularly interested in the amenity package that involves improvements to local fire protection.

Planning and Development Department Comments:

The Official Community Plan expresses a desire for a slow to moderate pace of growth in the North Oyster/Diamond area, and the OCP suggests that this development will occur outside of the ALR. Since this land was excluded from the ALR in 2003, Policy 5.1.2 applies, specifically Part (b), which states the obvious: *"in the event that land is excluded from the ALR, the land shall remain in the agricultural designation unless and until the lands are re-designated in a community plan amendment."* Rather than being perceived as the final word on the fate of lands excluded from the ALR, staff believe that this policy is intended to make the point that the Agricultural Land Commission will not be doing the community planning for North Oyster/Diamond.

Accordingly, we may seek some direction from the Residential portion of the OCP. The OCP does not contain any policies that provide clear guidance in this case, although it is quite clear that the OCP does not anticipate having parcel sizes as low as 1 hectare on unserviced land.

For this application, the Suburban Residential (SR) designation is not appropriate because the ability to create four or more parcels on this land would be dependent upon the existence of a community water service area, which is not present. Aside from that, the discussions held between the applicant and CVRD staff and Director Marcotte have pointed a possible way forward that would require the development of a new zone.

New Residential Designation

The only way for this proposal to be considered would be to create a new residential designation that would sanction 1 hectare parcels without community servicing being present. Even so, the designation criteria for SR are relevant. They are described in Policy 8.3.1, and in summary the areas designated SR are expected to be serviced with community water service in the next 20 years, rural character will be maintained through retention of open space and community facilities should be nearby. The adjacent SR land (Shell Beach Estates) would be evidence that the Board felt this general area met these criteria when the OCP was prepared back in 1993.

A new designation with a 1 hectare minimum lot size would meet the requirements of the Vancouver Island Health Authority's subdivision policy, in which they suggest that 1 hectare for unserviced lands is an appropriate density from an on-site services point of view. That is not to say that just because 1 hectare lots are technically supportable and feasible, that they must be accepted. Community planning considerations will also be a significant portion of this decision. However, supporting this application would not compromise the sustainability of servicing on these proposed parcels over the longer term.

Water Services

While the possibility exists of connecting this development to the existing Shell Beach Utility, it is a private business and as such there may be some equity issues with respect to requiring an independent development to make connection. Additionally, Shell Beach Utility not recognized by the CVRD as a “community water system” due to its not being publicly owned and managed, and it is far below the size threshold of 75 service connections. So in the short term and the context of the consideration of this development application, we would suggest that the presence of this utility should not be in any way a factor in this application. However, in the long term, it is conceivable that a larger public water utility could evolve in the area between Coffin Point and Sharpe Point, and approval of this application would not negatively affect that possibility.

Sewer Services

The proposed sewage disposal system would be combined for the four proposed parcels. While each parcel would probably have a septic tank, the effluent would be pumped to a common tank for further treatment and ground disposal more than 250 metres from the ocean shoreline. An engineer’s report on the feasibility of servicing the formerly proposed ten lots was attached to the last report to the APC so we have not attached it again. If the receiving site is suitable for effluent from ten homes, it surely is suitable for the effluent from four homes and the possible fire hall that might be erected on the site.

Docks

Docks are a permitted use in the W-2 Zone of Electoral Area H. The applicant indicates that there is no intent to develop docks for any of the four proposed waterfront lots and if the application moves forward to bylaw amendment stage, there is an opportunity to rezone the water surface fronting these parcels to ensure that does not happen.

Archaeology

The Chemainus First Nation has asked that an archaeological overview assessment be done on the subject lands prior to any approval. None has been done to our knowledge to date and we will recommend that one be completed prior to the public hearing. The Provincial RAAD database does indicate close proximity on the beach to the east of the land of a shell midden area.

The Question of Lot Sizes in Area H

One of the fundamental land use questions that this application brings to North Oyster is whether the present gap between 2 hectares and 0.4 hectares in lot sizes is one which is too wide. In Electoral Areas A, B, D and G the R-2 Zone has a 1 hectare or 0.8 hectare minimum for unserviced R-2 zoned land. Areas C, E, F and I have a 2 hectare minimum for unserviced R-2 land. It is not necessary to consider reducing the unserviced minimum lot size for the Suburban Residential use category or R-2 Zone, because in order to proceed with this application we have already determined that a special land use designation and zone should be developed.

In a general sense, the creation of four parcels on the subject lands would not be out of character for the area. The lands to the east are generally about 4000 m² – or one acre, and of the four lots proposed here, three would be roughly that size and the fourth would be substantially larger.

Considering the OCP's mandate to support slow to moderate growth in the Plan area, it would be worth examining where this growth is presently directed. Some of it is on Woodley Range, where the lands that were subdivided some time ago are being built upon with some regularity. Still more is not far from the subject lands, on a parcel that is zoned as A-2, and is located in the ALR, where more than twenty 2 hectare lots are proposed, without any community services. A reasonable question to ask might be: "Is there an opportunity, within the OCP's context of slow to moderate growth, to consider a new residential designation that would slot in between the Suburban Residential and Rural Residential categories?"

An additional consideration is the fact that the total potential density proposed is less than what could be built there under present zoning, if the lot was split in half. So in terms of overall density, the application is actually no more dense (and probably less dense) than what is permitted at this time.

Draft OCP Amendment and Zoning Amendment

Attached to this report are draft amendment bylaws which staff has prepared in order to allow the Committee to see the form that an eventual development approval might take. The Official Plan amendment bylaw refers to a new designation, which is specific to the subject lands, allowing for the particular type of development proposed in this case.

The draft zoning amendment similarly is tailored to the particulars of this site and sets out to permit the subdivision of five parcels, one of which would be for firefighting use in CVRD ownership, using a density bonus arrangement. The default (non bonus) zoning would allow for two parcels in total on the site in the absence of a donation of a 0.4 hectare parcel for firefighting purposes, and if this amenity is provided, five lots may be created, one of which is for the CVRD. Density averaging is permitted within the zone.

Summary and Conclusion

This is a quite simple application for a land use zone that would provide for a small enclave of three new parcels of a size that is below that for any present unserviced rural designation. Under the present zoning, the lot is subdividable into two, with provision in the A-2 Zone for a second dwelling unit on both lots and also for a separate or small suite on each lot. Additionally, home-based business and bed and breakfast are permitted. Docks are also permitted.

The proposal calls for four parcels, only one of which would be permitted to have a secondary suite (attached), so no more than five dwelling units could be built there, compared to six under the present zoning. The draft zones indicate that bed and breakfast use would not be permitted, nor would home-based businesses. While the total density would be reduced, the number of titles would be increased from two to four, and each of the four lots proposed would have waterfront, which is a valuable feature.

The OCP has some policy around the size of parcels that should be permitted in the event of unserviced lots being created, but when combined with the number of residences permitted per parcel, it is fair to say that the draft amendment bylaws would not collide with the intent of the OCP and Zoning Bylaw.

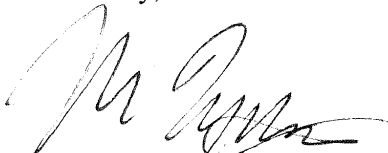
Aside from the land use considerations, the applicant has generously offered to turn a 0.4 hectare portion of the land over to the CVRD for firefighting purposes, and offered a well and sewage disposal field connection. These are community amenities that are apt to provide benefit to other residents of this area.

Considering the planning issues and the amenities together, we conclude that it is appropriate to proceed to a hearing with this proposal in order to gauge the opinion of the community.

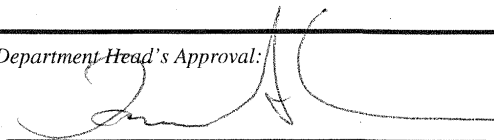
Options:

1. That application No. 1-H-08 RS be supported and that amendment bylaws for the Official Community Plan and Zoning Bylaw for North Oyster/Diamond be forwarded to the Board for consideration of two readings, and that following the submission of an archaeological overview assessment, a public hearing be scheduled for late September, with Directors Marcotte, Dorey and Kuhn named as delegates, and that the referral of this application to the Ministries of Transportation and Infrastructure, Community and Rural Development, the Agricultural Land Commission, School District 68, Chemainus First Nation, Shell Beach Water Utility, North Oyster Volunteer Fire Department and CVRD Parks Recreation and Culture be approved.
2. That application No. 1-H-08 RS be denied and that a partial application fee refund be given to the applicants in accordance with the provisions of the CVRD Development Application Procedures and Fees Bylaw.

Submitted by,



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

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

MT/ca

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Chemainus First Nation
Department of Natural Resources
12611A Trans Canada Hwy
Ladysmith BC, V9G-1M5
Tel: (250) 245-7155 Fax: (250) 245-7140

Via E-mail to: mtippett@cvrld.bc.ca

May 12, 2009

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

Attention: Mike Tippett, Manager, Community and Regional Planning Division

Re: File No. 1-H-08RS – Wiggins

Please be advised the Chemainus First Nation (CFN) has recently reviewed your April 17, 2009 Referral *File No. 1-H-08RS – Wiggins*, in regards to an application to amend Electoral Area H, OCP Bylaw No. 1497 and Zoning Bylaw No. 1020 to allow subdivision of Parcel B (DD EF76800) of DL 93, Oyster District (PID: 009-472-924), into four parcels.

The subject Referral falls within the traditional territory of the Chemainus First Nation, to which we have aboriginal title and rights that have never been ceded or extinguished. While it is impossible to fully document CFN title and rights in the Referral area in this letter, we take this opportunity to provide some preliminary concerns to help facilitate the anticipated consultation process.

CFN records reveal the subject Referral area is positioned entirely within a Traditional Use Site, generally identified as a resource procurement region. Additionally, the subject parcel is immediately adjacent to CFN Indian Reserve #13, and known foreshore archaeological sites reportedly characterized by shell middens.

We believe the potential for the presence of previously unidentified archaeological resources within the application area may be high. We therefore request an AOA be conducted in advance of the bylaw amendments and potential subsequent subdivision of the subject property. Further, should any archaeological or cultural heritage resources be identified through the AOA, CFN further reserves the option of requesting an AIA in advance of the application proceeding to the approval or development stage.

In the absence of your Referral disclosing the contact information of the proponent we ask that you deliver a copy of this submission to their attention. We ask the proponent

to contact the undersigned so as to discuss CFN's preferred archaeologist for this undertaking.

CFN holds a duty to protect cultural heritage and archaeological resources within CFN traditional territory. As such, we ask for your cooperation in this regard and look forward to working with you and the respective applicant(s).

Another identified concern of CFN is the increased traffic Shell Beach Road shall realize as a result of an increased population in the Evening Cove area. We believe Shell Beach Road is dangerously narrow and requires widening to accommodate the current traffic and pedestrian volumes. We remain mindful that this concern seemingly goes beyond the specific considerations before the CVRD in relation to the subject Referral however, CFN believe it is important to bring this concern to the attention of the CVRD.

CFN would also like to bring to the attention of the CVRD an option for CFN to provide the water services to the subject lots, should they be approved, as well as others in the Evening Cove area. To further examine this service arrangement option I encourage you to contact Ray Gauthier at our Administration Office. Mr. Gauthier can be reached at (250) 245-7155 (ext 232). Brian Booth, Capital Projects Manager may also be of some assistance in this regard and can be reached at extension 248.

Please confirm that you will not make any decisions regarding the amendment of Electoral Area H, OCP Bylaw No. 1497 and Zoning Bylaw No. 1020 to allow subdivision of Parcel B (DD EF76800) of DL 93, Oyster District (PID: 009-472-924) into four parcels prior to addressing our concerns and interests identified above. Should you have any specific questions or concerns regarding this submission please direct your inquiries to the undersigned. Mr. Krevesky can be reached at (250) 245-6838 (ext 249).

Thank you,



Heath Krevesky
Referrals Coordinator
Department of Natural Resources
Chemainus First Nation

CC: Chief and Council, CFN
Warren Johnny, Manager, Department of Natural Resources, CFN
Stephen Olson, Administrator, CFN
Ray Gauthier, Economic Development Manager, CFN
Brian Booth, Capital Projects Manager, CFN
Kathleen Johnnie, Referrals Coordinator, HTG

CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

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

**EDAS
ENT'D**

2009-02387

BYLAW AMENDMENT REFERRAL FORM

Date: April 17, 2009

CVRD File No: 1-H-08RS (Clifford for Wiggins)

We have received an application to amend Electoral Area H Official Community Plan Bylaw No. 1497, and Zoning Bylaw No. 1020 to allow subdivision of the subject property into four parcels.

General Property Location: Shell Beach Road/Evening Cove, North Oyster

Legal Description: Parcel B (DD EF76800) of District Lot 93, Oyster District (PID: 009-472-924)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Tuesday, May 19, 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 Mike Tippett, Manager, Community and Regional Planning Division, Planning and Development Department, at (250) 746-2620.

Comments:



Approval recommended for reasons outlined below



Interests unaffected



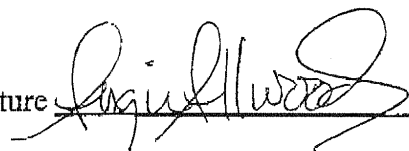
Approval recommended subject to conditions below



Approval not recommended due to reasons outlined below

- NO OBJECTIONS TO PROPOSED RE-ZONING APPLICATION
- APPLICATION FOR PROPOSED 4-LOT BARELAND STRATA SUBDIVISION TO BE MADE WITH THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE - THESE COMMENTS ARE NOT TO BE CONSTRUED AS APPROVAL FOR PROPOSED SUBDIVISION CONFIGURATION. -

Signature



Title DEVELOPMENT

APPROVAL TECHNICIAN

Your File # 2009-02387

01-002-27503

This referral has been sent to the following agencies:

- ☒ Ministry of Transportation & Infrastructure (Nanaimo)
- ☒ Ministry of Community Development
- ☒ Agricultural Land Commission
- ☒ School District 68

- ☒ Chemainus First Nation
- ☒ Shell Beach Water Utility
- ☒ North Oyster Volunteer Fire Department
- ☒ CVRD Parks, Recreation and Culture Department

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Shell Beach Water Utility Ltd.
11885 Fairtide Road
Ladysmith, B.C.
V9G 1K5

Cowichan Valley Regional District
Fax 250-746-2621
Email – mtippett@cvrd.bc.ca

Re: File #1H-08RS Wiggins

Dear Sir:

Shell Beach Water Utility Ltd. has an interest in the development of the above parcel in that it fits in with a longer-range vision to develop this area in a contiguous manner rather than "spot" locations as developers see fit.

Shell Beach Water originally established in 1977 to serve a 40 (forty) lot subdivision requiring all lots be connected to the system. Development to the west was done sporadically and as a result of that, no main water system ever evolved for this area. Down Fairtide Road, some wells are good some are shared between properties and as far as I know few are pleased with the situation. A number actually truck in water all summer just to keep storage tanks full.

Should this development go ahead as proposed Shell Beach Water will be blocked from expanding to the west and ultimately tying in with Fairtide Road properties. There are 36 (thirty-six) parcels between Fairtide Road and Pilon Road alone. Take into account the large undeveloped lots between the Wiggins property and Fairtide Road and it is likely a further 10 – 15 parcels could be added. At present Shell Beach Water Utility Ltd. is barely economic and if blocked in expansion as costs rise the system will go broke.

Shell Beach Water was approached a number of years ago by Dr. Wiggins and we gave encouragement to his proposal feeling it would enhance the circumstances for expansion of our system. We still feel the development should go ahead but ties in with Shell Beach Water Utility. Our water line at present ends 5' (five feet) from the property line on Fearn Road and can easily be extended westerly along an extension or new road dedication.

Department of Water Resources in Victoria will advise Shell Beach Water on details to be expected for this tie in, such as well easements etc. We note that the Wiggins well is less than 100' (one hundred feet) from Shell Beach Water's main production wells 2 & 3 and I feel indiscriminate pumping from this same aquifer might jeopardize our supply for 40 lots versus unlimited water for 4 lots. Control over the water distribution should come from one source that has a greater common interest for all.

I look forward to further discussion with you as this development moves ahead.

Yours truly
Shell Beach Water Utility Ltd.

W.R. Sainsbury
President

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CVRD

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

RECEIVED
 APR 21 2009

BYLAW AMENDMENT REFERRAL FORMDate: **April 17, 2009**

MCAWS

CVRD File No: 1-H-08RS (Clifford for Wiggins)

We have received an application to amend Electoral Area H Official Community Plan Bylaw No. 1497, and Zoning Bylaw No. 1020 to allow subdivision of the subject property into four parcels.

General Property Location: **Shell Beach Road/Evening Cove, North Oyster**

Legal Description: **Parcel B (DD EF76800) of District Lot 93, Oyster District (PID: 009-472-924)**

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Tuesday, May 19, 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 **Mike Tippet, Manager, Community and Regional Planning Division, Planning and Development Department, at (250) 746-2620.**

Comments:

☐

Approval recommended for reasons outlined below

☒

Interests unaffected

☐

Approval recommended subject to conditions below

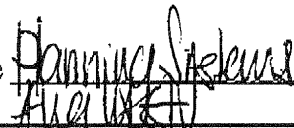
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Approval not recommended due to reasons outlined below

Signature



Title



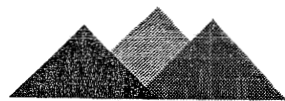
Your File #

This referral has been sent to the following agencies:

- ☒ Ministry of Transportation & Infrastructure (Nanaimo)
- ☒ Ministry of Community Development
- ☒ Agricultural Land Commission
- ☒ School District 68

- ☒ Chemainus First Nation
- ☒ Shell Beach Water Utility
- ☒ North Oyster Volunteer Fire Department
- ☒ CVRD Parks, Recreation and Culture Department

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VANCOUVER ISLAND
**health
authority**


RECEIVED

MAR 23 2009

REGISTERED

March 18, 2009

Dr. Bryan Wiggins
212 Arrow Way
Nanaimo, BC V9T 1L1

Dear Dr. Wiggins;

RE: Proposed Subdivision of PID 009-472-924, Parcel B (DD EF76800), District Lot 93, Oyster District, located at 3880 Shell Beach Road

Our office has received a referral from the Cowichan Valley Regional District regarding the above two-lot subdivision.

The ***Drinking Water Protection Act*** (the "Act") and the ***Drinking Water Protection Regulation*** (the "Regulation") prescribe duties and obligations on people that supply drinking water to the public. The following definition is provided under section 1 of the ***Act***:

Water supply system "means a domestic water system, other than

(a) A domestic water system that serves only one single-family residence, ... "

When an individual supplies water to another property a water supply system has been created. The water system owner has prescribed obligations, responsibilities and responsibilities under the **Act** and its **Regulation**. Please note that "Good neighbour wells" are not excluded from the **Act** and its **Regulation**. These requirements can be viewed at www.bclaws.ca

A summary of the responsibilities includes

- providing potable water
- obtaining construction permits (or construction permit waivers for small systems) for construction or alteration of water systems prior to work being done
- having a valid operating permit and complying with all terms and conditions
- operator training as required by the act or regulations, or the Drinking Water Officer (DWO)
- having an Emergency Response and Contingency Plan

Health Protection &
Environmental Services
3rd Floor, 6475 Metral Drive
Nanaimo BC V9T 2L9

Central Island
Ph: (250) 755-6215
Fax: (250) 755-3372

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- monitoring as required by the *Act, Regulation*, operating permit or DWO requirements
- notifying the DWO if their water does not meet the prescribed standards
- notifying the DWO/the public of threats to drinking water
- notifying the public in regards to annual reports, DWO water system assessments or assessments as required in the *Regulation*
- preparing drinking water protection plans if directed by the DWO
- flood proofing of wells

Therefore, to supply water to the lots mentioned above, you must either:

1. supply each lot with its own well/water supply OR
2. connect each lot to an approved/existing water supply system OR
3. create a new water supply system as mentioned above.

If you choose to establish a new water supply system, I have "Guidelines for the Approval of Water Supply Systems" as well as other pertinent information. Please be aware that this can be a lengthy process. Provide our office with a written decision in regards to the provision of water to the above lots. If you have any questions or concerns, please contact me at (250) 755-6215. I look forward to your co-operation in this matter.

Sincerely,




Jill Lucko

Environmental Health Officer

cc: D. Glenn, Senior EHO

J. Spencer, PHE

Leslie Clarke, Planning Technician, CVRD

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NEIGHBOURHOOD SURVEY

The immediate neighbours were approached and the rezoning application explained to them on an appropriate plan and graphic illustration.

A few neighbours were away, either because they are summer residents or away for the winter and could not be contacted.

None of those approached were against the proposal for rezoning.

Bryan Wiggins

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

SUPPORT FOR REZONING APPLICATION

3880 EVENING COVE ROAD BY BRYAN WIGGENS

NAME

ADDRESS

TELEPHONE

Bob Gmaho	11870 Elliott Way	250-245-4791
Chris Fajal	11576	250 245 8412
Jim Rusk		250-245-5805
Lane Fok	11885 Elliott	250-245-2678
R. Ritchie	11891 ✓	250 245-5891
B. Wang	11894	250-245 0272
Shirley King	11894 ✓	— — —
Doug Sadony	11903 Allison Rd.	250-245-8467
Dave	11903 Allison Rd	250-245-8467
WR Horemum	3838 Fernan Way	250-245-4144
Nayna Jackson	11840 ELLIOTTWAY	245-1032
MERLE GARDNER	11840 Elliott Way	250 245-1032
JOHN & LYNN OWEN	3826 SHELL BEACH RD	250 245 8594
Bruce Mason	3770 Shell Beach Rd.	250-245-4397
David Knott	11880 Elliott way	250-245-3747

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SUPPORT FOR REZONING APPLICATION

3880 EVENING COVE ROAD BY BRYAN WIGGENS

NAME

ADDRESS

TELEPHONE

Jim Trish
Kirk 11912 Allison Rd. 245-7726

Bob Mervin 11891 Allison 245-37

Gloria Riley 11892 Allison Rd. 245-4466

Joe Mervin 11887 Allison Rd 245-0324

R. BROWNFIELD 11878 Allison Way 245-9217

L.H. HUNTER 3847 FEARNWAY 245-9792

Jenny Harrison 3842 Fearn Way 245-7882

Roll King 3842 Fearn Way 245-7882 (4 lots)

Ed Bayr 3811 Fearn way 245-7656

Paul Hudson 11860 ALLISON RD. 245-4936

Bob Val M Kay 3820 FEARNWAY 245-4403

G. Lewis 3795 FEARN WAY 751-3855

Andrew Dwyer 11845 Elliot Way 250616 7892

Bob Scott 11855 Elliott Way 250-924-6363

— " — " —

SUPPORT FOR REZONING APPLICATION
3880 EVENING COVE ROAD BY BRYAN WIGGENS

NAME	ADDRESS	TELEPHONE
BRENT AND WENDY COWENBERG	3740 STELLER RD	245 4151
STOPPED TWICE, ARE AWAY BUT HOUSEKEEPER - SPOKE TO THEM, AND TOLD HER TO TELL ME THAT THEY ARE IN SUPPORT OF MY APPLICATION BJ.		

Heather Knott	11880 Elliott Way	250-245-3747
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Rod Sward	3802 FERN WAY	250-245-2190
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Ken Dargatzis	11916 Allison Way	250-245-2066
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Karl Van der	11916 Allison Way	250-245-2066
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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3316

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1497, Applicable To Electoral Area H – North Oyster/Diamond

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 H – North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

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. 1497;

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 "**Cowichan Valley Regional District Bylaw No. 3316 - Area H – North Oyster/Diamond Official Community Plan Amendment Bylaw (Clifford/Wiggins), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, 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

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SCHEDULE "A"

To CVRD Bylaw No. 3316

Schedule A to Official Community Plan Bylaw No. 1497, is hereby amended as follows:

1. That a new Section 8.5: Rural Waterfront be added to the list of residential designations in the Table of Contents, and the Mobile Home Park Residential and Housing Affordability, Special Needs and Rental Housing sections in the Table of Contents be renumbered as 8.6 and 8.7 respectively.
2. That the following be added after Policy 8.4.2:

8.5 POLICIES: RURAL WATERFRONT

POLICY 8.5.1:

Land designated as **Rural Waterfront** on the Plan Map will be eligible for maximum residential densities of approximately one unit per hectare of gross land area for principal dwellings, and the implementing bylaw will provide for linking this maximum density to the provision of specific amenities.

POLICY 8.5.2:

Given the sensitive waterfront location and unserviced nature of **Rural Waterfront** lands, special measures will be imposed in the implementing zoning bylaw to ensure that such areas are not over-developed and that the shorelines are respected.

POLICY 8.5.3

The Regional Board may consider redesignating lands not presently in the **Rural Waterfront** designation as such, provided the following criteria are met:

- a) Significant public amenities are proposed, which find widespread support in the community, and would thereafter be incorporated into the implementing zoning bylaw under Section 904 of the *Local Government Act*;
- b) The land has ocean frontage;
- c) Docks are not permitted;
- d) The land is not in the Agricultural Land Reserve;

.../2

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- e) The land is not adjacent to a community water system, as defined in the Electoral Area H Zoning Bylaw;
- f) Residential densities do not exceed those specified in Policy 8.5.1;
- g) Such other matters as the Board may consider relevant to the situation.

POLICY 8.5.4

Density averaging is permitted within the **Rural Waterfront** designation.

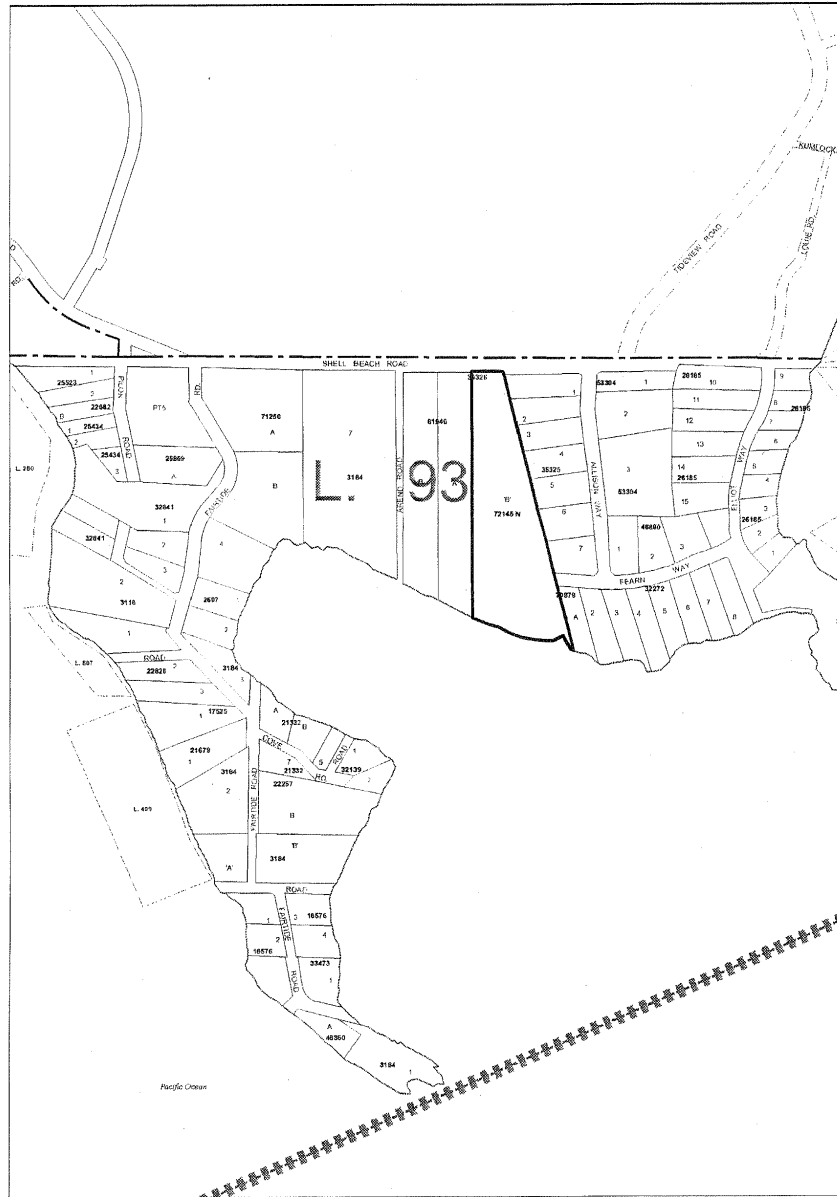
And Sections 8.5 and 8.6 are renumbered as 8.6 and 8.7 respectively, and all policies under both of these headings are also renumbered as 8.6.1, 2, 3 and 4; and 8.7.1, 2 and 3 respectively.

- 3. That the new designation “**Rural Waterfront**” is added to the legend of the Plan Map.
- 4. That Parcel B (DD EF76800) of District Lot 93, Oyster District , as shown outlined in a solid black line on Plan number Z-3316 attached hereto and forming Schedule B of this bylaw, be redesignated from **Agricultural** to **Rural Waterfront**; and that Schedule B to Official Community Plan Bylaw No. 1497 be amended accordingly.

PLAN NO. Z-3316

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

3316



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Agricultural

TO

Rural Waterfront

APPLICABLE

TO ELECTORAL AREA H

000080



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3317

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1020 Applicable To Electoral Area H – North Oyster/Diamond

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws, and Section 904 permits the creation of zones for amenities and affordable housing;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area H – North Oyster/Diamond, that being Zoning Bylaw No. 1020;

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. 1020;

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 "**Cowichan Valley Regional District Bylaw No. 3317 - Area H – North Oyster/Diamond Zoning Amendment Bylaw (Clifford/Wiggins), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1020, as amended from time to time, is hereby amended in the following manner:

- a) Rural Waterfront Zone (R-11) is added to Section 6.1 "Creation of Zones" following the R-10 Rural Water Conservancy Zone;

.../2

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- b) The following is inserted after Section 8.3(b), and Sections 8.4 and 8.5 are renumbered as 8.5 and 8.6 respectively:

8.4 R-11 ZONE – RURAL WATERFRONT

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 and no others are permitted in an R-11 Zone:

1. Single family residence;
2. Secondary suite, subject to Section 8.4(b)(1) below.

(b) General Conditions of Use

For any parcel in an R-11 Zone:

1. A single secondary suite is only permitted on a parcel that exceeds 1.0 hectares in area;
2. Parcel coverage shall not exceed 20% for all buildings and structures;
3. The 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 Residential and Accessory Uses
Front	7.5 metres
Interior side	3 metres from one side parcel line and ten percent of the parcel width from the other parcel line, to a maximum of 3 metres
Exterior side	4.5 metres
Rear	4.5 metres
Ocean waterfront (high water mark)	15 metres

(c) Density, Density Bonus and Amenity Zoning Provisions

For any Parcel in an R-11 Zone, the following regulations apply:

1. The number of parcels that may be created by subdivision in the R-11 zone must not exceed 2, including any remainder parcel.

.../3

2. Despite Section 8.4(c)(1), the number of parcels that may be created by subdivision in the R-11 zone may be increased to 5 if the conditions in Sections 8.4(c)(6) through (8) are met.
 3. The minimum parcel area is 0.9 hectare for residential parcels and 0.4 hectare for the parcel referred to in Section 8.4(c)(6) through (8).
 4. Density averaging is permitted, provided that the average residential density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 0.9 hectare of gross land area, not including secondary suites.
 5. The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
 6. In respect of each 3 parcels created in excess of 2, one of the three parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.4(c)(9), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
 7. The parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being in a suitable location for the intended use, of at least 0.4 hectares in area and with frontage on Shell Beach Road.
 8. The parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District a well on the parcel and access to sewage disposal field on the adjacent land, the ongoing access to which will be secured by suitable easements and such other instruments as may be required, as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.
 9. The parcel transferred to the Regional District under Section 8.4(c)(6) must be used for the provision of fire protection services in the North Oyster/Diamond community.
- c) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is amended by adding Rural Waterfront R-11 to the legend.

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- d) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning Parcel B (DD EF76800) of District Lot 93, Oyster District, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3317, from Secondary Agricultural A-2 to Rural Waterfront R-11.
- e) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning the first 100 metres of water surface that extends perpendicularly from the shoreline of the subject property from Water Recreation W-2 to Water Conservancy W-1, as shown in a dashed black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3317.

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.

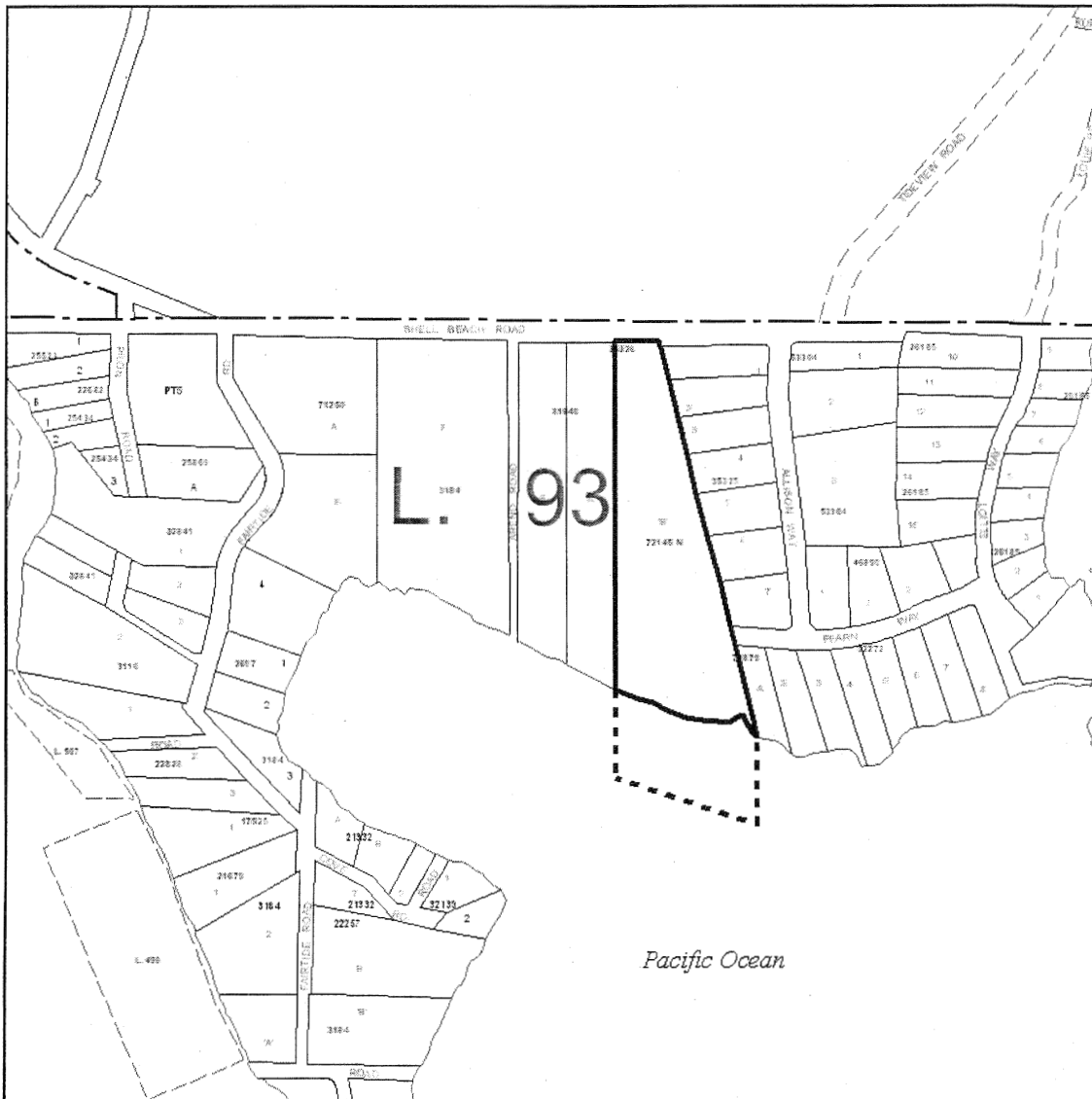
Chairperson

Secretary

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PLAN NO. Z-3317

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3317
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-2 (Secondary Agricultural) to R-11 (Rural Waterfront)

THE AREA SHOWN IN A DASHED BLACK LINE IS REZONED FROM

W-2 (Water Recreation) to W-1 (Water Conservancy)

APPLICABLE TO ELECTORAL AREA H

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D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 1, 2009

DATE: August 20, 2009 **FILE NO:** 4-E-09DVP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 1840
SUBJECT: Application No. 4-E-09DVP
(Mock)

Recommendation:

That the application by Tim and Laurice Mock for a variance to section 7.3(b)(4) and (5) of Zoning Bylaw No. 1840 by decreasing the setback of an agricultural building to a watercourse from 30 metres to 15 metres, and decreasing the setback to a side parcel line from 15 metres to 10 metres, on Lot A, Section 9, Range 2, Quamichan District, Plan 11002, be approved, subject to the applicant providing a survey confirming compliance with the approved setbacks.

Purpose:

To consider an application to relax the setback of an agricultural building to a watercourse and side interior parcel line.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background

Location of Subject Property: 3900 Rowe Road

Legal Description: Lot A, Section 9, Range 2, Quamichan District, Plan 11002, PID 005-135-010

Date Application and Complete Documentation Received: August 17th, 2009

Owner: Tim and Laurice Mock

Applicant: As above

Size of Parcel: 6.3 ha (15.5 acres)

000086

Zoning: A-1 Primary Agriculture

Setback Permitted by Bylaw: 30 metres to a watercourse
15 metres to side interior parcel line

Proposed Setback: 15 metres to a watercourse
10 metres to side interior parcel line

Existing Plan Designation: Agriculture

Existing Use of Property: Agriculture

Existing Use of Surrounding Properties:

North:	Rowe Road and Agriculture
South:	Agriculture
East:	Waters Road and Agriculture
West:	Trans Canada Trail and Spur Line

Services:

<u>Road Access:</u>	Rowe and Waters Road
<u>Water:</u>	N/A
<u>Sewage Disposal:</u>	N/A

Agricultural Land Reserve Status: The subject property is located in the ALR

Environmentally Sensitive Areas: The Environmental Planning Atlas does not show any sensitive features, however mapping available from the BC Geographic Gateway shows an “intermittent” or “channelized” stream on the subject property.

Archaeological Site: None Identified

Planning Division Comments:

The subject property is a 6.3 ha farm located at 3900 Rowe Road in Glenora. It is zoned A-1, and located in the Agricultural Land Reserve (ALR). The subject property is bordered by Rowe Road to the north, Waters Road to the east, and the Trans Canada Trail and abandoned “spur line” to the south and west. A channelized stream runs through the subject property from east to west. The stream and an approximate 3 metres of riparian vegetation are protected from grazing cattle by page wire fencing.

The applicants intend to build an open air pole barn to accommodate up to eight cows. The attached building drawings show that the building will have a manure storage area with a sloped concrete-lined bunker, and a covered feeding and loafing area. Zoning Bylaw No. 1840 states that agricultural buildings must be located 15 metres from an interior side parcel line, and 30 metres from a watercourse if the building is used for the accommodation of livestock. The applicants are requesting a variance of 5 metres to the western parcel line, which abuts the abandoned railway line.

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Furthermore, they are requesting a variance of 15 metres from the 30 metre setback to a watercourse. The watercourse labelled “ditch” on the attached plans has been identified as a “channelized stream” by the Ministry of Environment, and is therefore subject to the 30 metre setback of the zoning bylaw. Please note that agricultural buildings are exempt from the Riparian Areas Regulations.

The Agricultural Waste Control Regulation of the *Environmental Management Act* has a less restrictive setback regulation than those contained within CVRD bylaws. The applicant’s proposal complies with this regulation, which requires that a facility that stores agricultural waste to be located at least 15 metres from a watercourse. Additionally, Wayne Haddow, P.Ag. from the Ministry of Agriculture, has visited the subject property, and provided his written support for the variance application. Mr. Haddow states that the system proposed by the applicant to contain and manage manure is preferable to a situation where manure is left in the field and exposed to winter rainfall.

In the attached letter, the applicants state that the proposed siting of the agricultural building will be an efficient use of the land, as it will allow the residential and agricultural accessory buildings to be clustered in one area of the subject property, leaving the majority of the land clear for farming. Furthermore, the design of the sloped concrete-lined bunker will prevent the escapement of animal waste from the manure storage area.

Surrounding Property Owner Notification and Response:

A total of twenty-five (25) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. No responses were received at the time this report was written. If staff receive comments during the two week period provided for a written reply, they will be distributed at the EASC and/or CVRD Board meeting.

Options:

1. That the application by Tim and Laurice Mock for a variance to section 7.3(b)(4) and (5) of Zoning Bylaw No. 1840 by decreasing the setback of an agricultural building to a watercourse from 30 metres to 15 metres, and decreasing the setback to a side parcel line from 15 metres to 10 metres, on Lot A, Section 9, Range 2, Quamichan District, Plan 11002, be approved.
2. That the application by Tim and Laurice Mock for a variance to section 7.3(b)(4) and (5) of Zoning Bylaw No. 1840 by decreasing the setback of an agricultural building to a watercourse from 30 metres to 15 metres, and decreasing the setback to a side parcel line from 15 metres to 10 metres, on Lot A, Section 9, Range 2, Quamichan District, Plan 11002, be denied.

Option 1 is recommended.

Submitted by,



Alison Garnett
Planning Technician
Planning and Development Department

AG/ca

Department Head's Approval:



Signature

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CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 4-E-09 DVP

DATE: August 21, 2009

TO: Tim and Laurice Mock- DRAFT

ADDRESS: 3900 Rowe Road,
Duncan BC

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 2, Quamichan District, Plan 11002, PID 005-135-010
3. Zoning Bylaw No. 1840, applicable to Section 7.3(b)(4) & (5), is varied as follows:
Decrease the setback of an agricultural building to a watercourse from 30 metres to 15 metres, and decrease the setback to a side parcel line from 15 metres to 10 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. A survey certificate from a BC Land Surveyor is required confirming compliance with the setback variance described in Section 3 of this permit.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE
COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF _____
2007

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.

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

Date

Date

000090



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.

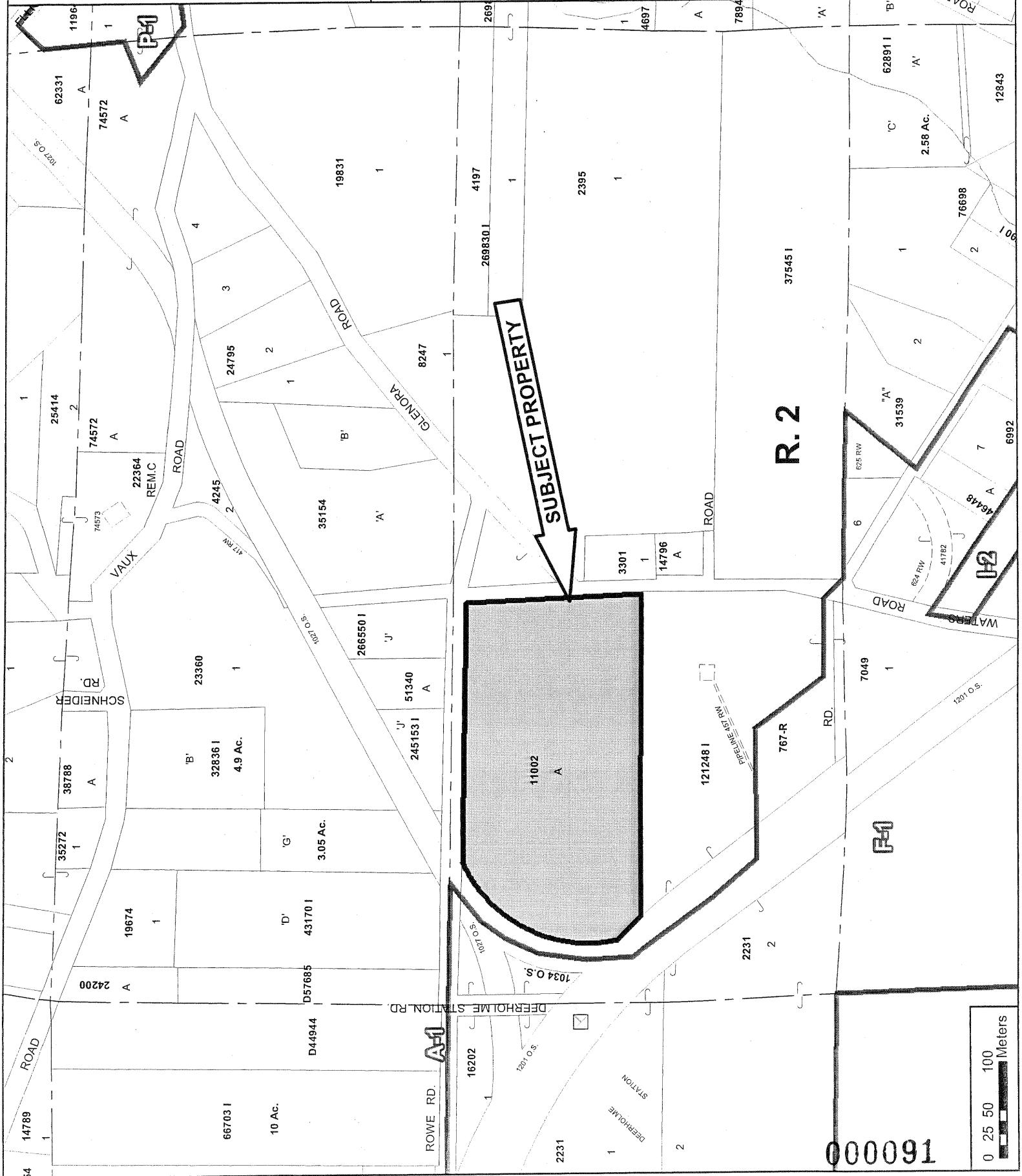
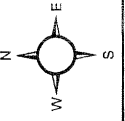
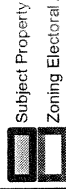
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 4-E-09-DVP

ZONING

Legend



000091

Windhorse Farm
3900 Rowe Rd
Duncan, BC



SCALE APPROXIMATE



Tim + Laurice Mock
3900 Rowe
Duncan

↑
N

vehicle
culvert

South-west corner
of property

255'

Fence
drainage ditch

Fence
105'

15 metres

fence with
2 m setback
to drainage ditch

proposed location
of building

10 metres

SPUR LINE

240'

TCT

000093

Description of Project requiring Development Variance

Civic Address: 3900 Rowe Road, Duncan

Applicants: Tim and Laurice Mock, owners

Description of Farming Operation: 15 acres of A-1 zoned land which is classed 'Transitional to Certified Organic' by IOPA (IOPA #1902)

Purpose of Farm: small-scale Cow/Calf beef operation with registered Red Angus (underway), and eventually, once soils are ready, small-scale, organic heritage grain production.

Background: Since purchasing the property in 2007 we have worked to restore the productivity of the farm using organic practices. The previous owners housed horses inappropriately storing manure close to the western property line and under the eave to the animals loafing shed (leading to severe leaching of manure into runoff and also into local surface water. We rectified this issue immediately by moving the stored manure and composting it and by keeping animals off the property until we had lived through a winter and understood the natural water patterns on the property.

In 2008 we purchased our 4 foundation heifers for the planned cow/calf operation. We housed them through the first winter using a small facility and carefully controlled the placement of manure to minimize any risk of water contamination. The manure was composted in spring. We now have four calves that will be wintering along with their four mothers and we realize that our current facility is inadequate to house them or allow us to manage their manure during the rainy season.

When we looked at the required setbacks from a water course as the location we plan to build is in proximity to a drainage ditch, we found that the BC Environmental Farm Plan Reference Guide calls for 15 m from a water course and also that the Agricultural Waste Management Regulation (B.C. Reg. 377/2008) also specifies 15 m from a water course. We were surprised to find that the CVRD requires 30 metres from a "natural stream or water course". Since we are applying for the first variance, we are also asking to place the building 10 metres from our interior boundary that borders on the Spur line to the north of its junction with the TCT. The standard setback here is 15 metres. This allows us to minimize the impact of the building on our landscape and the loss of pasture land to roadways and/building site.

Description of Building (as solution for managing manure and animal waste during wet season):

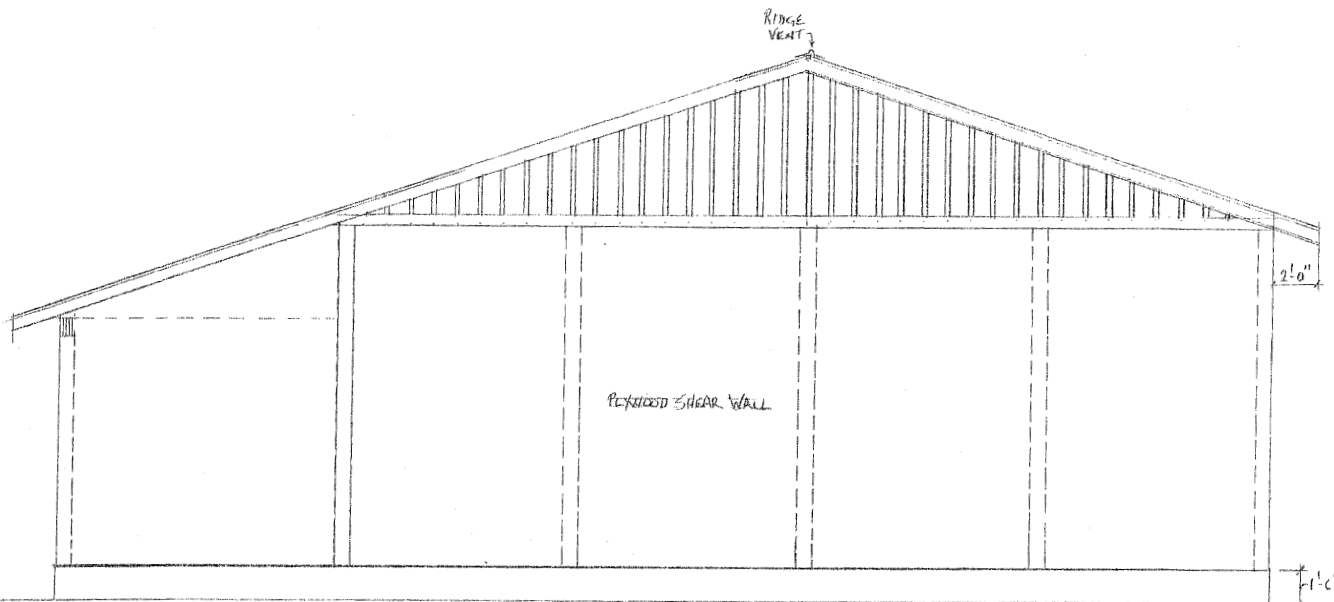
The pole barn building we propose and which is currently being engineered is an open air, truss roofed structure designed to confine cattle to a feeding and loafing area. The rationale for this sheltering of animals in the rainy season comes from an understanding that pollution from manure and animal waste is best controlled by keeping the manure away from fresh water (confining and covering the manure),

and by keeping the fresh water away from the manure (proper drainage and cover from rain or run-off). The proposed building contains a manure storage bunker which is a concrete-lined solid manure storage space which has a built in slope to prevent escapement thereby achieving two ends; no mixing of water and manure so no contamination of surrounding land nor water ways, and second, full capture of nutrients so essential to our rebuilding of the depleted soils on the property. Each spring, after the rains have subsided, the manure will be composted prior to being spread on the land.

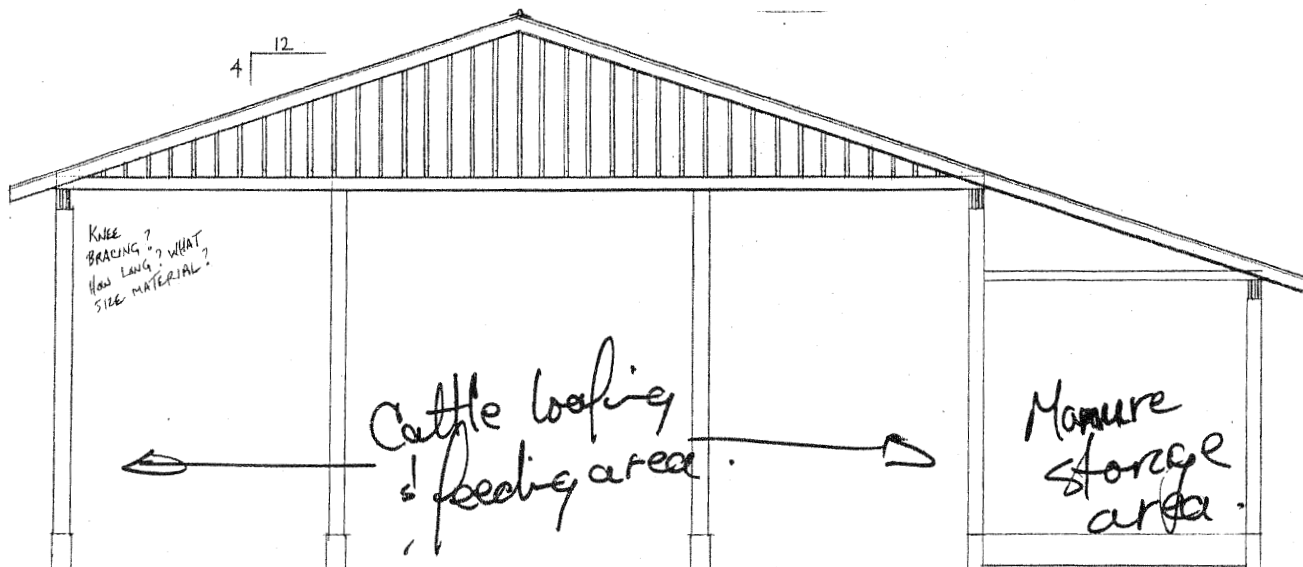
In an effort to "do what's right" we have contacted our neighbour (Marie-Anne Hellinckx and her family) who could potentially be affected (they have a surface well). We also brought their situation (surface well) to the attention of Development Services. We were made aware that they had suffered water well contamination in previous years in conversation where they confirmed that they had spring time water issues in the past (before we purchased the property). They have also confirmed as recently as August 16th that since we purchased the property in 2007 there has been no issue with water contamination.

This project is designed and intended to ensure that this neighbor, nor anyone else, will not be affected by animal waste run-off from our farm and that we will be able to put the maximum nutrient benefit from our cattle back onto our land in a form and at a time of the year when pollution risk is averted and soil amendment benefit is maximized.

000095



REAR ELEVATION



FRONT ELEVATION

1/4" = 1'-0"

000096 1/2

ROWEN. SHELTER FOR CATTLE

JIM CLEOUGH

JOB NO.	SCALE	SHEET TITLE
0913	1/4" = 1'-0"	
DATE	PLANT	

7.3 A-1 ZONE - PRIMARY 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-1 zone:

- (1) *agriculture, horticulture, silviculture, turf farm*, fish farm;*
- (2) *one single family dwelling;*
- (3) *a second single family dwelling on parcels six hectares or larger*;*
- (4) *one additional single family dwelling as required for agricultural use*;*
- (5) *bed and breakfast accommodation*;*
- (6) *daycare, nursery school accessory to a residential use*;*
- (7) *home occupation*;*
- (8) *horse riding arena, boarding stable*;*
- (9) *kennel*;*
- (10) *sale of products grown or reared on the property;*
- (11) *secondary suite;*

* subject to Land Reserve Commission approval

(b) Conditions of Use

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

- (1) *the parcel coverage shall not exceed 30 percent for all buildings and structures;*
- (2) *notwithstanding Section 7.3(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 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, for agricultural and accessory uses in Column III and for auction use in Column IV:*

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural and Accessory Uses	COLUMN IV Auction Use
Front	7.5 metres	30 metres	45 metres
Interior Side	3.0 metres	15 metres	45 metres
Exterior Side	4.5 metres	15 metres	45 metres
Rear	7.5 metres	15 metres	45 metres

- (5) *Notwithstanding Section 7.3(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.*
- (6) *Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;*
- (7) *A slaughterhouse, abattoir or stockyard shall be specifically prohibited;*
- (8) *Maintenance and repair of any materials offered for sale shall be specifically prohibited.*

(c) Minimum Parcel Size

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

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 1, 2009

DATE: August 20, 2009 **FILE NO:** 1-G-09DP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 1890
SUBJECT: Application 1-G-09DP
(Seaside Woods Estates c/o Ender Ilkay)

Recommendation:

That application No. 1-G-09DP be approved, and that a development permit be issued to Ender Ilkay of Seaside Woods Estates for Strata Lots 5 and 6 of District Lot 27, Oyster District, VIS6144, to permit the removal of 17 trees, as indicated on the site plan dated June 23, 2009, subject to:

- a) Compliance with the recommendations for tree removal noted in the March 12, 2009 report by Levelton Consultants,
- b) Receipt of a remedial landscaping plan of low-lying native vegetation prepared by a registered professional biologist or BCLSA member,
- c) 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 only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member.

Purpose:

To consider a development permit application for the removal of trees within the Ocean Shoreline Development Permit Area.

Background:

Location of Subject Property: Strata Lots 5 and 6, Clifcoe Road

Legal Description: Strata Lot 5, District Lot 27, Oyster District, Plan VIS6144 (PID: 026-874-504)
Strata Lot 6, District Lot 27, Oyster District, Plan VIS6144 (PID: 026-874-512)

Date Application and Complete Documentation Received: April 30, 2009

Owner: Seaside Woods Estates Ltd.

000098

Applicant: Ender Ilkay

Size of Parcel: SL 5 is 0.2 ha (0.5 acres)
SL 6 is 0.35 ha (0.86 acres)

Existing Zoning: R-2 (Suburban Residential)

Minimum Lot Size Under Existing Zoning: 1 ha for parcels not connected to community sewer
0.4 ha for parcels connected to a community sewer

Existing Plan Designation: Suburban Residential

Existing Use of Property: Both lots are vacant

Existing Use of Surrounding Properties:

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

Services:

<u>Road Access:</u>	Clifcoe Road
<u>Water:</u>	Saltair Community Water System
<u>Sewage Disposal:</u>	On-site septic

Agricultural Land Reserve Status: The subject properties are not located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any sensitive features, although the subject properties are located within the Ocean Shoreline Development Permit Area.

Archaeological Site: We have no record of any archaeological sites on the subject properties.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit, pursuant to Electoral Area G- Saltair Official Community Plan Bylaw No. 2500, for the purpose of removing 29 trees within the Ocean Shoreline Development Permit Area.

Planning Division Comments:

The subject properties are located adjacent to Stuart Channel in Saltair, off Clifcoe Road. They are situated within the Ocean Shoreline Development Permit Area, which was established to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

000099

The subject properties are two adjacent bare land strata lots, which were part of a larger 6-lot bare land strata subdivision in 2006. Both lots are currently vacant, although the R-2 Zone (Suburban Residential) permits a single-family dwelling. There is a 20-metre vertical elevation drop from the top of bank of the bluffs down to the beach. Aside from mature trees located at the top of bank, the gradual sloping sections of both lots are cleared of shrubs and trees. A restrictive covenant was registered on the subject properties at the time of subdivision, which prohibits the construction of buildings, the cutting of trees and the alteration of land for the area of the lots extending from 15 metres west of the top of the bank, except as specifically approved by development permit.

Originally, this application proposed the removal of seventeen (17) mature trees which are located in close proximity to the slope. The original application explained that the tree removal was required for two reasons: to prevent slope erosion caused from unexpected blow downs, and to enhance ocean views. Attached to this report is a site plan from the original application, dated June 23, 2009, which shows the approximate location of the trees on the lots in relation to the toe of slope and top of bank.

In compliance with the Ocean Shoreline Development Permit Area Guidelines, a report on bank stability was conducted March 12, 2009, by Tom W. Oxland, P. Eng., of Levelton Consultants (attached). The report divides the trees into two broad categories. Category One trees are those which Levelton considers to have a potentially adverse impact on the stability of the slope and therefore should be removed from a geotechnical perspective. Category Two trees are trees whose removal could potentially improve the view from the lots, and furthermore, whose removal will not negatively affect the stability of the slope. Additionally, the report makes general recommendations for minimizing disturbance to slope stability.

This application was reviewed by the Area G APC at a meeting in July. At that time, the APC requested the developer provide the professional opinion of an arborist. The attached letter by Troy Soderstrom, certified arborist, dated August 5th, 2009, recommends that all trees on the lots be removed. The applicant has since revised the development permit application to remove all 29 trees. An updated opinion from the geotechnical engineer to support this revised application is also attached. This updated letter of August 14th from Levelton also recommends establishing vegetative ground cover to replace the protection provided by the trees.

Relevant guidelines from the Ocean Shoreline Development Permit Area from OCP Bylaw No. 2500 state the following:

- (a) *Trees and shrubs in the riparian buffer area should be carefully pruned, where necessary to enhance views, rather than removed; and*
- (d) *Site preparation should be carried out in a manner which minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained.*

Advisory Planning Commission Comments:

This application was referred to the Electoral Area G Advisory Planning Commission, who provided the following recommendations at their meeting held on August 18, 2009:

That, as a fundamental principle, the APC favours the retention of as many trees as possible. However, the Commission would not be object to the removal of the 17 Category 1 and Category 2 trees identified in the Geotechnical Assessment undertaken for the original Development Permit Application.

The APC also recommends that the applicant undertake a remedial landscaping program to the satisfaction of the CVRD.

Insofar as the balance of trees identified in the arborist's report are concerned, the Commission recommends that a further assessment be undertaken by an independent arborist prior to the removal of any of these trees.

Carried Unanimously

Options:

1. That application No. 1-G-09DP be approved, and that a development permit be issued to Ender Ilkay of Seaside Woods Estates for Strata Lots 5 and 6 of District Lot 27, Oyster District, VIS6144, to permit the removal of 17 trees, as indicated on the site plan dated June 23, 2009, subject to:
 - a) Compliance with the recommendations for tree removal noted in the March 12, 2009 report by Levelton Consultants,
 - b) Receipt of a remedial landscaping plan of low-lying native vegetation prepared by a registered professional biologist or BCLSA member,
 - c) 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 only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member.

2. That application No. 1-G-09 DP be approved, and that a development permit be issued to Ender Ilkay of Seaside Woods Estates for Strata Lots 5 and 6 of District Lot 27, Oyster District, VIS6144, to permit the removal of 29 trees, subject to:
 - a) Compliance with the recommendations for tree removal noted in the March 12, 2009 report by Levelton Consultants,
 - b) Receipt of a remedial landscaping plan of low-lying native vegetation prepared by a registered professional biologist or BCLSA member,
 - c) 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 only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member.

3. That application No. 1-G-09DP not be approved in its current form, and that the applicant be directed to revise the proposal.

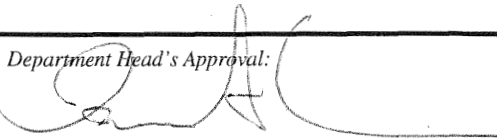
Option 1 is recommended.

Submitted by,



Alison Garnett,
Planning Technician
Planning and Development Department

AG/ca

Department Head's Approval:

Signature

000102



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-G-09 DP

DATE: August 20, 2009

TO: Seaside Woods Estates c/o Ender
Ilkay -DRAFT

ADDRESS: 6060 Blink Bonnie Rd
West Vancouver, V7W 1V8

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):
Strata lots 5 and 6, District Lot 27, Oyster District, VIS6144, PID 026-874-512 and PID 026-874-504
3. Authorization is hereby given for the removal of 17 trees on the subject property, as noted on site plan dated June 23, 2009 in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - a) *Compliance with the recommendations for tree removal noted in the March 12, 2009 report by Levelton Consultants,*
 - b) *Receipt of a remedial landscaping plan of low-lying native vegetation prepared by a registered professional biologist or BCLSA member,*
 - c) *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 only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member.*
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:
 - Site Plan dated June 23, 2009
 - Levelton Report dated March 12, 2009
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.XXXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE __th DAY OF _____.

Tom Anderson, MCIP
Manager, Development Services

000103

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

Date

Date

000104



Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.



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

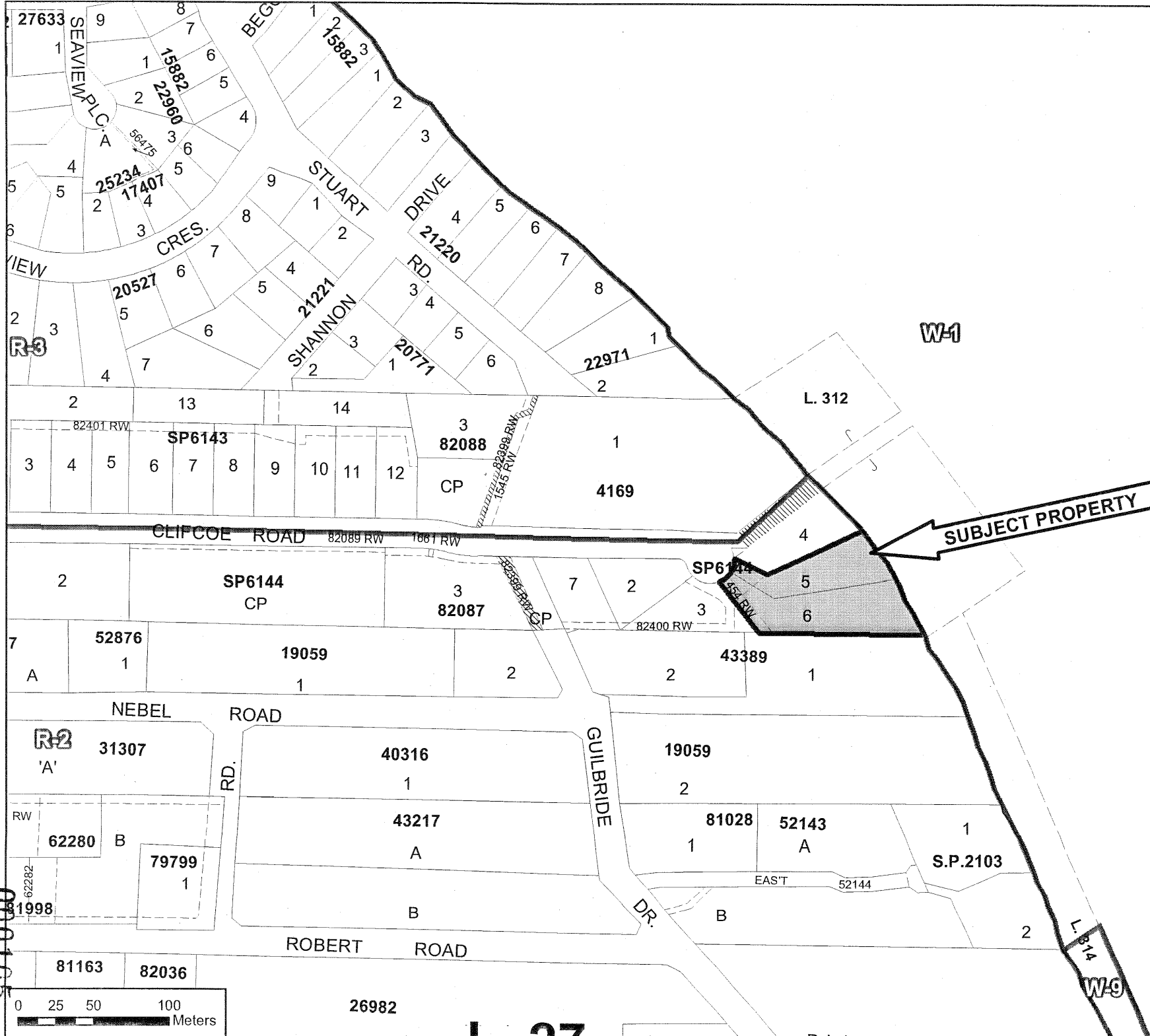
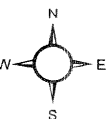
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-G-09-DI

ZONING

Legend

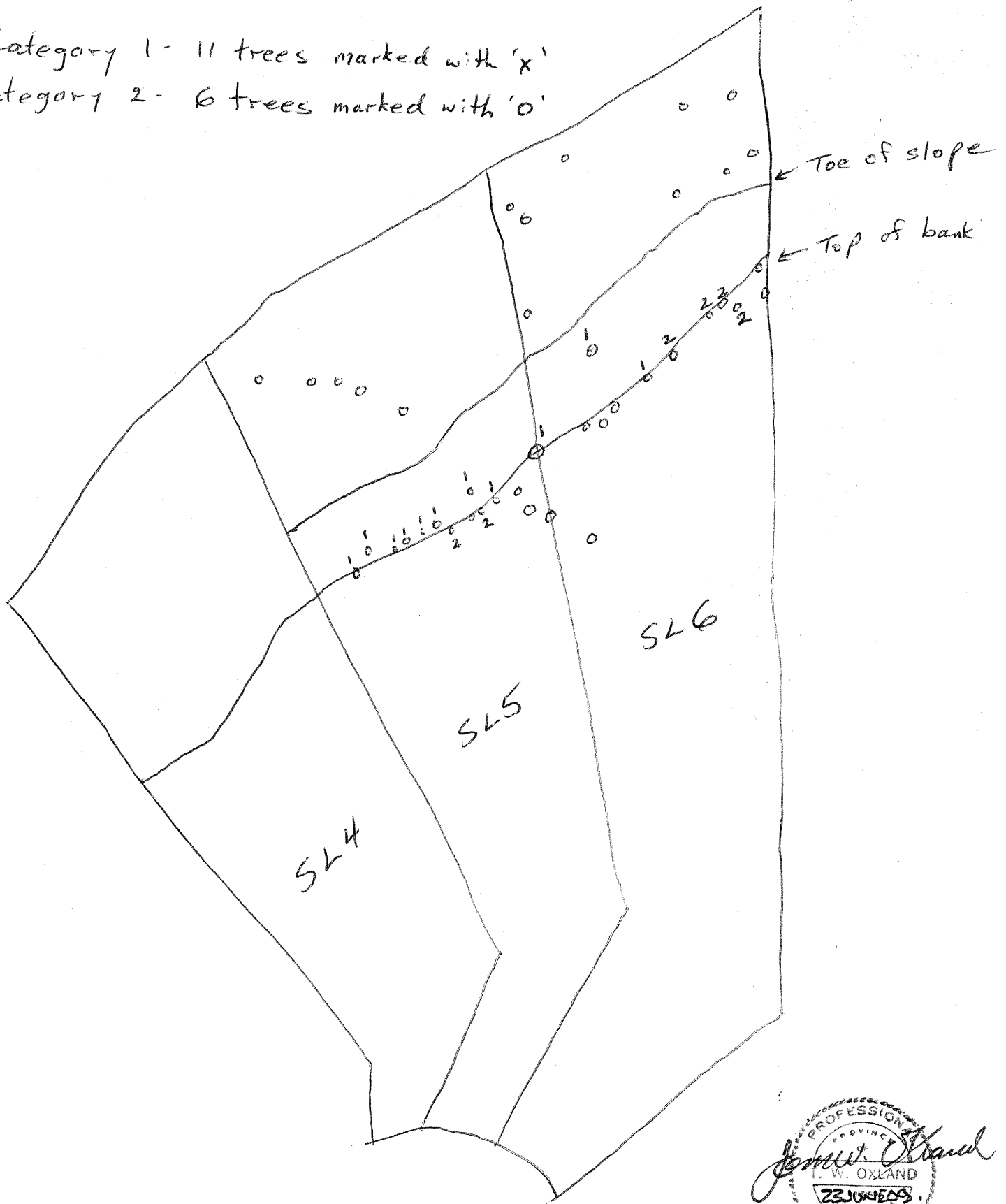
-  Subject Property
-  Zoning Electoral Area



0 25 50 100 Meters

June 23, 2009

Category 1 - 11 trees marked with 'x'
Category 2 - 6 trees marked with 'o'



VID7-0316-01

000106



12 March 2009
File Ref: VI07-0316-01

Levelton Consultants Ltd.
Web Site: www.levelton.com

Seaside Woods Estates Ltd.
6060 Blinkbonnie Road
West Vancouver, BC
V7W 1V8

Vancouver Island Region

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Construction Materials

Building Science

Geotechnical

Metallurgy and Corrosion

Environmental

Physical Testing

Attn: Mr. Ender Ilkay

**Re: Geotechnical Assessment
Lots 25 and 26 – Clifcoe Road
Seaside Woods Estates
Saltair, BC**

As requested, Levelton Consultants Ltd. (Levelton) has carried out a geotechnical assessment relating to the proposed removal of mature trees along the crest of the former shoreline slope on Lots 25 and 26 of the Seaside Woods Estates on Clifcoe Road in Saltair.

Levelton carried out a geotechnical assessment of the subdivision in 2005 (Levelton file reference: 605-0301 – 29 September 2005). The results of the assessment included a recommendation for a 15 m preliminary building setback from the slope crest on Lots 25 and 26.

Levelton visited the site on 3 March 2009 accompanied by Mr. Ender Ilkay of Seaside Woods Estates. The purpose of the visit was to visually assess the condition of the former shoreline slope in order to assess the removal of mature trees in relation to potential impact on slope stability.

The trees reviewed and assessed during the 3 March field visit could be divided into two broad categories:

Category 1:

Trees that could potentially have an adverse impact on the stability of the slope and should be removed from a geotechnical perspective. These typically included large diameter trees with their roots perched or exposed at the crest of the slope and/or severely bent or leaning trees. These trees were selected by Levelton and were identified from a strictly slope stability standpoint.



Category 2:

Trees whose removal could potentially improve the scenic view from the lots. These trees are not considered – from a geotechnical perspective – to present a potential for instability on the slope. However, Levelton assessed these trees from the point of view as to whether their removal would create potentially unstable conditions on the slope. These typically included trees that were set back from the slope crest and/or trees on the slope surface that had well buried roots. Trees that fell into this category were selected by Mr. Ilkay and were assessed and approved for removal by Levelton.

During the site visit, the trees that were assessed and either recommended (Category 1), and/or approved (Category 2) for removal by Levelton were marked with white spray paint.

The following are general recommendations relating to the removal of the marked trees.

- The trees should be felled upslope and/or away from the slope crest. Removal of the trees should be carried out in such a manner as to avoid disturbance of the slope surface.
- The trees should be cut off at least 1.0 m above the adjacent ground surface.
- Once the trees have been removed, the trunk and root system should be left undisturbed and in the ground.

Removal of the trees that were marked during the 3 March site visit by Levelton would not have an impact on the magnitude of the preliminary building setback previously established for these lots (i.e. 15 m). Note that the discussions and recommendations provided in the September 2005 report would still apply to the proposed subdivision development.

4.0 CLOSURE

This report has been prepared by Levelton Consultants Ltd. for the exclusive use of Seaside Woods Estates Ltd. This report has been prepared in accordance with standard geotechnical engineering practices and the attached Terms of Reference for Geotechnical Reports. No other warranty, either expressed or implied, is provided.



We trust that this information presented above meets your current requirements. If you have any questions, or require further information, please do not hesitate to contact the undersigned.

Yours truly,
LEVELTON CONSULTANTS LTD.

Signatures on File

Tom W. Oxland, P.Eng.
Geotechnical Engineer

Reviewed by:

Carl Miller, M.Sc., P.Eng.
Senior Geotechnical Engineer



A division of Davey Tree Expert Co. of Canada Limited
P0 BOX 186
NANAIMO, B.C. V9R 5K9

Phone (250) 755-1288

Fax (250) 755-1175

August 5, 2009

Seaside Woods Estates
6060 Blink Bonnie Road
West Vancouver BC V7W 1V8

Re: Arborist Assessment
Seaside Woods Estates
Lot 25 & 26 Clifcoe Road
Saltair, BC

This report has been carried out at the request of Mr. Ender Ilkay. He had concerns with the safety of the trees along the bank.

On August 4, 2009 I inspected the site noted above and concluded that all trees along the bank should be removed due to wind, tree location, safety to property and persons. This would include category one and two plus any other trees along bank edge.

The potential for failure on all these trees is high and should be dealt with in a timely fashion.

Recommendations for re-planting:

Holdiscus discolor (ocean spray)

Symphoricarpos albus (snow berry)

Yours truly,

Troy Soderstrom

Troy Soderstrom
Area Manager
Davey Tree Services
ISA Certified Arborist # PN-6009A

000110



12 August 2009
File Ref: VI07-0316-01

Levelton Consultants Ltd.
Web Site: www.levelton.com

Seaside Woods Estates Ltd.
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Vancouver Island Region

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Construction Materials

Building Science

Geotechnical

Metallurgy and Corrosion

Environmental

Physical Testing

Attn: Mr. Ender Ilkay

**Re: Geotechnical Commentary
Tree Removal
Lots 25 and 26 – Seaside Woods Estates
Saltair, BC**

As requested, Levelton Consultants Ltd. (Levelton) has reviewed the letter prepared by Davey Tree Services dated 5 August 2009 regarding the removal of trees along the shoreline slope on Lots 25 and 26 of Seaside Woods Estates in Saltair. The review was carried out in relation to the Levelton report dated 12 March 2009 which presented a geotechnical assessment of the standing trees and discussion and recommendations regarding partial removal.

The Levelton report was intended to address the geotechnical aspects of the tree removal and the potential impact on the stability of the shoreline slope. Items that were considered during the assessment included: potential for blow down; slope degradation due to soil loss/exposure along the slope crest following tree fall; and loss of support/protection for the soil on the slope due to the removal of the trees. The trees were categorized from a qualitative risk basis according to whether they should be removed from a safety/slope stability perspective or whether they could remain standing from an aesthetics point of view.

Based on Levelton's review, the Davey letter of 5 August does not materially effect the discussion and recommendations presented in our letter/report of 12 March.



14 August 2009
File Ref: VI07-0316-01

Levelton Consultants Ltd.
Web Site: www.levelton.com

Seaside Woods Estates Ltd.
6060 Blinkbonnie Road
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V7W 1V8

Vancouver Island Region

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e-mail: victoria@levelton.com

Construction Materials

Building Science

Geotechnical

Metallurgy and Corrosion

Environmental

Physical Testing

Attn: Mr. Ender Ilkay

**Re: Geotechnical Commentary - Clarification
Tree Removal
Lots 25 and 26 – Seaside Woods Estates
Saltair, BC**

The following has been prepared as a clarification to the Levelton Consultants Ltd. (Levelton) letter dated 12 August 2009 (Levelton file reference: VI07-0316-01) regarding the removal of trees along the shoreline slope on Lots 25 and 26 of Seaside Woods Estates in Saltair.

A letter/report by Davey Tree Services dated 5 August 2009 recommended that all of the trees along the slope on the subject lots should be removed.

The Levelton report dated 12 March 2009 (Levelton file reference: VI07-0316-01), which presented a geotechnical assessment of the standing trees and discussion and recommendations regarding partial removal, described trees that should or could be removed in relation to slope stability (Category 1 or 2). These trees were marked in the field at the time of the initial assessment.

Generally, the presence of trees on, or near, a slope can serve to increase stability through providing protection from direct exposure to wind/rain as well as 'binding' surficial soils together with their root systems. These potential benefits contrast to the negative impacts of blow down. These aspects were considered in determining the categories of trees to be removed during the initial assessment. The trees that were assessed were selected based on their potential impact on the stability of the shoreline slope.

Removal of trees on the site that are outside of the two categories described above would not have an adverse impact on the stability of the shoreline slope.

Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
August 18, 2009

In attendance: Ted Brown, Ruth Blake, Karen Porter, Director Mel Dorey

Also in attendance: Mr. Ender Ilkay (applicant)

The purpose of the meeting was to review Development Permit Application No. 1-G-09DP (Ender Ilkay)

The Meeting was called to order at 8:00 p.m. by Chairman Ted Brown.

Ender Ilkay provided the Commission with background information with respect to the application, noting that the purpose of the application was to address concerns about bank stability given the location of a number trees immediately adjacent to the top of the bank. In addition some trees were proposed for removal to improve view lines from the two lots. Mr. Ilkay summarized the various geotechnical and arborist reports that had been prepared in support of the application. He noted that the application had been revised to include the additional trees that had been identified in the arborist's report given the liability issues this report raised.

Following questioning of the applicants and discussion, the following motion was made:

That, as a fundamental principle, the APC favors the retention of as many trees as possible. However, the Commission would not object to the removal of the 17 Category 1 and Category 2 trees identified in the Geotechnical Assessment undertaken for the original Development Permit Application.

The APC also recommends that the applicant undertake a remedial landscaping program to the satisfaction of the CVRD.

Insofar as the balance of the trees identified in the arborist's report are concerned, the Commission recommends that a further assessment be undertaken by an independent arborist prior to the removal of any of these trees.

Carried Unanimously

In making this recommendation the Commission recognized that protecting the integrity of the bank was a primary consideration as was minimizing any potential property damage that may result from trees being blown down in a storm.

000113

However, in terms of the additional trees identified in the arborist's report the Commission was of the view that the report lacked sufficient information to make an informed recommendation. As a result, it is believed that only the trees addressed in the original application should be dealt with at this time and that any additional tree removal should be the subject of a separate application accompanied by a more comprehensive assessment of potentially dangerous trees.

Ted Brown
Chairman
Saltair Advisory Planning Commission



Passion | Integrity | Community

23 July 2009

Chair Gerry Giles and the Board of Directors
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8



JUL 27 2009

Dear Chair and Directors,

Re: SW Mill Bay - Delegation

As you may be aware, we recently submitted an application to amend the Mill Bay / Malahat Official Community Plan (Bylaw 1890). The application proposes to include about 600 Ha (1,500 acres) of land to the southwest of Mill Bay ('SW Mill Bay') within the town. This would accommodate Mill Bay's long-term future growth and a wide range of land uses including parks and employment.

While the application falls within Electoral Area A, the proposal is of a scale and duration that has implications and benefits for the entire region. We would therefore ask to attend the next Board meeting as a delegation in order to present a brief overview of the application. We also have three specific requests of the Board, as described later in this letter.

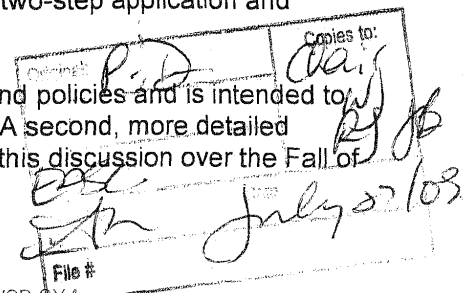
The SW Mill Bay application represents the culmination of a process that began through an 'open conversation' with the community in early 2008 (www.sw-millbay.com) and continued through subsequent stakeholder and First Nations meetings. People told us what they thought was important and we have researched those priorities. Based on this, an initial vision and preliminary concepts were prepared in order to resume the community conversation.

The application package outlines the proposed OCP amendment, including the findings of initial consultation and resulting research, the proposed vision and planning principles, preliminary concepts and the triple bottom line benefits. Appendix One describes how the proposal is compatible with the current OCP and other CVRD initiatives such as the Economic Development Strategy and 'The 12 Big Ideas'. Appendix Two includes a Sustainable Development Framework, economic and demographic research and a series of relevant case studies.

The scale of the project offers the opportunity for community benefits of a similar scale. In particular, there is an opportunity to address Mill Bay's accumulated infrastructure deficit (e.g. sewage treatment, Kerry Park reconstruction), as well as complete other 'gaps' identified by local residents (demographic mix, jobs, local business opportunities). There is a window of opportunity to achieve these benefits while this site is under common ownership and is being professionally planned by an experienced, well-resourced applicant.

Based on initial consultation, the suggested vision for the site is to "extend, augment, enhance and complete the community of Mill Bay". The project objective is to create environmental, economic and social benefits for existing and future residents. A collaborative, two-step application and consultation process is proposed in order to achieve this vision.

The current OCP application relates to high-level goals, objectives and policies and is intended to trigger community discussion about the long-term future of Mill Bay. A second, more detailed Rezoning (Land Use Bylaw Amendment) application would build on this discussion over the Fall of this year.





Passion | Integrity | Community

We are committed to providing the Directors with the full and complete information needed to make informed decisions. The work to date hopefully reflects that commitment. In this next stage we would like to provide the Board with not only the proposed 'plan' but also the infrastructure and financial implications.

Given the scale of the application (and public perception that past approvals have not 'delivered') it is therefore proposed that a draft Phased Development Agreement be prepared at the same time as the Rezoning application and presented to the Board as one package. While we could prepare this in isolation it would be ideal to have the expert advice of key CVRD staff from the Planning and Development, Corporate Services / Finance, Engineering and Environmental Services, Parks, Recreation and Culture, and Public Safety Departments. This would also provide the Board with the assurance that the Agreement reflects CVRD standards.

This approach would in no way fetter the discretion of the Board but instead provide full and complete information when considering a decision on the Rezoning application.

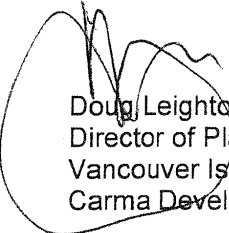
We recognize that this collaborative approach would place pressure on CVRD staff resources. We support the CVRD's 'user pays' approach to processing. While the OCP fee of \$2,200 has been paid, we propose to pre-pay a further \$100,000 of the larger rezoning fee. Once the exact number of units has been determined through the next step in the planning process, the balance (possibly in the \$190,000 range) would be payable with the Rezoning application as required. We understand the Board needs to authorize this approach, however.

In order to implement this collaborative process and give you full and complete information, we therefore respectfully request that the Board authorize the CVRD Administration to:

- 1) initiate the '*early and ongoing consultation*' (including referrals to First Nations) as outlined in Section 879 of the Local Government Act;
- 2) establish a technical task force of key CVRD staff to meet periodically with the applicants between now and January 2010 in order to develop an outline (draft) Phased Development Agreement for future Board consideration;
- 3) accept an interim processing fee of \$100,000 in advance of the full Rezoning application in order to resource the CVRD's staff and possible consultant time.

We hope that this approach is acceptable to you and look forward to working with the CVRD, the community and First Nations on these exciting next stages of the planning process.

Yours sincerely,



Doug Leighton MCIP
Director of Planning
Vancouver Island Land
Carma Developers LP



August 5, 2009

Vancouver Island Land Carma Developers LP
Unit 215 – 737 Goldstream Avenue
VICTORIA, BC V9B 2X4

**Attention: Doug Leighton, MCIP
Director of Planning**

Dear Mr. Leighton:

Re: SW Mill Bay – Delegation

Thank you for your letter of July 23, 2009, containing your request to appear before the Cowichan Valley Regional District (CVRD) Board to present a brief overview of the Carma development proposal in Mill Bay.

As only the Electoral Areas of the CVRD pay for the planning function, only those members of the Board are entitled to vote on any development application. The request by Carma to initiate an early and ongoing consultation, establish a technical task force and accept an interim processing fee can only be determined by the members of the community planning function. Therefore, I have referred your letter to the next available meeting of the Electoral Area Services Committee for their consideration. Those Directors will determine an appropriate course of action regarding Carma's request and CVRD staff will advise accordingly.

Thank you again for outlining your thoughts on how to initiate discussions regarding the Carma proposal.

Sincerely,

Gerry Gyles, Chair
Director, Electoral Area C – Cobble Hill

TRA/mca

pc: Director B. Harrison, Electoral Area A – Mill Bay/Malahat
Tom Anderson, General Manager, Planning and Development

000117



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 1, 2009

DATE: August 18, 2009

FROM: Catherine Tompkins MCIP Planner III

SUBJECT: Appointments to the South Cowichan Official Community Plan Community Advisory Committee

Action:

That June Laraman, Geoff Johnson, Archie Staats and Ken Waldron be appointed to the South Cowichan OCP Steering Committee.

Purpose:

To consider the appointment of additional people to the South Cowichan Official Community Plan Steering Committee.

Financial Implications: none

Interdepartmental/Agency Implications: none

Background:

The Regional Board has directed staff to expand the South Cowichan Official Community Plan process to include Electoral Area A – Mill Bay/Malahat. To help ensure representation from that portion of the plan area, the South Cowichan Directors have requested that Area A residents June Laraman, Geoff Johnson, Archie Staats and Ken Waldron be appointed to the South Cowichan Official Community Plan Steering Committee:

Submitted by,

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

Department Head's Approval:
Signature



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 1, 2009

DATE: August 26, 2009 **FILE NO:** 3020-01-1405511

FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 1015

SUBJECT: Integrated Land Management Bureau (ILMB) referral for a lease in Cowichan Bay

Action:

If further action is required, we are seeking direction from the Committee.

Purpose:

To present information with regards to an Integrated Land Management Bureau (ILMB) referral for a lease in Cowichan Bay.

Background:

Location of Subject Property: Cowichan Bay Road (northwest of Hecate Park)

Legal Descriptions: Unsurveyed portion of Block A of District Lot 160, Cowichan District

Date Application and Complete Documentation Received: Referral received June 2009

Owner: Crown Land

Applicant: Robert Hokanson

Size of Parcel: Lease area is currently 4.09 ha but is proposed to be reduced to 0.951 ha

Existing Zoning: W-7 (Water Industrial)

Minimum Lot Size Under Existing Zoning: N/a

Existing Plan Designation: Water Industrial

Existing Use of Property: Storage of several large containers, a boat and two trucks for sale

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Existing Use of Surrounding Properties:

North:	W-1 (Water Conservancy)
South:	Hecate Park and Cowichan Bay Road
East:	W-1 (Water Conservancy)
West:	W-1 (Water Conservancy)

Planning Division Comments:

On June 6, 2009 the CVRD Planning and Development Department responded to an ILMB referral to reduce the area of the lease, change the use and extend the term of the lease for 30 years. The applicant advised that currently the tenure designation of the lease is for a log dump and booming ground, and it is proposed this be changed to allow boat repair and storage as well as marine related construction including construction of docks and floats.

The zoning for the lease lot is W-7 (Water Industrial) which permits the following:

- 1) any use permitted in the W-1 and W-2 zones;
- 2) boat building, repairs or sales; and
- 3) storage areas for the shipment, loading, unloading or sorting of logs, including booming grounds.

For your reference, the types of structures that are permitted within the W-1 (Water Conservancy) and W-2 (Water Recreation) zone are as follows:

- 1) non-commercial private wharf, dock or float (W-1);
- 2) private and public wharf or dock (W-2); and
- 3) seawall, breakwater, ramp (W-2).

Staff responded to the ILMB referral indicating that boat building and repairs are permitted, however, boat storage and marine related construction are not. Therefore, a rezoning application is required if the application is to proceed as proposed.

Furthermore, as this lease area is adjacent to Hecate Park, the CVRD Parks and Trails Division advised in their letter dated July 31, 2009 (attached) that they are concerned about possible impacts to the waterfront park from the industrial activity occurring on the lease area. The Parks and Trails Division has been working with the Ministry of Transportation and Infrastructure to extend a public trail within the road right of way fronting on this lease area.

Correspondence

As the CVRD is a referral agency in these types of applications, we customarily respond directly to the ILMB advising of the permitted uses within the zoning and other CVRD regulations. The ILMB referral was also sent to Peter Law, Ministry of Environment who is the Chair of the Cowichan Estuary Environmental Management Committee.

We have received copies of a number of letters addressed to the ILMB objecting to the proposal. For your reference, please see the enclosed correspondence we have received to date.

Options:

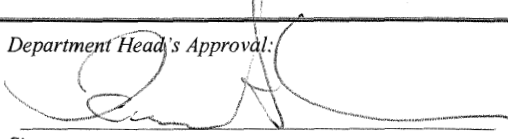
If further action is required, we are seeking direction from the Committee.

Submitted by,



Rachelle Moreau
Planning Technician
Planning and Development Department

RM/ca

Department Head's Approval:

Signature

DE
ATS 23467

Box 51
Cowichan Bay, BC V0R 1N0
May 26, 2009

Integrated Land Management Bureau
142-2080 Labieux Road
Nanaimo, BC V9T 6J9

Attn: Gordon Smail
Re: Block A of District Lot 160, Cowichan District
Lease # 105062 File #1405511

Dear Sir:

Please accept the following development plan for the above named lease property:

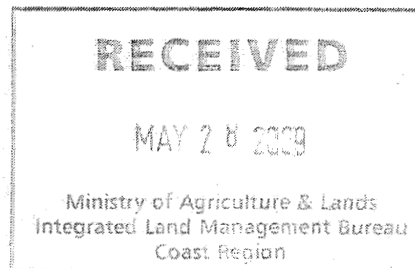
1. To change the tenure designation from (a) log dump and booming ground, to (b) boat repair and storage, and marine related construction i.e. docks, floats, etc.
 - The upland portion will be used for boat storage and dry-land repair and will be accessed by land.
 - The water portion will involve dock and float construction with the use of floating structures e.g. barge, docks, etc. as outlined in the accompanying diagram.
 - Access to the water portion will be by a down ramp onto a 12' x 32' landing float with a 8' by 120' dock attached to the sheet piling bulkhead with sliders. The dock will be used for mooring the barge and for providing access for water-based boat repair activities such as mast removal, etc.
2. To reduce the size of the lease as outlined in the enclosed Plot Plan.
3. To extend the term of the tenure for the maximum years allowed.

I have already begun a comprehensive clean up of the property and have installed two Sea Can containers as workstations. I have no intention of building permanent structures so all buildings will be easily removable. The log dump machine has been sold and will be removed by July 1, 2009.
Thank you for your consideration in this matter.

Yours truly,



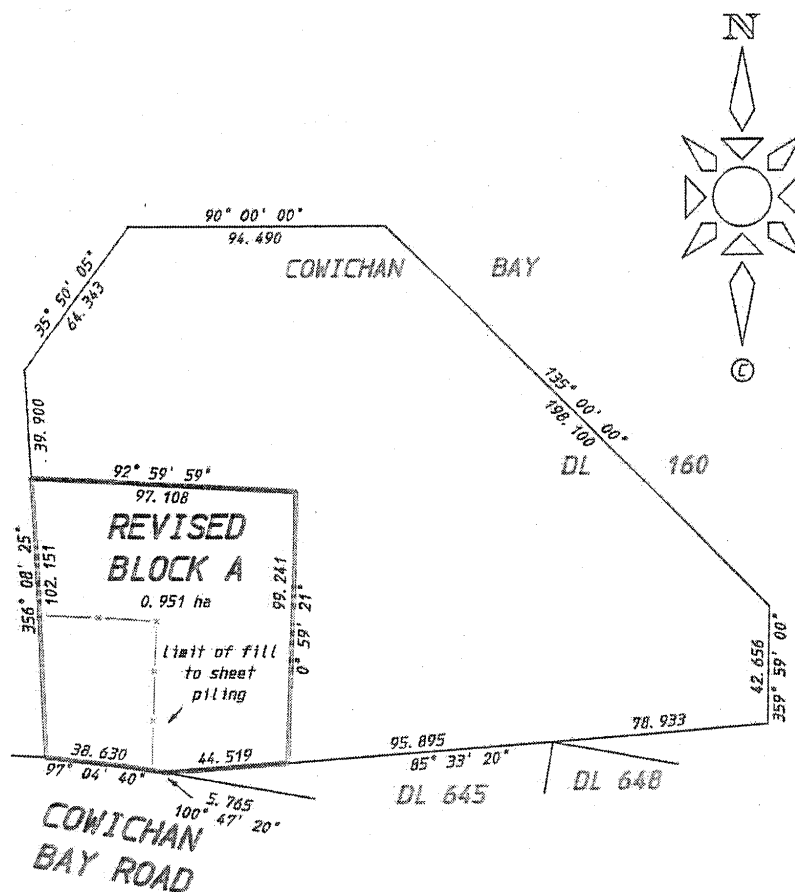
Robert Hokanson



000122

SKETCH PLAN OF PART OF
BLOCK A OF DISTRICT LOT 160
COWICHAN DISTRICT.

Scale = 1:2000



BOWERS & ASSOCIATES
 2856 CASHWELL STREET,
 CHEMAINUS, B.C., V0R 1K3
 PHONE/FAX: 250-246-4928
 File: 3967

000123



Province of
British Columbia

Ministry of
Environment,
Lands and Parks

Legal Description Schedule

Lease No.

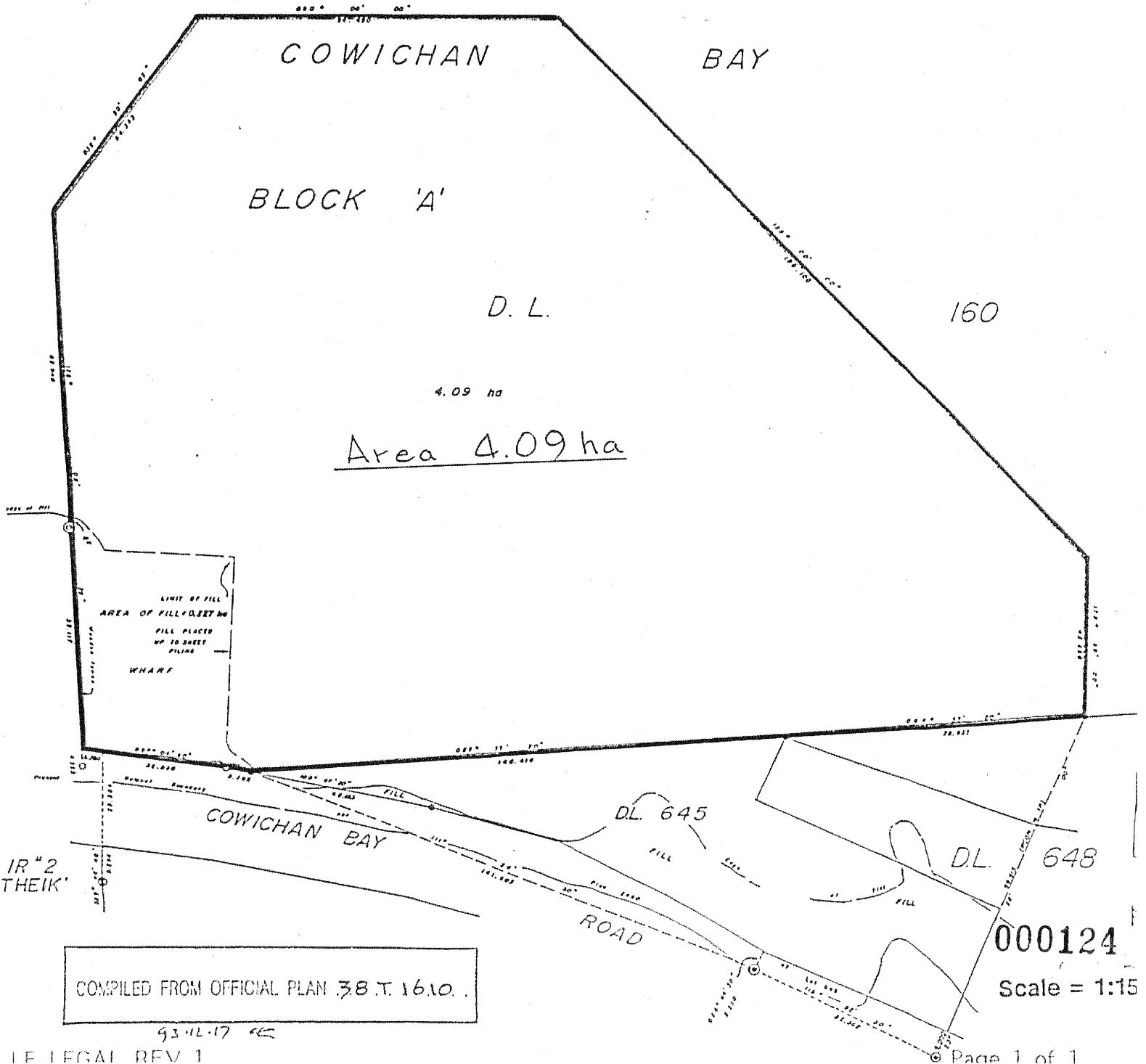
105062

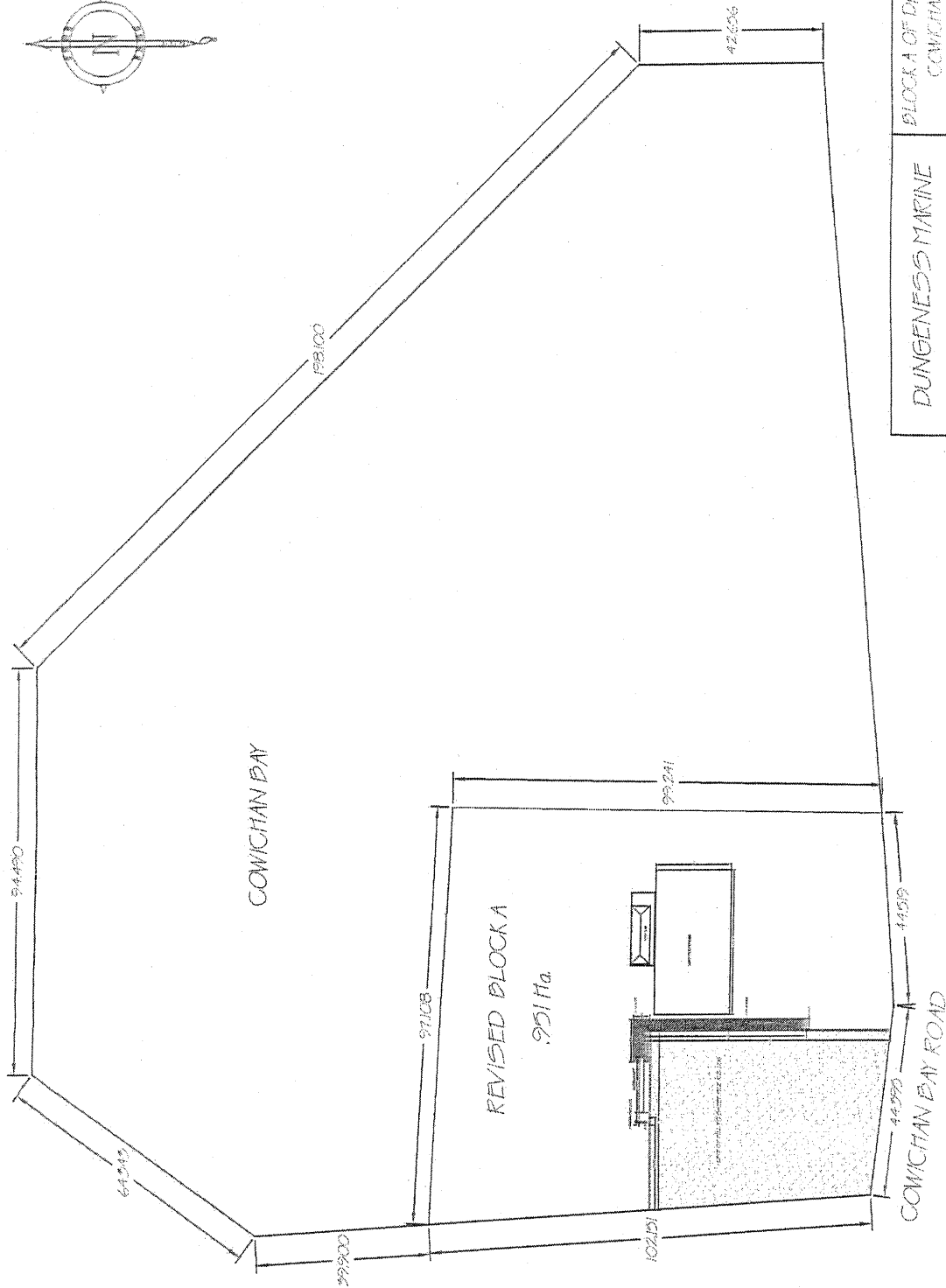
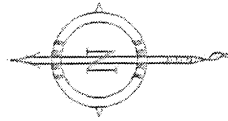
File No. 1405511

1. Legal Description

Block A of District Lot 160, Cowichan District

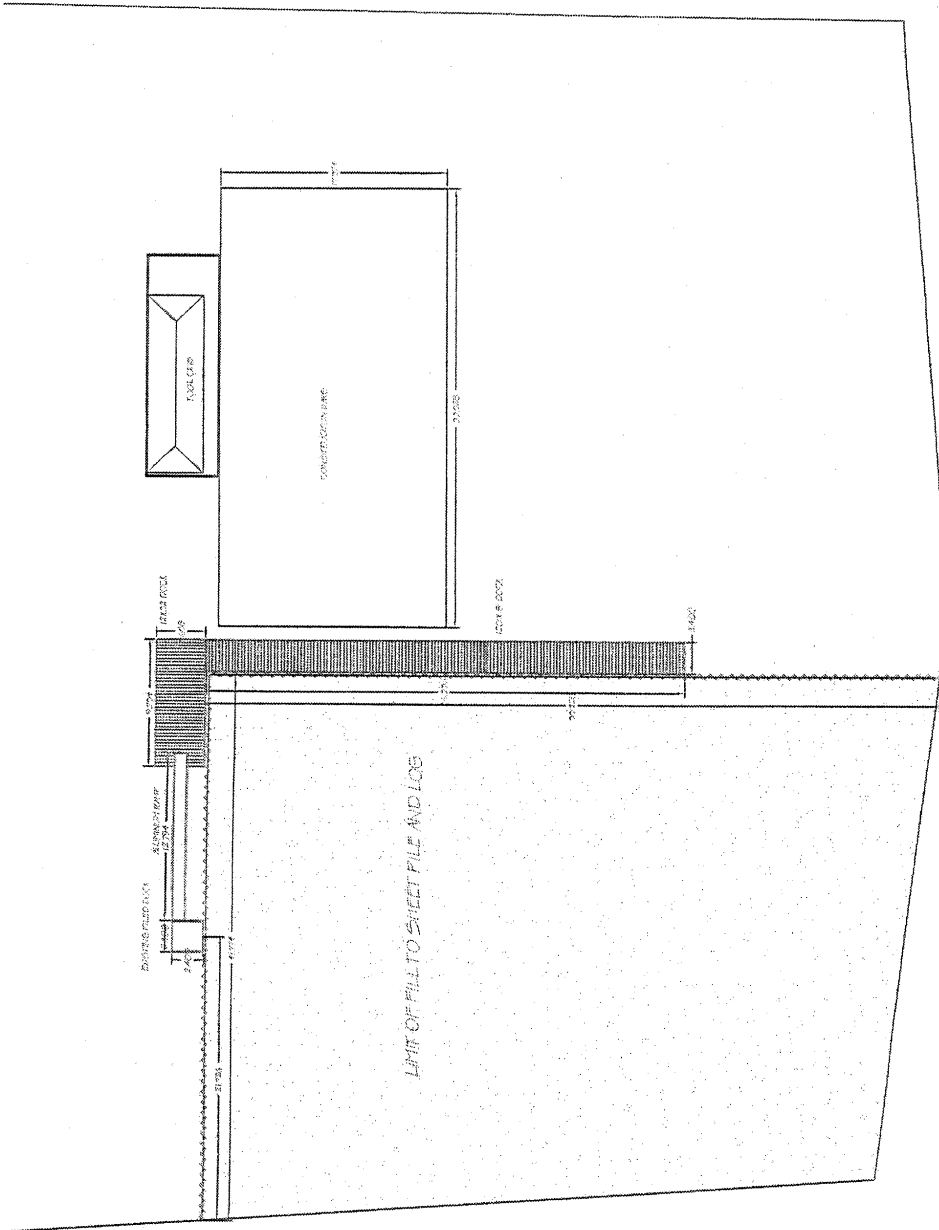
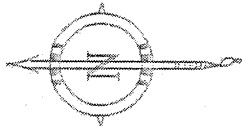
2. Sketch Plan





DUNGENESS MARINE	BLOCK A OF DISTRICT LOT 160 COWICHAN DISTRICT	SCALE 1:1200	MAY 27, 2019
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COWICHAN BAY ROAD

DUNGENESS MARINE	BLOCK A OF DISTRICT LOT 160 COWICHAN DISTRICT
	NOT TO SCALE
	MAY 27, 2015

Cowichan



**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.

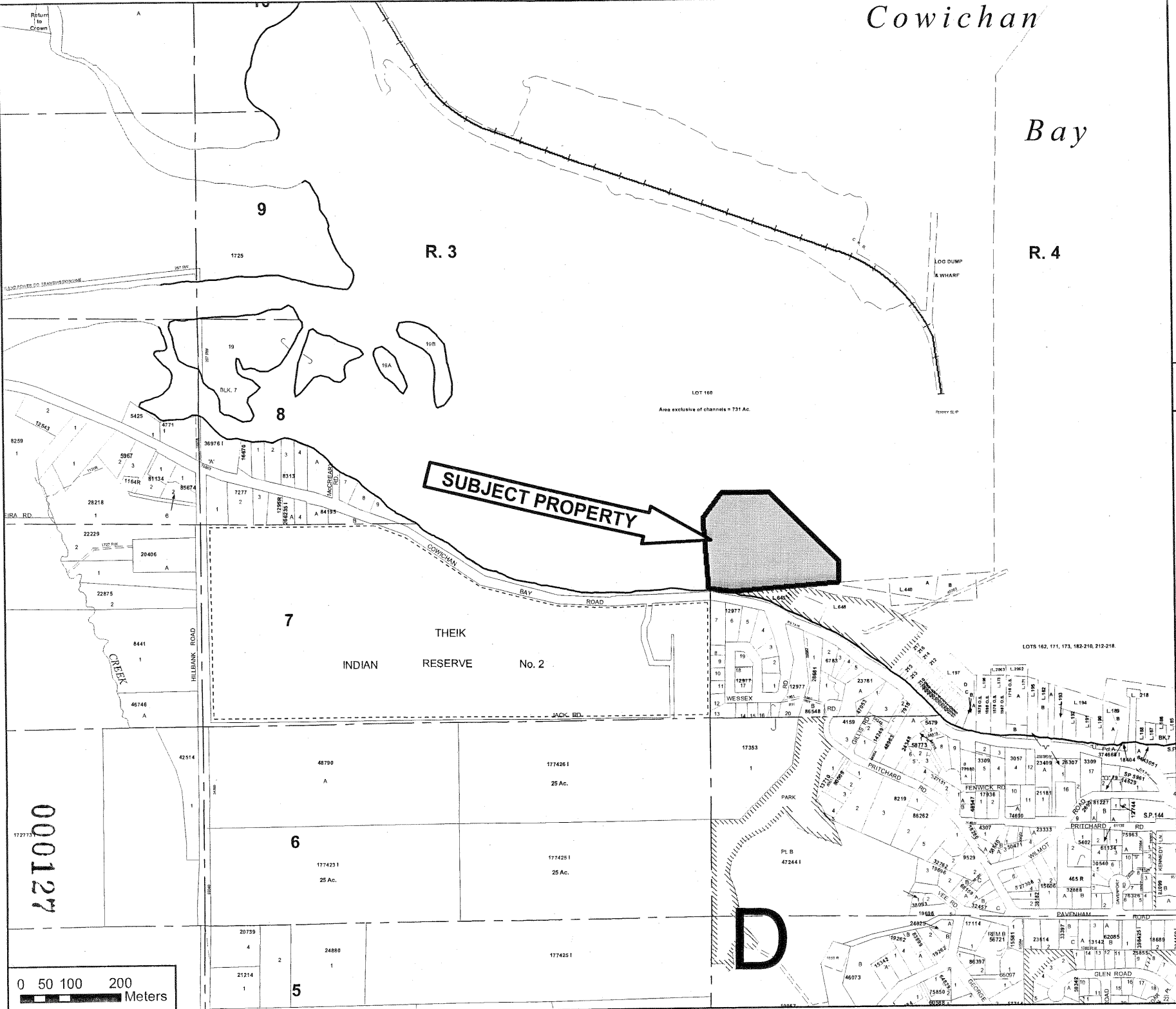
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

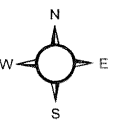
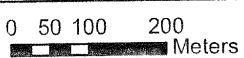
FILE: 1405511

Legend

 Subject Property



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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.

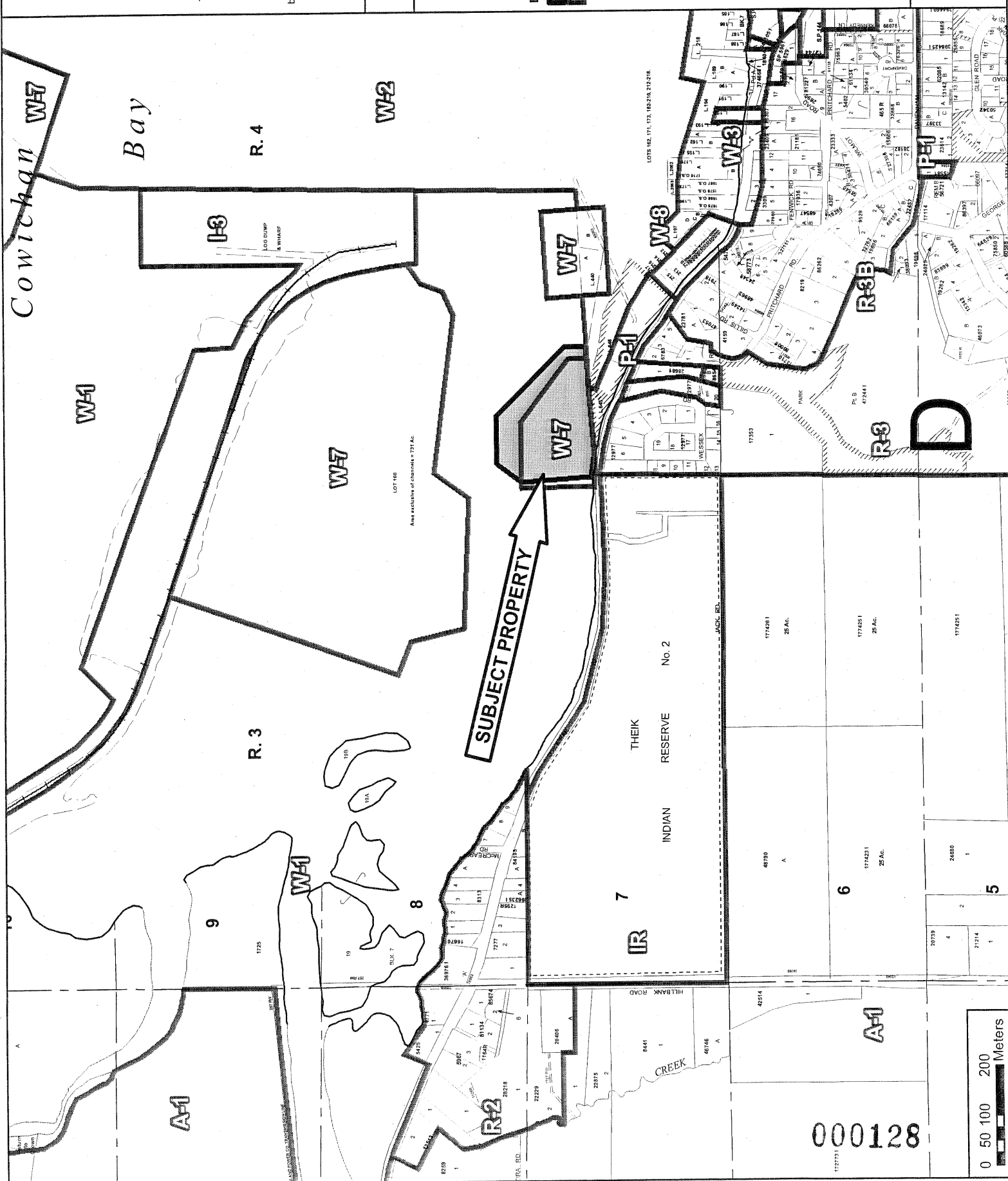
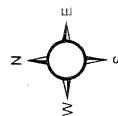
FILE: 1405511

ZONING

Legend



Subject Property
Zoning Electoral A





*Cowichan Bay
Boat Launch*

July 31, 2009

Integrated Land Management Bureau
142-2080 Labieux Road,
NANANAIMO, BC V9T 6J9

Attention: Gordon Smaill

Dear Gordon Smaill:

Re: Notice of Intention to Apply for a Disposition of Crown Land File #1405511

Please accept the following comments on behalf of the Cowichan Valley Regional District Parks and Trails Division in regards to File #1405511 as advertised in the *Cowichan New Leader Pictorial* Wednesday, June 17, 2009. The proposed application is for an unsurveyed portion of Block A, District Lot 160, Cowichan District as it appears on a map of Cowichan Estuary, just west of Hecate Park near Cowichan Village. The proposal is for a change of tenure, the extension of the term of the tenure, the change in designation from a log dump and booming ground to boat repair and storage, marine related construction and development plan and the disposition of Crown land by the Integrated Land Management Bureau (ILMB).

The Cowichan Valley Regional District Parks and Trails Division along with the Cowichan Bay Parks and Recreation Commission have reviewed this application and wish to provide the following concerns regarding the proposed change in tenure and terms. The site is located immediately west of the Hecate Park, a waterfront public park. The Regional District is working with the Ministry of Transportation and Infrastructure to extend the park within the road right-of-way westwards to improve the entrance to Cowichan Bay and create a safer roadside walking pathway for residents. A boat repair, boat storage and marine moorage facility next to this waterfront park is of concern due to the potential for noise and discharge (dust, etc) from boat repair activities to users, and the general activities of a boat repair/storage facility and marina.

Also, the CVRD's current zoning for the log sort site does not permit the storage of boats or boat repairs. Any change to the permitted uses to the lease tenure would therefore still be subject to the existing zoning of the Regional District.

Thank you for allowing us the chance to respond to this application. If you have any questions please contact me at 250-746-2620 and I will be happy to discuss further.

With regards,

Brian Farquhar,
Manager, Parks and Trails Division
Parks, Recreation and Culture Department
pc: Director L. Iannidinardo, Electoral Area D - Cowichan Bay
K. Talbot, Chair, Electoral Area D Community Parks and Recreation Commission

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

Toll Free: 1.800.665.3955
Tel: 250.746.2500
Fax: 250.746.2513

Cowichan
www.cvrld.bc.ca

000129

Rachelle Moreau

From: Rob Conway
Sent: Friday, August 21, 2009 8:52 AM
To: Rachelle Moreau
Subject: FW: Letter regarding the Cowichan Estuary
Attachments: estuary marina letter.pdf; File #1405511 lease application.doc; Response 1405511 Cowichan BAY June 09.doc

Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department
Cowichan Valley Regional District
Phone: (250) 746-2618
Fax: (250) 746-2621
e-mail: rconway@cvrd.bc.ca

From: Carol Hartwig [mailto:clhartwig@shaw.ca]
Sent: Thursday, August 20, 2009 9:15 PM
To: Rob Conway
Subject: Fw: Letter regarding the Cowichan Estuary

Hi Rob,

I believe we have met previously. Several people at the Stewardship Round Table today suggested that I chat with you about an issue that Gordon Smaill at ILMB is handling, the application by Hokanson to extend the lease for 30 years on Cowichan Estuary at the mouth of the Koksilah River and change the uses of the lease so that it allows boat storage and boat repair. If you are not handling this issue, perhaps you could let me know who to forward this email to so that it may be used in consideration of the response by CVRD to a referral notice by ILMB regarding this application.

I have been meeting with several groups, Cowichan Bay Residents Association, Cowichan Valley Naturalist's Society, Cowichan Tribes, Cowichan Community Land Trust and also with Lori Iannidinardo, Gerry Giles, Peter Law of MOE and Gordon Smaill of ILMB. The local groups and I have been concerned about the extension of this lease at a very critical location at the mouth of the Koksilah River and about the potential for pollutants from a boat storage and boat repair. We are also concerned about boat traffic in the waters in this area. This area is habitat for both spawning salmon and juvenile salmon and adjacent to areas that are being restored with eelgrass (*Zostera marina*), an extremely important component of estuarine habitats in Georgia Strait.

You might wonder about the importance of eelgrass and why these groups are working so diligently to replant the estuary with this seagrass. It is estimated that over 80% of all commercial fish and shellfish depend on eelgrass habitat and that includes salmon, crabs and shellfish in the Cowichan Estuary and River. Due to many activities in the estuary the eelgrass has been eliminated from large areas although there are some healthy stands on the south side of the estuary that are supplying the plants for restoration efforts. Eelgrass beds assist with coastal protection by providing a physical baffle (leaves) and reducing erosion (roots & rhizomes). The biomass produced by eelgrass nourishes virtually all marine habitats. It has been estimated that Puget Sound exports over 1.5 billion kilograms of eelgrass detritus each year to marine food webs. Tides and currents carry eelgrass detritus throughout the ocean; fragments have been found in an abyssal rattail fish at -30,000 feet. Seagrasses are believed to account for 34% of benthic global respiration. The United Nations recently estimated a 15% loss in seagrass habitat over the last decade.

Several of our organizations have written to Gordon Smaill of ILMB (please find attached those letters). In addition, Cowichan Tribes has written a very strong objection to the Hokanson application, also attached. The Stewardship Round Table is also in agreement that this issue is troubling for salmon and eelgrass restoration in the estuary. In fact, I, along with several of these organizations including Cowichan Tribes are working on a proposal for a Nature Centre/Kiosk at this very site if the CVRD Electoral Services Committee sees fit to consider purchasing this lease (with the assistance of grants, donations, etc) in the near future. We would like to see this area as an extension of Hecate Park where

educational programs and informational signage could be used to introduce local people and tourists to the importance of the estuary and the critical nature of protecting restoration efforts.

In any case, I am available if you wish to chat about this issue or if you wish to use any of this information in the preparation of a response to ILMB. If you wish to have any further assistance with this issue, do not hesitate to contact me.

Best regards, Carol Hartwig

Carol Hartwig, M.Sc., R.P.Bio.
934 Khenipsen Road
Duncan, BC V9L 5L3
Email: clhartwig@shaw.ca
Phone/Fax: 250-746-4067



Cowichan Tribes

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

July 15, 2009

Integrated Land Management Bureau
Ministry of Agriculture and Lands
Suite 142, 2080 Labieux Road
Nanaimo, BC V9T 6J9

Our File No. 714
Your File no.: 1405511

VIA FAX (250-751-7224)

Attention: Gordon Smaill, Senior Land Officer

Dear Mr. Smaill:

Re: Lease Amendment to Install Boat Repair, Boat Storage, Marine Moorage in Cowichan Bay

This letter is in response to your referral dated June 3, 2009 regarding an amendment to change the tenure designation for the leased property (lease #105062) from log dump and booming ground to boat repair and storage, and marine moorage as well as related construction, i.e. docks, floats, etc.

Cowichan Bay, its estuary and foreshore are already heavily industrialized, and Cowichan Tribes does not support this particular change in tenure designation for the following reasons:

1. Because we believe that the proposed new uses would result in further impact to the marine and estuarine environment, which is unacceptable to us.
2. As we have stated in response to many other foreshore tenure leases, the foreshore is Crown Land and therefore any foreshore altering activities are of concern to us as it constitutes an infringement of Cowichan's aboriginal rights. Further, we assert that prior to commercialization of this area; Cowichan Bay had been a key intertidal and marine harvesting area for our people. Contemporary use by Cowichan Tribes' members has been drastically reduced but we have been encouraged by the efforts by local groups to restore Cowichan Bay's sensitive ecology.
3. The amended lease for boat repair, boat storage and marine moorage would result in increased water access and egress by boats to this site. During low tides, there is only a very narrow and shallow channel between the industrial site and Cowichan Bay. There is essentially no deep water near the facility during low tide periods.
4. We would like to bring to your attention to the loss of historical eelgrass beds in the Cowichan Bay. The Cowichan Land Trust has been instrumental in implementing eelgrass restoration over the past few years and have been relying on one of the few intact eelgrass beds that happens to be adjacent to Hecate Park (directly to the south of this proposed tenure site) as a source of eelgrass transplant material for restoring damaged and historical eelgrass beds in the Bay. Presumably the boat traffic resulting from this tenure amendment would utilize the shallow

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channel which is where this highly sensitive eelgrass bed is located. Boat propellers cause irreparable damage to eelgrass. Any damage to existing or restored eelgrass beds in Cowichan Bay is unconscionable to Cowichan Tribes, since these underwater ecosystems are absolutely essential as the "nurseries" for several marine organisms that we rely on for food, such as species of salmon, herring, crabs, and shellfish.

5. The narrow shallow channel adjacent to the site of this tenure is the main outflow of the Koksilah River. Salmon have been drastically reduced in the Koksilah over the past few decades. The increased boat traffic and the related marine and intertidal impacts are not consistent with recovery of salmon in the Koksilah River.
6. We also bring to your attention Cowichan Tribes' Specific Claim (Thiq Right-Of-Way Claim) that is currently being negotiated for compensation, since Canada has accepted that the portion of Thiq (Theik) Reserve taken for road purposes was unlawful. The Thiq Claim is on that portion of Cowichan Bay Road that would provide access to the land portion of this proposed tenure.
7. Also, this tenure is directly adjacent to the Thiq Reserve which is located to the west and across Cowichan Bay Road to the south of the tenure site. Additional noise and light pollution from the proposed industrial activities are unacceptable to those who reside at Thiq.

The Cowichan Estuary Environmental Management Plan (CEEMP) that was implemented by the Ministry of Environment, Lands and Parks under the BC Environment Management Act in 1986 was implemented to limit detrimental environmental impacts of industrial activities, to avoid further habitat losses and to support rehabilitation of degraded habitat in the estuary. This proposal is contrary to the intent of this management plan.

The Cowichan Recovery Plan, a lengthy document written for Cowichan Tribes in 2005, states: "The main objective for recovery of foreshore habitats is to eliminate further foreshore development in areas with intertidal fish habitat. These are primarily along the south shore of Cowichan Bay. Opportunities to increase intertidal vegetation along the Cowichan Bay foreshore should also be explored." Clearly, this document highlights the importance of limiting foreshore development particularly along the south shore of Cowichan Bay, which is the location of this proposal. The recovery plan calls for an increase to intertidal vegetation such as eelgrass, not the additional impacts to this sensitive and important marine habitat that would result from the boat traffic associated with this proposed tenure.

Cowichan Tribes objects to this tenure replacement, in any form or purpose. Please contact Referrals Coordinators Tracy Fleming or Helen Reid to further discuss this matter.

Yours truly,

Larry George
Smaalthun
Manager, Lands and Governance Department

LG/hr

000133



**COWICHAN VALLEY
NATURALISTS'
SOCIETY**

Box 361
Duncan, BC
V9L 3X5
cvns@naturecowichan.net
www.naturecowichan.net

July 7, 2009

Gordon Smaill, Land Officer
Integrated Land Management Bureau
142-2080 Labieux Road
Nanaimo, BC V9T 6J9
Email: AuthorizingAgency.Nanaimo@gov.bc.ca

Dear Mr. Smaill:

RE: File #1405511

The Cowichan Valley Naturalists Society (CVNS) wishes to respond to an application by Mr. Hokanson (Cowichan New Leader Pictorial Wednesday, June 17, 2009) for a portion of Block A, District Lot 160, adjacent to Hecate Park near Cowichan Village. The CVNS is opposed to this change of tenure and its extension and the change in designation from a log dump and booming ground to boat repair and storage, marine related construction by the Integrated Land Management Bureau (ILMB).

CVNS members in conjunction with other groups such as the Cowichan Community Land Trust, Ducks Unlimited and The Nature Trust of BC are active in Cowichan Estuary through nature related activities: conservation, restoration, recreation, education, research, and eco-tourism. These activities include the conservation of Great Blue Heron rookeries, the restoration of Purple Martin nesting habitat, the restoration of eel grass beds in Cowichan Estuary, bird counts, salmon studies with Fisheries and Oceans Canada, marine mammal study, habitat conservation, and the provision of programs such as bird-watching, canoeing, and kayaking. We will be starting a survey of forage fish spawning sites. CVNS feel that we have a stake in planning for the Cowichan Estuary to ensure that the ecological values are protected or enhanced.

Our organization, along with other local groups and individuals understand that log dumps and log booming grounds in Cowichan Estuary were to be returned to the Crown for conservation purposes once they were no longer used for their original purpose under the Cowichan Estuary Environmental Management Plan (CEEMP 1986 Order in Council 1652). Therefore we do not feel it is appropriate to commit them to other industrial uses because limiting detrimental impacts is the primary concern. While grandparent industry is tolerated, the CEEMP is intended to reduce industrial impacts.

The Introduction of the CEEMP makes this clear:

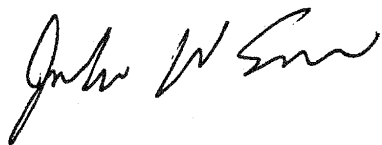
“While acknowledging the presence of industry and other activities which have become established in the Cowichan Estuary, the Ministry of Environment has sought to limit the detrimental environmental impacts of those activities, to avoid further habitat losses, and to support rehabilitation of presently degraded habitat in the estuary.”

The CVNS feels that it is inappropriate to approve this application for the prime location next to Hecate Park near Cowichan Village. Our membership is concerned that it would not be in keeping with the

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intent of the CEEMP. It is not appropriate to repair and store boats and develop a marina where there is potential for negative environmental impacts on the intertidal environment.

Sincerely,



CVNS Secretary for Eric Marshall, President
Cowichan Valley Naturalists Society

cc: Peter Law, Ministry of Environment
Scott Northrop, Department of Fisheries and Oceans
Gerry Giles, Chair, Cowichan Valley Regional District
John Keating, Land Manager, Cowichan Tribes
Lori Iannidinardo, Director, Cowichan Bay
Tom Walker, Mayor, North Cowichan
Roger Hart, Cowichan Community Land Trust
Les Bogdan, Ducks Unlimited
Doug Walker, The Nature Trust of BC
Andrew Gage, West Coast Environmental Law Association
W.J. Andrews, Barrister & Solicitor

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Cowichan Bay Residents Association

206 – 1715 Pritchard Rd, Cowichan Bay, VOR 1N1

RECEIVED
JUL 18 2009

June 29, 2009

Integrated Land Management Bureau
142-2080 Labieux Road
Nanaimo, BC V9T 6J9
Email: AuthorizingAgency.Nanaimo@gov.bc.ca

Attn: Gordon Smaill
RE: File #1405511

Please accept the following letter on behalf of the Cowichan Bay Residents Association in regards to File #1405511 as advertised in the Cowichan New Leader Pictorial Wednesday, June 17, 2009. The application is proposed by Robert Charles Hokanson for an unsurveyed portion of Block A, District Lot 160, Cowichan District as it appears on a map of Cowichan Estuary, just west of Hecate Park near Cowichan Village. The proposal is for a change of tenure, the extension of the term of the tenure, the change in designation from a log dump and booming ground to boat repair and storage, marine related construction and development plan and the disposition of Crown land by the Integrated Land Management Bureau (ILMB).

We wish to register our objection to the application specifically to the following: the change in tenure, the extension of the term of the tenure, the change in designation, the development plan and the disposition of the Crown land.

The reason for our objection is that we understand that under the CEEMP (p.15), such log dumps and log booming grounds in Cowichan Estuary were to be returned to the Crown for conservation purposes once they were no longer used for their original purpose. Thus, it is not appropriate to commit them to other industrial uses. We understand this as the intent of the CEEMP from members of conservation groups that have long worked on the reduction of these log dumps and booming grounds through the Cowichan Estuary Environmental Management Plan (CEEMP) (1986 Order In Council 1652) and the agreements that were forged between the parties at that time.

The major thrust of the CEEMP were the agreements to reduce log dumps and booming areas because of the "main environmental concern" of the "damage to bottom sediment habitat caused by logs grounding at low tide and scour from tow boat propeller wash."

This is reinforced in the Introduction of the CEEMP:

"While acknowledging the presence of industry and other activities which have become established in the Cowichan Estuary, the Ministry of Environment has sought to limit the detrimental environmental impacts of those activities, to avoid further habitat losses, and to support rehabilitation of presently degraded habitat in the estuary."

Original	<i>John P. D. DiLannidwardo</i>
Board	<i>EMILY</i>
Comm. (date)	
Disputed	<i>July 23/08</i>
File #	<i>3020-01-P/1405511</i>

000136

The CEEMP clearly defines areas of the estuary and their intended uses. Our reading of the CEEMP "Area Designations" map shows that the upland portion of the lease has been designated "conservation/recreation". This would be the best possible use of the land.

It is further, our understanding of the CEEMP that if there is no longer a requirement for a particular log dump and storage facility in the estuary, and another proposal such as this is brought forward, then that proposal must have an environmental review and the Ministry of Environment is required to coordinate such a review including consultation with the public, affected landowners and various government agencies and to work in conjunction with DFO and CVRD "to provide the high standard of technical advice".

We wish to inform the Integrated Land Management Bureau, the Ministry of Environment, Department of Fisheries and Oceans, and the Cowichan Valley Regional District, that we believe it is inappropriate to approve this application. Our membership is concerned that it would not be in keeping with the original intent of the CEEMP to allow further environmental damage. Significantly, there has not been an environmental review as required under CEEMP. It is not appropriate to repair and store boats and develop a marina where there is potential for negative environmental impacts on the inter-tidal environment.

As this is a prime location next to Hecate Park near the Village and in a sensitive inter-tidal zone, we believe it would be ideal for something like an interpretive centre for the estuary, First Nations, and other invested interests, and could be cared for as a continuation of Hecate Park.

Sincerely,



Cal Bellerive per the Executive
Cowichan Bay Residents Association

cc: Peter Law, Ministry of Environment
Scott Northrop, Department of Fisheries and Oceans
Gerry Giles, Chair, Cowichan Valley Regional District
Tom Walker, Mayor, North Cowichan
John Keating, Land Manager, Cowichan Tribes
✓ Lori Iannidinardo, Director, Cowichan Bay
Kate Miller, Manager, Regional Environmental Policy
Roger Hart, Cowichan Community Land Trust
Eric Marshall, Cowichan Valley Naturalist Society
Les Bogdan, Ducks Unlimited
Doug Walker, The Nature Trust of BC
Andrew Gage, West Coast Environmental Law Association
W.J. Andrews, Barrister & Solicitor

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 1, 2009

DATE: August 25, 2009 **FILE NO:** 4-A-06 DP
FROM: Rob Conway, Manager
Development Services Division **BYLAW NO:**
SUBJECT: Bamberton Regional Impact Assessment – Final Report

Recommendation:

That the Bamberton Regional Impact Assessment final report be received and filed.

Purpose:

To consider the receipt and filing of the Bamberton Regional Impact Assessment final report.

Background:

At the July 7, 2009 Electoral Area Services Committee meeting, the following motion was passed.

That staff be directed to provide a report documenting how the Bamberton Regional Impact Assessment Final Report satisfies the terms of reference for the project.

As directed by the Committee, this report compares the terms of reference for the Bamberton Regional Impact Assessment project with the final report and other deliverables received from the consulting team that undertook the project.

Terms of Reference - Bamberton Regional Impact Assessment

On March 5, 2008, a staff report was reviewed by the EASC that outlined the background and objectives for a regional impact assessment of the Bamberton application. The approach proposed in the report for selecting a consulting team to undertake the project, which was subsequently endorsed by the Committee, included the follow procedures:

1. Prepare and release a Request for Expressions of Interest
2. Short list 2-3 consulting teams to be invited to submit detailed proposals
3. Select a preferred consulting team from among the short listed proposals
4. Recommend the preferred consulting team to the Regional Board for ratification and to authorize a contract.

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The Request for Expressions of Interest document provided to the Committee described the purpose of the project and the anticipated work program. It was, however, acknowledged that the work program may be adjusted once the successful consulting team was selected. Some flexibility was built into the project because impact assessments are not commonly done for development applications and staff felt there would be benefit in having professionals with experience in conducting impact assessments involved with structuring the project. The approach taken was therefore to outline the general objectives and deliverables expected, but to allow the consulting teams flexibility as to how the work would be accomplished. To this end, the short listed teams were asked to apply professional judgement in preparing their proposals and to allow enough flexibility within the project to shift priorities and project resources in response to emerging issues.

Trillium Business Strategies Inc. was recommended as the successful consulting team by the Steering Committee that oversaw the selection process. On June 11, 2008, the Regional Board endorsed the selection of the consulting team and authorized staff to contract the firm to complete the project. An extract from the Trillium proposal that describes the agreed-upon work program is attached for information and reference. The work program or "Methodology" is broken into six study areas, with tasks identified for each of the individual study areas. Although this section of the proposal was intended to describe the work that would be undertaken by the consultants, the proposal did recognize that some adjustments would be needed as the project progressed, as indicated in the following extract:

It is anticipated that many of these study areas will evolve as additional project information and potential scenarios are further developed. This means that as the project findings from consultation and analysis in one area are shared among the project Team, other disciplines will take this new information into consideration as other areas of analysis are completed.

Final Report – Bamberton Regional Impact Assessment

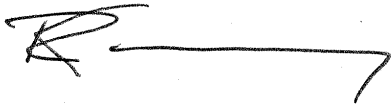
Table 1 compares the study areas and tasks identified in the Trillium proposal with what was delivered in the final report. As indicated in the table, all of the tasks identified in the proposal have been addressed in the final report. The tasks, however, did receive varying degrees of attention and emphasis.

Although the level of assessment some topic areas received was limited, other topic areas received considerably more attention than anticipated when the contract was awarded. For example, the First Nations component involved many more meetings and discussions than described in the proposal. Consultations with CVRD staff, local agencies and other stakeholders also took greater time and effort than initially anticipated. Staff's view is that although the final product may not strictly comply with every task identified in the proposal's work program, all of the key study areas were addressed and some study areas received considerably more attention than initially expected.


Staff believe the Impact Assessment has generated good information that will assist with the review of the Bamberton application. Many of the topic areas included in the project were undertaken by independent professionals with specialized knowledge, resulting in the identification of issues and observations that likely would not have been similarly recognize by CVRD staff or others involved in the application review process. Much of the information generated by the project may not have been recognized when the report was presented publicly on June 27, 2009. The extensive information that was generated by the project, however, has assisted staff with understanding and reviewing the proposal and undoubtedly will help to inform future debate about the application.

The Bamberton Regional Impact Assessment was a challenging project that could never address all of the questions and concerns that the various individuals, stakeholders and community groups may have about the Bamberton application. The final report for the project, however, does include a great deal of independent assessment that will help to inform the debate around the Bamberton application. Much of the work included in the Final Report and Report Appendices is technical in nature and likely could not have been obtained in any other way. Although public response to the release of the report has been mixed and the extent of analysis for individual topics within the report does vary, staff are confident the CVRD obtained good value from Trillium Business Strategies and other consultants involved in the project. For these reasons Staff recommends the Bamberton Impact Assessment Report be received and filed and the contract with Trillium Business Strategies be concluded.

Submitted by,



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

<p><i>Department Head's Approval:</i></p>  <p><i>Signature</i></p>
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	Reference in Final Report	Compliance with Proposal	Comments
A. Community Service Impacts			
Task 1 - Prepare South Cowichan Profile	Section 5 - South Cowichan Community Profile & Appendix D	Yes	
Task 2 - Prepare Bamberton Community Profile	Section 9 - Bamberton Community Profile	Yes	
Task 3 - Public Consultation	Appendix E & F	Yes	
Task 4 - Review of Existing Facilities and Services	Section 15 (Recreation), Section 17 (Protective Services), Section 14 and Appendix K (Traffic and Transportation)	Yes	Health services mentioned in discussion about ambulance services and health related facilities proposed within development
Task 5 - Service Needs Assessment	Section 15 (Recreation), Section 17 (Protective Services), Section 14 and Appendix K (Traffic and Transportation)	Yes	Service needs are addressed in a number of the report sections, but there is not a comprehensive review of where and when service upgrades will be required.
Task 6 - Delivery Options	Through-out report	Yes	Options for service delivery are mentioned in some, but not all of the report chapters.
B. Real Estate Impacts			
Task 1 - Review Bamberton Development Plans detailing total build-out schedule and proposed types of development	Section 4 (Overview of Proposed Development) & Section 8 (Land Use and Phasing)	Yes	Appendix H provides supplementary information about real estate impacts that goes far beyond what was defined in the proposal.
Task 2 - Review project phasing plans and anticipated timing of project phasing in context of overall project	Section 8 (Land Use and Phasing)	Yes	
Task 3 - Review community profile information, and include Bamberton based population and housing forecasts	Section 9 (Bamberton Community Profile) and Section 10 - (Real Estate Assessment)	Yes	
Task 4 - Review and comment on other known or potential area developments, including possible impacts on plans for Bamberton project	Section 10 (Real Estate Assessment)	Yes	
Task 5 - Assess impacts of other development on Bamberton project, and impacts of Bamberton project on other development	Section 10 (Real Estate Assessment)	Yes	
Task 6 - Summarize potential economic benefits of Bamberton project	Section 4 (Overview of Proposed Development) and Section 11 (Growth Management Impact / Approval Process)	Partial	Sections 4 and 11 considers job creation but not much about broader economic impacts.
C. First Nations Impacts			
Task 1 - Engage Malahat First Nation upon commencement of project	Section 7 (First Nations Assessment)	Yes	
Task 2 - Identify MFN Interests	Section 7 (First Nations Assessment)	Yes	
Task 3 - Review any documented claims having potential impact on Bamberton development	Section 7 (First Nations Assessment)	Yes	
Task 4 - Review Bamberton development proposal and identify direct or indirect impacts on MFN and other First Nations whose traditional territory includes Saanich Inlet	Section 7 (First Nations Assessment)	Yes	
Task 5 - Consult with MFN on potential impacts of Bamberton development	Section 7 (First Nations Assessment)	Yes	
Task 6 - Consult with other First Nations whose traditional territory includes Saanich Inlet	Section 7 (First Nations Assessment)	Yes	
Task 7 - Identify opportunities for synergies and partnerships	Section 7 (First Nations Assessment)	Yes	
Task 8 - Identify opportunities to accommodate Malahat First Nation interests	Section 7 (First Nations Assessment)	Yes	

	Reference in Final Report	Compliance with Proposal	Comments
D. Municipal Servicing Impacts			
Task 1 - Conduct Site Visits	Section 12 - Water Supply, Sewerage and Drainage & Appendix J	Yes	
Task 2 - Review Servicing Reports (water supply and distribution, liquid waste collection and treatment, drainage)	Section 12 - Water Supply, Sewerage and Drainage & Appendix J	Yes	
Task 3 - Impact on Saanich Inlet	Section 12 - Water Supply, Sewerage and Drainage & Appendix J	Yes	
Task 4 - Impact on Adjacent Lands	Section 12 - Water Supply, Sewerage and Drainage & Appendix J	Yes	
Task 5 - Review of Phasing Options and Consider Potential Incremental Impacts	Section 12 - Water Supply, Sewerage and Drainage & Appendix J	Yes	
E. Environmental Impacts			
Task 1 - Review scope of proposed project	Section 11 (Growth Management Impact/Approval Process) and Section 13 - Saanich Inlet Study)	Yes	
Task 2 - Review proposed environmental principles and sustainability initiatives	Section 11 (Growth Management Impact/Approval Process) and Section 13 - Saanich Inlet Study)	Yes	
F. Traffic Impacts			
Task 1 - Review existing traffic counts and levels of service	Section 14 (Traffic and Transportation) and Appendix K - (Delcan Transportation Report)	Yes	
Task 2 - Summarize forecast traffic conditions for key development horizon years	Appendix K (Delcan Transportation Report)	Yes	
Task 3 - Summarize relative impacts in terms of increased volume, delay and travel time	Section 14 (Traffic and Transportation) and Appendix K - (Delcan Transportation Report)	Yes	
Task 4 - Identify infrastructure components forecast to fall below minimum acceptable levels by development phasing year, tabulate required improvements with and without Bamberton, and comment on spillover benefits to regional traffic	Section 14 (Traffic and Transportation) and Appendix K - (Delcan Transportation Report)	Yes	
Task 5 - Review opportunities and constraints for minimizing or mitigating traffic -related impacts	Section 14 (Traffic and Transportation) and Appendix K - (Delcan Transportation Report)	Yes	

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METHODOLOGY

The TRILLIUM team understands the complexity of completing a regional impact assessment for the proposed development at Bamberton, and recognizes the importance of completing the work in a way that not only is credible, but is viewed by stakeholders and as credible. Accordingly, the work must be undertaken in a manner that does not compromise quality and credibility.

A broad range of impacts must be considered as part of the assessment. Accordingly, a multi-faceted approach will be utilized where a number of specialized teams will undertake analysis within their specific areas of expertise. The various teams will meet at regular intervals to ensure completeness and avoid duplication. Project leadership and overall project co-ordination will be assured through the continuous involvement of Doug Hibbins, Project Leader and Principal, TRILLIUM *Business Strategies Inc.*

The major activity areas that will be thoroughly explored in the completion of the Regional Impact Assessment include:

A. Community Services Impacts

Demographic projections, impacts of potential demographic changes on recreational amenities, protective services, affordable housing, alternative transportation modes, solid waste management

B. Real Estate Impacts

Market impact projections, analysis of current and probable future absorption rates, probable impacts on the local real estate market, economic impacts

C. First Nation Impacts

Consultation with Malahat First Nation, identification of interests of MFN, assessment of impacts and opportunities

D. Municipal Services Impacts

Water supply, liquid waste management, storm water management, conformity to the findings of the Saanich Inlet Study

E. Environmental Impacts

Environmental impacts, with special emphasis on compatibility with the recommendations of the Saanich Inlet Study

F. Traffic Impacts

Impacts on regional road network and Trans Canada Highway

Detailed workplans for the key activities in each of these areas are as follows.

A. Community Services Impacts

Task 1: Prepare South Cowichan Profile

- *Written and graphic documentation of South Cowichan area using 2006 census as key element*
- *Examination of historical development, using previous census and other sources*
- *Geographic context of the existing community*

Task 2: Prepare Bamberton Community Profile

- *Profile will be based primarily on information provided by the applicant*
- *Bamberton profile will be compared with South Cowichan profile*

Task 3: Public Consultation

- *Workshop or Open House will provide opportunity for the public to identify concerns and issues that need to be addressed specifically in the report*
- *Relative priorities of different issues will be assessed*

Task 4: Review of Existing Facilities and Services

- *Existing services will be documented based on key groupings*
 - *Recreation (parks, open space, trails, indoor facilities)*
 - *Protective Services (police, fire, ambulance)*
 - *Health Care Services*
 - *Transportation Services (transit, other vehicular, non-vehicular)*
 - *Affordable Housing*
 - *Solid Waste Management (including recycling, source reduction)*

Task 5: Services Needs Assessment

- *Gap analysis provided to indicate where upgraded services will be required on a phased basis*

Task 6: Delivery Options

- *Assess service delivery options*

B. Real Estate Impacts

Task 1: Review Bamberton development plans detailing total build-out schedule and proposed types of development

Task 2: Review project phasing plans and anticipated timing of project phasing in context of overall project

Task 3: Review community profile information, and include Bamberton based population and housing forecasts

- Task 4: Review and comment on other known or potential area developments, including possible Brookfield development, and suggest range of possible impacts on plans for Bamberton project
- Task 5: Assess impacts of other development on Bamberton project, and impacts of Bamberton project on other development
- Task 6: Summarize potential economic benefits of Bamberton project

C. First Nation Impacts

- Task 1: Engage Malahat First Nation upon commencement of project
- Task 2: Identify MFN interests
- Task 3: Review any documented claims having potential impact on Bamberton development
- Task 4: Review Bamberton development proposal and identify direct or indirect impacts on MFN and other First Nations whose traditional territory includes Saanich Inlet
- Task 5: Consult with MFN on potential impacts of Bamberton development
- Task 6: Consult with other First Nations whose traditional territory includes Saanich Inlet
- Task 7: Identify opportunities for synergies and partnerships
- Task 8: Identify opportunities to accommodate Malahat First Nation interests

D. Municipal Servicing Impacts

- Task 1: Conduct site visits
- *Meet with developer to review servicing plans*
 - *Assemble reports*
 - *Meet with CVRD to acquire information on servicing plans for Electoral Areas A – C and review status of South Sector Liquid Waste Management Plan*
- Task 2: Review servicing reports (water supply and distribution, liquid waste collection and treatment, drainage)
- *Review Bamberton reports and proposed development plans*
 - *Review CVRD reports for Electoral Areas A – C*
 - *Review South Sector Liquid Waste Management Plan*

Task 3: Impact on Saanich Inlet

- *Re-familiarize Team members with findings of Saanich Inlet Study*
- *Review specific findings of the Saanich Inlet Study relative to servicing considerations*
- *Compare the proposed servicing arrangements with findings of Saanich Inlet Study*
- *Assess impact of Bamberton development on Saanich Inlet*

Task 4: Impact on Adjacent Lands

- *Review documented concerns relating to adjacent lands relative to servicing considerations*
- *Assess impact of Bamberton development on adjacent lands*

Task 5: Review Phasing Options and Consider Potential Incremental Impact

- *Identify phasing opportunities for Bamberton development*
- *Identify phasing opportunities for South Sector Liquid Waste Management Plan*
- *Identify impact of Bamberton development on CVRD phasing plan*

E. Environmental Impacts

Task 1: Review Scope of Proposed Project

Task 2: Review Proposed Environmental Principles and Sustainability Initiatives

- *Energy*
- *Water conservation*
- *Storm water management*
- *Liquid waste management*
- *Green initiatives*

F. Traffic Impacts

Task 1: Review existing traffic counts and levels of service

Task 2: Summarize forecast traffic conditions for key development horizon years

Task 3: Summarize relative impacts in terms of increased volume, delay and travel time

Task 4: Identify infrastructure components forecast to fall below minimum acceptable levels by development phasing year, tabulate required improvements with and without Bamberton, and comment on spillover benefits to regional traffic

Task 5: Review opportunities and constraints for minimizing or mitigating traffic-related impacts

It is anticipated that many of these study areas will evolve as additional project information and potential scenarios are further developed. This means that as the findings from consultation and analysis in one area are shared among the Project Team, other disciplines will take this new information into consideration as other areas of analysis are completed.

For example, if another major development is proposed or anticipated to come on stream before the full build out of Bamberton, development plans or timing of the Bamberton development could be impacted. This emphasizes the importance of recognizing the iterative nature of the analysis to be undertaken, and reinforces the need for a strong, organized and balanced team approach to ensure that newly developed or evolving information is quickly and effectively shared among team members.

With a long history of cooperative project approaches, the TRILLIUM team is extremely capable of ensuring that information sharing takes place in an efficient and effective manner.

PROPONENT TEAM

TRILLIUM *Business Strategies Inc.* proposes to undertake the project in association with Arlington Group Planning + Architecture Inc., Cushman and Wakefield LePage Inc., and Delcan Corporation. These British Columbia based consulting companies have extensive experience in land use planning, community planning, land development, economic development, transportation planning, development servicing and real estate economics.

As the TRILLIUM team worked to prepare this Proposal, we developed a better understanding of your requirements, specifically relating to the Malahat First Nation and stakeholders in the Saanich Inlet Study.

In order to adequately consider impacts on the Malahat First Nation and assess compatibility with the recommendations of the Saanich Inlet Study, we have supplemented our team with Bob Kennedy, a respected First Nations facilitator, and Ivo Van Bastelaere, an expert with specialized knowledge of the Saanich Inlet Study.

The inclusion of these two experts is the only change that has been made to the composition of the TRILLIUM team subsequent to the submission of the Expression of Interest.

TRILLIUM team members have well established working relationships, and have consistently provided innovative and cost-effective solutions to clients. Their forward thinking has proven to be a great benefit to provincial, municipal, regional district, and First Nations clients.

Team organization and project responsibilities are presented in Figure 1.



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 1, 2009

DATE: August 17, 2009

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: Mid-Year Budget Status Report

Action:

This report is submitted for information purposes only.

Purpose:

To provide the Committee with an update on the status of the Planning and Development Department budgets which fall under the direct authority of the Electoral Area Services Committee. This report reflects the status of budgets up to July 31, 2009.

Financial Implications:

Not known

Interdepartmental/Agency Implications:

None

Background:

Commitments were made earlier this year to bring mid-year reports to the various committees outlining the current status of the Departmental budgets. The following is a brief outline of key aspects of budgets from this department that fall under the direction of the Electoral Area Services Committee.

Community Planning Budget (325)

Expenditures:

General expenditures including salaries, benefits, office operations, etc are right in line with where they should be at this time of year. With regard to specific accounts for various projects, the funds budgeted for the South Cowichan OCP (\$23,000) and those earmarked for the Cowichan Bay OCP (\$7,000) remain unspent. General Expenditures budgeted for GIS and Community Parks remain on target for this time of year.

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Revenues:

Revenues from various Fees and Applications are generally felt to be fairly healthy considering the gloomy economic conditions which presently exist in other parts of the province and Canada. At present, we are at 63% of our budget expectations which is in line with where we should be at this time of the year. It is hoped that a couple of large applications expected prior to the end of the year will help attain our required revenues.

Building Inspection Budget (320)Expenditures:

General expenditures including salaries, benefits, office operations, etc are in line with where they should be at this time of year.

Revenues:

The monthly reports that have been forwarded to Committee showing the number of building permits issued so far this year highlight the fact that considering the economic down turn being experienced in this country, our numbers are looking relatively healthy. Budget-wise our revenue figures are only slightly below where we projected we should be at this time. As a precautionary measure, we will hold off purchasing a new vehicle until we are confident of meeting our revenue projections.

Bylaw Enforcement Budget (328)

Expenditures for the salaries, benefits, legal fees, etc are in line with where they should be at this time of year.

Animal Control Budget (310)

Expenditures for this function vary little due to the fact that the primary expenditure is the Animal Control Contract with the SPCA. Revenues, on the other hand, are approximately \$8,000 short of what was projected to the end of the year. While we still expect some revenue between now and the end of the year, most of the revenue for this function is obtained in the first six months as a result of the dog license sales program. As such, there is concern over whether we will meet revenue expectations at this time. It is interesting that last year at this time, we had already achieved 100 percent of our targeted revenues. I should note that in the past when this area experienced an economic downturn, the Animal Control function experienced similar drops in revenue.

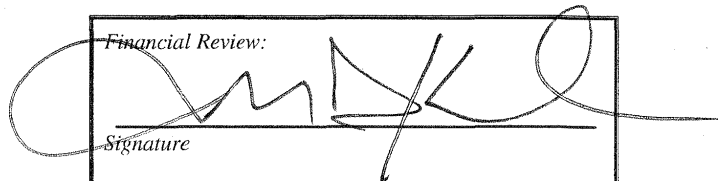
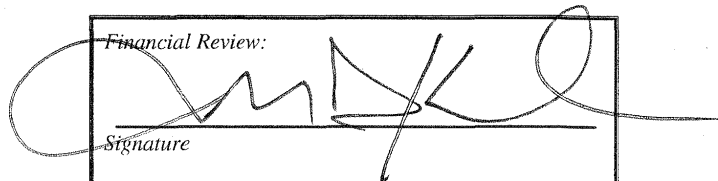
Electoral Area Services Budget (250)

This budget is the one that Electoral Area Directors expenses are taken from. To this point in time, expenditures are in line with those that were projected at the start of the year.

Submitted by,



Tom R. Anderson,
General Manager
Planning and Development Department
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<p>Financial Review:</p> 
<p>Signature</p> 

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 1, 2009

DATE: August 26, 2009

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: 2010 Planning and Development Department Budget

Recommendation:

That the Committee direct that one additional experienced planner be hired immediately on a temporary full-time basis and that a report be prepared which addresses the long term staffing requirements of the planning function and related resources required for consideration in the 2010 budget.

Purpose:

To obtain direction from the Committee on any new projects the Committee wish to see undertaken by Planning staff in 2010 so that the provisions can be made within the 2010 budget.

Financial Implications:

Dependent upon direction provided.

Interdepartmental/Agency Implications:

Unknown

Background:

The following is an update on the key projects and workloads tasked to planning staff at the present time.

DEVELOPMENT SERVICES DIVISION

The Development Services Division is responsible for the processing of all land use applications received by the Department.

The table below identifies the number and type of applications currently being processed within the division along with the planning staff that have been assigned those applications.

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Current Applications

	Rezoning	DP's	DVP's	Subdivisions	ALR/Others
Dana	12	1	1	+/- 25	2
Rachelle	4	3	1	+/- 20	3
Alison	1	8	5		
Rob	14	2			
Mike	14				
Unassigned	3	1	1	5	1
TOTAL	48	15	8	50	6

It should be noted that the numbers above do not reflect the complexity or magnitude of the application. For example, Bamberton, Youbou Lands, Limona and now the Carma applications are far more complex and time consuming than some of the smaller, straight forward applications. The number of these large applications that this division is currently processing, is unprecedented within this Department and, quite possibly, within any other local government on Vancouver Island.

Below is an additional table which shows a rough estimate of the amount of time each of the Planners spend on the various key aspects of their jobs.

Time Allocation (Approx.)

	Application Processing	Counter, Telephone and e-mail Inquiries	Administrative Tasks(training, staff meetings, etc.)	Staff Supervision, Director Communication, Committee Support
Dana	60%	30%	10%	
Rachelle	35-40%	50%	10-15%	
Alison	45%	45%	10%	
Rob	45%	20%	15%	20%

Overall, the number of applications has not diminished with the down turn in the economy. In fact, the work within this division has actually increased over the last few months given the receipt of the Limona and Carma applications. With regard to the future, one can only see that if the economic conditions are to improve, staff foresee an increase in the number of Development Permit applications which is the next step for developments such as Youbou Lands, Ocean Terrace and Paldi. Unquestionably, current staff are unable to adequately or efficiently process the applications currently in hand!

COMMUNITY AND REGIONAL PLANNING DIVISION

The Community and Regional Planning Division is responsible for all long range planning projects within the Region. This division is staffed by Mike Tippet and Katy Tompkins. Projects currently in process are:

South Cowichan Official Community Plan (now including Electoral Area A) – Currently underway and expected to be completed in Spring/Summer 2010

Green House Gas OCP Amendments - legislation requires that these new policies be implemented within all our OCP's by Spring 2010.

Cowichan Bay Official Community Plan – Expected to start in Spring 2010

Major OCP Housekeeping Amendments – expected to be completed by Spring 2010 dependent upon workloads.

Subdivision Servicing Bylaw - Expected to be completed by the end of 2009.

Projects on the priority list that have received Committee direction are:

Area E OCP Review

Area F OCP Review

Area H OCP Review

Trans Canada Highway Development Permit Areas - for all applicable Electoral Areas.

In short, our two long range planning staff have no hope of completing the above list in a reasonable timeframe.

CORPORATE STRATEGIC PLANNING INITIATIVES

Projects and initiatives that ranked highly during the recent Regional Board Strategic Planning exercise that could impact the Planning and Development Department include:

Growth Management Strategy - while this initiative has never taken hold before, it is once again on the list of priorities.

Sustainable Growth Initiatives - there could be other initiatives identified by the Regional Board beyond the various initiatives noted above that fall under this heading that will require Committee direction once the Corporate Strategic Plan has been completed.

If the Board were to identify any of the above projects a priority, they would be undertaken by the Community and Regional Planning Division. The above comments relating the concerns in being able to complete those projects in a timely manner with existing staff would be applicable to any of these initiatives as well.

REGIONAL DISTRICT COMPARISONS

In an effort to determine where we sit with regard to staffing levels of other Regional District planning functions on the east coast of the Island who are also experiencing busy times, a comparison of their staffing levels is provided below:

Regional District of Nanaimo

Electoral Area population	36,000
Municipal population	101,000
Total	137,000

Staffing:**Current Planning Division:**

Manager plus 6 planners

Long Range Division:

Manager plus 5 planners

Comox Valley Regional District

Electoral Area population	23,000
Municipal population	37,000
Total	60,000

Staffing:

Manager plus 5 planners

Cowichan Valley Regional District

Electoral Area population	34,000
Municipal population	43,000
Total	77,000

Staffing:**Development Services Division**

Manager plus 3 planners

Long Range Division:

Manager plus 1 planner

While the above information provides no detail on the number of applications currently being processed or long range planning priorities/activities, an argument can be made that this Regional District planning function is under resourced given population levels. In addition, I also believe that no other Regional District has the number of major rezoning applications as this Regional District is currently processing.

CONCLUDING COMMENTS

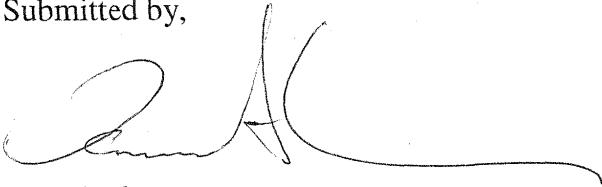
It is believed that current staff levels of the planning function are incapable of meeting the needs and expectations being placed on them at the present time! In hindsight, we have probably been in this position for the last few years! As General Manager, one tries to foresee what the planning needs are into the future at budget time every year, always taking into account the desire to keep requisitions at levels similar to previous years. However, this year has shown that

despite a significant economic downturn in the world economy, the demands being placed on the planning function by way of number of applications and, in particular, the number of significant applications, as well as the need to update long range plans, has not diminished nor is likely to diminish into the foreseeable future!

One used to expect that when the economy took a bit of a tailspin that the number of applications would diminish and long range planning initiatives would get caught up. Such has not been the case under current economic conditions. As such, the Committee is requested to recognize this need/deficiency and give consideration to the following recommendation:

That the Committee direct that one additional experienced planner be hired immediately on a temporary full-time basis and that a report be prepared which addresses the long term staffing requirements of the planning function and related resources required for consideration in the 2010 budget.

Submitted by,

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

Tom Anderson,
General Manager
Planning and Development Department

TA/ca

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 1, 2009

DATE: August 26, 2009

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: EASC Meeting Start Times

Action:

That the Committee provide direction on this matter.

Purpose:

To prepare a report in accordance with Committee direction regarding the further consideration of Electoral Area Services Committee meeting start times.

Financial Implications:

Dependent upon the direction given.

Interdepartmental/Agency Implications:

Not Applicable.

Background:

In January the Electoral Area Services Committee approved their meeting schedule for 2009 and also established that the meetings were to begin at 3 p.m. The meeting time of 3 p.m. was established in part if not in full, to facilitate a new format for the delegations portions of the meeting. As you know, staff provide introductory PowerPoint presentations on applications and significant reports that appear on the Committee agenda. It was noted when considering this new format, that the only way that it was financially viable to have all the staff attend, was to schedule the meetings during work hours. Concern had been expressed at that time that having staff provide presentations would lengthen the meetings given that the applicant would also be given an opportunity to make a presentation on their application. In actual fact, it is felt that the delegation sections of the meetings are sped up by this process in that staff know the key points that need to be addressed in order to adequately describe the applications. Applicants, for the most part, have very little to add which translates into a faster delegation section. Please correct me if I am wrong!

It has now been requested that the Electoral Area Service Committee meeting times be further discussed.

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If change is being considered by the Committee, please consider the following observations.

Time of Day:

Due to the fact that the office is now open between 12 and 1 p.m. meetings may now be scheduled earlier in the day as there is increased flexibility regarding working through the lunch hour.

Type of Delegations:

Delegations to the Committee generally fall into one of the following categories:

- a) Developers who make their living off of this line of work.
- b) Consultants who make their living off of being hired by developers.
- c) Businessmen who are trying to expand a business opportunity.
- d) One-Time Applicants who may appear in front of their local government once in their life!

In three out of the four delegation types noted above, attending the Electoral Area Services Committee is part of business. In the remaining case, it is part of a once in a lifetime experience. If it is more than once in a lifetime then, in the case of a Development Variance Permit, they are working the system to better their situation.

Public Attendance:

Generally few public attend Committee meetings whether they are held in the day or evening!

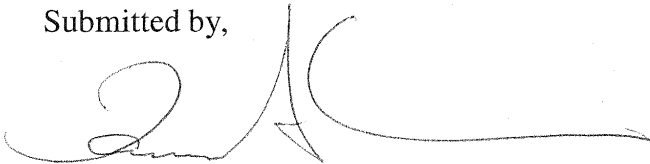
Impact on Directors:

For Directors to determine.

Comment:

From a monetary perspective, having Committee meetings during business hours is by far the preferred scenario. This allows for staff to continue to provide the introductory presentations and attend these meetings without incurring significant overtime costs nor costs associated with meals that had been provided previously. As alluded to above, starting the meetings even earlier than 3 pm would be even more desirable as this could eliminate all overtime costs or any time off in lieu of overtime that may be incurred.

Submitted by,



Tom Anderson,
General Manager
Planning and Development Department

TA/ca

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Area A Advisory Planning Commission Bamberton Meeting
Minutes
28 July 2009

API

Present: Dola Boas, Geoff Johnson, David Gall, Cliff Braaten, June Laraman, Deryk Norton, Archie Staats, Ted Stevens, Margo Johnston, Roger Burgess (Alternate Director Area A), Brian Harrison (Director Area A)

CVRD Staff: Mike Tippet, Rob Conway

Audience: Ross Tennant, Joe Van Belleghem (Three Point Properties), other attendees.

Meeting called to order at 6:30 pm

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 16 July 2009 meeting is adopted.

MOTION CARRIED

Purpose of meeting:

This meeting is to determine if there is sufficient merit in the Three Points (Bamberton) Application for the Area A APC to consider reviewing it in much more detail in August 2009.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan as outlined in detail in the July 22, 2009 CVRD overview of the Bamberton application. The CVRD staff will be available to answer questions.
- APC recommendation to the CVRD staff. CVRD Staff recommendations to the Electoral Areas Services Committee (EAS) will incorporate APC input along with other requested inputs. CVRD EAS Committee decision on direction.
- Area A APC meeting open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

A. CVRD Overview:

Mike Tippet/Rob Conway

- **What happens with other development applications if Bamberton is supported?**
Applications that are not within the urban containment boundary would be discouraged. Conversely, those applications, which are within the UCB and align with the OCP would be strongly considered.
- **Mill Bay Community Sewer**
A waste plan has been in place for 10 years – a major cash injection is needed. This is not a central issue to the development of Bamberton, as they will be operating independently.
- **Growth Management Strategy (GMS)**
 - No money in CVRD budget last year and will not begin this year.
 - GMS takes 5 years to complete.
 - Deal with application without outcome of a GMS.
 - Do not defer applications or put on "ice" while wait for a GMS.
- **PDA Implications**

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- Waiting on Provincial approval for Youbou lands.
- Links amenities to individual phases.
- CVRD has ability to renegotiate PDA or downgrade zoning.
- PDA not only tool – also such things as zoning and covenants.
- Agreement cannot be assigned to 3rd party unless agreed by CVRD.

▪ **Issue is a lot larger than Bamberton (not sure what this means – is it part of prior heading?)**

If Bamberton is approved the result could be a precedent for lands to be developed differently in the area.

B. Discussion of the CVRD Considerations

Round Table

Positive aspects:

Bamberton

- Provides a work place – residents live and work in their community – potential job creation.
- Is good for light/eco industry – replaces heavy industry. Enough industry to support the community.
- More diverse use of deep-sea port will be a major asset.
- Moving the ferry location could be a plus if it alleviates traffic on the Malahat.
- Dockside Green is well done and should be representative of the Bamberton project.
- Parkland dedication is great. Integration of trails and parks is good.
- Planned community with an integrated approach, LEED Gold standard, Triple Bottom Line. Three Point Properties have made an effort to be responsive to the community and meet our needs. Provides good, strong growth for Mill Bay – other developers have not given much to Mill Bay.
- Reduce growth pressure on Mill Bay. If the Bamberton development is well controlled all of Mill Bay will develop as a unit. Satellite to Mill Bay for lots of years – not separate from Mill Bay.
- 86% of current housing in Mill Bay is single homes. Demands for multi-use housing e.g. aging community, youth, and young families wanting to live in Mill Bay. Migration problem – no place in Mill Bay. Bamberton offers more diverse housing mix.
- Raises the bar – both for the CVRD to have the right governance and controls in place for the development and will potentially raise the standards for other developers.
- If Bamberton not there someone else would be and maybe not as good.
- Regional district sets the standard for development.
- Professional/good marketing skills – an ace for us if Bamberton is to be marketed well nationally.
- PDA, as a control tool, has not been used for previous Mill Bay developments should be an asset with Bamberton.

Concerns:

- Impact on other infill approved applications?
- 45-year housing land supply on top of an already 20-year supply.
- Large maybe too large – 3,200 residences – lack of infrastructure for a few years.
- Northlands – looks like another housing subdivision and does not have the feel of the rest of the proposed development.
- Enough water? Oliphant Lake water rights?
- No GMS in place so unclear as to what the vision is for the region.
- Enforcement of developer's commitments if market conditions adverse, developer may water down quality of development – hardship claim.
- Transportation, traffic flow will be an issue at least in the short term as majority of Bamberton residents will travel to Duncan or Victoria to do major shopping or to work.
- MOT policy – roadway amenity charge – needs to discuss with CVRD.
- More appealing if could approve phase by phase. More difficult for developer to get financing if not all rezoned at one time.
- Ferry provides no income for Malahat First Nations.
- Pictures in handouts misleading, e.g. recreation facilities.
- What would we get if Bamberton didn't happen? If land is to be developed is this the way we want to go?
- Transportation is an issue = local travel issues. How will local travel for the satellite community be dealt with?

- Need ore land allotted for industry within the community.
- Concern that there will be a lack of services e.g. water, sewer.

C. Review questions 1 through 4
CVRD document
Refer to Pro's and cons above.

CVRD/Round Table

D. Poll of Commission members

Individual Members

All nine commission members agreed there is sufficient merit in the Three Point Properties (Bamberton) application to review it in much more detail in August.

As requested by the APC members Three Point Properties representatives, Ross Tennant and Joe Van Belleghem will provide a guided tour of the development site before the 20 August meeting.

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 9:00 pm

Notice of next meeting: 20 August 2009 at 6:30 pm in the Mill Bay Fire Hall

AP2

Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
August 18, 2009

In attendance: Ted Brown, Ruth Blake, Karen Porter, Director Mel Dorey

Also in attendance: Mr. Ender Ilkay (applicant)

The purpose of the meeting was to review Development Permit Application No. 1-G-09DP (Ender Ilkay)

The Meeting was called to order at 8:00 p.m. by Chairman Ted Brown.

Ender Ilkay provided the Commission with background information with respect to the application, noting that the purpose of the application was to address concerns about bank stability given the location of a number trees immediately adjacent to the top of the bank. In addition some trees were proposed for removal to improve view lines from the two lots. Mr. Ilkay summarized the various geotechnical and arborist reports that had been prepared in support of the application. He noted that the application had been revised to include the additional trees that had been identified in the arborist's report given the liability issues this report raised.

Following questioning of the applicants and discussion, the following motion was made:

That, as a fundamental principle, the APC favors the retention of as many trees as possible. However, the Commission would not object to the removal of the 17 Category 1 and Category 2 trees identified in the Geotechnical Assessment undertaken for the original Development Permit Application.

The APC also recommends that the applicant undertake a remedial landscaping program to the satisfaction of the CVRD.

Insofar as the balance of the trees identified in the arborist's report are concerned, the Commission recommends that a further assessment be undertaken by an independent arborist prior to the removal of any of these trees.

Carried Unanimously

In making this recommendation the Commission recognized that protecting the integrity of the bank was a primary consideration as was minimizing any potential property damage that may result from trees being blown down in a storm.

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However, in terms of the additional trees identified in the arborist's report the Commission was of the view that the report lacked sufficient information to make an informed recommendation. As a result, it is believed that only the trees addressed in the original application should be dealt with at this time and that any additional tree removal should be the subject of a separate application accompanied by a more comprehensive assessment of potentially dangerous trees.

Ted Brown
Chairman
Saltair Advisory Planning Commission

PK1

Area D Parks Commission Meeting Minutes

Bench School, Cowichan Bay

May 25, 2009

Meeting called to order at 5:30 p.m.

Present: Steve Garnett, Donna Einarsson, Lori Iannidinardo, Val Townsend

Regrets: Kerrie Talbot, Danica Rice, Megan Stone

Old Business

1. Green mapping workshop went well.
2. Lori has requested vests for the Parks Commission.

New Business

1. Trail Trek on June 6

Members met at a previous meeting and organized the structure. Have budget of \$300.

Signs need to be made to identify Stephanie Stroll, George Bartlett and Ordano Trails. Lori will contact Ryan Dias.

2. Cellular tower

Rogers wants to put up a cellular tower in a 60x60 foot treed area in Coverdale Watson Park, which would provide \$12000.00 for Parks. Steve made a motion to decline. Val seconded. Another option is to put it up by the fire station.

3. Park Improvements

Master plan for **Hecate Park** is still in planning stage. Have opportunity to add \$20,000.00 to \$25,000 we already have. This will have to wait until next year, to have supplies ordered before next summer. We do need new signage for Hecate Park – dusk to dawn warning signs which would give police the right to question speeders and overnight campers. Calming devices need to be suggested to South Cowichan Parks. Also need to know the names on the memorial benches.

Tennis courts are not being resurfaced at **Coverdale Watson Park**. A gatekeeper needs to be reinstated if vandalism and spins in park get worse. Steve suggested a chain fence in the future.

There will not be any surveying of **Kennedy Lane**.

Off-road walking trail on Wilmot will be constructed by summer work crew as top priority. Lori is working on final approval with Ross Deveau at MOE. Ryan Dias and Dan Brown met with commission members to discuss trail siting / crossing etc.

4. Community Education

Issue about dumping garden refuse in ravines needs to be addressed because of erosion and invasive species. Need to also investigate the protocols of the Band. Lori will talk to Ernie Elliot. A mail out was suggested about the ravines and information signs along the fences of the farmers' fields need to be

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posted.

5. Meeting of interest

South Cowichan Parks is hosting an information meeting regarding the Mill Bay Church renovations on May 28 @6:00-7:30 p.m.

Meeting adjourned at 6:30. Next meeting: June 15 @ 5:30 at Bench School.

PK 2

Area D Parks Commission Meeting Minutes

Bench School, Cowichan Bay

June 15, 2009

Meeting called to order at 5:30 p.m.

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

Minutes from last meeting (May 25, 2009) – corrected and forwarded to CVRD, Parks and Recreation

Correspondence

Report s: Recent events *Family Trail Trek* –Saturday June 6th - was well organized and enjoyed by all who attended

Upcoming events: *Eel grass restoration project* (June 27-28) -\$2000 was given to the Land Trust for this project from the CVRD

Cowichan Bay Boat Festival (June 27) – Permission was granted to close the boat launch for the festival.

New Business

1. South Cowichan Parks Commission Meeting – discussed 2nd commission member for SC Parks.
2. Grant applications – Lori forwards grant applications to Tanya Soroka for CVRD approval. Danica encouraged us to pursue federal grants at a local level. We need to prioritize our projects. Each grant must be tailored to the sponsor. Perhaps a summer student could help with proposal writing. Danica will forward websites and information to Donna.

Ongoing Business

1. Wilmot Rd. off road trail – Kerrie will email Ryan for an update on the plan for this trail. Lori is waiting for approval of this project from Ross Deveau.
2. Hecate Park Play Structure – Danica gave Brian F. the plan with a budget. Kerrie will ask Ryan to do a site visit.
3. Lisa Bell has made a request for a park bench dedication –Tanya has the information. Kerrie will do follow-up.
4. Theik Park – who's land?/need a maintenance group
5. Hayes Property – trail extension – need to ask Brian Farquhar about plans for this property.
6. Kennedy Lane – has to be left as is, according to Highways Dept./Danica will consult with Ross Deveau.
7. Trail signage – Bartlett, Ordano, and Stephanie's Stroll need name signs
8. Flo Ryan- fencing between Coverdale Watson Park and her property – is under consult.
9. Area D Parks Masterplan – Commission has acquisition funds for the master plan. Need set criteria.

Meeting adjourned at 7:00 p.m. Next meeting at 6:00 July 20, 2009 in library @ Maritime Center. Kerrie will confirm location.



CVRD

MEMORANDUM

DATE: August 18, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF JULY, 2009

There were 61 building Permits and 0 Demolition Permit(s) issued during the month of June, 2009 with a total value of \$ 4,864,220

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"			1,000	162,450	90,915		6	40	254,365	6,751,727
"B"		461,000		1,131,565	209,580		17	78	1,802,145	6,242,061
"C"				286,615	65,890		8	49	352,505	4,321,640
"D"		7,500		246,345	37,200		4	20	291,045	904,335
"E"	84,990	135,000			43,700		4	21	263,690	1,029,800
"F"					116,680	6,000	5	18	122,680	496,720
"G"				182,000	26,420		3	13	208,420	1,663,575
"H"				414,820	49,040		6	22	463,860	1,722,730
"I"				1,005,510	100,000		8	28	1,105,510	2,802,315
Total	\$ 84,990	\$ 603,500	\$ 1,000	\$ 3,429,305	\$ 739,425	\$ 6,000	61	289	\$4,864,220	\$ 25,934,903

B. Duncan, RBO
Chief Building Inspector
BD/db

NOTE: For a comparison of New Housing Starts from 2006 to 2009, see page 2
For a comparison of Total Number of Building Permits from 2006 to 2009, see page 3

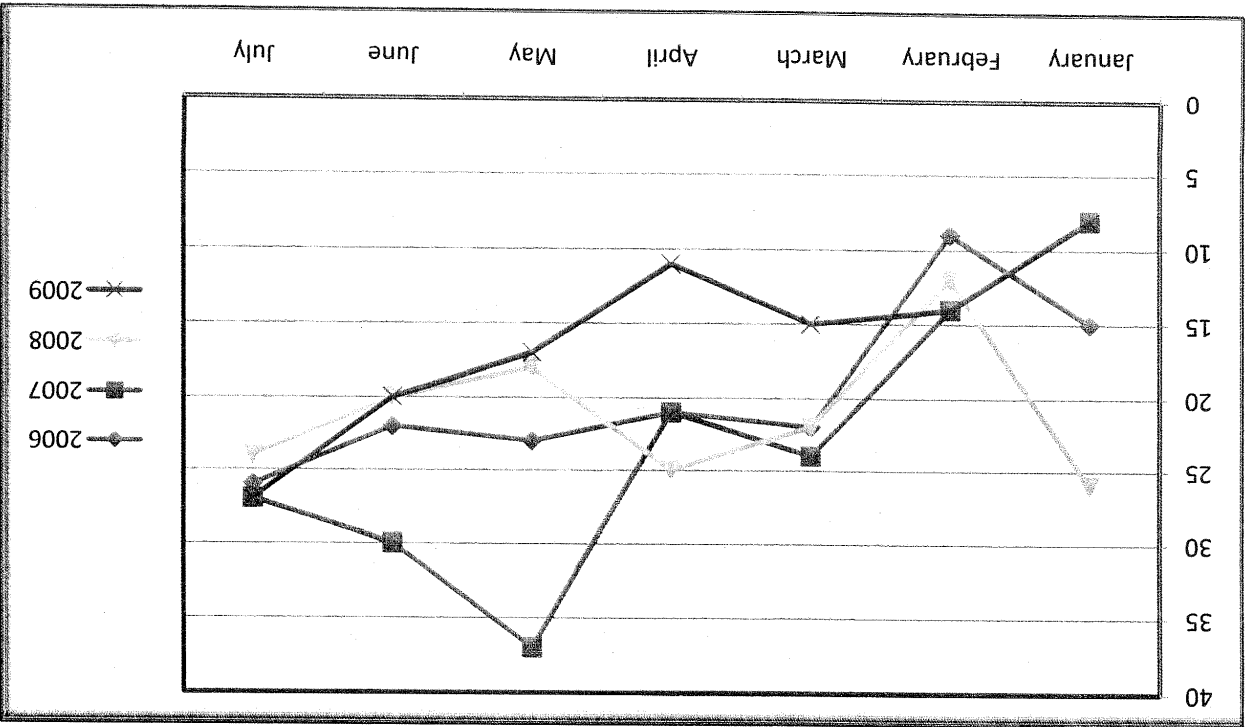
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C.V.R.D.

New Housing Starts

	January	February	March	April	May	June	July
2006	15	9	22	21	23	22	26
2007	8	14	24	21	37	30	27
2008	26	12	22	25	18	20	24
2009	8	14	15	11	17	20	27





CVRD

Total Building Permits Issued

	2006	2007	2008	2009
January	41	26	50	23
February	21	28	30	32
March	48	24	48	36
April	55	54	63	34
May	53	70	50	48
June	57	58	55	55
July	54	55	64	61

