



C·V·R·D

NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING

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

3:00 pm

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January, 2010

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

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

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

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

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

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Alison Garnett, Planning Technician
Warren Jones, Administrator
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included three items of correspondence, two items of New Business, and one Closed Session item.

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 November 3, 2009, EASC meeting be amended on page 2 by moving the sentence "Director Harrison turned over the position of Chair to the Vice-Chair for the next delegation" to from agenda item D3 to D2, and that the minutes , as amended, be accepted.

MOTION CARRIED

BUSINESS ARISING

DELEGATIONS

D1 - Silvey

Nino Morano, Bylaw Enforcement Officer, reviewed File No. 1-G-09BE (Charlene Silvey) regarding unsightly premises and unsafe building at 10505 Maytree Road, Saltair.

Charlene Silvey was not present.

There were no questions from Committee members to staff.

000003

It was Moved and Seconded

Pursuant to the provisions of Section 73 of the Community Charter and the Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, IT IS HEREBY RESOLVED that the owners and occupiers of the respective premises set forth below are required to remedy the unsafe condition by demolishing the remains of the fire damaged house, and remove the accumulation thereon of the unsightly materials and rubbish specified or take such remedial measures as are specified:

Property Description: Lot 1, Section 3, Oyster District, Plan 14037, PID 004 502 299

Location: 10505 Maytree Road, Saltair (Area G), B.C.

Unsafe Condition–Section 73 Community Charter: Remaining structure is unsafe.

Unsightly Accumulation – Section 725 Local Government Act and CVRD House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341: Accumulation of rubbish and burnt down house and contents.

Remedial measures: Demolish and remove the remaining structure and clean up and remove remains of the house and its contents and all other rubbish down to grade.

AND BE IT FURTHER RESOLVED that the CVRD Bylaw Enforcement Official BE AND IS HEREBY AUTHORIZED in default of such demolition and removal or remedial measures being undertaken by the owners or occupiers, within thirty (30) days of receipt of notice to do so, to carry out or have such work carried out and the expense charged to the owner or occupier. If unpaid on December 31st in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

MOTION CARRIED

D2 - Harvey

Alison Garnett, Planning Technician, presented Application No. 2-I-08DP (Jan and Gary Harvey) to expand an existing house located at 7786 Sunset Drive, that is located with the Watercourse Protection DPA.

Gary Harvey, applicant, was present and stated that he had nothing further to add to the staff report.

The Committee directed questions to staff.

It was Moved and Seconded

That Development Permit Application No. 2-I-08DP by Jan and Gary Harvey for the expansion of a single family dwelling on Lot 1, Block 4, DL 72, Cowichan Lake District, Plan 16535, be approved, subject to compliance with the measures and recommendations outlined in RAR report No. 1011.

MOTION CARRIED

D3 - Scott

Alison Garnett, Planning Technician, presented Application No. 7-B-09DVP by Frank and Lynn Scott, to relax the setback of an accessory building located at 2692 Sunny Glades lane.

Frank Scott, applicant, was present and stated he had nothing further to add to the Staff Report.

The Committee directed questions to staff.

It was Moved and Seconded

That Development Variance Permit Application No. 7-B-09DVP by Frank and Lynn Scott for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to an exterior parcel line for an accessory building from 4.5 metres down to 3 metres on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan 25740, be approved, subject to the applicant providing a survey confirming compliance with the approved distance.

MOTION CARRIED

D4 - Parkinson

Application No. 2-G-08RS (Parkinson) was taken off the agenda to be discussed at a later meeting.

D5 - Kolenberg

Rob Conway presented Application No. 1-D-09RS (Kolenberg) to permit a motor vehicle sales lot on the property located on Koksilah Frontage Road.

Randy Kolenberg and son, applicants, were present. Mr. Kolenberg stated that they would be happy with the existing C-2 with an amendment to allow auto sales as they don't have a need for the rest of C-3 listed uses. He also stated they are willing to do landscaping as required.

The Committee directed questions to staff and applicants.

It was Moved and Seconded

That Rezoning Application No. 1-D-09RS (Kolenberg) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

MOTION CARRIED

D6 - Underwood

Director Cossey left the meeting at this point and declared a conflict of interest due to his employer's association with the next delegation.

Lorne Underwood, a Village of Tsawout Band member, was present and spoke respecting First Nations inherent rights and tile related to the Bamberton proposal. Mr. Underwood read from his letter, received date November 17, 2009, which he submitted to staff. He advised of issues that a Regional Growth Strategy could address. He requested that \$50,000 be invested into an impact assessment study.

The Committee directed questions to the delegate.

The Chair thanked the delegate for his presentation.

Director Cossey returned to the meeting at this point.

STAFF REPORTS

**SR1 – South
CowichanOCP
Committee**

It was Moved and Seconded
That Doug Higginson be appointed to the South Cowichan Official Community
Plan Steering Committee.

MOTION CARRIED

**SR2 – ICF
Transportation
Committee**

It was Moved and Seconded
That Tom Anderson be appointed to the Island Corridor Foundation
Transportation Workshop Advisory Planning Commission.

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded
That the minutes of the APC meeting of November 3, 2009, be received and
filed.

MOTION CARRIED

AP2 - Resignation

It was Moved and Seconded
That the resignation of Jenny Searle from the Area D Advisory Planning
Commission be accepted and that a letter of appreciation be forwarded to Ms.
Searle.

MOTION CARRIED

PARKS

PK1 to PK3 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area C Parks meeting of September 21, 2009
- Minutes of Area H Parks meeting of September 24, 2009
- Minutes of Area G Parks meeting of October 5, 2009

MOTION CARRIED

PK4 - Resignation

It was Moved and Seconded

That the resignation of Ron McKenzie from the Area F Parks Committee be accepted and that a letter of appreciation be forwarded to Mr. McKenzie.

MOTION CARRIED

**CORRESPOND-
ENCE**

**C1 to C5 – Grants-in-
Aid**

It was Moved and Seconded

That the following grants-in-aid be accepted:

- That a Grant-in-Aid (Electoral Area B – Shawnigan Lake) in the amount of \$1000 be given to Frances Kelsey Secondary School, to provide a bursary to a deserving Shawnigan Lake graduating student.
- That a Grant-in-Aid (Electoral Area D – Cowichan Bay) in the amount of \$975 be given to Cowichan Bay Improvement Association, to assist with costs for recycling bins and signage.
- That a Grant-in-Aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$1000 be given to CMS Foodbank Society, to assist with local community needs.
- That a Grant-in-Aid (Electoral Area G – Saltair) in the amount of \$500 be given to Chemainus Secondary School, to provide a bursary to a deserving Saltair graduating student.
- That a Grant-in-Aid (Electoral Area G – Saltair) in the amount of \$500 be given to Nanaimo-Ladysmith Schools Foundation, to provide a Saltair Community Bursary.

MOTION CARRIED

NEW BUSSINESS

1 – Subdivision Bylaw Director Cossey requested an update on the progress of the new subdivision servicing bylaw. Mr. Anderson advised that the project is progressing slower than hoped. The Steering Committee is set to review the final draft bylaw, and discussions are still needed with Ministries of Transportation and Environment and then will be brought to the EASC for consideration.

2 – Youbou Lands Director Morrison requested a status report regarding Youbou Lands bylaws. Mr. Conway advised that the bylaws were forwarded to the Ministry in August 2009 for their approval after third reading. He noted that the Ministry has recently contacted staff for more information.

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

MOTION CARRIED

The Committee moved into Closed Session at 4:00 pm.

RISE The Committee rose without report.

ADJOURNMENT It was Moved and Seconded
That the Committee rise without report.

MOTION CARRIED

The meeting adjourned at 4:25 p.m

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STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF DECEMBER 1, 2009**

Date: November 25, 2009 File No: 4-A-07RS

FROM: Dana Beatson, Short Range Planner BYLAW NO: 2000
Development Services Division

SUBJECT: Rezoning Application No. 4-A-07RS (Jim Logan)

Recommendation:

That Rezoning Application 4-A-07RS (Logan) be approved, but that:

Prior to any reading of the amendment bylaws the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;

Prior to consideration of adoption of the amendment bylaws, that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; AND FURTHER that a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; AND FURTHER that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.

Purpose:

To consider an application to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and Official Community Plan (OCP) Bylaw No. 1890, to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs).

Background:

Location of Subject Property: 841 Ebadora Lane

Legal Description: Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591RW, Except Plans 739-R, 29558, 38364, VIP55979 and VIP61126 (PID 002-435-349)

Date Application and Complete Documentation Received: August 14, 2007

000009

Owner Jim Logan

Size of Parcel: The total parcel area is ± 3.65 ha (± 9 acres) and the portion of the parcel proposed to be rezoned is ± 0.8 ha (± 2.0 acres).

Existing Plan Designation: Forestry

Proposed Plan Designation: ± 2.0 acres of the property is proposed to be designated to industrial.

Existing Zoning: F-2 (Secondary Forestry)

Proposed Zoning: Approximately 2.0 acres of the subject property is proposed to be rezoned to a new restricted light industrial zone that allows for the outdoor storage of RVs (I-1B).

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

Under Existing Zoning:

Minimum Lot Size Under Proposed Zoning:

- 0.8 ha for parcels served by a community water and sewer system
- 0.8 ha for parcels served by a community water system only
- ha for parcels served neither by a community water or sewer system

Existing Use of Property: Residential. There is currently one single family residential dwelling on the northwest portion of the property. There are approximately 5 RV's stored on the southern portion of the property.

Existing Use of Surrounding Properties:

North: Residential (zoned R-1)

South: Trans Canada Highway and Forestry lands beyond (zoned F-1)

East: Forestry (zoned F-2)

West: Forestry (zoned F-2)

Services:

Road Access: Ebadora Lane

Water: Existing well

Sewage Disposal: Existing on-site sewage disposal

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies a stream planning area on the northern portion of the site. The Planning Atlas states that it is a TRIM stream with possible fish presence.

000010

Archaeological Site: There are no confirmed archaeological sites on the subject property.

Property Context:

The subject property is located at 841 Ebadora Lane approximately half a kilometer east of Whittaker Road. The property is approximately 3.65 ha (9 acres) in size and gently slopes from the centre of the property to its eastern boundary. The majority of the site is treed and vegetated with the exception of the portion of the site where the single family dwelling and driveway are located and the 2.0 acres of land where the RVs are proposed to be stored.

Currently there is a naturally vegetated buffer along the southern parcel line. This buffer was measured from the ditch along the Trans Canada Highway to the applicant's property line. The buffer area is approximately 10 metres wide on the northern end and 17 metres wide on the southern end along the parcel line. The applicant and CVRD staff are uncertain as to how much of this buffer area is located in the Trans Canada Highway right-of-way (owned by the Ministry of Transportation and Infrastructure) and how much, if any, is located on the owner's actual property.

This neighborhood is characterized by larger rural residential and forestry parcels that range in size from about 1.0 ha to 84 ha (2.5 – 207 ac). This neighborhood, including the subject property, is largely designated Forestry in the OCP with the exception of the residential lots to the north of the subject property, which are designated rural residential.

The Proposal:

The applicant is proposing to amend Zoning Bylaw No. 2000 and OCP Bylaw No. 1890 by rezoning approximately two acres of the subject property from F-2 (Secondary Forestry) to a new zone and re-designating the two acre portion from Forestry to Industrial so that the outdoor storage of RVs may be permitted.

According to the site plan submitted by the applicant, 2.0 acres on the southeastern portion of the property would be occupied by the outdoor storage of RVs. The applicant has informed CVRD staff that the type of RVs that will be stored onsite will include: motor homes, fifth wheel trailers, travel trailers and tent trailers. The applicant has indicated that all recreational vehicles that will be stored on-site will be licensed under the *Motor Vehicle Act*. The applicant anticipates that there will be a maximum of 20 recreational vehicles on-site during any given season between the months of April and October of each year. It should be noted that rezoning a 2.0 acre portion of the property will likely permit more than 20 RVs onsite. The applicant has noted that he will be towing and transporting ninety percent of the vehicles on and off the property and that the remaining RVs will be transported on and off the site by their registered owners.

According to the conceptual site plan submitted by the applicant the proposed road access for the property is from Ebadora Lane via private driveway.

In terms of servicing, the subject property is currently serviced by a well and on-site sewage disposal. The Malahat Volunteer Fire Department provides fire protection for this property.

As part of the rezoning application, the applicant is not proposing any parkland dedication. The CVRD Parks and Trails Division received a copy of this report for their review and comment. As approval of this application will not result in a subdivision application, parkland dedication or cash-in-lieu during the subdivision process under Section 941 of the *Local Government Act* will not be required.

The CVRD Environmental Planning Atlas (2000) identifies a stream planning area on the northern portion of the site. The Planning Atlas states that it is a TRIM stream with possible fish presence. CVRD staff confirmed the presence of a ravine and creek during a site visit in August 2009 and it appears that it is located more than 30 metres away from the proposed RV storage area.

Policy Context:

Official Settlement Plan:

The subject property is presently designated as Forestry in the OCP. This designation in the plan is intended to ensure forestry lands are protected for forestry use. Forestry lands contribute to the rural character of Mill Bay/Malahat, sustain wildlife habitat, and often provide recreational and educational opportunities within communities. Some objectives of the Forestry designation are:

- a) *To encourage forest land owners to make forest lands available for recreational enjoyment and education; and*
- b) *To safeguard the area's scenic and recreational appeal.*

Relevant Forestry policies in the OCP include:

Policy 6.3.1 – Except where specifically prohibited by other policies contained within this Plan or the policies of the provincial government, forestry uses shall be given priority in the forestry designation.

Policy 6.3.9 – The retention of aesthetic values such as buffers along the Trans Canada Highway shall be strongly encouraged.

As mentioned previously, the proposed OCP designation is industrial. The plan suggests that new industrial development in the Plan area may be introduced to permit light industrial uses with requirements for storage of materials, landscaping, traffic mitigation and environmental protection. The Plan further suggests that the highway corridor must be protected by buffering industrial uses from the highway. Some objectives of the industrial designation include:

- a) *Ensuring light industrial activity does not impact negatively on the attractive character of the community or the natural environment, including groundwater resource; and*
- b) *Permitting clean, light industrial uses, with rigorous requirements for storage, landscaping, traffic mitigation and environmental protection.*

Industrial policies in the OCP applicable to the subject application include:

Policy 9.3.1 – The designation of additional land for industrial use shall take into consideration the following criteria:

- a) The site shall have easy, direct, approved access to a major public road system other than the Trans Canada Highway;*
- b) The development will not generate additional traffic on residential streets; and*
- c) The development shall not be detrimental to the natural environment or detract from the visual attractiveness of the area.*

Policy 9.3.6 – The dedication of a natural buffer or greenway of a width not less than 20 metres (66 ft) or 5% of the parcel width, whichever is less, shall be required as a screen between industrial uses and adjacent non-industrial uses or public roadways.

Zoning:

Electoral Area A Zoning Bylaw No. 2000 presently has two forestry zones (F-1 and F-2). The F-1 zone is a primary forestry zone and the F-2 zone is a secondary forestry zone. The subject property is zoned F-2 (Secondary Forestry) and the F-2 zone permits: the management and harvesting of primary forest products, excluding: sawmilling, manufacturing, dry land log sorting operations, offices and work yards; one single family dwelling; agriculture, silviculture, horticulture; bed and breakfast accommodation; home occupation; one secondary suite or one small suite per parcel. It should be noted that a majority of the property (i.e. \pm 7 acres) will remain zoned as F-2 with the exception of 2.0 acres of land that is proposed to be rezoned to industrial.

The applicant is proposing to use a portion of the property for the outdoor storage of RVs. The outdoor storage of recreational vehicles is one of the uses permitted in the I-1A Zone (Light Industrial Mini Warehousing) and is similar to the motor vehicle storage use which is permitted within the I-2 Zone (General Industrial). Because the applicant is only applying to permit a limited industrial use on 2.0 acres and not any other industrial uses, staff have recommended that a new industrial zone that would only permit one use: the outdoor storage of RVs, be developed for the property. The draft I-1B Zone – Light Industrial Recreational Vehicle Storage has been attached for your reference.

A copy of the F-2 zone and suggested I-1B - Light Industrial Recreational Vehicle Storage including a complete list of permitted uses, is attached to this report.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed and discussed this application at their November 2009 meeting where they passed the following recommendation:

The six of seven APC members present recommended the application be accepted with caveats:

- *Implement Option 1 to establish a new industrial zone – the suggested I-1B - Light Industrial Recreational Vehicle Storage Zone with a fence around the new zone to define the exact location of the new zone.*
- *The appropriate screening and fencing from TCH (as per CVRD recommendations) be implemented.*
- *That oil collection devices be placed under vehicles that are motorized such as motorized RVs, boat engines etc.*
- *No signs on the TCH highway be permitted.*
- *Dust control on property driveway should be employed.*
- *Trailer certification should be required.*
- *Landscaping Bond should be posted.*
- *MoTI must approve before zoning can be changed.*

Referral Agency Comments:

This application was referred to government agencies on August 26, 2009. The following is a list of agencies that were contacted and the comments received.

- *Ministry of Transportation and Infrastructure (Victoria) –Approval Not Recommended due to poor sight distance. The access to the site does not have sufficient safe sight distance for leaving the site.*
- *Central Vancouver Island Health Authority – Approval recommended subject to the following conditions: (1) if the applicant wishes to allow clients to use the existing septic system as a sani-dump, an Authorized person, as described in the Sewerage System regulation, should be contacted to determine if the system is acceptable for such a use and perform any upgrades and (2) the existing water system should not be used to deliver drinking water to the recreation vehicles, unless this office has approved it as a Community Water System under the Drinking Water Protection Act and Regulation.*
- *CVRD Public Safety Department – It is recommended that: a minimum two points of access/eagress to the proposed development be considered to provide citizenry and emergency services personnel secondary evacuation route in the event of congestion. The property is located within the Shawnigan Lake RCMP Detachment area, the BC Ambulance (Station 137 Mill Bay) response area, and within the Mill Bay Fire Improvement District response area.*
- *Ministry of Environment – No comment received.*
- *Cowichan Tribes – No comment received.*
- *Malahat First Nation – No comment received.*
- *Malahat Volunteer Fire Department – No comment received.*
- *CVRD Parks and Trails Division – No comment received.*

Development Services Division Comments:

Provided certain conditions are met, the APC was supportive of this application to rezone 2.0 acres of the property from F-2 to the new light industrial zone recommended by staff, the I-1B - Light Industrial Recreational Vehicle Storage Zone.

Because the property is being split-zoned staff feel it is necessary to have the 2.0 acre I-1B Zone surveyed and fenced so it is clear where the exact location of the I-1B Zone is on the property. Staff are recommending that the applicant have the 0.8 ha portion of the site surveyed by a BCLS and it be fenced prior to consideration of adoption of the amendment bylaws.

Because this site is highly visible from the Trans Canada Highway (TCH) appropriate landscaping and screening also needs to be implemented. The applicant has informed CVRD staff and the APC that he intends on placing creating a .91 metre (3 foot) high berm along the southern boundary of the property coupled with a 5 metre (15 foot) cedar hedging. Staff are recommending that at minimum landscaping needs to be placed along the southern, western and eastern fence boundaries of the 2.0 acre industrial lands so that the RV's are not visible from the TCH. Staff is recommending that the applicant submit a landscape plan with cost estimates and that this be received prior to giving any readings of the amendment bylaws. Prior to consideration of adoption of the amendment bylaws, it is recommended by staff that a security (ILOC) be deposited with the CVRD to ensure that landscape screening in the landscape plan is completed.

The Ministry of Transportation and Infrastructure (MoTI) have recommended that this application not be approved because access to the site does not have sufficient safe sight distance for leaving the site. Because the subject property is located within an 800 metre radius from an intersection of a controlled access highway, the TCH, MoTI will be required to sign the Zoning Amendment Bylaw prior to final adoption. Staff are recommending that prior to any reading of the amendment bylaws that the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction.

Staff are recommending that no signage be placed along the TCH. Under normal circumstances the applicant is permitted to have a sign on the property related to the RV storage or a home based business and guidelines regarding the sign are contained within the CVRD sign bylaw and the Trans Canada Development Permit Guidelines. In order to prevent the applicant from posting a sign along the TCH, the CVRD is recommending that prior to consideration of adoption of the bylaws that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway.

The APC expressed concerns regarding the possibility of increased dust being emitted from the driveway as trailers are being towed back and forth on and offsite. In order to reduce dust emitted onsite the applicant has indicated that he would be putting new surface material on his driveway in the form of crushed asphalt in order to control the amount of dust onsite. If the EASC feels it is necessary to have the applicant place this surface material on his driveway they could request that it be done as a condition of final adoption of the bylaws and make this a condition of final adoption.

The APC also indicated that oil collection devices be placed under the RV's. The only way to place oil collection devices under the vehicles is by requiring the applicant to pave the entire two acres onsite where the RV's are going to be stored. The applicant does not have plans to pave the 2.0 acre portion of the property. If the EASC feels it is necessary to have the applicant place oil collection devices under the vehicles and that the area be paved the EASC could recommend that the applicant do this before final adoption of the bylaws and make this a condition of final adoption.

The APC expressed an interest in having all of the RV's onsite be certified. RV certification is difficult to manage and enforce through zoning.

Development Permit Process:

The subject property is within the Trans Canada Development Permit Area and the Riparian Areas Development Permit Area. If a portion of the subject property is successfully rezoned to permit RV storage the applicant will be required to meet the guidelines of the development permit area and obtain a development permit from the CVRD before development occurs. The purpose of the Trans Canada Development Permit Area and Riparian Areas Regulation Development Permit Area is to establish guidelines for the protection of the natural environment and provide guidelines for the form and character of industrial development. The development permit guidelines for both development permit areas have been attached for your reference.

Options:

Option A:

That Rezoning Application 4-A-07RS (Logan) be approved, but that:

That prior to any reading of the amendment bylaws, the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;

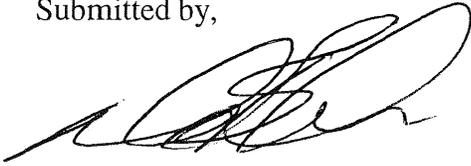
Prior to consideration of adoption of the amendment bylaws, that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; AND FURTHER that a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; AND FURTHER that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.

Option B:

That Rezoning Application 4-A-07RS (Logan) be denied and that a partial refund of application fees be given in accordance with the CVRD Development Application Procedures and Fees Bylaw No. 3275.

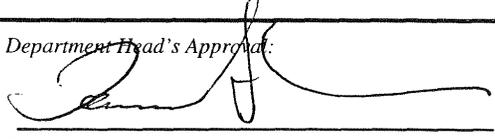
Option A is recommended.

Submitted by,



Dana Beatson
Short Range Planner
Development Services Division
Planning and Development Department

DB/ca
Attachments

Department Head's Approval:

Signature



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO.

**A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. ,
Applicable To Electoral Area A – Mill Bay/Malahat**

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 A – Mill Bay/Malahat, that being Official Community Plan Bylaw No. 1890;

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.1890;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Logan), 2009.**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1890, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

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

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

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

ADOPTED this _____ day of _____, 2009.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No.

That Official Community Plan Bylaw No.1890, is hereby amended as follows:

1. That Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591W Except Plans 7390R, 29558, 38364, VIP55979 and VIP61126, as shown outlined in a solid black line on Plan number Z- attached hereto and forming Schedule B of this bylaw, be redesignated from Forestry to Industrial; and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO.

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000 Applicable To Electoral Area A – Mill Bay/Malahat

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 A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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. 2000;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Logan), 2009**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

.../2

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a) That Part 12 be amended by adding the following after Section 12.5:

12.6 I-1B ZONE - LIGHT INDUSTRIAL RECREATIONAL VEHICLE STORAGE

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations shall apply in the I-1B Zone:

(a) Permitted Uses

The following uses and no other uses are permitted in an I-1B Zone:

- (1) out-of-doors storage of boats, travel trailers and recreational vehicles

(b) Conditions of Use

For any parcel in the I-1B Zone:

- (1) No buildings or structures are permitted within the I-1B Zone

(c) Minimum Parcel Size

- 0.8 ha for parcels served by a community water and sewer system;
- 0.8 ha for parcels served by a community water system only;
- 1.0 ha for parcels served neither by a community water or sewer system.

b) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591W Except Plans 7390R, 29558, 38364, VIP55979 and VIP61126 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-X, from F-2 (Secondary Forestry) to I-1B Zone- (Light Industrial – Recreational Vehicle Storage).

3. FORCE AND EFFECT

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

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

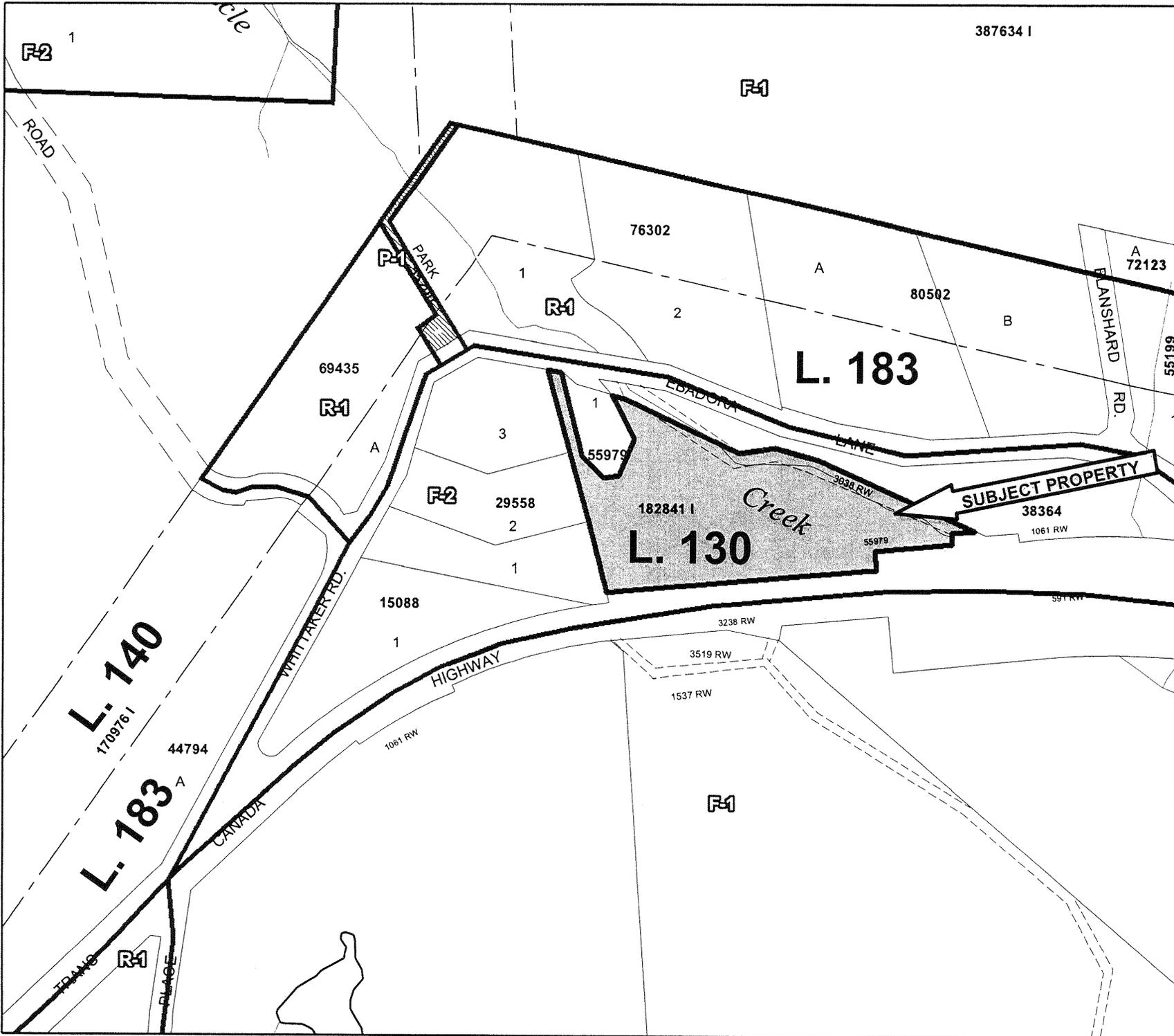
READ A SECOND TIME this _____ day of _____, 2009.

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

ADOPTED this _____ day of _____, 2009.

Chairperson

Secretary





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.

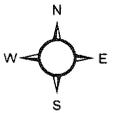
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-07-RS

ZONING

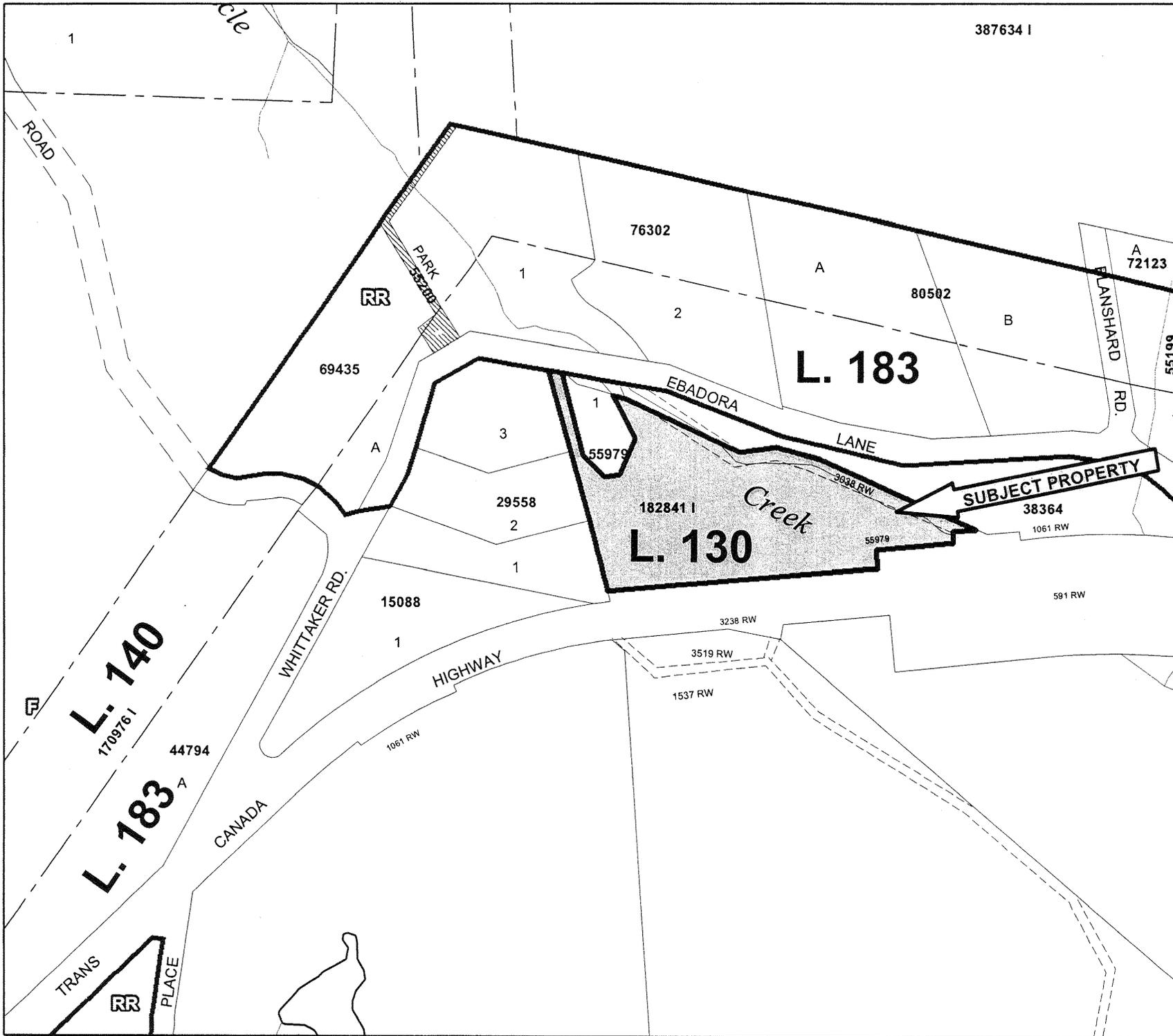
Legend

- Subject Property
- Zoning Electoral Area A



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**Cowichan
Valley
Regional
District**

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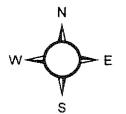
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

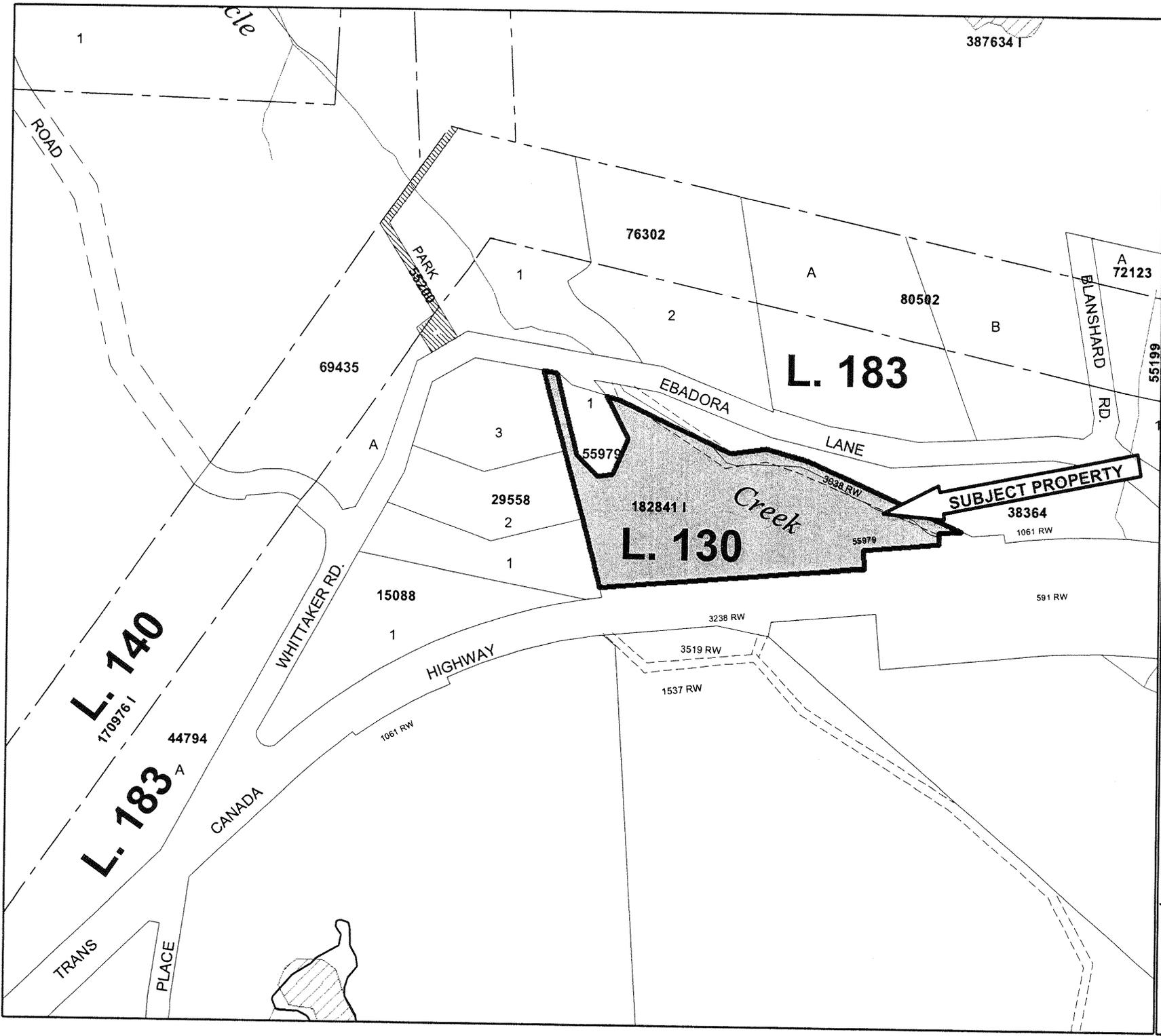
FILE: 4-A-07-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area A





**Cowichan
Valley
Regional
District**

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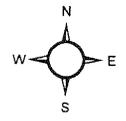
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-07-RS

Sensitive Ecosystem Inventory

Legend

-  Subject Property
-  SEI 2004





**Cowichan
Valley
Regional
District**

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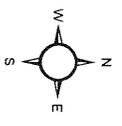
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-07-RS

**Orthophoto
(2002)**



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- Concern expressed that the docks could be Strata making the marina slips no longer available or affordable to local residents.
 - To prevent this from occurring only 1/3 will be sold.
- Suggestion that the development should be phased.
 - The marina should be built first with the residential phase to follow.
- It was pointed out that the current permitted residential height is 7.5 metres and Commercial height is 10 metres. The current building design is 10 metres, which may not be acceptable if the rezoning request is approved to make this a residential development.
- Why is the recommendation to extend the marina to the north or to the south and not further out into the bay?
 - The owners would prefer to extend the marina out into the bay and discussed this option with Brentwood college who indicated this was not preferable as it would interfere with their rowing activities.
- Major change not a win for Mill Bay community
- Mill Bay is a seaside community with limited public access and limited commercial/retail opportunities close to the water.
- The community needs some public walkways and amenities on the water.
- Additionally we have limited lodging availability with the community and the rezoning for a resort/hotel provided this.
- We have other development solutions being proposed that will deliver mixed use housing so another residential development is not needed.

APC Recommendation:

Roundtable

The seven APC members present unanimously recommended the application be **denied** and that if the marina was to be extended it should be extended out into the bay and not north or south as per the current recommendations.

2. Rezoning Application – 4-A-07RS (Jim Logan)

- *Rezone a 2 acre portion of subject 9 acre zoned F-2 property to permit the outdoor storage of recreational vehicles e.g. RV's, trailers, tent trailers.*

Proposal presented by Jim Logan followed by APC questions and concerns.

APC Questions and Concerns

- Appropriate screening and fencing from TCH (per CVRD recommendations) should be implemented.
- Oil collection devices must be placed under vehicles such as motorized RVs, boat engines etc.
- No signs on TCH should be permitted.
- Dust control on property driveway should be employed. Mr. Logan suggested the use of ground asphalt.
- Trailer certification should be required.
- Bond should be posted.
- MoT must approve off before zoning can be changed.

Dana Beatson, CVRD Planner explained the zoning options available if the proposal application is approved.

- 1) A new industrial zone that would permit outdoor storage for the requested 2 acres be established for the storage of RVs precluding any other industrial use.
- 2) Rezone the entire property to a new zone that permits the accessory storage of RVs. The CVRD could require a restrictive covenant on the land stating outdoor storage of RVs is allowed only on two acres.

APC Recommendation:

Roundtable

The six of the seven APC members present recommended the application be **accepted with caveats:**

- Implement Option 1 to establish a new industrial zone - I-1B Zone, Light Industrial Recreation Vehicle Storage, with area rezoned fenced to define the exact location.
- ✓▪ Appropriate screening and fencing from TCH (per CVRD recommendations) should be implemented.

- Oil collection devices must be placed under vehicles such as motorized RVs, boat engines etc. no fare no
- ✓
 - No signs on TCH should be permitted.
 - Dust control on property driveway should be employed (permanent)
 - Trailer certification should be required.
 - Bond should be posted.
 - MoT must approve off before zoning can be changed.

Continuing Business:

Other:

Reminder from June Laraman that

- 17 November 2009 Mill Bay Community League volunteer appreciation evening with refreshments begins at 7:30 pm at Mill Bay Community Hall.
- 27 November 2009 Volunteer Appreciation Dinner begins at 6:30 p.m. at Shawnigan Lake Community Hall

Meeting adjourned at 9:00 pm.

The next regular meeting will be at 6:30 p.m. 8 December 2009 at Mill Bay Fire Hall.

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CVRD

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

C.V.R.D. RECEIVED

LD

NOV 23 2009

2009-06475

BYLAW AMENDMENT REFERRAL FORM

Date: November 4, 2009

CVRD File No. 4-A-07RS (Logan)

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and Official Community Plan (OCP) Bylaw No. 1890, to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs)

General Property Location: 841 Ebadora Lane

Legal Description: Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591RW, Except Plans 739-R, 29558, 38364, VIP55979 and VIP61126 (PID 002-435-349)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Tuesday, December 1, 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 **Dana Beatson, Short Range Planner**, at (250) 746-2620.

Comments:

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

The access to the site does not have sufficient safe sight distance for leaving the site.

RECEIVED
NOV 06 2009
MINISTRY OF TRANSPORTATION
SAANICH AREA OFFICE

Signature *Dana Beatson* Title *Dev Tech* Contact No. *250 812 0834*
(sign and print)

This referral has been sent to the following external agencies and internal CVRD departments:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure | <input checked="" type="checkbox"/> CVRD Parks and Trails Division, Parks, Recreation and Culture Department |
| <input checked="" type="checkbox"/> Ministry of Environment | <input checked="" type="checkbox"/> CVRD Public Safety Department |
| <input checked="" type="checkbox"/> Vancouver Island Health Authority | |
| <input checked="" type="checkbox"/> Cowichan Tribes | |
| <input checked="" type="checkbox"/> Malahat First Nation | |
| <input checked="" type="checkbox"/> Malahat Volunteer Fire Department | |

DB

000034

CVRD

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

BYLAW AMENDMENT REFERRAL FORM

Date: November 4, 2009

CVRD File No. 4-A-07RS (Logan)

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and Official Community Plan (OCP) Bylaw No. 1890, to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs)

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Comments:

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

If the applicant wishes to allow clients to use the existing septic system as a sani-dump, an Authorized Person, as described in the Sewerage System Regulation, should be contacted to determine if the system is acceptable for such a use and perform any necessary upgrades.

The existing water system should not be used to deliver drinking water to the recreation vehicles, unless this office has approved it as a Community Water System under the Drinking Water Protection Act and Regs.

Signature  Cole Diplack Title EHO Contact No. 250 737-2011

This referral has been sent to the following external agencies and internal CVRD departments:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure | <input checked="" type="checkbox"/> CVRD Parks and Trails Division, Parks, Recreation and Culture Department |
| <input checked="" type="checkbox"/> Ministry of Environment | <input checked="" type="checkbox"/> CVRD Public Safety Department |
| <input checked="" type="checkbox"/> Vancouver Island Health Authority | |
| <input checked="" type="checkbox"/> Cowichan Tribes | |
| <input checked="" type="checkbox"/> Malahat First Nation | |
| <input checked="" type="checkbox"/> Malahat Volunteer Fire Department | |

V.I. HEALTH AUTHORITY
 E.H.O. DEPARTMENT

NOV 10 2009

DUNCAN, BC

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MEMORANDUM

DATE: November 5, 2009 **FILE NO:** 4-A-07RS

TO: Dana Beatson, Short Range Planner

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Rezoning Application No. 4-A-07RS – Public Safety Application Review

In review of the Rezoning Application No. 4-A-07RS, the following comments affect the delivery of emergency services within the proposed area.

- ✓ Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route in the event of congestion on Mill Bay Road.
- ✓ Proposal is within Shawnigan Lake RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 137 Mill Bay) response area.
- ✓ Proposal is within the Mill Bay Fire Improvement District response area.

Public Safety does not object to consideration of the proposed zoning subject to:

- The Mill Bay Water Improvement District confirming that the water system in the area is compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows

Together Building Community Emergency Resilience

Sybille Sanderson

14.3 DEVELOPMENT PERMIT AREAS - GENERAL POLICIES

POLICY 14.3.1

Where development permit areas overlap, lands affected are required to fulfill the requirements of each development permit area, under one application.

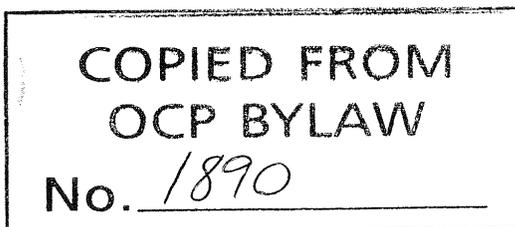
14.4. TRANS CANADA HIGHWAY DEVELOPMENT PERMIT AREA

14.4.1 CATEGORY AND AREA

All lands zoned commercial, industrial or multi-family residential within 200 metres of the Trans Canada Highway Right of way are designated as the Trans Canada Highway Development Permit Area under Section 879(1)(a)(e), for the purpose of protecting the environment and establishing objectives and providing guidelines for the form and character of commercial, industrial, and multi-family development in the Development Permit Area.

14.4.2 JUSTIFICATION

- a) An objective of the Regional District is to ensure that development in the vicinity of the Trans Canada Highway is designed in such a way that the visual aesthetics of the highway corridor are not adversely affected.
- b) An objective of the Regional District is to ensure that development is attractive and that rigorous requirements are provided for the storage of materials, landscaping, lighting, signage, traffic mitigation, safety and environmental protection.
- c) An objective of the Regional District is to ensure that development does not impact negatively on the attractive character of any portion of the community or the natural environment, in particular the groundwater resource.
- d) An objective of the Regional District is to ensure that the construction of buildings and structures and the clearing of land does not create sedimentation problems which can adversely affect aquatic habitat. A number of watercourses are partially located within the Trans Canada Highway Development Permit Area. Shawnigan Creek and some others are important fish bearing streams and should be protected from indiscriminate development.



14.4.3 GUIDELINES

Prior to commencing any development , including construction or subdivision, on lands within the Trans Canada Highway Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines.

a) Vehicular Access

1. Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on secondary roads or frontage roads and approved by the Ministry of Transportation and Highways.
2. Unnecessary duplication of access points is discouraged. Where two or more commercial, industrial or multi family facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements, approved by the Ministry of Transportation and Highways.

b) Vehicle Parking

1. Parking surfaces, including curbs and gutters, shall be constructed of asphalt or concrete and shall be located a minimum of six metres from any parcel line fronting on the Trans Canada Highway or any major network road.
2. Parking areas shall be designed to physically separate pedestrian and vehicular traffic.
3. Parking areas shall have interior landscaping to break up large parking areas.
4. Parking areas shall be well lit and designed to provide for the safety of users.

c) Pedestrian Access

Within a development site, pedestrian routes shall be clearly defined by means of separate walkways, sidewalks or paths in order to encourage and accommodate safe pedestrian access on and off the site. Where public sidewalks, pedestrian routes, and crosswalks exist, the on-site walkways should tie in with these.

d) Landscaping

1. Landscaping shall be provided as a buffer of at least 6 metres between a development and a public road. Combinations of low shrubbery, berms, ornamental trees and flowering perennials are recommended.
2. Safety from crime should be considered in landscaping plans.

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OCP BYLAW

No. 1890

3. The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between a development and the Trans Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres but should be at least 0.75 metres in height.
4. Landscaping may include lawn areas, however such areas should not exceed 50 percent of the total landscaping of the site.

e) Signage

1. Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.
2. Where multiple free standing signs are required on a site, the signs shall be consolidated into a single, comprehensive sign.
3. Free standing signage should be low and should not exceed 5 metres in height, except where a site is lower than the adjacent road surface. In these cases variations may be appropriate and should be considered on their own merit.
4. Facia or canopy signs may be considered provided that they are front-lit and designed in harmony with the architecture of the building or structure proposed. Back-lit signs are not permitted.
5. Projecting signs shall be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of the commercial or industrial building.
6. Where signs are illuminated, favorable consideration shall be given to external lighting sources or low intensity internal sources. High intensity panel signs shall be avoided.
7. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies.

f) Lighting

Parking areas and pedestrian routes on a site should be well lit, however lighting should be designed to illuminate the surface of the site without undue glare spill-over to adjacent parcels or to adjacent roads.

g) Overhead Wiring

Underground wiring shall be encouraged rather than onsite overhead wiring.

h) Building Design

Buildings and structures shall be designed in harmony with the aesthetics of the surrounding lands, on-site signage and landscaping plans. All plans and building designs should promote personal and public safety and should be referred to the Advisory Planning Commission for comment before being approved by the Regional Board.

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No. 1890

i) Environmentally Sensitive Areas

1. Any foreshore development of a creek must be undertaken in full consultation and with written approval of the Ministry of Environment and the Federal Department of Fisheries and Oceans to ensure minimal impact and adequate habitat compensation, taking into consideration appropriate materials, methods of construction and timing of construction.
2. Any alteration, construction or development must not impact the water quality and quantity and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat (i.e.: earth piles must be covered and machinery must be maintained to prevent oil spills).
3. The shorelines and creek banks along the Saanich Inlet and fresh water streams shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
4. The filling of the foreshore below the break of land/top of bank or the maximum high water mark of a stream shall be prohibited. No deposit or removal of soil, rock, gravel or other such similar material shall occur unless written approval has been issued by the Federal Department of Fisheries and Oceans and/or the Ministry of Environment.
5. Adequate buffering and protection will be required for any sensitive native plant communities.

14.4.4 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Trans Canada Highway Development Permit Area, the Regional District, in determining what conditions or requirements it will impose in the development permit, shall require the applicant to submit, at the applicants expense, a development permit application which shall include:

1. A brief text description of the proposed development;
2. Maps which include:
 - a) the location of the project,
 - b) a scale drawn site plan showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, pedestrian walkways and bike paths, and outdoor illumination design;
 - c) a scale drawn landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
 - d) a Signage plan showing all existing and proposed signs or sign areas,
 - e) a preliminary building design including proposed roof and exterior finish details,
 - f) the location of all natural watercourses and water bodies,
 - g) the location of greenways or open space,

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OCP BYLAW

No. 1890

- h) setback distances from a watercourse for construction or the alteration of land,
 - i) location of break of land at the top of bank, or the significant or regular break in slope which is a minimum of 15 metres wide away from the watercourse, pursuant to the document Land Development Guidelines for the protection of Aquatic Habitat (Ministry of Environment, Land and Parks and the Federal Department of Fisheries and Oceans, 1992),
 - j) topographical contours,
 - k) the location of all soil test sites and soil depths,
 - l) the location of hazardous slopes exceeding 25 percent grade,
 - m) existing and proposed roads, drainage/stormwater systems (including oil-water separators), electrical systems, septic tanks and other sewage systems, irrigation systems, and water supply systems,
 - n) proposed erosion control works or alteration proposed, and
 - o) areas of sensitive native plant communities.
3. In addition to the requirements in subsections 1 and 2, the Regional District may require the applicant to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
- a) a hydrogeological report/ environmental impact assessment assessing any impact of the project on water surfaces in the area,
 - b) a report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition,
 - c) a report regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended, and
 - d) a report on the potential impact of the development on the groundwater resource.

14.4.5 EXEMPTIONS

The terms of the Trans Canada Highway Development Permit Area shall not apply to:

- a) construction or renovation of single family dwellings and accessory uses,
- b) interior renovations of existing buildings, or
- c) changes to the text or message on an existing sign that was permitted under an existing development permit.

14.4.6 VARIANCES

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favorable consideration to variances of the terms of its zoning, sign and parking bylaws, where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the

development permit.

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OCP BYLAW

No. 1890

14.7.6 VARIANCES

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favourable consideration to variances of the terms of its zoning, sign and parking bylaws, where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

14.8 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Riparian Areas Regulation Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

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

14.8.1 CATEGORY

This development permit area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity.

14.8.2 DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

14.8.3 JUSTIFICATION

The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a

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Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

14.8.4 RIPARIAN ASSESSMENT AREA

The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Figure 11. Notwithstanding the areas indicated on Figure 11, the actual Riparian Areas Regulation Development Permit Area will in every case be measured on the ground, and it will be:

- a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

14.8.5 GUIDELINES

Prior to undertaking any of the development activities listed in Section 13.7.5 above, an owner of property within the Riparian Areas Regulation Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- b) Where the QEP report describes an area designated as Streamside Protection and

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Mill Bay/Malahat OCP..... 000043

Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:

- a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- f) The CVRD Board strongly encourages the QEP report to have regard for “develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia, published by the Ministry of Environment.

14.8.6 EXEMPTIONS

In the following circumstances, a development permit will not be required:

- a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation.

14.8.7 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
- b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
- c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
- d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;

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No. 1890

- e) fails to comply with an order, direction or notice given under this Development Permit Area; or
- f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator; commits an offence under this Bylaw.

Each day's continuance of an offence constitutes a new and distinct offence.

14.8.8 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Riparian Areas Regulation Development Permit Area (RARDPA), a single development permit may be issued. Where other DPA guidelines would conflict with those of the RARDPA, the latter shall prevail.

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Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Gardner Road
 South: South Oyster School Road
 East: Residential
 West: Residential

Services:

Road Access: Gardner Road
Water: Saltair Water System
Sewage Disposal: Onsite Septic

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None Identified

Planning Division Comments:

The subject property is a 1075 m² residential lot located at Gardner Road in Saltair. Currently on the site is a single family residence with an attached carport. The carport appears to have been constructed in 1976, and is located 0.94 metres from the side interior property line. The applicants are renovating the residence, and are applying to enclose the carport and incorporate it into the residence. The carport will not be extended, however its current location does not conform to the required setback to an interior parcel line.

Zoning Bylaw No. 2524 states that residential use buildings must be constructed a minimum of 3 metres, or 10% of the parcel width, from the side interior property line. As the width of the property is 18.6 metres, the required setback is 1.8 metres (6 ft). A development variance permit is required to decrease the setback from 1.8 metres to 0.94 metres.

Surrounding Property Owner Notification and Response:

A total of thirty (30) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. During the two week period provided for a written reply, no letters were received.

000047

Options:

1. That the application by Reg and Anne Mann for a variance to Section 5.4(4) of Zoning Bylaw No. 2524, by decreasing the setback to a side interior parcel line from 1.8 metres down to 0.94 metres on Lot 20, District Lot 34, Oyster District, Plan 6095, be **approved**, subject to the applicant providing a survey confirming compliance with the approved distance.
2. That the application by Reg and Anne Mann for a variance to Section 5.4(4) of Zoning Bylaw No. 2524, by decreasing the setback to a side interior parcel line from 1.8 metres down to 0.94 metres on Lot 20, District Lot 34, Oyster District, Plan 6095, be **denied**.

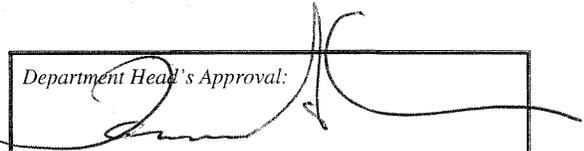
Option 1 is recommended.

Submitted by,



Alison Garnett,
Planning Technician
Planning and Development Department

AG/ca

Department Head's Approval:	
Signature	



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 1-G-09DVP

DATE: November 24, 2009

TO: Reg and Anne Mann- DRAFT

ADDRESS: 3696 Gardner Road

Ladysmith BC V9G 2A2

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):
3. Zoning Bylaw No. 2542, applicable to Section 5.4(4), is varied as follows: the setback for a residence is decreased from 1.8 metres to 0.94 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.

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

Tom Anderson, MCIP
Manager, Planning and Development Department

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.

NOTE:

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

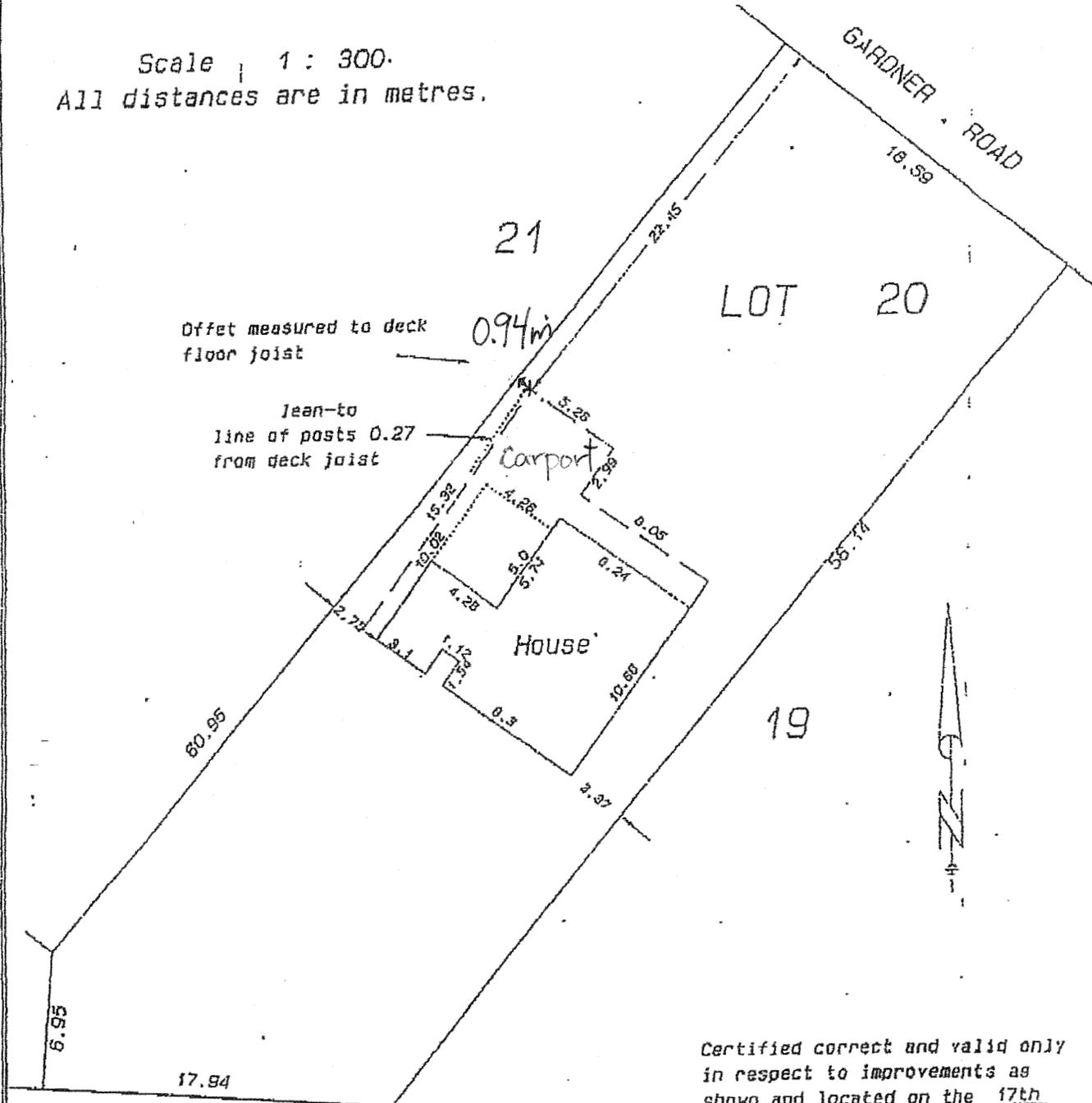
Witness

Owner/Agent

Occupation

SITE CERTIFICATE ON: LOT 20, DISTRICT LOT 34, OYSTER DISTRICT, PLAN 6095.

Scale 1 : 300.
All distances are in metres.



Offset measured to deck floor joist 0.94m

lean-to line of posts 0.27 from deck joist

Certified correct and valid only in respect to improvements as shown and located on the 17th day of November 1989.

W.A. Hutchinson
B.C. Land Surveyor
Not valid unless originally sealed.

W.A. Hutchinson
B.C. Land Surveyor
194 Cliff Street,
V9R 5E7
753-2921

SOUTH OYSTER
SCHOOL ROAD

5.4 R-3 GENERAL RESIDENTIAL 3 ZONE

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

1. Permitted Uses

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

- (a) Single family dwelling;

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

- (b) Bed and breakfast accommodation;
- (c) Buildings and structures accessory to a principal permitted use;
- (d) Residential day care centre;
- (e) Home-based business;
- (f) Horticulture;
- (g) Secondary suite on parcels 0.4 ha or larger.

2. Minimum Parcel Size

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

- (a) 1 hectare if not connected to a community water system.
- (b) 0.4 hectare if connected to a community water system;
- (c) 0.2 hectare if connected to a community water system and a community sewer system.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-3. For parcels zoned R-3 that are 0.4 hectare in area or larger, one secondary suite is also permitted.

4. Setbacks

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

Type of Parcel Line	Residential Use	Accessory Residential Use
Front parcel line	7.5 metres	7.5 metres
Interior side parcel line	3.0 metres or 10% of the parcel width, whichever is less	3.0 metres or 10% of the parcel width, whichever is less, or 1 metre if the building is located in a rear yard
Exterior side parcel line	4.5 metres	4.5 metres
Rear parcel line	4.5 metres	4.5 metres

5. Height

The height of all buildings and structures in the R-3 Zone shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the R-3 Zone shall not exceed 35 percent for all buildings and structures.

7. Parking

Off-street parking in the R-3 Zone shall be provided in accordance with Section 3.13 of this Bylaw.



D3

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF DECEMBER 1, 2009**

DATE: November 24, 2009 **FILE NO:** 3-A-09RS
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 2000 & 1890
SUBJECT: Proposed Zoning and OCP Bylaw Amendment
(Koutougos)

Recommendation:

That Rezoning Application No. 3-A-09 RS (Koutougos) be approved, subject to the applicants demonstrating that both lots have adequate sewage disposal capabilities prior to a public hearing, and that Directors Harrison, Cossey, and Giles named as delegates to the public hearing and that the application referrals to the Ministry of Transportation, Malahat First Nation, Mill Bay Waterworks, Mill Bay VFD, School District No. 79, CVRD Engineering and Environment, CVRD Parks, Recreation and Culture, and CVRD Public Safety be accepted.

The Proposal:

The applicant is applying to amend the Electoral Area A Zoning Bylaw No. 2000, to create a new residential duplex zone, and to apply the proposed new zone to the subject properties.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background Information:

Location: 2691 and 2673 Mill Bay Road

Legal Description:

- Lot 1, Section 1, Range 9, Shawnigan District, Plan 29781 (PID: 001-349-325) – **2673 Mill Bay Road**
- Lot 1, Sections 1 and 2, Range 9, Shawnigan District, Plan 30142 (PID: 001-293-605) – **2691 Mill Bay Road**

Date Application and Complete Documentation Received: April 8, 2009

Owner(s): Violetta Investments Ltd. & Poulaki Enterprises Ltd.

Applicant: Gerry Koutougas

Size of Parcel: 1837 m² (0.4 acres) and 1641 m² (0.39 acres)

000053

Contaminated Site Profile Received: Declaration signed

Existing Use of Property: 2691 Mill Bay Road is currently vacant
2673 Mill Bay Road is used as a residence

Existing Use of Surrounding Properties:

North: Institutional
South: Urban Residential
East: Urban Residential
West: Commercial (Mill Bay Centre)

Services:

Road Access: Mill Bay Road and Handy Road
Water: Mill Bay Waterworks is proposed
Sewage Disposal: On site system is proposed

Agricultural Land Reserve Status: N/A

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify Provincially designated sensitive ecosystem polygons within the subject property. The Atlas does identify a non-TRIM stream with possible fish presence running adjacent to the subject property, however an assessment by a biologist clarified it is not subject to the Riparian Areas Regulation.

Archaeological Sites: None identified

Existing Plan Designation: Urban Residential

Proposed Plan Designation: No Change

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

Proposed Zoning: New residential duplex zone

Minimum Lot Size Under Existing Zoning: 0.2 ha for parcels serviced by community water system only

Minimum Lot Size Under Proposed Zoning: No change

Background

In 2005, the CVRD Board considered an application to amend the Mill Bay Zoning Bylaw to permit a duplex for the single corner lot located at 2691 Mill Bay Road. There was general approval for the increase in density, however concerns were raised with the aesthetics of the development, as well as interest expressed in establishing a pedestrian walkway along Mill Bay Road and through the core area. The application received first and second readings by the Regional Board, but was withdrawn by the applicant in February 2006.

Proposal

The present application involves two adjacent lots, rather than the single corner lot. However the request is the same; to amend the zoning bylaw to permit establishment of a residential duplex.

The subject properties are located at the intersection of Mill Bay Road and Handy Road, and slope in the direction of Saanich Inlet. The corner lot is currently vacant, and the interior lot contains a single family home. The subject properties' R-3A zoning allows only one single family dwelling, and no provision for a secondary or small suite due to lot sizes below 0.4 hectares. Adjacent land uses include Brentwood College's sports fields, commercial use at Mill Bay Centre and Mill Bay Marina, and otherwise single family residential.

The attached conceptual site plans show side by side duplex units on each lot, with driveway access to Handy Road and pedestrian access only to Mill Bay Road. A zone permitting duplexes does not exist within Zoning Bylaw No. 2000, therefore a new zone and definition of "duplex" is required should this application proceed. Staff have drafted a proposed R-4 Urban Residential Duplex zone, which is attached to this report for the Board's consideration. Please note that there is no proposed change to the height limit, nor the setbacks or parcel coverage, from the existing R3-A zone.

Policy Context

The subject property is located within the Urban Containment Boundary, and is designated for Urban Residential use. Urban Residential Policy 7.6.1 prescribes a maximum density of one dwelling per parcel, with a minimum parcel size of 2000 m² if the lot is connected to a community water system. As the subject properties are 1641 m² and 1837 m² in size, this application should only be approved if all proposed units are able to connect to Mill Bay Waterworks. Preliminary conversation with the community water supplier indicates that connection is possible.

There are no policies within the OCP that specifically address duplexes, although we can look to the General Residential and Urban Containment Boundary (UCB) policies within the OCP in evaluating the application. Policy 7.3.1, which states that infilling shall be encouraged in existing residential areas, would appear to support this application.

General Residential policy 7.3.2 states that rezoning proposals for residential development will be considered based upon the following criteria:

- (a) Protection of hazard lands and environmentally sensitive areas;
- (b) Impact on surface water and groundwater;
- (c) Sewage disposal impacts and pollution potential;
- (d) Relationship to the natural resource management policies of this Plan;
- (e) Integration with natural surroundings and adjacent land uses;
- (f) Provision of greenspace and parkland;
- (g) Provisions for public safety; and
- (h) Other criteria which encourage the creation of a sustainable community.

With respect to criteria (a) and (b), the applicants have provided a letter of professional opinion regarding the ditch running adjacent to the subject properties and Mill Bay Road. This watercourse is not considered a "stream" as defined by the Riparian Areas Regulation, as it does not provide fish habitat nor does it contribute to downstream fish habitat. The appropriate siting of development in proximity to the ditch should satisfactorily address concerns about the impact on surface water and environmentally sensitive areas.

Impacts on groundwater can be mitigated through the parcel coverage limitation of the zoning, and the implementation of appropriate stormwater management techniques. The development proposes 20% parcel coverage, which complies with the current R3-A zoning and therefore presents no increase in lot coverage than that permitted by the status quo. Additionally, the Mill Bay Development Permit Area Guidelines will require a review of stormwater management practices, and can require the use of pervious surfacing and other techniques to maximize onsite infiltration.

The subject properties' small lot sizes present a challenge for sewage disposal. We note that onsite sewage areas are absent from the attached site plan drawings, and the applicants have not hired an Authorized Person under the Sewerage Systems Regulations to investigate the onsite sewage disposal potential. Ideally, this development should be connected to a community operated sewer system, and Policy 7.6.4 would require a community sewer system if the proposed development were multifamily residential. However, the policies relating to intensive residential development (which more accurately fits this proposal) encourage, but do not require, community water and sewer servicing. Prior to receiving a development permit, the applicants would have to demonstrate compliance with the Vancouver Island Health Authority's requirements for sewage disposal.

With respect to criteria (d) and (e) of Policy 7.3.2 noted above, the subject properties represent a good location for higher density, as the use is compatible with the adjacent residential land uses. Infilling higher residential densities within a core residential area would be an efficient use of land, will support a less vehicle dependent lifestyle, and will not jeopardize the areas agricultural and forestry lands.

Regarding criterion (f), the applicant has not proposed any greenspace or parkland, although such dedication may not be practical due to the small scale of the proposal. As stated above, the previous review of this application in 2006 raised the issue of a pedestrian linkage along Mill Bay Road. The Parks Commission reviewed this application at their meeting on November 19th, 2009 and their comments will be incorporated into this application as soon as possible. If significant changes are received, staff may send this application back to the Electoral Areas Services Committee for further consideration.

With respect to criterion (g), site design to encourage public safety will be incorporated into the review at the development permit stage. This proposal has been reviewed by the Ministry of Transportation and Infrastructure (MOTI), for consideration of traffic safety and vehicle access from the site. The MOTI's comments are noted and discussed below.

000056

The CVRD is aware of a considerable amount of a dangerous invasive plant species called Giant Hogweed on the subject property. Any development or disturbance of this site increases the risks off-site transport of the plant root system and seeds in the soil, thereby increasing the threat of dispersion within the Cowichan Valley. If this application proceeds, the appropriate disposal of the plants, root systems and soil of the affected area of the property under the direction of a qualified invasive species plant biologist should be included as a condition of rezoning and/or development permit.

Duplex development on these lots would be subject to the Mill Bay Development Permit Area, which establishes guidelines for the form and character of intensive residential, multi-family, commercial and industrial development. Staff have prepared draft amendments to the Mill Bay DPA guidelines, pertaining specifically to duplex development. The goal is to ensure that duplex development is compatible with surrounding residential properties, that parking and vehicle traffic concerns are addressed, and the developments preserve the view corridors to the Saanich Inlet.

Advisory Planning Commission:

The Advisory Planning Commission reviewed this application at their September 14th, 2009 meeting, where the following motion was passed:

That the application No 3-A-09 RS be approved with the following limitation

1. *Access to both lots would be from Handy Road with no access directly on to Mill Bay Road*
2. *No secondary suites*
3. *Perk tests and sewage evaluation must be completed. As there is some question whether the lots can accommodate the required space for septic tanks and field.*

Government Agency Comments:

This application was referred to government agencies on September 3, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation –
 1. *Handy Road intersection with Mill Bay Road, coming out onto Mill Bay Road has insufficient sight distance. The required sight distance is 140 metres. Applicant to prove he can provide.*
 2. *Traffic Impact study required*
- Malahat Band – *No comments received*
- School District No. 79- *Interests unaffected*
- Mill Bay Waterworks- *No comments received*
- CVRD Engineering and Environment- *CVRD Water Management has no objection to this proposal. Currently this property is not in a CVRD sewer service area, therefore on-site sewage disposal is required. The Mill Bay Marina has applied for inclusion into the Sentinel Ridge Sewer Service Area, but has not paid any fees for inclusion, has not upgraded the sewer for its usage or installed any infrastructure for this purpose.*
- Mill Bay Volunteer Fire Department – *no comments received*

- Central Vancouver Island Health Authority – *Approval recommended subject to: The proposed development should be connected to a community water system (Mill Bay Waterworks). It is recommended that the applicant contact an Authorized Person, as described in the Sewerage System Regulations, to provide information on the suitability of sewage disposal on the subject properties, and comment on the layout of proposed buildings with respect to lot size and potential location of sewerage systems. According to the Sewerage System Standard Practice Manual, there is a setback requirement of 5-10 feet from the property line to the disposal area, and 6-10 feet from the building to the disposal area (setbacks depend on type of sewerage system). From the supplied design drawings, it is uncertain if there will be enough room to install a sewerage system on either property. Furthermore, the current sewerage system located at 2673 Mill Bay Road may have to be excavated and removed to prevent a cross connection to surrounding properties.*

Planning Division Comments:

This application is essentially about land use, and the proposal to double the density on these two lots. At the development permit and building permit stage, servicing the sites may present a challenge for this proposed development, and the applicants have been advised of the comments expressed from the Vancouver Island Health Authority. The new R-4 zone has been drafted to allow duplex *or* single family dwelling, so in the event that duplex development is not possible due to insufficient site area or soil quality to accommodate two units, single family dwelling would still be a possibility.

Additionally, the applicants have been in discussion with the Ministry of Transportation and Infrastructure. They are seeking preliminary support from the Electoral Areas Services Committee before undertaking the expensive costs associated with investigating these requirements. Despite these concerns, the subject property's location in the UCB is a logical place for an increase in density, and represents an option for alternative housing types within the community.

The Area A APC's comments have been incorporated, and the proposed R-4 zone will not permit secondary suites accessory to duplex development. Additionally, the proposed amendment to the Mill Bay Development Permit Area relating specifically to duplexes can ensure that no duplexes have direct access from Mill Bay Road. This guideline will address traffic safety issues, and also mitigate concern relating to the proliferation of duplex development along Mill Bay Road.

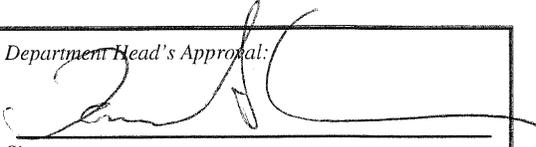
Options

1. That Rezoning Application No. 3-A-09 RS (Koutougos) be approved, subject to the applicants demonstrating that both lots have adequate sewage disposal capabilities prior to a public hearing, and that Directors Harrison, Cossey, and Giles named as delegates to the public hearing and that the application referrals to the Ministry of Transportation, Malahat First Nation, Mill Bay Waterworks, Mill Bay VFD, School District No. 79, CVRD Engineering and Environment, CVRD Parks, Recreation and Culture, and CVRD Public Safety be accepted.

2. That a public meeting be held to obtain community input on the proposed bylaw amendments.
3. That application No. 3-A-09RS (Koutougos) be denied, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

Submitted by,



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

Alison Garnett,
Planning Technician, Development Services Division
Planning and Development Department

AG/ca



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.

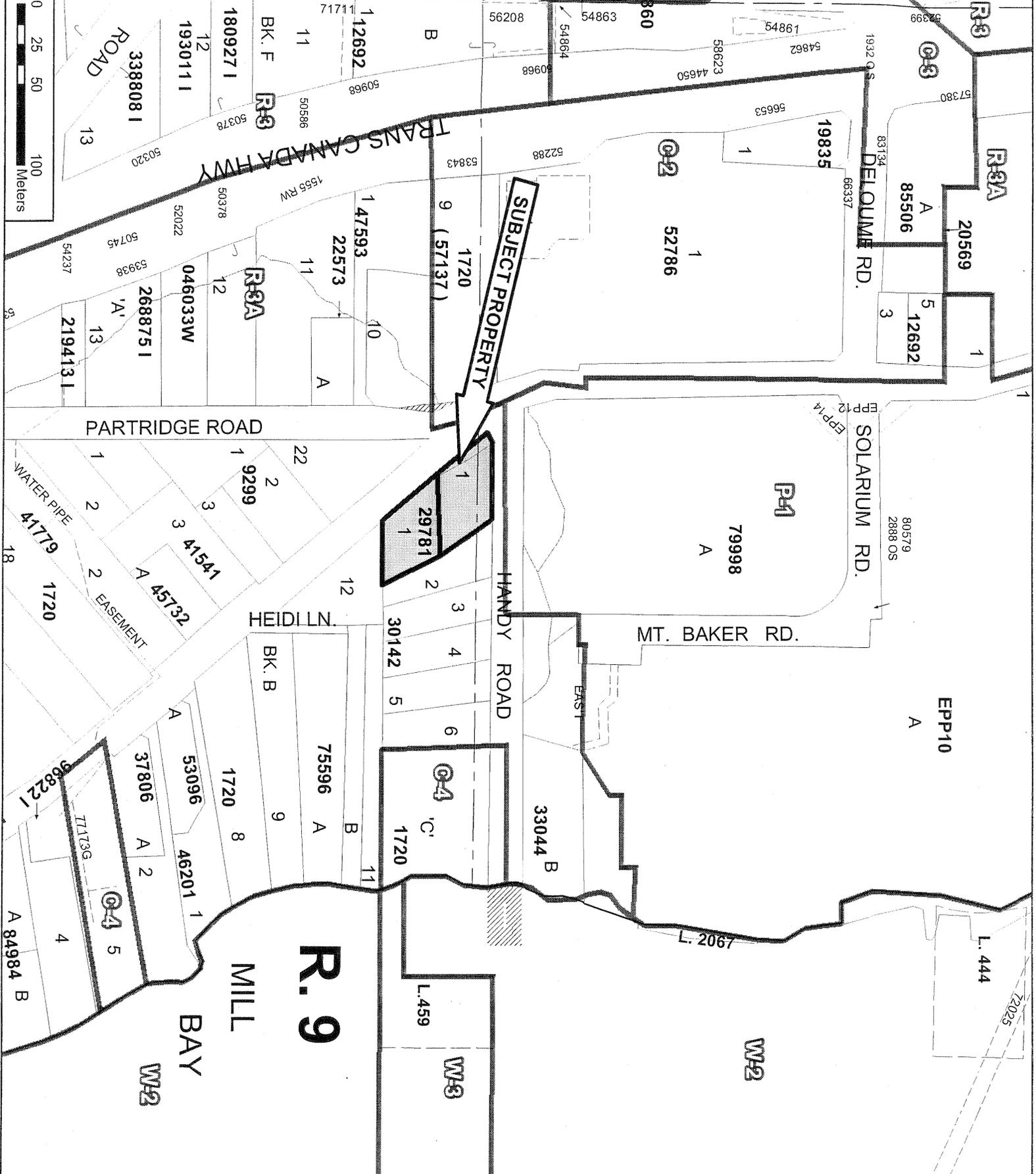
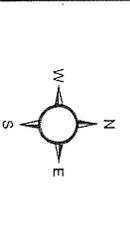
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-A-09-RS

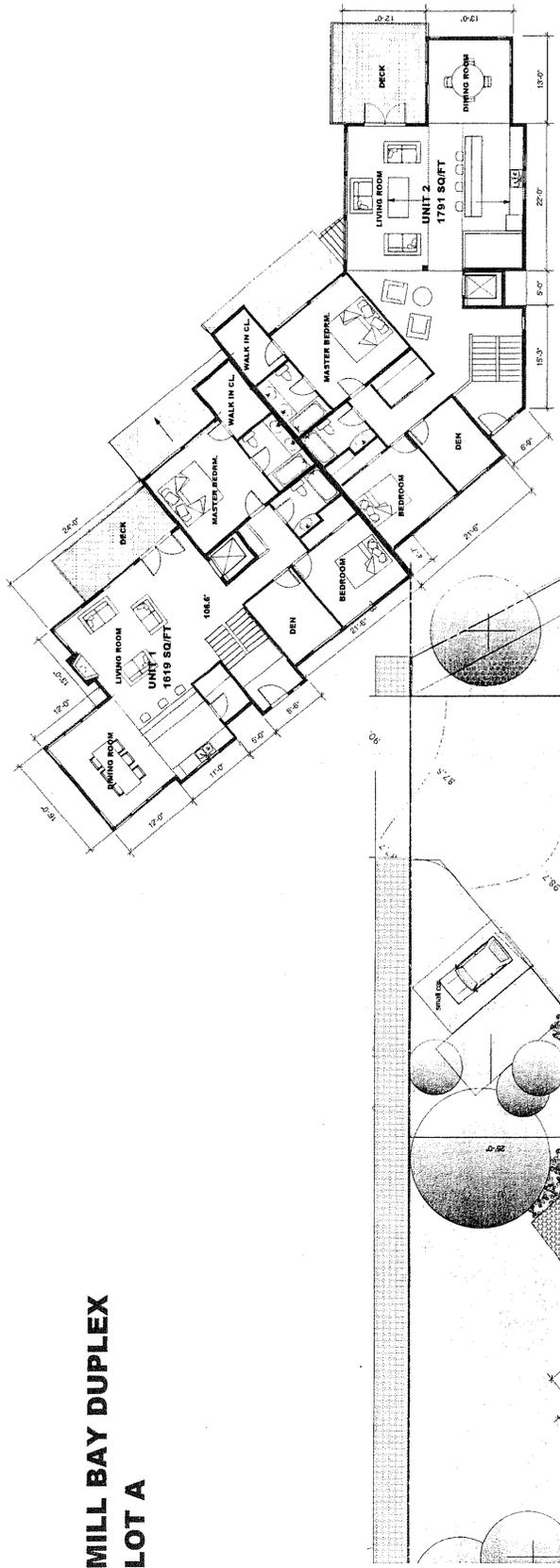
ZONING

Legend

- Zoning Electoral Area A
- Subject Property



**MILL BAY DUPLEX
LOT A**



1
GROUND FLOOR PLAN
Scale: 1/8" = 1'-0"

2
UPPER FLOOR PLAN
Scale: 1/8" = 1'-0"

3
GROUND FLOOR PLAN
Scale: 1/8" = 1'-0"

<p>A.J. Finlayson Architect Ltd.</p> <p>200 8855 Sandhill Place Surrey, B.C. V3V 4K3 Phone: 250-656-2224 Fax: 250-656-2279</p> <p>E-mail: aj@finlayson.ca E-mail: jfinlay@finlayson.ca</p>	<p>Revisions:</p>	<p>Ground & Upper Floor</p>	<p>MILL BAY PROJECT</p>	<p>1679 S. 204th Mill Bay Rd. Mill Bay, B.C.</p>	<p>Date: _____ Drawn By: _____ As shown: _____ Checked By: _____</p>	<p>A2</p>	<p>Sheet No: L08660</p>
	<p>Project Name:</p>	<p>Project No:</p>	<p>Project Name:</p>	<p>Project No:</p>	<p>Project Name:</p>	<p>Project No:</p>	<p>Project Name:</p>

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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No XXXX.

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1890, Applicable To Electoral Area – A Mill Bay/Malahat

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 A – Mill Bay/Malahat, that being Official Community Plan Bylaw No. 1890;

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. 1890 ;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. XXXX - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010.**".

2. **AMENDMENTS**

Schedule A to Official Community Plan Bylaw No. 1890, is hereby amended as follows:

- a) Policy 7.6.2 is deleted and replaced with the following:

Policy 7.6.2

Notwithstanding Section 7.6.1, the Regional Board may, through the zoning bylaw, initiate duplex urban residential zones within the Urban Residential designation to encourage infilling in the Urban Containment Boundary (see Figure 3), and to use the land base more efficiently.

- b) The following is inserted in to the Mill Bay Development Permit Area Guidelines, Section 14.5.5 as (m), and the subsequent guidelines are reordered as (n) accordingly:

(m) Duplex Development

1. Duplex units shall be designed to maintain and preserve important view corridors, such as the Saanich Inlet and Mill Bay, from the perspective of roadways, community places and nearby residences.
2. It is recommended that the units shall occupy no more than 40% of the frontage along Mill Bay Road or other major roads.
3. Duplexes that appear as mirror images are discouraged. Variation in building design features such as height, roof lines, building materials and building massing is encouraged.
4. Duplex units shall be designed to maintain the character of a single family home.
5. The units shall be connected by a common shared wall, and not by a trellis, deck, breezeway or like structure.
6. Vehicle access from Mill Bay Road shall be strongly discouraged, and Ministry of Transportation and Infrastructure approval for access will be required.
7. Parking areas shall be discrete, and should be located in the rear or side yards. Turnaround areas should be available on site.

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 _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary

Cowichan Valley Regional District

Bylaw No.

**A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000
Applicable To Electoral Area A – Mill Bay/Malahat**

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 A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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. 2000;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Koutougos), 2010**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

- A. That Part 8 be amended by adding the following after Section 8.4A, and that existing Sections 8.5 to 8.9 be renumbered accordingly.

8.5 R-4 ZONE – URBAN RESIDENTIAL DUPLEX

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations apply in the R-4 Zone:

(a) Permitted Uses

The following uses and no others are permitted in an R-4 Zone:

- (1) Single family dwelling;
- (2) Duplex;
- (3) Bed and breakfast accommodation;
- (4) Daycare, nursery school accessory to a residential use;
- (5) Home occupation;
- (6) Secondary suite accessory to a single family dwelling

(b) Conditions of Use

For any parcel in an R-4 Zone:

- (1) Not more than one duplex or one single family dwelling is permitted on a parcel.
- (2) The parcel coverage shall not exceed 25 percent for all buildings and structures;
- (3) The height of all buildings and structures shall not exceed 7.5 m, except accessory buildings, which shall not exceed a height of 6 m;
- (4) The following minimum setbacks apply:

COLUMN I Type of Parcel Line	COLUMN II Residential Buildings & Structures	COLUMN III Buildings and Structures Accessory to Residential Use
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum parcel size in the R-4 Zone is:

- (1) 0.1675 ha for parcels served by community water and community sewer systems;
- (2) 0.2 ha for parcels served by a community water system only;
- (3) 1.0 ha for parcels served by neither a community water system nor community sewer system.

B. That Part 6 Creation and Definition of Zones, Section 6.1 be amended by adding the following to the Zones Table:

“R-4 Urban Residential Duplex”

C. That Part 3 Definitions be amended by adding the following

“duplex” means two residential dwellings placed side by side or one above the other in a principal building on a single lot.

D. That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning Those Parts (legal description) as shown outlined in

a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-X, from R-3A (Urban Residential Limited Height) to R-4 Zone (Urban Residential Duplex).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary

08-173(22) *That Development Permit application No. 5-E-07DP be approved and that the Planning Division be authorized to issue a Development Permit to Parhar Holdings Ltd. Inc. No. 0279305 with respect to Part of Lot 3, Section 13, Range 7, Quamichan District, Plan 4493, for a new development within the Trans Canada Highway DPA, and that the Cowichan Valley Regional District retain an irrevocable letter of credit equal to 10% of the project cost to insure all requirements of the Development Permit have been met.*

08-173(23) *That Development Permit application No. 6-E-07DP be approved and that the Planning Division be authorized to issue a Development Permit to Parhar Holdings Ltd. Inc. No. 0279305 with respect to Part of Lot 4, Section 13, Range 7, Quamichan District, Plan 7797, for a new development within the Trans Canada Highway DPA, and that the Cowichan Valley Regional District retain an irrevocable letter of credit equal to 10% of the project cost to insure all requirements of the Development Permit have been met.*

Despite the above-cited Board resolutions, the development permits have not been issued. This has not occurred because the applicant has not provided the 10% security specified by the Board. The applicant has indicated that the 10% project cost security is a considerable sum that would impose a financial burden on the project. The applicant has also objected to the condition because it is not a normal requirement for other development permits issued by the CVRD. This report is intended to allow an opportunity for the Committee to consider:

- a) If the security amounts specified in the March 12, 2008 resolutions are appropriate;
- b) If a deadline for completing conditions of issuance of the development permit should be specified.

Staff Comments:

Section 925(2) of the *Local Government Act* allows local government to take security for the performance of conditions respecting landscaping; the correction of unsafe conditions resulting from contraventions of a permit condition; and the prevention of damage to the natural environment resulting from such a contravention. The *Act* does not permit security to be taken for other purposes, such as ensuring buildings are constructed in accordance with approved plans.

Given the limitations for taking security in the *Local Government Act*, staff recommends amending the March 12, 2008 resolutions authorizing issuance of the permits to limit the amount of security to 125% of the estimated cost of all require landscape works. The applicant has submitted cost estimates for landscaping, which form the basis of the amounts mentioned in the recommended resolutions.

000072

The March 12, 2008 resolutions did not include a date by which condition for issuance of the permits must be met. The fact that there is no date upon which the authorizing resolution will expire is somewhat contradictory to the intent of the development permit legislation, which allows development permits to be issued for up to a two year period. Should the Committee support amending the authorizing resolutions, staff recommend that the applicant be given 60 days to meet any conditions for issuance of the permits.

Options:

1. (a) That Board resolutions 08-173(22) and 08-173(23) be rescinded.
 - (b) That Development Permit Application No. 5-E-07DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Parhar Holdings Ltd. for an 809 square metre warehouse building on Part of Lot 3, Section 13, Range 7, Quamichan District, Plan 4493, subject to submission of cash security or an irrevocable letter of credit for landscaping of \$8,840.00 by February 9, 2010.
 - (c) That Development Permit Application No. 6-E-07DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Parhar Holdings Ltd. for a 805.3 m2 warehouse at Part of Lot 4, Section 13, Range 7, Quamichan District, Plan 7797, subject to submission of cash security or an irrevocable letter of credit for landscaping of \$10,223.00 by February 9, 2010.
2. That Board resolutions 08-173(22) and 08-173(23) be rescinded and issuance of Development Permit 5-E-07DP and 6-E-07DP be authorized subject to conditions specified by the Committee.
 3. That Board resolutions 08-173(22) and 08-173(23) be maintained.

Submitted by,



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

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

RC/ca

000073



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 05-E-07 DP

DATE: _____

TO: Parhar Management Ltd.

ADDRESS: _____

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

2. This Development Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of constructing an 805.3m² warehouse:

Part Lot 3, Section 13, Range 7, Quamichan District, Plan 4493, PID 006-095-372.

3. Authorization is hereby given for the construction of an 805.3 m² warehouse and new parking lot in accordance with the Trans Canada Highway Development Permit guidelines subject to the following:

1. That the proposed project be constructed to onsite storm water standards of Plan 1645-01 by Bullock Baur Civil Engineering.
2. The building design, materials and colour be constructed in substantial compliance with the plans as submitted
3. That landscaping be completed in accordance with BCSLA standards and the approved landscape plan, including retention of the existing willow tree, irrigation of all landscaped areas and cedar fencing.
4. That the utility services be placed underground.
5. That 75% of required landscape security be released upon completion of all required landscape works with the remainder released upon successful completion of a one year maintenance period.

4. 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.

5. The following Schedule is attached:

- Schedule A – Drainage Plan 1645 by Bullock Baur Civil Engineering
- Schedule B – Elevation Drawings
- Schedule C – Landscape Plans

and it forms part of this Permit.

6. 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 Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF _____ 2009.

000074

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.

Signed

Witness

Owner/Agent

Occupation

Date

Date



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 06-E-07 DP

DATE: _____

TO: Parhar Property

ADDRESS: _____

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

2. This Development Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of constructing an 805.3m² warehouse:

Part Lot 4, Section 13, Range 7, Quamichan District, Plan 7797, PID 005-673-917.

3. Authorization is hereby given for the construction of an 805.3 m² warehouse and associated site and landscape works in accordance with the Trans Canada Highway Development Permit guidelines subject to the following:

1. That the proposed project be constructed to onsite storm water standards of Plan 1645-01 by Bullock Baur Civil Engineering.
2. The building design, materials and colour be constructed in substantial compliance with the plans as submitted
3. That landscaping be completed in accordance with BCSLA standards and the approved landscape plan, including of all plant materials and cedar fencing.
4. That the utility services be placed underground.
5. That 75% of required landscape security be released upon completion of all required landscape works with the remainder released upon successful completion of a one year maintenance period.

4. 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.

5. The following Schedule is attached:

- Schedule A – Drainage Plan 1645 by Bullock Baur Civil Engineering
- Schedule B – Elevation Drawings
- Schedule C – Landscape Plans

and it forms part of this Permit.

6. 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 to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF _____ 2009.

000076

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.

Signed

Witness

Owner/Agent

Occupation

Date

Date

000077



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 1, 2009

DATE: November 25, 2009

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: 2010 Budget Backgrounder
-Planning and Development Department-

Action:

That the Committee provide further direction if desired.

Purpose:

To provide Directors with background on the draft 2010 Planning and Development Department budgets that fall under the jurisdiction and funding of the Electoral Areas.

Background:

Further to the CVRD Requisition Review forms which are attached for each budget, the comments below provide a further explanation to the numbers.

Animal Control (310)

Expenditures

- General expenditures for this function will remain at similar levels as last year save for the cost of living increase that will be added to the contract price of SPCA, our animal control contractor. It should be noted that the \$500 contribution to the Friends of Furrries which is a citizen group from Thetis Island that take care of stray animals, has been left in the budget for 2010.

Revenues

- Dog License fees for 2010 have been increased and is reflected in the revenue accounts for this function. However, Surplus amounts carried over from this year to next are not expected to be as high as last year's carry-over so a requisition increase of \$4,000 is projected.

000078

Building Inspection (320)

Expenditures

- Most General Expenditures will remain at similar levels as in 2009. However, there will be a decrease in Salaries and Benefits due to a reallocation of some of these costs to another function due to changing workloads. In addition, expenditures for bylaw enforcement and building costs have been reallocated as well.

Revenues

- Building Permit fees were recently increased which is reflected in the expected revenue for building permits in 2010. However, that increase will not nearly compensate for the loss of Surplus that is expected to take place between this year and next. As such, some expenditures have been reallocated thus reducing the necessary revenues required for this function in 2010. While the attached Requisition Review Form shows that the Requisition will decrease by \$23,174 next year, it should be noted that the revenue totals for building permits will drop by approximately \$21,000 due to an accounting code issue that has arisen since the budget books have been prepared which you will see corrected before the next budget review.

Community Planning (325)

Expenditures

- While planning related expenditures within this function will remain at similar levels as last year, expenditures within this function will decrease significantly as a result of the Organizational Restructure that has taken place over the last year. Specifically, the GIS Division is now no longer funded 100% by the Community Planning function. Other users of the service will now contribute to the overall cost to run the function. As a major user, Community Planning will continue to fund the lions-share of the function, however, the costs incurred by this budget have been reduced. In addition, expenditures for Community Parks have also been removed from this budget which has also contributed to the decrease in expenditures to this function. Expenditures for Salaries and Benefits for the new Planner position were approved by the Regional Board are reflected in this budget. As well, monies earmarked for the Cowichan Bay OCP Review have been carried forward into the 2010 budget.

Revenues

- While there is a possibility of a large fee being submitted next year, the budget reflects similar revenues as last year.

Bylaw Enforcement (328)

Expenditures

- Expenditures within this function are expected to remain at similar levels as last year.

Thetis Island Wharf (490)

- No major expenditures are expected in 2010, however, the requisition will remain at the same level as the last several years in order to build up reserves in the likelihood that significant repairs will be required in future years.

Thetis Island Boat Launch (491)

- No major expenditures are expected in 2010, however, as with the Wharf, the requisition will remain at the same amount as in previous years in order to build up a reserve in the event that significant repairs are required in future years.

Submitted by,



Tom Anderson,
General Manager
Planning and Development Department

TA/ca

000080

CVRD 2010 Requisition Review

Building Inspection (320)

<u>Description</u>	<u>2008 Tax Requisition</u>	<u>2009 Tax Requisition</u>	<u>2009 % Increase (Decrease)</u>	<u>Proposed 2010 Tax Requisition</u>	<u>\$ Increase (Decrease)</u>	<u>% Increase (Decrease)</u>
A) Core Budget	\$162,218	\$169,718	4.6%	\$146,544	-\$23,174	-13.7%
Main Reasons for Decrease						
- Increase in Fees & Permits revenue					-\$22,840	-13.5%
- Decrease in Surplus carried forward from 2009					\$160,395	94.5%
- Decrease in wages & Benefits					-\$76,313	-45.0%
- Increase in services from other depts.					\$21,783	12.8%
- Increase in other expenditures					\$9,770	5.8%
- Decrease in net capital costs					-\$5,000	-2.9%
- Reallocation of bylaw enforcement costs					-\$49,905	-29.4%
- Reallocation of building costs					-\$61,064	-36.0%
					<u>-\$23,174</u>	<u>-13.7%</u>

Plus Supplemental Items

		<u>Anticipated Funding Method</u>				
		<u>Reserves</u>	<u>S.T. borrow</u>	<u>Operating</u>		
B) Recommended by Corporate Leadership Team	1) 20% of surplus to Operating Reserve			\$12,000	\$12,000	7.1%
				Subtotal	<u>\$12,000</u>	<u>7.1%</u>
Total tax requisition increase recommended by CLT					<u>-\$11,174</u>	<u>-6.6%</u>

		<u>Anticipated Funding Method</u>					
		<u>Reserves</u>	<u>S.T. borrow</u>	<u>Operating</u>			
C) Additional items to be discussed	N/A				Subtotal	<u>\$0</u>	<u>0.0%</u>
Total tax increase including all supplemental items					<u>-\$11,174</u>	<u>-6.6%</u>	

000082

CVRD 2010 Requisition Review

Community Planning (325)

<u>Description</u>	2008	2009	2009	Proposed	\$ Increase	% Increase
	<u>Tax Requisition</u>	<u>Tax Requisition</u>	<u>% Increase (Decrease)</u>	<u>2010 Tax Requisition</u>	<u>(Decrease)</u>	<u>(Decrease)</u>
A) Core Budget	\$1,459,213	\$1,865,703	27.9%	\$1,566,776	-\$298,927	-16.0%
Main reasons for the 2010 decrease						
- Increase in surplus carried forward					-\$40,295	-2.2%
- Increase in fees & permits					-\$11,500	-0.6%
- The removal of Community Parks expenditures					-\$358,916	-19.2%
- Decrease in charges from other depts.					-\$44,000	-2.4%
- Decrease in GIS expenditures					-\$126,610	-6.8%
- Increase in Bylaw Enforcement					\$31,151	1.7%
- Decrease in Building Costs					-\$19,060	-1.0%
- Increase in Wages and Benefits					\$194,821	10.4%
- Decrease in recoveries from other depts.					\$116,464	6.2%
- Increase in net capital costs					\$25,000	1.3%
- Decrease in South Cowichan OCP & Bamberton review					-\$57,000	-3.1%
					-\$289,945	-15.5%
Plus Supplemental Items						
				Anticipated Funding Method		
				<u>Reserves</u>	<u>S.T. borrow</u>	<u>Operating</u>
B) Recommended by Corporate Leadership Team	N/A					
					Subtotal	\$0 0.0%
					Total tax requisition increase recommended by CLT	-\$298,927 -16.0%
				Anticipated Funding Method		
				<u>Reserves</u>	<u>S.T. borrow</u>	<u>Operating</u>
C) Additional items to be discussed	N/A					
					Subtotal	\$0 0.0%
					Total tax increase including all supplemental items	-\$298,927 -16.0%

000083

CVRD 2010 Requisition Review

Electoral Area Services 250

22
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Description	2008	2009	2009	Proposed	2010	\$ Increase	% Increase
	Tax Requisition	Tax Requisition	(Decrease)	Tax Requisition	(Decrease)	(Decrease)	(Decrease)
A) Core Budget	\$201,152	\$142,609	-29.1%	\$149,134	\$6,525	4.6%	

Main Reasons for 2010 increase:

- Increase in recovery	(10,000)	-7.0%
- Decrease in surplus carried forward	4,568	3.2%
- Increases in Directors wages	5,512	3.9%
- Referenum expenditures	9,885	6.9%
- Increase in FCM conference	3,001	2.1%
- Decrease in expenditures	(6,441)	-4.5%
	\$6,525	4.6%

Plus Supplemental Items

B) Recommended by

Corporate Leadership Team 1) 20% of surplus to Operating Reserve

Anticipated Funding Method	Subtotal	
	Grants	Operating
	\$8,000	5.6%
Total tax requisition increase recommended by CLT	\$14,525	10.2%

C) Additional items to be discussed

N/A

Anticipated Funding Method	Subtotal	
Reserves	\$0	0.0%
S.T. borrow		
Operating		
Total tax increase including all supplemental items	\$14,525	10.2%

API

**Area A Advisory Planning Commission Meeting
10 November 2009
Held at Mill Bay Fire Hall
Minutes**

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

Regrets: Cliff Braaten, Ted Stevens

CVRD Staff: Mike Tippett, Dana Beatson

Audience: Mill Bay Marina representatives, Tom Moore, Roger Teja and Rezoning Application 4-A-07RS owner, Jim Logan.

Meeting called to order at 6:30 pm

Previous minutes:

It was moved and seconded the minutes of 21 October 2009 meeting be adopted.

Area A Director Update:

- APC Commission term expiry date is 30 November 2009, members are to email Director Brian Harrison if they want to be reappointed and their thoughts on how the year has gone.
- Issues:
 1. Bamberton – Read the EASC meeting 3 November 2009 motion for the CVRD Board meeting on 12 November 2009.
 2. Mill Bay Marina development permit application (9-A-07DP) has been extended
 3. Limona is working on their proposal
 4. Outdoor market at Frayne Centre

New Business:

1. Mill Bay Marina Rezoning Application No. 5-A-08RS (Mill Bay Residences)

- *Full time residential occupancy of the proposed 28 hotel unit structure to replace original application for commercial zoning with a 28 room resort/hotel.*
- *Reversals of the location of the marina access jetty from the south end of the water lease lot to the north end.*
- *An expansion of the W-3 water zone by 17 metres to extend the marina to the south instead of east.*

Proposal presented by Roger Teja and Tom Moore followed by APC questions and concerns.

APC Questions and Concerns

Roundtable

- How is the parking on the property allocated?
 - There will be a 114 parking stalls available, 36 residents and 78 public.
- Has the parking on Handy Road and intersection at Mill Bay Road been addressed?
 - There is a letter available from MOT regarding Handy Road.
- What is the current approach to handling sewage disposal?
 - Agreement with CVRD to use Sentinel Ridge Treatment Plant (located 2.4 k away) for Commercial zoning, the agreement would not apply for Residential zoning.
- Where are the fuel tanks to be located?
 - Location will be in the parkade triangle.
- Concern was expressed that if the units were residential it could be strata and public access along the waterfront could be restricted.
 - It is currently not written into the 11 conditions outlined in the original zoning request. Could place a restrictive covenant to ensure public right away. Suggest 15 metres for public use
- Discussion around the location of the jetty –whether it should be north or south.
 - North will create congestion on Handy Road with public access boat launch and proposed Marina jetty.

000085

- Concern expressed that the docks could be Strata making the marina slips no longer available or affordable to local residents.
 - To prevent this from occurring only 1/3 will be sold.
- Suggestion that the development should be phased.
 - The marina should be built first with the residential phase to follow.
- It was pointed out that the current permitted residential height is 7.5 metres and Commercial height is 10 metres. The current building design is 10 metres, which may not be acceptable if the rezoning request is approved to make this a residential development.
- Why is the recommendation to extend the marina to the north or to the south and not further out into the bay?
 - The owners would prefer to extend the marina out into the bay and discussed this option with Brentwood college who indicated this was not preferable as it would interfere with their rowing activities.
- Major change not a win for Mill Bay community
- Mill Bay is a seaside community with limited public access and limited commercial/retail opportunities close to the water.
- The community needs some public walkways and amenities on the water.
- Additionally we have limited lodging availability with the community and the rezoning for a resort/hotel provided this.
- We have other development solutions being proposed that will deliver mixed use housing so another residential development is not needed.

APC Recommendation:

Roundtable

The seven APC members present unanimously recommended the application be **denied** and that if the marina was to be extended it should be extended out into the bay and not north or south as per the current recommendations.

2. Rezoning Application – 4-A-07RS (Jim Logan)

- *Rezone a 2 acre portion of subject 9 acre zoned F-2 property to permit the outdoor storage of recreational vehicles e.g. RV's, trailers, tent trailers.*

Proposal presented by Jim Logan followed by APC questions and concerns.

APC Questions and Concerns

- Appropriate screening and fencing from TCH (per CVRD recommendations) should be implemented.
- Oil collection devices must be placed under vehicles such as motorized RVs, boat engines etc.
- No signs on TCH should be permitted.
- Dust control on property driveway should be employed. Mr. Logan suggested the use of ground asphalt.
- Trailer certification should be required.
- Bond should be posted.
- MoT must approve off before zoning can be changed.

Dana Beatson, CVRD Planner explained the zoning options available if the proposal application is approved.

- 1) A new industrial zone that would permit outdoor storage for the requested 2 acres be established for the storage of RVs precluding any other industrial use.
- 2) Rezone the entire property to a new zone that permits the accessory storage of RVs. The CVRD could require a restrictive covenant on the land stating outdoor storage of RVs is allowed only on two acres.

APC Recommendation:

Roundtable

The six of the seven APC members present recommended the application be **accepted with caveats:**

- Implement Option 1 to establish a new industrial zone - I-1B Zone, Light Industrial Recreation Vehicle Storage, with area rezoned fenced to define the exact location.
 - Appropriate screening and fencing from TCH (per CVRD recommendations) should be implemented.

000086

- Oil collection devices must be placed under vehicles such as motorized RVs, boat engines etc.
- No signs on TCH should be permitted.
- Dust control on property driveway should be employed
- Trailer certification should be required.
- Bond should be posted.
- MoT must approve off before zoning can be changed.

Continuing Business:

Other:

Reminder from June Laraman that

- 17 November 2009 Mill Bay Community League volunteer appreciation evening with refreshments begins at 7:30 pm at Mill Bay Community Hall.
- 27 November 2009 Volunteer Appreciation Dinner begins at 6:30 p.m. at Shawnigan Lake Community Hall

Meeting adjourned at 9:00 pm.

The next regular meeting will be at 6:30 p.m. 8 December 2009 at Mill Bay Fire Hall.

PK1

**MINUTES OF ELECTORAL AREA G (Saltair/Gulf Islands)
PARKS COMMISSION MEETING**

DATE: November 2nd, 2009

TIME: 7:00 pm

MINUTES of the Electoral Area G Parks Commission held on the above noted date and time at the Water Works Building, Saltair, BC. Called to order by Chair at 7:02 pm.

PRESENT:

Chairperson: Harry Brunt

Secretary: Jackie Rieck

Members: Paul Bottomley, Kelly Schellenberg, Dave Key, and Glen Hammond

ALSO PRESENT:

Director: Mel Dorey

ABSENT:

Tim Godau and Norm Flinton

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the minutes of the Area G Parks Commission meeting of November 2nd, 2009 be accepted.

MOTION CARRIED

ORDER OF BUSINESS

AGENDA ITEMS:

1. Saltair Rate-Payer's Association is developing a Tree Conservation Plan. The idea is to have a tree conservation by-law injected in the OCP plan. It was also suggested the OCP be reviewed every 5 years and any necessary updates be implemented

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2. Closed Land acquisition discussed.
3. New "Welcome to Saltair" Sign is in the works. Should be completed by end of November. The current sign will be refurbished and moved to Old Victoria Rd
4. Mel to check with Brian and Ryan regarding benches for the Stocking Creek trail.
5. Approximately 15 volunteers have enlisted to assist with the Playground Installation on November 13th, 14th and 15th. Snacks and refreshments will be provided.
6. A big "Thank You" to Dave, Cindy, Wendy, Gary and other volunteers for providing another fantastic annual Saltair Halloween Party! The fireworks were fabulous!! Thanks again to Judy Durban for providing fun musical entertainment for the children and to Kelly Schellenberg for judging the Halloween Costume Contest.

CHAIRPERSON'S REPORT:

Total expense for the Tennis Court improvements came to \$15,939. Day Camp program was over budget by \$925.47.

There will be no Park's Commission meeting in December.

OTHER BUSINESS:

Keep in mind new project suggestions (short term and long term) for 2010.

Dave Key suggested building a Saltair Community Centre. Several locations and building ideas were discussed. Discussion to be continued in the new year.

It was suggested to move the north situated Doggie Dispenser to the Picnic Shelter.

Mel will be organizing our Annual Christmas Dinner/Party. Email, with details to follow.

ADJOURNMENT:

It was moved and Seconded that the meeting be adjourned at 8:30 pm.

NEXT MEETING:

Monday, January 11, 2010 at 7:00pm

PK 2

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS COMMISSION MEETING

C.V.R.D.
RECEIVED
NOV 16 2009

DATE: November 10, 2009

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:07pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson: Sheny Gregory

Members: Dave Charney, Wayne Palliser, Gerald Thom

ALSO PRESENT:

Director:

Alternate Director: Alex Marshall

Secretary: Tara Daly

Guests:

REGRETS: Dan Nickel, Director Klaus Kuhn

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of October 13, 2009 be accepted.

MOTION CARRIED

BUSINESS ARISING

- **Elk signs** are still coming; there has been a warning put on the Font Board
- **Flag at Arbutus Park** ~ after some discussion on the pride of keeping it up year-long it was decided by consensus to take it down after November 11, 2009 for the winter, W. Palliser will take care of it
- **No reply from Brian Farquhar** re: letter from Wayne Hopkins (Woodland Shores developer) confirming having no problem with land donated to Area I (Youbou/Meade Creek) residents for community park to become a regional park; Ryan Dias will look into; the remaining Crown Land blocks should have been dedicated as parkland with the remaining Island Timberlands blocks unable to remove timber so should not be purchased at this time; there is also a ± 10 acre private parcel
- **Budget Concerns** ~ after discussion it was felt that the Boy Scouts had agreed to do maintenance on the existing trail system as per their contract with the CVRD and the Woodland Shores development plan; M. Stewart will investigate
- **Questions needing answers from B. Farquhar** ~ for clarification by December 8, 2009 meeting answers needed are: Marble Bay Park excess cost of \$1 200, Bald Mountain parks maintenance breakdown of \$12 000; commission felt the costs of the forester (Tom Jones) overseeing the planting was to be paid for by Woodland Shores ~ information needed in order to make a motion on budget at December meeting

CORRESPONDENCE

- Ryan Lendrum has indicated the Ben Wingo doesn't wish to be gatekeeper for the Little League Park in 2010; S. Gregory will speak to some people about assuming the duties

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DIRECTOR'S REPORT

- **NONE**
- Alternate Director A. Marshall let the commission know that at UBCM, the group looking at amalgamation of the Cowichan Lake area was informed that there was no money for a study which would have to be done before proceeding with amalgamation; at this point the group is monitoring the progress in the South End where they are investigating either becoming a municipality or pulling some services (planning, building inspection, parks) from the CVRD

COWICHAN LAKE RECREATION

- **Arena** ~ the demolition began today (November 10th)
- **Me N' You Nites Fowl Dinner** was a success; next event is a Games and Cards Nite on November 13th
- **Badminton** on Wednesday evenings with S. Gregory is going well

CHAIRPERSON'S REPORT

- **NONE**

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **Boy Scouts** have requested an increase in their land mass either to the east or to the south; problems could arise with public access because of Boy Scout rules which don't allow the public on their land; lawyers are looking at an easement agreement; R. Dias is still investigating
- **Woodland Shores** ~ CVRD is still holding the letter of credit; about 90% of commitments are completed
- **Parks Clean-up** ~ maintenance contractor has winterized all buildings; the Clements Centre from Duncan volunteered raking leaves at the Little League Park, (it was noted by Parks commission members that Swordfern Park and Arbutus Park still need to be raked)

OLD BUSINESS

- **Picnic Table Top** ~ as there is no money in the budget to purchase legs for the donation from Ben Wingo, S. Gregory will get the top to W. Palliser who, along with G. Thom will make legs
- **Community vs. Regional Parks** ~ further discussion was held on the topic

NEW BUSINESS

- **Boy Scout Camp walkabout** ~ D. Charney and W. Palliser joined R. Dias, Director Kuhn, Jack Casey (Scout Camp caretaker), and representatives from the Scouts & Guides around the new camp; the application from the Boy Scouts for extension of the property lines should be dealt with by the developer, CVRD, and the Scouts; Scout policies have to be taken into account along with public access to parkland; further flat land would allow the Scouts to have twice as many campers; new camp is working well but some deficiencies have to be dealt with
- **Parks Maintenance Reports: Price/Swordfern Parks (G. Thom)** ~ fairly well maintained, noted some exposed roots on the north trail that could use some gravel to smooth out; **Mile 77 Park (W. Palliser)** ~ water system broke down but was repaired but in the interim the grass suffered, didn't seem to be any topsoil as the grass shouldn't have burned that quickly, lawns were cut regularly, washrooms weren't cleaned well and garbage wasn't collected enough; trail to lake was improved by volunteers, alder will be pulled out, washroom building was sealed and vents installed which shouldn't be paid for by Area I (Youbou/Meade Creek) Parks as it was a flaw in the building construction, water lines have been winterized, antifreeze has been put in the toilets & traps **but not in the toilet tanks**, good use was made of the park by the public; **Marble Bay Park (D. Charney)** ~ low maintenance, picked up garbage on a recent hike, survey tapes that used to clarify the trail direction aren't too visible, S. Gregory offered to put up more survey tape on her next hike of the trail, discussion on possibilities of connecting trails so that there could be a circle route rather

than up and down the same way; **Little League Park (S. Gregory)** ~ with the maintenance contractor having the ball schedule, the field was mowed before each game, the washrooms were okay, S. Gregory will paint the doors for the opening of next year's ball season, storage room was cleared out and is being used for storage by the maintenance contractor but clarification is needed on availability of storage for the ball team during the season, vent hole in the concession ceiling is still a problem, yard light isn't working properly, possibility of having a hot water tank or in-line heater was discussed, S. Gregory will arrange a meeting with R. Dias to discuss outfield upgrades, in-field is great but something easier to slide on around the bases would be better (red PlayBall); **Hard Hat Shack (M. Stewart)** ~ mostly well maintained except for the trail which was not weeded at all; **Arbutus Park (M. Stewart)** ~ irrigation not working properly, yard light not working at all, leaves need to be raked, out-of-area dock inside our dock system, problem with the washroom but has been fixed, electrical is still a problem

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 8:50pm.

MOTION CARRIED

NEXT MEETING

December 8, 2009

7pm at Youbou Lanes

ITEMS FOR DECEMBER AGENDA

clarification of Budget items for motion on same
suggestions for Community Park events for 2010
new park names

/s/ Tara Daly
Secretary

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PK3
RECEIVED
NOV 16 2009

Area D Parks Commission General Meeting Minutes
Cowichan Bay Maritime Centre
October 19, 2009

Meeting called to order: 18:04

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

Minutes from last meeting (Sept 28/2009):

- Approved

Correspondence

1. Query by member of public re: brush clearing near trail in estuary area.
 - not a Area D Parks trail (is Duck's Unlimited). However, Lori will address concerned citizen
2. Query by member of public re: cost of Wilmot Trail
 - Citizen wanted to congratulate Commission if it was cost effective and good use of our Parks Commission budget, and didn't want to know if it was not.

Report on recent events

- Cittaslow breakfast received good reviews

Report on upcoming events

- Torch relay coming through Cowichan Bay on October 31, 2009
- Volunteer dinner on November 27, 2009

New Business

- South Cowichan Parks Commission Report from 5 October, 2009.
 - Attended by Val and Kerrie. Minutes from meeting read aloud.

- Area D Parks Commission asking for more information on South Cowichan Parks Commission, namely: 1) terms of reference 2) are directors welcome 3) are directors allowed to vote 4) mission statement 5) when are the elections 6) what are protocols and procedures 7) what are the bylaws and policies 8) where can the past minutes be found 9) what is the policy concerning the distribution of the agenda and the minutes 10) what is its mandate?

Ongoing Business

1. Wilmot Road off road trail:
 - Parks Commission members to walk and give feedback at next meeting
 - The edges are not supported and is/can slough off. There is erosion around the entrance rock, across from Falcon Crescent.
 - Trail's dedication ceremony is to be either in conjunction with the opening of the new Coverdale Watson construction in the fall, or split them up so that there is a ceremony for the trail in the spring and one for Coverdale Watson in the fall. To be discussed.
2. re: Lambourn Pond that connects to Tom Bannister Park. New name = Treehouse pond. A name is needed for the park – to be discussed.
3. Sparwood Trail update by Lori: there is going to be a bench at the top with space for 3 cars. It will link up with the other trails in the immediate vicinity.
4. Coverdale Watson Park future upgrade plans:
 - 2010 budget request: regulation size tennis court with two basketball nets
 - Water fountain
 - Washroom upgrade
 - New play structure.
5. Possible Townhall date: November 9, 2009? Lori to confirm.
6. Pritchard Road Trail Connector (going down ravine):
 - Sign now in place = “No dumping into ravine”
 - Sensitive area b/c of rookery. Fall the best time to do work on it
 - To be furthered discussed.

7. Progress on totem's repair in Hecate Park? Lori to investigate.
8. The Broadway Farm (18 acres):
 - Danica to do further research into the possibility of its acquisition. Danica would appreciate help from CVRD staff in researching acquisition and remediation, taking into account the environmental contamination issues.
9. ALC has signage re: respecting farm land. Parks Commission sees value in putting up similar signs, along with new trail marking signs discussed at last meeting
10. at the corner of Wilmot and Cowichan Bay Rd: plan to extend the cement barrier and cut back bushes just enough to allow for safe pedestrian travel around the corner.
11. Future plans: off road trails between Mariner Ridge and Wilmot Road; Cherry Point Road off road trail similar to Wilmot Road trail (query funding through Safety Lens?)
12. Question for B. Farqhar: are our Parks Commission vests coming?

Next meeting 16 November, 2009 at 1800

Meeting adjourned at 2006 on September 28, 2009

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PK 4

**COBBLE HILL PARKS AND RECREATION
COMMISSION MEETING**

**Tuesday, November 10th 2009 7:00 pm.
Arbutus Ridge Board Room**

RECEIVED
NOV 23 2009

MINUTES

Those present: Richard Shaw, Lynn Wilson, Bill Turner, Ian Sparshu, Gordon Dickenson, John Krug – Chair and Gerry Giles Regional Director.
Regrets: Linden Collette, Alan Seal.

The meeting was called to order at 7:01 p.m. by the Chair.

Moved/seconded

that the agenda be adopted as amended with additions. MOTION CARRIED

Moved/seconded

that the minutes of September 21st 2009 be adopted as circulated. MOTION CARRIED

Business Arising from the Minutes:

1. An update was provided on the Cobble Hill Parks Budget and questions were answered regarding the motion from our September 21, 2009 minutes about the surplus funds going into reserve. It was agree that while the replacement reserve fund was an excellent program we should also accumulate funds in reserve to undertake capital projects like the washroom facility for Cobble Hill Mountain.
2. Cobble Hill Parks & Trails Master Plan update was provided by John. The plan will now not be ready until the second week of January so our next meeting should be at the call of the Chair to review the plan.
3. No action has been taken on the Fisher/Telegraph Road property. Ian, John, Lynn and Linden will follow up.

Old Business:

- With the installation of the pathway through the Farmers Institute field, the installation of the electrical work and the installation of the black steel fence, the Cenotaph project is now complete. It was noted that the fence has been donated to the project by Tower Fence.

- The Trees for Tomorrow project is now underway. Thanks to Island Irrigation for the excellent work done on replacing the railway ballast and to Gordon and John for finding the culvert at the corner of Cobble Hill Road and Empress Avenue. Gord Truswell is currently leveling the site and the tenders for the landscaping will hopefully be let within the next week or so.
- Gordon Dickenson provided an update on the area that will eventually provide Horse Trailer parking, which is located next to the dog park. The trees fell by the JOP crew were cut and removed.
- An update on the works yard was provided. Hopefully by the end of the year this will be accomplished.
- The main content of what will be the gifting brochure was presented by Lynn. Gerry will put this into brochure format while also including spaces for parks photos.
- Richard provided an update of the Bike Park which included a report on the work done by the main bike park users consisting of Richard, his two sons, Dan and thirteen other young people. The jumps were rejuvenated and the old car body covered with more dirt. The park jumps will need to be updated and expanded in the spring.
- Ian reported his information on the disc golf possibility. It was agreed that before further work would be done on this we need to identify items like minimum site requirements, the terrain required, what a use like this would do to the under story of the park and what parking requirements might be needed. By collecting that information we should be able to determine whether a suitable site exists in one of Cobble Hill's parks for this activity.
- Ian updated the members on the South Cowichan Parks Commission meeting recently held. He said that the top priority for the Commission this year will be the Mill Bay Historical Church. It is hoped a Scope of Work will soon be developed and acted upon and that by the time of the Commission's January 23, 2010 Open House this information is available. He also indicated the South Cowichan Parks Commission has offered to assume the maintenance of Memorial Park.

Moved/Seconded

that the offer by the South Cowichan Parks Commission to assume the cost for maintaining the Memorial Park grounds (Cenotaph) be accepted with gratitude.

MOTION CARRIED

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New Business:

1. The parks department has now assumed ownership of the new park off of Fairfield Road and the Commission will likely need to find some funds for this park in the 2010 budget. It was agreed that John and Bill would look at what needs to be done with this space in the near future.
2. A brief discussion took place on the Kerry Park referendum. Some points of clarification were provided.
3. A complaint has been received about the trail work done on Cobble Hill Mountain. Apparently, the operator of one of the stables feels that with the trail improvements the mountain no longer offers a wilderness experience.
4. The Hatch Point Trail is in need of repair as it has become very mucky on some parts. Lynn, John and Ian are to investigate and Richard will provide a sample stabilization product at the next meeting.

Director's Report:

Director Giles provided a brief report on a several items currently being considered by the District including the Bamberton proposal, growth in the South Cowichan area and future governance issues.

The meeting adjourned at 9:25 p.m.

John Krug, Chair

November 18, 2009

It's time the provincial government re-opens discussion about the Agricultural Land Reserve (ALR). Originally designed to protect a romantic vision of farming in BC, instead it is having a huge impact on land costs that is affecting affordability for residential, commercial and industrial use.

A study released recently by the Fraser Institute makes the need for a review of the ALR all the more evident. The study titled *The BC Agricultural Land Reserve: A Critical Assessment* concluded that the ALR has failed to sustain family farms as intended and instead has helped make the Vancouver housing market one of the most expensive in North America. The full study from the Fraser Institute can be downloaded at <http://tinyurl.com/fraser-inst-ALR-report>.

ICBA isn't necessarily advocating the end of the ALR, but is seeking a discussion on a policy that is 30 years old. The world is a different place and policies of the past have to be reviewed to see if they are still relevant or if they are creating unintended consequences. We need to discuss how critical the supply of land is to the goal of affordable housing for the Lower Mainland population of the future. Enclosed is a fact sheet about land use in Greater Vancouver that explains our position in more detail.

I am also attaching an op-ed submission from one of our members which argues that food security and local food production advocates are wrong to suggest that growing food closer to home will reduce our carbon footprint in the long run. He makes the point that the ALR is really about social policy, not about food or farmland. It is within that context that the ALR should be assessed.

I encourage you to consider these issues and lobby the provincial government to start talking publicly about reviewing the Agricultural Land Reserve. The ALR has too big an impact on the economy of BC to not be discussed. I would be happy to provide further comment on this important topic at any time.

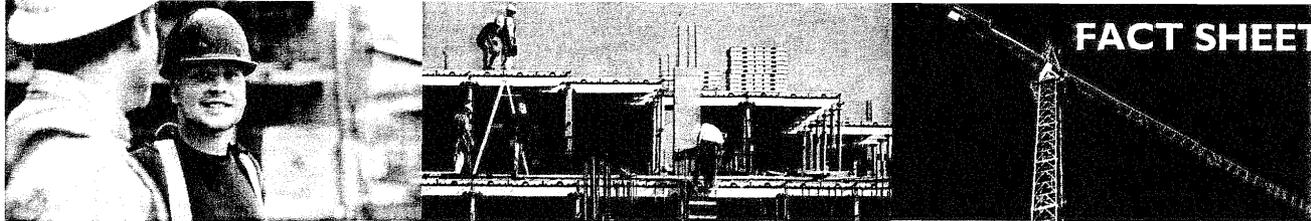
Sincerely,



Philip Hochstein
President

Enclosures

Original: TA	Copies to:
Route:	
Committee(s)	
Directed by: [Signature]	Date: NOV 25 2009
File #	



Land Use in Greater Vancouver

Issue: Greater Vancouver's available land base is shrinking, which is pushing up housing prices and making urban densification more difficult to achieve. It makes sense, therefore, to look carefully at the 70 per cent of land in Metro Vancouver that is currently fenced off from development as part of the Green Zone. The Agricultural Land Reserve (ALR), which covers some 20 per cent of the GVRD, calls for particular scrutiny.

- Background:**
- While Greater Vancouver's industrial land base shrinks, its population continues to rise. But more people occupying more land means there is less room for the jobs they will need to stay here. The industrial land base shrank 13 per cent between 1996 and 2005, while regional population continued to rise at the same rate.
 - Although it is home to one of Canada's biggest and fastest-growing metropolitan areas, only about a quarter of the Metro Vancouver is urbanized. Most of the region (70 per cent) is set aside in the Green Zone, with 21 per cent reserved for agricultural use.
 - While land within the ALR may have agricultural potential, that does not mean it is actually being farmed. In reality, much of the more than 60,000 hectares of ALR in Metro Vancouver is not being used for agriculture or is sitting vacant. Richmond's unfarmed ALR land is equal in size to two-thirds of the city's total urban-residential area, 180 per cent of its total industrial area, and 400 per cent of its industrial-designated areas that are not yet in industrial use.
 - Recent applications to remove land from the Green Zone demonstrate the challenges of getting such lands out of the ALR, even when compelling community benefits can be expected.
 - B.C. needs to stop addressing today's problems with yesterday's tools. The ALR was intended to preserve a balance between agricultural and non-agricultural uses. The ALR may have represented effective policy for the Lower Mainland more than three decades ago when it was created, and may well still represent effective policy in other parts of B.C. today. But the current ALR system is not resulting in the best or most sustainable outcomes within what is now a severely land-constrained metropolitan area.

Position: It is time to begin a public dialogue about how critical the supply of land is to the goal of affordable housing for the Lower Mainland population of the future.

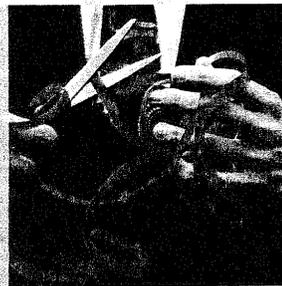
The Independent
Contractors and
Businesses Association
(ICBA) is the voice of B.C.'s
construction industry.

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October 2009

The BC Agricultural Land Reserve: A Critical Assessment

by Diane Katz



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Executive summary

British Columbians have grappled with land use restrictions that rank among Canada's most severe since the Agricultural Land Reserve (ALR) was established in 1973. The rationale for denying citizens the full use of 4.7 million hectares of property has shifted over time, from rescuing the "family farm" to preserving "green space" and, most recently, protecting the "local" food supply. The costs of this social engineering, which include soaring housing prices resulting from a scarcity of land for development and the incalculable loss of property owners' economic freedom, are substantial. This paper examines some of these costs in order to promote a re-evaluation of the government's excessive interference in the agricultural sector.

Champions of the ALR claim that the land use controls are necessary to ensure a "local" food supply. But BC consumers have shown an undeniable preference for greater choice. The vast majority of BC consumers buy great quantities of imports and base their purchase decisions on a range of legitimate factors, including price, variety, and convenience, rather than product origin alone. Indeed, after three decades of the ALR regime, BC farmers produce just one-third of the food needed in the province to meet the standards of a "healthy" diet (British Columbia, Ministry of Agriculture and Lands, 2006).

The land scarcity created by the ALR has rendered Vancouver housing the most "severely unaffordable" of any major city in the 265 metropolitan markets across Canada, the United States, Australia, New Zealand, the United Kingdom, and Ireland, as analyzed by Wendell Cox and Hugh Pavletich (2009) in their fifth annual *International Housing Affordability Survey*. Only Honolulu, Hawaii, and Australia's Gold and Sunshine Coasts were costlier. Indeed, according to the survey, all of Canada's "severely unaffordable" markets were in British Columbia, and none of the "affordable" markets were located in the province.

Contrary to the intent of the ALR's architects, the land reserve has not halted the decline in the number of BC farms or the loss of "family farms." Nor has it nurtured a new generation of farmers. In fact, the number of farms in British Columbia has declined 9% in the past decade (British Columbia, Ministry of Agriculture and Lands, 2007). The proportion of owner-operators also is falling: between 1986 and 2006, the total amount of BC farmland rented or leased grew nearly 35% (Statistics Canada, 2008d).

In Metro Vancouver, where proponents once claimed the ALR would prove most effective, there has been a 66% decline in the number of farmers under the age of 35 over the past 10 years. As a Metro Vancouver Sustainability

Report notes, “This would suggest that young people do not consider farming a viable economic venture or find the cost of entering the market prohibitive” (Metro Vancouver, 2009).

The very premise of the ALR is anachronistic. Advances in agronomy and biotechnology have dramatically increased yields, thereby easing demand for farmland. For example, reflecting land substitution, BC greenhouse area grew 305% between 1986 and 2006 (Statistics Canada, 2008c).

The existence of the land reserve is largely based on the notion that locally grown agricultural products are inherently healthier, safer, and more environmentally friendly, and that they are a necessary component of a reliable and secure food supply. This belief is known as “localism.” But a simple adherence to “food miles” [1] does not account for the variety of “inputs,” such as energy, irrigation and fertilizer, that are necessary to grow food. Researchers have discovered that the most significant “cost” of food miles, by a large margin, is consumers’ shopping trips to the store and not the commercial distribution of food. Furthermore, the more consumers rely on unprocessed, locally grown agricultural products—thereby necessitating more frequent trips to the store and longer trips to farms and farmers’ markets—the more food miles increase.

The localism movement also fails to account for the “comparative advantages” of Canada’s trading partners (i.e., the ability of other countries to produce products or services more efficiently and at lower cost). These advantages allow Canadians to enjoy plentiful quantities of coffee and bananas from Columbia, wine and cheese from France, gin from Britain, and rice from India, among other imports. Likewise, Canada produces a variety of products more efficiently than others elsewhere. Agriculture exports from BC, which totaled \$1.6 billion in 2008 (BC Stats, 2009a), generate income for farm investment and employment.

Architects of the land reserve evidently distrusted the market to provide adequate food supplies for BC residents. But there is plenty of evidence that the farm sector was expanding to meet the demands of a growing population long before the land reserve was imposed. Even in the midst of a post-World War II housing boom, farm area in British Columbia actually increased 29% between 1951 and 1976 (Statistics Canada, 2009a). Between 1921 and 1976, land area for growing vegetables increased 604%, the number of cattle increased 230%, and the number of chickens increased 397% (Statistics Canada, 2009a). In fact, the amount of farmland dedicated to field crops and vegetables was greater before the creation of the Agricultural Land Reserve than after.

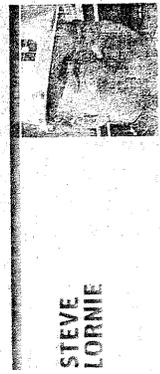
1 The National Sustainable Agriculture Information Service (2008) defines “food miles” as the distance food travels from farm to plate.

While some advocates regard the ALR as sacrosanct, it is entirely reasonable for citizens to question the legitimacy of a regime by which the government deprives property owners of the use of their land—and the public of the tremendous benefits of markets—in order to indulge special interest groups that expect the general populace to shoulder the costs of their preferences.

Good intentions alone do not constitute sound policy, and history is crowded with examples of governments mismanaging natural resources. In the case of the ALR, the substantial direct costs of the presumed public good—farmland preservation—have been foisted upon a minority of citizens, and the indirect costs have fallen disproportionately upon those who can least afford them. Not only has the Agricultural Land Reserve failed to achieve some of its fundamental goals, but the government's excessive interference in the agriculture sector has also imposed significant costs, including the highest home prices in Canada.

ISSUES & IDEAS

Protecting the ALR isn't about food security The land reserve is more about preserving real estate value than ensuring we have things to eat



STEVE LORNIE

As governments and citizens of the world endeavour to find ways to lessen our carbon footprint on the planet, there is a tendency to blur the distinction between local food supply as a carbon reduction strategy and that of local supply as a food security issue.

And while there is robust and informed debate on all sides of the carbon reduction issue, food security often gets superficial, though impassioned, treatment, but the significance of the issue certainly warrants its own informed analysis.

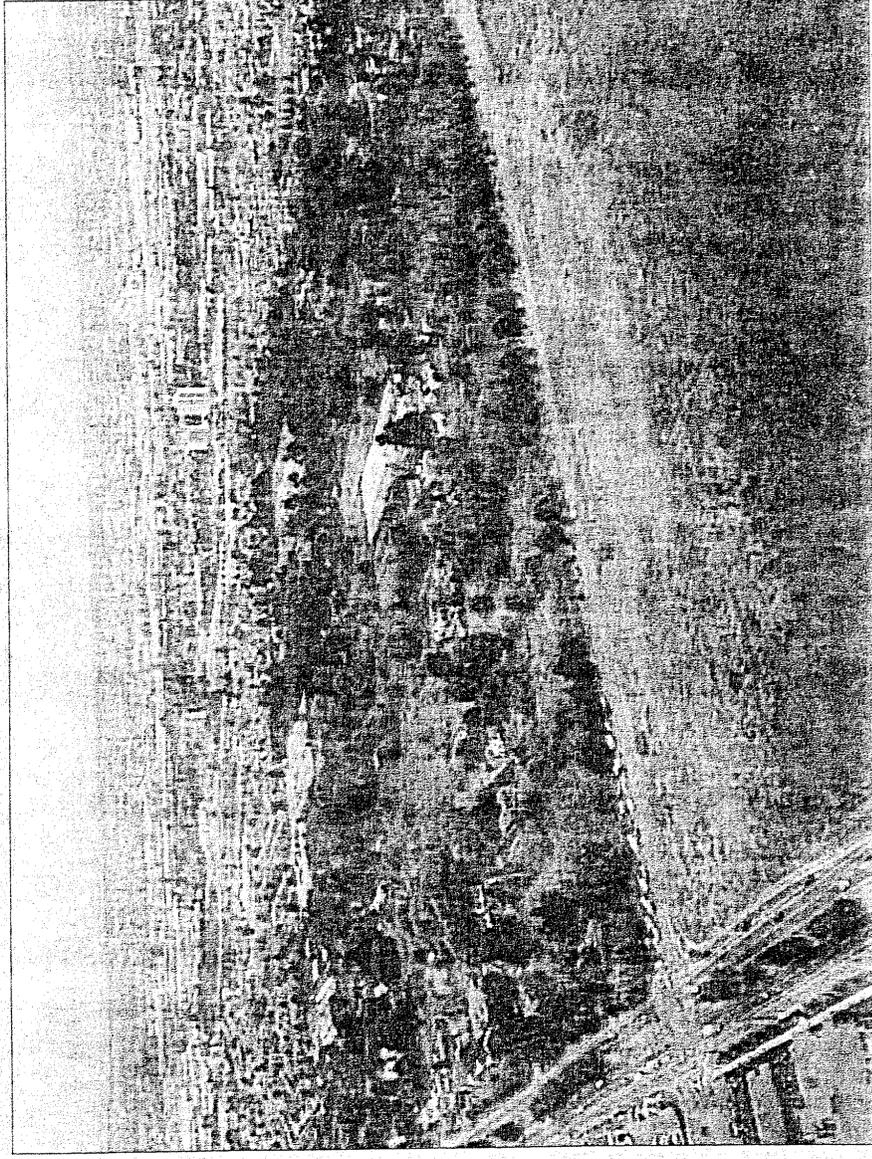
Thanks to reduced protectionism, efficient transport, and competitive markets, Canadians have never had better food choices at lower costs than we do today.

The fact that (to quote Peter Ladner from *Business in Vancouver*) "the world's supply of available food has shrunk from a year's supply a couple of decades ago to five weeks today" shows just how efficient and balanced our free-market system has become.

No longer do we put food in tin cans to sit in a beer's warehouse for a year, or rely on turnips mouldering in the root cellar.

Instead we can buy fresh food in January, grow in a local greenhouse, or produce it as a farmer in a warmer climate.

Like Toyota with their "just-in-time" inventory, we food consumers have enjoyed the benefits of modern cost-effective production and efficient low-cost



RICHMOND NEWS

The Agricultural Land Reserve prevents land, such as this prime parcel of 55 hectares in Richmond, from being developed as housing, which drives up the cost of real estate in the Lower Mainland.

We must stop pretending that "food security" is achieved by growing our own food. It is not.

Food security is achieved when societies such as ours become wealthy, and it eludes those which do not.

The food security requires free and

open markets, accessible by both consumers and producers wherever they may be.

We must also stop confusing the concepts of food security with food safety. There are only two things these subjects have in common: Both are used

Those who indulge in an obsessive focus on food security should not ignore the harm it causes others, especially the young and the poor in this country.

One of the most damaging of the food security arguments is the one that supports the Agricultural Land Reserve (ALR).

This 35-year old legislation has less to do with food security than it has to do with protecting high real estate values and controlling growth in semi-urban areas.

It is a sacred cow that has managed to avoid serious examination.

One can speculate that the popularity of the ALR is due to the fact that 70 per cent of voters in the Lower Mainland are homeowners whose homes have been artificially inflated by the ALR-caused land scarcity.

The other 30 per cent of our citizens (predominately made up of young couples, single-income families, and new arrivals) have been priced out of home ownership, in a large part directly due to the ALR.

True food security comes from having many producers around the world supplying our needs, not from an artificial propping-up of inefficient and non-competitive at-home production.

Don't slam the door on the struggling farmers of the Third World.

Let them play a role in our food security.

Open access to free markets and free trade is what keeps our food costs low and our supplies secure, not subsidies, tariffs, marketing boards, and poorly thought out land-use restrictions.

Steve Lornie is president of Stonecraft Management, a Vancouver construction management company.

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C2



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director MORRISON Area F

Grantee: _____ Grant Amount \$ 2000⁰⁰

NAME: CAYUSE VOLUNTEER FIRE DEPT.

ADDRESS: P.O. BOX 166, HONEYMOON BAY, B.C. V0R1Y0

Contact Phone No: BRUCE WILSON

PURPOSE OF GRANT: EQUIPMENT / BUILDING REPAIR
SEE ATTACHED REQUEST LETTER

REQUESTED BY: [Signature]
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____



Caycuse Volunteer
Fire Department

P.O. Box 106
Honeymoon Bay
VOR, VA

November 19, 2009

Ian Morrison
Director Area "F"
CVRD

Ian ,

With the end of the year approaching and the depletion of our budget, we have a number of maintenance items that need to be addressed on both our trucks and building. Brake line on our Mini, wiring and clutch on our rescue truck, muffler on our tanker, leak in our roof and yearly maintenance of our furnace. These things add up and as the bank account goes down, we once again ask for a Grant-in Aid to assist us in maintaining the departments assets. Adding parts, labor and travel into the equation, a grant of approx 2000.00 would hold us over until

Your consideration and assistance with this will be very much appreciated by us all.

Thank you for your time,
Bruce Wilson
Caycuse Volunteer Fire Department

000107

C3



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director MORRISON Area F

Grantee: _____ Grant Amount \$ 2000⁰⁰

NAME: CAYUSE VOLUNTEER FIRE DEPT.

ADDRESS: P.O. BOX 166, HONEYMOON BAY, B.C. V0R1Y0

Contact Phone No: BRUCE WILSON

PURPOSE OF GRANT: EQUIPMENT / BUILDING REPAIR
SEE ATTACHED REQUEST LETTER

REQUESTED BY: [Signature]
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0174-116</u>	<u>\$ 2,000.-</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization

000108



Caycuse Volunteer
Fire Department

P.O. Box 166
Honeymoon Bay
CVRD

November 19, 2009

Ian Morrison
Director Area "F"
CVRD

Ian ,

With the end of the year approaching and the depletion of our budget, we have a number of maintenance items that need to be addressed on both our trucks and building. Brake line on our Mini, wiring and clutch on our rescue truck, muffler on our tanker, leak in our roof and yearly maintenance of our furnace. These things add up and as the bank account goes down, we once again ask for a Grant-in-Aid to assist us in maintaining the departments assets. Adding parts, labor and travel into the equation, a grant of approx 2000.00 would hold us over until

Your consideration and assistance with this will be very much appreciated by us all.

Thank you for your time,
Bruce Wilson
Caycuse Volunteer Fire Department

000109

C4



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Brian Harrison Area A

Grantee: _____ Grant Amount \$ 2205.00

NAME: Sussex Consultants

ADDRESS: 2953 35 AVENUE W
Vancouver, BC
V6N 2M5

Contact Phone No: 604 801-5200

PURPOSE OF GRANT: Shortfall for funding for South Cowichan
Governance Study

REQUESTED BY: _____
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0370-111	2205.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization

000110

C5



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Ken Cossey Area B

Grantee: _____ Grant Amount \$ 2205.00

NAME: Sussex Consultants

ADDRESS: 2953 35 Avenue W
Vancouver, BC
V6N 2M5

Contact Phone No: 604-801-5200

PURPOSE OF GRANT: Shortfall for funding for South Cowichan
Governance Study

REQUESTED BY: _____
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0370-112	2205.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL ✓

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization

000111

C6



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Gerry Giles Area C

Grantee: _____ Grant Amount \$ 2205.00

NAME: Sussex Consultants

ADDRESS: 2953 35 Avenue W
Vancouver, BC
V6N 2M5

Contact Phone No: 604-801-5200

PURPOSE OF GRANT: Shortfall for funding for South Cowichan
Governance Study

REQUESTED BY: _____
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0370-113	2205.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization

000112



C.V.R.D.

MEMORANDUM

DATE: November 24, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF OCTOBER, 2009

There were 46 building Permits and 1 Demolition Permit(s) issued during the month of October, 2009 with a total value of \$ 4,062,170

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				0	10,000		1	52	10,000	7,714,397
"B"			217,980	1,244,900	471,490	100,000	19	136	2,034,370	12,024,346
"C"	175,000			487,440	18,000		7	72	680,440	7,003,890
"D"	300,000			60,660	18,640		3	32	379,300	2,432,880
"E"				0	37,030	40,000	4	36	77,030	1,840,725
"F"				0	64,400		3	29	64,400	1,017,710
"G"				352,230	29,700		5	21	381,930	2,445,505
"H"				150,000	160,000	15,500	4	32	325,500	2,132,100
"I"				109,200	0		1	36	109,200	3,422,990
Total	\$ 475,000	\$ -	\$ 217,980	\$ 2,404,430	\$ 809,260	\$ 155,500	47	446	\$ 4,062,170	\$ 40,034,543

B. Duncan, RBO
Chief Building Inspector
BD/db

INI

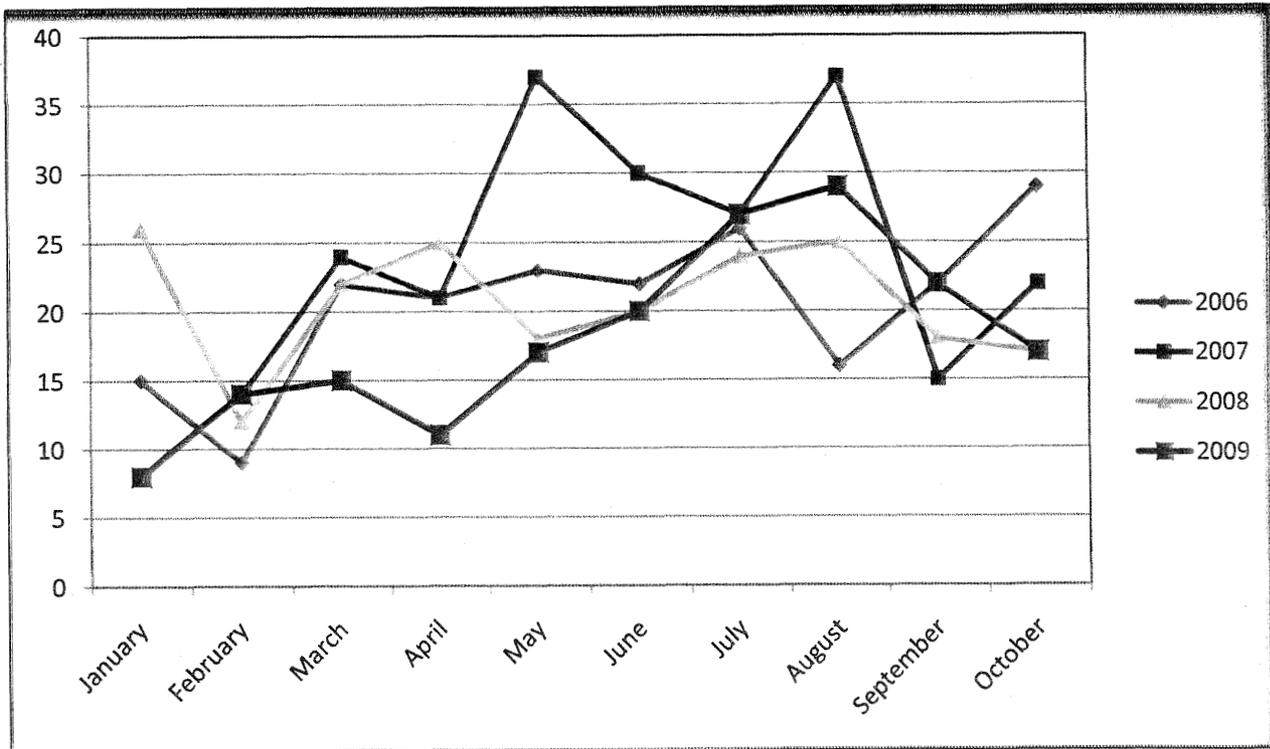
NOTE: For a comparison of New Housing Starts from 2006 to 2009, see page 2
For a comparison of Total Number of Building Permits from 2006 to 2009, see page 3



C.V.R.D.

New Housing Starts

	2006	2007	2008	2009
January	15	8	26	8
February	9	14	12	14
March	22	24	22	15
April	21	21	25	11
May	23	37	18	17
June	22	30	20	20
July	26	27	24	27
August	16	37	25	29
September	22	15	18	22
October	29	22	17	17





C.V.R.D.

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
August	35	70	53	45
September	41	52	50	65
October	50	52	43	46

