



**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

Tuesday,
March 16, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

	<u>Pages</u>
1. <u>APPROVAL OF AGENDA</u>	1-2
2. <u>ADOPTION OF MINUTES</u>	
M1 Minutes of March 2, 2010 EASC Meeting	3-11
3. <u>BUSINESS ARISING FROM MINUTES</u>	
4. <u>DELEGATIONS</u>	
D1 Gerry Koutougas regarding Application No. 3-A-09RS	12-33
D2 Angela Yp Quek regarding Application No. 3-H-09DP	34-56
D3 Marilyn Gourley regarding Application No. 1-C-09DVP	57-77
D4 Robert and Susan Thackery regarding 1-H-10DP/VAR	78-104
D5 Alison Nicholson regarding Cowichan Station School.....	105
5. <u>STAFF REPORTS</u>	
SR1 Staff Report from Ryan Dias, Parks Operations Superintendent, regarding Bright Angel Park Caretaker Contract	106-109
SR2 Staff Report from Rob Conway, Manager, regarding Covenant Release, 1838 Cowichan Bay Road – The Cannery	110-116
SR3 Staff Report from Ann Kjerulf, Planner III, regarding Area D OCP	117-118
6. <u>APC</u>	
API Minutes of Area C APC meeting of February 11, 2010	119-121
7. <u>PARKS</u>	
PK1 Minutes of Area H Parks Commission meeting of February 25, 2010	122-123
PK2 Minutes of Area H Parks Commission AGM of February 25, 2010	124

000001

8. **CORRESPONDENCE**

C1	Grant-in-Aid Request, Area D	125-126
C2	Grant in Aid Request, Area D.....	127-128
C3	Letter dated March 8, 2010 from Ministry of Environment regarding Storage of Hood Canal Bridge, Cowichan Bay.....	129-131
C4	Memo dated March 1, 2010, from UBCM regarding Member Consultation Meeting	132

9. **INFORMATION**

IN1	February 2010 Building Report....	133-135
------------	-----------------------------------	---------

10. **NEW BUSINESS**

11. **PUBLIC/PRESS QUESTIONS**

12. **CLOSED SESSION**

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

CSM1	Closed Session Minutes	136-137
-------------	------------------------------	---------

13. **NEXT MEETING**

Tuesday, April 6, 2010

14. **ADJOURNMENT**

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

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

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

Director L. Iannidinardo
Director L. Duncan
Director M. Dorey

000002

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, March 2, 2010 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
Rob Conway, Manager
Mike Tippet, Manager
Brian Farquhar, Parks and Trails Manager
Alison Garnett, Planning Technician
Jill Collinson, Planning Technician
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included add-on items to D2 and D4, add-on item to SR2, new AP3, new C7, new IN2, new staff report to closed session, and two items of new business.

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

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the minutes of the February 16, 2010 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Bourgeois

Alison Garnett, Planning Technician, presented Application No. 2-I-10DP (Julseth/Bourgeois) to construct a single family dwelling at 10638 Youbou Road and permit restoration of the Cowichan Lake shoreline.

The Committee directed questions to staff.

Ed Bourgeois, applicant, was present and stated that he had nothing further to add.

Director Duncan expressed concern regarding precedent setting where a permit is issued after work is completed and suggested that staff look into the process.

It was Moved and Seconded

That application No. 2-I-10DP be approved, and that a development permit be issued to Rebecca Julseth to permit the restoration of the Cowichan Lake shoreline, and to permit the construction of a single family dwelling on Lot 2, Block 136, Cowichan Lake District, Plan 60609, subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1456 by Ted Burns, R.P.Bio.,
- Compliance with the restoration plan "A Planting Plan for the Julseth Property in Youbou", provided by Ted Burns, amended version dated December 17, 2009,
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years only if the plantings are successful and to the satisfaction of a qualified environmental professional,
- A post development report is completed by a qualified environmental professional following build out, reporting on the success of the shoreline rehabilitation.

MOTION CARRIED

D2 - Brownlow

Jill Collinson, Planning Technician, presented Application No. 1-G-10DVP (Tony Brownlow) to relax the rear setback and increase permitted height to place a prefabricated garage at 10756 Chemainus Road.

The Committee directed questions to staff.

Director Dorey stated that the proposal received positive feedback from adjacent neighbours.

It was Moved and Seconded

That application No. 1-G-10DVP by Tony Brownlow for a variance to Section 5.3(4) and 5.3(5) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 3 metres, and increasing the height of an accessory building from 6.0 metres to 6.5 metres, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks and height.

MOTION CARRIED

D3 - Aiken

Jill Collinson, Planning Technician, presented Application No. 3-C-09ALR (Aiken) to permit subdivision of the 8.29 hectare property located at 3713 Holland Avenue to construct a new home and sell the remainder.

The Committee directed questions to staff.

Ed Aiken, applicant, was present and stated that he had nothing further to add.

It was Moved and Seconded

That Application No. 3-C-09ALR submitted by Edward and Gloria Aiken made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to approve the application, on the condition of a no further 946 subdivision covenant being registered on both parcels and that ALC resolution #459/2005 be rescinded.

MOTION CARRIED

D4 - Boon

Alison Garnett, Planning Technician, presented Application No. 1-B-10DP/VAR (South Shawnigan Waste and Recycle) for a development permit to operate a waste, recycle and transfer station at 790 Shawnigan Lake Road.

The Committee directed questions to staff.

It was Moved and Seconded

That application No. 1-B-10 DP/VAR be approved, and

1. that a development permit be issued to Mike Boon of South Shawnigan Waste and Recycle Inc. for Lot 1, District Lot 132, Malahat District, Plan VIP75146, subject to:
 - Compliance with the measures and recommendations outlined in RAR assessment report No. 1511 by Susan Blundell, R.P.Bio, dated December 18, 2009, including the rehabilitation of the Van Horne Creek Streamside Protection and Enhancement Area (SPEA). The SPEA must be marked with split rail fencing and replanted with native plants, in accordance with the plan provided by Susan Blundell dated February 8th, 2010,
 - Receipt and approval of a landscape plan to establish a vegetative screen of native cedar trees along Shawnigan Lake Road, in accordance with the requirements of Zoning Bylaw No. 985, and

000005

- subsequent completion of the landscaping plan,
 - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs of the restoration planting and vegetative screen, to be refunded after two years only if the plantings are successful and to the satisfaction of a registered professional biologist or professional landscape architect,
 - The temporary shipping container is relocated from adjacent to Shawnigan Lake Road to a more discrete location on site,
 - Two oil/water separators will be installed at low points on the site, subject to the satisfaction of the CVRD Engineering Department,
 - The conditions of this development permit must be satisfied within 90 days of the CVRD Board resolution authorizing the permit.
2. that the front parcel line setback of the building identified as “trailer” is reduced from 9 metres to 1.7 metres subject to the applicant providing a survey confirming compliance with the approved distance.

MOTION CARRIED

D5 – Kay

Rob Conway, Manager, presented Application No. 1-H-09RS (Heart Lake Developments Ltd.) to permit development of 147 manufactured home strata lots and seven secondary agricultural lots on 69 acres located south of the Trans Canada Highway and Oyster Sto-Lo Road intersection.

Jennifer Kay, applicant, was present and provided a power point overview of their proposal.

The Committee directed questions to the applicants.

It was Moved and Seconded

1. That draft OCP and Zoning amendment bylaws be prepared respecting Application No. 1-H-09RS (Heart Lake Developments Ltd.) for consideration by the EASC at a future meeting;
2. That the applicants provide an archaeological overview assessment, first stage approval for the proposed water and sewer systems, and a wildfire protection plan prior to public hearing;
3. Prior to consideration of adoption of the OCP and Zoning amendment bylaws, that provisions to secure inclusion of secondary agricultural lots in the ALR, dedication of park land and the fire hall site and agricultural buffers and setbacks be in place.
4. That application referrals to the Ministry of Transportation and Infrastructure, Ministry of Community and Regional Planning, BC Hydro, Diamond Improvement District, Agricultural Land Commission, School District 68, North Oyster Volunteer Fire Department and Chemainus First Nation, be accepted.

MOTION CARRIED

STAFF REPORTS

SR1 – Parks Budgets

It was Moved and Seconded

That the Electoral Area I - Youbou Meade Creek Community Parks Budget 239 be amended, be decreasing the Annual Requisition amount by \$12,000; and decreasing the Minor Capital under Operating Expenses by \$12,000.

MOTION CARRIED

It was Moved and Seconded

That the Electoral Area H – North Oyster/Diamond Community Parks Budget 238 be amended by adding \$10,000 to the Transfer from Reserve Fund and \$10,000 to Minor Capital under Expenditures.

MOTION CARRIED

It was Moved and Seconded

That the Electoral Area E – Cowichan Station/Sahtlam/Glenora Community Parks Budget 235 be amended by adding \$20,000 to Requisition and \$20,000 to Capital under Expenditures.

MOTION CARRIED

It was Moved and Seconded

That the Electoral Area A – Mill Bay/Malahat Community Parks Budget 231 be amended by adding \$18,000 to the Transfer from Reserve and \$18,000 to Minor Capital under Expenditures.

MOTION CARRIED

It was Moved and Seconded

That Bright Angel Park Budget 281 be amended by adding \$10,000 to Requisition and \$10,000 to Minor Capital under Expenditures.

MOTION CARRIED

SR2 – Parks Budget

It was Moved and Seconded

That the Community Parks and Trails (279) requisition for 2010 be increased by \$131,847. to cover 2/3 funding of a new Parks and Trails Planner position, new Parks Coordinator – Capital Projects position, and a new parks vehicle, with the remaining 1/3 costs to be funded through the 2010 Regional Parks (280) requisition; and that staff investigate hiring the new positions under contract; and further, that staff be directed to develop a work program action plan.

MOTION CARRIED

000007

SR3 - AVICC

Director Marcotte suggested that Committee members make a conscience effort to go "green" to the AVICC conference and to contact Rosa Johnston in Legislative Services respecting carpool options, and noted that this would also reduce costs.

**SR4 – BOV
Appointments**

It was Moved and Seconded
That staff be directed to select appropriate members to the Board of Variance and forward names to the Board for ratification.

MOTION CARRIED

APC

AP1 - Minutes

AP1 minutes moved to Parks.

AP2 - Minutes

It was Moved and Seconded
That the minutes of the Area B APC meeting of February 4, 2010, be received and filed.

MOTION CARRIED

AP3 - Minutes

It was Moved and Seconded
That the minutes of the Area A APC meeting of February 9, 2010, be received and filed.

MOTION CARRIED

PARKS

PK1 – PK3 - Minutes

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

- Minutes of Area E Parks meeting of February 18, 2010
- Minutes of Area B Parks meeting of November 18, 2009
- Minutes of Area A Parks meeting of February 4, 2010
- Minutes of Area I Parks meeting of February 9, 2010

MOTION CARRIED

**CORRESPOND-
ENCE**

**C1 to C-5, C-7 -
Grants in Aid**

It was Moved and Seconded
That the following grants in aid be approved:

1. That a grant-in-aid request (Electoral Area C – Cobble Hill) in the amount of \$500. be given to Cowichan Seniors Care Foundation to assist with productions costs for *The Great Cowichan Caper* event.
2. That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to Cowichan Seniors Care Foundation to assist with production costs for *The Great Cowichan Caper* event.
3. That a grant-in-aid request (Electoral Area C – Cobble Hill) in the amount of \$500 be given to bard@brentwood to assist with costs associated with their performing arts program.
4. That a grant-in-aid request (Electoral Area B – Shawnigan Lake) in the amount of \$750 be given to bard@brentwood to assist with costs associated with their performing arts program.
5. That a grant-in-aid request (Electoral Area B – Shawnigan Lake) in the amount of \$500 be given to Cowichan Seniors Care Foundation to assist with production costs for *The Great Cowichan Caper* event.
6. That a grant-in-aid request (Electoral Area B – Shawnigan Lake) in the amount of \$250 be given to The Cowichan Spirit of Women to contribute towards sponsoring underemployed students in a course.
7. That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$250 be given to The Cowichan Spirit of Women to contribute towards sponsoring underemployed students in a course.
8. That a grant-in-aid request (Electoral Area C – Cobble Hill) in the amount of \$375 be given to Bike to Work Cowichan to help with costs to host the Bike to Work event.

MOTION CARRIED

**C6 – Water
Workshop**

MOE website information respecting upcoming Water Act modernization Workshops was received as information only.

000009

INFORMATION

IN1 – Cobble Hill Improvements

News Leader Pictorial newspaper clipping dated February 19, 2010 regarding Cobble Hill improvements was received as information only.

IN2 – Building Report

It was Moved and Seconded
That the January 2010 building report be received and filed.

MOTION CARRIED

NEW BUSINESS

1 – Cowichan Bay DPA amendment

It was Moved and Seconded
That CVRD Cowichan Bay Official Settlement Plan Bylaw No. 925 be amended by adding Block A, DL 160, Cowichan District (Hayes log sort site) to the Cowichan Bay Village Development Permit Area, and that the amendment bylaw be forwarded to the Regional Board for consideration of 1st and 2nd readings.

MOTION CARRIED

2 – Bylaw 2805

It was Moved and Seconded
That staff be directed to prepare a report providing background information and intent behind the creation of CVRD Bylaw No. 2805 (Protection of Waters and Riparian Areas on Cowichan Lake Fund Establishment Bylaw, Areas F & I), and that the report also include options to address concerns of Area I and a draft replacement bylaw that would address those concerns.

MOTION CARRIED

Director Giles left the meeting at this point.

Director Morrison left the meeting at this point.

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 6:06 pm.

000010

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:15 pm.

Chair

Recording Secretary



**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 16, 2010**

DATE: March 8, 2009 **FILE NO:** 3-A-09RS
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 2000 & 1890
SUBJECT: Proposed Zoning and OCP Bylaw Amendment (Koutougos)

Recommendation:

- a) That staff be directed to prepare OCP and Zoning Amendment Bylaws for Application No. 3-A-09RS (Koutougos) that would permit a duplex residence.
- b) That a public hearing be scheduled with Directors Harrison, Cossey and Giles appointed as Board delegates, following submission of a draft Section 219 Covenant which requires a 3 metre wide trail dedication along Mill Bay Road.
- c) That prior to a public hearing, a draft Section 219 Covenant be provided which requires the appropriate disposal of invasive plants, roots systems and soil of affected areas, under the direction of a qualified invasive plant species biologist, prior to the development of the land.
- d) That application referrals to the Ministry of Transportation and Infrastructure, Malahat First Nation, Mill Bay Waterworks, Mill Bay VDP, School District No. 79, the Vancouver Island Health Authority, the Ministry of Community Services, the CVRD's Parks, Recreation and Culture Department, Engineering and Environmental Services Department 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 property.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background Information:

Location: 2691 Mill Bay Road

Legal Description: Lot 1, Sections 1 and 2, Range 9, Shawnigan District, Plan 30142
(PID: 001-293-605)

Date Application and Complete Documentation Received: April 8, 2009

Owner(s): Violetta Investments Ltd.

Applicant: Gerry Koutougas

000012

Size of Parcel: 1837 m² (0.4 acres)

Contaminated Site Profile Received: Declaration signed

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North: Brentwood College
 South: Single family residence
 East: Single family residence
 West: Commercial (Mill Bay Centre)

Services:

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

Agricultural Land Reserve Status: The subject property is not located within the ALR

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:

The Electoral Areas Services Committee reviewed this application at the December 1, 2009 meeting, and passed the following motion:

"That Rezoning Application No. 3-A-09 RS (Koutougos) be held in abeyance pending the following:

- *The applicant to address the comments from Ministry of Transportation and the Vancouver Island Health Authority;*
- *Recommendation of APC regarding proposed new zone; and*
- *Clarification from CVRD Engineering Services regarding service area."*

000013

Proposal:

The application has been revised since it was previously before the EASC. What was originally a request to rezone two adjacent lots for duplex residential use is now a proposal respecting a single lot. The attached conceptual site plan shows a two story, side by side duplex, with approximate floor areas of 250 m² (2700 ft²) per unit. A new driveway is proposed from Handy Road, as far a distance as possible from the intersection with Mill Bay Road.

The subject property is a vacant lot located at the corner of Mill Bay Road and Handy Road, within the Urban Containment Boundary of Electoral Area A. 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 current zoning is R-3A (Urban Residential Limited Height) which permits one single family dwelling. The subject property's lot size of 1837 m² does not permit a secondary or small suite.

A zone permitting duplexes does not exist within Zoning Bylaw No. 2000, therefore a new zone and definition of "duplex" is required in order for the proposed development to 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 or parcel coverage from the existing R3-A Zone.

Parks

The Parks Commission reviewed this application at their meeting on November 19, 2009 and recommended to the CVRD Board that a setback for a potential walking path and bicycle path be considered for the area that borders the property along Mill Bay Road. Since then, site visits were conducted by CVRD staff, Ministry of Transportation and Infrastructure staff, the applicant, and Area Parks Commission members, to identify a possible location for the trail. Due to existing trees and a ditch in the road right of way, it has been determined that the best location for the trail is entirely on the subject property. The attached site plan shows the dedication of a 3 metre strip to the CVRD, so that a future trail corridor can be constructed.

A 3 metre wide land dedication has implications for the construction of duplex residences on a lot of this size. To accommodate the trail dedication, the front yard setback has been adjusted to a 4.5 metre setback where the lot abuts a CVRD trail. The result of this specific setback is that all buildings and structures will be setback 7.5 metres from Mill Bay Road, but only 4.5 metres from the trail corridor.

Servicing

When the Committee previously considered this application, there were uncertainties with respect to servicing the proposed duplex units, as noted by the Vancouver Island Health Authority's referral comments. Mill Bay Waterworks had given preliminary approval to connect both residences to their water system, but as no community sewer system is available in the Mill Bay area, the proposed duplex residence will require onsite sewage disposal. Since that time, the applicants have submitted a report from a professional engineer which confirms that there is sufficient site area and capacity to service the proposed development (please see attachments). This report would appear to satisfy VIHA's comments.

As noted above, the subject property's existing zoning does not permit a secondary suite or small suite on this lot, as the 1837 m² lot is below the standard 0.4 ha required to accommodate a second residence. Despite the apparent inconsistency of this application with these zoning regulations, the Board could consider this application as an infill development proposal, that on a site specific level has the approval of a professional engineer.

Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure's earlier referral comments stated that a traffic impact study and sight line improvements were required. However, since the application has been revised to propose only one duplex residence, the MOTI has withdrawn these requirements.

Invasive Plant Species

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 of 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, staff recommend that a Section 219 Covenant be registered to ensure the appropriate disposal of the plants, root systems and soil of the affected area, to take place prior to the issuance of a development permit and under the direction of a qualified invasive species plant biologist.

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. If this application proceeds, an OCP amendment is required to include duplex development as an acceptable form of urban residential development within the UCB. Attached are proposed OCP Amendment Bylaws, which have been drafted to incorporate recommendations from the Advisory Planning Commission, and establish strict criteria for circumstances when duplex residential development may be considered by the Board.

Although an OCP Amendment is required to permit this specific type of proposed development, the application is not inconsistent with the Plan, as OCP Policy 7.3.1 encourages infill development in existing residential areas. The subject property represents a good location for a modestly 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.

Duplex development on this lot 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 residences. The goal is to ensure that duplex development is compatible with surrounding residential properties, that parking and vehicle traffic concerns are addressed, and that view corridors to the Saanich Inlet are preserved.

Advisory Planning Commission:

The Advisory Planning Commission reviewed this application at their September 14, 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."*

The Mill Bay APC reviewed the application a second time, as directed by the EASC, to specifically comment on the proposed R-4 Zone. The following recommendation was made on January 12, 2010:

- 1. That Rezoning Application No. 3-A-09 RS to R4 Urban Residential Duplex Zoning not be approved. The new OCP will deal with duplex zoning.*
- 2. That the APC will ask the CVRD Board to consider this rezoning application as a "one off" with a variance.*
- 3. That the only permitted use other than single family dwelling and duplex would be Home Occupation businesses in this "one off" duplex zoning with limited or no vehicle traffic.*
- 4. That no secondary suites are allowed.*

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*

These comments are no longer applicable since the development proposal has been revised.
- 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.

Summary:

The three items listed in the Committee's motion at the December 1st meeting have been addressed. Firstly, Ministry of Transportation's requirements were withdrawn when the proposed density was decreased, and the report on sewage disposal has addressed the Vancouver Island Health Authority's concerns. Secondly, the Mill Bay APC's recommendation for the proposed Urban Residential Zone has been incorporated into the draft bylaws; no secondary suites are permitted in addition to a duplex. The APC's recommendation for a "one off" approval of this application is somewhat addressed by the fact that the proposed duplex residential zone only applies to the subject property, and could only be applied to other properties if approved by the Board.

With regards to the request for clarification from CVRD Engineering and Environment, staff have confirmed that Mill Bay Marina intends to connect to the Sentinel Ridge sewer system. The proposed duplex residences could conceivably connect to that system, and alleviate concerns about servicing, but at this point there is no certainty as to whether or not that sewer line will be built.

It is staff's opinion that the application complies with the infill policies of the plan. The uncertainties with respect to sewage disposal have been satisfied from a report by a professional engineer, although the proliferation of onsite septic systems in the absence of a community sewer system may be a legitimate concern. The proposed trail dedication would be of benefit to the community, as the first link in a Mill Bay Road walking and cycling path. Staff believe that there is sufficient merit in this application to recommend that a public hearing be scheduled to assess the community's input on this type of development.

The applicant is at this point agreeable to the park dedication, and staff recommend that a draft Section 219 Covenant be received prior to public hearing, which would require the 3 metres wide land dedication to take place prior to a development permit. We also recommend that a draft covenant be received, again prior to public hearing, which outlines a commitment for the appropriate disposal of the Giant Hogweed on the site.

Options

1.

- a) That staff be directed to prepare OCP and Zoning Amendment Bylaws for Application No. 3-A-09RS (Koutougos) that would permit a duplex residence.
- b) That a public hearing be scheduled with Directors Harrison, Cossey and Giles appointed as Board delegates, following submission of a draft Section 219 Covenant which requires a 3 metre wide trail dedication to CVRD Parks along Mill Bay Road.
- c) Prior to a public hearing, submission of a draft Section 219 Covenant which requires the removal and/or appropriate disposal of invasive plants, roots systems and soil of affected areas, under the direction of a qualified invasive plant species biologist, prior to the development of the land.

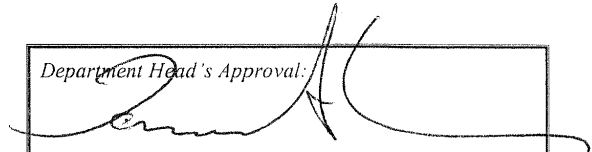
- d) That application referrals to the Ministry of Transportation and Infrastructure, Malahat First Nation, Mill Bay Waterworks, Mill Bay VDP, School District No. 79, the Vancouver Island Health Authority, the Ministry of Community Services, the CVRD's Parks, Recreation and Culture Department, Engineering and Environmental Services Department be accepted.

2.

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,



Department Head's Approval:	
Signature	

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

AG/ca

Attachments



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.

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

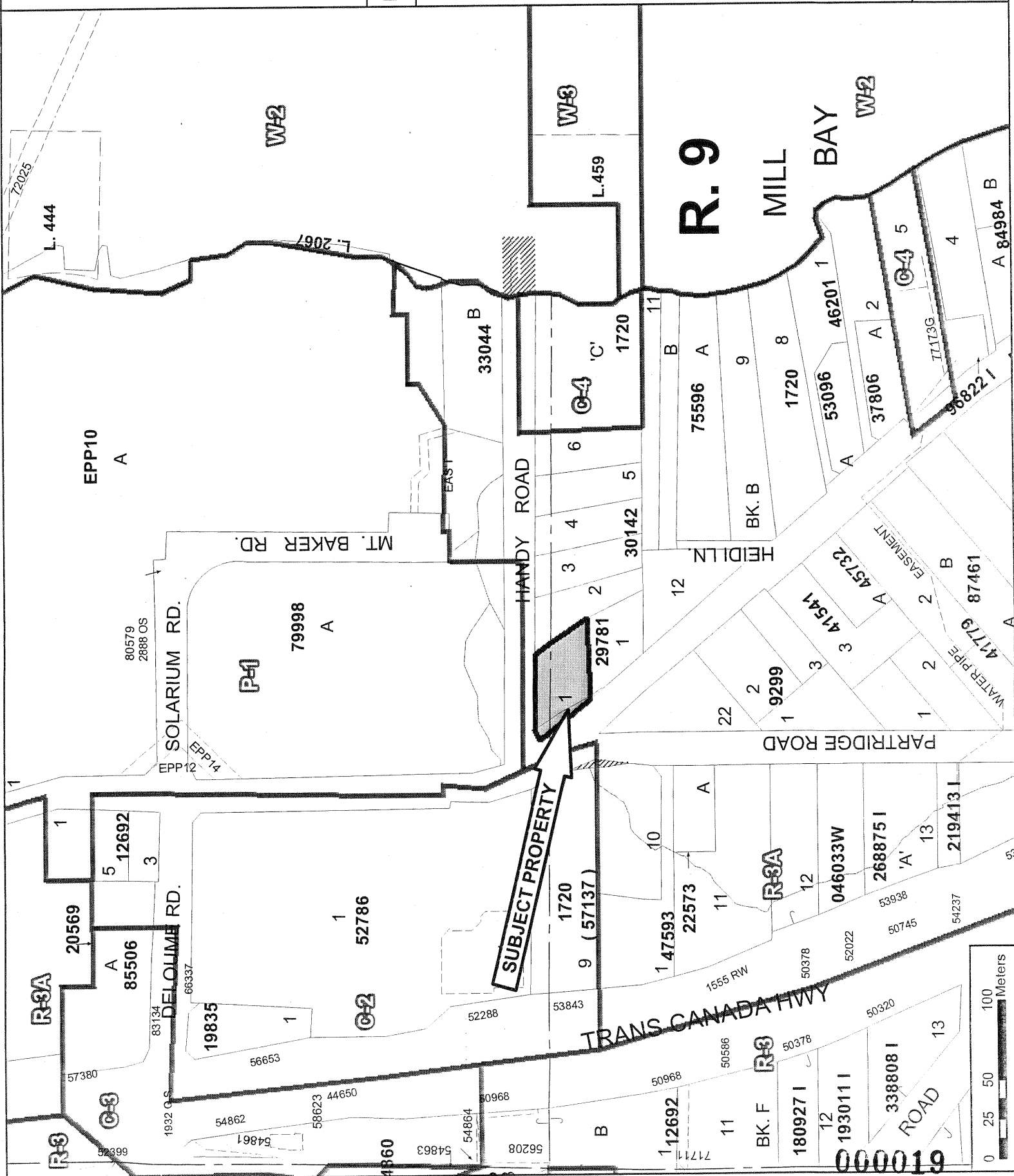
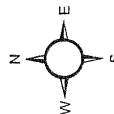
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-A-09-RS

Legend



Subject Property
Zoning Electoral Area A





**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.


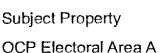
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

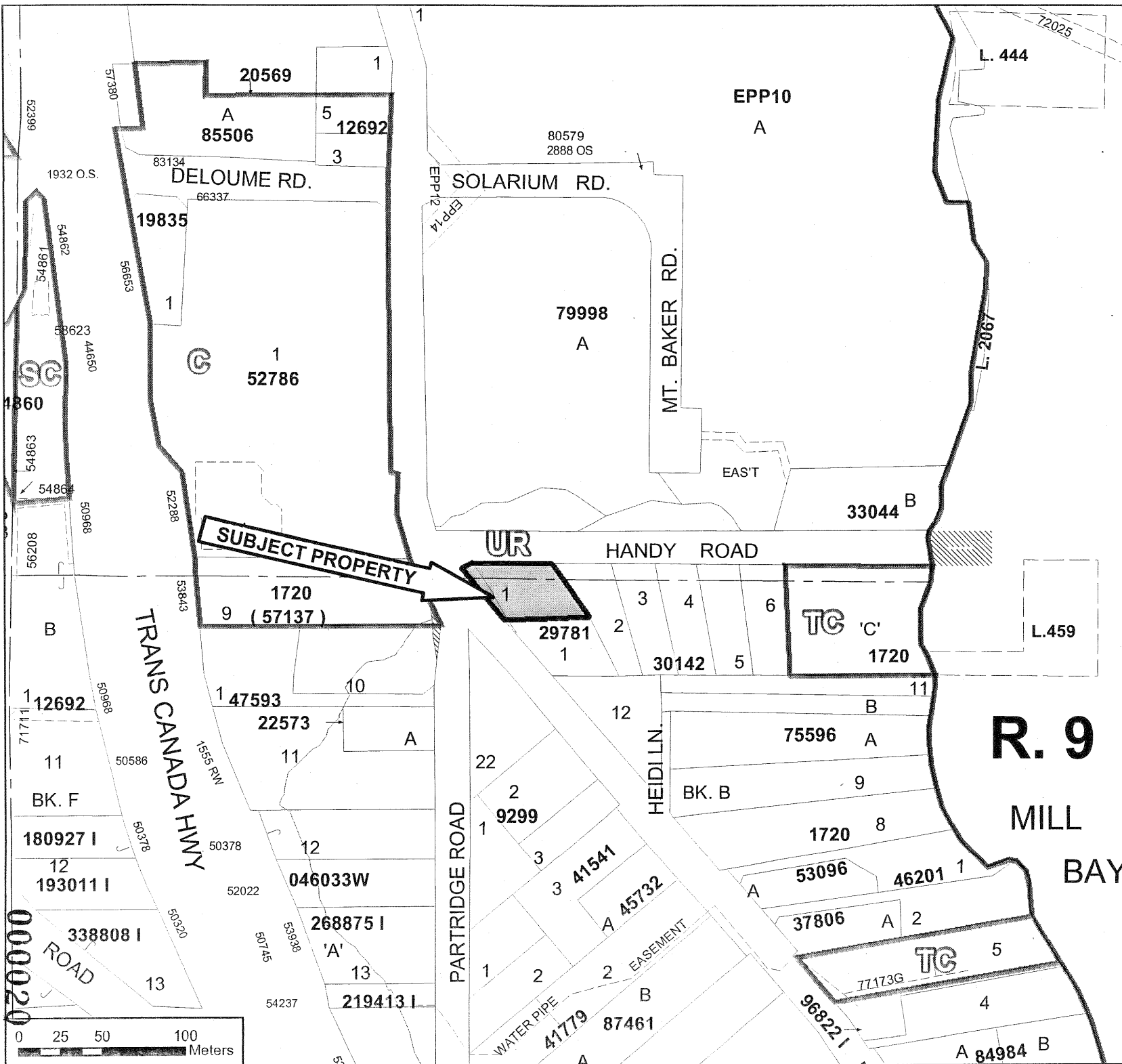
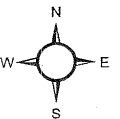
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

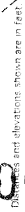
FILE: 3-A-09-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area A







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 7.6.9 is added to the Urban Residential Policies:

Policy 7.6.9

Notwithstanding Section 7.6.1, the Regional Board may, through the zoning bylaw, initiate residential duplex zones within the Urban Residential designation to encourage infilling in the Urban Containment Boundary. The following will be considered in evaluating proposals for residential duplex zoning:

- a) The development is located within the Urban Containment Boundary;
- b) Vehicle and pedestrian safety measures are implemented, and vehicle access from Mill Bay Road is strongly discouraged;

- c) The proposed use is compatible with adjacent land uses;
- d) If feasible, the development will connect to community water and sewer systems. If not feasible, onsite sewage disposal shall be in accordance with the Vancouver Island Health Authority regulations.
- e) Residential duplex development will be subject to the Mill Bay Development Permit Area.

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 residences 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 are encouraged.
4. Duplex residences 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 will be strongly discouraged, and Ministry of Transportation and Infrastructure approval for access will be required.
7. Parking areas should 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

000023

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. XXXX - 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) Home occupation;
- (4) 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

- (5) Where a parcel adjoins a CVRD trail, the minimum setback of all buildings and structures is 4.5 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

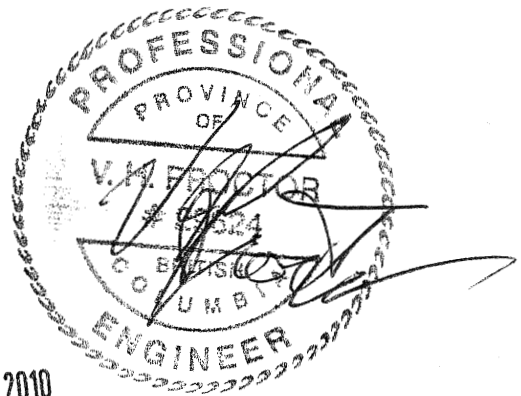
Secretary

10/02/10

ON SITE SANITARY WASTE RATIONALE

FOR

2691 Mill Bay Rd, Mill Bay, BC



FEB 10 2010

561 Bellamy Close, Victoria, B.C. V9B 6C1

Office: 250-658-0906

Cell: 250-858-2491

Fax: 250-658-0735

E-mail: vproctor@bluemountaineng.ca

000027

1. Introduction

The architect has approached Blue Mountain Engineering to ensure adequate spacing for an on site waste water system to service a duplex to be constructed in Mill Bay.

The purpose of the following summary is to outline the specifications for a suitable Surface Waste Infiltration System (SWIS) design for the site. Site design and specifications were supervised by Victor Proctor, PEng.

2. Summary

The site has sufficient area for two separate fields. Separating the fields will result in little extra cost, but will prevent future argument in case of homeowner induced field failure. To insure proper treatment, some site remediation (curtain drain) will need to be made.

The field area suffers from groundwater saturation. Runoff will need to be diverted via the use of curtain drains to prevent field failure. Further drainage may be required pending further testing. The final conclusion is that the property can support a SWIS system for the current planned domicile.

Job: Finlayson	By: Blue Mountain Engineering	Date: 4-1-2010 Rev. 1
Location	2691 Mill	
Legal		
Architect	A.J. Finlyason Architecture	
Homeowner	Gerry Koutougas	
Area	1672.85 m ²	
Slope	2%	
Terrain	Hilly with trees	
Surface Water	None	
Ditches	North: Large stormwater ditch	
	South: none	
Drains	Upslope: Curtain drain	
	Downslope: none	
Vegetation	Trees: mature Fir	
Structures	Duplex to be constructed upslope of the field	

561 Bellamy Close, Victoria, B.C. V9B 6C1

Office: 250-658-0906

Cell: 250-858-2491

Fax: 250-658-0735

E-mail: vproctor@bluemountaineng.ca

Job: Finlayson	By: Blue Mountain Engineering	Date: 4-1-2010 Rev. 1
Slope Erosion	None	
Slope Stability	Stable	
Machine access	From Handy Rd	
Existing System	None	
Proposed Flow	Based on: 3 bedroom/unit duplex Unit 1: 1645 ft ² Unit 2: 1817 ft ²	Unit 1 DDF: 386 lGal Unit 2 DDF=402 lGal
Proposed Treatment Level	Type 3	
Effluent Type	Standard household effluent	
Soil Analysis See filing for more info	KFS for design: 65-120 mm/day	Soil: gravelly granular silt
Design HLR	For selected soil type with type 3 effluent Soil: 1.2 lGal/ft ² /Day	Area: Unit 1: 313ft ² Unit 2: 335ft ²
Design LLR	Based upon final treatment selection	
Design VS	To bottom of soils evaluation: <10"	

Note:

All gallons are in US gallons unless shown otherwise

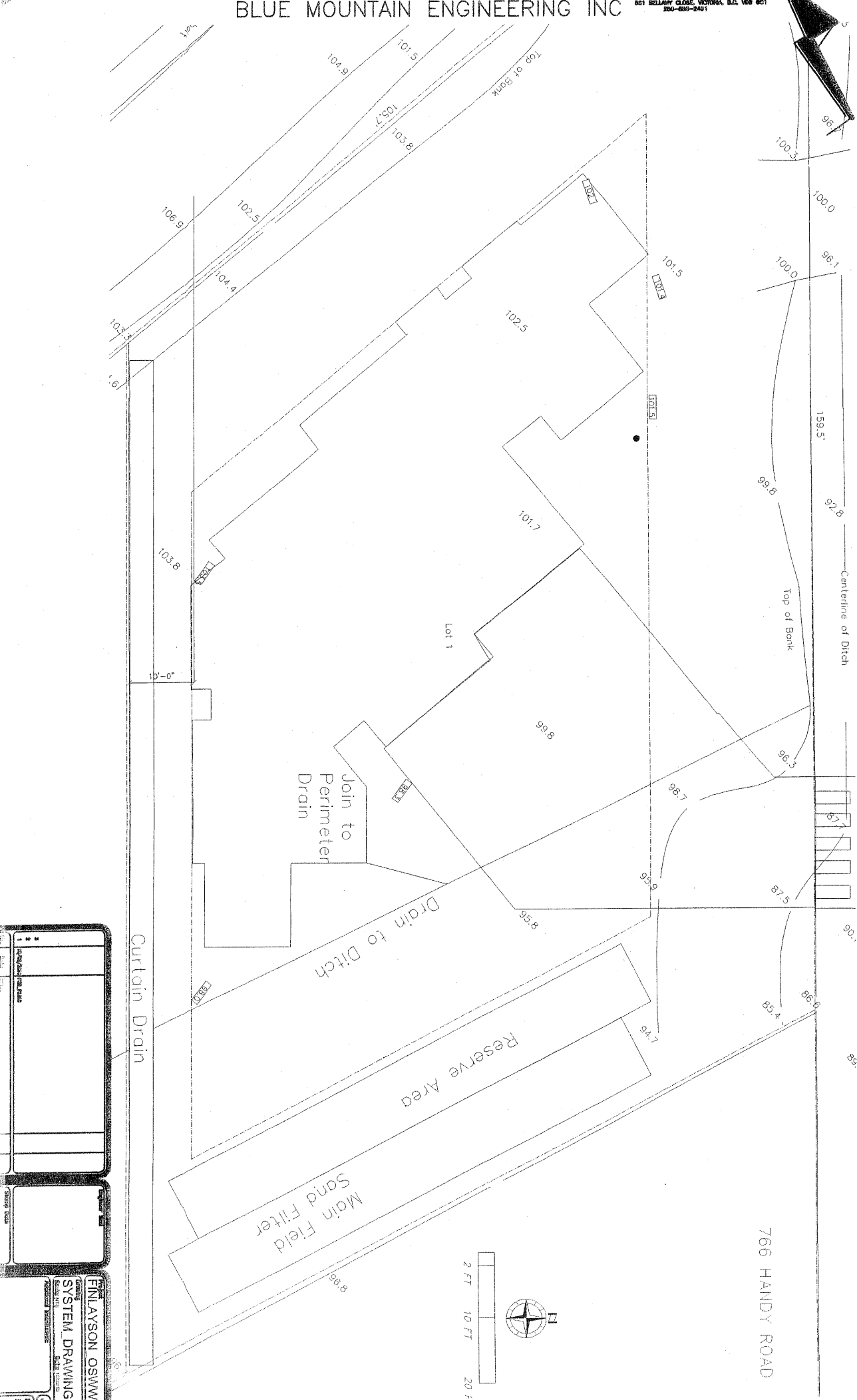
561 Bellamy Close, Victoria, B.C. V9B 6C1

Office: 250-658-0906

Cell: 250-858-2491

Fax: 250-658-0735

E-mail: vproctor@bluemountaineng.ca



000030

JAN 29 2010

**Area A Advisory Planning Commission Meeting
12 January 2010
Held at Mill Bay Fire Hall
Minutes**

Present: June Laraman, Deryk Norton, Dola Boas, David Gall, Archie Staats, Margo Johnston, Cliff Braaten (left at 7:00 pm), Ted Stevens, Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A)

Regrets: Geoff Johnson

Audience: Gerry Koutougos and Art Finlayson (A.J. Finlayson Architect Ltd)

Meeting called to order at 6:30 pm

Previous minutes:

It was moved and seconded the minutes of 10 November 2009 meeting be adopted.
MOTION CARRIED

Election: Director Harrison

Nominations were solicited for the positions of Chair, Vice Chair and Secretary of the APC.

It was acclaimed that the following individuals would hold the positions:

Chair, June Laraman

Vice Chair, Cliff Braaten

Secretary, Margo Johnston

Area A Director Update:

- Director Harrison gave an overview of current, possible and real upcoming applications
- South End Eco Depot location is currently being reviewed by the CVRD
- New planner has been added to the CVRD staff. How the new position will be utilized has not yet been decided.

New Business:

Rezoning Application No. 3-A-09RS (Gerry Koutougos/Violetta Investments Ltd.)

Purpose: to consider the creation of a new R4 Urban Residential Duplex zone and to add the R4 zoning details to the Development Permit Area Guidelines and the Area A OCP.

An overview was presented by the architect, Art Finlayson, explaining the reasons for changing their original request for two R3A properties rezoning to allow two duplexes to only one R3A property rezoning for one duplex.

A walkway/path along the property on Mill Bay Road will be provided.

APC Questions and Concerns

- Instead of creating a new zone to deal with this request it may be more feasible to look as an "one off".
- Currently Area A Official Community Plan is in the process of revision, concern was expressed about recommending any new zones in light of pending changes.
- Concern about the sewage requirements for duplexes.
- No secondary suites should be allowed in duplexes.
- Permitted uses in duplexes should be limited to home occupation businesses that generate limited vehicles traffic.

000031

- Visibility entering and exiting from Handy Road onto Mill Bay Road is a concern as it is presently restricted. Limit the height of a fence.
- Support for a roundabout at this intersection. Request a traffic study for access onto intersection.
- A variance would be needed for a duplex to be built on this property as the lot size is less than .4 ha it does not meet the criteria of R3A zoning or the stated requirements for the proposed R4 zoning.
- The Area A PRC recommended that a setback for a potential walking path and bicycle path be considered for the area that borders the property along Mill Bay Rd. (November 26th, 2009 minutes) The Area A APC supports a walkway on applicant's property or Highways' right of way.

APC Recommendation:

Roundtable

The Area A APC recommendation to the CVRD was moved and seconded

- 1) That Rezoning Application No. 3-A-09RS to R4 Urban Residential Duplex zoning not be approved. The new OCP will deal with duplex zoning.
- 2) That the APC will ask the CVRD Board to consider this rezoning application as a "one off" with a variance.
- 3) That the only permitted use other than single dwelling and duplex would be Home occupation businesses in this "one off" duplex zoning with limited or no vehicle traffic.
- 4) That no secondary suites are allowed.

MOTION CARRIED

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 8:25 pm.

The next regular meeting will be at 6:30 p.m., 9 February 2010 at Mill Bay Fire Hall.

Area D OCP - Contacts

Group	Name	Email	Phone
OCP Steering Committee	Hilary Abbott	hilary@hilaryscheese.com	250.715.0563
	Don Bright	dmbright@shaw.ca	250.746.7190
	Peter Holmes	p-bholmes@shaw.ca	
	Danica Rice	drice@valhallatrails.com	
	Larry George	larry.george@cowichantribes.com	250.748.3196
	Dan Butler	butlerdan@hotmail.com	250.748.4387
	Robert Stitt	robstitt@brookhouse.bc.ca	250.701.9031
Area D Director	Lori Iannidinardo	lianni@shaw.ca	250.748.0359
Area D Alternate Director	Leslie Heinio	nick_heinio@hotmail.com	250.748.0764
CVRD	Ann Kjerulf	akjerulf@cvrd.bc.ca	250.746.2629
	Mike Tippett	mtippett@cvrd.bc.ca	250.746.2602

000033



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MARCH 16, 2010

DATE: March 8, 2010

FILE NO: 3-H-09DP

FROM: Alison Garnett, Planning Technician

BYLAW NO:

SUBJECT: Application 3-H-09DP (Angela YP Quek Architecture)

Recommendation:

That Application 3-H-09 DP be approved, and that a development permit be issued to Angela YP Quek Architecture on behalf of Peggy and Doug Kolossoff, for Parcel 1 (DD14733N) of Parcel B (DD3329N) of District Lot 22, Oyster District, except part in Plan 18087, to permit the construction of a 24 unit residential care facility, subject to,

- a. The facility is licensed pursuant to the *Community Care and Assisted Living Act*,
- b. The facility receives the appropriate water system approval from the Vancouver Island Health Authority pursuant to the *Drinking Water Protection Act*,
- c. The development complies with the recommendations noted in Lewkowich Engineering Aquifer Impact Assessment report dated November 13, 2009,
- d. The development complies with the recommendations noted in Lewkowich Engineering Geotechnical Hazard Assessment, dated September 11, 2009, including:
 - *The volume of storm discharge to the foreshore culvert is not increased substantially. This can be accomplished by providing a recharge facility (rock pit/trench) with an overflow to the storm system leading to the foreshore,*
 - *The building site soils are adequately drained to a depth of at least 0.5 m within the building footprint,*
 - *Foundations are extended to suitable undisturbed bearing soil*
- e. The development is in substantial compliance with the attached Kiwi Manor Care Facility plans, dated May 7, 2009 by AYPQ Architecture. And furthermore, that these plans include paving the staff parking area and installing an oil/water separator.

Purpose:

To consider a Development Permit Application for a proposed 24 unit residential care facility, in accordance with the Cassidy/Bush Creek Aquifer Development Permit Policies contained within OCP Bylaw No. 1497.

Background:

Location of Subject Property: 5130 Brenton Page Road

Legal Description: Parcel 1 (DD14733N) of Parcel B (DD3329N) of District Lot 22, Oyster District, except part in Plan 18087 (PID 009-449-604)

Date Application and Complete Documentation Received:

Original application received May 7, 2009; application complete November 23, 2009

000034

Owner: Peggy and Doug Kolosoff

Applicant: Angela YP Quek Architecture

Size of Parcel: 4 ha (10 acres)

Existing Zoning: GL-1 Guest Lodge and A-2 Secondary Agriculture

Minimum Lot Size Under Existing Zoning: A-2 : 2 ha; GL-1: 4ha

Existing Plan Designation: Agricultural and Commercial

Existing Use of Property: Residential, agriculture and guest lodge

Existing Use of Surrounding Properties:

North: Agricultural

South: Ladysmith Harbour

East: Residential

West: Ladysmith Harbour and Industrial

Services:

Road Access: Brenton-Page Road

Water: On site

Sewage Disposal: On-site septic system

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a Shoreline Sensitive Area. Additionally, the property is located in the Cassidy Aquifer Development Permit Area.

Archaeological Site: CVRD mapping does not identify any archaeological sites.

The Proposal:

The subject property is a 4 hectare lot, currently used as a commercial guest lodge, a residence, and for small scale agricultural use. The northern portion of the lot is zoned G-1 (Guest Lodge), and the southern portion is zoned A-2 (Secondary Agriculture). The applicants propose to develop a 24 unit residential care facility adjacent to the guest lodge. Zoning Bylaw No. 1020, Section 4.3, permits a "group home" in any zone, therefore the proposed use is compliant with the North Oyster/Diamond Zoning Bylaw.

Group homes, or what are currently referred to as Community Care Facilities, are regulated by the *Community Care and Assisted Living Act*, and pursuant to this *Act*, must be licensed by the Medical Health Officer. The applicants' proposal is to construct a two storey, 1797 m² (19,342 ft²) building adjacent to the existing guest lodge to provide 24 residential care units. The location of the proposed building is relatively flat, and consists of a grassy area and mature trees. The applicant has supplied site plans and elevation drawings of the proposed building, which are attached to this report. The proposal complies with the zoning bylaw in terms of height limits, setback distances and parcel coverage.

The subject property is located off Brenton-Page Road at the north end of Ladysmith Harbour. It is situated within the Cassidy/Bush Creek Aquifer Development Permit Area (DPA), which

established to protect the natural environment by minimizing the degradation of the freshwater aquifer for the protection of health, property and fish and/or wildlife habitats, as well as to safeguard development from hazardous conditions. Accordingly, the applicants' proposed construction of a residential care facility must conform to the Cassidy Aquifer DPA Guidelines contained within Official Community Plan Bylaw No. 1497.

The purpose of this application is to assess whether the proposed development complies with the environmental protection guidelines and the protection from hazardous conditions guidelines of the development permit area. The proposed land use, in this case a residential care facility, is considered a permitted use within the zoning, and is relevant to this application only in assessing safety concerns and the potential impact on the Cassidy Aquifer.

Section 3.5.4 of the Cassidy Aquifer Development Permit Area policies states that the Regional District may require the applicant to provide a report certified by a professional engineer to comment on the water requirements, waste disposal requirements and potential impact of the project on the groundwater recharge area. In compliance with this requirement, the applicant has engaged the services of Lewkowich Engineering Associates to conduct an aquifer impact assessment.

The report by Lewkowich, dated November 13, 2009, estimates water consumption for the residential care facility to be 23,000 litres per day. Combined with the existing guest lodge, the total water use on the site is estimated to be 32,102 litres per day, which represents 13.8% of the daily volume available on the site. Information on the daily water yield is based on studies conducted by Turner Groundwater Consultants in 1995. The Lewkowich report of November 2009 states that this amount of water use should not represent a significant impact to the groundwater resource.

The applicant has also submitted a filing of Sewerage System by a professional engineer, which has been referred to the Vancouver Island Health Authority and the Ministry of Environment. Both the existing and proposed sewerage systems are indicated on the attached site plan on the western side of the parcel. The Sewerage System filing indicates that there is sufficient land area on the site to support a 24 unit residential care facility. The Lewkowich Aquifer Impact report notes that due to a thick layer of glacial till, the groundwater source is well protected from potential contamination, and the risk of this development negatively affecting the aquifer would be considered very low.

The applicants have also provided a report by Lewkowich Engineering which addresses potential geotechnical hazards. The report notes that the proposed development does not present a substantial hazard provided the following three conditions are met:

1. Storm water generated from the site is directed to a recharge facility (rock pit/trench) as opposed to discharging to the foreshore culvert,
2. The building soils are adequately drained to a depth of at least 0.5 metres within the building footprint,
3. Foundations are extended to suitable undisturbed bearing soil.

Advisory Planning Commission Comments:

This application was referred to the Electoral Area H Advisory Planning Commission, where the following motion was passed:

"The recommendation of this Advisory Planning Commission to the CVRD Board is to issue a development permit for the proposed application regarding the application for a long term care facility at Kiwi Cove with the following conditions:

- a. That an impervious (paved) parking lot be created for use by the employees*
- b. That the assumption regarding the traffic in and out of the facility be moderately light*
- c. That should the amount of traffic in and out (employees and visitors) increase, this Advisory Planning Commission recommends that a new development permit be required of the owner and/or developer by the CVRD.*
- d. Should this facility ever cease to be a long term care facility, this Advisory Planning Commission recommends a new development permit be required of the owner and/or developer by the CVRD."*

Summary:

As noted above, in accordance with Zoning Bylaw No.1020 a "group home" is a permitted use in any zone. As the Zoning Bylaw does not provide a definition of group home, the CVRD permits a facility that is licensed by the Vancouver Island Health Authority pursuant to the *Community Care and Assisted Living Act*. The CVRD therefore has very little control as to the scale of such a building, with the exception of requiring assurance from qualified professionals that the proposed use will have no negative impact on the Cassidy Aquifer.

Considering that professional reports have been submitted that address groundwater protection and geotechnical concerns for this 24 unit residential care facility, it appears that a development permit should be issued for the proposed development, subject to compliance with the identified recommendations. We note in our staff recommendation that this proposed care facility must be licensed as a Community Care Facility in order to be permitted by the zoning.

The applicants are able to comply with the APC's recommendation to pave the staff parking area, and will additionally install an oil/water separator to control potential contaminants. The APC's comments respecting traffic and future development permits are not possible to address through this development permit application. A Cassidy Aquifer development permit is required specifically when subdivision or construction activities are proposed, and not by any increases in traffic. However, concern about potential uses for this building should be eased by the fact that this facility can only be used as a licensed care facility, and no other use would be permitted without a rezoning application.

Options:

1. That Application 3-H-09 DP be approved, and that a development permit be issued to Angela YP Quek Architecture on behalf of Peggy and Doug Kolosoff, for Parcel 1 (DD14733N) of Parcel B (DD3329N) of District Lot 22, Oyster District, except part in Plan 18087, to permit the construction of a 24 unit residential care facility, subject to,
 - a. The facility is licensed pursuant to the *Community Care and Assisted Living Act*,
 - b. The facility receives the appropriate water system approval from the Vancouver Island Health Authority pursuant to the *Drinking Water Protection Act*,
 - c. The development complies with the recommendations noted in Lewkowich Engineering Aquifer Impact Assessment report dated November 13, 2009,

000037

- d. The development complies with the recommendations noted in Lewkowich Engineering Geotechnical Hazard Assessment, dated September 11, 2009, including:
- *The volume of storm discharge to the foreshore culvert is not increased substantially. This can be accomplished by providing a recharge facility (rock pit/trench) with an overflow to the storm system leading to the foreshore,*
 - *The building site soils are adequately drained to a depth of at least 0.5 m within the building footprint,*
 - *Foundations are extended to suitable undisturbed bearing soil*
- e. The development is in substantial compliance with the attached Kiwi Manor Care Facility plans, dated May 7, 2009 by AYPQ Architecture. And furthermore, that these plans include paving the staff parking area and installing an oil/water separator.
2. That Application No. 3-H-09 DP not be approved in its current form, and that the applicant be directed to revise the proposal.

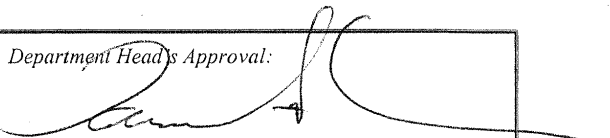
Option 1 is recommended.

Submitted by,



For: Alison Garnett,
Planning Technician
Planning and Development Department

AG/jah

Department Head's Approval:

Signature

DEVELOPMENT PERMIT**DRAFT****DRAFT**

NO: 3-H-09 DP

DATE: March 4, 2010

TO: Peggy and Doug Kolossoff

ADDRESS: DRAFT

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):
Parcel 1 (DD14733N) of Parcel B (DD3329N) of District Lot 22, Oyster District, except part in Plan 18087
3. Authorization is hereby given for the construction of a 24 unit residential care facility, in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - a. The facility is licensed pursuant to the *Community Care and Assisted Living Act*,
 - b. The facility receives the appropriate water system approval from the Vancouver Island Health Authority pursuant to the *Drinking Water Protection Act*,
 - c. The development complies with the recommendations noted in Lewkowich Engineering Aquifer Impact Assessment report dated November 13, 2009,
 - d. The development complies with the recommendations noted in Lewkowich Engineering Geotechnical Hazard Assessment, dated September 11, 2009, including:
 - The volume of storm discharge to the foreshore culvert is not increased substantially. This can be accomplished by providing a recharge facility (rock pit/trench) with an overflow to the storm system leading to the foreshore,
 - The building site soils are adequately drained to a depth of at least 0.5 m within the building footprint,
 - Foundations are extended to suitable undisturbed bearing soil
 - e. The development is in substantial compliance with the attached Kiwi Manor Care Facility plans, dated May 7, 2009 by AYPQ Architecture. And furthermore, that these plans include paving the staff parking area and installing an oil/water separator.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Lewkowich Engineering Aquifer Impact Assessment report dated November 13, 2009
 - Schedule B- Lewkowich Engineering Geotechnical Hazard Assessment, dated September 11, 2009
 - Schedule C- Kiwi Manor Care Facility plans, dated May 7, 2009 by AYPQ Architecture
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

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

Tom Anderson, MCIP
Manager, Planning and Development

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

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

Signature

Witness

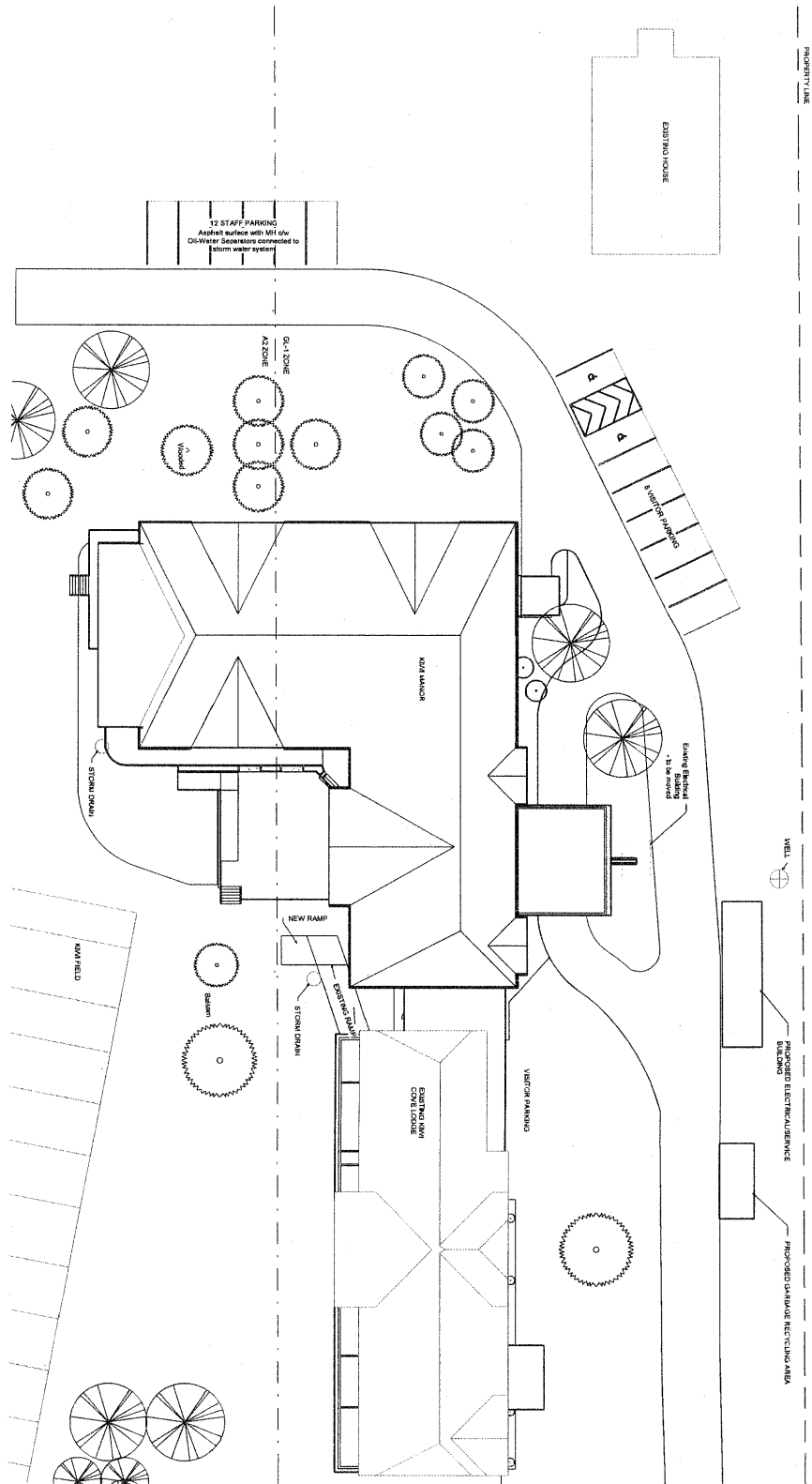
Owner/Agent

Occupation

Date

Date

000039



AYPO
Angela YP Quirk Architecture

11111 Quirk Road
Lafayette, LA 70503
Caitlin YP Quirk
and KATHA MIA for AYPO
www.aypo.com

Kiwi Manor
A Care Facility
5130 Brown Page Road
Lafayette, LA
AC0821
D02
Site Plan

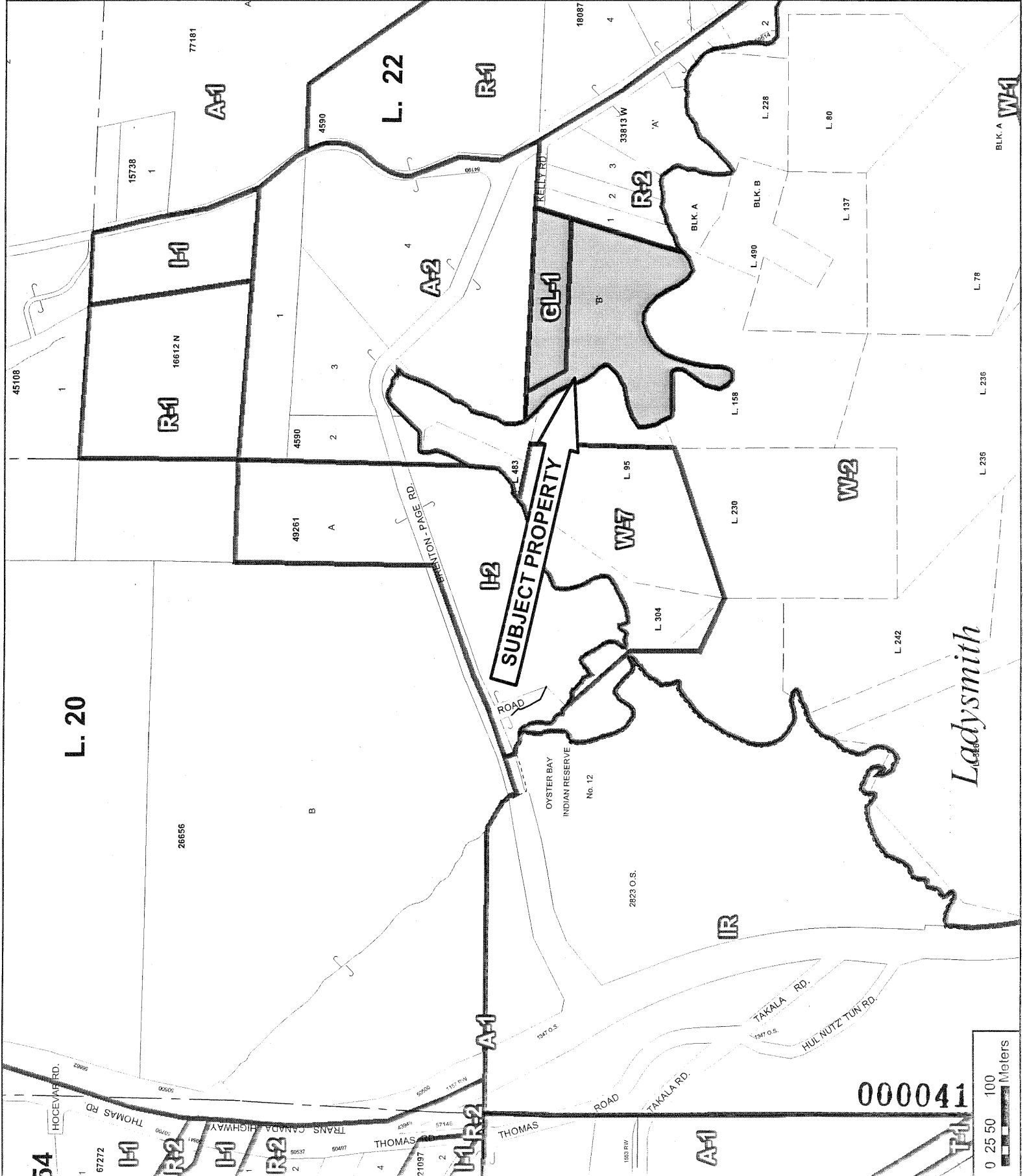
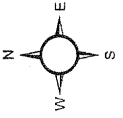
1/16" = 1'-0"
04/02/2015 at 2:38 PM

000040



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

Zoning Electoral Area H



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.

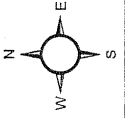
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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


FILE: 3-H-09-DP

DPA

Legend
 Subject Property



 OTHER DPA

 RIPARIAN AREAS REGULATION DPA

L. 20

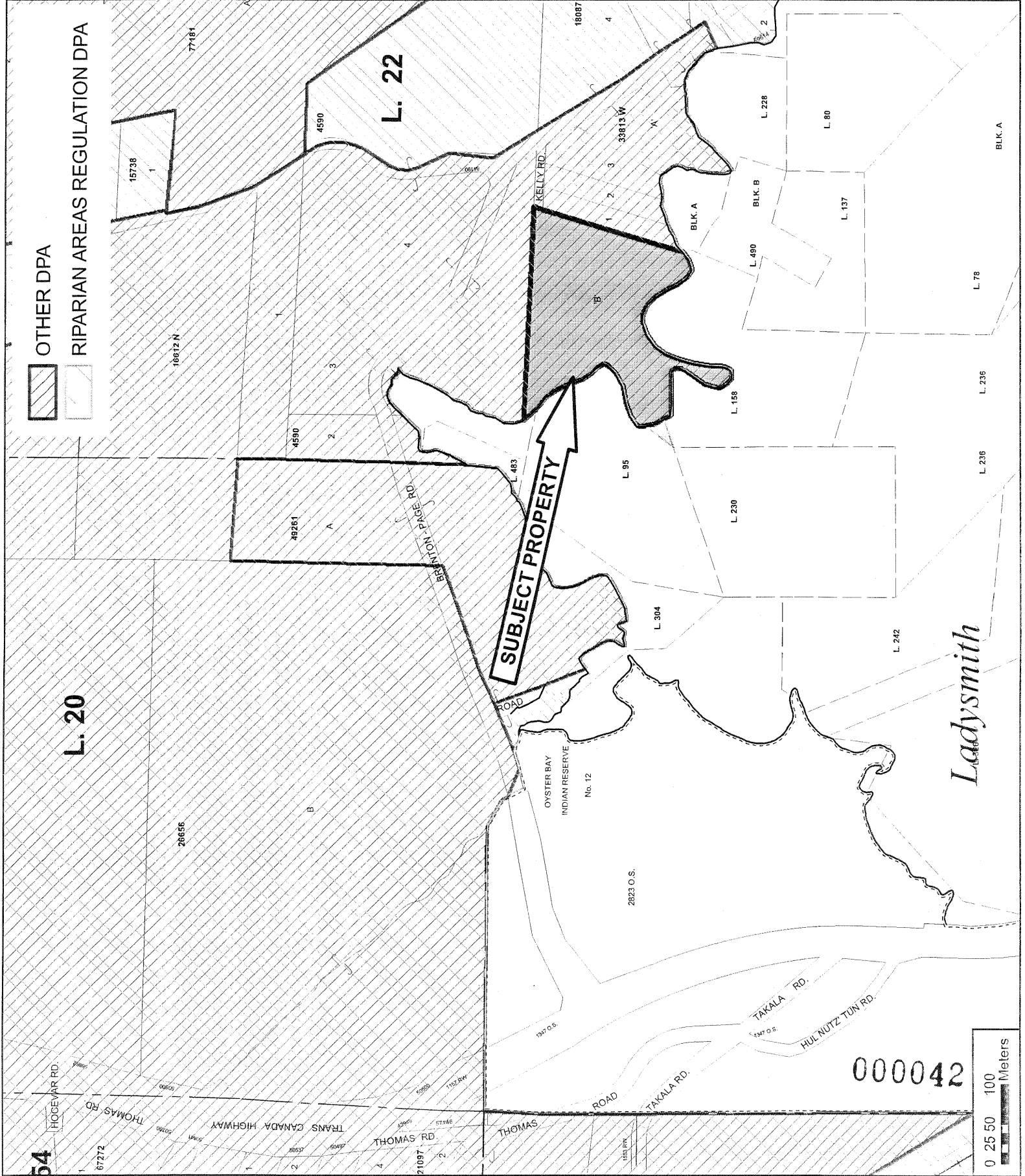
L. 22

SUBJECT PROPERTY

Ladysmith

000042

0 25 50 100 Meters



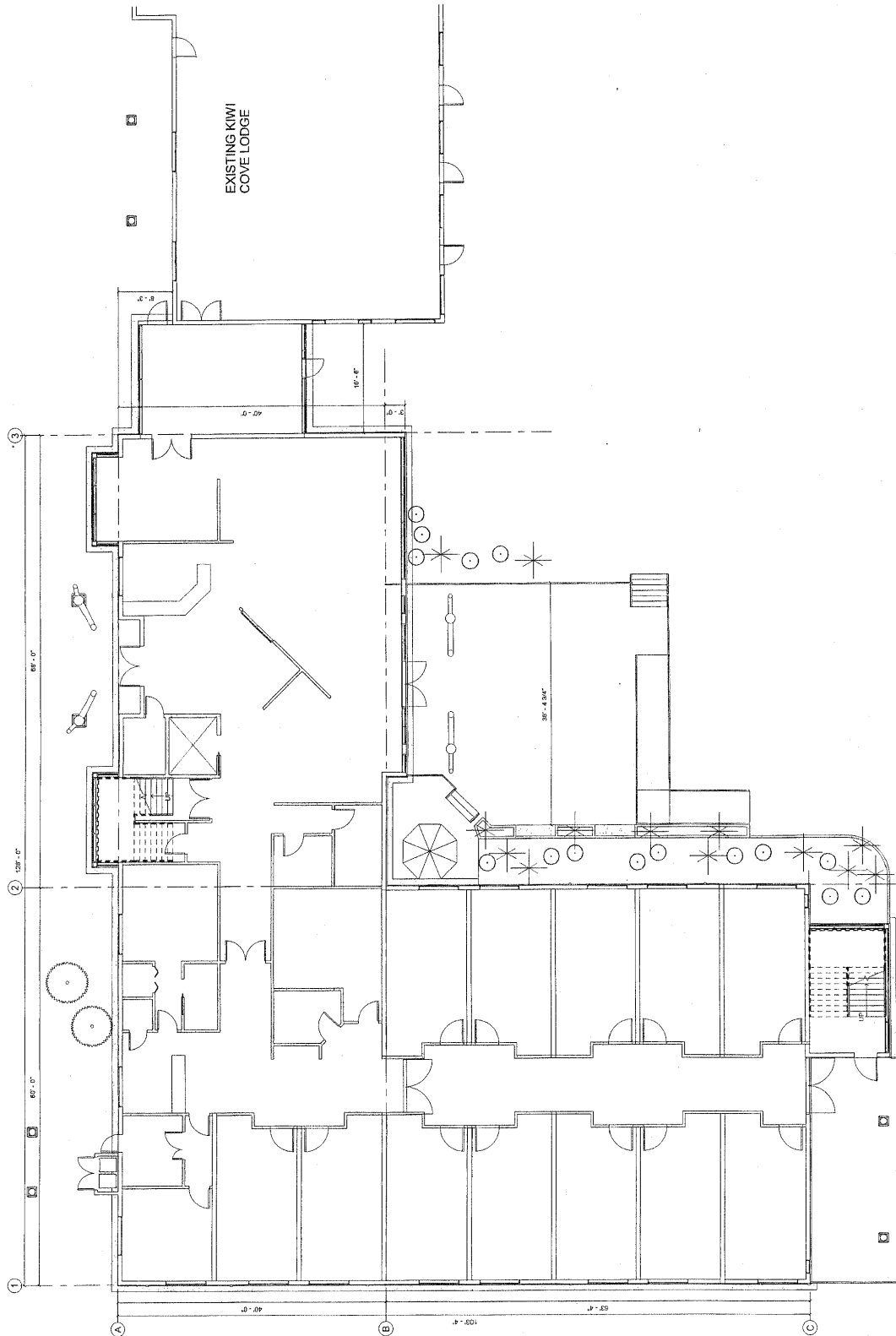
PROJECT DATA	LEGAL DESCRIPTION	This Plan is Part of Parcel A of Parcel B, Excluded 25, Opave District.	
	CIVIC ADDRESS	12000 S. Opave Road Layman, NE, 68541.6	
	ZONING	A-2 Zone AG-2 (Agricultural)	
	LAND USE	COMMERCIAL AGRICULTURAL	
	LAND AREA	103.2 Acres	444,312 sf
	BUILDING AREAS	NEW MAIN FLOOR	8,425 sf
		EXISTING MAIN FLOOR	4,531 sf
		ADDITION LOWER	400 sqm
		EXISTING LOWER	261,422 sf
		EXISTING LOWER	400 sqm
	GRASSES	26,291 sf	2,774 sqm
	LOT COVERAGE	0.58%	
	FLOOR PLANS	2ND FLOOR	7.59'
		LOWER FLOOR	17.39'
	BYLAW SPECIFIC REQUIREMENTS:		
	AS BUFFER	0.64'	3m
	AS BUFFER	4.78'	1.40m
	AS BUFFER	18.59'	5.66m
	GLT SIDE	14.76'	4.50m

**Kiwi Manor
A Care Facility**
5130 Breckenridge Place Road
Langley, BC

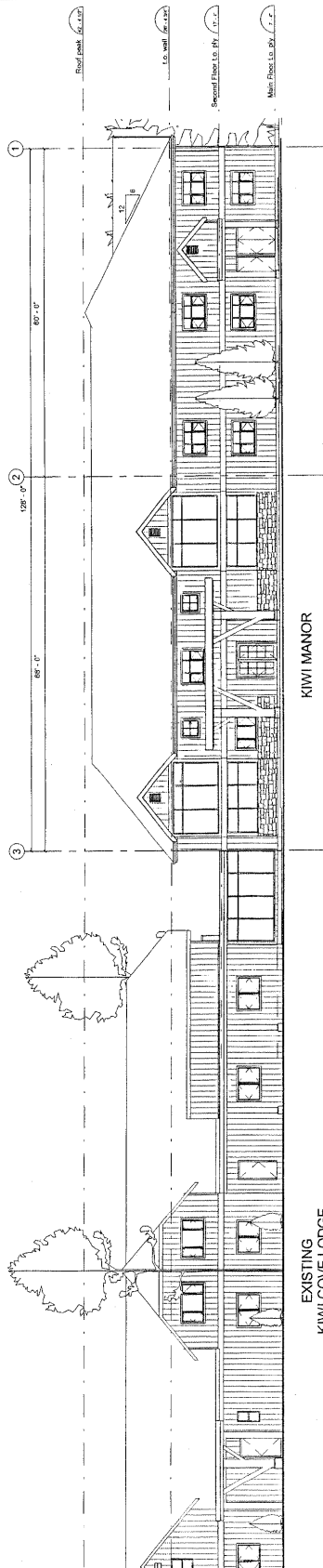
AD0821
D04
Main Floor

1/8" = 1'-0"
08/05/07 11:18:52 AM

AYQ
Angela YP Quek Architecture
10701 Finch Road
Unit 107, Richmond, British Columbia
Canada V6V 1G4
tel 360-245-2555 fax 778-555-
ayquek@angelaquek.com

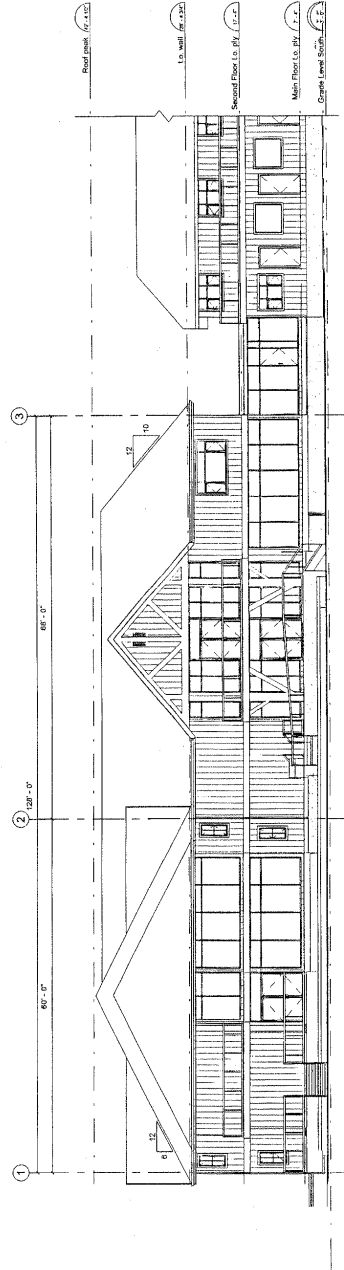


000044



EXISTING
KIWI COVE LODGE

KIWI MANOR



Kiwi Manor
A Care Facility
5130 Devon Page Road
Langemith, BC

A008071
D06
N & S Elevations

3/20/2011 11:18:36 AM

13728 Dimple Road
Langemith, B.C. Canada
V2Y 1A5
Tel: 250-543-7565 Fax: 250-543-7566
http://www.angelaYP.com
Angela YP Quek Architecture

000045

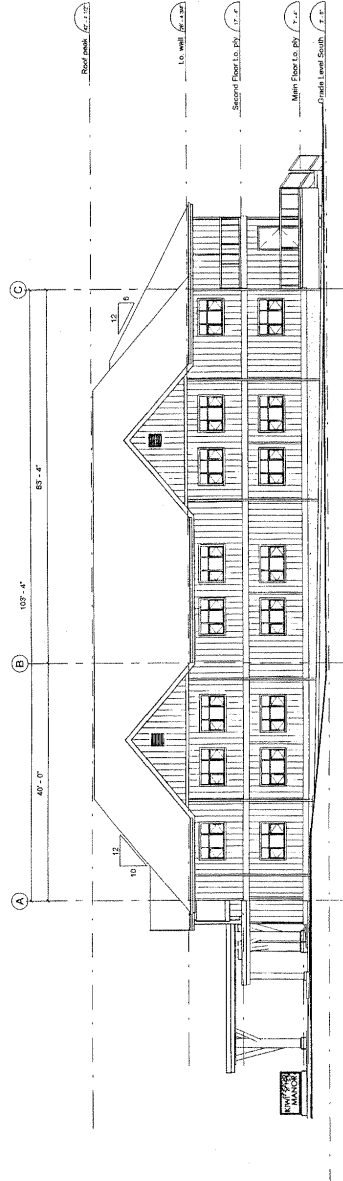
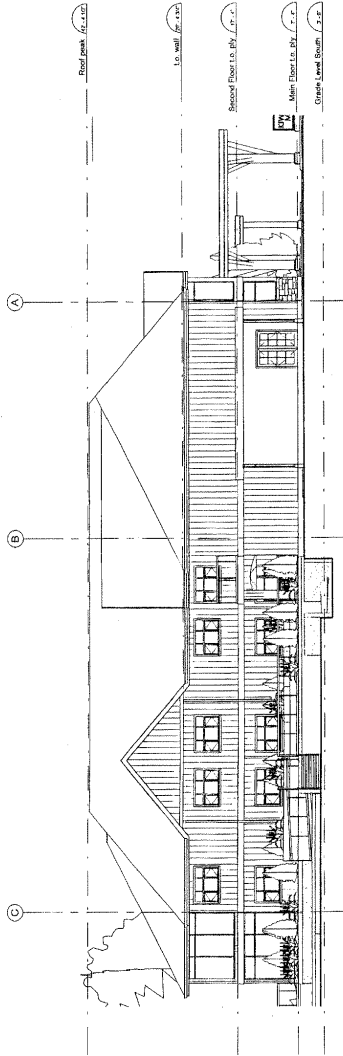
Kiwi Manor
A Care Facility
5130 Benton Page Road
Langham, BC

AC00021
D07
E & W Elevation

3/27/2017 11:18:50 AM
000007 11:18:50 AM

17170 Duxie Road
Langham, British Columbia
Canada V2Y 5G5
Tel: 250-245-0355 Fax: 781-1515
www.angelaYP.com
Angela YP Quek Architecture

AYPQ



000046



Lewkowich Engineering Associates Ltd.

geotechnical • health, safety & environmental • materials testing

Doug & Peggy Kolosoff
5130 Brenton Page Road
Ladysmith, B.C.
V9G 1L6

File Number: G6515.02
Date: November 13, 2009

Attention: Mr. Doug Kolosoff

**PROJECT: PROPOSED KIWI MANOR, 5130 BRENTON PAGE ROAD,
LADYSMITH, B.C. (LEGAL: PART 1 OF PARCEL 1 AND PARCEL B,
D.L.22, OYSTER DISTRICT).**

SUBJECT: AQUIFER IMPACT ASSESSMENT

Dear Mr. Kolosoff:

1. INTRODUCTION

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out an aquifer impact assessment of the above referenced property. This report provides a summary of our findings and recommendations.

2. BACKGROUND

LEA understands the proposed development will consist of a 1797m² 24 unit seniors' residential complex and associated pavements and roadways. It is understood that the proposed development requires a development permit adhering to the Cassidy Development Permit Area Guidelines which includes a aquifer impact assessment.

3. ASSESSMENT OBJECTIVES

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 - i. Determine whether the development will impact the existing aquifer due to increased and/or anticipated increase in groundwater demand.
 - ii. Identify any negative impacts the development may have on the aquifer and make recommendations (if any) to protect the aquifer.



- iii. Acknowledge that approving and/or building inspection officer may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

A visual site assessment was conducted as well as a desktop study of relevant well log information (from the Water Resources Atlas of BC and local well logs) in the immediate area and details of the aquifer characteristics. Included in the study was a review of LEA's previous work on this property, and the Turner Groundwater Consultants Report, "Proof of Potable Water from Groundwater Sources" Dated May 20, 1995.

5. SITE CONDITIONS

5.1 General

- a. The site is a 10.2 acre parcel of primarily undeveloped rural land with all surfaces consisting of permeable materials such as grasses, topsoil, and gravel driveways with the exception of the existing lodge structure and residence. There are also some mature evergreens and deciduous trees located to the south and west of the new building site and scattered throughout the property. Lower lying vegetation consisted of salal, ferns, berry vines and tall grasses, except near the existing buildings where some cultured landscaping was noted. A garden and fruit tree area (0.5 acre) is located just south of the building area where the surface soils have been extensively cultivated.
- b. The property is bordered by the low level foreshore of the Ladysmith harbour to the west and south, by a rural residential property to the east and by a partially developed farm property to the north. The lot topography is relatively flat with a minimal gradient down towards to the foreshore. Some built up areas within the site include a natural berm in the septic area which is approximately 1.2m higher than the surrounding topography and a dyke running along most of the foreshore at the west and south extents which is 1.5m above the surrounding land.



- c. The property also contains septic dispersal arrays designed to accommodate the volume of the existing lodge and residence and the proposed 24 unit care home. The arrays are located in the northwest quadrant of the property.

5.2 Soil Conditions

A review of the well logs on the subject property and our previous geotechnical and septic assessments indicate that the soils on the subject site consist of:

- i. 0.6m layer of organics (topsoil), underlain by
- ii. 0.6m to 3.7m layer of brown sand and gravel, underlain by
- iii. firm clay and/or silt layer from 3.7m to 4.3m, underlain by
- iv. sand and gravel to 6.1m, underlain by
- v. a predominantly grey silt layer to a depth of 12.2m.

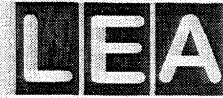
5.3 Groundwater

- a. Well depths in the area of the lower, flatter coastal plain vary in depth from 5m to 18m; typically drawing water from above the bedrock level. The well depths on properties on the bench above Brenton Page Road vary from 24m to 75m, which have been drilled through the bedrock layer. The well on the subject property draws from the Cassidy Aquifer and produces 2.7litres/sec from a depth of 4.9 to 6.1m (gravel seam) as indicated in the Turner Groundwater Consultants report dated May 20, 1995.
- b. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed in the well logs.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 General

The groundwater within the subject site occurs under semi-confined to confined conditions in the terraced fluvial and glacial fluvial surficial deposits known as the Cassidy Aquifer. A



well on the subject property draws groundwater from well depth of 4.9m to 6.1m within a sand and gravel layer.

6.2 Ground Water Assessment

- a. The proposed development consists of a 1796m², 24 unit care home, which will represent a additional demand on the groundwater resource of 23,000 litres per day. This represents 10% of the total available daily groundwater volume, calculated by extrapolating the flow rate of the well (of 2.7 litres per sec as indicated in the groundwater report) to a daily groundwater volume. The current water demand from the residence and lodge has been calculated as 9,102 litres per day (previous Septic Design Dated 2001). The total volume of 32,102 litres per day (existing and proposed usage) represents 13.8% of the 233,280 litre daily volume. Based on the available information, and considering that this is likely one of the last groundwater users before the groundwater discharges to the ocean (Ladysmith Harbour) this additional groundwater withdraw should not represent a significant impact to the groundwater resource.
- b. The well logs and test pit logs show that the groundwater source (4.9m to 6.1m depth) is below significant thicknesses of glacial till, clayey and/or silty sand material that are relatively impermeable. The septic disposal fields for the proposed development on this property have been designed and installed in accordance to current design standards and approved by the Vancouver Island Health Authority. Therefore it is our opinion that due to the sub-surface impermeable stratum found in the immediate area, the risk of this development negatively affecting the groundwater aquifer would be considered 'very low'.

7. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the building inspector (or equivalent) of the Cowichan Valley Regional District as a precondition to the issuance of a development permit. It is acknowledged that the approving officers and building officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for,

Lewkowich Engineering Associates Ltd.

000050

Client: Doug & Peggy Kosoloff
Project: 24 Unit Care Home Development
File #: G6515.02
Date: November 13, 2009
Page: 5 of 5



and at the expense of Doug and Peggy Kosoloff. We have not acted for or as an agent of the Cowichan Valley Regional District in the preparation of this report.

8. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced subsurface explorations. No other warrantee, expressed or implied, is made. Due to the geological randomness of many soil formations, no interpolation of soil conditions between or away from the test pits and wells has been made or implied. Soil conditions are known only at the test pit and well locations. If other soils are encountered, unanticipated conditions become known during construction or other information pertinent to the structures become available, the recommendations may be altered or modified in writing by the undersigned.

9. CLOSURE

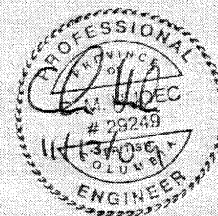
Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

Reviewed by,

A handwritten signature in black ink, appearing to read 'John Hessels', written over a set of horizontal lines.

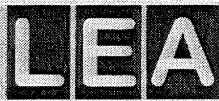
John Hessels, ASCT.
Senior Technologist



Chris Hudec, M.A.Sc., P.Eng.
Project Engineer

Lewkowich Engineering Associates Ltd.

000051



Lewkowich Engineering Associates Ltd.

geotechnical • health, safety & environmental • materials testing

GEOTECHNICAL SITE REPORT

Doug & Peggy Kolosoff
5130 Brenton Page Road,
Ladysmith, B.C.
V9G 1L6

File: G6515.01
September 11, 2009

ATTENTION: Mr. Doug Kolosloff

**PROJECT: PROPOSED KIWI MANOR, 5130 BRENTON PAGE ROAD,
LADYSMITH, B.C. (LEGAL: PART 1 OF PARCEL 1 AND PARCEL B,
D.L.22 , OYSTER DISTRICT)**

SUBJECT: GEOTECHNICAL HAZARD ASSESSMENT

1. Lewkowich Engineering Associates Ltd. has conducted a geotechnical hazard assessment for the above property, as requested by the Cowichan Valley Regional District prior to development approval. It is understood that the proposed development includes a 960m² addition to an existing 500m² building and associated site preparation including the removal of most of the mature trees to the southwest of the new building site.
2. The assessment methodology included a desktop study as well as a visual reconnaissance conducted on September 2, 2009. At the time of our visit, the property had been partially developed with an existing residential structure (Kiwi Cove Lodge), a residence, associated gravel roadways and an existing septic field located in the north-western quadrant of the property.
3. The site is a 10.2 acre parcel of primarily undeveloped rural land with all surfaces consisting of permeable materials such as grasses, topsoil, and gravel driveways with the exception of the existing lodge structure which has a roof area of 550m² and an existing residence which has a roof area of 180m². There are also some mature evergreens and deciduous trees located to the south and west of the new building site and scattered throughout the property. Lower lying vegetation consisted of salal, ferns, berry vines and tall grasses, except near the existing buildings where some cultured landscaping was noted. A garden and fruit tree area (0.5 acre) is located just south of the building area where the surface soils have been extensively cultivated. Soils visible at the ground surface were noted to consist of a layer of topsoil underlain by silty sand and gravel with occasional cobbles, which was underlain by glacio-marine sediments comprised of sand, gravels, silt and clay.



4. The property is bordered by the low level foreshore of the Ladysmith harbour to the west and south, by a rural residential property to the east and by a partially developed farm property to the north. The lot topography is relatively flat with a minimal gradient down towards to the foreshore. Some built up areas within the site include the septic area which is approximately 1.2m higher than the surrounding topography and a dyke running along most of the foreshore at the west and south extents which is also 1.5m above the surrounding land.
5. The visual reconnaissance did not reveal any natural watercourses (streams or creeks). The only concentrated flow of storm water is a 300mm diameter culvert that exits to a sediment pond which overflows to a short culvert and then to the foreshore (see attached site plan). It is understood that this concentrated flow is the exit of collected waters from an interceptor trench that encircles the septic field (150mm diameter pipe).
6. It is LEA's opinion that the subject property presents no substantial hazard to development for the proposed development, provided:
 - The volume of storm discharge to the foreshore culvert is not increased substantially; this can be accomplished by providing a recharge facility (rock pit/trench) with an overflow to the storm system leading to the foreshore.
 - The building site soils are adequately drained to a depth of at least 0.5m within the building footprint.
 - Foundations are extended to suitable undisturbed bearing soil.

The Geotechnical Engineer should be contacted once the development enters the construction phase to review the approved development plans and construction to ensure that the sited hazards are properly addressed. Our office can also provide an infiltration report detailing an appropriate recharge facility as we are familiar with the on-site soil stratigraphy.

7. It is also LEA's opinion that the existing culvert infrastructure will not support fish habitation primarily due to the fact the nearly level foreshore only provides temporary access to the culvert exit (high tide period) and that the storm system is an enclosed system (300mm diameter culvert) that runs dry during periods of dryer weather. It is important that the existing storm system

Lewkowich Engineering Associates Ltd.

000053



sediment pond near the foreshore is retained to provide a control point for the storm water exiting to Ladysmith Harbor.

8. Under the conditions outlined above, the proposed development is considered safe - from a geotechnical perspective - for the use intended (strata development), considering a probability of a failure of 10 percent in 50 years, with the exception of a failure related to a 'design' seismic event where a probability of occurrence of 2 percent in 50 years is considered.
9. Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the governing authorities a precondition to the issuance of a development permit and that this report, or any conditions contained in this report may be included in a restrictive covenant under Section 699 of the Local Government Act and filed against the title to the subject property.
10. Lewkowich Engineering Associates Ltd. acknowledges that this report has been prepared for and at the expense of the Owner of the subject land. Lewkowich Engineering Associates Ltd. has not acted for or as an agent of a governing authority in the preparation of this report
11. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

A handwritten signature in black ink, appearing to read 'John Hessels', written over a light blue grid background.

John Hessels, AScT
Senior Technologist

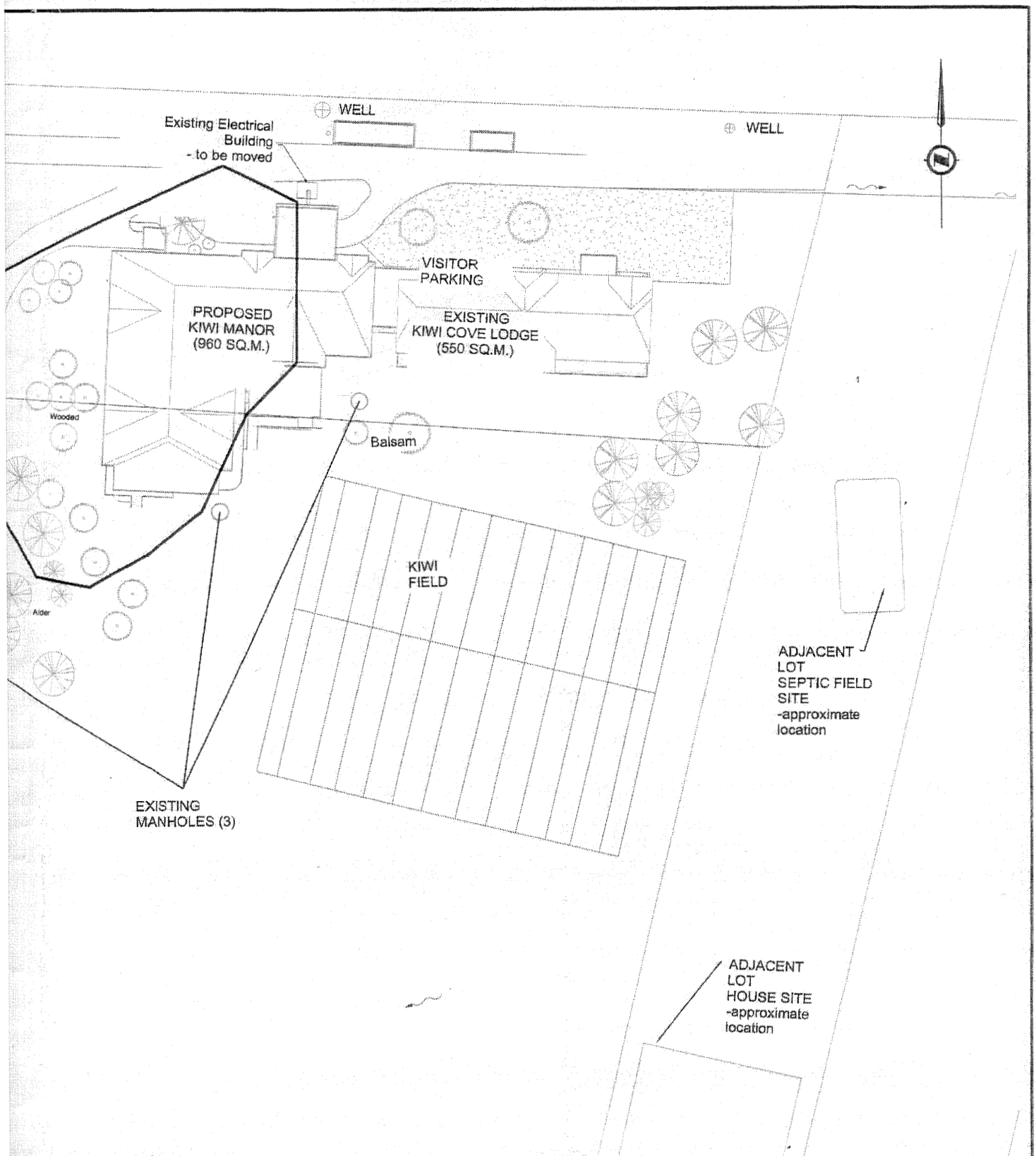
Reviewed by,



Chris Hudec, M.A.Sc., P.Eng
Project Engineer

Lewkowich Engineering Associates Ltd.

000054



Lewkowich Engineering Associates Ltd.

SITE PLAN

GEOTECHNICAL HAZARD ASSESSMENT

5130 BRENTON PAGE ROAD, LADYSMITH, B.C.

PART OF PARCEL 1 OF PARCEL B, D.L. 22, OYSTER DISTRICT

Date:

SEPT. 14, 2009

Drawn By:

JH

Project Number:

G6515

Reviewed By:

CMH, P.ENG.

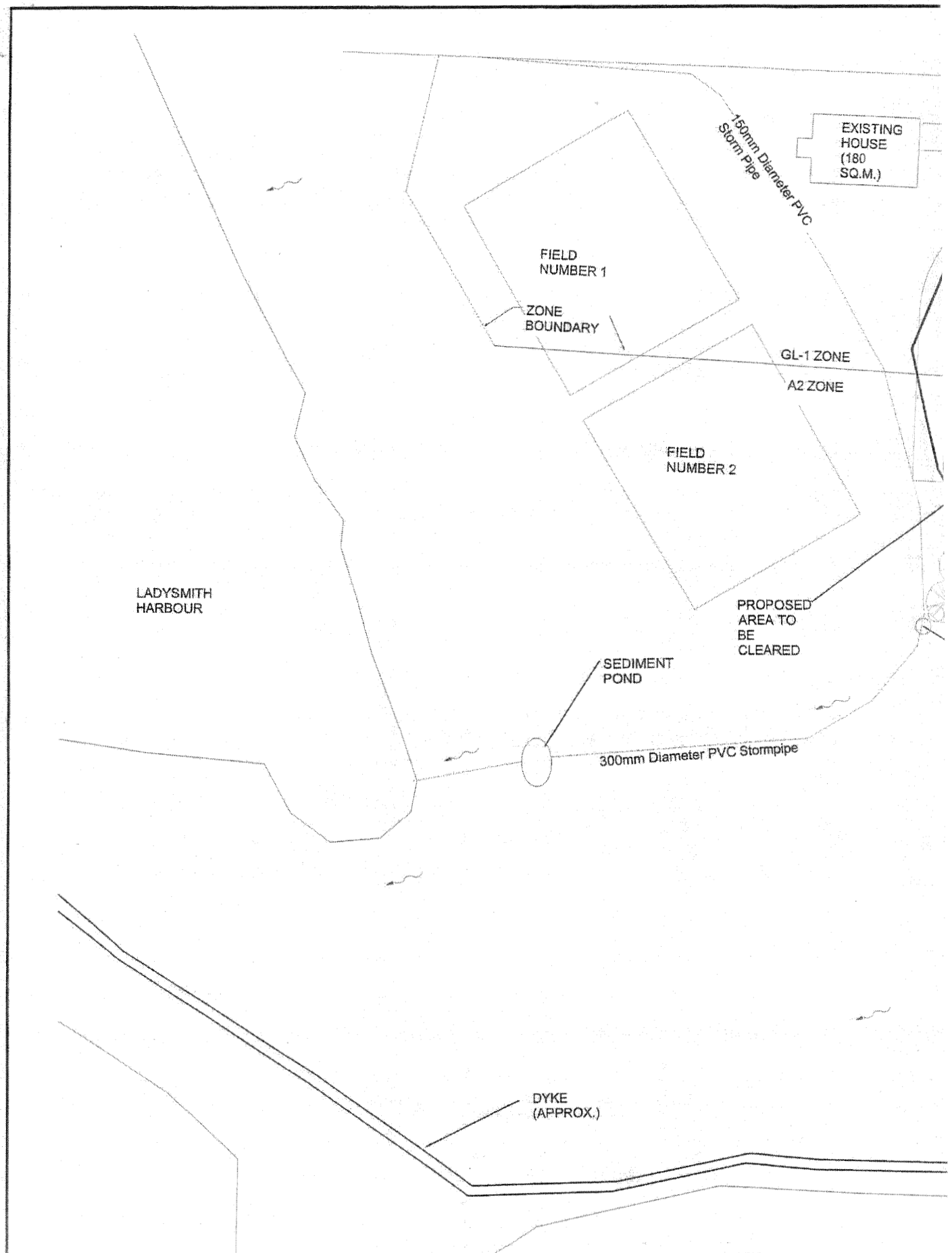
Drawing Scale:

1:750

Drawing Number:

FIGURE 1

000055



000056



D 3

**ELECTORAL AREA SERVICES COMMITTEE
OF MARCH 16, 2010**

DATE: March 8, 2010 **FILE NO:** 1-C-09DVP
FROM: Jill Collinson, Planning Technician **BYLAW NO:** 1405
SUBJECT: Development Variance Permit Application No. 1-C-09DVP (Gourley)

Recommendation:

Committee direction is requested.

Purpose:

To consider an application to relax the setback from a watercourse to allow for four supporting deck posts and deck.

Background:

At the Electoral Area Services Committee Meeting of January 19, 2010, the EASC reported and recommended that Application No. 1-C-09DVP (Gourley) be referred to the Arbutus Ridge Strata Council for their consideration and recommendation, and further that the application be referred back to staff to clarify if covenant conditions exist.

On February 16th 2010 a response from Arbutus Ridge Strata Council was received stating that "*Council could find no reason to oppose the variance application*" (see attached).

Staff has further clarified the covenant conditions that exist on the subject property. Two covenants are registered on Lot 429. Covenant ED19516 limits the number of dwelling units to 700 whereas Covenant R19390 was in conjunction with a rezoning application and prevents the discharge of sewage into marine waters permitting only land disposal methods. There are multiple right-of-ways registered to BC Hydro and to the Canadian Retirement Corporation (CRC) as well as several easements registered to Inter Alia-Appurtenant to the Common Property of Strata Plan 1601.

The applicants have also written in to provide EASC with further information regarding their variance application request (see attached).

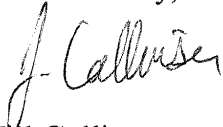
Options:

1. *That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12.6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be **approved**, subject to the applicant providing a survey confirming compliance with the reduced setback.*

000057

2. That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12.6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be **denied**.

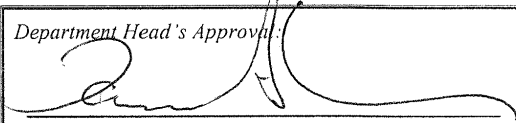
Submitted by,

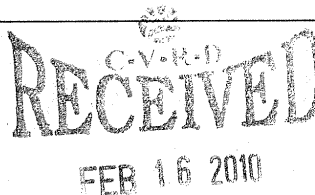


Jill Collinson
Planning Technician
Planning and Development Department

JC/jah

Attachments

Department Head's Approval:

Signature



lot 429

Arbutus Ridge

Strata Plan 1601

February 12, 2010

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

Attention: Jill Collinson, Planning Technician

Dear Ms. Collinson:

Re: File 1-C-09DVP (Gourley) - Strata Lot 429 Arbutus Ridge

Your letter of January 22, 2010, relevant to the above-noted application, was read and discussed by the Strata Council during their meeting of February 4th. The Council considered the material provided by the CVRD, along with the Strata Corporation's own drawings and site photos.

Based upon the information contained within these documents, Council could find no reason to oppose the variance application. It would appear that neither the adjacent common property, nor the neighbouring homes would be adversely affected by the construction of the home in the configuration proposed.

We trust this information is satisfactory for your purposes; however, should you require any further detail, please do not hesitate to contact the undersigned by phone at (250) 743-3282 or by email at arbutusadmin@shaw.ca.

Sincerely,

STRATA PLAN 1601

per:

Tiffany Littmann
Office/Bylaw Administrator

Jill Collinson

From: Marilyn Gourley [mailto:marilyngourley@hotmail.com]

Sent: Monday, January 25, 2010 9:37 AM

To: Rob Conway

Cc: Tiffany; info@arbutusridge.com; bobmar9@shaw.ca

Subject: Variance Request for the Gourleys, Lot 429

To the Electoral Area Services Committee Meeting, Attention Gerry Giles;

Thank you for addressing our variance request. We want to assure the Board that in regard to our informing the next door neighbours, the Downs, who have their home up for sale and are leaving the area; we visited in their home for coffee mid October and showed them our drawings for the proposed house and deck and they seemed to understand the plan and have no objections as it would not interfere with their present views. We were very surprised that they later in November, shortly after the required large sign was posted on the lot, signed a rather formal letter of objection citing that the variance would impact on the views. That is not the case.

We also were invited for tea to the Brynjolfsons, our immediate neighbour to the West, showed them our drawings and they kindly welcomed us and had no objections.

We also plan to leave the land below the deck as natural as possible with only cleaning up weeds and invasive plants . If you have any questions regarding our request please contact me.

Kindest regards,

Marilyn Gourley

Windows Live Messenger makes it easier to stay in touch - [learn how!](#)

000060

Other Motions Not to Board:

1. That the Board Chair forward a letter to John Mulligan of Western Stevedoring, seeking confirmation that the Hood Canal Bridge will be leaving Cowichan Bay in April 2010.
2. That staff be directed to write to the various provincial and federal ministries expressing concern about the sensitive environment present in the Cowichan Estuary and request that studies be undertaken to determine whether or not any environmental damage has occurred from the Hood Canal bridge being located in the Estuary for approximately a year, and further that these studies be made available to the Cowichan Valley Regional District upon their conclusion.
3. That Application No. 1-C-09DVP (Gourley) be referred to the Arbutus Ridge strata council for their consideration and recommendation, and further that the application be referred back to staff to clarify if covenant conditions exist.
4. That Application No. 2-D-09DP (Grand Motel/Te-Zen Liu) be held in abeyance pending receipt and approval of an acceptable signage plan that meets the relevant development permit guidelines.
5. That Application No. 3-D-08RS (Parhar Holdings) be referred back to staff to address additional issues.
6. That the 2010 EASC meeting schedule be tabled.
7. That staff be directed to prepare an Official Settlement Plan amendment bylaw that would adjust the existing Habitat Protection DPA to reflect the changing nesting locations of the Great Blue Herons, and further that the draft amendment bylaw be brought back to the EASC prior to being forwarded to the Board for consideration.
8. That staff be directed to investigate the feasibility of drafting amendment bylaws that would allow for the keeping of chickens in residential zones in the CVRD electoral areas.



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JANUARY 19TH, 2010

DATE: January 12, 2010 **FILE No:** 1-C-09DVP
FROM: Jill Collinson, Planning Technician **BYLAW No:** 1405
SUBJECT: Development Variance Permit Application No. 1-C-09DVP- (Gourley)

Recommendation:

That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, decreasing the setback from a watercourse from 15m to 12.6m on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) **be denied.**

Purpose:

To consider an application to relax the setback from a watercourse to allow for four supporting deck posts and deck.

Background**Location of Subject Property:**

Legal Description: Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) *PID 017-559-553.*

Date Application and Complete Documentation Received: October 20, 2009

Owner: Marilyn Gourley

Applicant: As above

Size of Parcel: 598 sq.m (6437sq.ft)

Zoning: R-5 (Comprehensive Urban Residential)

Setback Permitted by Zoning: 15m

Proposed Setback: 12.6m

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Saanich Inlet
South:	Road (Marine Drive), Residential
East:	Residential
West:	Residential

Services:

<u>Road Access:</u>	Marine Drive
<u>Water</u>	Canadian Retirement Corporation Water System
<u>Sewage Disposal:</u>	Canadian Retirement Corporation Sewer System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None Identified

Proposal:

The subject property is located off of Marine Drive in Arbutus Ridge. There are developed lots on either side of the subject property, with Saanich Inlet to the north and Marine Drive to the south. The applicants are requesting to relax the setback to a watercourse from 15m to 12.6m in order to allow for placement of support posts and deck in the setback area. A Development Variance Permit is required before proceeding, as the proposed location for the support posts falls within the setback from a watercourse provisions as specified in Section 5.3(a) of Zoning Bylaw No. 1405.

The Zoning Bylaw requires a minimum setback of 15 metres between the ocean and the proposed structure. Cantilevered decks are permitted to extend up to 2.0 metres into the setback area, but support posts within the 15m setback are not permitted. If successful, this Development Variance Permit will allow the deck to be constructed 12.6 metres from the high watermark, which will require a variance of 2.4 metres.

Surrounding Property Owner Notification and Response:

A total of nineteen (19) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter was distributed within the prescribed 60m zone describing the purpose of this application and requested comments regarding this variance within a recommended timeframe. To date, we received nine letters of response. Three of the received responses were opposed to the requested variance whereas six letters were in support of the requested variance. It should be noted that all letters opposing the variance were received from neighbours within the 60m notification zone, while all letters in support of the variance were received from property owners beyond 60m from the subject property.

Planning Division Comments:

Area C's Shore Zone Management policies, as stated in the Official Community Plan Bylaw No.1210, are intended to enhance the physical, recreational and visual qualities of the area, while recognizing demands for development on a finite resource. The natural progression of the shoreline results in the subject property's waterfront lot line being inset slightly compared to that of neighbouring properties. The 15m setback from a watercourse is intended to discourage development along the foreshore and encroachment on the intertidal zone, regardless of neighbouring property influences. As it may be possible to re-design the proposed deck, staff suggest the applicant should consider other design options that do not require a setback relaxation. Nearby neighbours have indicated they may be negatively impacted by the variance, thus staff does not support this application.

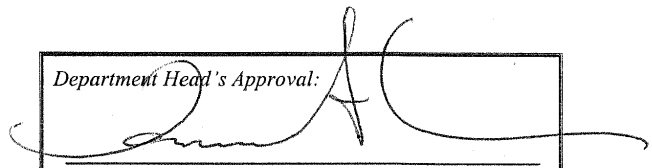
Options:

1. *That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12..6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be **approved**, subject to the applicant providing a survey confirming compliance with the reduced setback.*
2. *That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12..6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be **denied**.*

Submitted by,



Jill Collinson
Planning Technician
Planning and Development Department

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

JC/jah

Attachments

000064



Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.



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

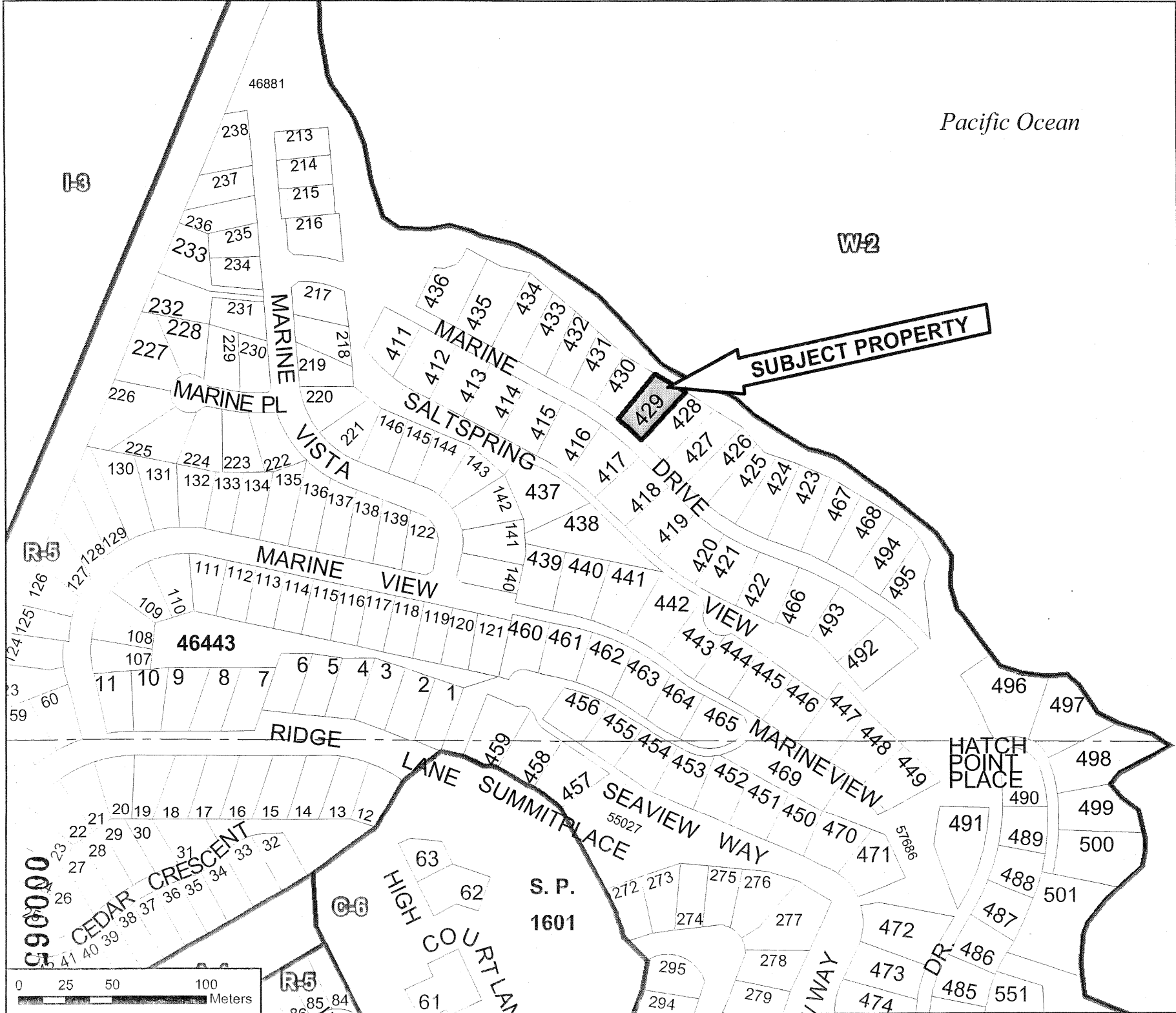
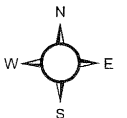
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-C-09
-DVP**

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area C



PART FIVE

GENERAL REQUIREMENTS

5.1 Applicability

Except as otherwise specified in this bylaw, all provisions of Part Five apply to all zones established under this bylaw.

5.2 Siting

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

5.3 Setback from a Watercourse

- (a) Notwithstanding any other provisions of this bylaw, no dwelling shall be located within 15 metres of the high water mark of a watercourse, lake or the sea.
- (b) Notwithstanding any other provision of this bylaw, no building used for the accommodation of livestock shall be located within 30 metres of the high water mark of a watercourse or the sea, lake, sandpoint or well.

5.4 Setback Exceptions

Except as otherwise provided in particular zones, the setback requirements of this bylaw do not apply with respect to:

- (a) pumphouse,
- (b) gutters, cornices, sills, belt courses, bay windows, chimneys, exterior finish, heating or ventilating equipment if the projections do not exceed one metre, measured horizontally; and
- (c) eaves, unenclosed stairwells or balconies, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - i) 1.0 metres in the case of front and side yards, or
 - ii) 2 metres in the case of rear yards

C.V.R.D.
RECEIVED

DEC 02 2009

November 26, 2009.

Cowichan Valley Regional District,
175 Ingram Street,
Duncan,
BC V0L 1N8.

Attention of Jill Collinson - Planning Technician

Re: File 1-C-09 DVP (Gourley)

Dear Ms Collinson,

Please be advised that we object to the above noted Planning Variance Permit Application on the grounds that it will impact on the views from neighbouring houses. Also it will establish a precedent allowing other home owners on the waterfront, both existing and in the future to potentially obtain permission to extend their decks.

We believe that the By-Law is in place to protect the environment of the waterfront and the houses abutting it and that it should not be encroached upon for the sake of waterfront development both present and future.

Yours truly,

Iris Down

Iris Down

John Down

J.O. Down

Lot 428
217 Marine Drive,
Cobble Hill,
V0R 1L1

000068

Attention - Jim Gallinson
Planning Technician
CVRD
Blancan. B.C.

C.V.R.D.
RECEIVED
DEC 02 2009

Dec 1/09

Re = File 1-C-09DVP (Goulding)

Dear Sir or Madam

Please note my concern re the above requested variance. We have all built our homes in accordance with the said building requirements, which we believe to be adequate and fair.

It is my opinion the requested variance is unnecessary, and would protrude well past the property line. This could create a problem in the future that would affect the whole project.

Whatever you decide there are a few of my concerns, and I would hope the variance is declined.

Yours truly

Gerraldine MacLennan

000069

Jill Collinson

From: MICHAEL KNIGHTS [REDACTED]

Sent: Wednesday, November 25, 2009 12:42 AM

To: CVRD Development Services

Subject: File no. 1-C-09 DVP (Gourley)

This email is sent in response to the Gourley request for a variance. Wendy and Michael Knights owners and builders of 209 Marine Drive, lot 426, Cobble Hill do not wish to have the request considered.

Encroaching on the foreshore anymore than what already is permissible will only result in a very negative impact on all residents.

000070

Jill Collinson

From: Postmaster
Sent: Thursday, December 17, 2009 7:36 AM
To: Jill Collinson
Subject: FW: Att.Jill re Gourley variance Lot 429 marine Drive

From: Helen Beenham [mailto: [REDACTED]]
Sent: Tuesday, December 15, 2009 11:56 AM
To: Postmaster
Subject: Att.Jill re Gourley variance Lot 429 marine Drive

My wife and I invited our friends David and Marilyn Gourley to visit Arbutus Ridge. They were very taken with the community and have bought a waterfront lot at 429 Marine Drive and hope to build as soon as possible. They have applied for a variance ruling into the watercourse setback to allow for an open deck with a waterview to the east and west which would otherwise limit their view by the existing neighbours homes. We would strongly recommend that this variance be approved and cannot think of any reason to disapprove as this variance could not obstruct any other residents view..... Roy and Helen Beenham 3716 Marine Vista Arbutus Ridge

December 13, 2009

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT SERVICES DEPARTMENT

175 Ingram Street,
Duncan, BC V9L-1N8
Attention: Jill.

Subject: David and Marilyn Gourley, Lot 429 Arbutus Ridge

Dear Jill:

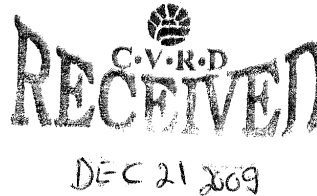
I am writing to provide support for the extension of the Deck on Lot 429. We do not feel that it would be a significant infringement on the environment or the neighbors view.

Our main concern is getting the subdivision completed so we do not have to contend with empty lots and construction for many more years. It is a tough situation to be in when you are the last house to be built, because you have to contend with all the existing constraints, while they are also paying a premium for the lot. We encourage a bit of flexibility in this situation given the conditions.

Sincerely
Brenda & Joe Hayter
490 Seaview Way
Cobble Hill B.C.
V0R 1L1

000072

Cowichan Valley Regional District
Development Services Department
175 Ingram Street
Duncan, B.C. V9L1N8



Dec 14 09

Attn: Jill

Re: Lot 429 marine Drive, Arbutus ridge: Application for variance re setbacks

We reside at 501 Marine View, Arbutus Ridge and look down upon this property and so are somewhat affected by this application. In reviewing the Gourley's plans for a new deck we have no objection whatsoever to their proposal and in fact are supportive of their application for a variance permit approval.

I should add that as I am an architect, I have not had any involvement with the project.

Two handwritten signatures in black ink. The top signature is "Patricia Marshall" and the bottom signature is "Donovan Marshall".

Donovan and Patricia Marshall

000073

Jill Collinson

From: CVRD Development Services
Sent: Wednesday, December 16, 2009 8:28 AM
To: Jill Collinson
Subject: FW: Letter to CVRD - attention: JILL

From: Nancy Wood [REDACTED]
Sent: Tuesday, December 15, 2009 6:33 PM
To: CVRD Development Services
Subject: Letter to CVRD - attention: JILL

Dear Jill,

We live a few lots to the south of Marilyn and David Gourley's property (lot 429 - Marine Drive, Arbutus Ridge).

We would be dismayed if anyone within the Ridge or any regulator would object to the Gourleys having a deck that does not project beyond a line drawn between the decks on adjacent properties (as proposed by the drawings provided).

It would be unfair to penalize owners of undeveloped properties, by forcing them to locate their home in a position which is disadvantageous with respect to view, as compared to the neighbours.

A final point - as residents on the street, we would like to see the street fully developed as soon as possible.

Sincerely,

Nancy and Charles Wood
201 Marine Drive
Cobble Hill, B.C.
V0R 1L1
250-743-0013

Jill Collinson

From: Arbutus Ridge Marketing Inc [REDACTED]
Sent: Friday, December 18, 2009 2:45 PM
To: Jill Collinson
Subject: Variance Request

TO: Development Service Department
FROM: CRC Developments
ITEM: Variance Request
DATE: December 18, 2009

Marilyn G. Gourley
S.P. 017-559-553
S.L. 429, Sec 14, Rge 10, Shawnigan Dis, S.P. 1601

To Whom It May Concern

With reference to the above variance request, we would like to support this extension of 2.4 meters of main deck into the setback area.

As the developer we have used the same house designer (David Adams) for many, many home designs over the last twenty years at Arbutus Ridge so much so that we have had him approve the building scheme for all that time. Initially David Adams worked with Mr. and Mrs. Gourley to create this beautiful custom home on our waterfront. All front, side and height requirements meet our scheme with the exception of the rear deck and glass rail. We are of the opinion that with only three lots unbuilt in this phase, a new special home on one of them would be so positive to the community at large, therefore we respectfully ask that this variance be granted.

Colin Campbell
C.R.C Developments

Jill Collinson

From: Bob Lye [REDACTED]
Sent: Sunday, January 10, 2010 1:31 PM
To: Jill Collinson
Subject: Variance Request

To: Development Service Department
From: G.R.K. Lye
Re: Variance Request
Date January 10, 2010

Marilyn G Gourley
S. P. 017-559-553
S. L. 429, Sec 14, Range 10, Shawnigan Dist, S P 1601

To Whom It May Concern

With reference to the above variance request we, my wife and I, would like to support this extension of 2.4 meters to the main deck into the set back area.

We have lived here for 21 years and have seen 613 homes built and landscaped. The remaining lots, 28 in number, look like unmade beds or people with a front tooth missing.

The set back into the ocean front property will enhance the street and the area and will probably result in similar work on some existing homes. As well, the addition of every new home pays dividends to both S P 1601 and to the CVRD in Strata Fees and Municipal Taxes.

We therefore respectfully request that this variance be approved and granted.

G.R.K. & M.E. Lye,
536 Marine View, Cobble Hill B. C. V0R 1L1.

527 Saltspring View,
Cobble Hill, B.C.
V0R 1L1
January 15th, 2010

Jill Collinson, Planning Technician
Development Services Division
Planning and Development Department

Re: Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata plan 1601 (Phase
13) PID: 017-559-553 File Number 1-C-09DVP (Gourley)

Dear Ms. Collinson

Today I became aware of the November 18, 2009 letter informing me of the request made by Marilyn Gourley to vary Section 5.3(a) of CVRD Bylaw No. 1405 of the above mentioned property.

I have examined the map and the proposed site plan and am in favour of the variance.

According to the site plan attached to your letter it does not appear that the proposed extension will obstruct the view of the neighbours on lots 428 and 430.

It is to be noted that according to the site plan, the decks of both the aforesaid neighbours extend beyond the easement for high water mark. Apparently the only reason for the application is because of the need for the deck supports due to the sinuosity of the shoreline at the location of lot 429.

Yours truly,

Dorothy Graham
Lot 414

000077



D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MARCH 16, 2010

DATE: March 8, 2010 **FILE No:** 1-I-10DP/VAR
FROM: Jill Collinson, Planning Technician **BYLAW No:** 2465
SUBJECT: Application 1-I-10DP/VAR (Robert and Susan Thackery)

Recommendation:

That Application No. 1-I-10D/VAP be approved, and that a Development Permit, with a Variance, be issued to Robert and Susan Thackery for the construction of an accessory building 4.5 metres from the front parcel line, subject to compliance with the measures and recommendations outlined in RAR Assessment Report No. 1342 by Kelly Schellenberg, B.Sc.F., R.P.F.

Purpose:

To consider the issuance of a Development Permit for the construction of an accessory building in accordance with the provisions of the Watercourse Protection Development Permit Area.

Background:

Location of Subject Property: 8334 Sa-Seen-Os Road

Legal Description: Lot 1, District Lot 32, Cowichan Lake District, Plan VIP54378
(PID: 017-807-123)

Date Application and Complete Documentation Received: January 8, 2010

Owner: Robert and Susan Thackery

Applicant: As above

Size of Parcel: ± 1678sq.m (0.16ha)

Existing Zoning: R-3

Minimum Lot Size Under Existing Zoning: 1600 sq.m if connected to community water and sewer
0.2 ha if connected to community water
2 ha if not connected to community water

Existing Plan Designation: Residential

000078

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North	R-3 (Urban Residential) & C-4 (Tourist Recreational)
South	R-3 (Urban Residential)
East:	R-3 (Urban Residential) & Cowichan Lake
West:	Cowichan Lake

Services:

<u>Road Access:</u>	Sa-Seen-Os Road
<u>Water:</u>	Youbou Water System
<u>Sewage Disposal:</u>	On-site system

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: The subject property is located on Cowichan Lake, and is therefore subject to the Watercourse Protection Development Permit Area.

Archaeological Sites: The CVRD has no knowledge of an archaeological site on the subject property.

Riparian Areas Regulation Assessment Report:

The attached report by Kelly Schellenberg identifies a 15 metre Streamside Protection and Enhancement Area (SPEA) along the Lake. The proposed development complies with the Riparian Areas Regulation in that all proposed development will be located outside that 15 metre protected area.

Advisory Planning Commission Comments:

This application was not referred to the Electoral Area I Advisory Planning Commission upon consultation with staff and the Area Director.

Surrounding Property Owner Notification and Response:

45 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. The two week period for a written reply was complete on February 23, 2010. To date, we have received two letters in regards to this application-both in support of the variance but one with stipulated conditions.

Planning Division Comments:

The subject property is an R-3 zoned residential lot located at 8334 Sa-Seen-Os Road. It is flat, approximately 0.167 ha in size, and is located along the northern shore of Cowichan Lake in Area I -Youbou/Meade Creek.

Existing structures on the site include a single-family home and detached deck. The applicants wish to construct a two-storey accessory building on the southern side of existing residence, which will have a footprint of 91 m² (988 ft²). The lower level of the accessory building will be used as a garage, where as the upper level will provide studio and storage space.

The applicants have applied to relax the setback to the front parcel line from 7.5 metres to 4.5 metres to allow construction of a garage outside of the identified Streamside Protection and

000079

Enhancement Area (SPEA). A variance request of 3.0 metres is necessary to permit construction of the proposed garage 4.5 metres from the front parcel line. The Ministry of Transportation and Infrastructure requires a 4.5 metre setback from all highway rights-of-way under Ministry jurisdiction. As the applicants are requesting to relax the front parcel line setback from 7.5 metres to 4.5 metres, they are not encroaching into the 4.5 metre minimum building setback stipulated by the Ministry of Transportation and Infrastructure.

The subject property is located within the Watercourse Protection Development Permit Area (DPA). In accordance with the Youbou/Meade Creek Official Community Plan Bylaw No. 2650, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction. Kelly Schellenberg, Registered Professional Forester, has conducted a Riparian Areas Regulation (RAR) Assessment for the proposed development. A copy of RAR Report No. 1342 is attached, with a site plan included on page 7.

The following section outlines how the proposed development addresses the Watercourse Protection DPA guidelines.

- (a) **Retention of natural vegetation** – No new trees will be removed from within the SPEA. However, approximately 14 trees will be removed to allow for garage construction. The smaller trees being removed will be stored in pots and re-planted upon garage completion.
- (b) **Coverage of entire area** – As shown on the site plan (page 7 of RAR report) the existing dwelling is to the north of the proposed garage. The area of development has maximized the separation from the most sensitive area as the proposed garage will be located outside the 15 metre Streamside Protection and Enhancement Area (SPEA).
- (c) **Riparian area protection** – This guideline has been largely superseded by the Riparian Areas Regulation guidelines.
- (d) **BMP implementation for stormwater management** – The RAR report addresses stormwater management on page 10.
- (e) **Silt and sediment control** – The RAR report addresses implementation methods to help ensure sediment will not enter Cowichan Lake page 9-10.
- (f) **Imperviousness figures** – The R-3 Zone permits 25% parcel coverage for all buildings and structures on a lot. If we look at the new development only, the proposed structure represents less than an additional 5.4% parcel coverage.
- (g) **Floodplain** – The proposed development will be constructed above the flood construction level.
- (h) **Driveway design** – No change in driveway location.
- (i) **Footpaths** – None are planned.
- (j) **Retaining walls** – None are planned.
- (k) **Retaining wall appearance** – See above.
- (l) **Retaining wall with fence** – See above.
- (m) **Cultural/heritage sites** – No such sites were identified.
- (n) **Pilings/floats** – No new such construction is proposed.
- (o) **Applicable only to subdivision**
- (p) **Develop with care** – The RAR Assessment Report will cover this within the Riparian Assessment Area.
- (q) **Wetlands** – There are no wetlands on site.
- (r) **Harmful Alteration Destruction of Disruption of fish habitat** – Compliance with the RAR Report will by definition prevent a HADD.

The application made by the Thackery's conforms to the applicable guidelines outlined in the Watercourse Protection Development Permit Area (DPA). As the purpose of this DPA is for protection of the natural environment, the request for a 3.0 metre variance to the front parcel line, from 7.5 metres to 4.5 metres, is necessary to maximize the separation between the proposed site of construction and the most sensitive area (SPEA).

Options:

1. That Application No. 1-I-10D/VAP be approved and that a Development Permit with a Variance be issued, to Robert and Susan Thackery, for the construction of an accessory building 4.5 metres from the front parcel line, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1342 by Kelly Schellenberg, B.Sc.F., R.P.F.
2. That Application No. 1-I-10DP/VAR be denied.

Option 1 is recommended.

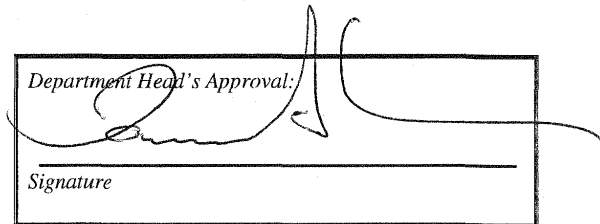
Submitted by,



Jill Collinson
Planning Technician
Development Services Division
Planning and Development Department

JC/jah

Attachments



DRAFT



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT
DEVELOPMENT PERMIT WITH VARIANCE

NO: 1-I-10DP/VAR (DRAFT)

DATE: xxxxxx, 2010

TO: ROBERT & SUSAN THACKERY

ADDRESS: 4100 GRANVILLE AVENUE

VICTORIA BC V8X 3X1

1. This Development Permit with a Variance 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 with a Variance applies to and only to those lands within the Regional District described below (legal description):
Lot 1, District Lot 32, Cowichan Lake District, Plan VIP54378, (PID 017-807-123)
3. Authorization is hereby given for the construction of a single family dwelling on the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - *Compliance with the measures and recommendations outlined in RAR Assessment Report No. 1342 by Kelly Schellenberg*
 - *Section 5.12 (4) of Zoning Bylaw No.2465 is varied from 7.5 metres to 4.5 metres to permit construction of an accessory building*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - *Schedule A- RAR Report 1342 by Kelly Schellenberg, dated July 7th, 2009,*
 - *Schedule B- Site Plan*
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit with a Variance have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO.XXXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14TH DAY OF APRIL, 2010.

Tom Anderson, MCIP
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 ROBERT & SUSAN THACKERY other than those contained in this Permit.

Signature

Witness

Owner/Agent

Occupation

Date

Date

000082



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.

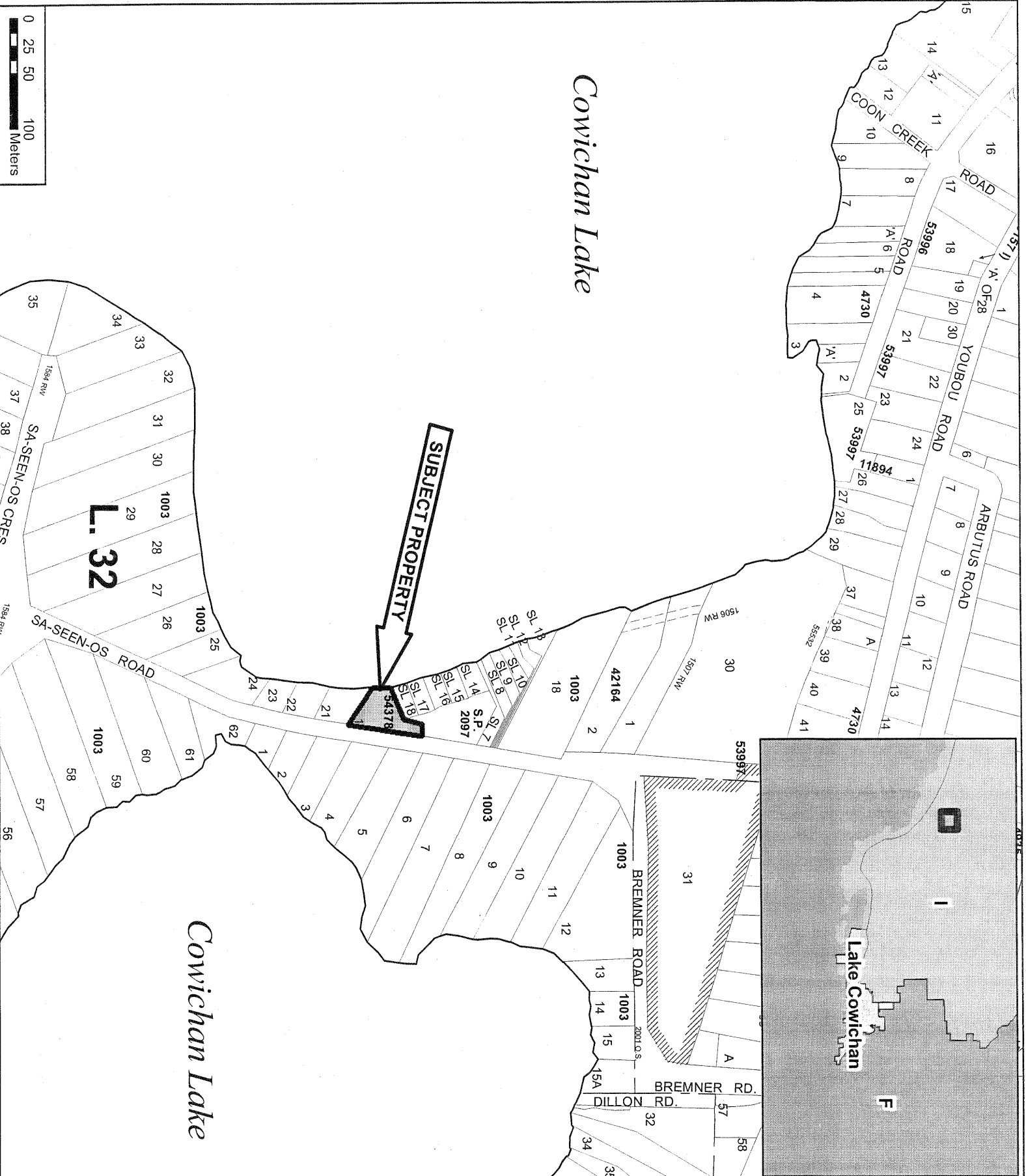
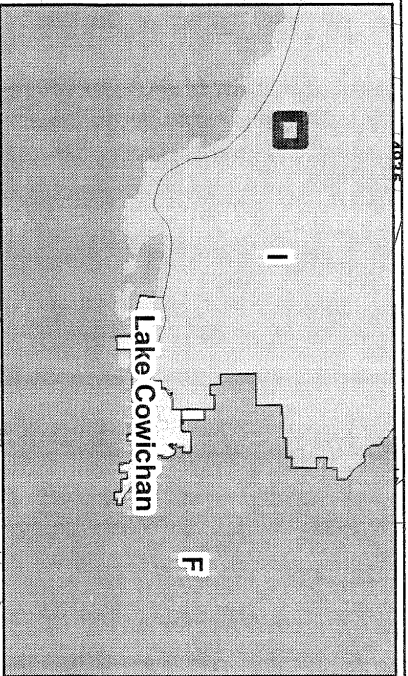
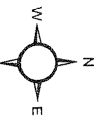
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 11-10-
DP-VAR

Legend



Subject Property



Cowichan Lake

Cowichan Lake

L. 32

SUBJECT PROPERTY

54378

S.P. 2097

1003

9

8

7

6

5

4

3

2

1

62

61

60

59

58

57

56

55

54

53

52

51

50

49

48

47

46

45

44

43

42

41

40

39

38

37

36

35

34

33

32

31

30

29

28

27

26

25

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

0

-1

-2

-3

-4

-5

-6

-7

-8

-9

-10

-11

-12

-13

-14

-15

-16

-17

-18

-19

-20

-21

-22

-23

-24

-25

-26

-27

-28

-29

-30

-31

-32

-33

-34

-35

-36

-37

-38

-39

-40

-41

-42

-43

-44

-45

-46

-47

-48

-49

-50

-51

-52

-53

-54

-55

-56

-57

-58

-59

-60

-61

-62

-63

-64

-65

-66

-67

-68

-69

-70

-71

-72

-73

-74

-75

-76

-77

-78

-79

-80

-81

-82

-83

-84

-85

-86

-87

-88

-89

-90

-91

-92

-93

-94

-95

-96

-97

-98

-99

-100

-101

-102

-103

-104

-105

-106

-107

-108

-109

-110

-111

-112

-113

-114

-115

-116

-117

-118

-119

-120

-121

-122

-123

-124

-125

-126

-127

-128

-129

-130

-131

-132

-133

-134

-135

-136

-137

-138

-139

-140

-141

-142

-143

-144

-145

-146

-147

-148

-149

-150

-151

-152

-153

-154

-155

-156

-157

-158

-159

-160

-161

-162

-163

-164

-165

-166

-167

-168

-169

-170

-171

-172

-173

-174

-175

-176

-177

-178

-179

-180

-181

-182

-183

-184

-185

-186

-187

-188

-189

-190

-191

-192

-193

-194

-195

-196

-197

-198

-199

-200

-201

-202

-203

-204

-205

-206

-207

-208

-209

-210

-211

-212

-213

-214

-215

-216

-217

-218

-219

-220

-221

-222

-223

-224

-225

-226

-227

-228

-229

-230

-231

-232

-2

5.12 **R-3 URBAN 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. Home occupation;
- e. Horticulture
- f. Secondary dwelling unit or secondary suite.

2. **Minimum Parcel Size**

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

- a. 1600 m² if connected to a community water system and a community sewer system;
- b. 0.2 hectares if connected to a community water system;
- c. 2 hectares if not connected to a community water system.

3. **Number of Dwellings**

In the R-3 Zone, not more than one dwelling is permitted on a parcel, under 0.4 ha in area. For parcels 0.4 ha or more in area, one additional secondary dwelling or secondary suite is permitted.

4. **Setbacks**

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

Type of Parcel Line	Residential (including Accessory Buildings and Structures)
Front parcel line	7.5 metres
Interior side parcel line	3.0 metres
Exterior side parcel line	4.5 metres
Rear parcel line	3.0 metres

5. **Height**

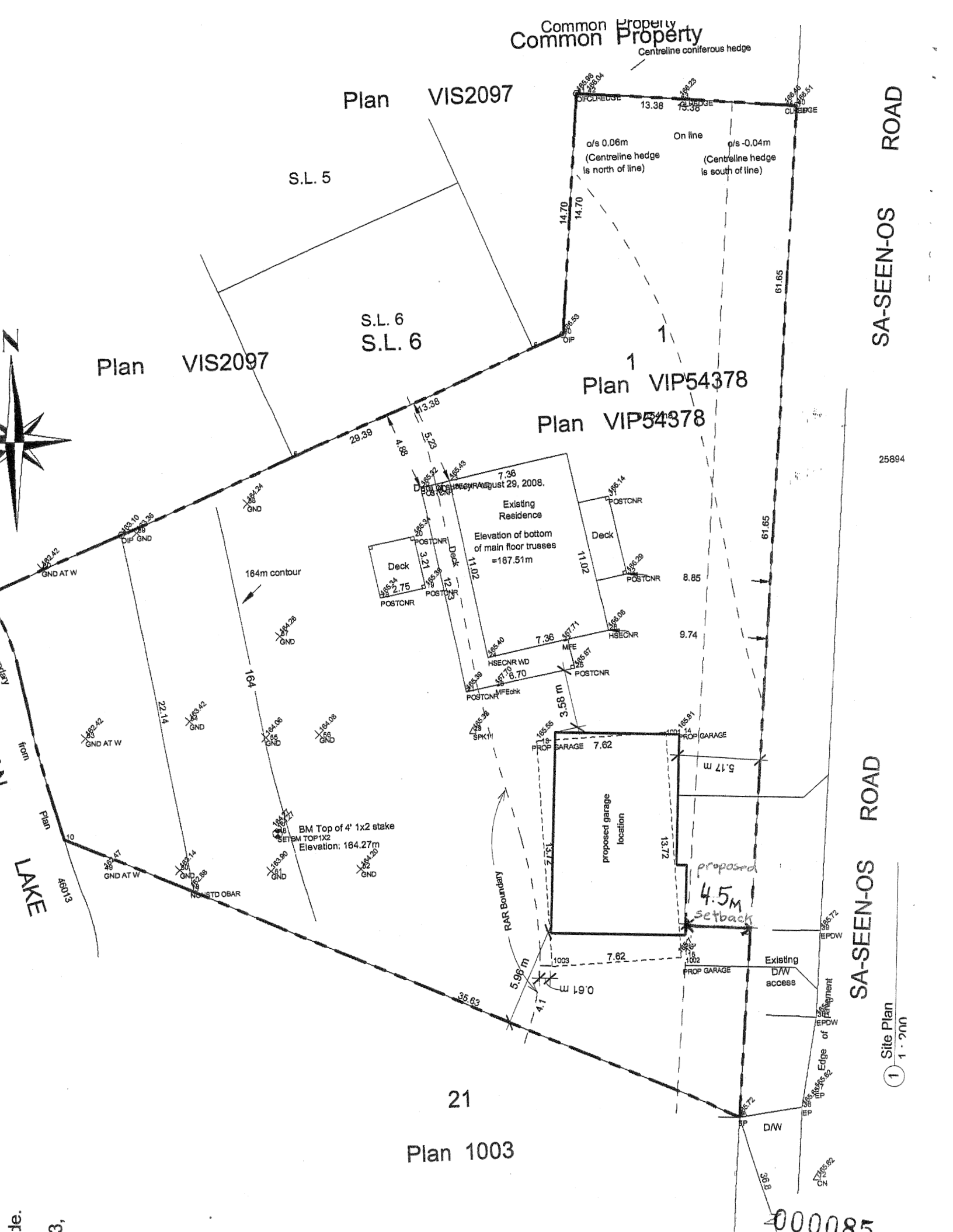
In the R-3 Zone, the height of all principal buildings and structures must not exceed 7.5 metres, and the height of all accessory buildings must not exceed 6 metres, except in accordance with Section 3.8 of this Bylaw.

6. **Parcel Coverage**

The parcel coverage in the R-3 Zone must not exceed 25 percent for all buildings and structures.

7. **Parking**

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



July 21, 2009

Bob and Sue Thackeray
#102-4394 West Saanich Road
Victoria, BC, V8Z 0B5

Riparian Areas Regulation Assessment Approval
Location: 8334 Sa-Seen-Os Road

Dear Bob and Sue Thackeray:

This letter serves to inform you that your RAR report for 8334 Sa-Seen-Os Road has been uploaded. You may now proceed with your subdivision under the conditions required by the RAR. For your information and your files, I have attached an email from the Ministry of Environment stating that Riparian Areas Regulation assessments will no longer be reviewed on an individual basis (email dated July 9, 2009).

Until further notice, this assessment enables your development as proposed to proceed.

Streamside Protection and Enhancement Area (SPEA)

Under the RAR process we have calculated your Streamside Protection and Enhancement Area (SPEA) width to be **15 m**. The SPEA is a setback implemented to protect the integrity of the stream, lake or wetland. The SPEA is calculated on five features, functions and conditions of riparian areas:

1. Large woody debris for fish habitat and maintenance of the channel/bank morphology.
2. Area for localized bank stability.
3. Area for lakeshore movement.
4. Shade.
5. Litter fall and insect drop (providing nutrients and fish food in the stream).

NO ACTIVITY is permitted inside the 15 m SPEA (construction, vegetation removal or alteration, dumping of materials, adding materials) except existing approved uses (*i.e.*, an existing trail).

Conditions of the RAR Approval

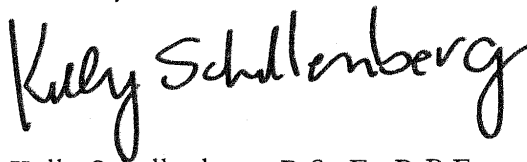
Your RAR has been approved with the conditions set out in the assessment report (see attached). It is the property owners' responsibility to adhere to the measures and environmental monitoring schedule requirements. Failure to comply can result in a revoke of your permit and/or fines. Please make all construction workers aware of the RAR requirements.

For detailed information on how to protect the SPEA please read and comply with Section 4: Measures to protect the SPEA.

Environmental Monitoring is also required during and after the construction process. The monitoring schedule is provided in Section 5: Environmental Monitoring.

A post construction report is required once the construction process has been completed. You are required to contact a Qualified Environmental Professional at the necessary stages throughout the development.

Sincerely,



Kelly Schellenberg, B.Sc.F., R.P.F.
Madrone Environmental Services Ltd.

Riparian Areas Regulation: Assessment Report

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

Date July 7, 2009

I. Primary QEP Information

First Name	Kelly	Middle Name		
Last Name	Schellenberg			
Designation	RPF	Company	Madrone Environmental Services Ltd.	
Registration #	1922	Email	Kelly.schellenberg@madrone.ca or gkschellenberg@shaw.ca	
Address	1081 Canada Avenue			
City	Duncan	Postal/Zip	V9L 1V2	Phone # 250.746.5545
Prov/state	BC	Country	Canada	Cell # 250.710.0657

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

First Name		Middle Name		
Last Name				
Designation		Company		
Registration #		Email		
Address				
City		Postal/Zip		Phone #
Prov/state		Country		

III. Developer Information

First Name	Robert	Middle Name		
Last Name	Thackeray			
Company	Homeowner			
Phone #	250.745.3384	Email:	rothax@hotmail.com	
Address	#102-4394 West Saanich Road			
City	Victoria	Postal/Zip	V8Z 0B5	
Prov/state	BC	Country	Canada	

IV. Development Information

Development Type	Accessory Building			
Area of Development (ha)	0.01	Riparian Length (m)	15.7	
Lot Area (ha)	0.2	Nature of Development	New	
Proposed Start Date	July 22, 2009	Proposed End Date	December 31, 2009	

V. Location of Proposed Development

Street Address (or nearest town)	8334 Sa-Seen-Os Road					
Local Government	Cowichan Valley Regional District			City	Youbou	
Stream Name	Cowichan Lake					
Legal Description (PID)	017-807-123			Region	Vancouver Island	
Stream/River Type	Lake			DFO Area	South Island	
Watershed Code	920-257700					
Latitude	48	52	8.23	Longitude	124	11 58.18

Table of Contents for Assessment Report

1. Description of Fisheries Resources Values	3
2. Results of Riparian Assessment (SPEA width)	5
3. Site Plan	7
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees	8
2. Windthrow	8
3. Slope Stability	8
4. Protection of Trees	9
5. Encroachment	9
6. Sediment and Erosion Control	10
7. Stormwater Management	10
8. Floodplain	10
5. Environmental Monitoring	11
6. Photos	12
7. Assessment Report Professional Opinion	14

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

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

Fish species present: The Fisheries Information Summary System (FISS) has been consulted for fish distributions for Cowichan Lake.

Cowichan Lake represents very high fishery resource values. Cowichan Lake, the Cowichan River, and connected tributaries support a range of anadromous and resident fish species, including: chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*O. kisutch*); chum salmon (*O. keta*); steelhead (*O. mykiss*); coastal cutthroat trout (*O. clarkii clarkii*) – including anadromous form; rainbow trout (*O. mykiss*); brown trout (*Salmo trutta*) – including anadromous form; bull trout (*Salvelinus confluentus*) – including anadromous form; Dolly Varden (*Salvelinus malma*) – including anadromous form; brook trout (*Salvelinus fontinalis*); and kokanee (*O. nerka*). Prickly Sculpin (*Cottus asper*) and Threespine Stickleback (*Gasterosteus aculeatus*) have also been noted. It is also the only documented habitat, besides Mesachie Lake, of the threatened Cowichan Lake lamprey (*Lampetra macrostoma*). The water level is controlled by weir via Catalyst, Crofton Division.

Note 1: Atlantic Salmon (*Salmo salar*) are also listed under the Fish Wizard stream report (Fish Wizard 2008), although their introduction to the Cowichan River system in the late 1950s to establish a spawning run for sports fishing was unsuccessful. The introduced brown trout gave more favourable results.

Note 2: Protected under the *Species at Risk Act* (SARA), the Cowichan Lake Lamprey is completely endemic to Cowichan and Mesachie lakes. This species spawns in shallow water where creeks flow out into the lakes, where the substrate is suitable (small gravel).

Habitat: Regarding on-site fish habitat values for this property, the riparian area and immediate foreshore consists of sand and gravel; with limited large woody debris and no large boulders for refuge/security habitat. The seasonally flooded portion of the shoreline may provide some rearing/cover habitat, especially for juvenile salmonids in the winter time. This particular area receives regular inputs of bark and other sawmill residues from the former Youbou Sawmill; resulting in low value fish habitat overall.

Vegetation: The property consists of an existing dwelling with a tiered/wrap-around deck and parking area on the south side of the dwelling. There is a treed buffer between Sa-Seen-Os Road and the house; as well as on the southern edge. The buffer at the northern edge is not significant. The front of the house consists of trucked in rock. There is a small cluster of western red cedar (*Thuja plicata*) and Douglas fir (*Pseudotsuga menziesii*) trees at the northwest corner of the proposed building. There is no apparent rock armouring or barrier at the water's edge. The lawn transitions to the lake by way of a narrow band of reeds and grasses. The wetted perimeter is mostly devoid of vegetation.

Connectivity to downstream fish habitat: This property is directly adjacent to Cowichan Lake. Cowichan Lake is subject to natural water level fluctuations on an annual basis with winter flooding on the shorelines. The mean annual high water mark (HWM) on Cowichan Lake has been calculated by the Ministry of Environment (MOE) and is 164 meters above mean sea level. The HWM has been surveyed and marked on the ground by a BCLS.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Nature of development: The property owners, Bob and Sue Thackeray, plan to build a garage on their property. The building will lie within the Riparian Assessment Area (RAA) of 30 meters and thus requires an assessment be completed in fulfillment of the Riparian Areas Regulation (RAR).

According to this site plan, the building footprint is 4 meters from Sa-Seen-Os Road and 5.1 meters from the southern boundary. In all likelihood, the actual building to be constructed will be smaller than described in this report.

Specific activities: The Thackerays propose to build a new garage on the south side of their existing dwelling. Some minor clearing of vegetation may be required for construction. Soil disturbance will be minimal, given the size of the new construction and location in relation to the lake. A portion of a small grove of conifers may be removed to facilitate the safe construction of the building and prevent future safety concerns where tree root damage is expected. The trees are not within the calculated SPEA.

Timelines: The property owner wishes to begin construction as early as possible. On or around July 22, 2009 is a proposed date of commencement.

Section 2. Results of Detailed Riparian Assessment

Stream

Refer to Chapter 3 of Assessment Methodology

Date: July 7, 2009

Description of Water bodies involved (number, type)

1 x Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)	
starting point			I, <u>Kelly Schellenberg, RPE</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer, <u>Bob Thackeray</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream			
downstream			
Total: minus high /low mean			
Channel Type		R/P C/P S/P	

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Kelly Schellenberg, RPE</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	<u>1</u>		Method employed if other than TR
	LC	SH	TR
SPVT Type	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Zone of Sensitivity (ZOS) and resultant SPEA

Segment	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
No:						
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes		No	X
SPEA maximum	15					

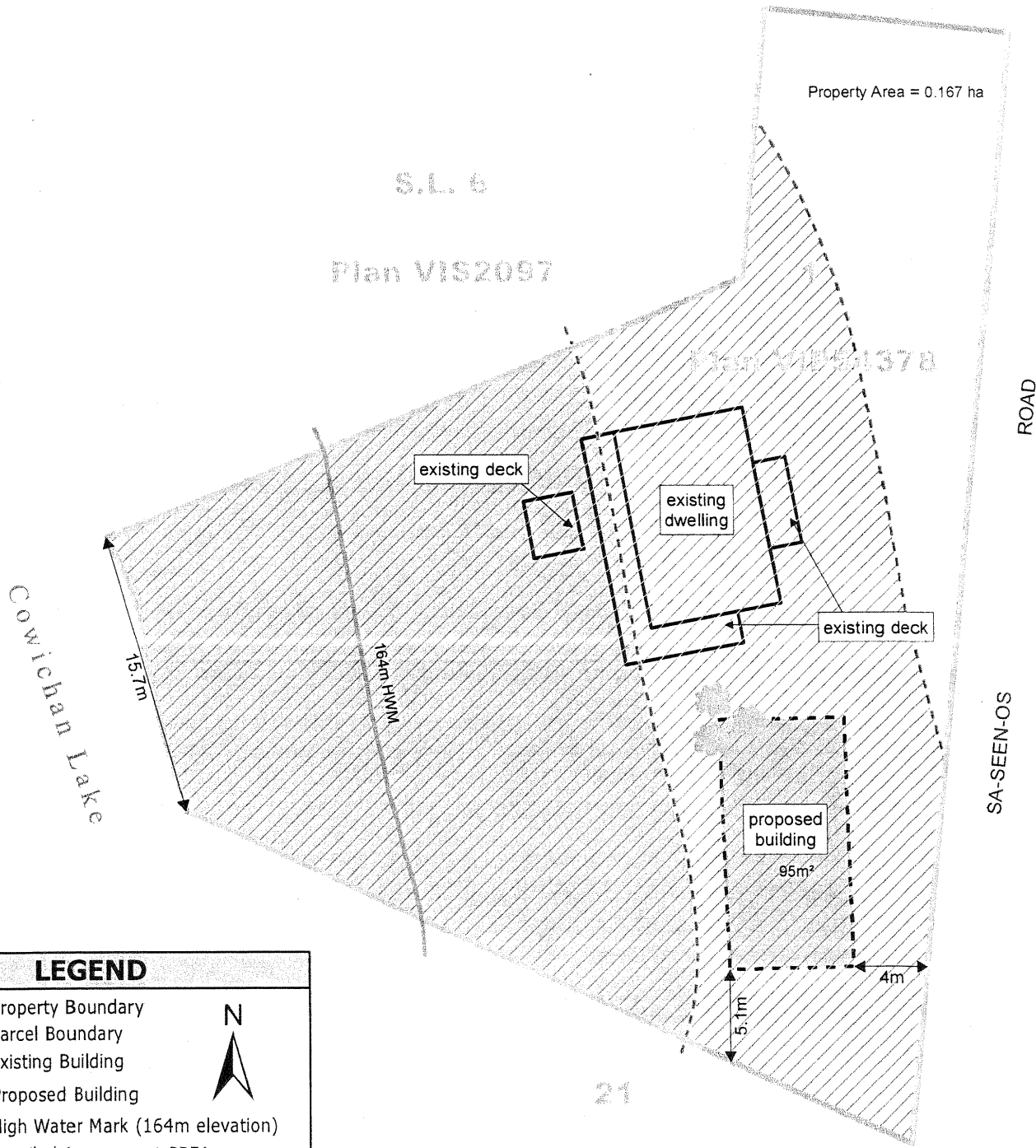
I, Kelly Schellenberg, RPE, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Bob Thackeray;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Note: The 30 meter shade ZOS does not affect this assessment as the property axis is north to south.



PROJECT: 8334 Sa-Seen-Os Road, Youbou, BC (Lot 1, District Lot 32, Cowichan Lake District, Plan VIP54378)	LOCATION: Youbou, BC	CLIENT: Bob Thackeray	DOSSIER: 08.0265
ASSESSED BY: Kelly Schellenberg, B.Sc.F., R.P.F.	FIELD VISIT: August 25, 2008	MAP SCALE: 1:350	MAP REVISION DATE: June 24, 2009
DRAWN BY: Anna Wilkerson			



LEGEND

Property Boundary

Parcel Boundary

Existing Building

Proposed Building

High Water Mark (164m elevation)

Detailed Assessment SPEA

Riparian Assessment Area (30m)

Zones of Sensitivity

Shade (N/A)

Large Woody Debris (15m)

Insect Drop / Litterfall (15m)

N0 5 10 20 Meters

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

000094

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>The SPEA is mainly comprised of sand and gravel. Small diameter shrub species as red alder (<i>Alnus rubra</i>) and willow (<i>Salix sp.</i>) border the northern and southern boundaries. These trees provide some shade and insect drop/litter input to the lake when it is at high water levels.</p> <p>i. Trees outside the SPEA: Several conifers; including western red cedar and Douglas fir trees are located where the northwest corner of the garage is proposed. The cedars are intermediate trees; roughly 15 cm in diameter; while the firs are larger co-dominants that are 40-50 cm in diameter. Their condition is good, but their health is likely impacted by the effects of compressed soils (from the existing driveway) on their root systems. Those that do not encroach into the building footprint should be retained to the extent possible.</p> <p>ii. Trees inside the SPEA: In my opinion, there are no dangerous trees in the SPEA that require removal at this time.</p>	
2. Windthrow	
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>No windthrow caused by exposure to prevailing winds was noted. The proposed structure will not lead to any disturbance to trees along the southern property boundary. No further action is required.</p>	
3. Slope Stability	
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>The proposed construction will be located on stable, low gradient (<5%) ground. Development activities are very unlikely to lead to damage to the SPEA from slope instability concerns.</p>	
4. Protection of Trees	
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish</i></p>	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<p><i>Protection Act;</i></p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>The SPEA will be clearly demarcated with highly visible boundary flagging or snow fencing before construction to ensure the protection of any vegetation inside the SPEA. Due to the limited extent of the proposed construction and specific site conditions, very little vegetation will be disturbed.</p> <p>The trees to be retained near the northwest corner of the proposed building (outside the SPEA) may require protection during construction. The placement of old tires or foam around the boles of the trees will provide a buffer.</p>	
<p>5. Encroachment</p>	
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
	<p>The property owner can continue to use the property as it has been used in the past, including areas inside the SPEA. Any <i>new</i> development or encroachment into the SPEA, however, is not permitted. "Development" includes activities such as (but is not limited to):</p> <ul style="list-style-type: none"> - Removal, alteration, disruption or destruction of vegetation; - Disturbance of soils; - Construction of temporary or permanent structures; - Creation of non-structural impervious or semi impervious surfaces; - Flood protection works; - Construction of roads, trails, docks, wharves and bridges; - Provision and maintenance of sewer/water services; - Development of drainage systems; and - Development of utility corridors. <p>Under the CVRD bylaw 2755, a 1.5 meter wide unpaved footpath is permitted inside the SPEA to allow access to the lake. To prevent encroachment in the future and maintain the integrity of the SPEA, the property owners must register the SPEA as a covenant area as per CVRD bylaws.</p> <p>To prevent encroachment into the SPEA during construction, highly visible flagging or temporary fencing will be installed along the entire SPEA boundary to demarcate the SPEA and discourage people and machines from entering it.</p>
<p>6. Sediment and Erosion Control</p>	
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>The creation and mobilization of sediment must be avoided during the construction period. Implementing the points listed below will help ensure that sediment will not enter Cowichan Lake:</p>	
<ul style="list-style-type: none"> - covering all soil/fill stockpiles with tarps, or surrounding them with silt fencing; - carrying out major grading/site preparation during the dry summer period; - applying temporary covers, such as seeding or geotextiles, to bare areas; - minimising the area to be cleared/graded; 	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<ul style="list-style-type: none"> - retaining vegetation cover where possible, for as long as possible, to reduce erosion and mobilisation of sediment; - installing gravel access pads at the main site access to reduce the amount of sediment leaving the site; - regular sweeping (as opposed to washing, which mobilises sediment) of any impermeable surfaces.
7. Stormwater Management
<p>I, <u>Kelly Schellenberg</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>
<p>The proposed development will require the construction of a new building (garage); requiring new roofing and stormwater management. The ground is comprised of materials (gravels and rocks vs pavement) that encourage drainage and currently infiltrate surface runoff. However, it is important to capture the run-off from impervious surfaces (e.g. the rooftop) and control the flows.</p> <p>The goal of storm water management is to return run-off from impervious surfaces (e.g., rooftops, paved areas) to natural hydrological pathways. It is important to manage storm water and develop a plan to capture small storm run-off (less than 50% of the rainfall event that occurs once per year, on average).</p> <p>A potential solution to capturing stormwater from the roof top would be to install a rockpit or rain barrel. Rain leaders from the roof should be directed into the rockpit, for infiltration or into the rain barrel for storage for domestic use.</p>
8. Floodplain Concerns (highly mobile channel)
<p>I, <u>Kelly Schellenberg</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Bob Thackeray</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>
<p>The water level of Cowichan Lake is controlled by Catalyst Pulp & Paper. Nevertheless, Cowichan Lake represents a dynamic system that poses flooding threats to property owners living along the lakeshore. The developer should ensure that all applicable local government bylaws are adhered to.</p> <p>The homeowners have ensured that their existing dwelling is located to the front of the property (close to the road) to minimize any risks from flooding.</p>

Section 5. Environmental Monitoring

Upon approval of development and prior to commencing construction, a site visit will be conducted by a QEP to ensure that all measures have been implemented. The most important measures to check would be the clear delineation of the SPEA and checking that a sediment and erosion control plan is in place. A follow up visit by a QEP is required during construction for monitoring to ensure all measures relevant to the construction phase are being followed. A final post-construction site visit and monitoring report is also required as part of this assessment and will be uploaded as a part of this RAR assessment to ensure the erosion and sediment control plan was adhered to and the storm water management plan was implemented. **After the project is completed, a post construction report will be submitted to the appropriate agencies through the RAR Notification System.**

Site visits by the QEP will include, at a minimum:

1. Before construction begins. The demarcation of the SPEA must be highly visible to people using the construction site. This meeting also allows for the QEP to inform developers and workers about the various measures required.
2. During the construction of the footings, to ensure that a site-specific sediment and erosion control plan has been developed and that runoff is not being directed towards the SPEA.
3. A post-construction visit to confirm that the SPEA is intact and not impacted by building activities. Monitoring will also confirm that storm water management structures have been installed properly. A post-construction report will be provided as a requirement of this RAR assessment. The intention of the post-construction report is to ensure that the SPEA has been maintained during construction and all of the measures were respected. The developer should inform the QEP when construction has been completed, so post-construction procedures can be followed.

The developer must contact the QEP prior to development occurring to schedule the initial on-site meeting. The developer should also contact the QEP during the construction and upon completion, to allow the monitoring schedule to be followed appropriately.

Section 6. Photos

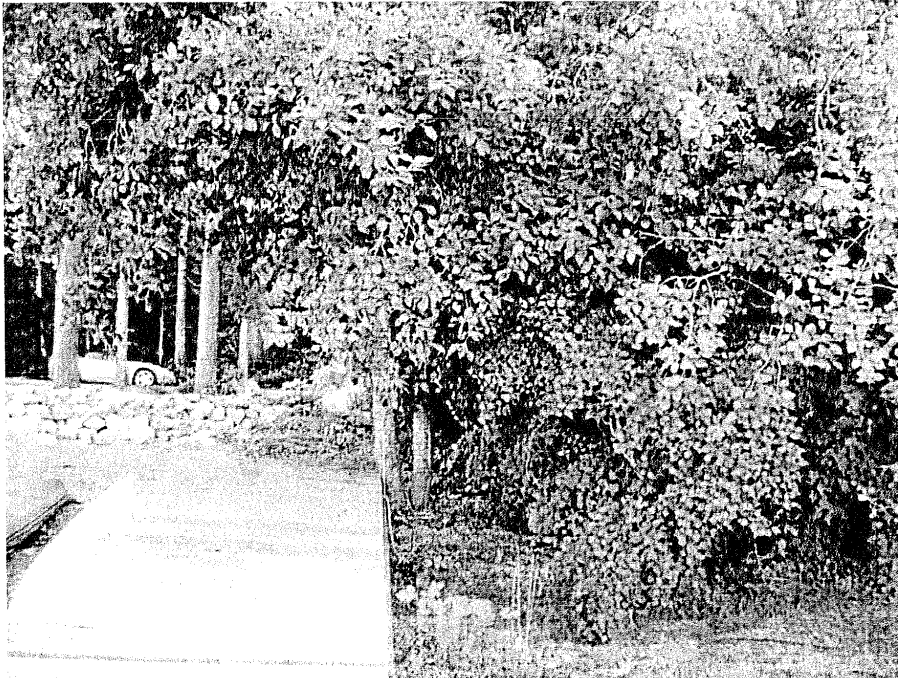


Photo 1. Looking east from the beach to the site of the proposed building (garage). This is where the car is parked in the background.



Photo 2. This grove of western red cedar and Douglas fir trees are located outside the SPEA.



Photo 3. Looking north from the proposed building site, this photo shows the treed buffer between the building site and Sa-Seen-Os Road.

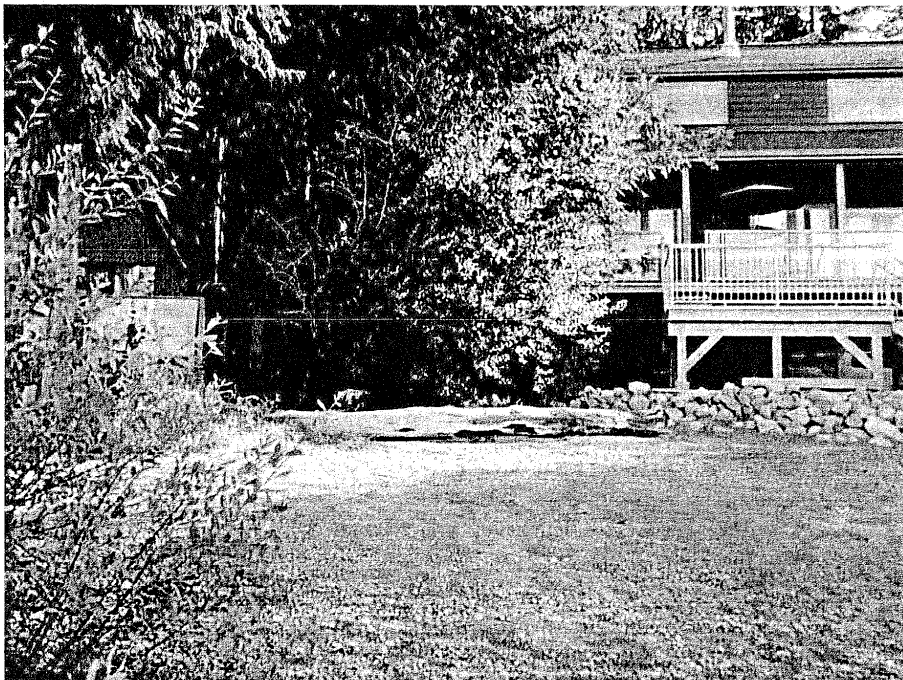


Photo 4: Looking from the shoreline to the east. This is the present composition of the SPEA. The large log is roughly where the 164 meter High Water Mark is located (photo taken prior to BCLS).

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date July 7, 2009

I, Kelly Schellenberg, RPF

hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out the assessment of the proposal made by the developer Bob Thackeray; which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As a qualified environmental professional, I hereby provide my professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,

(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and

(c) the individual is acting within that individual's area of expertise.

Memorandum 10.02.15

To: Cowichan Valley Regional District / Jill Collinson

From: Greg Whynacht – 8348 Sa-Seen-Os Rd, Youbou

Subject: 8334 Sa-Seen-Os Rd – File #1-I-10DP/VAR (Thackery), Building Variance.

Thank you very much for the information related to:

8334 Sa-Seen-Os Rd, Lot 1, District 32, Cowichan Lake District, Plan VIP54378,
(PID: 017-807-123), File #1-I-10DP/VAR (Thackery).

I am not opposed to the building variance unless whatever conditions that are granted this application are not granted to any other application of similar nature within the same geographical location.

What do I mean by that: If this building permit is granted; than any other application to build a similar building using the same variances must be granted by the CVRD.

Far too often in dealing with these matters, a single application is granted by the CVRD but once granted for one is not granted for others for any number "reasons or issues". There are times when something, such as this, is granted to one property owner and once that approval has been received and the structure built; those same individuals become adamantly oppose against a neighbor whose attempts to doing exactly what they have already done.

000102

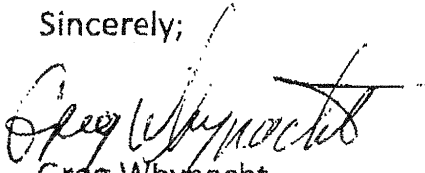
2010-02-15 04:18 TELUS Plan. & Eng.

(250) 479-9521 >> 12507462513

P 2/2

To re-enforce my position on this matter, "If this variance is granted and a building permit issued to them by the CVRD"; than any other property owner within the geographical location shall be granted the same right.

Sincerely;



Greg Whynacht

8348 Sa-Seen-Os Rd,

Youbou, BC

VOR 3E1

000103

Jill Collinson

From: Jennifer Hughes
Sent: Tuesday, March 09, 2010 8:37 AM
To: Jill Collinson
Subject: FW: 1-I-10DP/VAR (Thackery)

From: CVRD Development Services
Sent: Tuesday, March 09, 2010 8:25 AM
To: Jennifer Hughes
Subject: FW: 1-I-10DP/VAR (Thackery)

From: Alex [mailto:maxatthelake@shaw.ca]
Sent: Monday, March 08, 2010 3:11 PM
To: CVRD Development Services
Subject: 1-I-10DP/VAR (Thackery)

To Whom It May Concern,

I Maxine McKeown of 8321 Sa-Seen-Os Rd. suport the application, 1-I-10DP/VAR (Thackery), for variance.

Yours Truly
Maxine McKeown

15

Request to Appear as a Delegation

Meeting Information

Request to Address:*

☐ CVRD Board

☒ Committee

If Committee, specify the Committee here:*

EASC

Meeting Date:*

03/16/10

Meeting Time:*

1500

Applicant Information

Applicant Name:

Alison Nicholson

Representing:

Cowichan Station Area Association

(Name of organization if applicable)

As:

Director

(Capacity / Office)

Number Attending:

5

Applicant Contact Information

Applicant Mailing Address:

3961 Riverside Road

Applicant City:

Duncan

Applicant Telephone:

250-701-0143

Applicant Fax:

Applicant Email:

anicholson@pacificcoast.net

Presentation Topic and Nature of Request:

Topic:

Transforming the Cowichan Station School Site into a Community Hub

Nature of Request:

The Cowichan Station Area Association is seeking support from and partnership with the CVRD to maintain the playing fields, provide programming and contribute to the operation of the arts, culture and recreation facilities at the Hub.

* indicates required fields.

000105



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 16, 2010

DATE: March 11, 2010

FILE NO:

FROM: Ryan Dias, Parks Operations Superintendent

BYLAW NO:

SUBJECT: Bright Angel Park Caretaker Contract

Recommendation:

That the committee provides direction to staff regarding the options proposed for Bright Angel Park Caretaker Services Contract.

Purpose:

To request direction on the provision of caretaker services and parks maintenance at Bright Angel Park.

Financial Implications:

Bright Angel Park is funded through Electoral Areas A thru E.

Interdepartmental/Agency Implications:

N/A

Background:

Park Caretaker Role

Bright Angel Park has had a parks caretaker for over 20 years, and the duties of the caretaker involve attending to park maintenance, opening/closing access gates, after-hours site security and providing set-up services for group bookings of the picnic shelters, playing field and overnight group camping site. The CVRD assumed responsibility for Bright Angel Park in 2000 through a long term lease agreement with the Province (the park is provincially owned), when the Bright Angel Park Society indicated that they no longer had the capacity to operate the park under their prior arrangement with the Province. The parks caretaker function has provided the above services over the years in exchange for occupancy of a residential mobile in the park, which has an estimated rental value of \$750 per month.

000106

During the time the Bright Angel Park Society operated the park under agreement with the Province, the park caretaker would undertake the parks maintenance, security and group bookings duties with the assistance of other society members. However, since the CVRD assumed responsibility of the park, the assignment of the overall responsibilities of the park's maintenance and group bookings to the parks caretaker did not take into account the amount of work done by members of the Society.

Bright Angel Park has seen a steady rise in the booking of the group facilities over the past three years, which in part has been through the increased promotion of the bookable facilities and support of South Cowichan Recreation (Kerry Park) in administering the booking requests. Figures provided by Kerry Park Recreation Centre show annual bookings for Bright Angel Park as follows:

2007- 55 park bookings (generated \$3,577 in booking fees)
 2008 – 66 individual park bookings (generated \$3,517 in booking fees)
 2009 – 72 individual park bookings (generated \$4,739 in booking fees)

The bookings are increasing by an average of 18% per year. This does not account for informal group facility use estimated to add another 30% to the overall use of these facilities, which requires the services of the parks caretaker to attend to (i.e. clean-up, preparation for the formally booked group use).

Park Caretaker Services and Request for Proposals

As previously reported to the EASC Committee, the existing parks caretaker contract was to expire at the end of April 2010; however the caretaker had provided notice that he intended to vacate by the end of February, which he has since done. The Committee at the time gave direction to staff to proceed with the Request for Proposals (RFP) process to hire a new park caretaker to assume the maintenance, group booking and site security responsibilities within the park.

Advertising of the RFP was issued in local papers for a three week period with extensive interest in the Caretaker position. A total of ninety-two RFP packages were requested by interested proponents. On Thursday February 4th, a site meeting was held at Bright Angel Park, and 20 applicants attended the opportunity to walk through the park with staff, and ask questions regarding the potential opportunity. The RFP closed on Friday February 12th; with a total of four proposals recieved.

An initial review of the four proposals determined only three of the proponents met the basic qualifications required for the parks caretaker position. All three of these proposals included additional fees for service over and above the annual value of the caretaker residence (valued at \$9,000 per year), as follows:

- R. Ryan - \$9,000 rent value plus \$18,000 (total value \$27,000/year)
- Urban Meadows Restoration - \$9,000 rent value plus \$12,200 (total value \$21,200)
- Gumboot Gardener - \$9,000 rent value plus \$10,600 (total value \$19,600)

The Gumboot Gardener has since withdrawn their proposal. Each of the proponents noted in their proposal the extent of duties required of the Bright Angel Parks caretaker as outlined in the RFP exceeded the value of the caretaker residence. As noted above, aside from the increase in group bookings, the maintenance requirements of the park have remained consistent over the years; rather it is the assignment of the full range of duties to the parks caretaker that otherwise were shared between the park caretaker and prior members of the Bright Angel Society when the society operated the park.

As a comparable, Parks and Trails staff have reviewed the cost to achieve all the duties in the park by way of contracted parks maintenance services. In the operational costs for maintenance duties, are estimated as follows (based on a review of the site with CVRD's existing parks maintenance contractor) plus the standard costs for gatekeeper services and facilitation of the group use bookings:

Park maintenance services	\$7,500 (based on the duties outlined in the RFP)
Daily park gate open/close	\$1,800
Group booking set-up	\$3,400 (2 hrs x \$20 per hr x 85 bookings per year)

TOTAL **\$15,200**

Given the above, two options below are for consideration by the Committee for the parks maintenance services, site security and group bookings setup at Bright Angel Park.

Option #1

Award the Parks Caretaker Services contract to Urban Meadows Restoration Society, based on their proposal bid submitted of \$9,000 rent value plus \$12,200 annually to complete all components of the work as outlined in the RFP. The proponents have indicated that they could be in place to perform all components of the caretaker services as of April 1, 2010. For the remainder of 2010, the cost to the Bright Angel Parks budget would be \$8,133.

Option #2

Issue a revised Bright Angel Park Caretaker Services Request for Proposals that would limit the scope of duties to a current value estimate in the order of the annual rent (\$9,000), with a focus on after hours site security, gatekeeper services, group bookings set-up and basic parks maintenance (i.e. garbage collection, formal landscaping) and complete the remainder of the parks maintenance through the existing parks maintenance contract in place for community parks in Electoral Areas A thru E.

The process to complete a revised Bright Angel Park Caretaker Services Request for Proposal process would take at least four weeks, with up to four additional weeks for a successful proponent to be selected and moved into the residence to assume full duties of the position. Under this option, the annual cost to the Bright Angel Parks budget would be in the order of \$7,500 per year (estimated in the order of \$5,600 for 2010). In the interim a gatekeeper arrangement has been set up with a local resident to open/close the park gate daily and the parks maintenance contractor is completing basic maintenance in the park, which would be expanded to meet the full duties as outlined in this option. CVRD Parks and Trails Operations staff are also frequently at the caretaker residence/parks maintenance shop as part of their regular duties, and are keeping extra close attention on the park.

Submitted by,

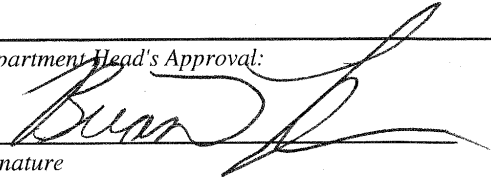


Ryan Dias,
Parks Operations Superintendant
Parks, Recreation & Culture Department

RD/ca

Department Head's Approval:

Signature



000109



SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 16, 2010

DATE: March 8, 2010

FILE NO: 1-D-08DP

FROM: Rob Conway, MCIP, Manager

BYLAW NO:

SUBJECT: Covenant Release – 1838 Cowichan Bay Road – “The Cannery”

Recommendation:

That the Regional District release Restrictive Covenant J17198.

Purpose:

To consider a request by the Agents for Silver Catch Processing Inc. to release a Restrictive Covenant registered against Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (1838 Cowichan Bay Road).

Financial Implications:

Covered by application fee.

Interdepartmental/Agency Implications: N/A

Background:

The subject property was rezoned in 2008 from W-6 (Seafood Processing) to RM-4 (Medium Density Apartment Residential). Prior to the zoning amendment, the property had been used as a seafood processing facility.

A Restrictive Covenant in favor of the Regional District was registered against the title of the subject property in 1980. The Covenant includes the following limitations and obligations:

- uses limited to processing, smoking, canning and freezing of fish and sea products for wholesale and retail sales;
- no rendering of fish and other seafood products;
- all uses must be contained within a building;
- buildings and grounds must be maintained;
- no odours, fumes, noise, glare etc. permitted;
- all refuse must be sealed and removed from the property not less than once a day.

As the property has been rezoned for residential use and seafood processing is no longer permitted on the property, the Restrictive Covenant is no longer relevant. The owner therefore wishes to have this obsolete charged removed from the title, and has requested approval from the CVRD to do so.


000110

Options

1. That the Regional District approve the release of Covenant J17198
2. That the Regional District not approve the request.

Option 1 is recommended.

Submitted by,



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

RC/jah
Attachments

Department Head's Approval:

Signature

000111



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


The Regional District does not warrant the accuracy.

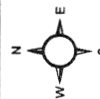
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

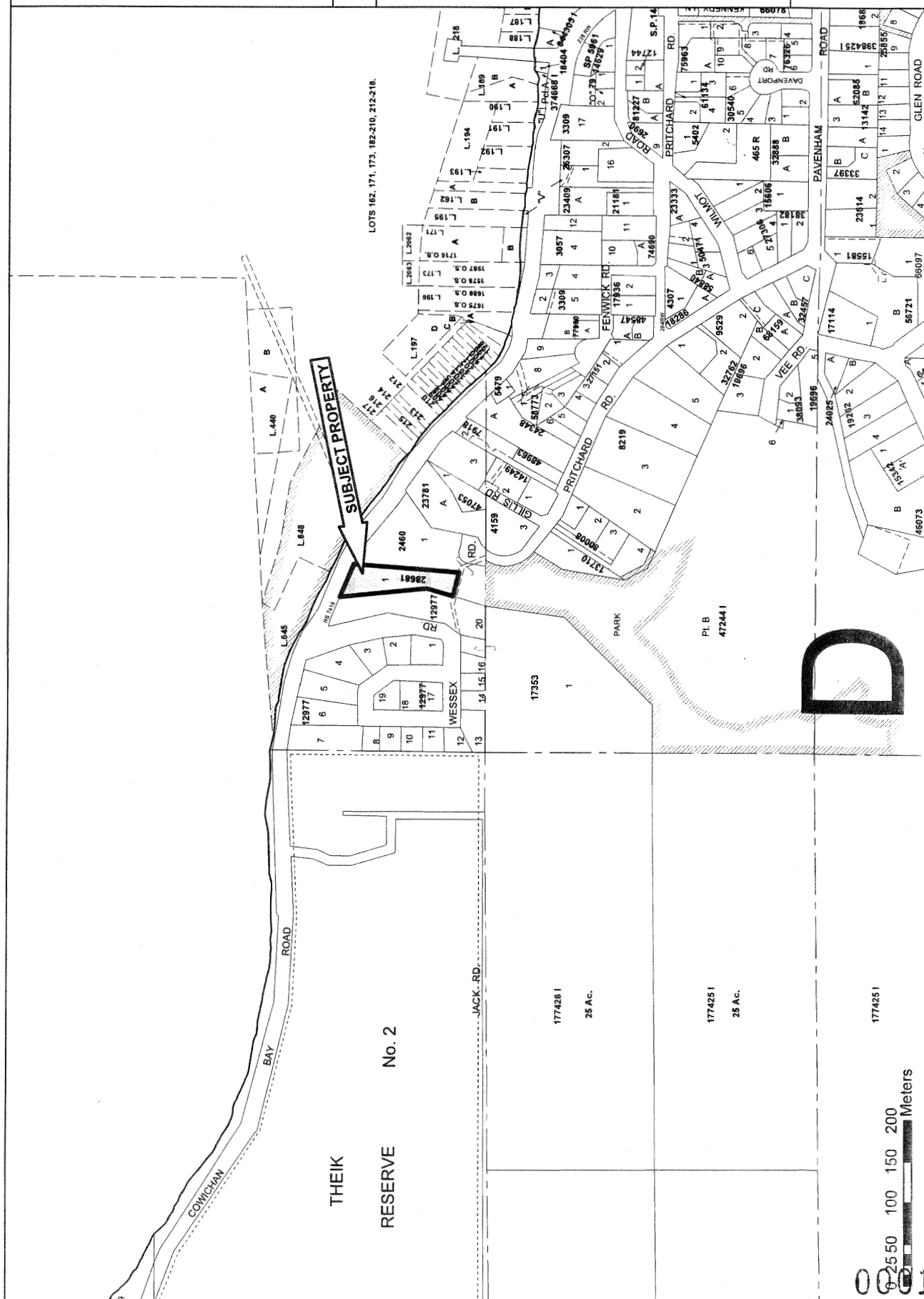
File: 2-D-07-RS

Legend

 Subject Property



Printed: April 20, 2007



0000112

LAND TITLE ACT

Form 17
(Sections 151, 152 (1), 220)

APPLICATION

EXPRESS COURIER SERVICES LTD.

NOTE: Before submitting this application for interests under (1) and (2), applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and Improvement, Water and Irrigation Districts.

NATURE OF INTEREST:	
(1) FEE SIMPLE <input type="checkbox"/>	MARKET VALUE: _____
(2) CHARGE <input checked="" type="checkbox"/>	TRUE VALUE: _____ NOMINAL
Restrictive Covenant <input checked="" type="checkbox"/> NATURE OF CHARGE _____	
11:01 CANCELLATION OF CHARGE <input type="checkbox"/>	NATURE AND NUMBER OF CHARGE CANCELLED _____

HEREWITH FEES OF: \$ 10.00 ✓

As to (1) and (2) ADDRESS of person entitled to be registered as owner, if different than shown in instrument: _____

As to (3) FULL NAME of person entitled to cancellation who or on whose behalf the application is made: _____

LEGAL DESCRIPTION, if not shown in instrument being submitted with this application: Lot 1, Section 7, Range 4, Cowichan District.
Plan 28681 ✓FULL NAME, ADDRESS, TELEPHONE NUMBER of person presenting application: James L. Whitsons, Barrister and Solicitor
66 Station Street, Duncan, B. C. V9L 1M9
748-3151

JAN 10 2006 14:05:15 LEW J

SOLD (initials)

SIGNATURE OF APPLICANT OR
SOLICITOR OR AUTHORIZED AGENT
Sharon Whitsons

THIS INSTRUMENT dated the 23rd day of November 1979, A.D.

BETWEEN:

THE COWICHAN VALLEY REGIONAL DISTRICT, a body corporate constituted under the laws of the Province of British Columbia and having offices at 117 Evans Street, in the City of Duncan, in the said Province.

(hereinafter called the "Regional District")

OF THE FIRST PART

AND:

Cowichan Fish Factory Ltd.
Box 966
Duncan, B.C.
V9L 3V2

(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS:

A. The Owner owns all and singular those certain parcels of land (herein called the "Lands") situate in the Cowichan Valley Regional District, British Columbia, and being more particularly known and described as: Lot A, Section 7, Range 4, Cowichan District, Plan 28681;

B. The Regional District is a regional district duly incorporated pursuant to the Municipal Act, R.S.B.C. 1960, Chapter 255 and amendments thereto;

C. The Owner is willing to restrict and limit the use of the land areas of the said Lands on the terms and conditions and for the purposes hereinafter set forth, and the Regional District is willing to accept such restrictions and limitations;

NOW THEREFORE this Indenture witnesseth that in consideration of the promises, covenants and agreements hereinafter set forth and the sum of ONE DOLLAR paid by the Regional District to the Owner (the receipt of which is hereby acknowledged by the Owner), the parties herein covenant and agree as follows:

1. Pursuant to Section 24A of the Land Registry Act, R.S.B.C. 1960, Chapter 208 and amendments thereto, the following conditions and covenants shall be annexed to and run with the Lands:

FORM 1

(Section 35)

MEMORANDUM OF REGISTRATION

Registered this instrument received
on the day and date within margin

At the City of Vancouver of the
County of Fraser (B.C.)

3

- a) Limiting the uses to processing, smoking, canning and freezing of all kinds of fish and other sea products for both wholesale and retail sales;
- b) No rendering of fish and other sea products;
- c) All uses shall be contained completely within the building;
- d) The aesthetic quality shall include continuous maintenance of the building and grounds;
- e) The use shall comply with the following performance standards:
- i) there shall be no emission of smoke, particulate matter, fumes, vapours and other discernable air pollutants. Performance shall be evaluated as by the casual observer at the site or lot boundary;
 - ii) there shall be no emission of odorous gases or matter in such magnitude as to be readily detectable by the casual observer at the site or lot boundary;
 - iii) there shall be no production of noise in excess of the average intensity of street or traffic noise experienced by the casual observer at the site or lot boundary;
 - iv) there shall be no glare or reflection from high temperature processes or direct glare from exterior lighting beyond the boundaries of the lot or site;
 - v) the standards of the National Fire Code shall apply;
- f) All refuse shall be loaded and removed from the premises not less than once per day;
- g) The Regional District reserves the right to enter the Lands at all reasonable times for the purpose of inspecting said Lands to determine if the Owner is complying with the requirements hereunder;
- h) In the event a violation of these restrictions is found to exist, the Regional District or its successors or assigns may, after a thirty (30) day notice to the Owner or its successor or assign, institute a suit to enjoin by its parts, temporary and/or permanent injunction such violation, to require the restoration of the premises to their prior condition, or for damages for breach of covenant;
- i) The Owner reserves for itself, its successors and assigns, the right to continue the use of the Lands for all purposes not inconsistent with this Agreement.

2. The Regional District will, at the Owner's expense, forthwith after execution hereof by the Owner and the Regional District, do or cause to be done all acts or things necessary to ensure that this document is registered against the title to the Lands in the Victoria Land Registry Office.

3. The Owner will, except as may otherwise be agreed in writing, pay all of the costs and expenses of performing the obligations hereby created.

4. The Owner will upon the reasonable request of the Regional District make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or more perfect and absolute performance of the covenants, promises and agreements contained herein as may be requisite.

5. The Owner represents and warrants that it has obtained the consents to the conditions and covenants herein contained of all persons having any registered interest in the Lands.


4

6. In this indenture the singular includes the plural and vice versa, the masculine includes the feminine and vice versa; any reference to a party includes the party's heirs, executors, administrators and assigns and in the case of a corporation its successors and assigns and any covenant, proviso, condition or agreement made by two or more persons shall be construed as several as well as joint.

7. The conditions and covenants herein contained will inure to the benefit of and be binding upon the parties hereto and upon their respective successors and assigns.


IN WITNESS WHEREOF the Owner and the Regional District have executed this indenture under seal under the hands of their respective proper signing officers in that behalf as of the day and year first above written.

The Corporate Seal of the Cowichan
Valley Regional District was
hereunto affixed in the presence of:



(authorized signatory)

The Corporate seal of the Owner was
hereunto affixed in the presence of:



(authorized signatory)

000116



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MARCH 16, 2010

DATE: March 9, 2010

FILE NO: 6480-20-D/2010

FROM: Ann Kjerulf, MCIP, Planner III
Community & Regional Planning Division

SUBJECT: Area D (Cowichan Bay) Official Community Plan

Recommendations:

1. That the proposed planning and consultation process for the Area D Official Community Plan be approved in principle; and
2. That the following individuals be confirmed as members of the Area D Official Community Plan Steering Committee:
 - Hilary Abbot
 - Don Bright
 - Dan Butler
 - Larry George
 - Peter Holmes
 - Danica Rice
 - Robert Stitt

Purpose:

To formally commence the Area D Official Community Plan (OCP) process, staff are seeking support for the proposed planning and consultation process and confirmation of the individuals who have been invited to participate on the OCP Steering Committee.

Discussion:

Staff have outlined a four-phase planning and consultation process that is intended to gather input to the OCP from a wide range of community stakeholders. It is anticipated that this process will take approximately fifteen (15) months to complete and will be followed by the statutory process of adopting a new OCP bylaw. Furthermore, it is intended that the draft OCP will be thoroughly vetted by all stakeholders prior to initiating the OCP bylaw adoption process.

000117

Proposed mechanisms for distributing information, soliciting input and advertising major community consultation events include dedicated pages on the CVRD website, newsletters, newspaper ads, and sending information via an email subscription list. The four phases of the process and associated consultation activities and timelines are described in the following table:

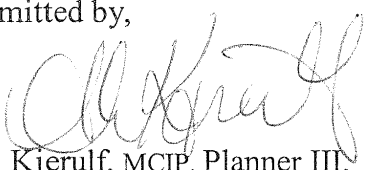
Phase	Description	Consultation	Timeline
Phase 1 – Context & Best Practice Review	Establish current context, opportunities and challenges; best practices research	Key-informant interviews; preliminary agency consultation; steering committee workshop	March – May 2010
Phase 2 – Community Visioning	Explore community vision and values; develop vision statement and plan goals	Community survey; visioning workshop; focus groups	May – August 2010
Phase 3 – Preferences & Options Evaluation	Identify community land use and form and character preferences; consider policy options; prepare new OCP maps	Community survey; options workshop; info booths at community events; agency consultation	September 2010 – January 2011
Phase 4 – Plan Drafting & Refinements	Draft and refine plan	Open house	February – May 2011

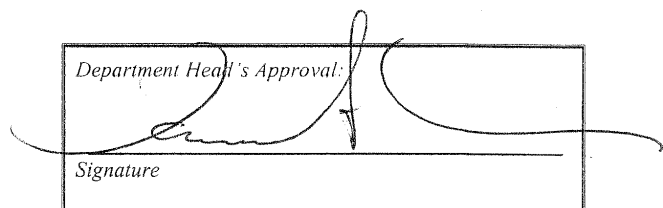
As the second order of business, staff are requesting confirmation of the Official Community Plan Steering Committee. The purpose of the Steering Committee is to:

- Consider and advise CVRD staff and the CVRD Board on the OCP process;
- Review and provide advice on materials prepared in support of the OCP, including background data and reports; community, stakeholder and agency submissions; content and policy directions; and drafts of the Plan;
- Attend and assist with community and stakeholder events such as community workshops, meetings and open houses;
- Act as a liaison between CVRD staff and community members and stakeholders by providing information about the OCP process and OCP-related events as opportunities arise.

The Area D Director has invited seven individuals to serve on the OCP Steering Committee including: *Hilary Abbot, Don Bright, Dan Butler, Larry George (Cowichan Tribes), Peter Holmes, Danica Rice, and Robert Stitt*. These are individuals who are familiar with the local area and are deemed to be representative of its diverse population. Notwithstanding, input provided by the Steering Committee will be considered supplementary to input provided by other stakeholders. Furthermore, the consultation process described earlier will aim to provide ample opportunity for Area D residents and stakeholders to participate in and provide input to the OCP process.

Submitted by,


Ann Kjerulf, MCIP, Planner III,
Community and Regional Planning Division
Planning and Development Department
AK/jah


Department Head's Approval:
Signature

COBBLE HILL ADVISORY PLANNING COMMISSION MINUTES

7:00p.m., Thursday, February 11th, 2010
Cobble Hill Hall Dining Room, Cobble Hill

Present: Rod de Paiva - Chair, Jerry Tomljenovic, Jens Liebgott, Al Cavanaugh, Rosemary Allen, Dave Thomson, Joanne Bond, Robin Brett, Brenda Krug

Also present: Gerry Giles, Area 'C' Regional Director, John Krug, Alternate Director

Guests: Betsy Burke, Gar Clapham

Regrets: Dave Hart.

Chair de Paiva called the meeting to order at 7:00 p.m.

Agenda: Moved/seconded that the agenda be adopted as amended with the tire exchange on Fisher Road being added after Bamberton. Carried

Minutes: Moved/seconded that the minutes of the January 14th, 2010 meeting be accepted as amended with the correction of the date in the heading to January 14th, 2010. Carried

Discussion Items:

Kerry Park – Options for the future:

Chair de Paiva requested each member give an opinion regarding the future of the facility.

There were a range of opinions expressed:

- repair or rebuild the existing facility
- replace not repair the facility or shut it down
- bring forward another referendum in the near future with a smaller project
- the facility could include a unique attraction to draw visitors from other areas
- the land should be purchased not leased
- any new facility should be built to last and well maintained
- are grants available to help off set costs?
- a major reason for the original referendum's defeat was that it was proposed in good economic times and voted on in poor economic times

There was general agreement that the Kerry Park Recreation Centre is vital to the South Cowichan community and that a new referendum should be held as soon as possible.

Director Giles reported:

- The Mill Bay Community League purchased a portion of this land and the remainder was left to the League upon Mr. Kerry's death. The Mill Bay Community League was the only legal entity in the area at the time
- band aid repairs have begun to the present facility including approval to install new boilers at a \$100,000 cost

- she has had feedback from those who voted in the referendum that is in favour of fixing Kerry Park, but not in favour of a pool
- Regional Districts cannot charge developers a fee to go toward recreation facilities as municipalities can
- Duncan pool – There is no interest in the electoral areas to support paying for that pool. If those using it are not in the paying area, they must pay a double rate to do so
- regarding grants – there are grants available, but a referendum to perform any work must be passed prior to applications being made

Regional Recreation

This subject has been under discussion since 1984. Under this funding model everyone would pay into it and everyone could use the various facilities. To date the outlying areas will not participate as they do not believe their residents will benefit from the program. The South Cowichan area could combine with Duncan & North Cowichan to create a regional recreation model. The commission members agreed that a regional program is desirable, but unworkable at this time. Looking to the future and change with new residents moving in to the area a South Cowichan Recreational Program is a good possibility.

Director Giles asked the APC members to please e-mail her regarding any ideas they may have on this issue. She gave a history of attempts to implement a regional recreation plan that came close to completion. A sub regional recreation program was being explored when the Kerry Park referendum did not pass. It was suggested that a sub regional model could be tried with the aim of working toward a regional one. The opinions of the members were generally positive regarding a recreation function and that it should be a subject for the OCP steering committee.

Bamberton – Involvement in advising the Director on this project

The general consensus was that the APC members would like to advise director on this and that issues concerning the Bamberton project brought to the APC by the Director will be discussed.

Tire Exchange

There was a concern regarding the Fisher Road Tire Exchange as a potential fire hazard and an environmental disaster should a fire occur.

Director Giles reported that the only solution to this is to contact the fire commissioner regarding compliance with regulations.

It was questioned if the potential problem could be regarded as a possible health hazard.

Director Giles will follow up on this matter

Director's Report

Director Giles reported on several local items:

- Building report for December, 2009 and the building permits & housing starts were circulated. The year end report was also circulated.
- The Arbutus Ridge water, sewer and drainage can now legally be taken over by the CVRD
- The Arbutus Ridge final build out has received CVRD Board approval
- There is to be an Eco depot located in south end – it will require 5 acres – 4 sites have been short listed in South Cowichan
- The 2010 budget process was described
- Train Station Project – John Krug reported on what volunteers would be doing in this area and that the Cobble Hill Parks and Recreation Commission is looking for a place in Quarry Nature Park to build a full service washroom. He commented on the generous spirit in Cobble Hill.
- The use of all terrain vehicles on trails received a unanimous thumbs down from the members of the APC

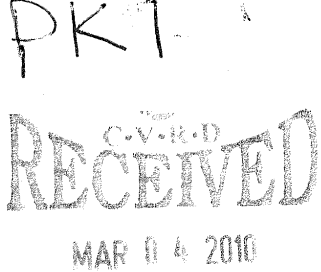
Adjourn 8:35.

Workshop – (Closed session)

Next meeting Thursday, March 11th, 2010 will include Bamberton and governance questions.

Adjournment: 8:45 p.m.

submitted by Brenda Krug



Minutes of the regular meeting of the Area H Parks Commission held at North Oyster Community Hall on Thursday, February 25, 2010 at 6:30 PM.

PRESENT: Acting Chairperson, Mary Marcotte, Don Pigott, Snuffy Ladret, , Secretary Barbara Waters.
One member of the public.

ABSENT: Bruce Mason, Murray McNab, Brad Uytterhagen

Acting Chairperson, Mary called the regular meeting to order.

**APPROVAL OF
AGENDA**

Moved:
Seconded:

That the agenda be approved.

MOTION CARRIED

**REVIEW OF
MINUTES FROM
Jan. 28, 2010**

The minutes of the regular meeting of Jan. 28, 2010 were not reviewed at this time.

**DIRECTORS
REPORT:**

**DR 1
DL #51 – HEART
LAKE
DEVELOPMENT**

A brief discussion ensued on the report from CVRD Parks Staff, Tanya Soroka, dated February 22, 2010, it was

Moved:
Seconded:

That the Area H Parks Commission recommend that the land offered by the developers of D.L. #51, be accepted as part of Area H Parkland inventory, and that it remain as an undeveloped, unmanaged wilderness park , and wildlife corridor with stream protection.

MOTION CARRIED

The Commission also expressed an interest in starting a dialogue with Chemainus First Nations regarding the potential land donation.

**DR 2
WEDDING
POLICY**

Because three members of the Commission were not present, the Chairperson decided to defer discussion on this item until the full Commission was present.

000122

**DR 3
MAINTENANCE
CONTRACT**

The current maintenance contract was circulated for review and discussion at a future meeting.

ADJOURNMENT

**Moved
Seconded**

That the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:55 p.m.

**Barbara Waters, Secretary
February 25, 2010**

PK 2

RECEIVED

MAR 04 2010

Minutes of the annual general meeting of the Area H Parks Commission held at North Oyster Community Hall on Thursday, February 25, 2010 at 6:30 PM.

PRESENT: Acting Chairperson, Mary Marcotte, Don Pigott,
,Snuffy Ladret, Secretary Barbara Waters.
One member of the public.

ABSENT: Bruce Mason, Murray McNab, Brad Uytterhagen

Mary Marcotte agreed to act as Chairperson until a new Chairperson is elected.

**APPROVAL OF
AGENDA**

Moved:
Seconded:

That the agenda be approved.

MOTION CARRIED

**REVIEW OF
MINUTES FROM
FEB. 19, 2009**

The minutes of the annual general meeting of February 19, 2009 were reviewed for information purposes.

**BUSINESS
ARISING FROM
THE MINUTES**

None.

REPORT

The Area H Parks Commission year-end report was circulated and reviewed. A copy is appended to these minutes.

ELECTIONS

Prior to conducting Commission elections, Mary Marcotte reviewed the related procedures and qualifications. It was noted that although Murray McNab is not present, he has previously agreed to accept a position as Commissioner for a two year term if nominated.

Murray McNab & Snuffy Ladret were each nominated and re-elected for a further two-year term by acclamation.

ADJOURNMENT

Moved
Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:45 p.m.

Barbara Waters, Secretary
February 25, 2010

000124

C1



CVRD

RE

MAR - 2 2010

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Financial Services Department

Submitted by Director LORI IANNIDINARO Area D

Grantee:	Grant Amount \$ <u>2,000.00</u>
NAME: <u>ROSE CITTA SLOW COWICHAN BAY SOCIETY</u>	
ADDRESS: <u>5151 SAMUEL RD.</u>	
<u>DUNCAN V9L 6Y1</u>	
Contact Phone No: <u>BRUCE STEWART. 250-746-7664</u>	
PURPOSE OF GRANT: <u>TO AUGMENT THEIR FUNDRAISING EFFORTS.</u>	
REQUESTED BY: <u>Lori L Iannidinaro</u>	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0366-114	2,000.00	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



North America's first Cittaslow Community. An international network of towns where living is easy.

Lori Iannidinardo

February 26, 2010

Cowichan Valley Regional District

175 Ingram Street

Duncan, B.C.

V9L 1N8

Dear Mrs. Iannidinardo;

On behalf of the Board of Directors of Cittaslow Cowichan Bay, I am writing to request financial support from the CVRD. Cittaslow is an international network of towns that puts quality of life first. Cowichan Bay became North America's first and the 120th community to join the movement. Cittaslow endorses 7 core values.

They are:

- Environmental Policy
- Sustainable Infrastructure Policy
- Green Technology
- Celebrating our History
- Hospitality
- Awareness and Education
- Production of local and organic foodstuffs

There has been a lot of interest and media attention in the movement and Cowichan Valley as a result since we were successful at gaining the designation. The problem for us, as a small volunteer organization we are struggling to pay the International Fees. We are requesting \$2000 to augment our other fundraising efforts.

Please feel free to contact me if you have any questions regarding this initiative.

Sincerely,

Bruce Stewart

President Cittaslow Cowichan (250) 746-7664 bruce@truegrain.ca

000126

C2



REC

MA

COWICHAN VALLEY REGIONAL DISTRICT
Financial Services Department
SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director L. IANNIDINARO Area D

Grantee:

Grant Amount \$ 1,500.00NAME: KOKSLAM SCHOOL HISTORICAL SOCIETYADDRESS: 5213 TRAN CANADA HWY.KOKSLAM VOR 2CO.Contact Phone No: BOB VYEPURPOSE OF GRANT: HELP WITH THE PAINTING OF
THEIR BUILDING.

REQUESTED BY:

Levi L. Iannidinardo
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0106-114</u>	<u>1,500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLYBUDGET APPROVAL X

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

February 20th, 2010

RECEIVED
C.V.R.D.

FEB 24 2010

Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8
Attention: Lori Iannidinardo, Area D Director

Re: Outside Painting of Koksilah Museum

Our building is badly in need of exterior painting. This heritage building, of great importance to the community, is used by many groups and organizations. The grounds as well are host to a variety of events. This is a meeting place for rate payers, art groups, school children tours, weddings, mayorial services, Christmas hamper preparations and school reunions, as well as CVRD hearings.

Our large lot is the only green area in Koksilah and used for playground gatherings and many reunions.

We have a quote of \$3,600.00 for this project.

We have raised \$1,500.00 towards the cost. A supplier of paint has said they will donate \$600.00 worth of paint. We have also received a donation for the use of a manlift donated by Dryco Rentals.

We would appreciate a grant towards the balance of the project.

Thank you for your interest and time with our request.

Sincerely,



Bob Vye,
on behalf of the Koksilah School Historical Society

Original: <i>Finance</i>	Copies to: <i>Dir.</i>
Board:	
Committee(s)	
Directed by: <i>[Signature]</i>	Date: <i>Feb 25/10</i>
File #	

000128

March 8, 2010

File: 76600-20/C-CowB

Tom Anderson, General Manager
Planning and Development Department
Cowichan Valley Regional District
175 Ingram St
Duncan BC V9L 1N8

Dear Mr. Anderson:

Re: Storage of Hood Canal Bridge, Cowichan Bay, British Columbia

Thank you for your letter of February 22, 2010 in which you outline concerns about the potential environmental impact associated with the storage of the Hood Canal Bridge in Cowichan Bay, particularly with regards to the impact on the seafloor. My staff have reviewed the available information and, as well, have contacted other applicable agencies including Environment Canada and the Department of Fisheries and Oceans (DFO) with whom we share jurisdictional responsibility.

According to DFO the shadow effect on the seafloor will be minimal as there is little vegetation in the area where the storage is occurring. The sloughing off of marine organisms is also expected to have little effect as it is primarily organic in nature and will quickly be assimilated. As such, it is our opinion that the impact from this activity will be minimal.

As noted in your letter it is our understanding that the structures will be moved within the next several weeks.

If you have any further questions please contact Bernie Taekema of my staff at 250 751-3175.

Yours truly,



R. Alexander
Environmental Protection Manager

pc Peter Law, Ecosystem Specialist, Environmental Stewardship Division, Nanaimo
Director L. Iannidinardo, Electoral Area D – Cowichan Bay



FILE COPY

February 22, 2010

Ministry of Environment
Water Stewardship
2080-A Labieux Road
NANAIMO, BC V9T 6J9

Attention: **Randy Alexander, Manager**
Regional Environmental Protection

Re: Storage of Hood Canal Bridge, Cowichan Bay, BC

In June, 2009, 0742909 BC Ltd. transported four sections of the Hood Canal Bridge into Cowichan Bay and rafted these sections together at the WestCan Terminal owned by Western Stevedoring (photos attached). The intent of the owners was to deconstruct the upper sections of the bridge in hopes of selling the remaining floats as breakwaters, marinas, etc.

The Regional District zoning allows for ships, barges, etc. to be moored or stored in that location but does not allow for the deconstruction activity as proposed. The owners were informed of such and have complied with CVRD zoning. The bridge sections now wait for relocation to a site that allows for the deconstruction activity.

While the owners have indicated that the bridge sections will be moved in April of this year, concern is growing over the impact the rafted sections are having on that sensitive marine environment. As you know, this area of Cowichan Bay lies within the Cowichan Estuary Environmental Management Plan area which long ago recognized this as a sensitive environment that must be protected. Specifically, the rafted sections are casting a very broad shadow over the marine environment, which has raised concern over the long term impact such a shadow may have. Secondly, the marine life that had attached itself to the structures in its former location are dying due to change in salinity from its Washington State location to Cowichan Bay. Concern has been raised as to what impact this dying marine life is having on the marine environment on the seafloor of Cowichan Bay.

The Cowichan Valley Regional District has no expertise in these matters nor any jurisdiction, and is therefore calling upon your Ministry to provide us and our residents with some sense of comfort that such concerns are either unfounded or that they are being addressed.

.../2

Thank you in advance for your review of this situation and please contact me if you require any further information.

Yours truly,

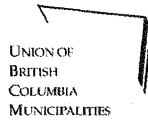
A handwritten signature in black ink, appearing to be 'Tom Anderson', with a long horizontal flourish extending to the right.

Tom Anderson, MCIP
General Manager
Planning and Development Department

TA/lz

Attachment

pc: Director L. Iannidinardo, Electoral Area D-Cowichan Bay
Peter Law, Ministry of Environment



**DEADLINE IS MARCH 8 – PLEASE
REGISTER NOW!!**

MEMBER NOTICE - REMINDER!

TO: Mayor and Council / Chair and Board
FROM: Chair Harry Nyce, President
DATE: March 1, 2010
RE: **LOCAL GOVERNMENT ELECTIONS TASK FORCE – UBCM
MEMBER CONSULTATION MEETING**

On October 2, 2009, Premier Gordon Campbell announced a joint Task Force to make recommendations for legislative changes to improve the electoral process for local government elections across B.C. The Task Force has been asked to report out by May 30, 2010.

A six-member Task Force has been established, co-chaired by Bill Bennett, Minister of Community and Rural Development, and Harry Nyce, UBCM President. Other Task Force members include: Councillor Barbara Steele, Surrey, UBCM First VP and Mayor Mary Sjostrom, UBCM Third VP. The two provincial appointees are MLAs Donna Barnett and Douglas Horne.

The Task Force is reviewing specific issues related to local government elections including:

- Campaign finance, including contribution/spending disclosure and limits, and tax credits
- Enforcement processes and outcomes
- Role of the chief electoral officer (B.C.) in local government elections
- Election cycle (term of office)
- Corporate vote
- Other agreed upon matters, (e.g. matters raised in UBCM resolutions such as eligibility of local government volunteers to be candidates)

Recognizing the tight timeline, the UBCM Executive wanted to ensure that members had an opportunity early on in the process to provide their input, beyond website feedback. As a result, we are inviting members to attend a one-day session on **Friday March 12th**. Members of the Task Force will be present to discuss the issues under consideration and listen to your comments. This one-day event is in addition to the sessions that are being offered to the Area Associations as part of their spring conferences.

This is an important opportunity for local governments to provide their input at this early stage in the Task Force's deliberations. The session is open to elected officials and senior staff (as designated by their council/board). A registration form for the session is attached. Fees for this session are purely cost-recovery (ie. catering, room rental) in recognition of the tight fiscal climate.

Members are encouraged to go to the following website in advance of the session to learn more about the Task Force, topics under consideration and review discussion papers:

www.localelectiontaskforce.gov.bc.ca

For those not able to attend the March 12th session, we would encourage you to submit your feedback and input through the on-line system that has been established on the Task Force website.

Your registration should be submitted as soon as possible. If you have any questions please contact Marie Crawford, Associate Executive Director at 604.270.8226 Ext. 104, or mcrawford@ubcm.ca.

000132



CVRD

MEMORANDUM

DATE: March 8, 2010

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF FEBRUARY, 2010

There were 44 Building Permits and 0 Demolition Permit(s) issued during the month of February, 2010 with a total value of \$ 4,939,115

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				791,833	3,000		6	9	794,833	1,027,173
"B"				1,254,565	73,900		13	24	1,328,465	2,017,465
"C"			70,000	774,017	218,440		9	17	1,062,457	1,961,897
"D"	12,500			172,450			2	6	184,950	246,350
"E"	30,000			644,550	45,500		6	11	720,050	1,522,170
"F"				276,520	27,800		3	4	304,320	348,600
"G"				312,580			1	2	312,580	332,580
"H"					231,460		4	4	231,460	231,460
"I"							0	2	0	161,900
Total	\$ 42,500	\$ -	\$ 70,000	\$ 4,226,515	\$ 600,100	\$ -	44	79	\$ 4,939,115	\$ 7,849,595

B. Duncan, RBO
Chief Building Inspector
BD/db

NOTE: For a comparison of New Housing Starts from 2007 to 2010, see page 2
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3

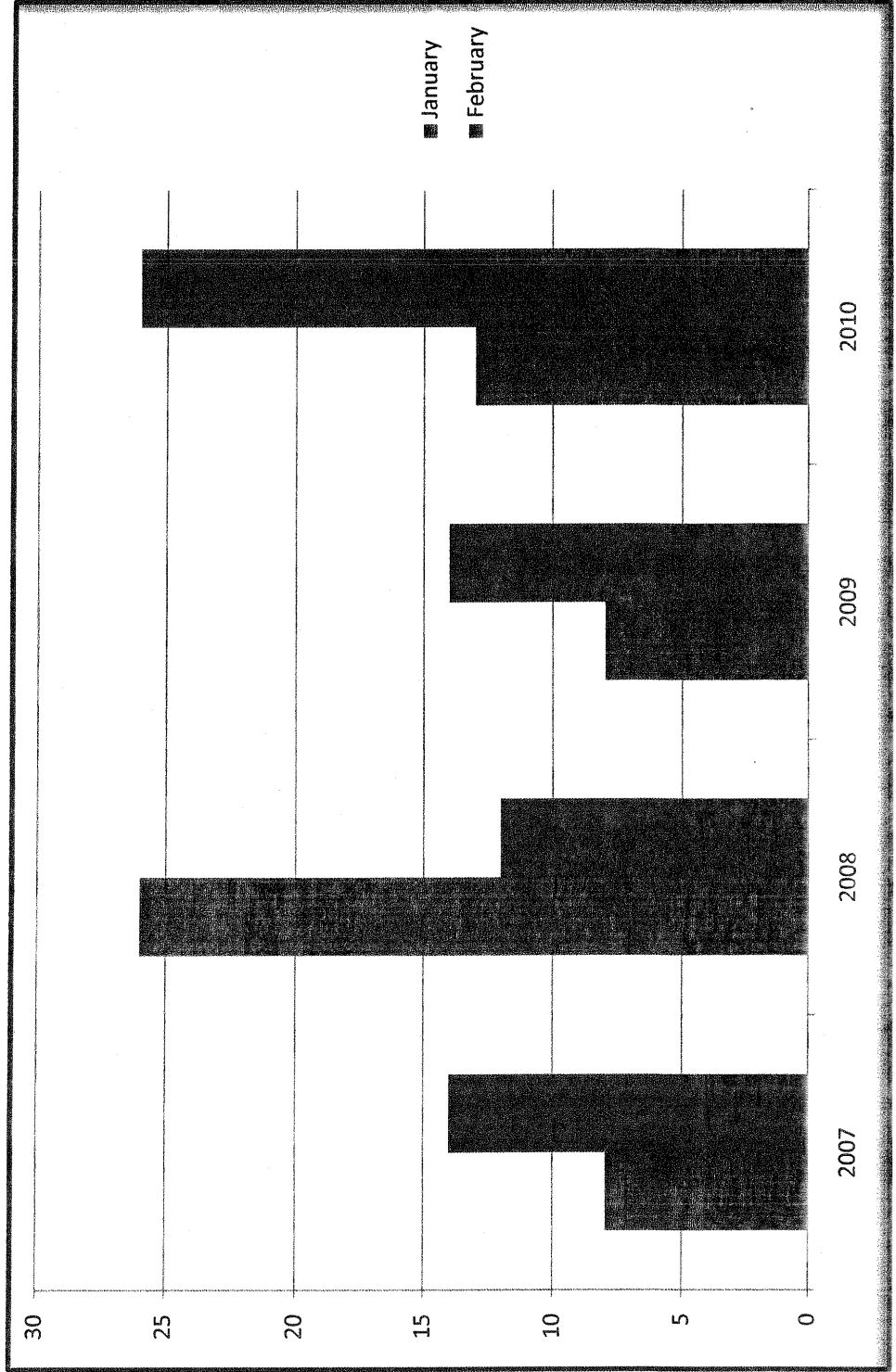
000133



C.V.R.D

Total of New Housing Starts

	2007	2008	2009	2010
January	8	26	8	13
February	14	12	14	26



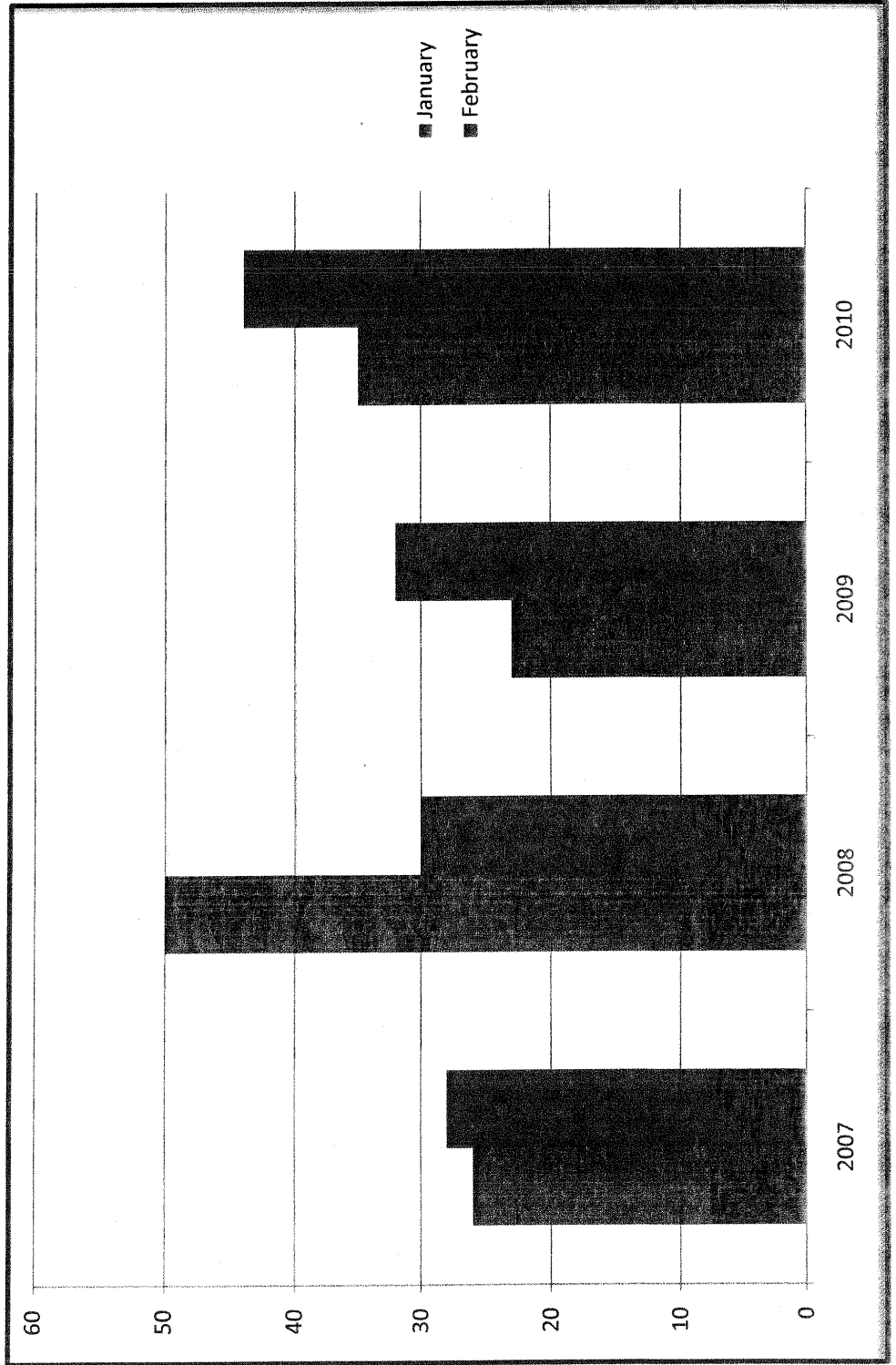
000134



C.V.R.D.

Total Building Permits Issued

	2007	2008	2009	2010
January	26	50	23	35
February	28	30	32	44



000135