



C·V·R·D

## NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
September 7, 2010  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, August 3, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director M. Marcotte, Vice Chair  
 Director K. Kuhn  
 Director M. Dorey  
 Director G. Giles  
 Director L. Iannidinardo  
 Director L. Duncan  
 Director I. Morrison  
 Alternate Director R. Burgess  
 Director K. Cossey (arrived at 3:45 pm)

Absent:

Director B. Harrison

**CVRD STAFF**

Tom R. Anderson, General Manager  
 Mike Tippet, Manager  
 Rob Conway, Manager  
 Tanya Soroka, Parks & Trails Planner  
 Sybille Sanderson, Acting General Manager  
 Jill Collinson, Planning Technician  
 Maddy Koch, Planning Assistant  
 Dave Leitch, Manager, Water Management Division  
 Rachelle Moreau, Environmental Analyst  
 Nino Morano, Bylaw Enforcement Official  
 Jennifer Hughes, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding two items of New Business [NB1 & NB2 and NB3 (Grant-in-Aid, Area C)] and one Closed Session New Business Item (CSSR5).

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

MOTION CARRIED

**M1 - MINUTES**

It was Moved and Seconded  
 That the minutes of the July 6, 2010, EASC meeting, be amended by noting in New Business 1 – Foreshore Protection, Area A, “That Electoral Areas F, D, H and C are also interested in being included in any future discussion and information that deals with foreshore information, and that the Minutes, as amended, be accepted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**DELEGATIONS**

**D1 – Kuwert**

Maddy Koch, Planning Assistant, presented Application No. 4-A-10DVP (Kuwert), to vary the setback to the interior side parcel line by 2.8 metres (9.2 feet) at 2473 Mill Bay Road.

Eric Kuwert, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Development Variance Permit Application No. 4-A-10DVP by Eric Kuwert for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to the interior side parcel line from 3.0 metres to 0.2 metres on Lot 5, District Lot 47, Malahat District, Plan 6695 (*PID 005-773-610*), be approved, subject to a legal survey confirming compliance with approved setbacks.

**MOTION CARRIED**

**D2 - Tuit**

Mike Tippett, Manager on behalf of Alison Garnett, Planner, presented Application No. 1-F-10DVP (Tuit), to vary the height limit of a residence by one metre located at 9995 March Road.

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

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 1-F-10DVP by Paul Tuit to increase the permitted height of a residence from 7.5 metres to 8.5 metres not be approved, respecting Lot 1, Section 34, Renfrew District Plan 42592.

**MOTION CARRIED**

**D3 – Bennefield**

Jill Collinson, Planning Technician, presented Application No. 1-D-10DVP (Bennefield) to vary the rear parcel line setback in the R-2 Zone of Zoning Bylaw No. 1015 from 4.5 metres to 2 metres located at 1415 Cherry Point Road, Cowichan Bay.

Blue Bennefield, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.



It was Moved and Seconded

That Development Variance Permit Application No. 1-D-10DVP by Blue and Raina Bennefield for a variance to Section 8.1 (b)(3) of Zoning Bylaw No. 1015 by reducing the minimum rear parcel line setback from 4.5 metres to 2 metres for Lot 7, Section 4, Range 6, Cowichan District, Plan 24679, except part in Plans 39250 and VIP 60753, be approved, subject to the applicant providing a survey confirming compliance with approved setbacks.

MOTION CARRIED

**D4 - Lamont**

Jill Collinson, Planning Technician, presented Application No. 3-G-10DVP (Lamont) to increase the maximum permitted height for an accessory building from 6 metres to 6.782 metres located at 10758 Guilbride Drive.

Kevin Lamont, applicant, was present and provided further information to the application.

There were no questions directed to staff or to the applicant.

Director Cossey arrived (3:45 pm) at the meeting.

It was Moved and Seconded

That Development Variance Permit Application No. 3-G-10DVP by Kevin Lamont, on behalf of Stephen and Susan Odell, for a variance to Section 5.3(5) of Zoning Bylaw No. 2524, increasing the permitted height for an accessory building from 6 metres to 6.782 metres be approved, subject to the applicant providing a survey confirming compliance with approved height.

MOTION CARRIED

**D5 – Urquhart/CCLC Holdings Ltd.**

Jill Collinson, Planning Technician, presented Application No. 1-A-10DP (Urquhart/CCLC Holdings Ltd.) to consider the issuance of a Development Permit for construction of an addition to the Mill Bay Vet Clinic, situated within the Mill Bay Development Permit Area and Trans Canada Highway Development Permit Area located at 840 Deloume Road.

Dr. Claire Tompkins, Veterinarian, was present on behalf of the applicant, Chris Urquhart, and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Development Permit Application No. 1-A-10DP be approved, and that a Development Permit be issued to CCLC Holdings for Lot A, Section 2, Range 8, Shawnigan District, Plan VIP54860, for construction of an addition to a veterinary clinic.

MOTION CARRIED

**D6 – Merrett/J.E.  
Anderson and  
Associates**

Jill Collinson, Planning Technician, presented Application No. 1-G-10DP (John Merrett c/o J.E. Anderson and Associates) to remove a tree, construct a 50 metre trail and building a retaining wall within the Ocean Shoreline Development Permit Area located on a strata lot on Clifcoe Road (Strata Lot 5, District Lot 27, Oyster District, Plan VIS6144, PID: 026-874-504).

David Wallace, applicant, was present and provided further information to the application.

There were no questions directed to staff or the applicant.

It was Moved and Seconded

That Application No. 1-G-10DP be approved, and that a development permit be issued to John Merrett for Strata Lot 5, District Lot 27, Oyster District, Strata Plan VIS6144, to permit removal of 1 tree, construction of a 50 metre trail and building of a riprap retaining wall, subject to:

- Compliance with the recommendations noted in the December 18<sup>th</sup>, 2009 report by C.N. Ryzuk and Associates Ltd;
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded after two years only if the plantings are successful and to the satisfaction of the registered professional biologist or BCLSA member;
- Receipt of a stormwater management plan by a professional engineer prior to the issuance of a building permit.

**MOTION CARRIED**

**D7 – Partridge**

Acting Chair Marcotte stated that Craig Partridge and Ron Sharpe, applicants for Application No. 1-B-09RS (Partridge) have requested that their rezoning application be referred to the September 7, 2010, EASC meeting.

**D8 – Rachelle  
Moreau, Project  
Update**

Rachelle Moreau, Environmental Analyst, Regional Environmental Policy Division, was present to give Committee members an update on the Municipal Green Buildings Leaders project.

The Committee directed questions to staff.

It was Moved and Seconded

That the CVRD continue with Phase 2 of the Municipal Green Building Leaders project to develop policies that would achieve increased energy efficiency and renewable energy requirements in buildings by:

- 1) Working with existing local government tools;
- 2) Working with the provincial government to obtain clearer local government jurisdiction;
- 3) Working with the provincial government to advance provincial policies; and
- 4) That staff also explore the possibility of using the Development Approval Information tool under Section 920.01 of the *Local Government Act*.

**MOTION CARRIED**

**STAFF REPORTS**

**SR1 – Malahat Fire Protection Service Area Expansion – Elkington Estates**

Sybille Sanderson, Acting General Manager, Public Safety, presented staff report dated July 27, 2010, regarding Malahat Fire Protection Service Area Expansion – Elkington Estates.

It was Moved and Seconded

1. That the *Certificate of Sufficiency* confirming that the petitions for inclusion in the Malahat Fire Protection Service Area are sufficient, be received.
2. That CVRD Bylaw No. 2414 be amended to extend the boundaries of the Malahat Fire Protection Service Area to include the following five properties:
  - Block 270, Malahat Land District (PID 009-395-156);
  - District Lot 201, Malahat Land District (PID 009-395-130);
  - Block 281, Malahat Land District (PID 009-395-172);
  - That part of Block 201, Malahat Land District including part of amended Parcel A (DD189674I) of said Block, shown outlined in red on Plan 1522R (PID 009-395-075); and
  - Lot 26, Block 201, Plan VIP78459, Malahat Land District, PID: 026-226-537.
3. That the Malahat Fire Protection Service Area amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**SR2 – Dogwood Ridge Capital Works Upgrade**

Dave Leitch, ASCT, Manager, Water Management Division, presented staff report dated July 27, 2010, regarding Dogwood Ridge Capital Works Upgrades.

It was Moved and Seconded

That an additional \$100,000 of Community Works funding be allocated for upgrades to the Dogwood Ridge Water System to reduce the annual costs charged to customers of the system and that this funding be allocated from the Future Priorities list and removed from the identified Electoral Areas Curbside Program (3Trucks, Organic, Garbage and Recycling Bins).

MOTION CARRIED

**SR3 – Agricultural Advisory Committee**

Tom R. Anderson, General Manager, presented staff report dated July 28, 2010, regarding Agricultural Advisory Committee.

It was Moved and Seconded

That the Agricultural Advisory Committee Terms of Reference be approved with the addition of adding to the Membership List one member from the Economic Development Commission and one member from Farm Credit Canada and changing Duncan Farmer's Market representative to Farmer's Market representative.

MOTION CARRIED

**SR4 – Ocean  
Shoreline  
Development Permit  
Area**

Mike Tippet, Manager, presented staff report dated July 23, 2010, regarding Ocean Shoreline Development Permit Area, Area A.

It was Moved and Seconded

- 1) That the proposed amendment bylaw that would introduce an Ocean Shoreline Development Permit Area to the Mill Bay/Malahat Official Community Plan be approved and that the Draft Bylaw be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings;
- 2) That the proposed bylaw be referred to Fisheries and Oceans Canada, School District 79, Capital Regional District, Ministry of Transportation and the Malahat First Nation, in the form of a written referral only with a 3 week response period; and
- 3) That a Public Hearing be held with Directors Harrison, Giles and Duncan named as delegates of the Board.

MOTION CARRIED

It was Moved and Seconded

- 1) That staff be directed to prepare draft amendment bylaws to Electoral Areas C, D, F and H Official Community Plans that would create Ocean Shoreline Development Permit Areas, along with a referring agency list and bring back to the EASC for review; and
- 2) That a separate Public Hearing be held for amendments to Electoral Area H – North Oyster/Diamond Official Community Plan.

MOTION CARRIED

**5:11 pm**

Director Cossey declared a conflict due to his employer's perspective and he left the meeting at 5:11 pm.

**SR5 – Update on  
Bamberton Bylaw  
Preparation Process**

Mike Tippet, Manager, presented staff report dated July 23, 2010, regarding Update on Bamberton Bylaw Preparation Process.

Mr. Tippet updated the Committee on the Bamberton Bylaw preparation process. He further advised that there is a legal matter that he would like to address within the Closed Session of the meeting that does not relate to application but has a relation to the general area.

Questions were directed to Mr. Tippet from the Committee.

It was Moved and Seconded

That the Staff Report dated July 23, 2010, regarding Update on Bamberton Bylaw Preparation Process be received for information.

MOTION CARRIED

**5:20 pm**

Director Cossey returned to the meeting at 5:20 pm.

**SR6 – Bill 27  
Requirement to  
Introduce Greenhouse  
Gas Emission  
Reduction Targets  
into all CVRD Official  
Community Plans**

Mike Tippet, Manager, presented on behalf of Alison Garnett, Planner, staff report dated June 28, 2010, regarding Bill 27 Requirement to Introduce Gas Emission Reduction Targets into all CVRD Official Community Plans.

It was Moved and Seconded

1. That the Bill 27 Bylaws for Electoral Areas D, G, and I proceed to the Board for 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That a Public Hearing be scheduled for the Amending Bylaw in Electoral Area D – Cowichan Bay with Directors Iannidinaro, Duncan and Giles appointed as delegates;
3. That a Public Hearing be scheduled for the Amending Bylaw in Electoral Area I – Youbou/Meade Creek with Directors Morrison, Kuhn and Marcotte appointed as delegates;
4. That a Public Hearing be scheduled for the Amending Bylaw in Electoral Areas G – Saltair/Gulf Islands, with Directors Dorey, Marcotte and Morrison appointed as delegates;
5. That the Bill 27 Bylaws for Electoral Areas D, G, and I be referred to the City of Duncan, Town of Lake Cowichan, District of North Cowichan, Town of Ladysmith, Nanaimo Regional District, Cowichan Tribes, Chemainus First Nation, Ministry of Community and Rural Development, School Districts No. 68 and 79 for comment.

MOTION CARRIED

It was Moved and Seconded

That the draft Bill 27 Bylaw for Electoral Area H be referred to the Electoral Area H – North Oyster/Diamond APC for further review and when the time comes a separate public hearing be held for Electoral Area H – North Oyster/Diamond.

MOTION CARRIED

**SR7 – 10519 Knight  
Road – Saltair Pub**

Tom R. Anderson, General Manager presented staff report dated July 28, 2010, regarding 10519 Knight Road, Saltair Pub.

It was Moved and Seconded

That the CVRD not object to the temporary change to the existing liquor license request of the Saltair Pub located at 10519 Knight Road for live outdoor music entertainment and seating on the following dates and occupancy limit:

- Aug. 13, 2010, Aug. 14, 2010, Sept. 11, 2010, June 4, 2011, June 25, 2011 & July 16, 2011. Hours: 5pm to 11pm
- Sundays: June 12, 2011 & July 24, 2011. Hours: 2pm to 8pm
- Occupancy maximum of 175 persons

MOTION CARRIED

**APC**

**AP1 - Minutes**

It was Moved and Seconded

That the Minutes of the Area G APC meeting of July 7, 2010 be received and filed.

MOTION CARRIED

**PARKS**

**PK1 and PK2 -  
Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area I Parks Commission meeting of June 8, 2010
- Minutes of Area I Parks Commission meeting of July 13, 2010

MOTION CARRIED

**INFORMATION**

**IN1 – 2010 UBCM  
Convention**

It was Moved and Seconded

That the letter dated July 13, 2010, from Premier Gordon Campbell with regard to the 2010 UBCM Convention be received and filed.

MOTION CARRIED

**IN2 – Discussion  
Topics for Electoral  
Area Director's  
Forum**

It was Moved and Seconded

That the Member Release dated July 26, 2010, with regard to Discussion Topics for Electoral Area Director's Forum be received and filed.

MOTION CARRIED

**IN3 – June, 2010  
Building Report**

It was Moved and Seconded

That the June, 2010, Building Report be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**1 – North Oyster &  
Area Historical  
Society Building**

Mike Tippet, Manager, presented staff report dated July 29, 2010, regarding North Oyster & Area Historical Society Building.

It was Moved and Seconded

1. That a Zoning Amendment Bylaw be prepared to amend the Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 by amending the minimum parcel area provisions of the P-2A Zone, by lowering the standard to 0.6 hectares for all levels of services.
2. That the Amendment Bylaw be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings and that a Public Hearing be waived under Section 890(4) of the *Local Government Act*.
3. That the proposed amendment be referred to the Vancouver Island Health Authority and staff contact them in person or by telephone with respect to the proposed amendment.

MOTION CARRIED

**2 – Grant-in-Aid –  
Area F**

It was Moved and Seconded

That a Grant-in-Aid (Area F) be given to the Caycuse Volunteer Fire Department in the amount of \$3,500 to assist with replacement of necessary equipment.

MOTION CARRIED

**3 – Grants-in-Aid –  
Electoral Areas C, A,  
B and D**

It was Moved and Seconded

That a Grant-in-Aid (Area C) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101<sup>st</sup> Annual Cobble Hill Fall Fair.

MOTION CARRIED

It was Moved and Seconded

That a Grant-in-Aid (Area A) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101<sup>st</sup> Annual Cobble Hill Fall Fair.

MOTION CARRIED

It was Moved and Seconded

That a Grant-in-Aid (Area B) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101<sup>st</sup> Annual Cobble Hill Fall Fair.

MOTION CARRIED

It was Moved and Seconded

That a Grant-in-Aid (Area D) be given to the Shawnigan Cobble Hill Farmers Institute in the amount of \$300 to assist with the advertising for the 101<sup>st</sup> Annual Cobble Hill Fall Fair.

MOTION CARRIED

**QUESTION AND  
ANSWER**

Sheila Paul, Shawnigan Lake, asked for clarification with regard to SR5.

Director Cossey declared a conflict due to his employer's perspective and he left the meeting at 5:40 pm.

Ms. Paul asked for clarification with regard to the Bamberton application with regard to the developer being forthright in giving information in a timely fashion and asked why the discussion will now be going into a Closed Session that she will not be privy to.

Mr. Tippet stated that the Closed Session discussion has nothing to do with the Bamberton rezoning application, the phased development agreement or official community plan amendment application as it is a matter related to that site but

has nothing to do with the application.

Ms. Paul thanked Mr. Tippet for his response and alleviating her concerns.

Balu Tatacheri, Chair of Friends of Saanich Inlet, stated that he felt there was no need to move into Closed Session if there is no relation to the application to discuss related issues with regard to SR5.

Mr. Tippet stated that the Closed Session discussion has nothing to do with Bamberton rezoning application but it has to do with a bylaw enforcement issue on another site that has potential implications for the Bamberton site and that has to be dealt with in Closed Session.

Chair Marcotte stated that if the Committee deemed there was no need for the item to be in Closed Session the Committee could rise with report but noted at the present time the issue must be dealt with in Closed Session.

Mr. Tippet stated that the matter came up just prior to the start of the EASC meeting and he spoke briefly with Alternate Director Burgess on the matter and there was not enough time to insert it into the late agenda items and it was felt that the best time to raise it was when the site was being discussed generally and further stated that the issue is unrelated to the Bamberton rezoning application.

Alternate Director Burgess also confirmed that the discussion in Closed Session has nothing to do with the Bamberton rezoning application and it relates to a potential bylaw enforcement issue that has to be dealt with in the Closed Session.

Mr. Tatacheri stated that if the matter has nothing to do with SR5 he sees no need to move into Closed Session. Alternate Director Burgess stated that the issue of Bylaw Enforcement has to be dealt with in Closed Session.

Acting Chair Marcotte thanked Ms. Paul and Mr. Tatacheri for attending the EASC meeting.

Director Cossey returned to the meeting at 5:45 pm.

**CLOSED SESSION**

It was Moved and Seconded

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

**MOTION CARRIED**

The Committee moved into Closed Session at 5:45 pm.

**BREAK**

The Committee took at 10 minute break at 5:45 pm.

**RISE**

The Committee rose without report.



**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:05 pm.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



D1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** September 1, 2010 **FILE No:** 7-A-10BE  
**FROM:** Nino Morano, Bylaw Enforcement Officer **BYLAW No:** Building Bylaw  
No. 143  
**SUBJECT:** 1695 Sandy Beach Road – Notice against Land Title

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#### **Recommendation:**

On recommendation from the Chief Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Tom & Corrine Jarvis located at 1695 Sandy Beach Road legally described as Lot 3, District Lot 79, Malahat District, Plan 13099, PID 004-716-655.

#### **Purpose:**

To obtain CVRD Board authorization for filing of a Notice against Land Title due to outstanding building code and bylaw deficiencies with regards to structures on this property. Registering a Notice against Land Title does not limit the ability of local government to pursue other actions against the land owner and should not be seen as a final measure. The Community Charter provides:

#### **Note against land title that building regulations contravened**

- 57** (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactment
    - that relates to the construction or safety of buildings or other structures, and
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

- (a) a resolution relating to that land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

**Interdepartmental/Agency Implications:**

Corporate Officer authorization to file Notice.

**Background:**

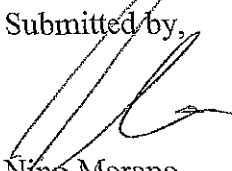
On February 14, 2005 a building permit was issued by the CVRD to allow for the construction of a single family dwelling on a previously undeveloped parcel located at 1695 Sandy Beach Road owned by Tom & Corrine Jarvis. This parcel is located within the R-2A Zone (Suburban Residential – Restricted) in Area A and is approximately .27 acres. It became apparent that development of this parcel would be challenging due to the significant slope from the road to the high water mark of the ocean and resulted in two (2) variances on setbacks for the house and an accessory building and engineering. The engineering required stabilization work on the bank below the foundation of the house including the construction of “finwalls”.

As construction progressed it was brought to the attention of Mr. Jarvis by the CVRD Building Inspector and his engineer (Richard Brimmell, P.Eng.) on several occasions including verbal and in writing via letter from Mr. Brimmell dated February 14, 2005, Field Review Reports dated July 15, 2005, August 26, 2005 and September 26, 2005.

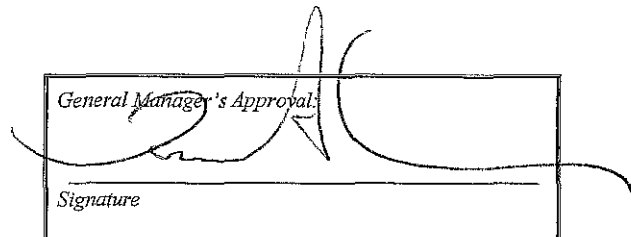
Due to the challenges in performing works at or near the foreshore, Mr. Jarvis was given ample opportunity to secure the necessary permits in order to undertake this project through agencies such as DFO. On January 30, 2007 the CVRD Building Inspector issued a Certificate of Substantial Completion under the understanding that the work on the bank would be completed in a timely manner. Mr. Jarvis has been approached by both the Building Inspector and the Bylaw Enforcement Official recently and has indicated that he no longer intends to undertake the stabilization work on the bank.

This property has been advertised for sale for the past several months with contact made recently with the realtor (Hiro Nakatani) about the possibility of a notice being registered on the land title for the failure to undertake the noted works. He was advised that this matter be disclosed to any prospective buyer of the property.

Submitted by,

  
Nino Morano,  
Bylaw Enforcement Officer  
Planning and Development Department

NM/ca

  
General Manager's Approval  
Signature



12/03/2010 15:03



12/03/2010 15:03





## ***FAX TRANSMITTAL***

**RICHARD BRIMMELL, P.Eng.**

**971 Bank Street**

**Victoria, BC V8S 4B1**

**Phone: 592-SOIL(7645) Fax: 592-7640 Cell: 889-3080**

To:	<u>CVRD-Thor Repstock</u>	FAX NUMBER:	<u>250-746-2621</u>
DATE:	<u>February 14/05</u>	PROJECT NUMBER:	<u>04-138</u>
TOTAL NUMBER OF PAGES (INCLUDING COVERPAGE):	<u>1</u>	ORIGINAL MAILED:	YES <u>      </u> NO <u>X</u>

Re: Proposed Home, Lot 3 Sandy Beach Ln.

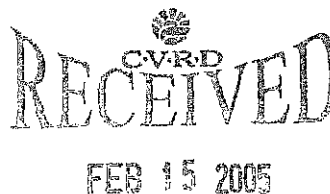
As discussed, the proposed house foundation will be geotechnically safe for the use intended, following the recommended remedial measures, which will include:

-a special foundation, consisting of reinforced concrete "finwalls" locating the footings below the zone of potentially unstable soil, at the same time avoiding the risk of lateral movement of foundation components above footing level

-armoring and supporting the toe-of-slope with large, angular riprap

Landscaped grades beside and behind [toward the water] the home may possibly be prone to future downslope movement.

cc: Tom Jarvis  
cc: David Romain

  
CVRD  
RECEIVED  
FEB 15 2005

**Richard Brimmell, P.Eng.**

971 Bank St., Victoria, BC V8S 4B1

Ph: 592-SOIL (7645) Mobile: 889-3080

Fax: 592-7640

**FIELD REVIEW REPORT**

PROJECT: Proposed Home	No: 1	IN ATTENDANCE:
LOCATION: 1695 Sandy Beach Dr., Mill Bay	DATE: July 15/05	Tom Jarvis Richard Brimmell
	PROJECT No:	
CONTRACTOR(S): Owner	04-138	
OWNER: Tom Jarvis		
CONTRACT REF: Tom Jarvis	TIME: afternoon	WEATHER: clear

**ASPECT(S) OF PROJECT REVIEWED:**

Excavation for the south finwall.

**OBSERVATIONS:**

The excavation steps down to the east [toward Saanich Inlet] at an appropriate depth. Soil consists of compact, brown, gravelly sand.

**REMARKS / RECOMMENDATIONS:**

The excavation is to an appropriate depth and configuration. Loose material is to be removed from within footing forms, particularly at steps in the subgrade.

It is recommended that the steep cut slope to the south of the east [downslope] end of the excavation be securely draped in 6 mil plastic.

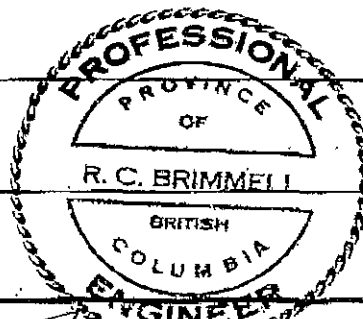
As discussed, foundations will be atop free-draining gravelly sand, and foundation drains are not considered necessary provided that the front [west] basement wall is thoroughly damp-proofed.

**RECOMMENDED TIMING OF NEXT SITE VISIT:**

To review the remaining finwall excavations.

**COPIES PROVIDED TO:**

Client/David Romain/Thor Repstock-CVRD



A handwritten signature of Richard Brimmell in black ink, written over the bottom of the professional seal.



A.46.05

**Richard Brimmell, P.Eng.**

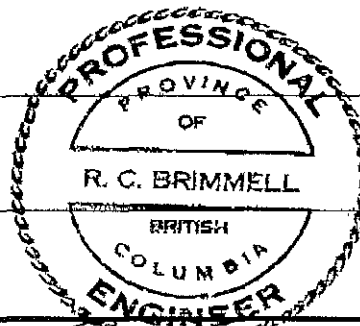
971 Bank St., Victoria, BC V8S 4B1

Ph: 592-SOIL (7645) Mobile: 889-3080

Fax: 592-7640

**FIELD REVIEW REPORT**

<b>PROJECT:</b>	Proposed Home	<b>No:</b>	2	<b>IN ATTENDANCE:</b>
<b>LOCATION:</b>	1696 Sandy Beach Dr., Mill Bay	<b>DATE:</b>	Aug 26/05	Tom Jarvis Richard Brimmell
		<b>PROJECT No:</b>		
<b>CONTRACTOR(S):</b>	Owner		04-138	
<b>OWNER:</b>	Tom Jarvis			
<b>CONTRACT REF:</b>	Tom Jarvis	<b>TIME:</b>	morning	<b>WEATHER:</b> clear
<b>ASPECT(S) OF PROJECT REVIEWED:</b> Excavation for the centre finwall.				
<b>OBSERVATIONS:</b> The excavation steps down to the east [toward Saanich Inlet] at an appropriate depth. Soil consists of compact, brown, gravelly sand. There is significant loose sand at the footing steps.				
<b>REMARKS / RECOMMENDATIONS:</b> The excavation is to an appropriate depth and configuration. Loose material is to be removed from within footing forms, particularly at steps in the subgrade.				
<b>RECOMMENDED TIMING OF NEXT SITE VISIT:</b> To review the remaining finwall excavation.				
<b>COPIES PROVIDED TO:</b> Client/David Romain/Thor Repstock-CVRD				


*Richard Brimmell*

**Richard Brimmell, P.Eng.**

971 Bank St., Victoria, BC V8S 4B1

Ph: 592-SOIL (7645) Mobile: 889-3080

Fax: 592-7640

**FIELD REVIEW REPORT**

<b>PROJECT:</b>	Proposed Home	<b>No:</b>	3	<b>IN ATTENDANCE:</b>
<b>LOCATION:</b>	1695 Sandy Beach Dr., Mill Bay	<b>DATE:</b>	Sept 26/ 05	Tom Jarvis Richard Brimmell
		<b>PROJECT No:</b>		
<b>CONTRACTOR(S):</b>	Owner	04-138		
<b>OWNER:</b>	Tom Jarvis			
<b>CONTRACT REF:</b>	Tom Jarvis	<b>TIME:</b>	morning	<b>WEATHER:</b> clear

**ASPECT(S) OF PROJECT REVIEWED:**

Excavation for the north finwall.

**OBSERVATIONS:**

The excavation steps down to the east [toward Saanich Inlet] at an appropriate depth. Soil consists of compact, brown, gravelly sand. There is significant loose sand at the footing steps, particularly the lower step.

**REMARKS / RECOMMENDATIONS:**

The excavation is to an appropriate depth and configuration. Loose material is to be removed from within footing forms, particularly at steps in the subgrade.

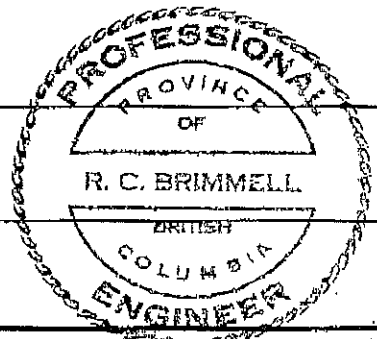
The north side of the excavation should be securely draped with 6 mil poly. The excavation has somewhat undermined the south end of the Terraforce retaining wall. It would be appropriate to support this with timber bracing across to the other side of the excavation.

**RECOMMENDED TIMING OF NEXT SITE VISIT:**

During excavation for the required seawall.

**COPIES PROVIDED TO:**

Client/David Romain/Thor Repstock-CVRD



A handwritten signature of Richard Brimmell in black ink.



**NOTICE ON TITLE RECOMMENDATION**  
**Section 57 Community Charter**

DATE: July 5<sup>th</sup>, 2010

BUILDING INSPECTOR: Brian Duncan, Chief Building Inspector

SUBJECT PROPERTY: 1695 Sandy Beach Road

LAND OWNER: Tom Jarvis

LOCATION AND DIMENSIONS OF OFFENDING STRUCTURE: Geotechnical Engineer required a retaining wall as part of the septic system retention. This was never done even though the owner agreed to do so. Occupancy was issued based on this being done.

PERMITTED USE: Residential

CURRENT/INTENDED USE: same

BACKGROUND (timeline of events, attempts at compliance, stop work order, safety concerns, etc):  
.....Please see file.....

RECOMMENDATION: Notice on title for retaining wall not being completed.

Submitted by,

Brian Duncan, Chief Building Inspector  
Planning and Development Department  
Building Inspection Division



D2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** September 1, 2010 **FILE NO:** 9-A-06BE  
**FROM:** Nino Morano, Bylaw Enforcement Officer **BYLAW NO:** Building Bylaw  
No. 143  
**SUBJECT:** 780 Kilmalu Road – Notice against Land Title

---

#### **Recommendation:**

Direction of the Committee is required.

#### **Purpose:**

To obtain CVRD Board authorization for filing of a Notice against Land Title due to outstanding building code and bylaw deficiencies with regards to structures on this property. Registering a Notice against Land Title does not limit the ability of local government to pursue other actions against the land owner and should not be seen as a final measure. The Community Charter provides:

#### **Note against land title that building regulations contravened**

**57 (1)** A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment

that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

**(b) discovers that**

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph

(a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

- (a) a resolution relating to that land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

**Interdepartmental/Agency Implications:**

Corporate Officer authorization to file Notice.

**Background:**

This property is located within the Agricultural Land Reserve and is Zoned A-1 (Primary Agriculture) and is on approximately 74 acres. The current owner purchased the property in January 2006. The Bee Hive Campground is also located within the boundaries of this property and may be a use which is legal non-conforming due to the length of time in existence. A concern was forwarded to this office regarding the recent construction/improvements within the barn built in 1988 located near Church Way as well as a newly constructed driveway connecting to Church Way. Additionally, development in the Bee Hive Campground consisting of placement of a mobile home and a large shed were also occurring around the same time.

On May 9, 2006, Building Inspection staff conducted an inspection of new construction/improvements within the existing barn and placement of a mobile home and shed at the Bee Hive Campground without building permit in response to concerns forwarded to this office. In response to this investigation, the land owner (Robert Hockridge) applied for building permits for each of these structures/improvements. On January 9, 2007, staff reviewed these applications and did not approve them due to the fact the intended use of the barn was not permitted and mobile home and shed are extensions of a non-conforming use. It was discovered that the barn was being used as commercial office and storage space for the land owner's business (Pacific Waterworks) and a plumbing company (Doran) and the mobile home was intended as a replacement for the campground manager's residence.

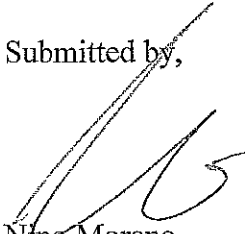
Once this decision was brought to the attention of Mr. Hockridge, he attempted to obtain permission through the ALC in order to connect the uses within the barn as accessory to farming. After several months and attempts by this office to have the ALC enforce their regulations it has become obvious that Mr. Hockridge could not gain the necessary permissions. An enforcement letter dated February 11, 2010 was not responded to in any way.

Currently, it appears the land owner's business is no longer operating within the barn while Doran's is still using the structure for business/commercial purposes. The shed appears to have been removed and the status of the mobile home unchanged and likely being occupied in the Bee Hive Campground.

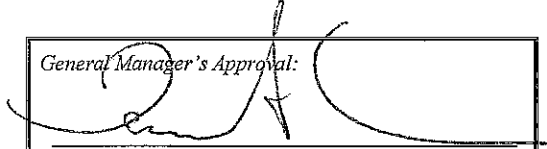
**Options:**

1. On recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Robert and Lan Hockridge and Satellite Holdings Ltd. located at 780 Kilmalu Road legally described as: PID 002-285-991, Lot 5, Sections 4 & 5, Range 9, Shawnigan District, Plan 28093, Except part in Plan VIP52025.
2. Authorization be granted for legal action against the land owners of 780 Kilmalu Road and on recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Robert and Lan Hockridge and Satellite Holdings Ltd. located at 780 Kilmalu Road legally described as: PID 002-285-991, Lot 5, Sections 4 & 5, Range 9, Shawnigan District, Plan 28093, Except part in Plan VIP52025

Submitted by,

  
 Nino Morano,  
 Bylaw Enforcement Officer  
 Planning and Development Department

NM/ca

General Manager's Approval:  Signature
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[illegible][illegible]

R. 9

765

1225 RW

1556 RW

753 RW

404 RW

28093

606

616

7077

5

2996

58815

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54901

2991

535

52261

52025

50319

753 RW

404 RW

WAY

Location of Mobile Home

Subject Barn

Entrance to new Driveway

R. 9

765

1225 RW

1556 RW

753 RW

404 RW

28093

606

616

7077

5

2996

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753 RW

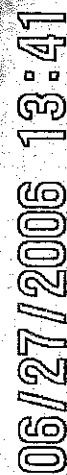
404 RW

WAY

Location of Mobile Home

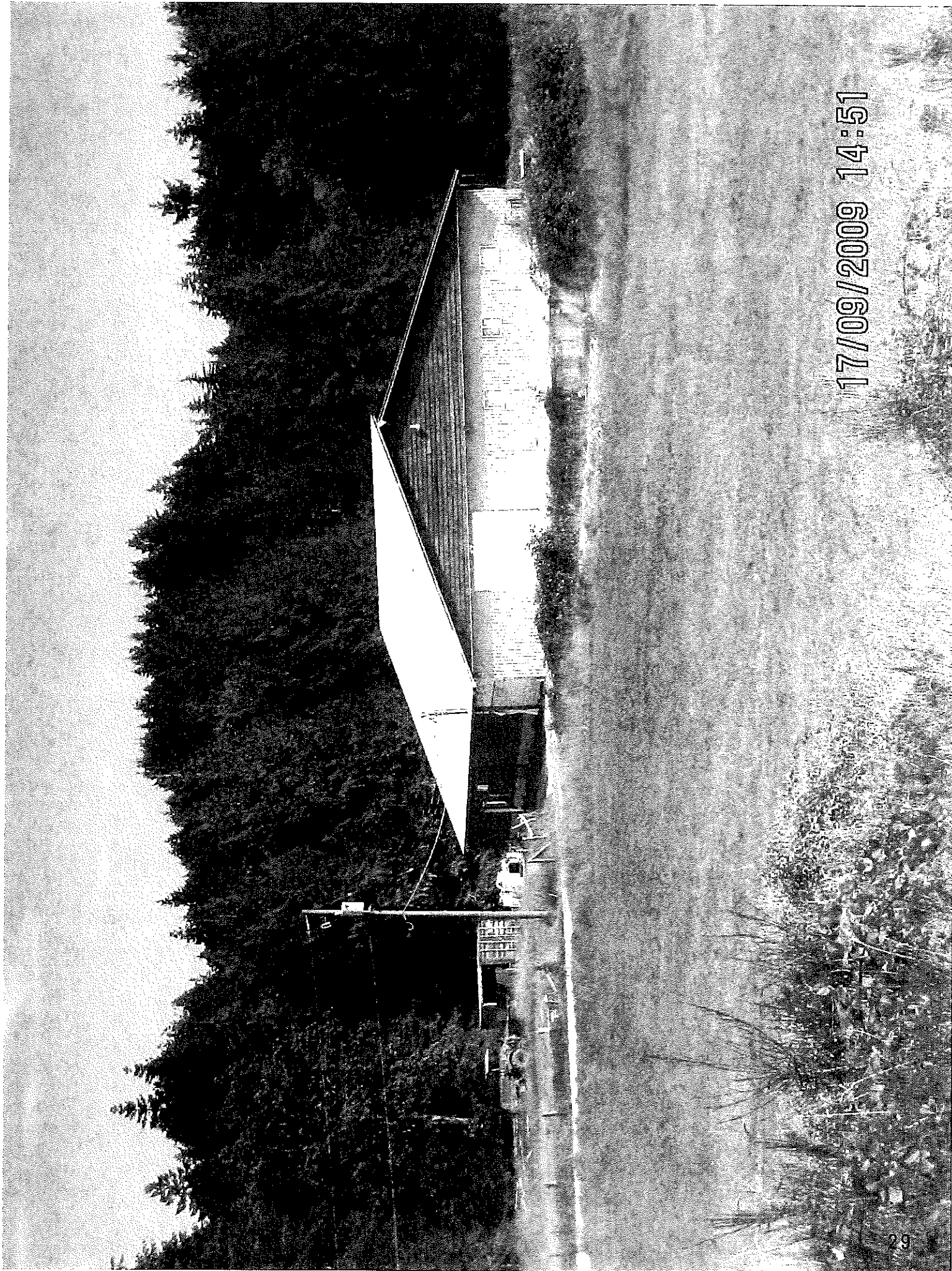
Subject Barn

Entrance to new Driveway



Bob Hope Foundation





17/09/2009 14:51



FILE COPY

February 11, 2010

Bylaw Enforcement File: 9-A-06BE

780 Kilmalu Road  
MILL BAY, BC V0R 2P2

**Attention: Robert & Lan Hockridge**

**Re: Building without Permit & Non-Farm Use**

It has been brought to the attention of this office that significant alterations to an existing barn on your property located at 780 Kilmalu Road have been conducted for the purpose of non-farm uses. Additionally, you have placed a mobile home at or near the Bee Hive Campground on the same parcel. These works have been conducted without permit thereby violating provisions of the Regional District Building Bylaw No. 143 as amended.

The uses on this parcel are regulated by provisions of the CVRD Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000, 1999, and the *Agricultural Land Commission Act*. The property is Zoned A-1 (Primary Agriculture) and as such the uses occurring within the barn (commercial/office space and storage) are not permitted as well as having no approvals from the Agricultural Land Commission. Additionally, the placement of the mobile home is an extension of a non-conforming use.

Therefore, you are required to stop all non-farm uses within the barn and to dismantle/remove all improvements made to the satisfaction of the Chief Building Inspector and to remove the mobile home by **April 4, 2010**. Failure to do so may result in legal action against you including but not limited to a notice registered against land title.

Sincerely,

Nino Morano,  
Bylaw Enforcement Officer  
Planning and Development Department  
NM/lag

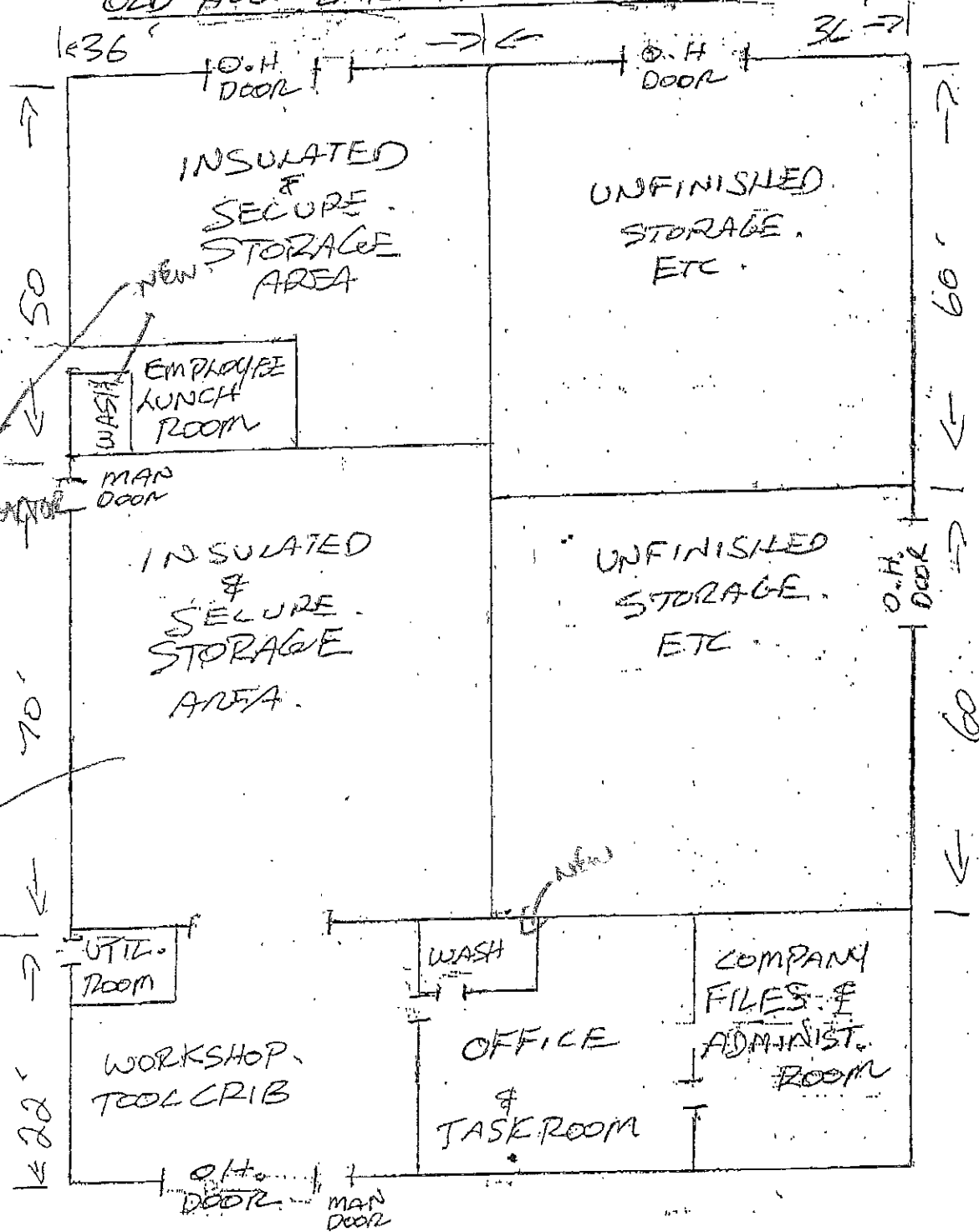
pc: Director B. Harrison, Electoral Area A – Mill Bay/Malahat  
Satellite Holdings Ltd.  
Thomas Loo – Agricultural Land Commission Compliance & Enforcement

Z:\Bylaw\Letters\Kilmalu 780 Hockridge.docx

780 KILMAHU RD MILLBAY VOR 2P2  
PHONE (250) 743-8189 ROB-SCAL 715-6748

20F2

OLD HOLY BARN STORAGE BUILDING



FRONT PARKING LOT



CVRD

Date JUNE 28.06.BUILDING PERMIT REFERRALApplicant: HOCKRIDGEAddress: 180 KILMAID ROAD.Legal Description: (ON APPLICATIONS)Electoral Area: A. Building Inspector BD.

Building Comments: OWNER IS RACING OLDER MOBILE  
AT BEEHIVE CAMPGROUND & BUILDING 10x16  
STORAGE SHED IN CAMPGROUND AREA. I SUGGEST  
A SITE VISIT. CLAIMS THERE WAS A MOBILE THERE  
BEFORE.....

Site Plan Attached? Yes ☐ No ☐

## Planning Comments:

Complies with Zoning By-law? Zoning \_\_\_\_\_

	YES	NO
1. Permitted Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Site Coverage	<input type="checkbox"/>	<input type="checkbox"/>
3. Setbacks	<input type="checkbox"/>	<input type="checkbox"/>
4. Height	<input type="checkbox"/>	<input type="checkbox"/>
5. Parking & Loading	<input type="checkbox"/>	<input type="checkbox"/>
6. Covenant Required	<input type="checkbox"/>	<input type="checkbox"/>

Other: \_\_\_\_\_

Comments: Office space is non-farm use, needs ALC approval  
MH for managers of campground is an extension of  
non-conforming use, not allowed; shed is extension of  
non-conforming use, not allowed

ZONING APPROVAL GRANTED? Yes ☐ No ☒Signed: [Signature]Date: 2007/01/09



**NOTICE ON TITLE RECOMMENDATION**  
**Section 57 Community Charter**

DATE: July 5<sup>th</sup>, 2001

BUILDING INSPECTOR: Brian Duncan

SUBJECT PROPERTY: 780 Kilmalu Road

LAND OWNER: Rob Hockridge

LOCATION AND DIMENSIONS OF OFFENDING STRUCTURE: Approx. 75x140 Hog Barn (existing) down the service road by the church and approx. 14'x 60' mobile at the Bee Hive campground.

PERMITTED USE: Agricultural

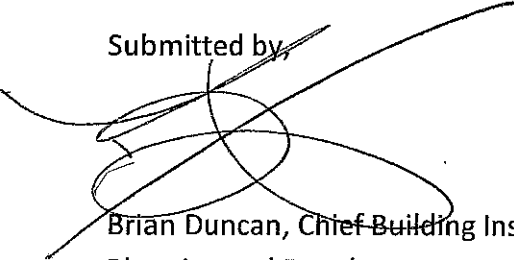
CURRENT/INTENDED USE: Commercial

BACKGROUND (timeline of events, attempts at compliance, stop work order, safety concerns, etc):

.....Please see file.....

RECOMMENDATION: Notice on Title for tenant improvements (plumbing, septic, etc.) in the hog barn without the necessary permits and removal of the mobile home.

Submitted by,

  
Brian Duncan, Chief Building Inspector  
Planning and Development Department  
Building Inspection Division



D3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** September 1, 2010 **FILE NO:** 36-B-04BE  
**FROM:** Nino Morano, Bylaw Enforcement Officer **BYLAW NO:** Building Bylaw  
No. 143  
**SUBJECT:** 2200 Sylvester Road – Notice against Land Title

---

#### **Recommendation:**

Direction of the Committee is required.

#### **Purpose:**

To obtain CVRD Board authorization for filing of a Notice against Land Title due to outstanding building code and bylaw deficiencies with regards to structures on this property. Registering a Notice against Land Title does not limit the ability of local government to pursue other actions against the land owner and should not be seen as a final measure. The Community Charter provides:

#### **Note against land title that building regulations contravened**

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactment
    - that relates to the construction or safety of buildings or other structures, and
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

- (a) a resolution relating to that land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

**Interdepartmental/Agency Implications:**

Corporate Officer authorization to file Notice.

**Background:**

2200 Sylvester is located at the South end of Sylvester Road in Area B and has been owned by Mr. Roger Brammall since 1986. This property consists of two (2) parcels:

- 1. Lot A: 23 acres Zoned I-1 (Light Industrial)
- 2. District Lot 49: approximately 137 acres Zoned R-2, A-1, F-1

The uses in Lot A are affected by a Land Use Contract and Covenant since 1979 which restrict the uses thereon to "... a sawmill, log sorting area, planer mill and other forest related uses approved by the Planner.", along with controls in development and environment. DL 49 contains three zones as noted above with the R-2 (Suburban Residential) Zone the subject of unauthorized development. This parcel has a residence that was likely built prior to bylaws being in place as there is no record in the building file and a permit issued in 1979 for a foundation for a mobile home which are not the subject of this investigation.

Upon inspection, in response to a complaint received by this office in November of 2004, it was discovered that nine non-permitted dwelling units existed and occupied, in the form of six mobile homes, one converted parade float, one log cabin and one bus. The condition of the Industrial lot appeared to be in state of neglect along with a significant amount of junk and debris, buildings (mostly abandoned) and equipment in disrepair from a previous large-scale sawmilling operation. The Northeast corner of this lot was being used for a small sawmill operation. The Larger Lot has remained relatively free of development and debris apart from the aforementioned dwelling units.

After it became obvious the land owner would not go further (six (6) remaining dwelling units) at working towards compliance, this matter was brought before the Regional Board at its November 22, 2006 meeting where it was resolved:

"That legal action respecting bylaw infractions be commenced against the owner of properties located at 2200 Sylvester Road and legally described as: Lot A, District Lot 49, Malahat District, Plan 33779, PID 000-257-630 and, District Lot 49, Malahat District, Except in Plan 33779, PID 003-952-576 (R. Brammall)."

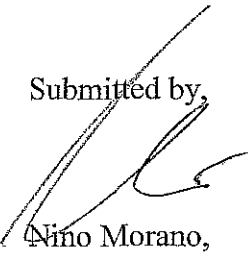
Since this resolution, one dwelling has been removed (converted parade float) and three (3) have been unoccupied. Currently the outstanding violations include, one log cabin (occupied) and one vacant mobile home in the industrial lot and three mobile homes (one occupied) in the residential part of DL 49.

This matter has been somewhat frustrating as there has been limited success in this matter with the CVRD solicitor. On the positive side, there have been no further complaints and the original issue seems to be resolved with regard to multiple occupied dwelling units causing unwanted traffic and alleged illicit activity. The remaining three (3) vacant mobile homes appear to be uninhabitable and in a state of disrepair.

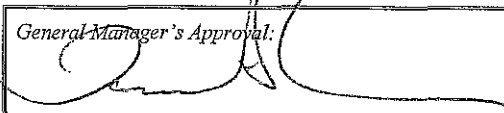
**Options:**

1. Continue legal action against the land owner of 2200 Sylvester Road and on recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Roger Brammall located at 2200 Sylvester Road legally described as Lot A, District Lot 49, Malahat District, Plan 33779, PID 000-257-630 **and**, District Lot 49, Malahat District, Except in Plan 33779, PID 003-952-576.
2. Suspend legal action against the land owner of 2200 Sylvester Road at this time and on recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Roger Brammall located at 2200 Sylvester Road legally described as Lot A, District Lot 49, Malahat District, Plan 33779, PID 000-257-630 **and**, District Lot 49, Malahat District, Except in Plan 33779, PID 003-952-576.

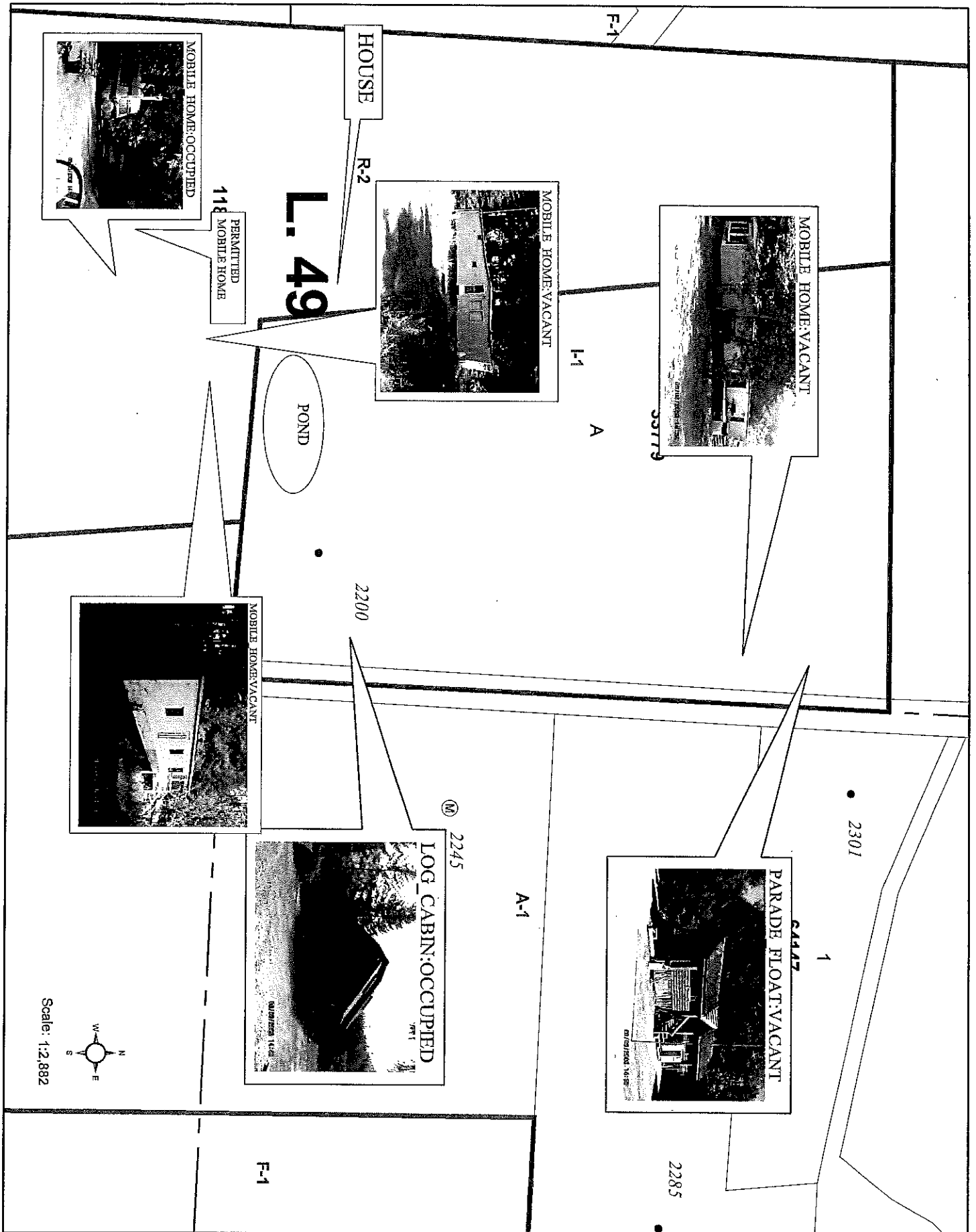
Submitted by,

  
Nino Morano,  
Bylaw Enforcement Officer  
Planning and Development Department

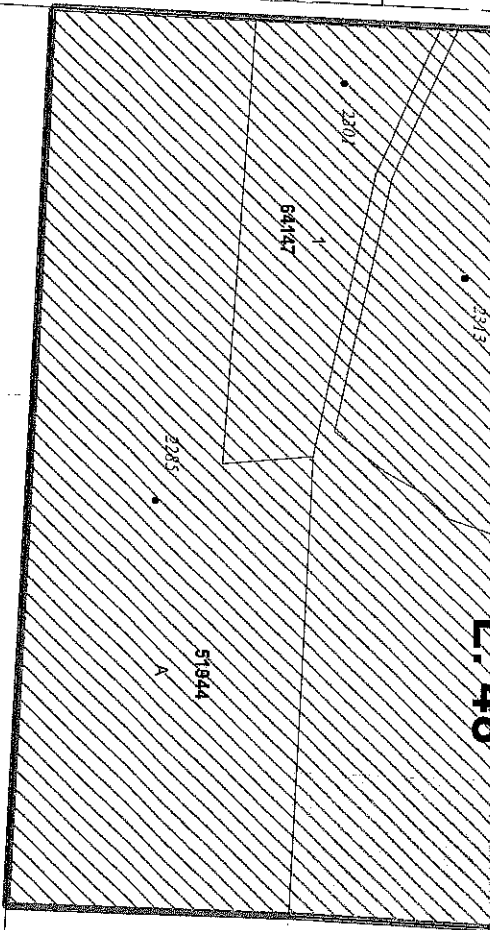
NMca

<p><i>General Manager's Approval:</i></p> 
<p><i>Signature</i></p>





L. 40



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L. 49

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NOTICE ON TITLE RECOMMENDATION

Section 57 Community Charter

DATE: JULY 13/10

BUILDING INSPECTOR: GRANT BRECKENRIDGE

SUBJECT PROPERTY: RPD. 003-952-576 D.L. 49, MALAHAT DISTRICT,  
EXCEPT PART IN PLAN 33779

LAND OWNER: ROGER BRAMMALL

LOCATION AND DIMENSIONS OF OFFENDING STRUCTURE: 4 STRUCTURES WITHOUT  
BUILDING PERMITS. #1 HOUSE #2 MOBILE #3 MOBILE

PERMITTED USE: R-2 ZONE #4 MOBILE.

CURRENT/INTENDED USE: DWELLING UNITS.

ONLY 1 PERMITTED.

BACKGROUND (timeline of events, attempts at compliance, stop work order, safety concerns, etc):

AGES OF UNITS UNKNOWN.

ALL MOBILES PLACED WITHOUT BUILDING PERMITS.

HOUSE BUILT WITHOUT BUILDING PERMIT.

NO INFO ON  
SEPTIC SYSTEMS.

RECOMMENDATION:

PLACE NOTICE ON TITLE.

Submitted by,

A handwritten signature in cursive script, reading "Grant Breckenridge", is written over the "Submitted by," line.

Planning and Development Department

Building Inspection Division



NOTICE ON TITLE RECOMMENDATION

Section 57 Community Charter

DATE: JULY 13, 2010

BUILDING INSPECTOR: GRANT BRECKENRIDGE

SUBJECT PROPERTY: P.I.D. 000-257-630 LOT A D.L. 49 MALAHAT DIST.  
PLAN 33779

LAND OWNER: ROGER BRAMMALL

LOCATION AND DIMENSIONS OF OFFENDING STRUCTURE: 2 STRUCTURES. WITHOUT  
BUILDING PERMITS #1 LOG STRUCTURE DWELLING UNIT.  
#2 MOBILE HOME DWELLING UNIT.

PERMITTED USE:  
F-1 ZONE.

CURRENT/INTENDED USE: DWELLING UNITS.  
ONLY 1 PERMITTED.

BACKGROUND (timeline of events, attempts at compliance, stop work order, safety concerns, etc):

- AGES OF STRUCTURES UNKNOWN.
- LOG CABIN BUILT WITHOUT BUILDING PERMIT UNKNOWN SEPTIC.
- MOBILE PLACED WITHOUT BUILDING PERMIT UNKNOWN SEPTIC.

RECOMMENDATION:

PLACE NOTICE ON FILE.

Submitted by,

Planning and Development Department

Building Inspection Division



D4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 3, 2010

Date: July 23, 2010 File No: 1-B-09RS  
FROM: Rob Conway, Manager BYLAW No: 985 & 1010  
Development Services Division  
SUBJECT: Rezoning Application No. 1-B-09RS (Partridge)

---

#### Recommendation:

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

#### Purpose:

To consider an application to amend Official Community Plan Bylaw No. 1010 and CVRD Zoning Bylaw No. 985, applicable to Electoral Area B – Shawnigan Lake to permit a four lot subdivision.

#### Background:

Location of Subject Property: 2868 and 2872 Renfrew Road, Shawnigan Lake

Legal Description: Lot 10, District Lot 15, Helmcken District, Plan 2210, Except Parts in Plan 47997 and VIP76565, (PID: 006-410-022)

Date Application and Complete Documentation Received: December, 2009

Owners: Craig Partridge and Ron Sharpe

Parcel Size: 33.67 ha. (83.2 ac.)

Applicant: Craig Partridge

Existing Use of Property: Residential

#### Existing Use of Surrounding Properties:

North: Rural Residential (zoned R-1) and Suburban Residential (zoned R-2)  
South: Forestry (zoned F-1)  
East: Forestry (zoned F-1)  
West: Forestry (zoned F-1)

Existing OCP Designation: Forestry

Proposed OCP Designation: Forestry (no change proposed)

Existing Zoning: Primary Forestry (F-1)

Proposed Zoning: A new forestry zone

Minimum Lot Size Under Existing Zoning: 80 hectares (197.68 ac.)

Minimum Lot Size Under Proposed Zoning: 8.0 hectares (19.77 ac.)

Services:

<u>Road Access:</u>	Proposed access from Renfrew Road
<u>Water:</u>	Wells
<u>Sewage Disposal:</u>	On-site disposal

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration pursuant to the *Waste Management Act* signed by the property owner. No "Schedule 2" uses noted.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies a stream planning area with possible fish presence on the property.

Archaeological Site: None identified.

**Property Context:**

The subject property is located at 2868 and 2872 Renfrew Road in Area B, between West Shawnigan Lake Road and the Koksilah River Park. The property is approximately 33.67 hectares ( $\pm$  83.2 acres) in size and is immediately south of the Trans Canada Trail corridor. The site is moderately sloped and partially forested. There are presently two single family dwellings located on the property, at the north west corner of the property near Renfrew Road.

Lands to the west, east and south of the subject property are predominantly zoned F-1, with typical lot sizes of between 14 and 40 hectares. Lands to the north, on the opposite side of Renfrew Road have a mix of suburban, rural residential and forestry zoning designations, with lot sizes of between 1.0 and 4.0 hectares.

Although the Glen Eagles subdivision and other residential land uses are in proximity to the subject property, the area is rural in character and is primarily designated for forestry use.

**The Proposal:**

This application proposes to maintain the existing Forestry OCP designation and rezone the property to a new forestry zone that has a minimum parcel size of 8.0 hectares. If the zoning amendment application is successful, the applicant intends to subdivide the property into four 8 hectare lots. The applicant has also requested that the new zone include provision for a secondary suite or second dwelling on the proposed new lots. A conceptual subdivision has been provided to illustrate the applicant's preferred subdivision layout (see attached).

#### *Site Access*

The subject property has direct access to Renfrew Road, which is adjacent to the parcel's northern property boundary. The applicant has indicated that Renfrew Road will be used to access the proposed lots if the rezoning application is approved. Staff have contacted officials from the Ministry of Transportation and Infrastructure regarding this proposal and have been advised that they have concerns about the panhandle accesses and sight distances on Renfrew Road. It should be noted that subdivision plan that has been submitted is only a concept at this stage, and the lot configuration and number of lots that may be possible would be determined through the subdivision review process.

#### *Parcel Frontage*

Three of the four proposed lots do not appear to meet the frontage requirement in Section 13.7 of the Zoning Bylaw. The applicant has informed CVRD staff that he will be applying to MoTI to have the frontage requirement waived at the time of subdivision.

#### *Water and Sewer Servicing*

Presently the property is serviced by an existing well and septic system and proposed new lots are also proposed to be serviced with wells and on-site sewage disposal. There is no community sewer and water system within proximity to the subject property.

#### *Fire Protection*

The subject property is located within the Shawnigan Lake Fire Protection Area and Shawnigan Lake Volunteer Fire Department provides fire protection for this property.

#### *Parks and Trails*

As the proposed lots are over 2 hectares in size, park dedication or cash-in-lieu during the subdivision process under Section 941 of the *Local Government Act* would not be required. However parks and trails may be considered during rezoning. The Area B Parks Commission has reviewed this application and have recommended a 7.0 metre wide trail corridor around the perimeter of the property, on the east, south and west boundaries. A 10 metre wide buffer area is also requested along the northern property boundary, adjacent to the Trans Canada Trail. The applicant has indicated verbally that he is agreeable to this arrangement, but staff are awaiting written confirmation.

#### *Sensitive Areas*

The CVRD Environmental Planning Atlas (2000) identifies a stream planning area with possible fish presence on the northern portion of the property along Renfrew Road. CVRD staff conducted a site visit of the property and saw evidence of a watercourse adjacent to Renfrew Road. Because there is a watercourse onsite the applicant is required to obtain an approved development permit and undertake a riparian area assessment from the CVRD prior to the subdivision of land.

#### **Policy Context:**

##### *Official Community Plan:*

Electoral Area B Official Community Plan Bylaw No. 1010 (p. 5) states that the overriding goal of the Plan is, "*to accept a reasonable share of Vancouver Island growth while protecting and enhancing Electoral Area B recreational, scenic, and forest resources.*" Among specific plan objectives are "*to provide a variety of residential accommodation and different lifestyles while preserving the rural character of Shawnigan*"(p.5), "*to permit Shawnigan to develop as a unique*

rural community, distinct from the nearby communities of Cobble Hill and Mill Bay” (p.6), and “to conserve agricultural, recreational, and resource lands” (p.6). The plan contains policies specific to forest lands, and the forestry policies that relate to the application include:

*Policy 2.1: Forestry related uses shall be given priority on lands designated Forestry in the Plan, however, the following subordinate uses may be permitted in the Electoral Area B Zoning Bylaw:*

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

*Policy 2.6: It is the Board’s Policy that further residential development should be discouraged in the areas designated Forestry. Furthermore, linear residential growth along Renfrew Road, Koksilah River, and other natural waterways shall be discouraged in order to preserve the wilderness features of these areas.*

Although the application is not specifically for Secondary Forestry (F-2) uses, the new forestry zone the applicant is proposing is similar to the F-2 Zone in that it is more of a mixed residential/forestry zone, therefore, OCP Policy 2.10 should be mentioned

*Policy 2.10: The primary purpose of the F-2 (Secondary Forest) Zone, with a minimum parcel size of 4 hectares is to provide a buffer between large forestry parcels and residential land designations, as a means of limiting the potential for land-use conflicts. In considering applications for rezoning of Primary Forestry (F-1) to Secondary Forestry (F-2), the Regional Board will give preference to proposals that meet the following criteria:*

- a) The subject lands are designated for forestry use in the Official Community Plan;*
- b) The subject lands are adjacent to residentially-designated lands or between forestry land and residentially-designated lands;*
- c) A very substantial dedication of public park and/or community forest (a public amenity) is a component of the application, and the proposed dedication is in a location and of a character considered by the Board to be beneficial to the community and region.*

#### *Zoning:*

Electoral Area B Zoning Bylaw No. 985 zones the property F-1 (Forest Resource 1). The F-1 zone has a minimum parcel size of 80 hectares and it permits the following uses:

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry-land log sorting operations;
- (2) Extraction crushing milling concentration for shipment of mineral resources or aggregate minerals, excluding all manufacturing;
- (3) Single-family residential dwelling or mobile home;
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry;
- (6) Bed and breakfast accommodation;
- (7) Secondary suite or small suite on parcels that are less than 10.0 hectares in area; and
- (8) Secondary suite or a second single-family dwelling on parcels that are 10.0 hectares or more in area.



In order for the property to be subdivided, a Zoning Bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to a new forestry zone that would permit the following uses:

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) Single-family residential dwelling or mobile home;
- (3) Two single-family residential dwellings on parcels 8.0 ha or larger
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry; and
- (6) Bed and breakfast accommodation

The key difference between the new forestry zone that the applicant is proposing and the F-2 Zone already in the zoning bylaw is the minimum parcel size. The F-2 Zone has a minimum parcel size of 4.0 ha (10 ac) and the minimum parcel size of the new forestry zone the applicant is proposing is 8.0 ha (20 ac), or twice that of the F-2 Zone.

In the F-2 Zone, two single family residential dwellings are permitted on parcels that are 10.0 ha or larger. The applicant is specifically requesting as part of this new zone that two single family residential dwellings be permitted on parcels that are 8.0 ha or larger so that each of the four parcels are permitted to have two single family residential dwellings on them. The proposed new zone would therefore permit up to eight dwellings on the property, whereas two are permitted by the current zoning. A copy of the F-1 and F-2 zoning extracts have been attached to this report for your reference.

**Advisory Planning Commission Comments:**

The Area B Advisory Planning Commission reviewed this application on May 5, 2010 where the following motion was passed:

***“APC recommends that consideration of Application No 1-B-09RS be delayed until the OCP has been completed.”***

In addition to the APC recommendation, the Area B APC Chair has written a letter the Chair of the Electoral Area Services Committee regarding the subject application and the APC’s desire to see the Renfrew Road area considered explicitly in the new OCP. The May 5, 2010 meeting minutes and letter from the APC Chair are attached to this report.

**Referral Agency Comments:**

This application was referred to government agencies on April 23, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *No written comments received to date. Verbal comments indicated concern about the lot configuration and sight distances, but noted these could be addressed at subdivision stage.*
- Vancouver Island Health Authority – *Interests unaffected. The applicant will be required to meet the Vancouver Island Subdivision Standards at the subdivision stage.*
- Ministry of Forests – *No comments received.*
- Ministry of Environment – *No comments received.*

- Malahat First Nation – *No comments received.*
- Cowichan Tribes – *No comments received.*
- School District 79 – *No comments received.*
- CVRD Parks and Trails Division – *Comments pending*
- CVRD Public Safety Department – *Recommended that a “Wildland Urban Interface Assessment” be conducted (see attached memo).*

**Neighbourhood Response:**

To date, staff have received one letter from a local resident objecting to the rezoning application. Since this letter contains personal information, it is not attached to this report. The main concern expressed in the letter is that the application is contrary to the 80 hectare minimum parcel size in the F-1 Zone that has been in effect since 2006.

No formal notification process has taken place regarding this application yet, but this would occur if staff is directed to prepare bylaws and a public hearing is scheduled.

**Development Services Division Comments:**

Policy 2.6 of the Area B OCP clearly discourages further residential development along Renfrew Road that are designated for forestry use. Although this application proposes to maintain the property within the forestry designation and to create a secondary forestry type zone for the property, it would result in increased residential density and the future lots would likely be used for residential purposes rather than for forestry. Approval of this application will likely encourage similar proposals on other F-1 zoned parcels along Renfrew Road.

The proposed 8 ha. lot size is relatively large, and is consistent with many of the existing parcels in the west Renfrew Road area, so it could be argued the application is compatible with the surrounding land use pattern. It could also be argued the F-1 Zone is intended more for commercial forestry lands, and may not be entirely appropriate for what has become more of a rural residential area. The Area B APC has advised that the existing OCP policies and land use designations for the Renfrew Road area should be reviewed, and has by implication suggested the existing policies may not accurately reflect community expectations.

The APC's recommendation is essentially that this application be tabled until the South Cowichan OCP has been adopted. Staff have discussed this option with the applicant and he has advised that his preference is to have the application proceed in advance of the OCP review. Staff also favours a decision on the application prior to conclusion of the OCP review, because it is not known when a new OCP will be adopted and whether or not the forthcoming OCP will provide clear direction regarding the current application.

Because the OCP specifically discourages further residential use on forestry zoned lands on Renfrew Road, staff are obliged to recommend that the application be denied. If the application be denied and the OCP review results in policies that are supportive of the subject application, the owners could re-apply at a later date.

Should the Committee and Board decide that the application proceed to the bylaw preparation stage, staff recommend a wildland urban interface assessment be undertaken and commitments with respect to park land dedication be confirmed prior to draft bylaws being brought back to the Committee for review.

**Options:**

**Option A:**

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

**Option B:**

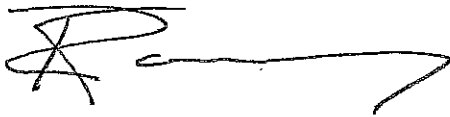
That Rezoning Application No. 1-B-09RS (Partridge) be tabled pending the outcome of the South Cowichan OCP Review.

**Option C:**

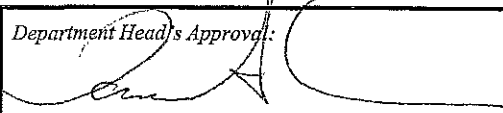
1. That the applicant provides a wildland urban interface assessment and confirm commitments with respect to park land dedication;
2. That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes and School District 79 be accepted;
3. That draft bylaws be prepared and presented at a future EASC meeting for review.

**Option A is recommended.**

Submitted by,



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

Department Head's Approval:

Signature

RC/

Attachments




Covichan  
Valley  
Regional  
District

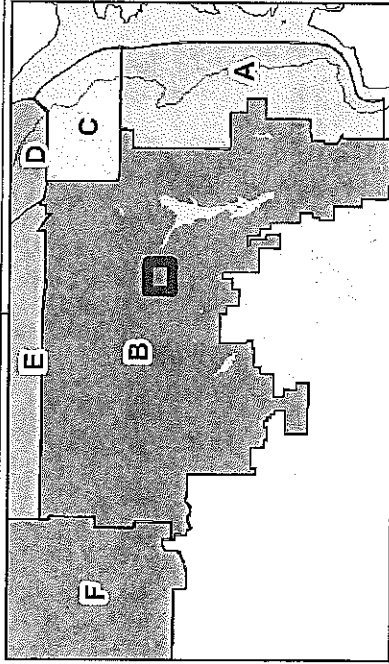
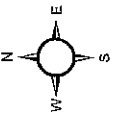
This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

All persons making use of this completion 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.

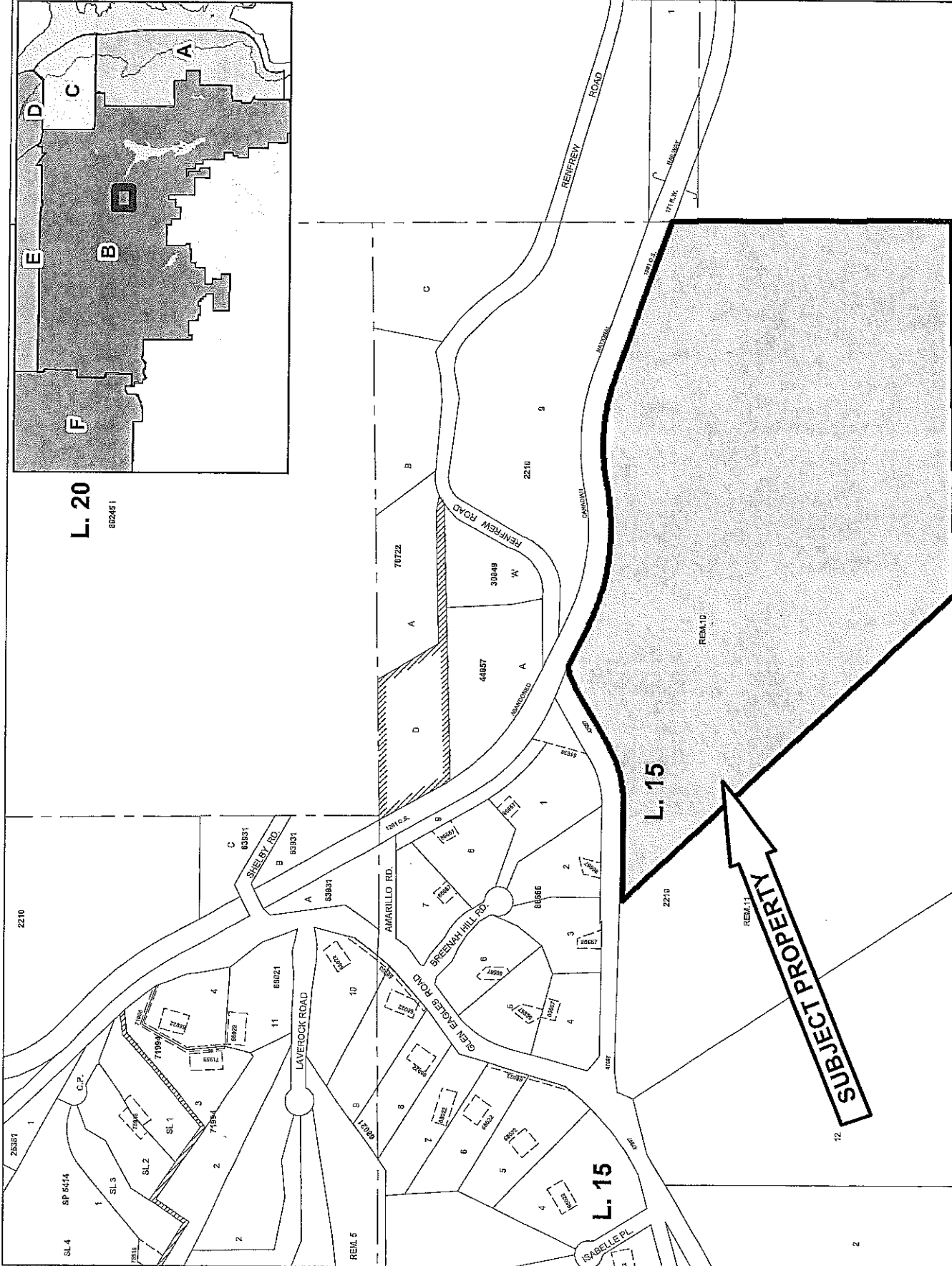
FILE: 1-B-09-RS

Legend  
 Subject Property



L. 20

802461







Cowichan  
Valley  
Regional  
District

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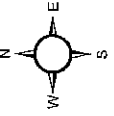
FILE: 1-B-09-RS

## ZONING

### Legend

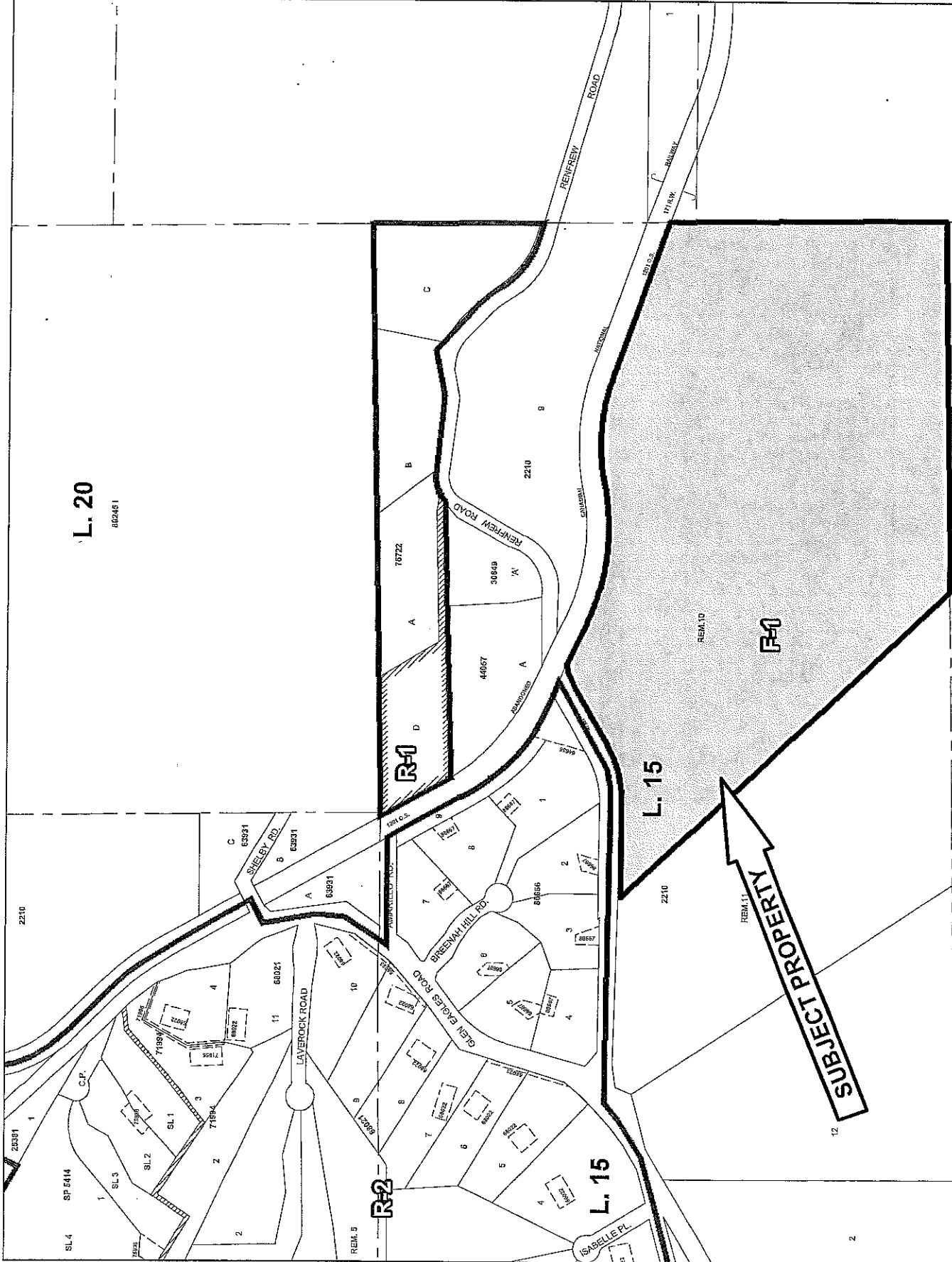


Subject Property  
Zoning Electoral Area B



50

0 2550 100 Meters





Cowichan  
Valley  
Regional  
District

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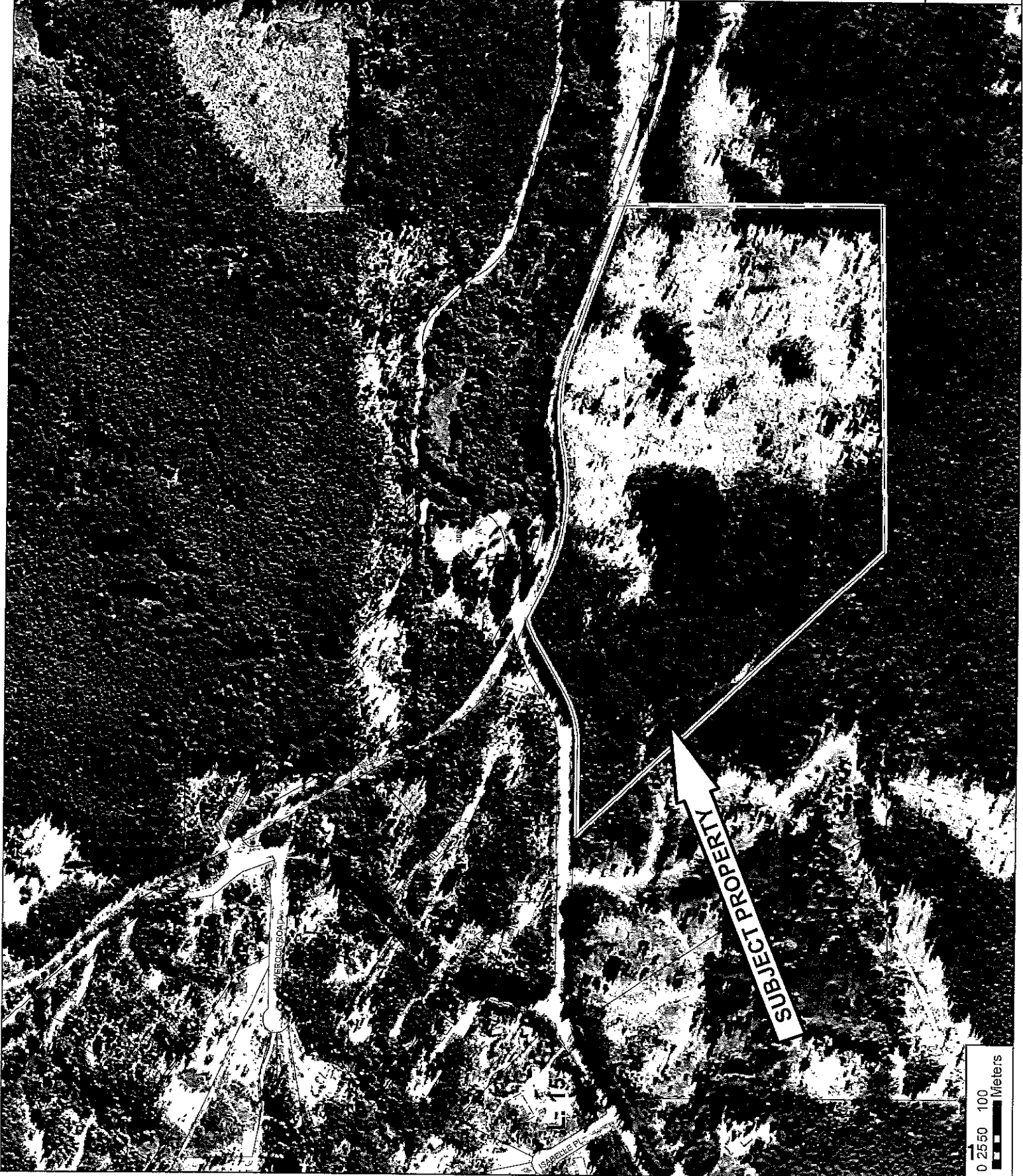
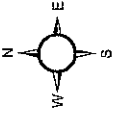
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-B-09-RS

## Orthophoto (2002)



BLOCK 215

89°50'05"

353.0m

150.2m

111.1m

REM. LOT 10  
PLAN 2210

REM. LOT 11  
PLAN 2210

632.2m

137°02'03"

247.88m

625 m ±

49.81m 49.81m 42.11m

98°27'22" 80°54'02"

88°05'44"

PLAN 1201 B.S.

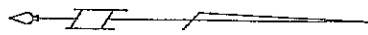
TRANS - CANADA - TRAIL

129.09m  
115°38'58"

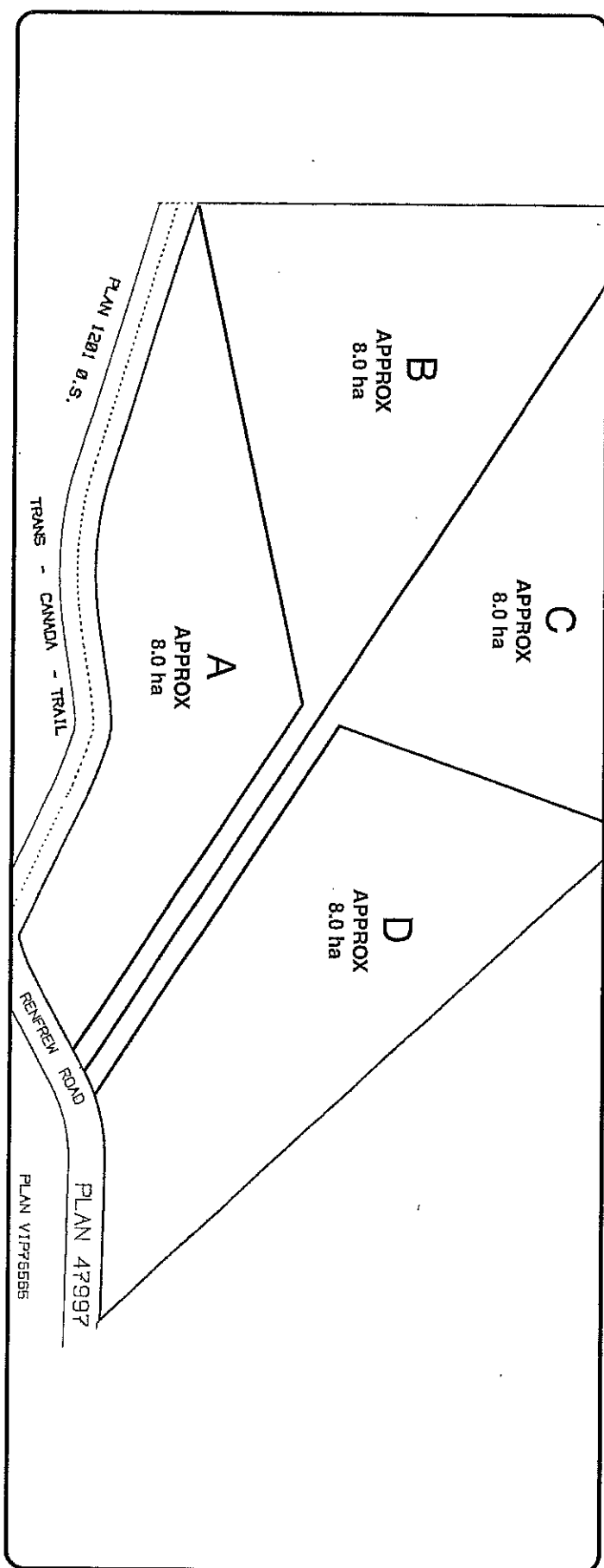
60°03'46"  
112.9m  
78°12'45"

PLAN 47997

PLAN VIP76565







May 5th, 2010  
7:30 p.m.

**Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .**

**Present:**

**APC members:** Chair Graham Ross-Smith, Carol Lane, recording secretary Cynara de Goutiere, John Clark, Rod MacIntosh

**Absent:** Roger Painter ,Vice-Chair Sara Middleton,

**Delegation:** Craig Partridge and Ron Sharpe

**ORDER OF BUSINESS**

**1) Introductions.**

**2) Craig Partridge and Ron Sharpe presented Application No 1-B-09RS.** This application proposes rezoning the Renfrew Road Property of 33.67 ha from F1 to another Forestry zoning to allow for subdivision into 4 lots that would allow 8 dwellings. Property was purchased in 2009 with the prospect. Applicants are aware that the OCP is in review.

**3) Minutes.**

**Motion** to accept minutes of May 2010 meeting. **Motion seconded and carried.**

**4) Discussion of Application No 1-B-09RS.**

Roger Painter's email communication (nay say) included in the discussion.

APC reluctant to proceed with infill in the Renfrew Road area while OCP is in review.

**Motion** APC recommends that consideration of Application No 1-B-09RS be delayed until the OCP has been completed. **Motion seconded and carried.**

**Motion** that Chairman write letter to ES with comments giving special attention Policy 2.6 in the OCP review. **Motion seconded and carried.**

**5)** Roger Painter has been absent from APC meetings since January 2009. Chair will bring this to Ken Cossey's attention, as commitment is needed from members.

**6)** Sara Middleton will set up next meeting as Graham will be away.

**7)** Motion to adjourn meeting. Motion seconded and carried.

**Next meeting June 3rd**



Area B (Shawnigan) Advisory Planning Commission  
c/o 2410 Barton Place  
Shawnigan Lake, B.C.  
V0R 2W2

June 1, 2010

Mr. Brian Harrison, Chairperson  
Electoral Areas Services Committee  
CVRD  
175 Ingram St.  
Duncan, B.C.  
V9L 1N8

Dear Mr. Harrison

Re: Application #1-B-09RS of Craig Partridge and Ron Sharpe to re-zone primary forestry (F-1) land to a new forest zone at 2868 and 2872 Renfrew Road.

At its May meeting the Shawnigan APC considered the above captioned application and was somewhat sympathetic to the case made by the applicants but recommended to the CVRD via the Electoral Area Services Committee that any decision about the application be delayed until the area's new Official Community Plan has been approved by the Province and adopted by a by-law of the CVRD.

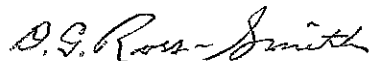
My fellow commissioners have asked me to write to the EASC about this particular area as the commission is uncertain about the relevance of the current OCP policies to this part of Area B given the zoning changes and amount of development that have taken place there since the OCP was adopted in 1987. There is a current OCP policy which is quite specific to this area, namely Policy 2.6 *"It is the Board's policy that further residential development should be discouraged in the areas designated Forestry. Furthermore, linear growth along Renfrew Road, Kokisilah River, and other natural waterways shall be discouraged in order to preserve the wilderness features of these areas."*

Given the changes in land use and increase in the number of homes in this area since 1987, dealing with applications for this area had become problematic for the APC by 2004 leading to a mini planning exercise in late 2004 with Katie Johnny of the Development Services Department. It continues to be problematic.

Original: <i>1A</i>	Copies to: <i>Shawnigan</i>
Board:	<i>COSSEY</i>
Committee(s):	<i>R. TORRES</i>
Directed by: <i>AK</i>	Date: <i>June 10/10</i>
File #	

On behalf of the Area B Advisory Planning Commission, I ask that you bring to the attention of those involved in reviewing the current OCP and writing a replacement OCP of the need to pay special attention to the Renfrew Road/Glen Eagle area and to the work done by the APC with Katie Johnny in 2004 so that the new APC policies for this area will adequately reflect the values and aspirations of residents there and throughout the Shawnigan area as to how this part of the community should be dealt with in the years to come.

Yours truly,

A handwritten signature in cursive script, reading "D. G. Ross-Smith".

D. Graham Ross-Smith  
Chair, Area B APC

cc: Ken Cossey, Area B Director (via e-mail)  
Enclosed: Copy of APC minutes of May 2010 meeting



## MEMORANDUM

**DATE:** May 3, 2010 **FILE NO:** 1-B-09RS

**TO:** Dana Leitch, Planner, Development Services Division

**FROM:** Daniel Derby, General Manager, Public Safety

**SUBJECT:** Rezoning Application No. 1-B-09RS – Public Safety Application Review

---

In review of the Rezoning Application No. 1-B-09RS the following comments affect the delivery of emergency services within the proposed area:

- ✓ Proposal is within the Shawnigan Lake Fire Improvement District.
- ✓ Proposal is within the Shawnigan Lake RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 137) Mill Bay response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.
- ✓ The Community Wildfire Protection Plan has identified this area as a **high risk for wildfire**.
- ✓ It is recommended that a "Wildland Urban Interface Assessment" conducted by a qualified RPF or RFT with relevant applicable experience be required. The objective of the assessment is to review the potential wildfire risk associated with the proposed development and to provide recommended actions to reduce the risk of wildfire.

It does not appear that this rezoning proposal has been forwarded to the Shawnigan Lake Fire Improvement District for comment.

#### 7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

The following uses and no others are permitted in an F-1 zone:

- (1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) extraction crushing milling concentration for shipment of mineral resources or aggregate materials excluding all manufacturing;
- (3) single family residential dwelling or mobile home;
- (4) agriculture silviculture horticulture;
- (5) home occupation – domestic industry;
- (6) bed and breakfast accommodation;
- (7) secondary suite or small suite on parcels that are less than 10.0 hectares in area;
- (8) secondary suite or a second single family dwelling on parcels that are 10.0 hectares or more in area.

(b) Conditions of Use

For any parcel in an F-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 15 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Residential &amp; Accessory Uses</b>	<b>COLUMN III Agricultural &amp; Accessory Uses</b>
Front	7.5 metres	30 metres
Side (Interior)	3.0 metres	15 metres
Side (Exterior)	4.5 metres	30 metres
Rear	7.5 metres	15 metres

## 7.6 F-2 ZONE - SECONDARY FORESTRY

### (a) Permitted Uses

The following uses and no others are permitted in an F-2 Zone:

- (1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) single family residential dwelling or mobile home;
- (3) two single family residential dwellings on parcels 10.0 ha. or larger
- (4) agriculture silviculture horticulture;
- (5) home occupation – domestic industry;
- (6) bed and breakfast accommodation;
- (7) secondary suite or small suite.

### (b) Conditions of Use

For any parcel in an F-2 zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 15 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

<b>COLUMN I</b> <b>Type of Parcel Line</b>	<b>COLUMN II</b> <b>Residential &amp; Accessory Uses</b>	<b>COLUMN III</b> <b>Agricultural Accessory Uses</b>
Front	7.5 metres	30 metres
Side (Interior)	3.0 metres	15 metres
Side (Exterior)	4.5 metres	30 metres
Rear	7.5 metres	15 metres

**PART THIRTEEN****AREA SHAPE AND DIMENSIONS OF PARCELS**

- 13.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 13.2 13.11 and 13.12 be in accordance with the following table based on the method of sewage disposal and water supply:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served By Community Water or Sewer
A-1 Primary Agricultural	12 ha	12 ha	12 ha
A-1A Modified Primary Agricultural	12 ha	12ha	12 ha
A-2 Secondary Agricultural	2 ha	2 ha	2 ha
F-1 Primary Forestry	80 ha	80 ha	80 ha
F-1A Primary Forestry -- Kennel	20 ha	20 ha	20 ha
F-2 Secondary Forestry	4.0 ha	4.0 ha	4.0 ha
R-1 Rural Residential	2 ha	2 ha	2 ha
R-1A Limited Rural Residential	2 ha.	2 ha.	2 ha.
R-2 Suburban Residential	0.4 ha	0.4 ha	1.0 ha
R-2A Limited Suburban Residential	1.0 ha	1.0 ha	1.0 ha
R-3 Urban Residential	0.2 ha	0.2 ha	1.0 ha
R-4 Rural Community Residential	8 ha.	8 ha.	8 ha.
R-6 Urban Residential (Mobile Home)	0.8 ha	0.8 ha	1.0 ha
MP-1 Mobile Home Park	2 ha <sup>1</sup>	2 ha <sup>1</sup>	2 ha <sup>1</sup>
C-1 Village Commercial	1100 sq.m.	1675 sq.m.	1.0 ha.
C-2A Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-2B Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2 Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-3 Service Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-4 Tourist Recreation Commercial	0.8 ha	0.8 ha	0.8 ha
C-5 Neighbourhood Pub	1100 sq. m.	1675 sq. m	0.8 ha
P-1 Parks and Institutional	0.2 ha	0.4 ha	1.0 ha
P-2 Parks and Recreation	20 ha	20 ha	20 ha
I-1 Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1A Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1B (Sawmilling)	1.0 ha	1.0 ha	1.0 ha
I-1C (Light Industrial)	0.2 ha	0.4 ha	0.8 ha
I-3 Medium Industrial	0.2 ha	0.4 ha	1.0 ha
I-5 Eco-Industrial	1 ha	1 ha	1 ha





D5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 7, 2010

**DATE:** August 26, 2010 **FILE No:** 1-E-10DP  
**FROM:** Rob Conway, MCIP **BYLAW No:**  
**SUBJECT:** Development Permit Application 1-E-10DP – Matrix Marble and Stone

---

#### **Recommendation:**

That application No. 1-E-10DP be approved, and that a development permit be issued to Cowichan Terrazzo and Ceramic Tile Ltd. for Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 for an addition and exterior alterations, subject to :

- a. Installation of underground wiring;
- b. Landscaping installed in accordance with BCSLA standards, including an underground irrigation system;
- c. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the August 18, 2010 site plan.

#### **Purpose:**

To consider a development permit application for an addition and exterior alterations to an existing light industrial building at 2890 Allenby Road (Matrix Marble and Stone).

#### **Background:**

Location of Subject Property: 2890 Allenby Road

Legal Descriptions: Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 (PID:028-110-340)

Date Application and Complete Documentation Received: January 5, 2010; updated in March, June and August, 2010.

Owner: Cowichan Terrazzo and Ceramic Tile Ltd. (Ivo Zanatta)

Applicant: Ivo Zanatta

Size of Parcel: 0.534 ha. (1.32 ac.)

Zoning: I-1 (Light Industrial)

Minimum Lot Size Under Existing Zoning: 0.1 ha with community sewer and water

OCP Plan Designation: Industrial

Existing Use of Property: Light Industrial – manufacturing and accessory sales

Existing Use of Surrounding Properties:

North: Allenby Road

South: RV Sales (zoned I-1)

East: E & N Right-of-Way (zoned T-1)

West: Commercial/Industrial/Residential (zone I-1)

Services:

Road Access: Allenby Road

Water: Eagle Heights Water System

Sewage Disposal: Eagle Heights Sewer Service

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None identified

### **Policy Context:**

The subject property is designated “Industrial” in the Cowichan-Koksilah Official Community Plan (OCP) and is included within the Trans Canada Highway and Koksilah Development Permit Areas (DPAs). Prior to a building permit being issued and construction commencing, a development permit in accordance with the applicable development permit area guidelines is required.

The Trans Canada Highway Development Permit Area establishes objectives and guidelines for the form and character of industrial, commercial and multiple family development along the Highway corridor and for protection of the natural environment. The Koksilah Development Permit Area similarly establishes objectives for form and character and the protection of the natural environment for commercially and industrially designated lands within the development permit area. Although the guidelines of the two development permits are similar, the Trans Canada Highway Development Permit Area is more focused on the appearance of development along the Highway, whereas the Koksilah DPA establishes general guidelines for commercial and industrial development in the Boys Road/Allenby Road/Koksilah Industrial Park area. Copies of the two development permit areas and associated guidelines are attached to this report.

Area “E” Zoning Bylaw No. 1840 zones the subject property Light Industrial (I-1). The I-1 zone permits a range of light industrial uses, including *Industrial Processing, Manufacturing, Repair, Storage and Packaging* and *Retail Sales Accessory to a Permitted Principal Use*. The current and proposed use of the site is compliant with the I-1 zone.

**Property Context:**

The subject property was recently expanded through a lot line adjustment with an adjacent property to the west. The lot line adjustment increased the size of the subject property to 0.534 ha (1.32 ac.) and provided additional land for expansion of the business.

Allenby Road bounds the property along the north lot boundary and the E&N Railway Right-of-Way is located along the east boundary. Properties to the west are zoned I-1 and are occupied by industrial, commercial and residential uses. The property to the south is also zoned I-1 and is occupied by an RV sales business.

Although the subject property and much of the surrounding area is zoned light industrial, a mix of industrial, commercial, residential and institutional uses are evident along Allenby Road and in the Koksilah Industrial Park. Although the area is predominantly zoned I-1, it seems to be undergoing a degree of transition, with properties being redeveloped and more commercial and service commercial-type businesses moving into the area.

A notable feature of the subject property is its prominent location near the intersection of Allenby Road and the Trans Canada Highway. Because site is highly visible and there is a commercial component to the business, the building, site and landscape design are more important on this site than at less visible locations within the industrial park.

**Proposed Development:**

This application proposes both new development and upgrades to existing development on-site. New development includes a 1,135 m<sup>2</sup> warehouse addition and outdoor storage areas. Additional on-site employee parking and loading areas and changes to on-site traffic circulation are also proposed. Proposed changes to existing development include exterior upgrades to the shop and showroom building, paving of the showroom parking area near the front of the site and landscaping.

**Building Design:**

The proposed warehouse addition extends the existing building along the south east property boundary (facing Greg's RVs), to the southern corner of the lot. The warehouse addition has a depth of 16 metres, is approximately 70 metres in length, and is 10 metres in height. The combined existing and proposed development has a site coverage of 37%, which is less than the 50% permitted in the I-1 zone.

Zero lot line setbacks are proposed along the south and west property boundaries, which is permitted in the I-1 zone when adjacent to industrially zoned land. The zero lot line exterior walls are required to be constructed of non-combustible material and window openings or other penetrations are not permitted by the BC Building Code. Building material for the south and west façade are primarily smooth face concrete block, painted white. A black metal flashing will cap the parapet at the top of the exterior wall. A band of two foot square marble panels will be provided near the top of the south building elevation to provide some visual interest on this long façade. The marble banding is not proposed on the west façade.

The north building elevation faces into the site and provides access to the warehouse. This façade has a series of columns that define the overhead door openings. A series of six overhead doors will provide access to the building, in addition to two man doors. The southern two thirds of the warehouse is intended primarily for the storage of finished material with the northern third

used for manufacturing. A canopy will be constructed at the northern end of the warehouse to shelter an existing gang saw. Design features on the north elevation include upper glazing to provide light into the building, a horizontal marble band near the top of the building and large display panel of marble highlighted with overhead lighting. Painted smooth concrete block is the primary building finish for the north elevation exterior. The overhead door, man doors and canopy fascia will be finished in a blue accent colour and metal flashings will be black.

The exterior of the existing showroom and shop building will be upgraded. Marble facing will be applied on the first storey of the north elevation facing the Highway and on the east elevation facing Allenby Road. The second storey exterior will be painted white to match the warehouse addition.

#### ***Site Design:***

The additional land achieved from the recent lot consolidation provides opportunities for on-site parking and loading, and improved traffic circulation. The site will continue to use the main existing access from Allenby Road, but a second access will be added at the west corner of the property to allow heavy vehicles to more easily manoeuvre through the site.

Public parking is located near the front of the property adjacent to the showroom and shop. This area will be finished with concrete pavers and the perimeter will be landscaped. The rest of the site will be fenced to discourage public access. An existing asphalt paved area in the yard will be retained and an outdoor storage area in the middle of the site will also be surfaced with asphalt. The remainder of the site will be gravel surfaced. Quarried stone will be stored along the south property boundary and seven employee parking spaces will be provided in this area. Two additional staff parking spaces will also be provided near the shop and showroom.

A drainage design has been prepared for the site that directs surface and roof drainage from the site to an oil water separator and a series of infiltration chambers.

#### ***Landscape Design:***

Landscaping is proposed along the north and east property boundaries and adjacent to the showroom parking area. Landscaping along the E&N Railway corridor is comprised of a split-rail fence, extension of an existing hedge and mid-sized shrubs (soft leaf yucca) and grass (fescue). This landscaped area and fencing should prevent parking on the E&N Right-of-Way. A service lane between the existing building and property boundary will be maintained. Plantings are also proposed along the Allenby Road frontage and around the perimeter of the public parking lot. Other notable features of the proposed landscaping are a stone sculpture and marble block retaining wall.

#### **Advisory Planning Commission Comments:**

The Area E APC reviewed this application August 9, 2010, where the following motion was passed:

*That the application be accepted subject to the following conditions:*

1. *That parking remain along the front of the building to maintain safe traffic flow and that a 5' pedestrian walkway be designed from the parking lot to the front door;*
2. *That the current overhead wiring be placed underground;*

3. *That the required landscaping be installed on private property only and that appropriate irrigation be provided. That the landscaping along the E and N right-of-way side of the property be consistent with the landscaping of the adjacent property owner (Greg's RV);*
4. *That split rail cedar fencing be installed to block off access to the E and N right-of-way;*
5. *That a gravel pedestrian walkway be installed along the Allenby Road side of the development and that marble pavers be installed across the entrance ways of Matrix marble and Stone;*
6. *That the landscaping be to BCLSA standards; and*
7. *That a bond be applied equal to 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD.*

All of the APC recommendations have been either integrated into the latest plans attached to this report, or are included into the recommended resolution.

#### **Planning and Development Department Comments:**

This section of the report provides some observation and comments from planning staff regarding this application and how the proposal complies with the guidelines for the Koksilah and Trans Canada Highway Development Permit Areas and good site planning and urban design principles.

#### ***Vehicular Access and Parking***

Vehicle access and on-site vehicle circulation is improved with this proposal. The secondary driveway allows heavy vehicles to enter and exit the site at a location further west of the primary public driveway access, which avoids potential conflicts between the public and industrial vehicle traffic and allows heavy trucks to enter and exit Allenby Road at a location that is less likely to conflict with vehicles stacking for the Trans Canada Highway traffic light.

An effort has been made to separate public parking from employee parking and heavy traffic circulation by defining an area for public parking near the main building entrance with brick pavers, landscaping and a gated entrance to the more industrial part of the site. Employee parking that had previously occurred on the E and N Railway right of way will be precluded with the proposed plan with the installation of landscaping and a split rail fence.

#### ***Pedestrian Access***

As the subject land is primarily an industrial site, pedestrian features are limited to the more public parts of the site. At the request of the APC, the applicant has provided a marked walkway from the public parking area to the main building entrance and has proposed a gravel pathway with marble surfaced driveway crossings along the Allenby Road frontage. Since the proposed pathway is within the road allowance, it will require approval from the Ministry of Transportation and Infrastructure.

#### ***Overhead Wiring and Lighting***

Electrical service to the existing development on the sites is via an overhead wiring. Service to the site is proposed to be converted to underground wiring as part of the application. Exterior lighting on the building and in the yard area is proposed, for security and operational requirements.

### ***Building Design***

Opportunities for architectural treatment of the warehouse addition are limited. Since two of the building sides are constructed along property lines, window and door openings cannot be used on these elevations. Stone banding on the south building elevation helps to break up this long continuous façade. More architectural opportunity exists on the north addition elevation that faces into the property. This elevation is articulated with door openings, upper level glass and stone panel details. These features create visual interest for this part of the building.

Much of the design effort has been focused on the exterior finish of the existing building and detailing on the addition. The extensive use of stone panels on the existing building and the same material for detailing on the addition is very distinctive and provides a quality building finish while also promoting a product produced and sold from the property. Staff supports this approach.

### ***Signage***

The applicable development permit areas include guidelines for signage. As the application does not propose any new signs, the signage guidelines are not applicable for the subject proposal. If new signs are proposed in the future, they will need to comply with the guidelines and a separate development permit will be required.

### ***Environmental Protection***

In accordance with the Koksilah Development Permit Area guideline, that applicant is proposing to direct hard-surface drainage from the site to an oil water separator and infiltration chambers. Landscaping and pervious surfacing are also used to reduce run-off from the site. Staff believes the storm water management design submitted with the application is consistent with the applicable guidelines for environmental protection.

### ***Landscaping:***

The subject property currently has minimal landscaping. Landscaping proposed with this application will improve the site's Allenby Road frontage and the appearance of the site from the Trans Canada Highway/Allenby Road intersection. Drought tolerant plant species are proposed that will encourage water conservation and that do not require intensive maintenance. Irrigation is still recommended though, to allow the plantings to become successfully established and to encourage the long term survival and health of the landscaping.

A security deposit of 125% of the estimated cost of all hard and soft landscape works is recommended prior to issuance of the development permit. Upon successful installation of the landscaping, the security would be returned in accordance with CVRD policy.

### **Summary:**

The subject application is for the expansion of a successful light industrial business at prominent location at the southern entrance to Duncan. The application offers a number of upgrades to the site that will significantly improve the appearance of the property from Allenby Road and the Trans Canada Highway. A unique aspect of this application is the incorporation of marble into the building and site design, which both makes use of a quality Vancouver Island building material and showcases the business's product. Staff believes this proposal is compliant with the applicable design guidelines and the intent of the Trans Canada Highway and Koksilah Development Permit Areas.

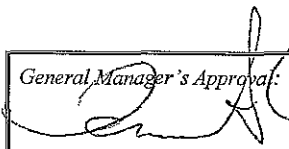
**Options:**

1. That application No. 1-E-10DP be approved, and that a development permit be issued to Cowichan Terrazzo and Ceramic Tile Ltd. for Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 for an addition and exterior alterations, subject to :
  - a. Installation of underground wiring;
  - b. Landscaping be installed to BCSLA standards, including an underground irrigation system;
  - c. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the August 18, 2010 site plan.
2. That application No. 1-E-10DP not be approved in its current form, and that the applicant be directed to revise the proposal.

Submitted by,



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

<p><i>General Manager's Approval:</i></p> 
<p><i>Signature</i></p>

RM/ca



Covichan  
Valley  
Regional  
District

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

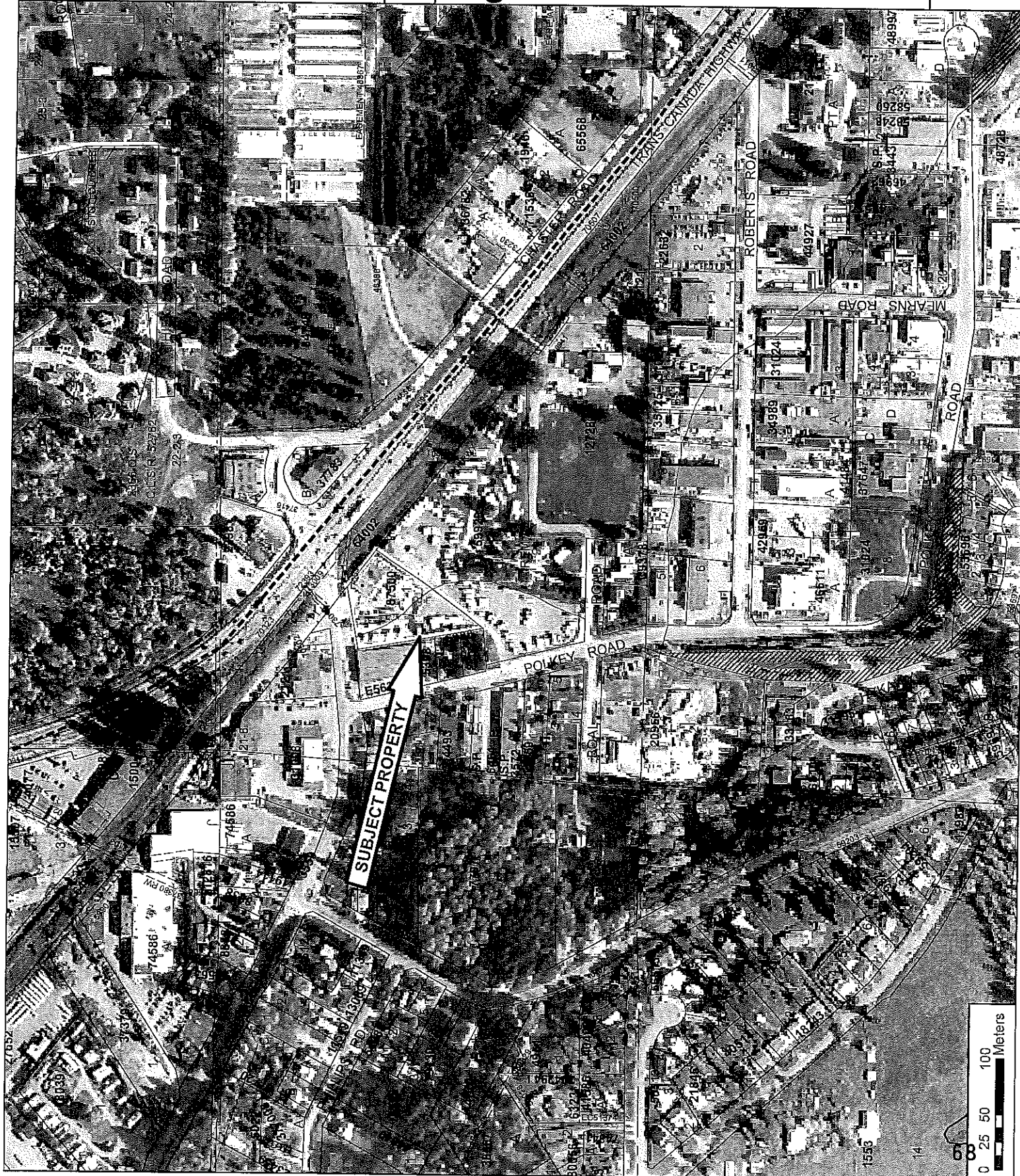
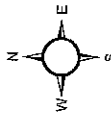
The Regional District does not warrant the accuracy.

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-E-10-DP

## Orthophoto (2004)







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The Regional District does not warrant the accuracy.

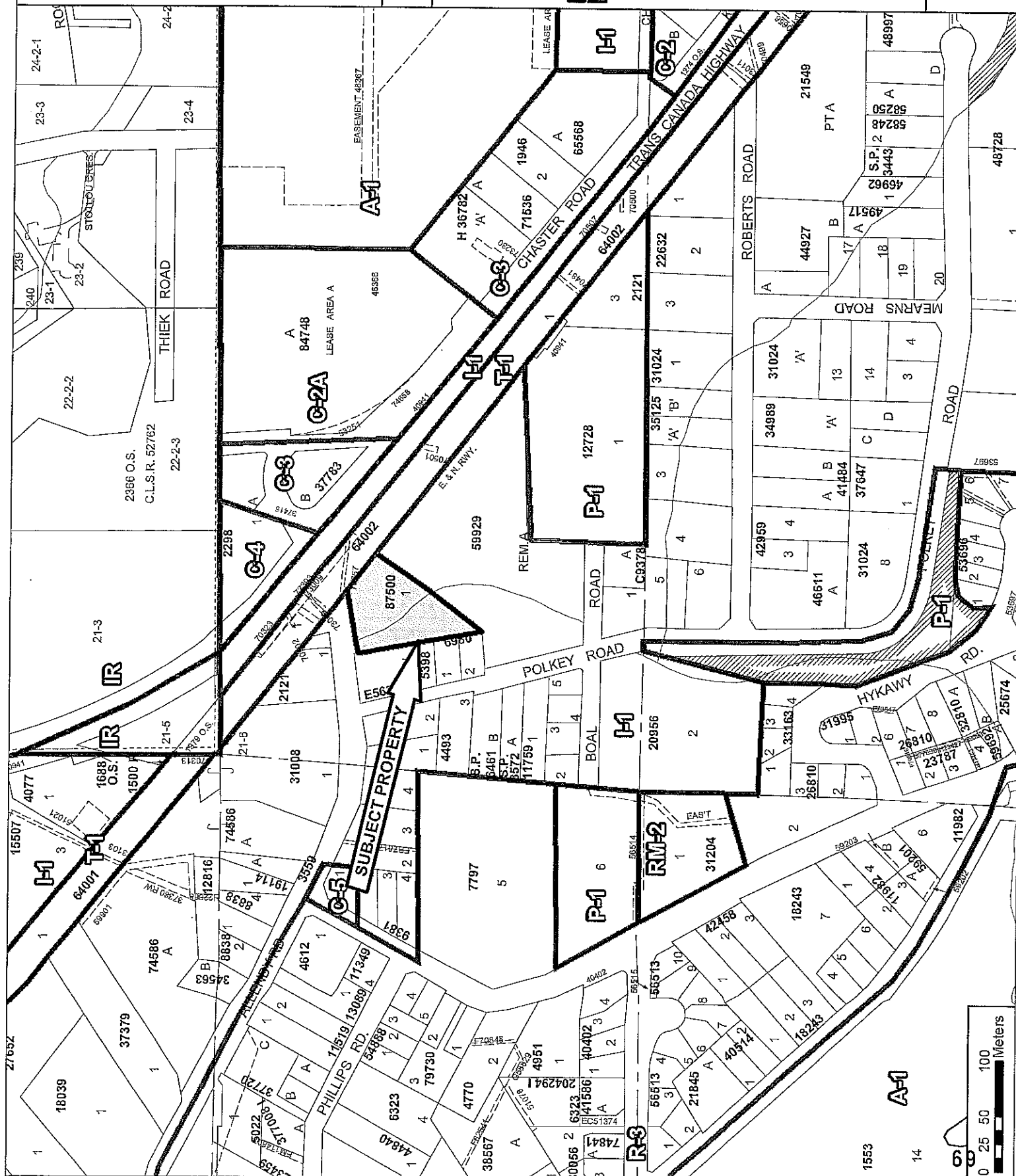
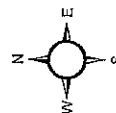
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FILE: 1-E-10-DP

# ZONING

Legend





OTHER DPA



RIPARIAN AREAS REGULATION DPA



Cowichan  
Valley  
Regional  
District

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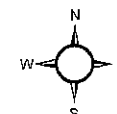
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FILE: 1-E-10-DP

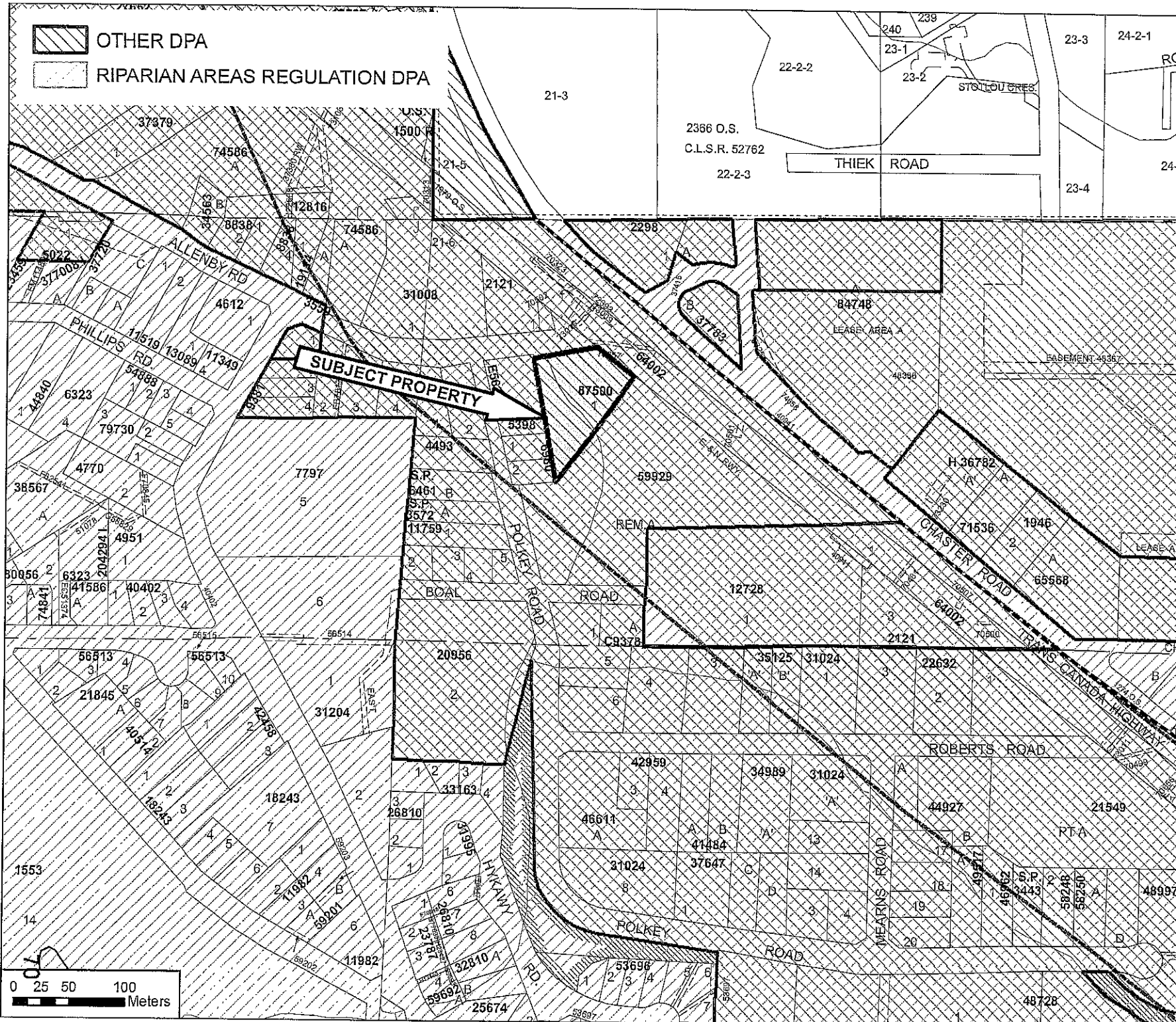
DPA

Legend

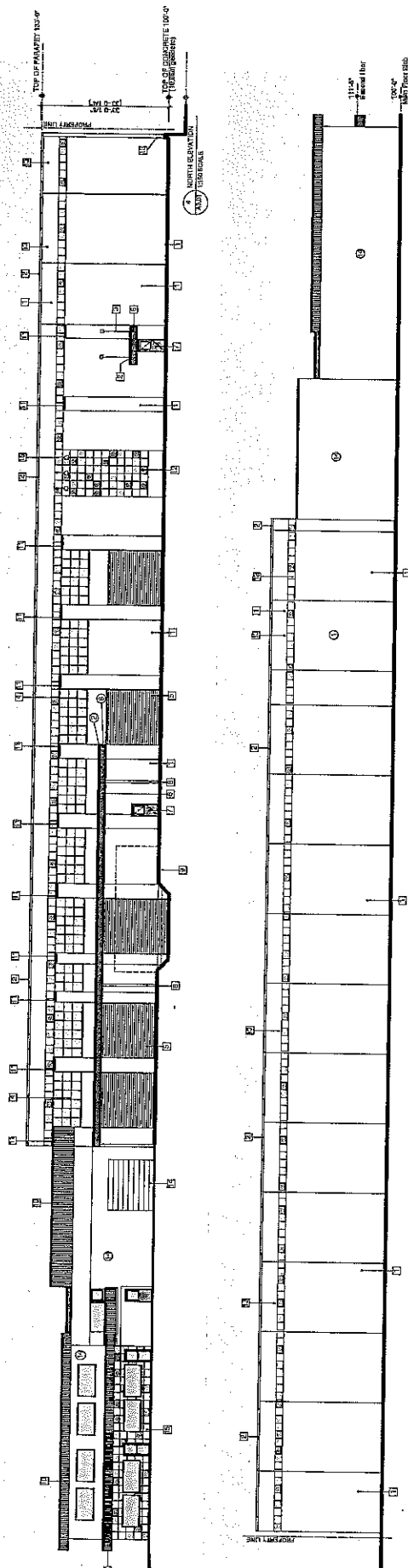
 Subject Property



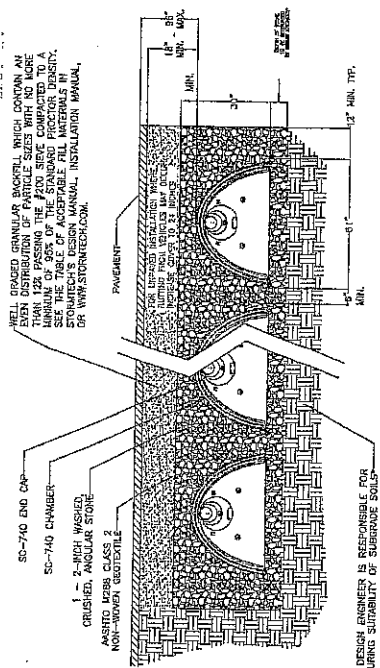
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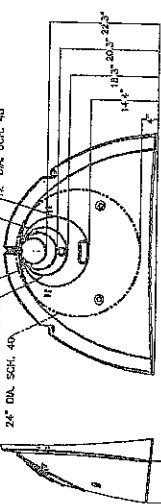




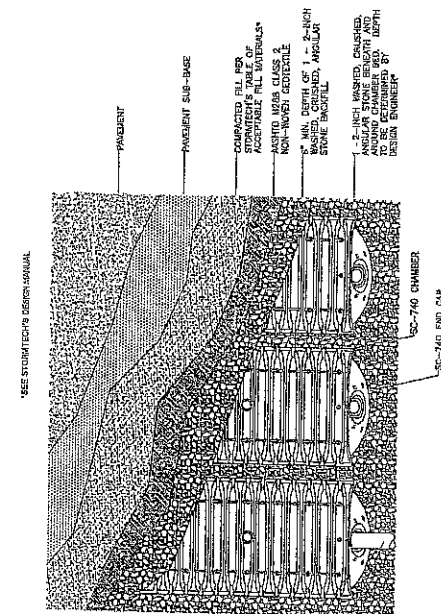




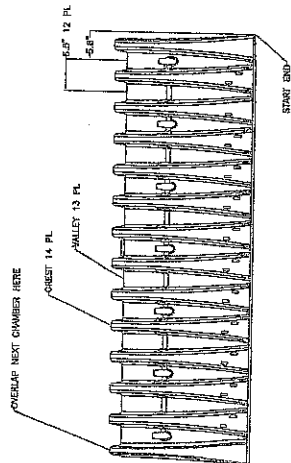
**STORMTECH SC-740 CHAMBER DETENTION SYSTEM**  
**INLET OUTLET DETAIL**  
NOT TO SCALE



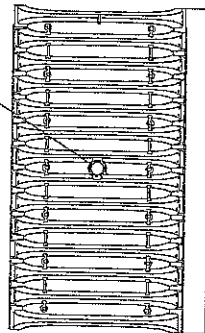
STORMTECH SC-740 CHAMBER SYSTEM  
TYPICAL CROSS SECTION DETAIL  
NOT TO SCALE



STORMTECH SC-740 CHAMBER SYSTEM  
PLAN VIEW DETAIL  
NOT TO SCALE

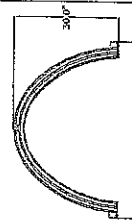



BUILD ROW IN  
THIS DIRECTION



**STORMTECH SC-740 CHAMBER**

NOMINAL CHAMBER SPECIFICATIONS	51.0" x 30.0" x 85.4"
SIZE (W x H x INSTALLED LENGTH)	45.9 CUBIC FEET
CHAMBER STORAGE	74.9 CUBIC FEET
MINIMUM INSTALLED STORAGE	75 LBS.
WEIGHT	



	<b>ONSITE SYSTEMS INC.</b> 5798 GARDEN STREET, DUNCAN B.C. V9L 3V9 DONCAD: TELEPHONE: (250)746-8500 FAX: (250)746-1898	<b>PROJECT: PROPOSED STORMWATER SYSTEM &amp; SITE GRADING PLAN</b>		SCALE: 1:250 DRAWING BY: SDB	FILE NO: 2630
		<b>CLIENT: MATRIX MARBLE &amp; STONE - IVO ZANATTA</b>		DESIGN BY: SDB, RKP DATE:	DWG. NO: 2 OF 2

**11.0 INDUSTRIAL ZONES**

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

**11.1 I-1 ZONE - LIGHT INDUSTRIAL****(a) Permitted Uses**

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

- (1) auction grounds;
- (2) automotive repair, sales, body repair, painting, wrecking, storage, salvage;
- (3) café, restaurant, take out service, catering;
- (4) clothing and garment manufacturing, laundry, dry cleaning, repair and storage;
- (5) contractor's workshop, yard and storage;
- (6) electric and electronic equipment manufacturing;
- (7) equipment repair, sales, storage and rental;
- (8) feed, seed and agricultural supplies, sales and storage;
- (9) food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
- (10) industrial processing, manufacturing, repair, storage and packaging;
- (11) *kennels* for the keeping, boarding, raising, training and/or breeding of cats and dogs and animal hospital;
- (12) laboratory;
- (13) lumber and storage yards, sale of wholesale and *retail* building supplies;
- (14) modular or prefabricated home structure and truss manufacturing and sale;
- (15) parking garage, recreational vehicle storage and sale;
- (16) processing and sale of gardening and landscaping supplies and materials;
- (17) publishing;
- (18) retail and wholesale sale of petroleum products and accessory storage of petroleum products not exceeding 455,000 litres;
- (19) secondary processing and manufacturing of wood products, including the making of cabinets, furniture, plywood, lath and particle board and similar products; but excluding sawmills, pulp and paper mills and log storage and sorting;
- (20) recycling, sorting and storage of substances or materials, including in-vessel composting;
- (21) warehouse, including mini-warehouse, freight handling and storage;
- (22) welding shop;
- (23) *office accessory* to a *principle use* permitted in Section 11.1(a)(1) to (22);
- (24) *retail sales accessory* to a *principle use* permitted in Section 11.1(a)(1) to (22);
- (25) one single *family dwelling* unit per *parcel accessory* to a *use* permitted in Section 11.1(a)(1) to (22).

(b) Conditions of Use

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

- (1) the *parcel coverage* shall not exceed 50 percent for all *buildings* and *structures*;
- (2) the *height* for all *buildings* and *structures* shall not exceed 10.0 metres;
- (3) notwithstanding the uses permitted in Section 11.1(a) of the Industrial-1 Zone, no sewage, septage, biosolids, animal manure, animal material or animal substance shall be stored or utilised in an industrial process on a *parcel* in the Light Industrial Zone;
- (4) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for all *buildings* and *structures* in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	4.5 metres
Interior Side	0 metres where the abutting <i>parcel</i> is zoned Industrial 9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional
Exterior Side	4.5 metres
Rear	0 metres where the abutting <i>parcel</i> is zoned Industrial 9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional

(c) Minimum Parcel Size

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

- (1) 0.1 Ha. for *parcels* served by a *community water* and *sewer system*;
- (2) 0.3 Ha. for *parcels* served by a *community water system* only;
- (3) 1.0 Ha. for *parcels* served neither by a *community water* or *sewer system*.



#### **14.0 DEVELOPMENT PERMIT AREAS**

A Development Permit Area is a designation in the Official Community Plan pursuant to the Municipal Act. Where property is identified to be within a development permit area by the plan, it may require a development permit before a building permit can be issued or subdivision being approved. Development Permit Areas may be established for any one or a combination of the following purposes:

- to protect the natural environment;
- to protect development from hazardous conditions;
- to protect provincial heritage areas;
- for revitalization of commercial areas designed by the Ministry of Municipal Affairs;
- to establish objectives and guidelines for the form and character of commercial, industrial or multi-family residential development;
- for the protection of farming.

The Official Community Plan describes the special conditions and objectives that justify the designation and provides guidelines respecting the manner by which conditions will be alleviated any objectives and guidelines will be achieved.

A development permit may, however, not be the only permit requirement and approval of senior levels of government may be required prior to subdivision, construction on, or alteration of land.



#### **14.1 Policies: Trans Canada Highway Development Permit Area**

##### **POLICY 14.1.1: CATEGORY**

The Trans Canada Highway Development Permit Area shall be utilized to establish objectives and to provide guidelines for the form and character of future industrial, commercial or multi-family development in the permit area and protection of the natural environment.

##### **POLICY 14.1.2: JUSTIFICATION**

- a) The Trans Canada Highway is the principle transportation corridor through the community and is a major contributor to the image of Cowichan-Koksilah.
- b) Cowichan-Koksilah residents are concerned about aesthetics and safety along the Trans Canada Highway, particularly in areas developed for commercial or industrial use.

- c) Cowichan-Koksilah residents desire to enhance the visual characteristics and form of land developed for commercial or industrial use.
- d) Cowichan-Koksilah residents desire improved highway safety and visual representation of the community along the Trans Canada Highway.

#### POLICY 14.1.3 GUIDELINES

Prior to commencing any construction on lands within the development permit area, the owner shall obtain a development permit which conforms to the following guidelines:

##### a) Vehicular Access

Vehicular access shall not be provided directly to the travelling surface of the Trans Canada Highway. All such points of access shall be located on secondary roads or frontage roads and shall require access permits from the Ministry of Transportation and Highways.

Unnecessary duplication of access points is discouraged. Where two or more commercial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas be physically linked and protected by legal agreements.

##### b) Vehicle Parking

Parking surfaces should be constructed of asphalt or concrete to Ministry of Transportation and Highways standards and should be located a minimum of three metres from any parcel line fronting on the Trans Canada Highway or any major network road (as identified in the Official Community Plan).

Parking areas shall be designed to physically separate pedestrian and vehicular traffic except at crossing points.

##### c) Pedestrian Access

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

##### d) Landscaping

Landscaping should be provided as a buffer between any commercial/industrial use and public roads. Combinations of low shrubbery, ornamental trees and flowering perennials is recommended.

The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres but should be at least

0.75 metres in height.

Landscaping may include lawn areas, however, such areas should not exceed 50% of the total landscaping on the site.

e) Signage

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

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

f) Lighting

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

g) Overhead Wiring

On-site overhead wiring should be discouraged in favour of underground wiring.

h) Building Design

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

POLICY 14.1.4 SCOPE OF TRANS CANADA HIGHWAY DEVELOPMENT PERMIT AREA

a) Area

The Trans Canada Highway Development Permit Area No. E-1 includes all those lands zoned commercial, industrial, multi-family residential within 200 metres of the centre line of the Trans Canada Highway within the Plan Area. The Trans-Canada Highway Development Permit Area does not apply to parcels within the **Koksilah Development Permit Area**.

b) Exemptions

Notwithstanding clause a) above, the terms of this development permit area SHALL NOT APPLY to the following:

- Parcels that are zoned residential, agricultural (except veterinary clinics), forestry or parks and institutional;
- Interior renovation of existing structures;
- Any construction or renovation of single-family dwellings;
- Changes to the text or message on existing commercial signage;
- Any subdivision or other alteration of parcel lines;
- Signs less than 3.0 square metres in area;
- Signs which are not on property facing the Trans Canada Highway; and
- Signs which conform to the Cowichan Valley Regional District sign bylaw.

c) Variances

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

POLICY 14.1.5: APPLICATION REQUIREMENTS

An application for a development permit shall include the following:

- a) A brief text description of the proposed development;
- b) A scalable site plan showing the general arrangement of land uses including: parcel lines, buildings, parking and loading areas, vehicular access points, pedestrian walkways and outdoor illumination design.
- c) A scalable site landscaping plan, identifying the plant species or general species type proposed for all landscaping areas;
- d) A signage plan showing all proposed signs or sign areas;
- e) A preliminary building design including proposed roof and exterior finish details.



## 14.9 **KOKSILAH DEVELOPMENT PERMIT AREA**

### 14.9.1 **CATEGORY**

The **Koksilah Development Permit Area** is designated pursuant to Section 919(1)(a) and (f) of the *Local Government Act*, for the protection of the environment, its ecosystems and biodiversity, and establishment of objectives for the form and character of commercial, industrial, and multi-family residential development.

### 14.9.2 **AREA OF APPLICATION**

The **Koksilah Development Permit Area** applies to all commercially and industrially-designated lands within the OCP area, including: Lot 1, Section 13, Range 6, Quamichan District, Plan 9381, as shown on **Figure 15: Koksilah Development Permit Area**.

### 14.9.3 **JUSTIFICATION**

- a) The OCP aims to ensure that the design of any commercial and industrial development is in keeping with the community's expectations for visual quality, and that it is functionally compatible with surrounding land uses.
- b) The OCP aims to ensure that future commercial and industrial developments offer safety and accessibility, and are adequately landscaped.
- c) The OCP aims to ensure that the integrity of surface water and groundwater is protected from inappropriate development, in areas where land uses within the development permit area may directly impact surface and groundwater resources.

### 14.9.4 **GUIDELINES**

Within the **Koksilah Development Permit Area**, no person will:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which will sufficiently address the following guidelines:

#### Environmental Protection

- a) Runoff from the development will be limited in order to prevent storm flows from damaging riparian areas during normal rainfall events. Preferably, on larger sites, natural wetland protection and enhancement should be incorporated, along with measures to limit impervious surfaces. Parking areas should contain oil/water separators, and – where feasible – use pervious landscaping that can absorb runoff. Applicants should submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit;

- b) The latest Best Management Practices for land development of the Ministry of Environment and Fisheries and Oceans Canada, should be respected;
- c) The entire Koksilah Development Permit Area sits upon a valuable aquifer that supplies drinking water to local residents. Applicants will submit a plan describing how they will protect this community resource on their site;

#### Landscaping

- d) Landscaping will be provided around the periphery of the parcel. Particular attention will be paid to landscaping measures along road frontages and parcel boundaries that may abut other uses such as residential. A combination of low shrubbery, ornamental trees and flowering perennials is recommended.
- e) The use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans-Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres in height, but should be at least 0.75 metres in height;
- f) Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA);

#### Form and Character of Buildings and Structures

- g) Buildings and structures will be designed in consideration of improving upon the aesthetics of the surrounding area, with finishes that are attractive, such as tinted concrete, some natural materials and natural colours;

#### Vehicle Access, Pedestrian Access and Parking

- h) Where two or more commercial or industrial facilities adjoin one another, vehicle access points, pedestrian pathways and parking and circulation patterns should be linked and possibly shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. This can be accomplished by reciprocal easements and or rights of way. Unnecessary duplication of access points is strongly discouraged;
- i) Parking areas will be designed to physically separate pedestrian and motorized traffic, for example, through the use of raised pedestrian routes;
- j) Parking surfaces will be paved in a suitable material, whether pervious or impervious, and will not be located within 3 metres from any major road network route and the Trans-Canada Highway;
- k) Where required, pedestrian routes across, within and between sites should be clearly delineated by means of separate, raised walkways, sidewalks or paths;

#### Signs

- l) Signs should be designed to reflect the site's architecture and landscaping and should be limited to not more than 5 metres in height and also of limited area;
- m) Translucent "can" or panel signs that are wholly illuminated from behind are not permissible whether free-standing or mounted on a building fascia; however, the Board may consider permitting backlit signs if only the lettering and logos are

illuminated at a low intensity. Fluorescent lighting projected towards a sign is very strongly discouraged, and low intensity incandescent lighting is preferred for that purpose.

- n) If multiple signs are required, they should be grouped and shared, and moving signs or signs with moving images or text will not be supported;

#### Wiring

- o) Underground wiring is encouraged in preference to overhead wiring;

#### Lighting

- p) Parking areas and pedestrian routes should be well lit, without glare to other lands and roads;

### **14.9.5 EXEMPTIONS**

The following is exempted from the requirement of obtaining a development permit in the **Koksilah Development Permit Area**:

- a) construction or renovations of single family dwellings and residential accessory uses;
- b) interior renovations to existing buildings; or
- c) changes to the text or message on an existing sign allowed by a previous development permit, provided the net illuminated area is at most equal to what was previously approved.

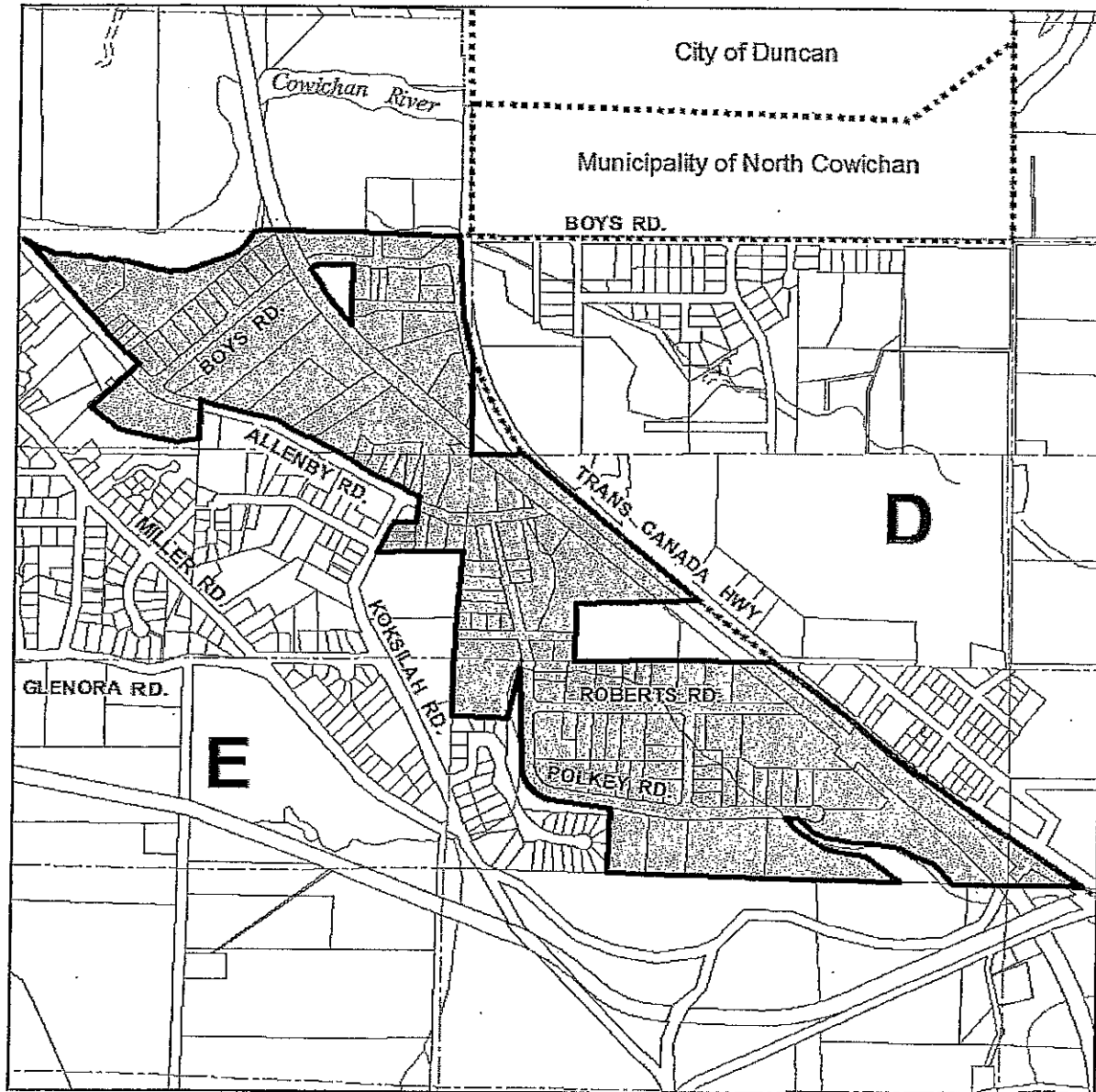
### **14.9.6 APPLICATION REQUIREMENTS**

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Koksilah Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
  - 1. a written description of the proposed project;
  - 2. reports or information as listed in the relevant Development Permit Guidelines;
  - 3. information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of watercourses/waterbodies, including top of bank;
    - percentage of existing and proposed impervious surfaces;
    - existing tree cover and proposed areas to be cleared;
    - building elevation drawings for both existing and proposed structures complete with architectural details and a landscaping plan with drawings;
    - existing and proposed property parcel lines;
    - existing and proposed vehicular access points, roads and driveways;
    - existing and proposed pedestrian walkways and bike paths;
    - existing and proposed drainage ditches, septic tanks/fields;
    - existing and proposed water lines and well sites;
    - existing and proposed erosion mitigation measures and bank alterations;
    - location of slopes exceeding 25 percent grade;
    - location of lands subject to periodic flooding;
    - areas of sensitive native plant communities;

- topographical contours;
  - existing and proposed parking and loading areas;
  - existing and proposed outdoor illumination points/areas;
  - existing and proposed sign design and location.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense: a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, certified by a professional engineer with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
  2. a report certified by a professional engineer with experience in geotechnical engineering, on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and
  3. an environmental impact assessment, certified by a registered professional biologist, assessing any environmental impacts of the project.



**FIGURE 15**



**KOKSILAH DEVELOPMENT PERMIT AREA**



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-E-10DP

DATE: SEPTEMBER 7, 2010

TO: COWICHAN TERRAZZO &  
CERAMIC TILE LTD.

ADDRESS: P.O. Box 795

DUNCAN, BC V9L 3Y1

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):  
*Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 (PID: 028-110-340)*
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:
  - Underground wiring to the building be installed;
  - Landscaping to be installed in accordance with BCSLA standards, including an underground irrigation system;
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the August 18, 2010 site plan.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
  - Schedule A – Site Plan
  - Schedule B – Exterior Elevations
  - Schedule C – Proposed Stormwater System & Site Grading Plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_  
PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL  
DISTRICT THE 8<sup>TH</sup> DAY OF SEPTEMBER, 2010.

\_\_\_\_\_  
Tom Anderson, MCIP  
General 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 COWICHAN TERRAZZO & TILE LTD., other than those contained in this Permit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DRAFT



D6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **FILE NO:** 6-G-10 DP  
**FROM:** Jill Collinson, Planning Technician **BYLAW NO:** 2500  
**SUBJECT:** Development Permit application 6-G-10 DP  
(Perrey)

---

**Recommendation:**

That application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legalize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:

- Compliance with the recommendations noted in the June 26, 2010 report by Ground Control Geotechnical Engineering Ltd.
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded upon completion of the attached landscaping plan.

**Purpose:**

To consider an application to legalize and finish construction of a retaining wall within the Ocean Shoreline Development Permit Area.

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

N/A

**Background:**

Location of Subject Property: 11101 Chemainus Road

Legal Description: Lot 1, District Lot 34, Oyster District, Plan 22516 (PID: 003-251-756)

Date Application and Complete Documentation Received: July 2<sup>nd</sup> 2010

Owner: Susan Perrey

Applicant: As above

Size of Parcel: 0.56 acres

Contaminated Site Profile: The applicant signed off on this profile. However, previous records show that a Stage 1 site investigation report on this property was submitted and it was concluded that no further investigation was needed. There is anecdotal evidence that this property was previously the site of a general store and gas bar.

Existing Zoning: C-4 (Tourist Commercial 4 Zone)

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

Existing Plan Designation: Commercial

Existing Use of Property: Residential (residence with 1 small tourist cabin)

Existing Use of Surrounding Properties:

North:	Ocean
South:	Residential
East:	Residential
West:	Tourist Commercial

Services:

<u>Road Access:</u>	Linton Circle
<u>Water:</u>	Saltair Community Water System
<u>Sewage Disposal:</u>	On-site system (sewer system)

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does identify this property as being in a Shoreline Sensitive Area.

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

### **The Proposal:**

An application has been made to the Regional Board to issue a Development Permit, pursuant to Electoral Area G – Saltair Official Community Plan Bylaw No. 2500, for the purpose of legalizing and completing a retaining wall within the Ocean Shoreline Development Permit Area.

### **Planning Division Comments:**

The subject property is on the corner of Chemainus Road and Linton Circle in Electoral Area G-Saltair. This oceanfront property is situated within the Ocean Shoreline Development Permit Area, which is intended to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The property slopes downwards towards the ocean, from south to north, with an elevation change of approximately 12 metres between Chemainus Road and the waterfront. There is currently a single family dwelling and older cottage located on site.

In 2004, a development permit (2-G-03DP) was issued to a previous owner pertaining to the construction of a new single-family dwelling, additional tourist accommodation facilities, and a retaining wall (seawall) along the foreshore. Of the previous activities applied for, only the seawall was constructed. This existing seawall extends along the entirety of the oceanfront property line and is comprised of concrete lock-blocks stacked two high.

In summer 2010, the current property owner began construction of a three-tiered retaining wall directly above the existing seawall onsite. As a development permit had not been issued, CVRD staff requested that further construction cease until a development permit is issued. To legalize the recent construction of this new retaining wall and further complete the remainder of the plans, the applicant has submitted a development permit application and retained the services of a geotechnical engineer.

This application proposes construction of a three-tiered retaining wall in compliance with the Ocean Shoreline Development Permit Area Guidelines. A report was completed by Ground Control Geotechnical Engineering Ltd. on June 26, 2010, relating to the construction of the retaining wall (see attached). This report also mentions that an access path will be constructed, angling across the slope at the staggered end of the proposed retaining walls, to allow for passage to the beach.

The geotechnical engineering assessment report discusses site conditions, details of wall construction, drainage issues, stability analysis and continuation of construction. Additionally, the report also addresses storm water management and provides recommendations pertaining to preferred time of construction.

The applicant has submitted a site plan of the subject property, dated June 2003, which details what is currently on site. The engineers report displays the location of the existing seawall and proposed retaining wall, as well as an explanation of proposed activities.

Attached is a copy of relevant supporting material associated with the application, including maps, a site plan, and the report completed by Ground Control Geotechnical Engineering Ltd. Also attached are the Ocean Shoreline Development Permit Area Guidelines from Electoral Area G OCP Bylaw No. 2500. Guidelines (c),(d), (g), (h), (i), (j), (k), and (m) within Section 20.3.4 are applicable to this application as they relate specifically to establishment of footpaths, retaining walls and steep slope within this Development Permit Area.

**Advisory Planning Comments:**

This application was referred to the Electoral Area G Advisory Planning Commission, who provided the following recommendations at their meeting held on August 25<sup>th</sup> 2010:

*That the Advisory Planning Commission recommends approval of the application subject to the following conditions;*

1. *That the recommendations of the geotechnical report be adhered to;*
2. *That a landscaping program be undertaken to soften the visual impact of the retaining*

**Final Comments:**

In the interest of time, the applicant has provided an owner-drawn landscaping plan as they wish to finish construction of the retaining wall and landscape the area prior to the rainy season. The landscape plan indicates ivy. Invasive ivy species are not supported and the applicant has been made aware of this. The applicants have indicated in the landscaping plans that they intend to build a home on the subject property within the next two years. They are aware that if they modify the landscaping it must be addressed in a future development permit.

**Options:**

- 1) That application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legitimize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:
  - Compliance with the recommendations noted in the June 26<sup>th</sup>, 2010 report by Ground Control Geotechnical Engineering Ltd.
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded upon completion of the attached landscaping plan.
- 2) That application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legitimize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:
  - Compliance with the recommendations noted in the June 26<sup>th</sup>, 2010 report by Ground Control Geotechnical Engineering Ltd.
- 3) That application No. 6-G-10DP be revised.

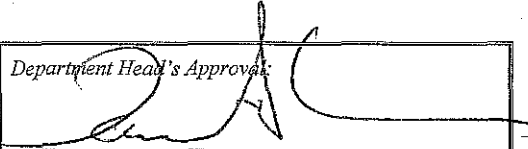
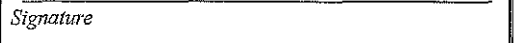
Option 1 is recommended.

Submitted by,



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

JC/ca  
Attachments

Department Head's Approval: 
Signature 



Cowichan  
Valley  
Regional  
District

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

The Regional District does not  
warrant the accuracy.

All persons in 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  
used for any and all  
interpretation and application  
of the Bylaws.

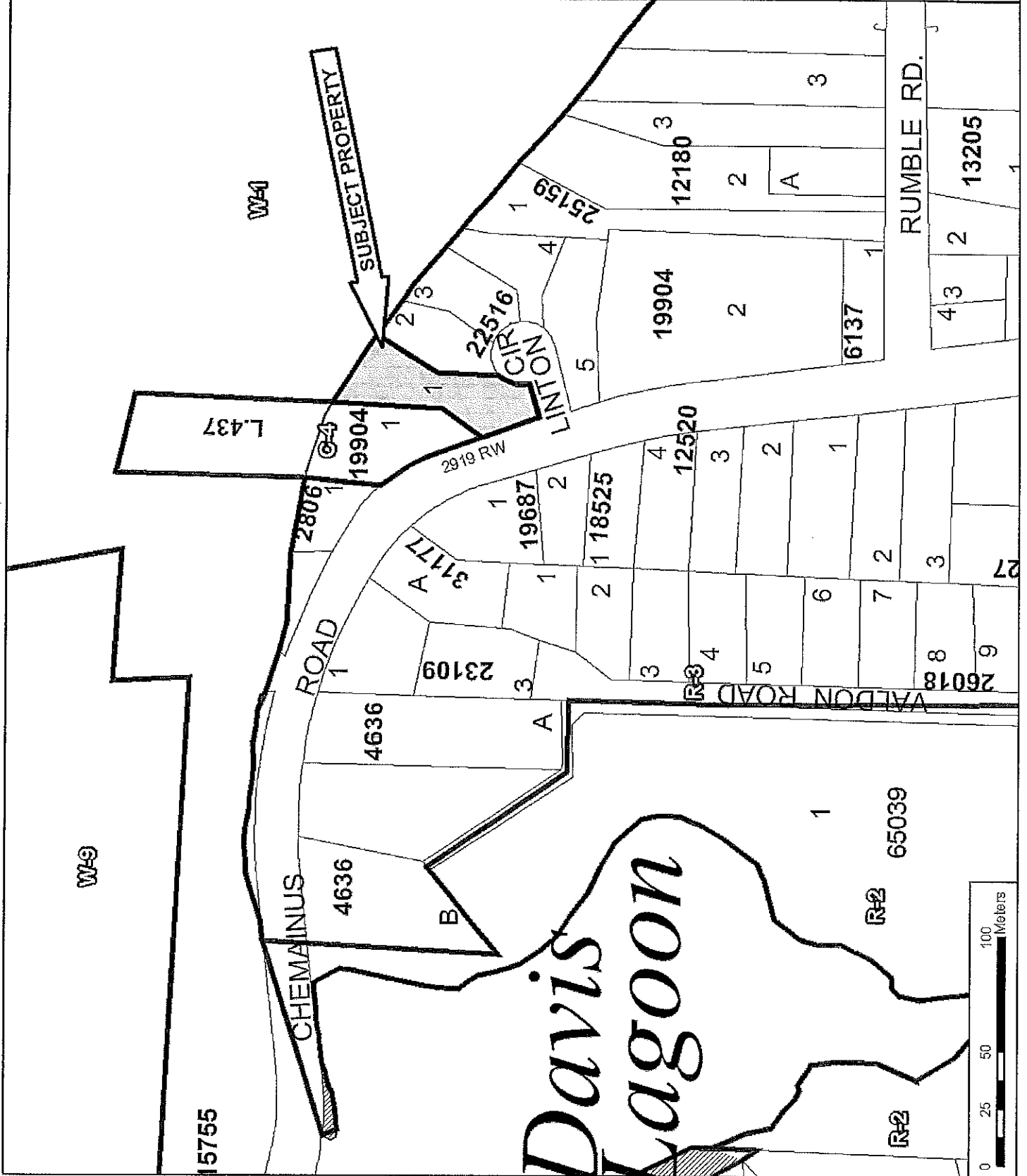
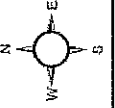
FILE: 6-G-10-DP

ZONING

Legend



Subject Property  
Zoning Electrical Area G





File: SPY-001  
June 26, 2010

Sue Perrey  
264 Morgan Road  
Ladysmith, BC  
V9G 1W6

**SUBJECT: GEOTECHNICAL ENGINEERING ASSESSMENT**  
**PROJECT: RETAINING WALLS (UNDER CONSTRUCTION)**  
**LOCATION: 11101 CHEMAINUS ROAD, SALTAIR, BC**

Dear Ms. Perrey:

**1. Introduction**

- a. As requested, Ground Control Geotechnical Engineering Ltd. (Ground Control) has assessed the partially completed three tiered retaining walls on the waterfront bluffs at this site. This report provides a summary of our findings and recommendations.

**2. Background**

- a. We understand that construction of your retaining wall project on this site has been halted at the request of the Cowichan Valley Regional District, pending application and approval of an Ocean Shoreline Development Permit.
- b. As part of the application process, we understand that an engineering assessment of the proposed development is required in accordance with Section 20.3.6(b) of the Saltair Official Community Plan Bylaw No. 2500.
- c. Our assessment, as summarized in this report, has been requested and carried out to fulfill this need.

**3. Assessment Objectives**

- a. Our assessment is intended to meet the objectives outlined in Section 20.3.6(b) of Bylaw No 2500, which primarily relate to confirming if the development is safe and suitable for the intended use.

**4. Definition and Discussion of 'Safe'**

- a. It is considered important that all stakeholders understand the definition of 'safe' used to assess the level of risk associated with this project.
- b. The only province-wide adopted level of land safety in British Columbia is the statement "that the land may be used safely for the use intended" associated with the Community Charter (Section 56) for building permits. Although the statement has been included in various pieces of provincial legislation for over 30 years, the word 'safely' has never been legally defined.
- c. Where an Approving Authority has not adopted a level of landslide safety (which to our knowledge is the case in the CVRD, as well as the vast majority of BC municipalities and Regional Districts) it is necessary for the engineer to refer to an appropriate guideline to establish a defined level of land safety.
- d. Considering that the subject retaining walls are non-occupied structures and that wall failure would not impact occupied buildings, the criteria for 'safe' we have adopted for this assessment is based on BC Ministry of Transportation and Infrastructure guidelines, and is defined for the purposes of this report as a probability of a geotechnical failure resulting in abnormal damage to the development of less than 10% in 50 years.

- e. We understand from the client that a future house might be built on the land above the subject retaining walls. Any future building projects will require their own specific geotechnical assessment using safety criteria that will likely be different from the criteria above, as occupied structures have different requirements from unoccupied structures. Given the expectation that future buildings will need to be set well back from the site's shoreline slopes, the assumption that a retaining wall failure will not impact occupied buildings is considered valid with respect to future conditions as well.

## **5. Assessment Methodology**

- a. A site reconnaissance was carried out on June 21, 2010. The site reconnaissance involved visual observation of site conditions and surrounding areas, with particular emphasis of the shoreline slope and the details of wall construction to date. Engineering analysis of the wall configuration was subsequently carried out.

## **6. Site Conditions and Details of Wall Construction**

- a. Three concrete Lock-Block retaining walls are under construction on the site. The walls are located on the bluff slopes that separate the level portions of the lot from the shoreline of Ladysmith Harbour below, as shown in the following photograph.



*View of the project location. The three Lock-Block retaining walls are under construction, visible within the centre-right portion of the photo.*

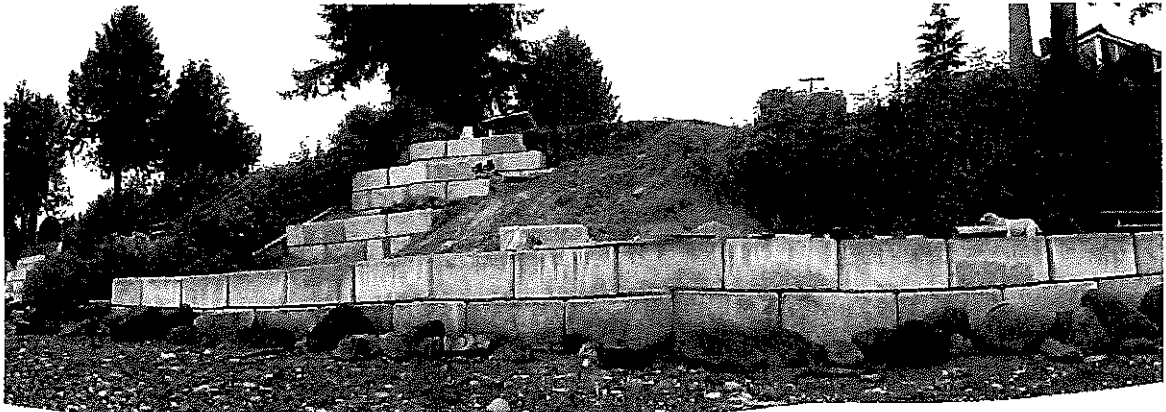
- b. The slope has a vertical height of about 7m from crest to beach, and a slope angle of about 30 degrees from horizontal. Soils exposed within construction 'cuts' consist of damp, brown, dense silty sand with gravel (Unified Classification Group Symbol SM).



*Soils exposed within construction 'cuts faces'.*

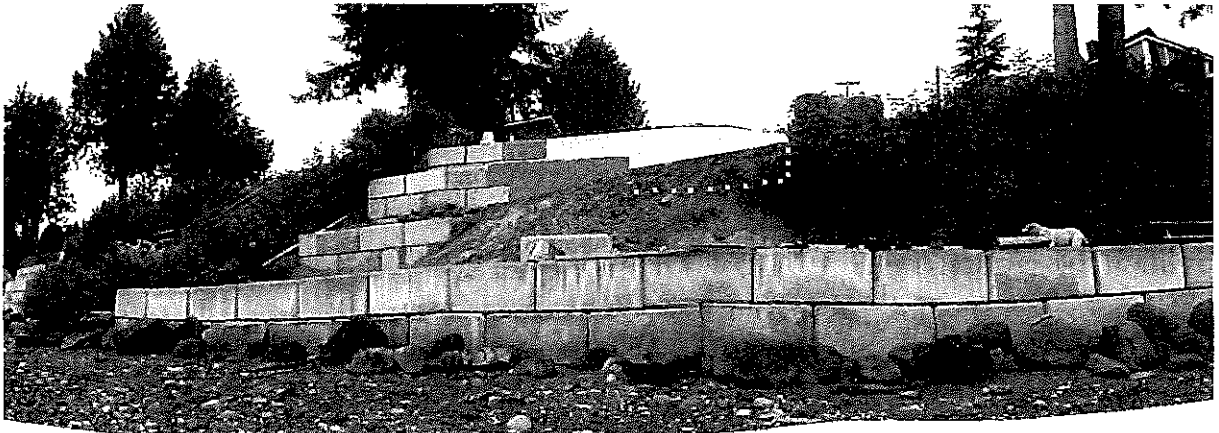
- c. These soils are interpreted to be part of the Vashon Drift soil unit, which are glacial deposits constituting the uppermost drift sheet of the region. These soils are locally commonly known a 'hard pan'. These glacial soils would have been deposited during the most recent period of glaciation, which ended about 14,000 years ago. These soils generally have good strength characteristics and are expected to extend beyond the likely depth of construction.
- d. No groundwater seeps were observed emanating from the soil cut, nor are any expected given the generally impervious nature of the soils.

- e. Each wall is three blocks tall, but the bottom blocks are buried such that the effective height of each wall is two blocks or about 1.5m tall. The upper row of blocks on each wall are 'bench blocks' with an 'L' shaped cross-section while the lower two rows are standard 'full blocks'. Each wall has been constructed vertically (i.e. with no batter).
- f. The three Lock-Block walls are tiered one above the other with about 3m of horizontal stagger between the wall faces, so the stepped configuration of the walls generally matches the gradient of the slope.
- g. We did not attempt to excavate the full depth behind the walls to view the backfill. The contractor has provided photographs taken during construction that show the use of drain-rock as backfill behind the bottom two blocks of each wall, with site soils placed as a surface layer behind the top rows of blocks. The contractor indicated to us that each wall has a 4" diameter PVC perforated drainpipe installed behind the heel of each wall, but no confirmatory photographs were available. If the project proceeds, Ground Control will return to the site to confirm these backfill and drain pipe conditions when they can be exposed during the next phase of excavation (i.e. excavator on site).
- h. On the two lower walls, a horizontal layer of geogrid (Miragrid brand) has been installed between the top and middle rows of blocks, to act as a tieback extending into the backfill about 3m behind the wall face. The geogrid has been oriented incorrectly (max tensile direction placed parallel to wall instead of perpendicular to wall) so its maximum benefit will likely not be realized.
- i. An existing Lock-Block seawall is present along the base of the slope, as shown in the following photo. The seawall is a pre-existing structure that is not part of the current work and assessment. General observation indicates that the seawall is generally stable and functional.



*Site panorama looking inland from the foreshore of Ladysmith harbour, with the existing seawall in the foreground and the three new retaining walls in progress at centre-left of the photo.*

- j. At this point, the retaining wall project is about half-complete. We understand from the client that the middle and upper walls are intended to extend further across the slope, approximately as shown in the edited photo below.



*Proposed continuation of the upper two walls (approximate). Upper wall continuation in yellow, middle wall continuation in red, and lower wall is essentially complete 'as is'.*

- k. We understand that an access path will be constructed down to the seawall from the top of the slope, angling across the slope along the staggered ends of the walls. A drainage pipe will be installed within the path to collect water from the wall drains and discharge it beyond the toe of the slope.

## **7. Conclusions & Recommendations**

### **7.1. General**

- a. From a geotechnical perspective and under the conditions outlined within this report the proposed retaining wall construction is considered safe and geotechnically suitable for the intended use. Detailed discussion and recommendations are provided in the following sections.

### **7.2. Stability Analysis**

- b. We have analyzed the stability of the walls with regard to overturning and sliding failures using standard engineering calculations. Applicable parameters for soil pressures and frictional coefficients were assumed based on typical values for the types of soils we observed on site. Wall properties were determined based on the known dimensions and weight of concrete Lock-Blocks. The beneficial effects of the soil in front of the bottom row of blocks was ignored, as was the use of the geogrid tiebacks.
- c. Both static and seismic conditions were assessed. A peak ground acceleration of 0.22g was selected per published values for Nanaimo for the 1-in-475 year seismic event provided in the January 2, 2007 BC Office of Housing and Construction Standards 'Commentary on Geotechnical Slope Stability (Seismic) Regulation' (there are no published values available for closer communities such as Saltair, Ladysmith, or Chemainus). Half of the peak ground acceleration was used for the seismic assessment per commonly adopted recommendations of the AASHTO LFRD Bridge Design Manual.
- d. Based on this analysis, the subject walls are considered safe (as defined in Section 4).

### **7.3. Continuation of Construction**

- a. It will be generally acceptable for the walls to be completed using the same design and methods employed to date.
- b. Although our analysis shows that the geogrid layer is not necessary to achieve the required level of safety, we concur with its continued use, as an extra measure of security. Placement of the geogrid layer on future construction should be modified to orient the material correctly.

- c. Ground Control should be contacted when construction resumes, so we can return to the site to confirm the backfill and drainage provisions behind the existing walls as discussed earlier in this report. Ensuring the water collected in the drainage system behind each wall is discharged to a suitable location below the slope is also considered an important element of the project and should be field-reviewed by Ground Control. The completed wall system should be reviewed in a final site visit to confirm that the finished construction has achieved the expected safe and suitable configuration.

#### **7.4. Stormwater Management Plan**

- a. Section 20.3.6.(b).3 of Bylaw 2500 requests a stormwater management plan for the development, which includes an assessment of the potential impact of the development on the groundwater resource.
- b. In our opinion, the proposed development will have no significant impact on groundwater resources. Due to the presence of dense and relatively impervious soils, there is expected to be no hydraulic connection or interaction between these surface works and groundwater aquifers (if any) below the site.
- c. Regarding stormwater, the natural pattern of runoff at this site will be the overland flow of any precipitation falling on the slope downhill to the ocean. The installation of the proposed works will not significantly change this basic mechanism, other than beneficially slowing surface flows due to the level areas created by the 'steps' between the walls. Extensive management of stormwater is not considered necessary.
- d. The key issue with regard to stormwater will be the establishment of a strong vegetative cover on all areas of disturbed soil in order to prevent erosion during rainy weather. Erosion will be damaging to the slope, and the discharge of turbid muddy waters to the beach and ocean below the site would likely contravene environmental regulations. As such, re-vegetation should be carried out immediately after construction, and growth established prior to the start of the wet season (mid October). If vegetation is not established by this deadline, it might be necessary to install temporary erosion control products (such as coconut matting, etc.) to cover and protect exposed soils.



#### **7.5. Impacts on Adjacent Properties**

- a. From a geotechnical perspective, the proposed development is not expected to have any significant detrimental effects on neighbouring properties.

#### **8. Acknowledgements**

- a. Ground Control Geotechnical Engineering Ltd. acknowledges that this report may be requested by Approving Officers and Building Inspectors as a precondition the issuance of a development permit or building permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.

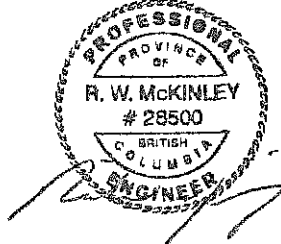
#### **9. Limitations**

- a. The conclusions and recommendations submitted in this report are based upon limited data obtained from surface observations of the site and observations within widely spaced excavations.
- b. The current scope of investigation was selected to provide an assessment of obvious geotechnical hazards. It is impossible to have infinitely detailed knowledge of the site, and undiscovered conditions might exist underground that do not become apparent until later. If a greater degree of certainty is desired by stakeholders in these matters, additional investigations can be carried out.
- c. If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided.

**10. Closure**

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

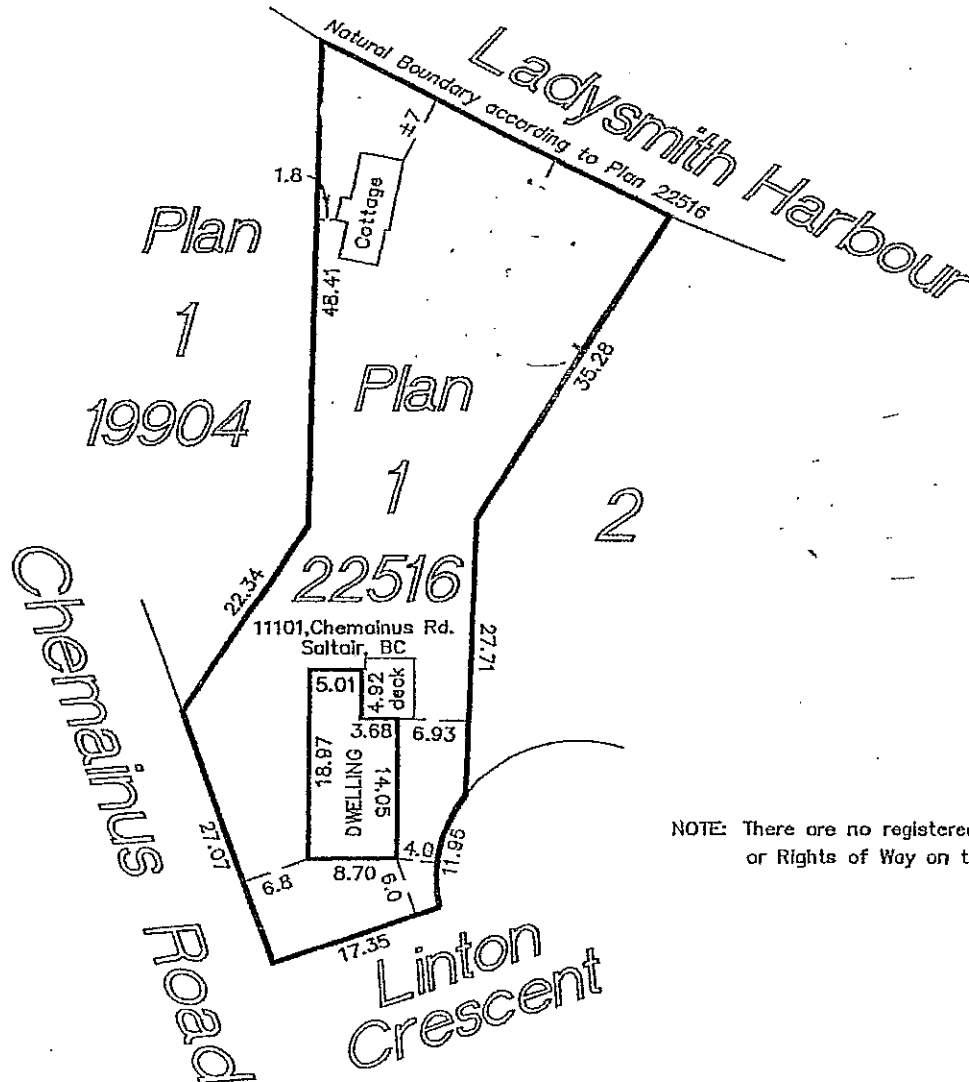
Respectfully Submitted,  
**Ground Control Geotechnical Engineering Ltd.**



Richard McKinley, P. Eng.  
Geotechnical Engineer

B. C. Land Surveyor's Location Certificate covering:-  
Lot 1, District Lot 34,  
Oyster District, Plan 22516.

Scale 1 : 750 - distances in metres



**Mortimer  
Surveying**

ENGINEERING & LAND SURVEYING

4386, Riverside Road,  
Duncan, B.C. - V9L 6M8  
- Telephone : 748-5248 -  
- EMAIL ~ surveyor@telus.net -

File:2003/ChemainusRd.dwg

I hereby certify that the structures located on the above lot lie wholly within the said lot and do not encroach on adjoining lots or roads. The purpose of this plan is for the protection of the original client or mortgagee only and it is not intended for the re-establishment of boundaries and/or property lines.

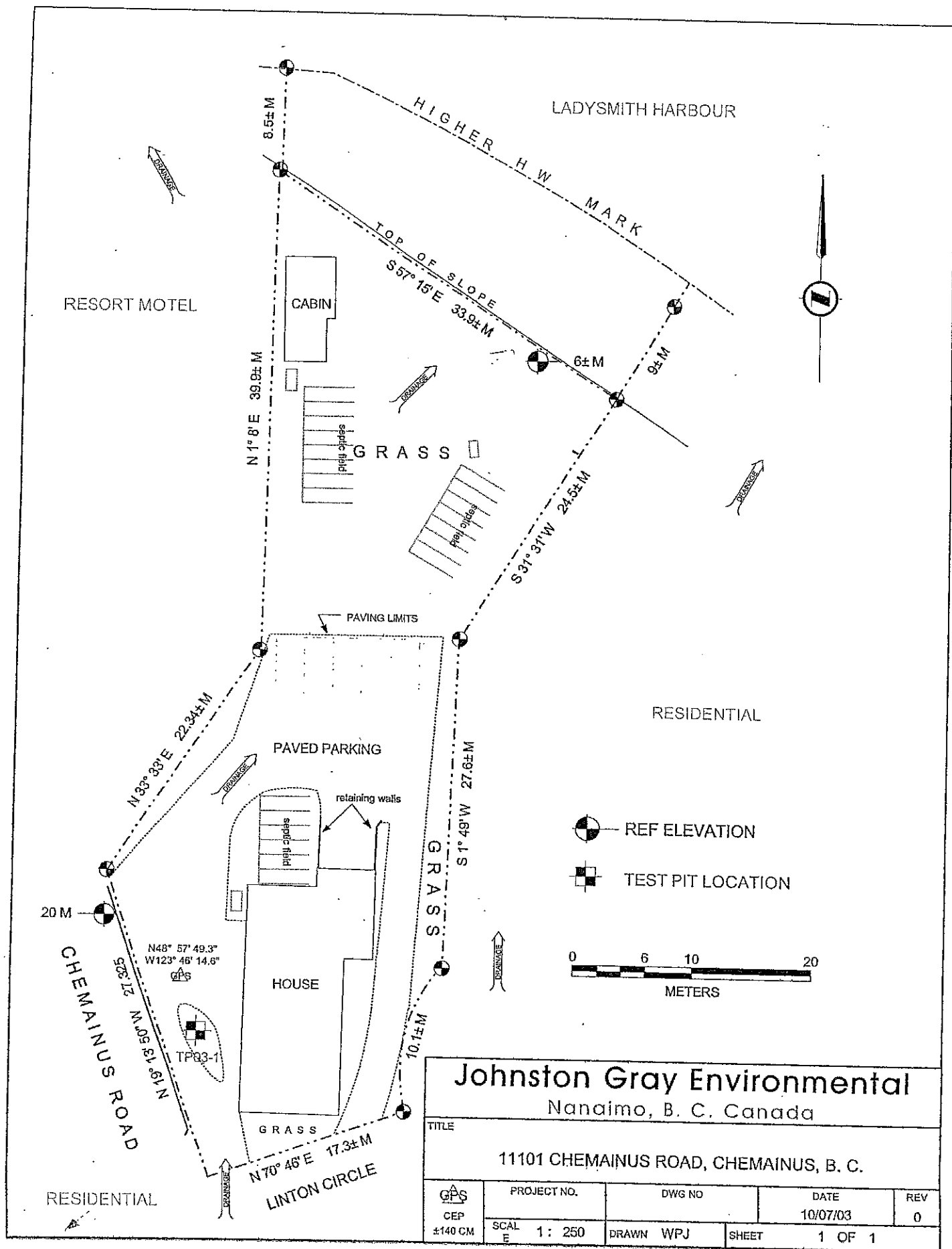
CERTIFIED CORRECT :

Dated this 19th. day of June, 2003

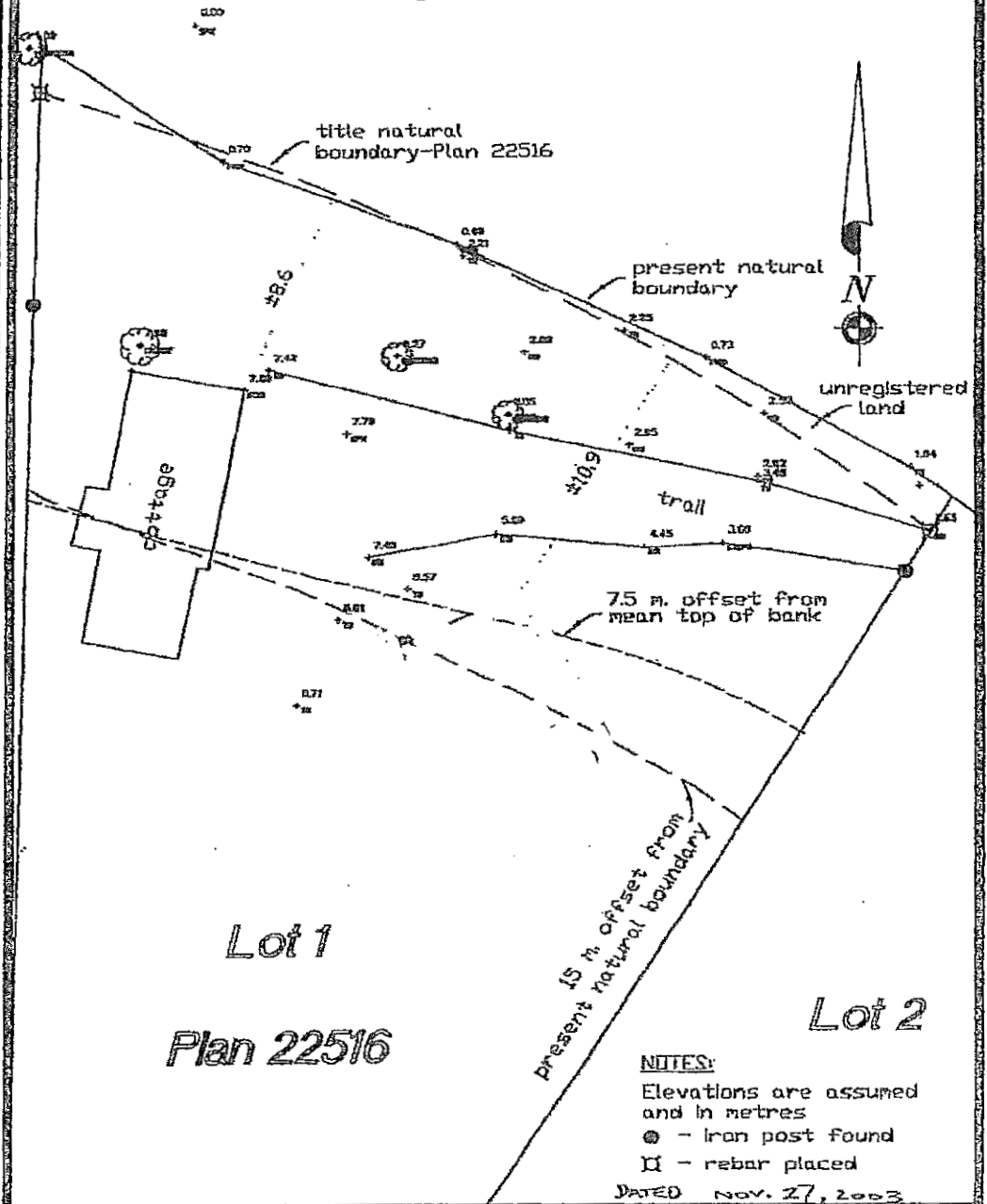
*Kan Mortimer*

© - RICHARD A. H. MORTIMER, B. C. Land Surveyor

- THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED -



# Ladysmith Harbour



## NOTES:

Elevations are assumed and in metres

● - iron post found

□ - rebar placed

DATED Nov. 27, 2003

**Mortimer  
Surveying**

ENGINEERING & LAND SURVEYING  
4386, Riverside Road,  
Duncan, B.C. - V9L 6M8  
- Telephone : 742-5240 -  
- EMAIL : survey@telusnet -

File:2003/Linton Cresc.dwg

Sketch Plan covering:

**Lot 1, District Lot 34,  
Oyster District, Plan 22516.**

Scale 1:200 - distances in metres

**LANDSCAPE DESIGN**  
**11101 CHEMAINUS ROAD**

**LEGEND**



IVY / OR FLOWERING VINES - to be planted 8-12" apart


DWARF JAPANESE MAPLES -to be planted 4 – 6 ' apart

PERIWINKLE - to be planted 2 ' apart

CLUSTERS OF LOW GROWING SHRUBS/ PLANTS

Eg: red hot pokers, alyssum, saponaria, azalea, junipers

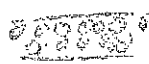
- to be planted in combinations of 3 - and planted 1 – 2 ' apart



BOXWOOD - plant 2 – 3' apart



CLUSTERS OF FERNS, JUNIPERS - plant 1 – 2' apart



CRUSHED SPLIT FOR PATHWAY

**DENSITY**

1<sup>ST</sup> LEVEL approx 12' long

Consisting of 12 ivy

2 clusters = 6 plants

1 dwarf Japanese maple

2<sup>ND</sup> LEVEL

Consisting of 18 ivy

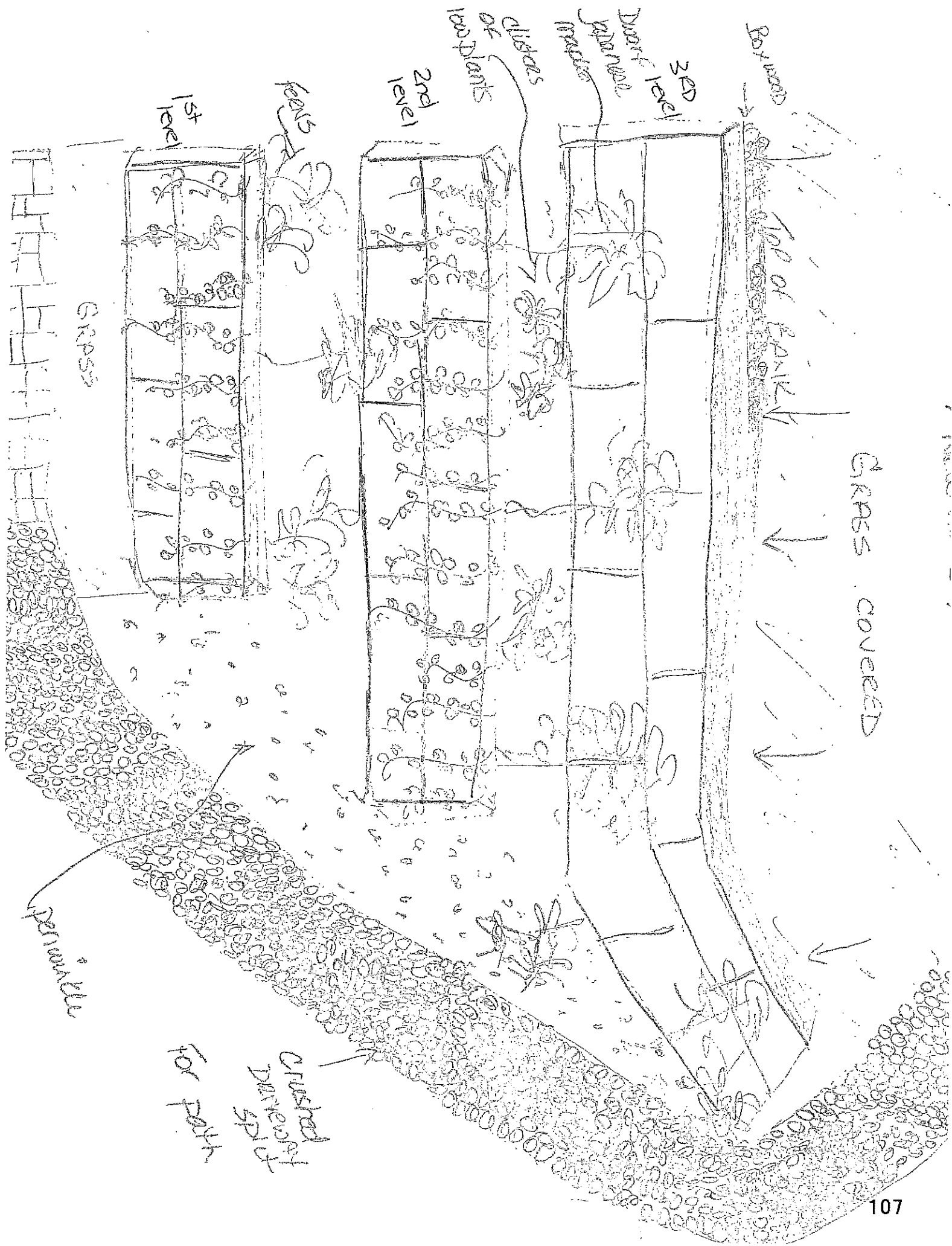
3 clusters = 9 plants

4 Dwarf Japanese maple

3<sup>rd</sup> LEVEL

GRASS COVERED TO EDGE

This plan is subject to change because we are planning to build a home on the property within the next year or 2



## **SECTION 20.3 – OCEAN SHORELINE DEVELOPMENT PERMIT AREA**

### **20.3.1 CATEGORY**

The **Ocean Shoreline Development Permit Area** is designated pursuant to Section 919(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

### **20.3.2 AREA OF APPLICATION**

The **Ocean Shoreline Development Permit Area** applies to all parcels with frontage on the ocean shoreline, as shown on **Map 9: Ocean Shoreline Development Permit Area Map**.

### **20.3.3 JUSTIFICATION**

Pursuant to Section 919 of the *Local Government Act*, the **Ocean Shoreline Development Permit Area** is established to address the following:

- (a) There are over 140 parcels fronting on the ocean shoreline in Saltair. The cumulative impact of careless development on these parcels would have a detrimental impact on the sensitive ocean shoreline.
- (b) Davis Lagoon consists of an accretion beach, sheltered marshlands and surrounding uplands that support a diversity of plant and animal life and should be maintained for such purposes. The lagoon acts as a valuable staging area for waterfowl and birds. Salmon use it to enter Stocking Creek, and the freshwater it discharges into Ladysmith Harbour supports some productive oyster beds. This is an area of high biotic capability that should be protected. It is one of the few remaining lagoons on southeastern Vancouver Island.
- (c) An aquatic buffer, or riparian zone, consisting of natural vegetation, rocks, trees, or fallen trees can help protect land by protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff (further information can be obtained at the CVRD Development Services Department).
- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of imperviousness (for further information, contact the Development Services Department).
- (e) While many oceanfront parcels in Saltair have already developed extensive hard surfaces and clearings in close proximity to the shoreline, there is increasing evidence that buffer areas are critical in protecting natural values, even where existing development does not allow them to be as wide as a conventional 30 to 100 metre strip.
- (f) Parcels along the shoreline of Saltair slope down to the ocean. They require special attention because they are on the receiving end of drainage and seepage from uphill and may have wetter soils which are more easily compacted and damaged than upland soils. They have the tendency to erode because of both slope and the action of water and wind over exposed stretches of water.



- (g) Surface water is quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), driveway runoff, and lawn and garden pesticides. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean. Conversely, hard surfaces and reduced vegetation increase runoff and erosion potential and decrease absorption by the soil.
- (h) On a property with substantial native vegetation, the use of fertilizers and pesticides can be avoided, as these substances are not required to grow native plants.
- (i) The marine foreshore bluffs in Saltair consist of steep slopes and complex topography generally unsuitable for urban development. The bluffs have been created by wave action eroding away at the glacial material of the backshore. There is limited beach material protecting the bluffs. The bluff and foreshore is low in gravel and high in silt and clay. Particularly when vegetation is removed at the edge of bank, it is susceptible to further wave action which may result in land slippage, sloughing or soil creep. The placement of buildings and structures and the clearing of vegetation near the edge of the Saltair Bluffs could increase the rate of erosion and add to the risk of land slides.

#### **20.3.4 GUIDELINES**

Within the **Ocean Shoreline Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) Trees and shrubs in the riparian buffer area should be carefully pruned, where necessary to enhance views, rather than removed;
- (b) Roads and driveways should be located as far as possible from the edge of a bluff or from the ocean shoreline, so as to keep sand, gravel, leach oils and fuels, and road salt out of runoff. Driveways should be angled across the hill's gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water;
- (c) Footpaths to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation;
- (d) Site preparation should be carried out in a manner which minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained;

- (e) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (f) Public access along the marine waterfront is important to Saltair residents and should not be affected by any obstructions;
- (g) Retaining walls along the marine shoreline will be limited to areas above the high water mark, and to areas of active erosion, rather than along the entire shoreline frontage. Backfilling behind the wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank;
- (h) Where possible, steep, bare slopes should be cut back, and soft erosion control methods should be used. In cases where hard armouring, such as using solid concrete or heavy rocks or rock in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly;
- (i) Retaining walls along the marine shoreline should be faced with natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption;
- (j) Deep rooted vegetation should be planted along the retaining wall on the steps or along the top, to help filter runoff before it enters the beach;
- (k) Retaining walls or sea walls should not utilize unsightly construction debris like broken concrete, blocks or bricks;
- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height;
- (m) The latest Best Management Practices for land development of the Ministry of Water Land and Air Protection and Fisheries and Oceans Canada, should be respected.

### **20.3.5 EXEMPTIONS**

The following will be exempted from the requirement of obtaining a development permit in the **Ocean Shoreline Development Permit Area**:


- (a) Retaining walls that are more than 2 metres from the high tide mark, and are under 0.7 metres in height;
- (b) Buildings and structures located more than 30 metres from the high water mark of the ocean;
- (c) Removal of hazardous trees;
- (d) Interior renovations and minor exterior renovations of existing buildings.

### **20.3.6 APPLICATION REQUIREMENTS**

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Ocean Shoreline Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
1. a written description of the proposed project;
  2. reports or information as listed in the relevant Development Permit Guidelines;
  3. information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of ocean high tide mark;
    - location of other watercourses;
    - topographical contours;
    - location of slopes exceeding 25 percent grade;
    - location of lands subject to periodic flooding;
    - percentage of existing and proposed impervious surfaces;
    - existing tree cover and proposed areas to be cleared;
    - areas of known sensitive or rare native plant communities;
    - existing and proposed buildings;
    - existing and proposed property parcel lines;
    - existing and proposed roads, vehicular access points, driveways, and parking areas;
    - existing and proposed trails;
    - existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
    - existing and proposed erosion mitigation and bank alterations;
    - existing and proposed septic tanks, treatment systems and fields;
    - existing and proposed water lines and well sites;
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
  2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
  3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
- (c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.

# Map 9 Ocean Shoreline DPA

Stuart Channel

 Ocean Shoreline DPA

Saltair

Electoral Area G

Trans-Canada Highway

Town of Ladysmith

Electoral Area G

0 100 200 300 400 500 Meters



Municipality of North Cowichan



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 6-G-10 DP DRAFT

DATE: September X<sup>th</sup>, 2010

TO: SUE PERREY

ADDRESS: 346 MORGAN ROAD

LADYSMITH, BC V9G 1W6

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):  
*Lot 1, District Lot 34, Oyster District, Plan 22516 (PID: 003-251-756)*
3. Authorization is hereby given for to legitimize and finish construction of a retaining wall and landscape the area atop the retaining wall in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
  - 1) Compliance with the recommendations noted in the June 26<sup>th</sup>, 2010 report by Ground Control Geotechnical Engineering Ltd.
  - 2) Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded upon completion of the attached landscaping plan.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule are attached:  
Schedule 1 - Landscape Plan  
Schedule 2 - Ground Control Geotechnical Engineering Ltd. Report dated June 26<sup>th</sup>, 2010.

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 XXth DAY OF SEPTEMBER, 2010.

---

Tom Anderson, MCIP  
Manager, Development Services

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



D 7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** September 1, 2010

**FILE No.** 1-D-10DP

**FROM:** Jill Collinson, Planning Technician  
Planning and Development Department

**SUBJECT:** Development Permit Application No. 1-D-10DP  
(Lew Penney for the Cowichan Wooden Boat Society)

---

**Recommendation:**

That application 1-D-10DP be approved, and that a development permit be issued to the Cowichan Wooden Boat Society for District Lots 173 and 2063 (1761 Cowichan Bay Road) to allow for construction of an addition to the Cowichan Bay Maritime Centre.

**Purpose:**

To obtain a Development Permit in order to permit the construction of additional workshop space, display area and wheelchair accessible washroom facilities

**Background:**

Location of Subject Property: 1761 Cowichan Bay Road

Legal Description: District Lot 173 & 2063, Cowichan District

Owner: Province of BC (Lease No. 113299)

Applicant: Lew Penney, President, Cowichan Wooden Boat Society

Size of Parcel: 0.45 hectares (water lease area)

Contaminated Sites Profile Received: Declaration pursuant to the *Waste Management Act* signed by applicant. Schedule 2 activity noted. Forwarded to the Ministry of Environment for consideration on June 28, 2010. Entered into the Ministry of Environment's Site Register in July of 2010.

Existing Zoning: W-3 (Water Marina)

Minimum Lot Size Under Existing Zoning: 1100 sq. metres

Existing Plan Designation: Commercial

Existing Use of Property: Cowichan Wooden Boat Society

Existing Use of Surrounding Properties:

North: Cowichan Bay  
 South: Cowichan Bay Road & Residential  
 East: Rock Cock Cafe  
 West: Bluenose Marina

Services:

Road Access: Cowichan Bay Road  
Water: Cowichan Bay community water system  
Sewage Disposal: Cowichan Bay community sewer system

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: None identified within the CVRD Environmental Planning Atlas; however, the property is located within the Cowichan Bay Village Development Permit Area, which was established in part to protect the marine environment.

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

**The Proposal:**

The subject property is located off Cowichan Bay Road within the core of Cowichan Bay Village. It contains the Cowichan Wooden Boat Society museum, workshop, office and associated docks.

Recently, the Cowichan Wooden Boat Society (CWBS) secured funding to allow for expansion of their facility. As a result, CWBS has applied for a development permit as they are proposing to make improvements to the existing facility by constructing a  $\pm 1500$  sq.ft addition in the southern portion of the property. This addition will allow for 900 ft<sup>2</sup> of display area, 400 ft<sup>2</sup> of overlooking mezzanine, and +200 ft<sup>2</sup> of washroom space. Incorporated into the new space will be a library, administration office, meeting room and wheelchair accessible washrooms. The proposed addition will be constructed in compliance with bylaw regulations outlined in the W-3 zoning. Note that the museum, office and retail function, of which this addition will be part of if approved, is viewed as an accessory use to permitted use (5) *Boat repair, boat shed or boat shelter, boat building* of the W-3 (Water Marina) zone.

The subject property is located within the area regulated by the Cowichan Estuary Environmental Management Plan (CEEMP). Proposals that involve new additions, structures or buildings, that would further shade the foreshore or intertidal area of the Bay, are referred to the Cowichan Estuary Environmental Management Committee (CEEMC) for review. As the proposed addition to the Cowichan Bay Maritime Museum does not result in additional shade to the foreshore or intertidal area of Cowichan Bay, it was not forwarded to CEEMC.



### **Planning Division Comments:**

A development permit is required prior to proceeding with this proposal, as the subject property is located within the Cowichan Bay Village Development Permit Area (DPA), as specified within Official Settlement Plan Bylaw No. 925. The Cowichan Bay DPA was created to protect the marine environment from damage and natural hazard, to ensure compatibility of new development with the existing character of the village, to strengthen the village core as the commercial focal point of Cowichan Bay, and to help realize the full potential of the village from a heritage, economic, touristic, cultural and architectural perspective. Thus, all proposed construction, subdivision, and alteration of land, unless specifically exempted, must obtain a development permit that conforms to the specified Guidelines prior to the commencement of said activities.

### **Guidelines**

#### *Environmental Protection*

The addition onto the building is approximately 1500 ft<sup>2</sup>. As there is an existing covered roofed area (housing a display boat at this location), impact from storm flow run-off is minimal. The site is primarily built-out, thus there is no vegetation being removed, though the applicant will be adding additional planter boxes to the site. This proposal does not shade the Bay and will not be referred to the Cowichan Estuary Environmental Management Committee, as the area of construction is adjacent to Cowichan Bay Road, well back from the foreshore/intertidal area. The applicant is aware they must following necessary best management practices pertaining to the development.

#### *Architecture and Urban Design*

Building design for the proposed addition emulates houseboat style architecture, similar to what is currently existing on site and will be built in compliance with current zoning regulations (see attached photos and proposal sketch).

The proposed exterior of the building includes rough cedar cladding, green metal roofing and rustic west coast elements. Attached is an artist site rendition, as well as a more specific building design from the contractor.

As there are no parcel line setbacks attributed in the W-3 zone, the building will be a minimum of 4.5 meters from Cowichan Bay Road and built to a maximum 7.5 metres in height.

#### *Pedestrian Access*

As the area for proposed addition is currently a covered over area of the museum, there is no impact on pedestrian access on the site. The Museum is considered to be a public place and pedestrian access is encouraged. A portion of the existing museum space is occasionally roped-off when boat building activities are occurring for public safety reasons.

There are washrooms currently on site that are being remodeled and made wheelchair accessible during the proposed addition process. These are washrooms that the Maritime Museum/ CWBS open for public use during business hours.

Along the roadway, directly adjacent to the construction site, is approximately 4.5 metres of space allowing for a safe pedestrian route past the site.

*Signage*

There is an existing sign on site that will remain, however the location will change as it is currently in the location of the proposed addition.

*Building Materials*

The existing building is timber frame construction with a cedar finish. The proposed new addition will be on a reinforced floating slab foundation with concrete block work providing a firewall between adjacent properties. Pine and fir wood detail will be used on the interior of the building. The exterior of the building will be red cedar board and batten with a natural finish. Metal roofing will also be incorporated. Attached is a list, provided by the applicant, outlining information about the building materials.

*Lighting*

No additional lighting is proposed. Existing on site are multiple lights affixed to the side of the building. The area of the proposed addition currently uses two existing street lamps to illuminate the parking area and exterior of the building. It should be noted that the Maritime Museum is not open past dusk.

*Landscaping*

Currently there are wooden decorative planter boxes on site, providing landscaping at the front of the existing building. The applicant is proposing to continue with the planter boxes, incorporating local native, easy care plants.

*Vehicular Access*

There is no proposed change to vehicular access or circulation on site.

*Wiring*

Wiring to the new addition will be underground.

*Parking*

There is no change in the parking layout on site. Currently there are 7 spots available on Museum property and there is space for approximately 5 – 6 more vehicles in the road right-of-way. CVRD Parking Bylaw No. 1001 does not have a ‘Museum’ classification stipulating an obligatory number of parking spaces, thus parking requirements for the proposed expansion are difficult to determine. The overall use of the building has not changed, though the footprint in which the activity occurs will be expanding. No additional parking spots are proposed with this application.

**Advisory Planning Comments:**

The Electoral Area D Advisory Planning Commission met on July 21<sup>st</sup>, 2010 and they discussed this application at that time. Their main points of discussion were setbacks, parking and pedestrian safety. They submitted to us the following recommendation:

*The proposal is to be accepted as is, with a recommendation that the Society continue to encourage public use of the facility.*

**Additional Staff Comments:**

The Cowichan Wood Boat Society has secured funding via a grant for economic development of the community. This grant stipulates that funds must be spent towards capital costs of new construction and must use local trades' people. CWBS, in conjunction with the Maritime Museum, provides a public entity that is used by locals and tourists alike.

The objectives of the Cowichan Village DPA are to *i)* ensure development is compatible with existing, *ii)* strengthen the village harbor as a commercial focal point, *iii)* realize the heritage, economic, touristic, cultural and architectural potential of the area, and *iv)* ensure development is environmentally aware.

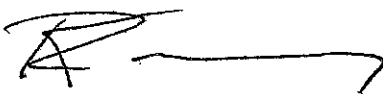
Staff is supportive of the proposal for a  $\pm 1500$ sq.ft. addition to the Maritime Centre as the applicant has satisfied the applicable guidelines outlined in the Cowichan Bay Village Development Permit Area

**Options:**

1. That application 1-D-10DP be approved, and that a development permit be issued to the Cowichan Wooden Boat Society for District Lots 173 and 2063 (1761 Cowichan Bay Road) to allow for construction of an addition to the Cowichan Bay Maritime Centre.
2. That application 1-D-10DP be revised.

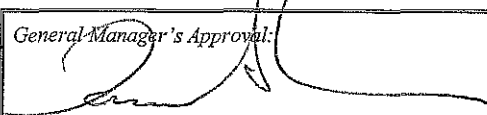
Option 1 is recommended.

Submitted by,



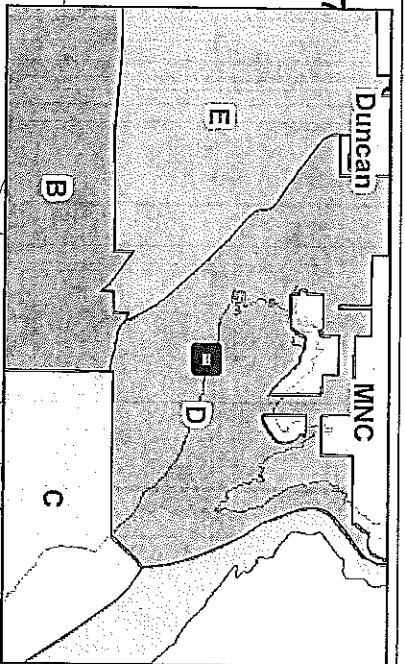
For: Jill Collinson,  
Planning Technician  
Development Services Division  
Planning and Development Department

JC/ca  
Attachments

<p>General Manager's Approval:</p>  <p>Signature</p>
--

LOTS 162, 171, 173

**SUBJECT PROPERTY**



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

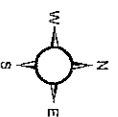
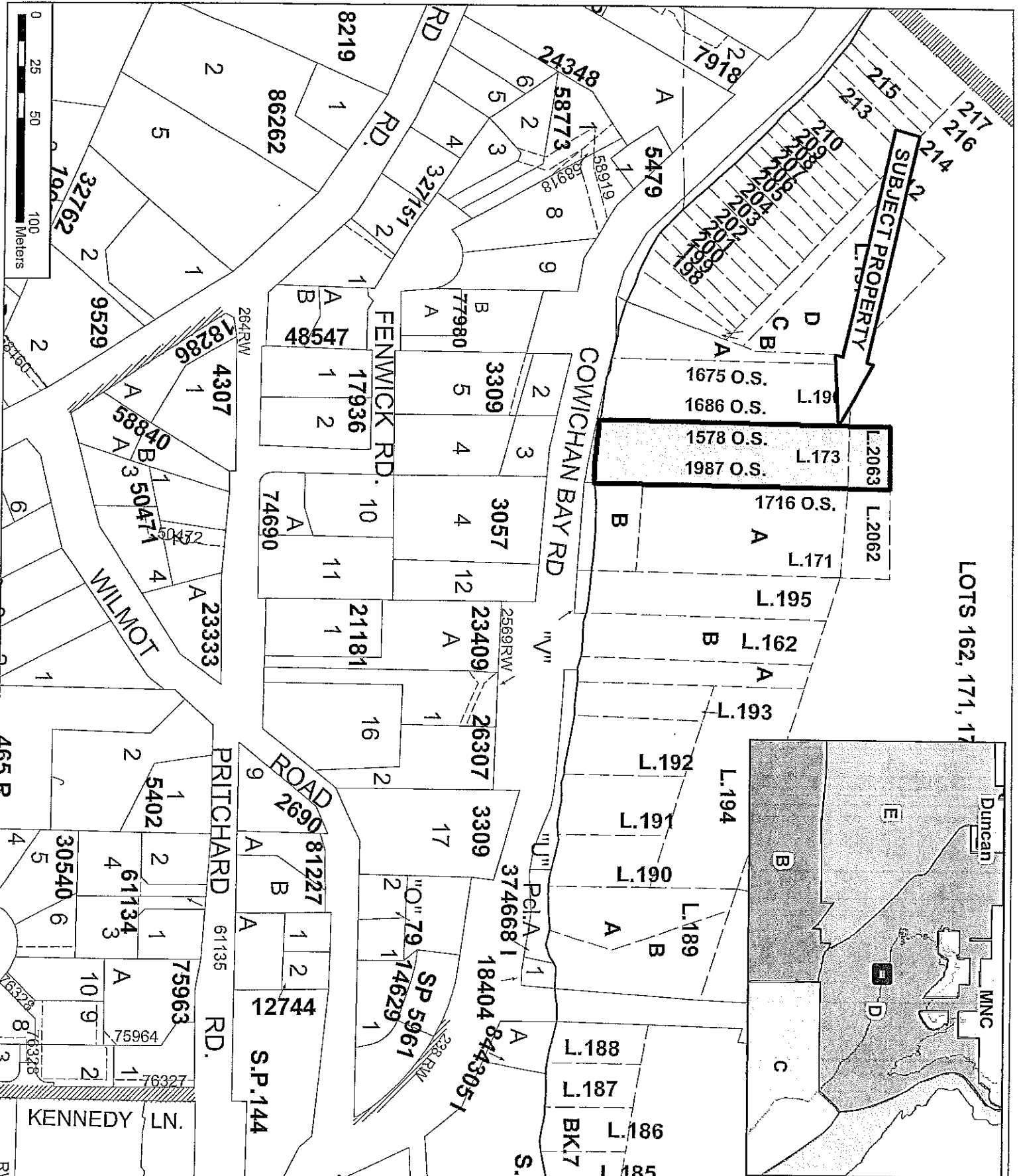
The Regional District does not warrant the accuracy.

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.

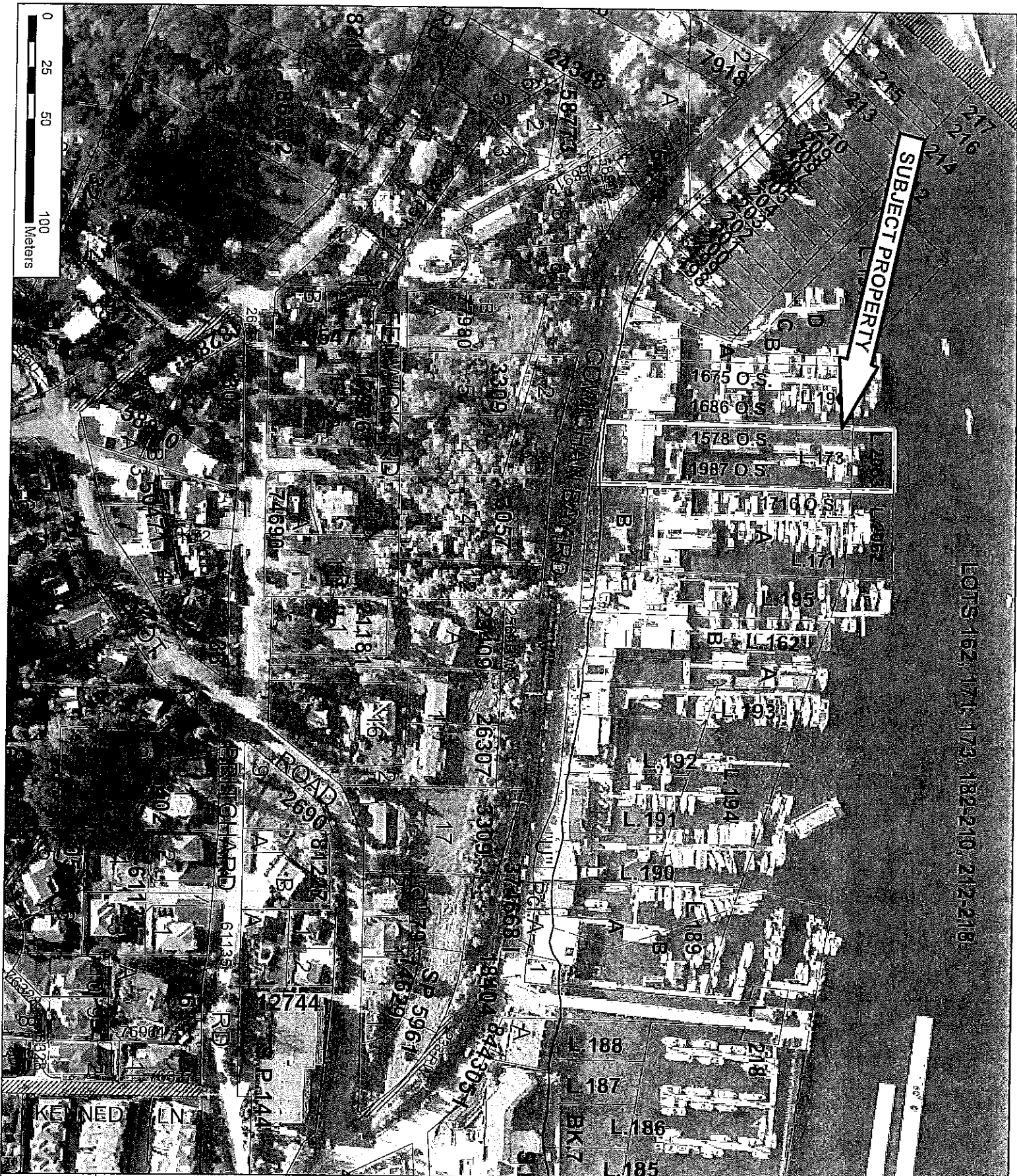
**FILE: 1-D-10-DP**

**Legend**  
Subject Property



LOTS 162, 171, 173, 182-210, 212-218

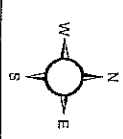
**SUBJECT PROPERTY**



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 contemplated for convenience purposes only and that boundaries are representational. The original Bylaws should be consulted for purposes of interpretation and application of the Bylaws.

**FILE: 1-D-10-DP**

**Orthophoto (2004)**







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

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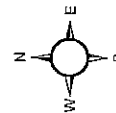
**FILE: 1-D-10-DP**

**DPA**

**Legend**



Subject Property



LOTS 162, 171, 173, 182-210, 212-218,

OTHER DPA

RIPARIAN AREAS REGULATION DPA



## 13.4 COWICHAN BAY VILLAGE DEVELOPMENT PERMIT AREA

### 13.4.1 CATEGORY

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

### 13.4.2 COWICHAN ESTUARY ENVIRONMENTAL MANAGEMENT PLAN (CEEMP)

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

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

### 13.4.3 JUSTIFICATION

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

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

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

#### 13.4.4 APPLICATION

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

#### 13.4.5 EXEMPTIONS

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

#### 13.4.6 GUIDELINES

##### Environmental Protection

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



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

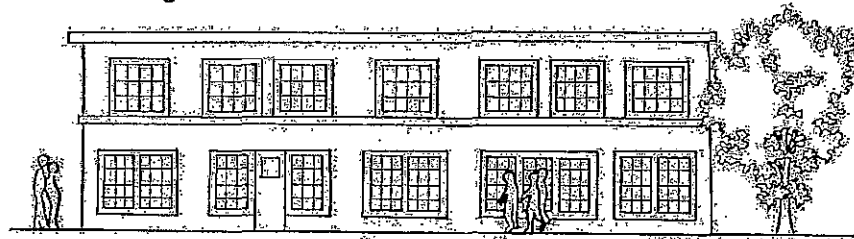
- (b) Discharges of material that could potentially damage water quality are prohibited.
- (c) Proposals involving new additions, structures or buildings that would shade more of the foreshore or intertidal area of the Bay will be referred to the Cowichan Estuary Environmental Management Committee (CEEMC)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

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

#### Architecture and Urban Design

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

Figure 4.1: COMMERCIAL WAREHOUSE STYLE



Human Scale -- One to Two Story

Access to and around commercial buildings on two or three sides is preferable.

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

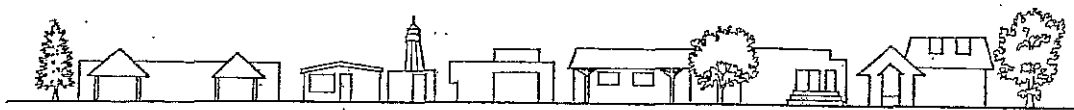
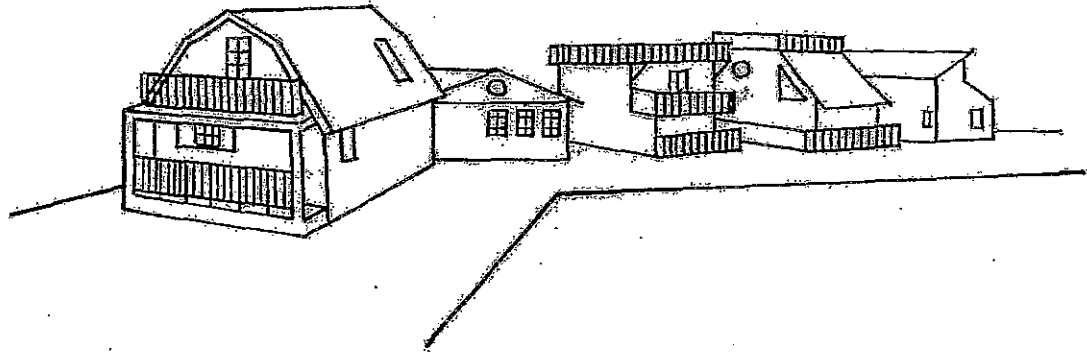


Figure 4.2: COMMERCIAL ROOF LINES AND FACADES

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

Figure 4.3: HOUSEBOAT STYLE



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

#### Pedestrian Areas

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

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

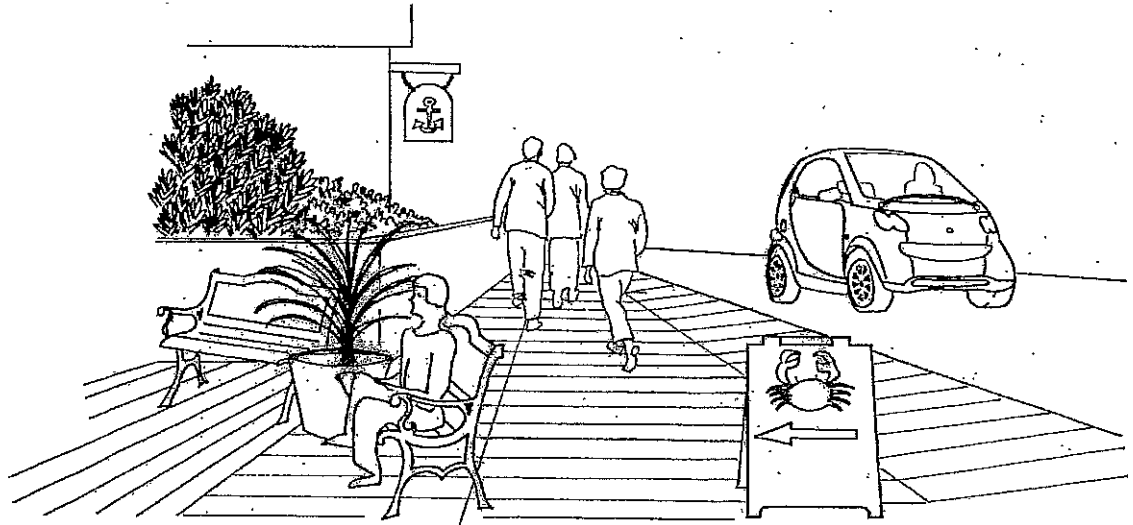


Figure 4.4: PEDESTRIAN AREAS.

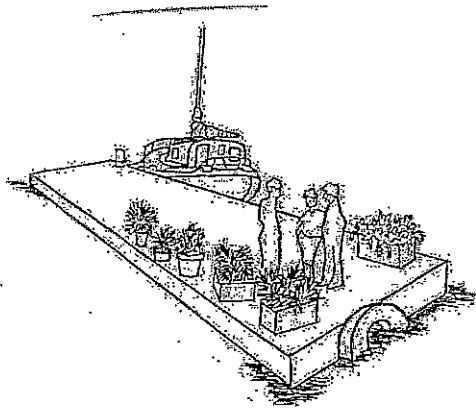
Boardwalks shall be used to differentiate pedestrian areas from vehicular areas.

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

Seating shall be encouraged at viewpoints into the Bay.

Signboards, handcrafted signage.

Floating public and private dock gardens shall be encouraged



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

### Signs

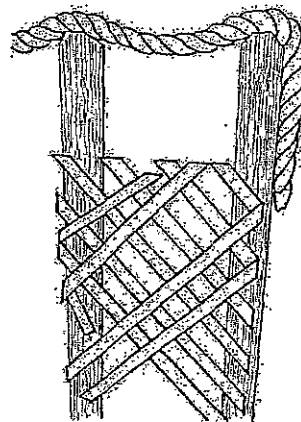
- (r) Signs should be designed to reflect the rustic and vernacular seaside architecture of Cowichan Bay village and be in harmony with the landscaping plans for the site, but shall be limited in height and area, commensurate with the site characteristics. If multiple signs are required, they should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

### Materials

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

Figure 4.5: Materials

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



### Lighting

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

### Landscaping

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

### Vehicular Access

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

### Underground Wiring

- (z) Underground wiring is encouraged.

### Parking

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

#### 13.4.7 APPLICATION REQUIREMENTS

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

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



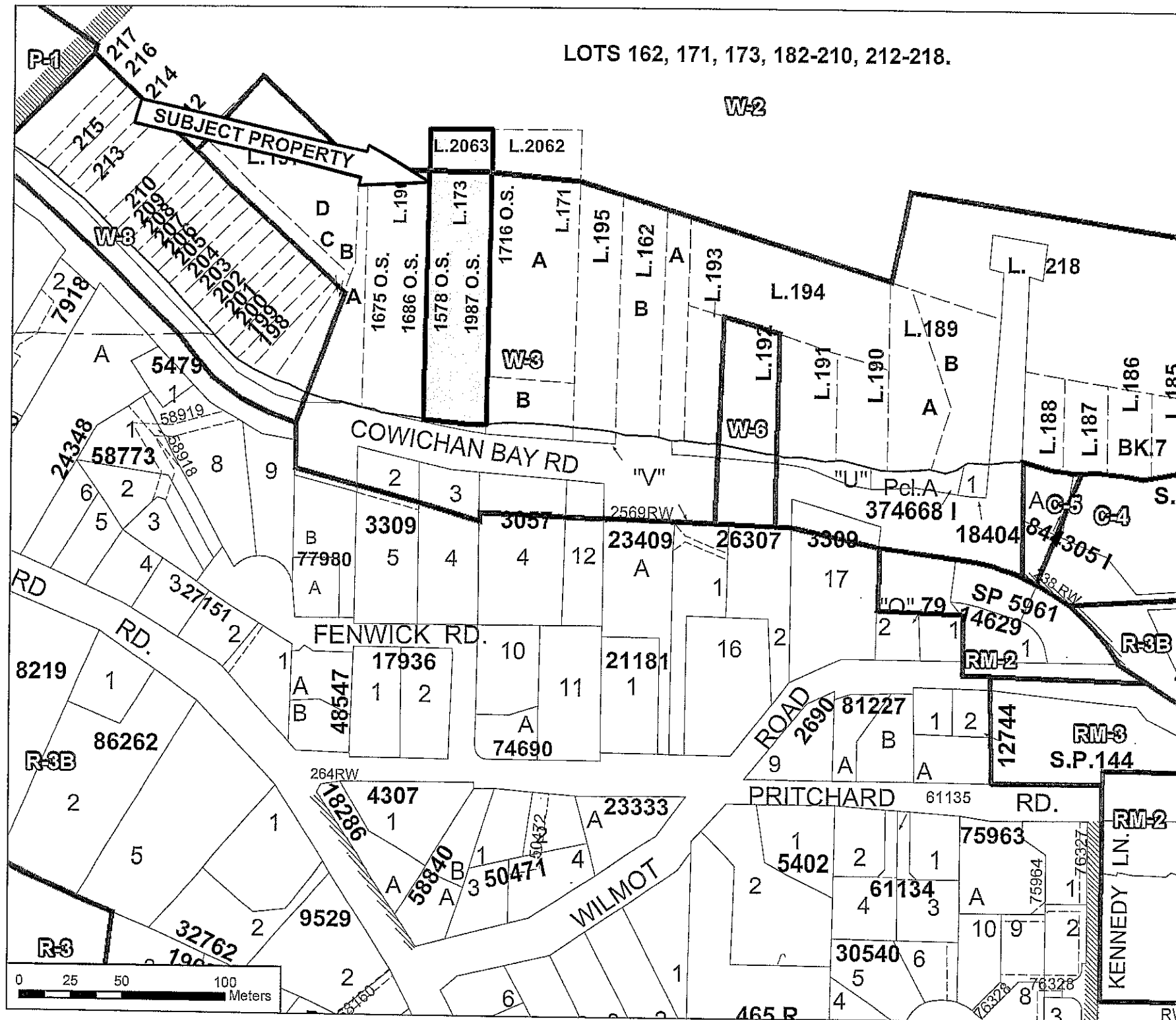
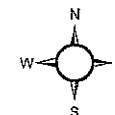


**W-2**

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

## ZONING

Subject Property  
Zoning Electoral Area D



### 12.3 W-3 ZONE - WATER MARINA

(a) The following uses and no others are permitted in a W-3 Zone:

- (1) any use permitted in the W-2 zone;
- (2) sales and rentals of boats and sporting equipment;
- (3) marina;
- (4) yacht club;
- (5) boat repair, boat shed or boat shelter; boat building;
- (6) moorage facilities for water taxi, ferry, fishing boats, float planes or similar commercial use;
- (7) tourist accommodation, restaurant, cafe, take-out service;
- (8) marina fueling station and storage of petroleum products up to a 23,000 litre capacity;
- (9) slips, docks, breakwaters, ramps, dolphins and piling necessary for the establishment and/or maintenance of the principal uses permitted in Section 12.3(a)(1) to (8);
- (10) offices and retail sales accessory to a principal use permitted in Section 12.3(a)(1) to (8); and
- (11) one single family residential dwelling accessory to a use permitted in Section 12.3(a) 1 to 8, up to a maximum of two per parcel.

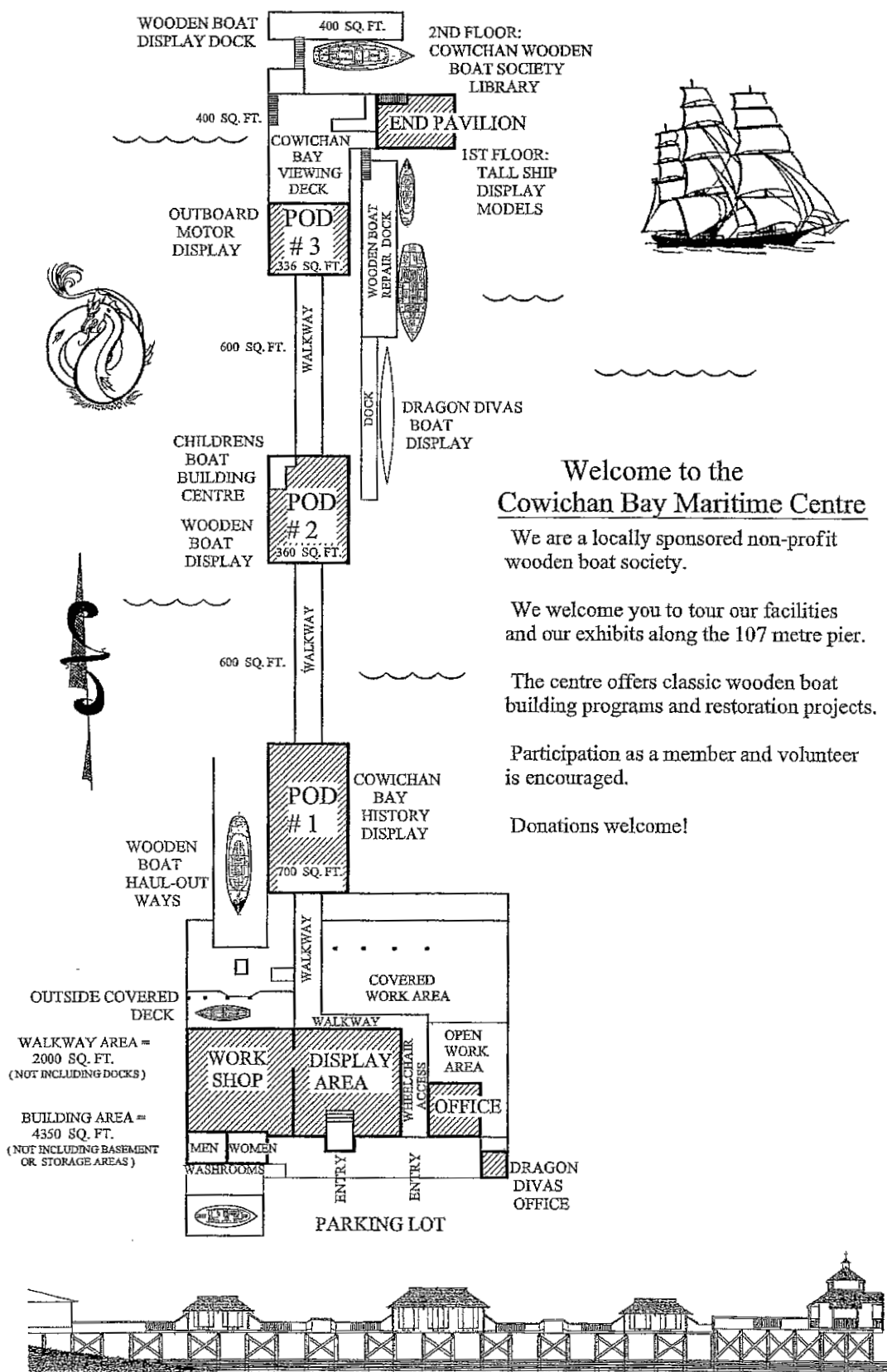
(b) Conditions of Use

For any parcel in the W-3 Zone, the following regulations shall apply:

- (1) buildings shall not exceed 7.5 metres in height;
- (2) Any dock facilities in association with a marina shall:
  - (a) possess at least one sewage pump-out that is permanently connected to the Cowichan Bay Community Sewer System, along with a system for ensuring that moored boats with head facilities only use that pump-out; or
  - (b) if not equipped with a sewage pump-out, submit a detailed sewage management plan in report format to the CVRD for approval by the Development Services and Engineering Services departments. This report will indicate that contracts are in place with owners of a sewage pump-out for effluent disposal, and further, will describe the methods by which the boats' sewage will be regularly collected and transferred.



# COWICHAN BAY MARITIME CENTRE



## Welcome to the Cowichan Bay Maritime Centre

We are a locally sponsored non-profit wooden boat society.

We welcome you to tour our facilities and our exhibits along the 107 metre pier.

The centre offers classic wooden boat building programs and restoration projects.

Participation as a member and volunteer is encouraged.

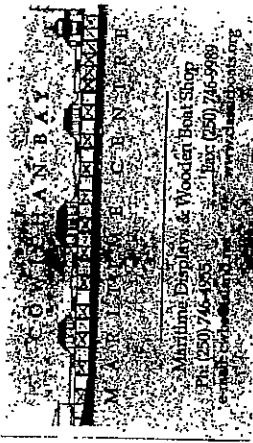
Donations welcome!

1761 COWICHAN BAY RD. BOX 22 COWICHAN BAY BRITISH COLUMBIA V0R 1N0

email: cwbs@island.net

phone/fax 250-746-4955

www.classicboats.org



LEASE EXTENSION  
FILE # 1404563

4.5M x 15M CONCRETE FLOAT  
AND ACCESS RAMP

N

SCALE 1:500

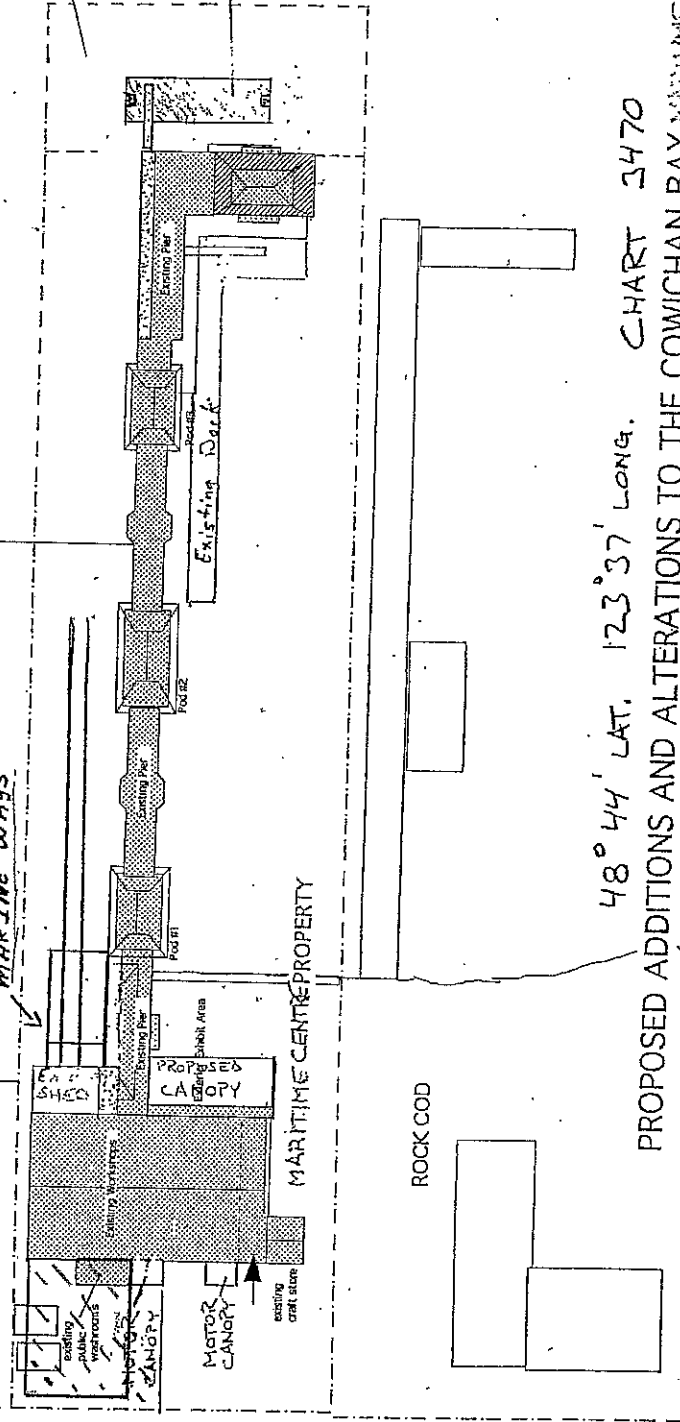
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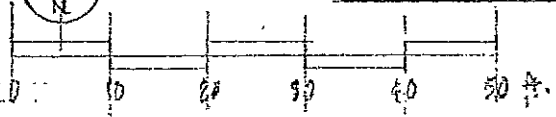
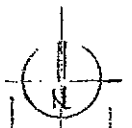
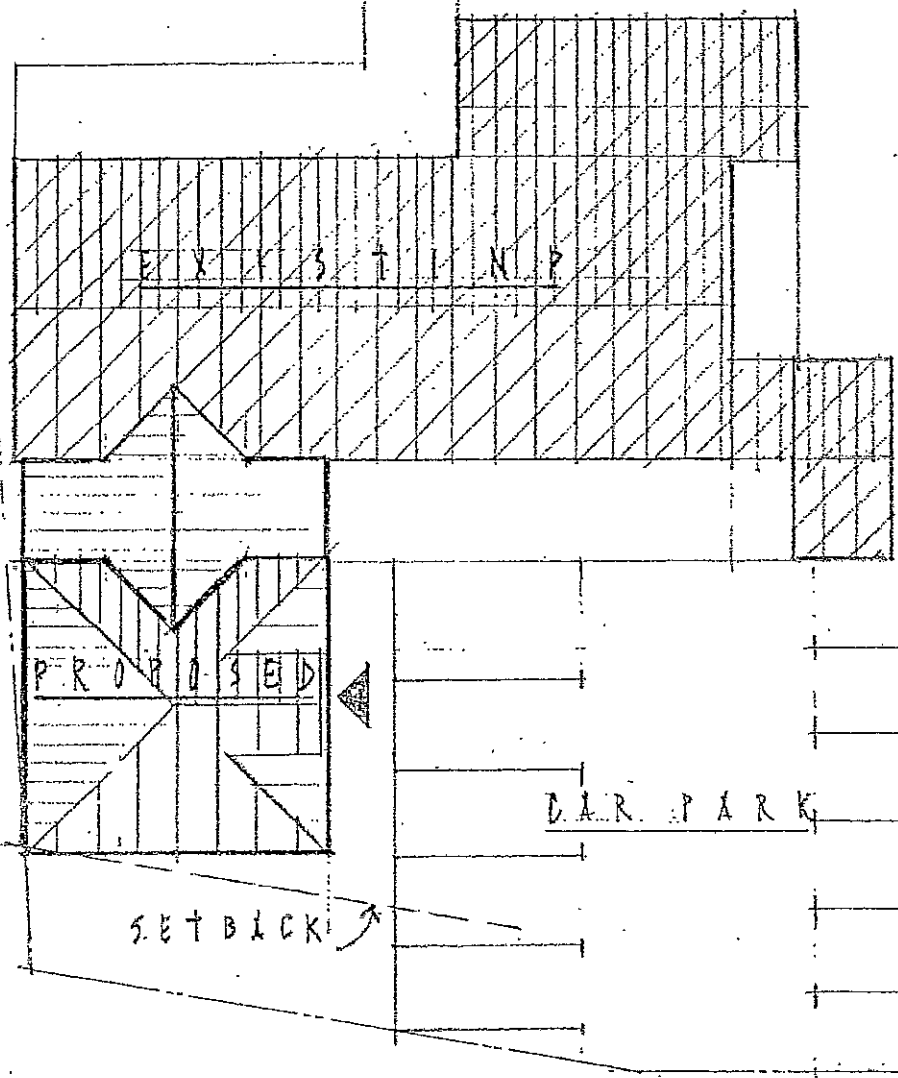
PROPOSED ADDITIONS AND ALTERATIONS TO THE COWICHAN BAY MARITIME CENTRE PIER

MARINE WAYS

BLUE NOSE

Proposed:  
New building  
Replace existing  
washrooms

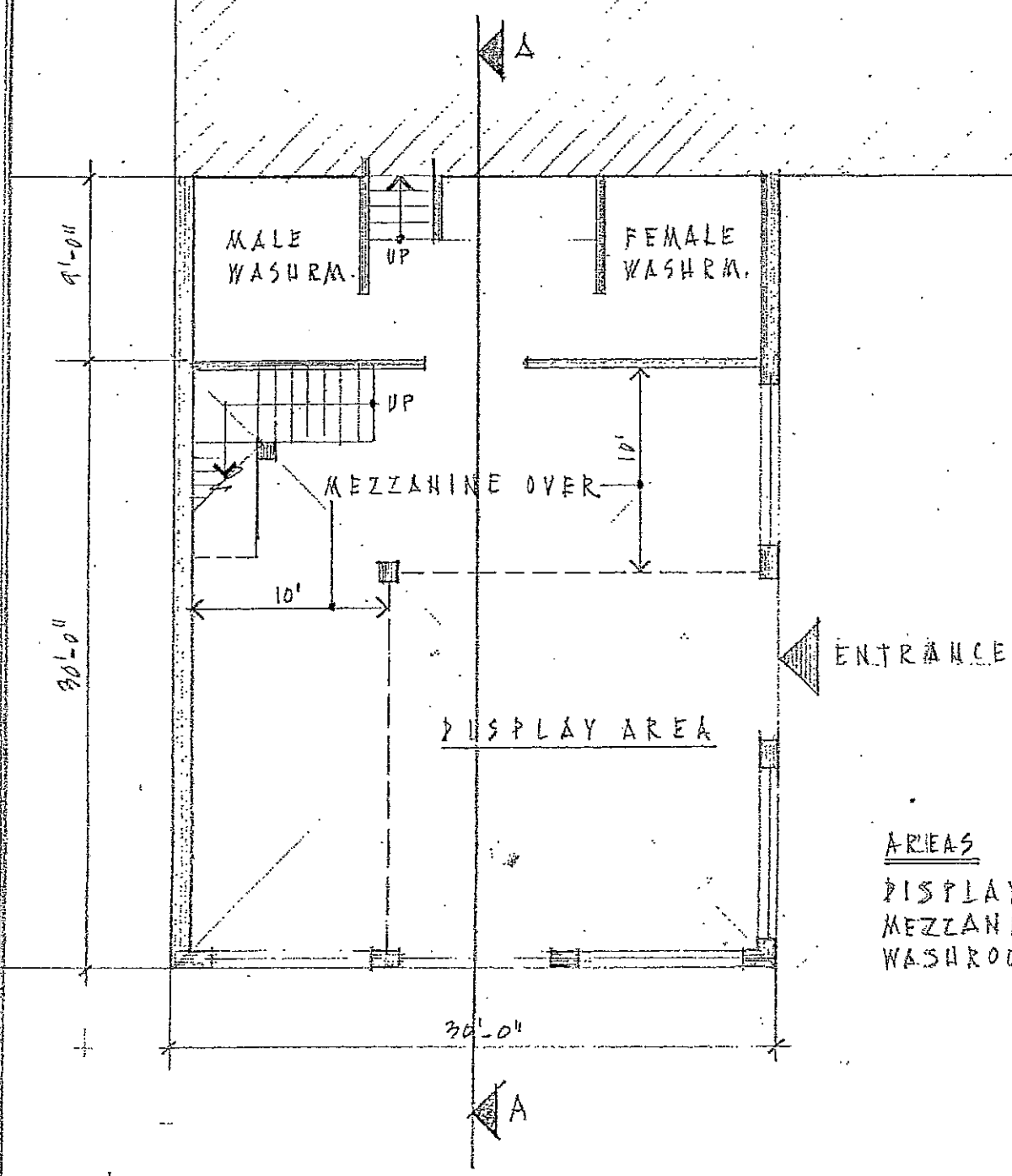




EDWICHEAN WOODEN BOAT SOCIETY  
PROPOSED ADDITION

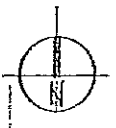
2

EXISTING

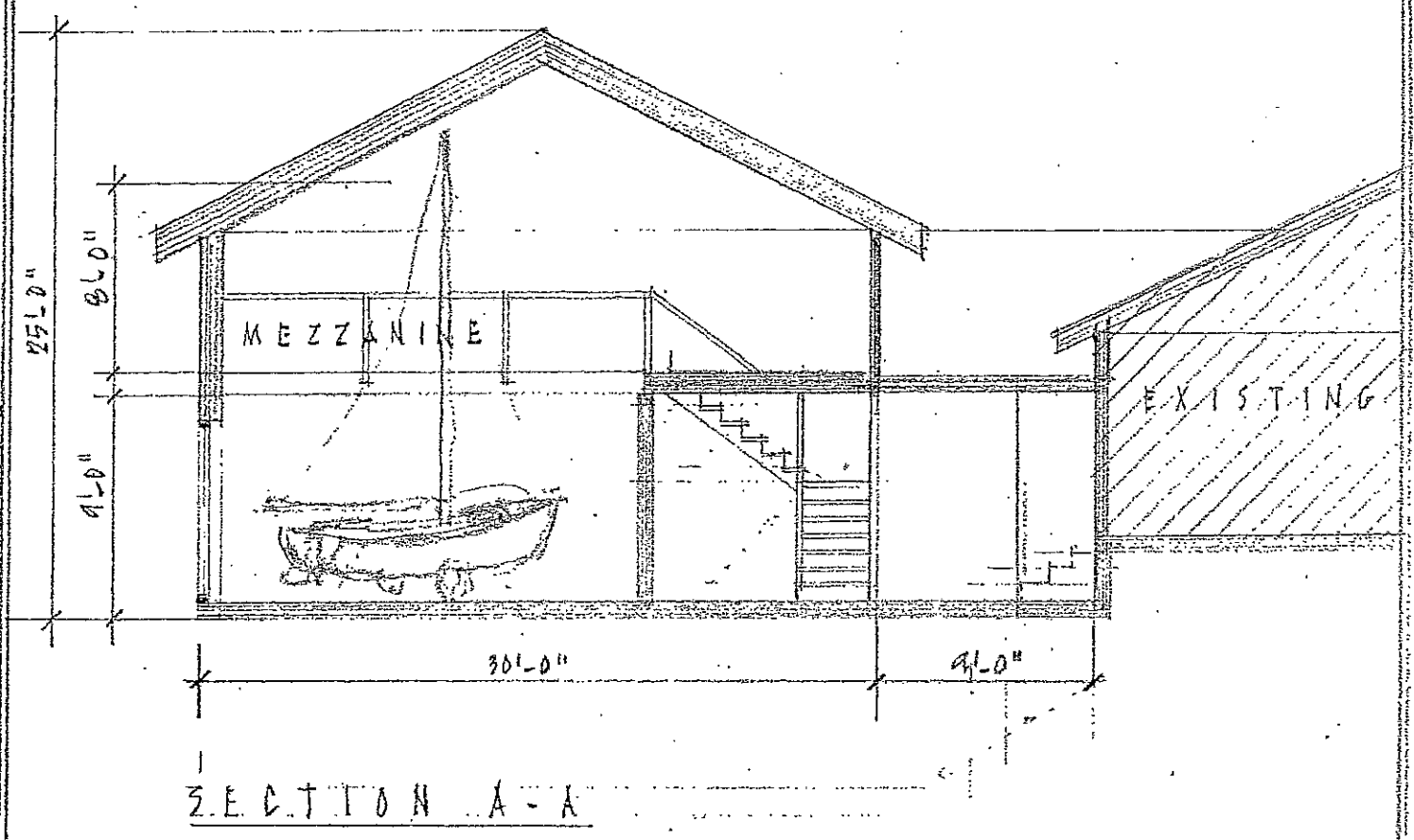


AREAS

DISPLAY	900
MEZZANINE	414
WASHROOMS ETC	270
TOTAL	1584 SF



COWICHAN WOODEN BOAT SOCIETY  
PROPOSED ADDITION

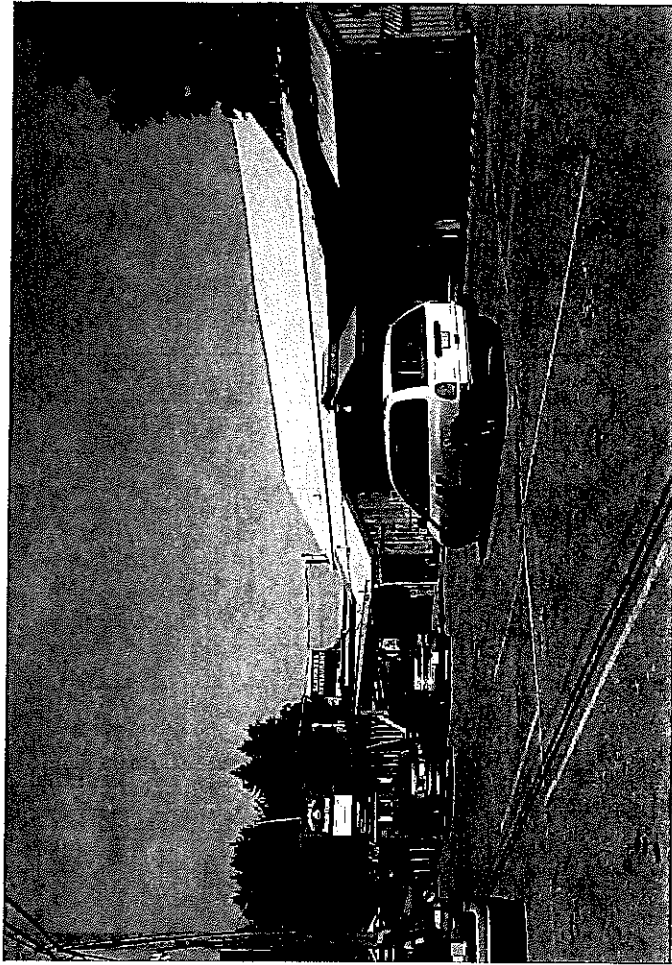




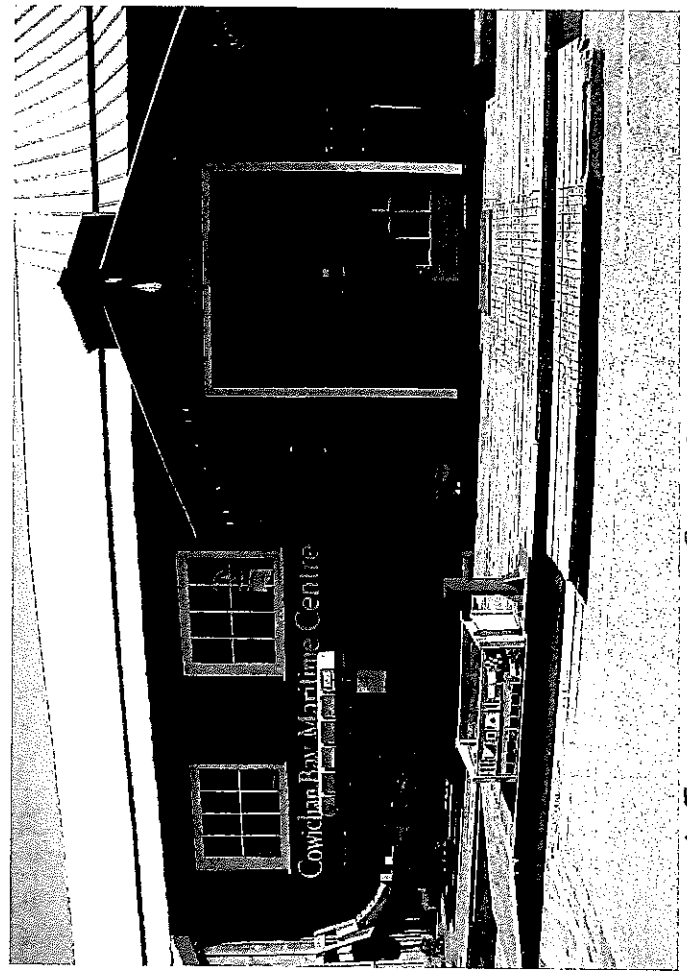
### *Building Materials Information*

Both buildings are of timber frame construction and reflect the local community's desire to honor and maintain a 'west coast seaside vernacular' with all new development. Outlined below is information about the building materials as discussed with the contractors:

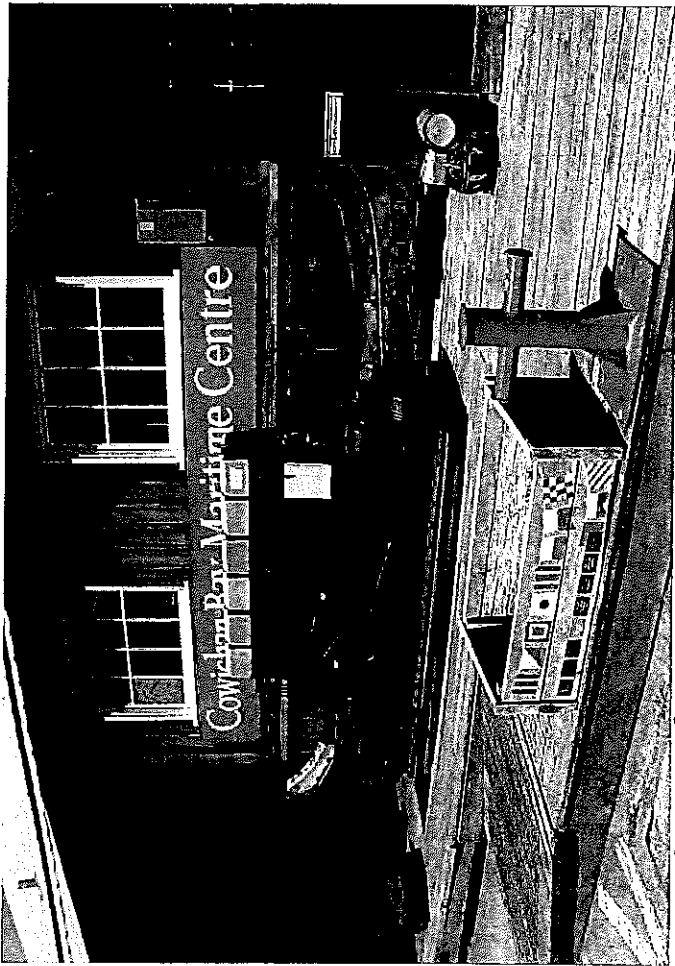
- Reinforced concrete floating-slab foundation under whole area of new building
- Concrete block-work to provide firewall between existing and adjacent properties
- New timber frame structure. Taper-drawn oak pegs throughout, with all exposed fasteners to be in keeping with the building architecture. Joinery is to be made exclusively for off-set pegging to draw all joints tight as per best practice. FSC-certified timbers or other acceptable and locally-grown timbers.
- Timbers to receive 1x coat of Landark natural wood finish
- All timber ends and concealed joints are to be end-sealed with Anchorseal to minimize checking
- Screw-fixed rather than nailed components throughout, in order to facilitate the ultimate re-use and recycling of the building per green building methods
- Nominal 2-in T&G centre-matched fire flooring throughout all interior surfaces treated with fire-retardant finishes
- 2x fully accessible washrooms with appropriate fixtures
- Thermostat controlled electric heaters
- Custom made staircase with solid timber treads and handrails
- Finished handrails around Mezzanine incorporated into timber frame design
- Colour metal roofing with flashing, gutter and rainwater goods to suit
- Red cedar board and batten compatible with existing buildings



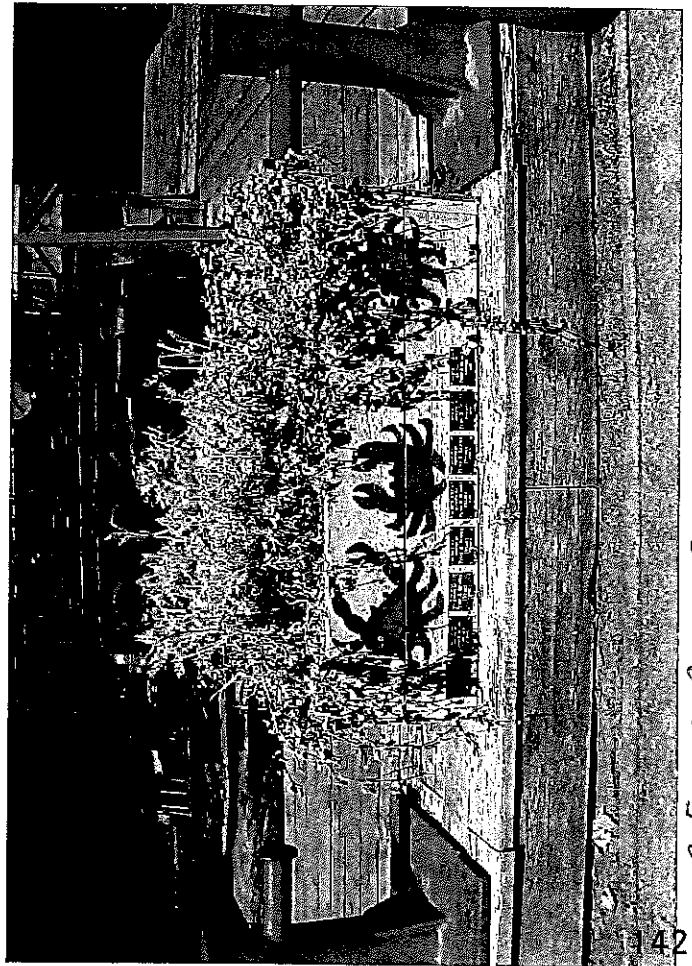
2-OVERVIEW OF SITE



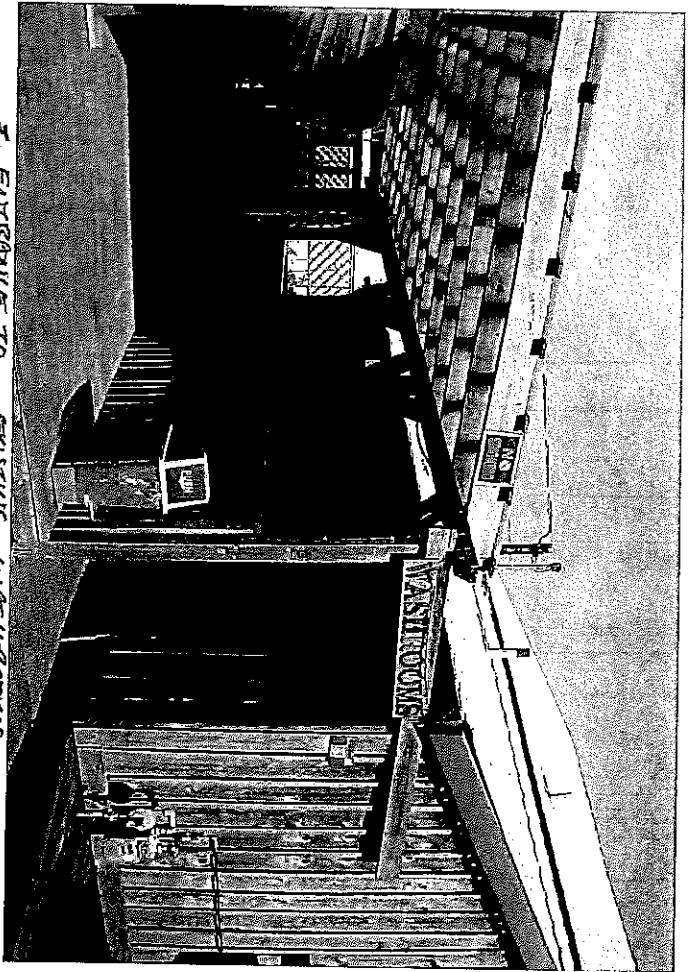
4-ENTRANCE TO BUILDING



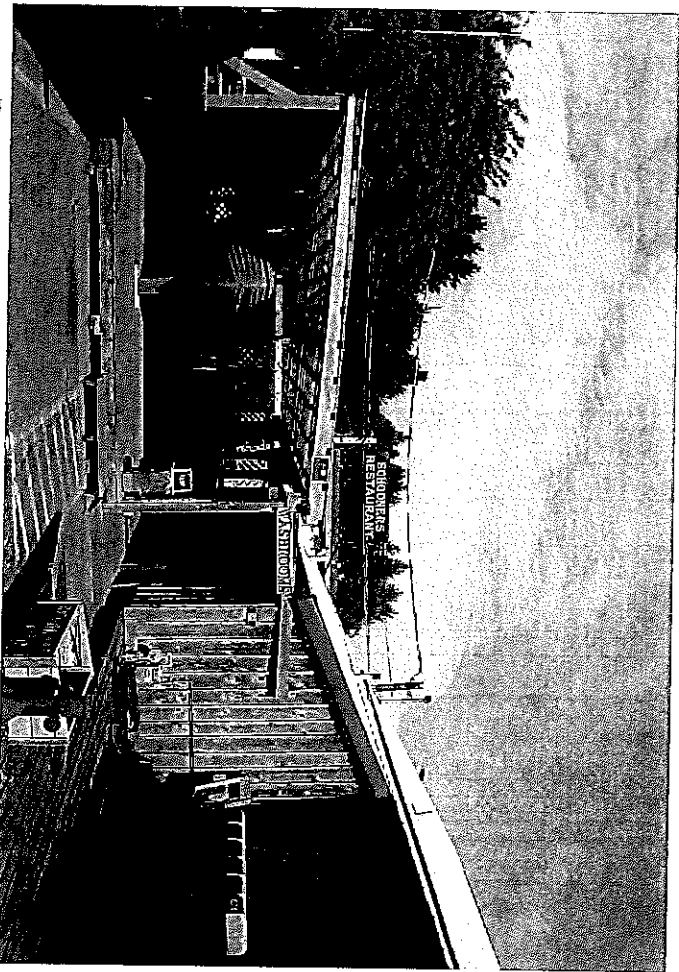
1- FRONT OF BUILDING- EMPTY EXISTING PLANTER BOX



3- EXISTING PLANTER BOX



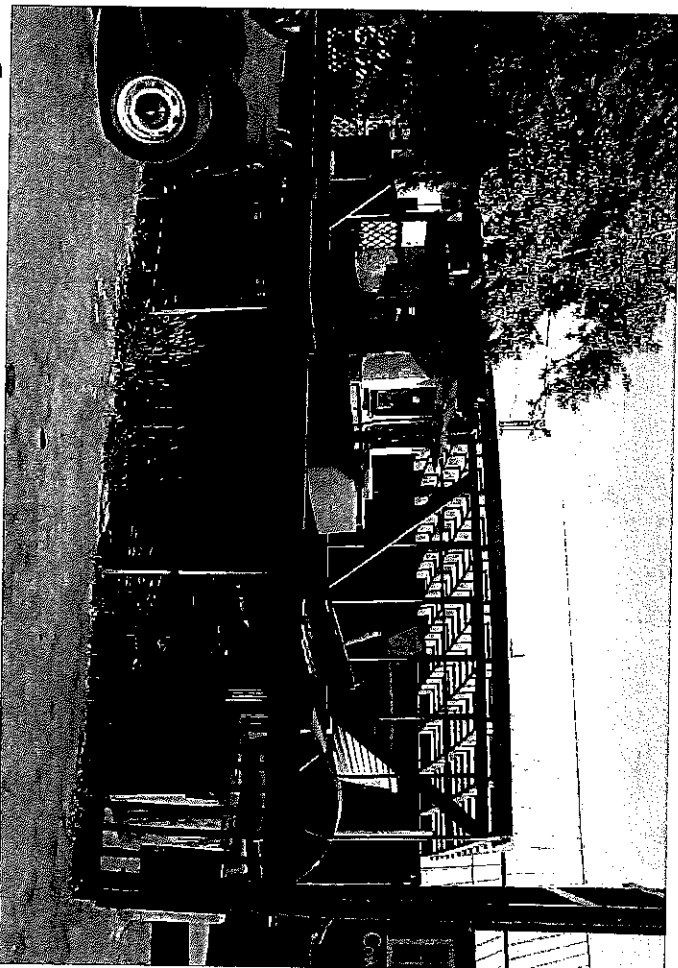
3- ENTRANCE TO EXISTING WASHROOMS



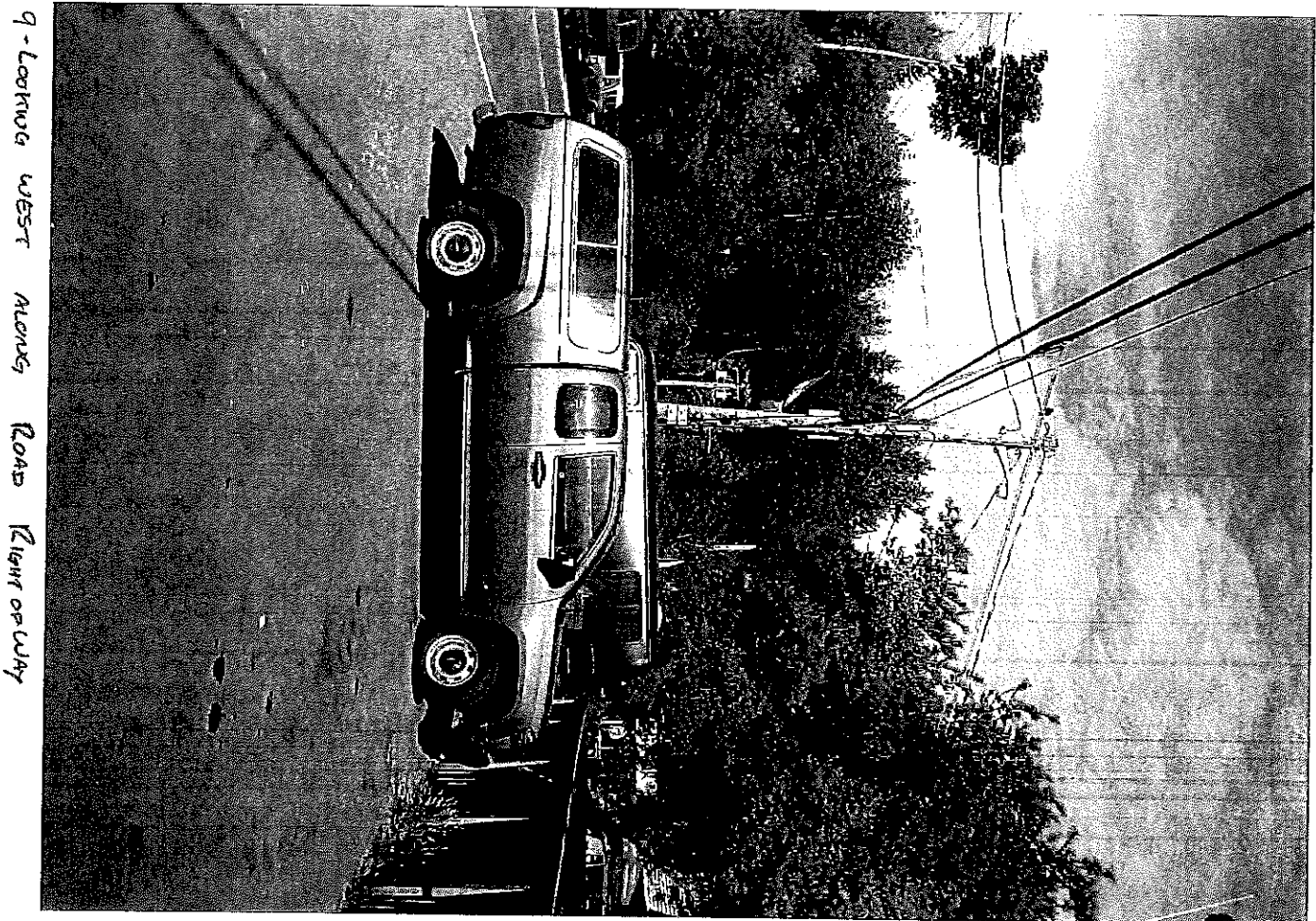
7- LOCATION OF PROPOSED ADDITION



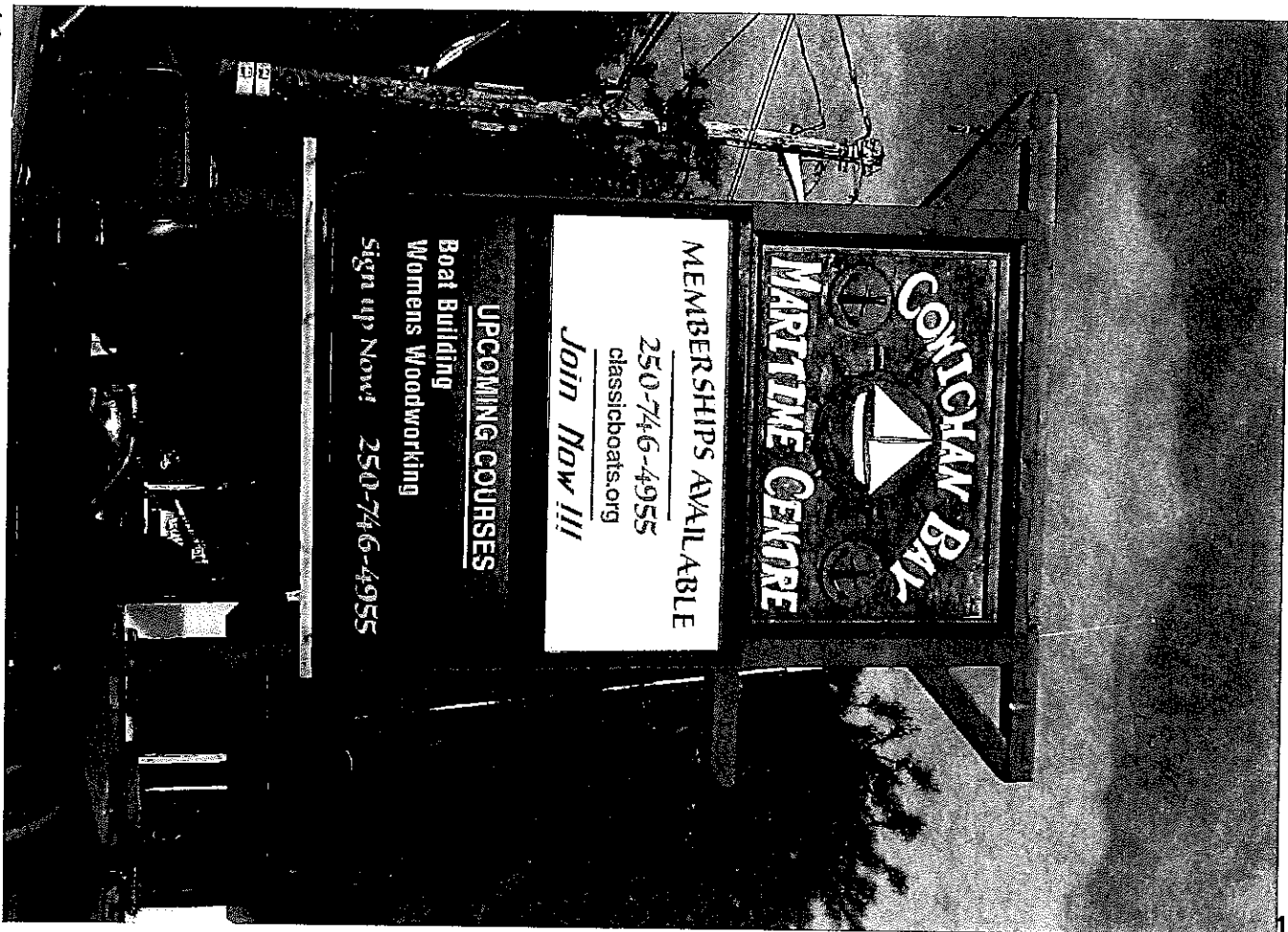
6- EXISTING PARKING



8- LOCATION OF PROPOSED ADDITION (AEROBICS VIEW)



9 - Looking west Along Road Right of Way



10 - Existing sign will remain - location will change

## Advisory Planning Commission Minutes Area D – Cowichan Bay

<b>Date:</b>	July 21, 2010
<b>Time:</b>	7:00 PM

Minutes of the Electoral Area D Advisory Planning Commission held on the above noted date and time at Old Koksilah School, Cowichan Bay.

### PRESENT

### ALSO PRESENT

<b>Chair</b>	Calvin Slade	<b>CVRD Rep</b>	None
<b>Secretary (acting)</b>	Cal Bellerive		
	Dave Paras		
<b>Members</b>	Brian Hosking		
	Al Jones	<b>Guests:</b>	
	Robert Stitt	Lew Penny, President: Cowichan Wooden Boat Society	
	Hilary Abbott	Colin Craig	
	Linden Collett	Hilton McCalister	
<b>Absent</b>	Dan Butler	Suzan Lagrove	
	David Slang	Gordon MacDonald	
	Kevin Maher	Steve Lawrence	
<b>Director</b>	Lori Iannidinardo		
<b>Alt. Director</b>			

### ORDER OF BUSINESS

**1. Development Permit application 1-d-10DP Addition to Cowichan Wooden Boat Society building at 1761 Cowichan Bay Road**

**Presentation By Lew Penny**

**A brief history of the society.**

**Funding source-Community Futures. The grant is for economic development of the community. Grant must be directed to capitol costs of new construction and must use local trades people.**

**The proposed addition will include; new washrooms, offices and a display area.**

**The addition will be built using timber frame construction to reflect the marine heritage of Cowichan Bay.**

**Questions:**



A discussion of setbacks and parking, clarified that there are no setbacks in a W3 zone and that the existing parking will remain.

The current space between the existing structures and Cowichan Bay Road is Department of Highways right of way.

Pedestrian safety was discussed and the applicant was hopeful they could facilitate pedestrians although the property between the front of the building and Cowichan Bay Road

belongs to the Department of Highways.

Public use of the facilities was discussed including the idea that the expanded building be used for non member groups and become a focal point of the Bay.

The applicant indicated that the Society is private but partially public funded and that they currently allow non-member groups to use the facilities.

The washrooms will be open to the public during the hours the building is open.

The addition will use the services of the existing building and therefore will not incorporate any new service systems such as rainwater catchment.

#### **Recommendation**

By a vote of 8-0, the members recommend:

The proposal be accepted as is, with a recommendation that the Society continue to encourage the public use of the facility

#### **NEXT MEETING**

TBA

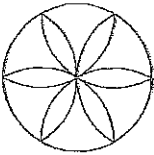
#### **ADJOURNMENT**

The meeting was adjourned at 8:30 PM

Cal Bellerive Acting Secretary
-----------------------------------

**Draft**

M&L



1556 Ball Road  
PO Box 10  
Cobble Hill B.C.,  
V0R 1L0 Canada

INTERIOR VIEW

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INTERIOR VIEW

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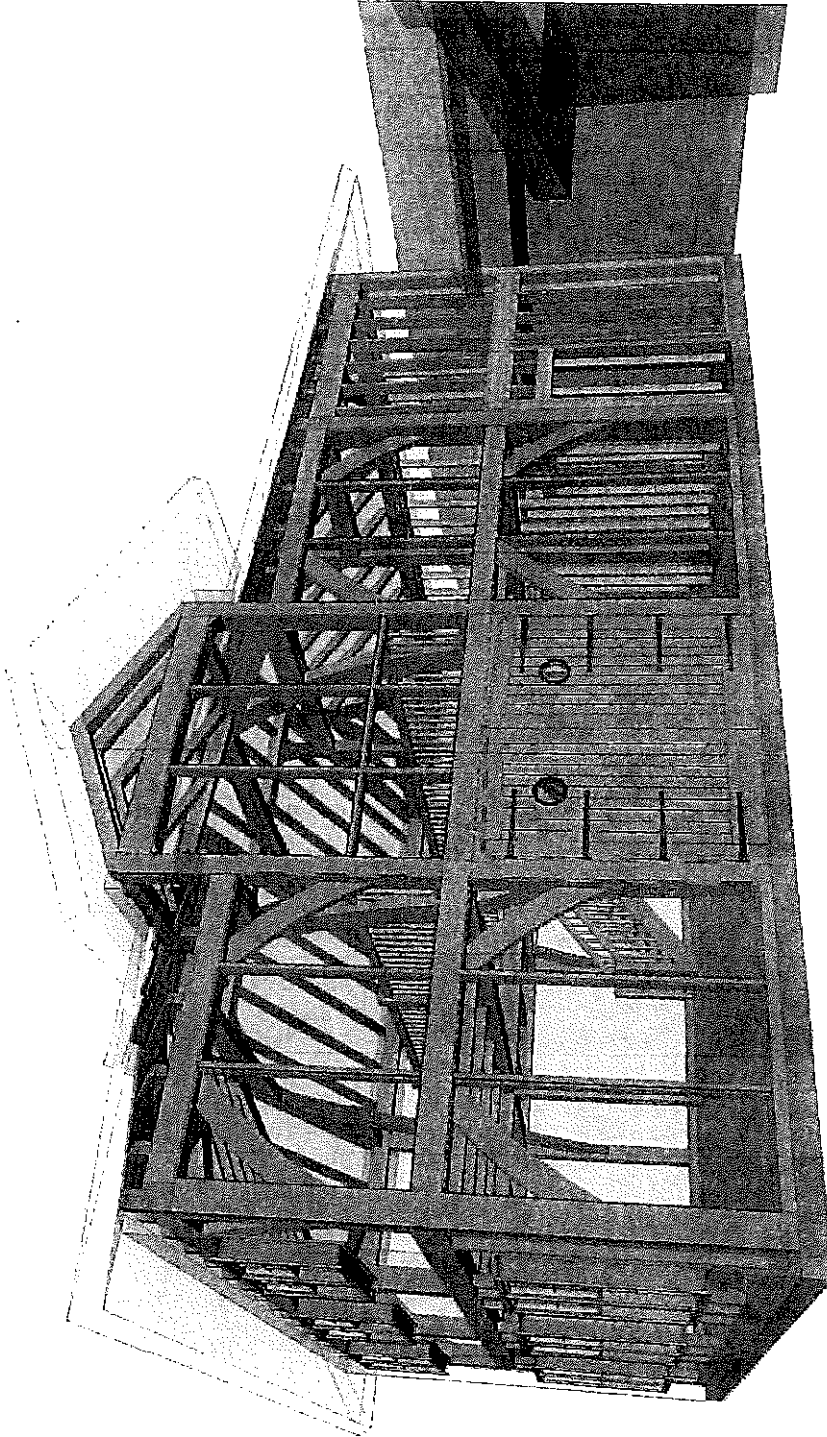
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PERSPECTIVE

SKI



C·V·R·D

**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT**

**NO: 1-~~D~~10DP DRAFT**

**DATE: AUGUST XX, 2010**

**TO: COWICHAN WOODEN BOAT SOCIETY**

**ADDRESS: 1761 COWICHAN BAY ROAD**

**COWICAN BAY, BC V0R 1N0**

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of construction of an addition to Cowichan Bay Maritime Museum, located at:  
*District Lot 163, Cowichan District*
3. Authorization is hereby given for the construction of an addition to the Cowichan Bay Maritime Museum in accordance with the Cowichan Bay Village Development Permit Area guidelines.
4. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
5. The following Schedules are attached:
  - Schedule A – Site Plan
  - Schedule B – Building Drawingand form part of this Permit.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.



**ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XX-XXX(X) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 8<sup>TH</sup> DAY OF SEPTEMBER 2010.**

---

**Tom Anderson, MCIP  
General Manager, Planning and Development Department**

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

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

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**Signature of Owner/Agent**

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**Witness**

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**Print Name**

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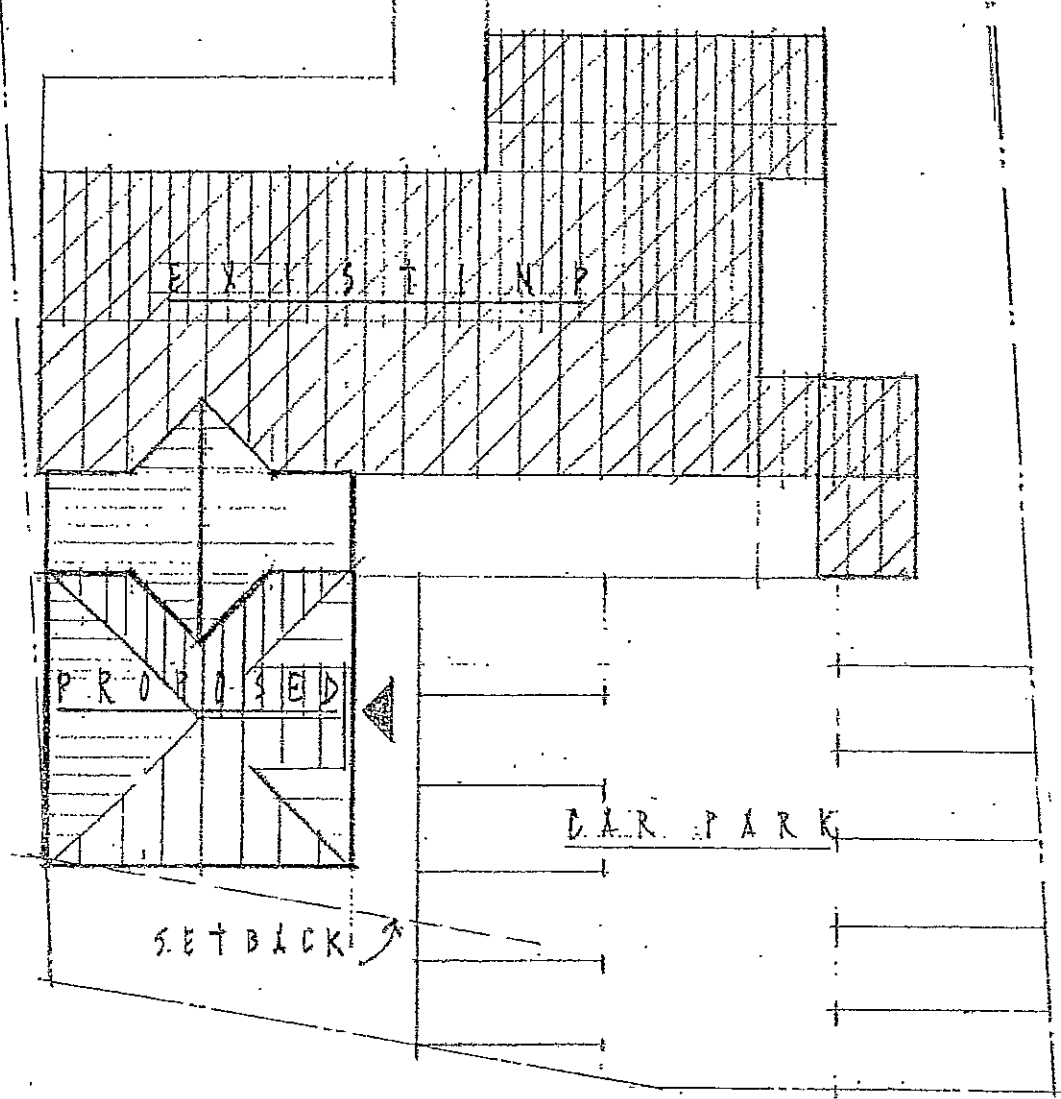
**Occupation**

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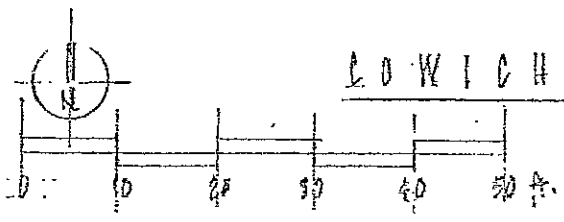
**Date**

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**Date**

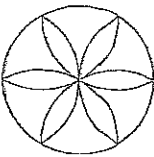


EDWICHAN BAY ROAD



LOWICHEN WOODEN BOAT SOCIETY  
PROPOSED ADDITION

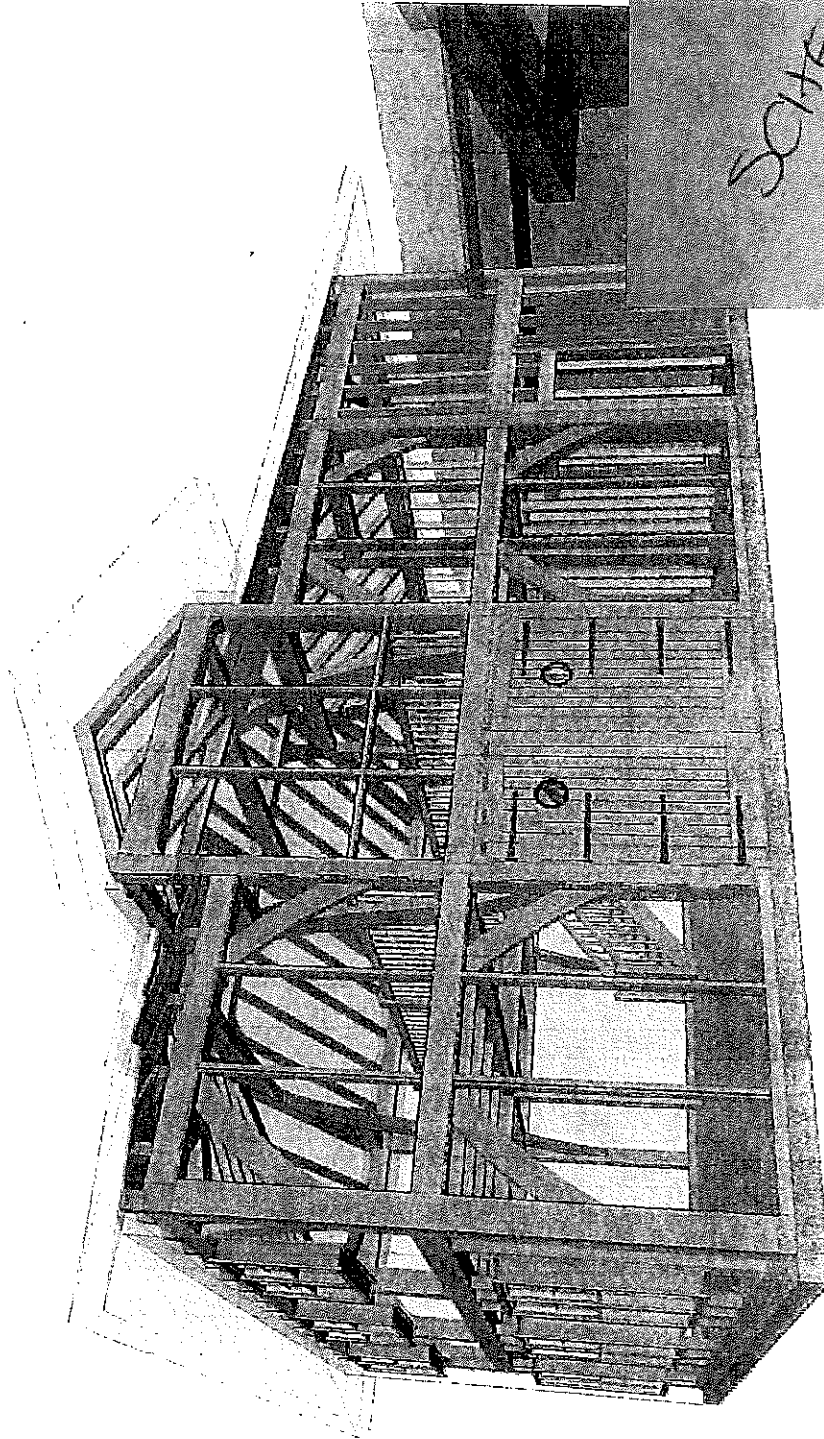
M&L



1356 Ball Road  
PO Box 10  
Cobble Hill B.C.  
V0R 1L0 Canada

REVISION NOTES

SCHEDULE  
B





D8

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** September 1, 2010 **FILE NO:** 1-C-10ALR  
**FROM:** Jill Collinson, Planning Technician  
Development Services Division  
**SUBJECT:** Application No. 1-C-10ALR  
(Kmit for Luscombe)

---

**Recommendation:**

That Application No. 1-C-10ALR submitted by H.J. Kmit, on behalf of Olive Luscombe, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a 2<sup>nd</sup> dwelling be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to decommission of the existing cottage.

**Background:**

Location of Subject Property: 3915 Clearwater Road

Legal Description: Lot 1, Section 16, Range 9, Shawnigan District, Plan 6741  
(PID 000-107-395)

Date Application and Complete Documentation Received: May 13, 2010

Owner: Olive Luscombe

Applicant: HJ Kmit

Size of Parcel: 5.5 hectares (13.5 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Agricultural (A-1)  
South: Residential (R-2)  
East: Pacific Ocean (Boatswain Bank/Satellite Channel)  
West: Agricultural (A-1 and A-2)

Services:

Road Access: Clearwater Road  
Water: Well  
Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Environmentally Sensitive Areas:

A heron nest site has been identified on a nearby property. CVRD GIS indicates that the northwest portion of the subject property is within the buffer zone for the nest. The location for the second residence is well outside the identified nest site buffer zone.

As there is a stream on the neighbouring property to the north, the CVRD Environmental Planning Atlas identifies a Stream Planning Area that extends onto a small portion of land in the north-eastern section of the subject property. Additionally, the oceanfront portion of the subject property is designated as a Shoreline Sensitive Area.

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

The Proposal:

An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, for the purpose of constructing a second residence on the subject property.

Soil Classification:

Canada Land Inventory Maps

$\pm 34\% 3A$  (2A);  $\pm 63\% 5A^4 - 4A^4 - 3A^2$  ( $5A^4 - 4A^4 - 3T^2$ );  $\pm 3\% 7T$   
                   T                  P          T          T                  T          P

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	34
3	(34+12.6=) 46.6	12.6
4	25.2	25.2
5	25.2	25.2
7	3	3
<b>TOTAL</b>	100	100

Explanation of Land Capability Classifications:

- Class 2 lands have minor limitations – can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture.

- Subclass “A” indicates soil moisture deficiency – improvable by irrigation
- Subclass “P” indicates stoniness – improvable by stone picking
- Subclass “T” indicates topography limitations – not improvable

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be a majority of Class 3 (approximately 46%) soils with subclasses noted above, in particular soil moisture deficiency, topography limitations and excess water. With appropriate techniques, the soil capability improves to 34% Class 2, with 12.6% as Class 3, 25.2% as Class 4, 25.2% as Class 5 and 3% as Class 7.

Class 2 lands have minor limitations for agricultural production; Class 3 has moderate limitations for agricultural production; Class 4 requires more intensive, special agricultural management, while Class 5 has limitations that restrict its capability to producing perennial forage crops. The Class 7 lands, which have no capability for arable culture, coincide with the steeper areas along the waterfront portion of the property.

#### **Policy Context:**

The Official Community Plan, Bylaw No. 1210, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

##### *Policy 5.1.1:*

All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agricultural lands shall be designated Agricultural in the plan map.

##### *Policy 5.1.2:*

- a) All uses and subdivision of ALR land, except those lands exempted under Section 19(1) of the *Agricultural Land Commission Act* shall be in accordance with the provisions of the *Act*, regulations thereto, and orders of the Land Commission.

##### *Policy 5.1.3*

Subject to the policies contained within this Plan, agricultural pursuits shall be given priority within the Agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.

#### **Planning Division Comments:**

The subject property is located at 3915 Clearwater Road. There is currently a single-family residence on the lot as well as a cottage and several accessory buildings. The subject property is zoned A-1 (primary agriculture) and is located within the Agricultural Land Reserve (ALR). The property was previously used as a Christmas Tree farm, though the current use of the land is largely residential with minimal farming production of nuts, fruit and hay. The applicant has indicated that they would like to increase the farm potential of the subject property by increasing the amount of nut trees, cultivating herbs and farming truffles.

The applicant is applying to convert a portion of an existing  $\pm 3500$  sq ft accessory building (farm workshop) into a  $\pm 1500$  sq ft second residence to allow for her and her husband to reside on the parcel. The remaining workshop portion of the building will allow for a shop, utility parking and secure equipment storage.

Currently there is a single-family dwelling located on the property that accommodates the applicant's mother, as well as an occasionally rented-out cottage. The applicant has indicated that cottage will be decommissioned and converted into a home-office and secure farm storage upon completion of conversion of the accessory building into a dwelling. As the subject property is 13.5 acres ( $\pm 5.5$ ha), and the A-1 zone permits a second dwelling on parcels 2 ha or larger, this proposal complies with Zoning Bylaw No. 1405 – providing the existing cottage is decommissioned. However, the Agricultural Land Commission (ALC) permits only one single-family residence on lands within the ALR, and any subsequent residences require approval from the Commission for a Non-Farm Use.

A site visit has confirmed that the existing home and cottage are located in the eastern portion of the lot surrounded by accessory and agricultural use buildings. The proposed location of the second residence is an existing farm workshop immediately west of the cottage (please see attached site plan). Though the proposed second residence is located in an area in which soil is improvable to Class 2, the footprint is largely already established as the building already exists. As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be a majority of Class 3 (approximately 46%) soils with subclasses noted above, in particular soil moisture deficiency, topography limitations and excess water. With appropriate techniques, the soil capability improves to 34% Class 2, with 12.6% as Class 3, 25.2% as Class 4, 25.2% as Class 5 and 3% as Class 7.

Class 2 lands have minor limitations for agricultural production; Class 3 has moderate limitations for agricultural production; Class 4 requires more intensive, special agricultural management, while Class 5 has limitations that restrict its capability to producing perennial forage crops. The Class 7 lands, which have no capability for arable culture, coincide with the steeper areas along the waterfront portion of the property.

#### **APC Comments:**

The Electoral Area C Advisory Planning Commission (APC) met on August 12<sup>th</sup> and they discussed this application at that time. On August 16<sup>th</sup> the APC conducted a site visit to the subject property. On August 18<sup>th</sup>, they submitted to us the following comments and recommendations:

*That the Cobble Hill APC recommends the application be approved subject to the cottage currently being rented onsite be decommissioned.*

#### **Final Staff Comments:**

The CVRD's role in this application is to advise the ALC whether a second residence should be permitted. Since the zoning bylaw permits the second dwelling, the CVRD Board can only make recommendations with respect to the application and cannot deny it. As the development proposal is in compliance with Zoning Bylaw 1405, providing the existing cottage is decommissioned, it is CVRD policy to forward ALR non-farm use applications to the ALC for considerations. In this case, the Staff recommendation is for approval of the 2<sup>nd</sup> dwelling in conjunction with the decommission of the existing cabin.

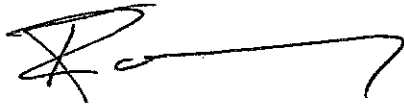
#### **Options:**

- I. That Application No. 1-C-10ALR submitted by H.J. Kmit, on behalf of Olive Luscombe, made pursuant to Section 20(3) of the *Agricultural Land Commission Act*, to construct a 2<sup>nd</sup> dwelling be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to decommission of the existing cottage.

2. That Application No. 1-C-10ALR submitted by H.J. Kmit, on behalf of Olive Luscombe, made pursuant to Section 20(3) of the *Agricultural Land Commission Act*, to construct a 2<sup>nd</sup> dwelling be forwarded to the Agricultural Land Commission with a recommendation to deny.

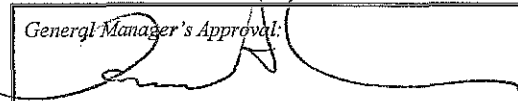
Option 1 is recommended.

Submitted by,



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

JC/ca  
Attachments

General Manager's Approval:

Signature





Cowichan  
Valley  
Regional  
District

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

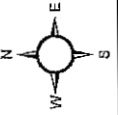
The Regional District does not warrant the accuracy.

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

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

FILE: 1-C-10-ALR

## Orthophoto (2002)





Cowichan  
Valley  
Regional  
District

This map is compiled from  
various sources for internal  
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of the Bylaws.

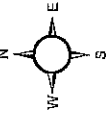
FILE: 1-C-10-ALR

ALR

Legend



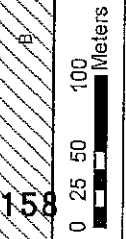
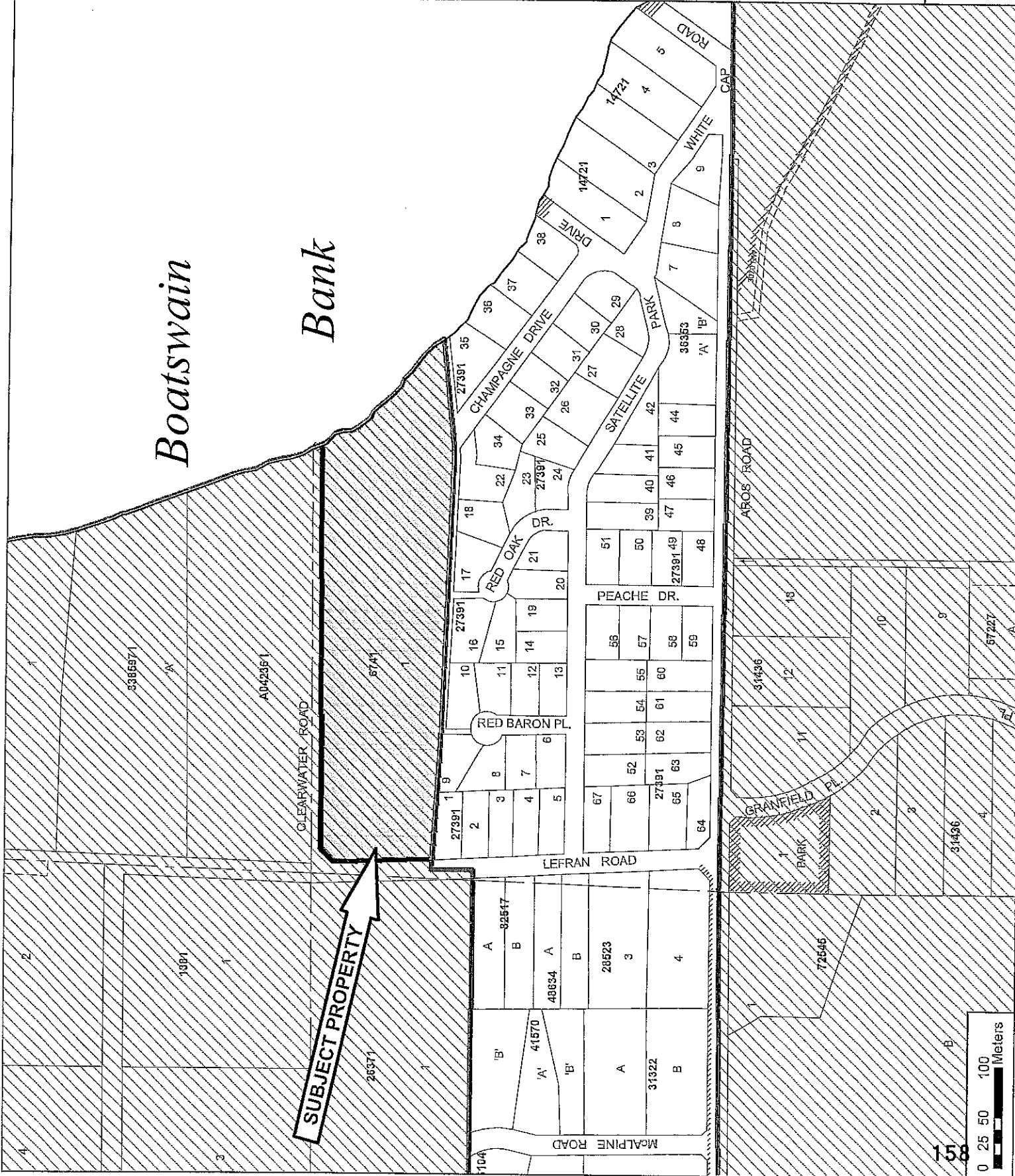
Subject Property  
C\_ALR



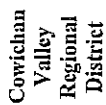
*Boatswain*

*Bank*

**SUBJECT PROPERTY**



158



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The Regional District does not warrant the accuracy.

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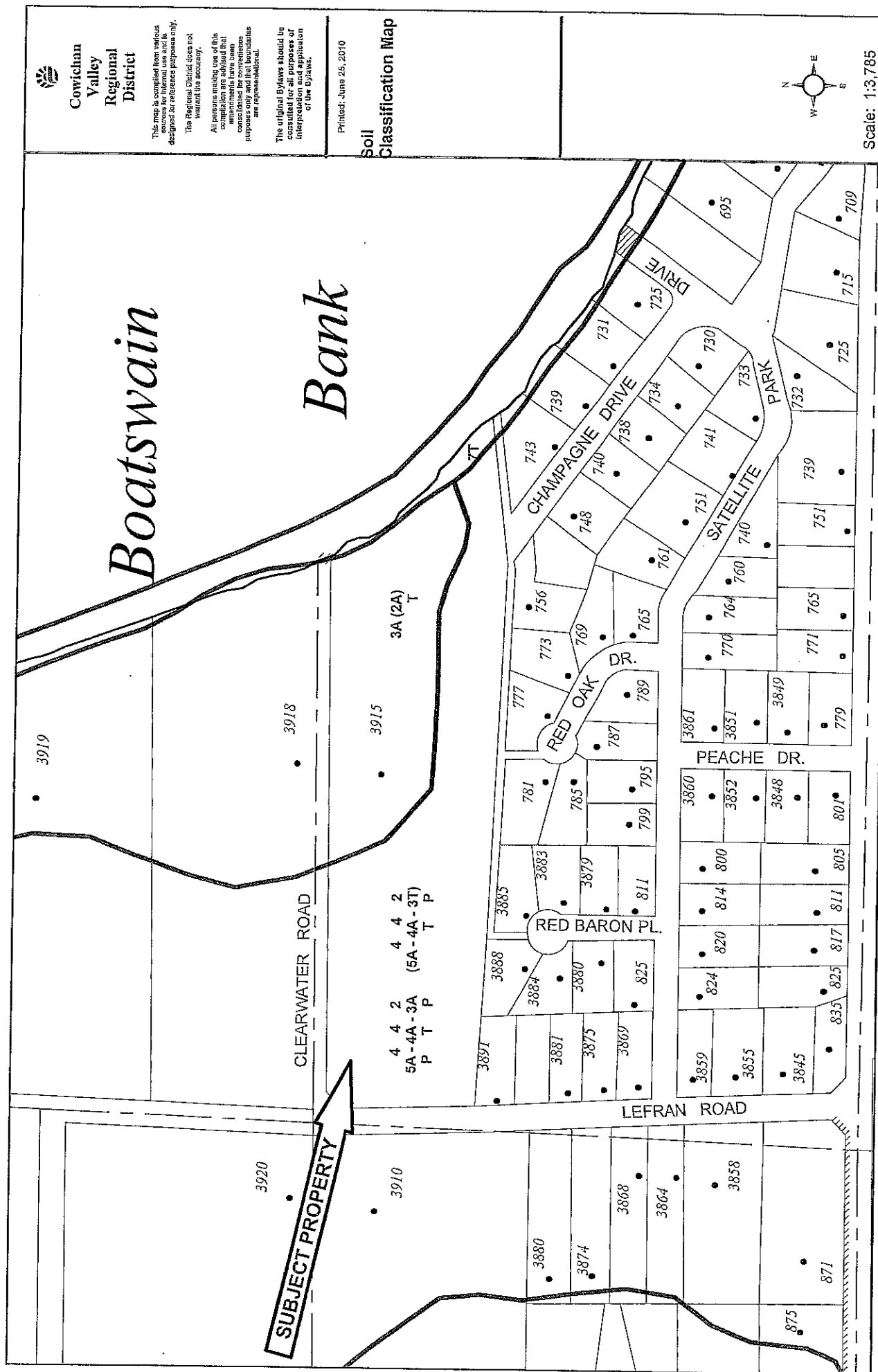
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

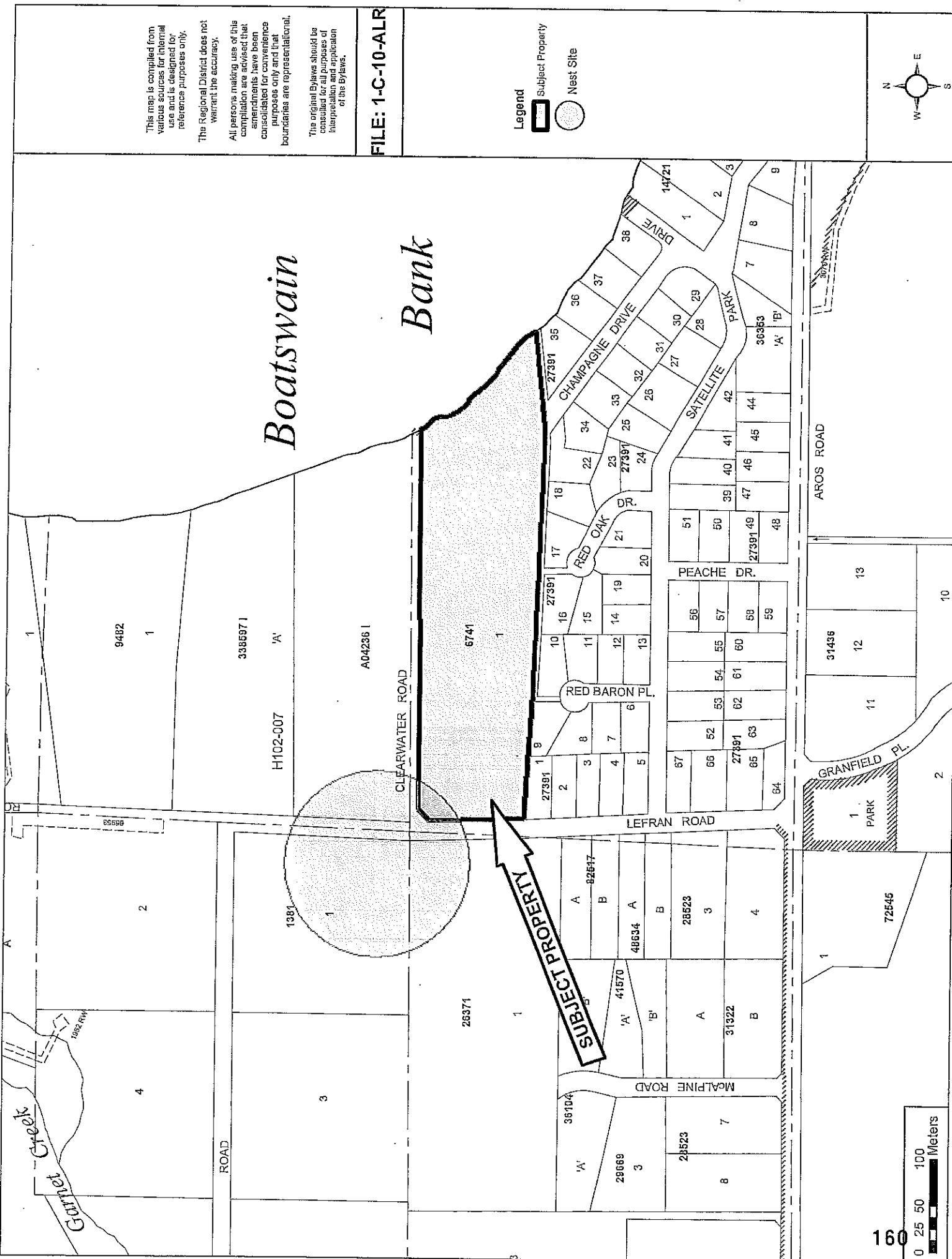
Printed: June 25, 2010

## Soil Classification Map



Scale: 1:3,785





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


The Regional District does not warrant the accuracy.


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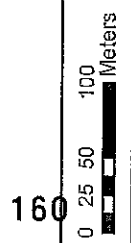
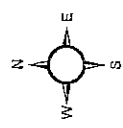
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-C-10-ALR

Legend

 Subject Property

 Nest Site



**PART SEVEN**

**AGRICULTURAL AND FORESTRY ZONES**

**7.0 AGRICULTURAL AND FORESTRY ZONES**

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

**7.1 A-1 ZONE – PRIMARY AGRICULTURAL**

**(a) Permitted Uses**

The following uses and no others are permitted in an A-1 Zone:

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

**(b) Conditions of Use**

For any parcel in an A-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) notwithstanding Section 7.1 (b)(1) parcel coverage may be increased by an additional 20% of site area for the purpose of constructing greenhouses;
- (3) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (4) the setbacks for the types of parcels lines set out in Column I of this section are set out for residential and accessory uses in Column II, agricultural, stable and accessory uses in Column III and auction uses in Column IV:

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



## APPLICATION BY LAND OWNER

**NOTE:** The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.

### TYPE OF APPLICATION (Check appropriate box)

- ☐ **EXCLUSION**  
under Sec. 30(1) of the Agricultural Land Commission Act
- ☐ **SUBDIVISION** in the ALR  
under Sec. 21(2) of the Agricultural Land Commission Act
- ☐ **INCLUSION**  
under Sec. 17(3) of the Agricultural Land Commission Act
- ☒ **Non-farm USE** in the ALR  
under Sec. 20(3) of the Agricultural Land Commission Act

### APPLICANT

Registered Owner: OLIVE JEAN LUSCOMBE		Agent: H.J. KMIT	
Address: 3915 CLEARWATER ROAD		Address: 6241 LOWER CHIPPEWATER RD	
COBBLE HILL		DUNCAN	
Postal Code V0R1L4		Postal Code V9L5P8	
Tel. (home) (550) 743-0319 (work) ( )		Tel. (250) 701-0321 - 250-246 8099	
Fax ( )		Fax (250) 701-0321	
E-mail		E-mail imagic@shaw.ca	

### LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

COWICHAN VALLEY REGIONAL DISTRICT

### LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number  
Certificate No: STC00146195

Size of Each Parcel  
(~~5.5~~) 5.5ha  
13.5 acres

Date of Purchase  
Month Year  
JANUARY 1985

PLEASE SEE ATTACHED APPENDIX 2 CURRENT USES OF FARM  
AND SITE PLAN

### OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s): P.I.D. 003-378-781 LOT A, SECTIONS 5, RANGE 2,  
COWICHAN DISTRICT, PLAN 22012

**PROPOSAL** (Please describe and show on plan or sketch)

PLEASE SEE ATTACHED APPENDIX 1 & 2, AND SITE PLAN:  
 IT IS PROPOSED THAT THE EXISTING BUILDING IDENTIFIED AS A FARM WORKSHOP ON APP. 1 BE RENOVATED WITH AN ADDITION AND BY COMPLETION TO PROVIDE THE FOLLOWING: 1) FARM STORE AND GALLERY SPACE 2) LARGE EQUIPMENT STORAGE AREA 3) WORKSHOP FOR FARM 4) HOME OCCUPATION - STUDIO 5) ACCOMMODATION FOR IMMEDIATE FAMILY  
 6. REMOVAL OF OLD BUILDING UPON COMPLETION OF RENOVATION  
 7. SURROUNDING LAND WILL BE UNCHANGED EXCEPT FOR CULTIVATION

**CURRENT USE OF LAND** (Show information on plan or sketch) PLEASE SEE ATTACHED APPENDIX 2

List all existing uses on the parcel(s) and describe all buildings

1. RESIDENTIAL 2. FARM HAY PRODUCTION 3. TREE FARMING 4. FRUIT & NUT PRODUCE

**USES ON ADJACENT LOTS** (Show information on plan or sketch) PLEASE SEE ATTACHED APPENDIX

North: CLEARWATER ROAD AND 3918 CLEARWATER RD, SMALL FARM WITH TWO RESIDENCES  
 East: OLEAN

South: MINISTRY OF TRANSPORT RIGHT OF WAY 1. SATELLITE PARK SUBDIVISION

West: LEFRAN ROAD - LARGE DAIRY FARM 1. SEVERAL LARGE RESIDENTIAL LOTS

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

May 10/2010 Date	<u>Jean Luscombe</u> Signature of Owner or Agent	<u>O. Jean Luscombe</u> Print Name
May 10/2010 Date	<u>H. J. KMIT</u> Signature of Owner or Agent	<u>H. J. KMIT</u> Print Name
_____ Date	_____ Signature of Owner or Agent	_____ Print Name

Please ensure the following documents are enclosed with your application:

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application \*(See instructions)
- Photographs (optional)

H.J.Kmit  
6241 Lower Chippewa Road,  
Duncan, BC  
V9L 5P8

May 10, 2010

Jill Collinson  
Planning Technician  
Electoral Area C  
Cowichan Valley Regional District  
175 Ingram Street,  
Duncan, BC  
V9L 1N8

Dear Ms Collinson:

Re: 3915 Clearwater Road; Lot 1 Section 16, Range 9, Shawnigan District,  
Plan 6741; Area C; P.I.D 000-107-395

Please, find the enclosed an application to "subdivide" land we wish to remain within the Agricultural Land Reserve. As we do not wish to change the building footprint that already exists on the property, our proposal is to change the use of two existing buildings. This change will reduce the area of land that is covered by buildings on the property, and better utilize the second storey of an existing building, that is unsuitable for equipment storage, or farm workspace. An addition to this existing building will replace and therefore permit the demolition of another existing building that is poorly located.

Further, please find enclosed the following documents supporting the above-mentioned application as follows:

1. Copy of title of land under application
2. Appendix 1: Diagram of proposed changes to farm and current uses of adjacent properties
3. Appendix 2: Current uses of farm
4. Copy of Site Plan
5. Copy of Photos of existing Building

It is proposed that an existing building, constructed in 1988 as a farm work shop be renovated for use as i) farm work shop; ii) farm produce shop/gallery space; iii) art studio/ home business; iv) farm equipment storage and v) accommodation for immediate family members, for working the farm. It is further proposed that a second existing building, constructed in 1997, that is currently a residence, be converted from a residence to a home office and secure storage area for the farm.

The property has 'Farm' classification under the BC Assessment Act. The size of the farm is 13.50 acres, and the resources available make the farm high maintenance, and labour intensive, but productive. An additional residence on the property and our home business space will enable my husband and I to work to support the farm financially and with our labour maintain and develop the farm. At present we commute to work on the farm as well as our work, this is too difficult to continue to do so in the future. Our residing on the farm also provides a way for my Mother to remain in her home with the additional assistance she now requires.



The size of the property limits the income it earns as a farm, which in turn limits the funds necessary to employ workers to work on the farm. I do not know whether the farm will ever support itself but at this stage the restoration of the land and infrastructure require supplying labour, in addition to our own.

There will be no physical alteration to the property, other than the proposed addition to replace the old barn subject to application for demolition when the renovations are completed. Our home occupations do not require additional parking, or any physical alteration to the land, as they do not serve the public directly. The farm store and gallery space is well serviced by the parking already available adjacent to the building. The proposed building and surrounding area will be designed to enhance the look of the property and conform to the aesthetics, expected in a rural ecologically friendly farming environment.

My husband And I have achieved as much restoration to the farm while commuting as we can, the farm cannot support financially, at this time, the cost of labour to proceed further. Our objective is to be in full compliance with the bylaws governing the permitted uses for land classified as A-1 Zone, Primary Agricultural Land in the Agricultural Land Reserve of British Columbia, in Electoral Area C. Specifically Section 7.1 (a) Permitted Uses: (1) agricultural, horticulture, and silviculture; (4) additional residence as required for agricultural use; (5) sale of products grown or reared on the property; and (8) home occupation.

The farm currently produces nuts, fruit and hay, in the near future, we hope to plant more nut trees, mixed herbs and utilize the shaded areas for seasonal grazing of animals and farmed truffles.

As we do not wish to exclude the farm from the Agricultural Land Reserve, we have not completed the requirements (under section 30(1) of the *Agricultural Land Commission Act*). I understand that Gary Anderson will forward the building designs to your office along with the building permit application, therefore I have not included a copy with this letter. However, I hope that we have completed all other requirements for this application process. If you should need further information please let me know, my telephone numbers are 250 701 0321 (home) and cell: 250 246 8099, both have voice messaging.

Thank you for your patience and consideration, I look forward to hearing from you soon.

Yours truly,



H.J. Kmit

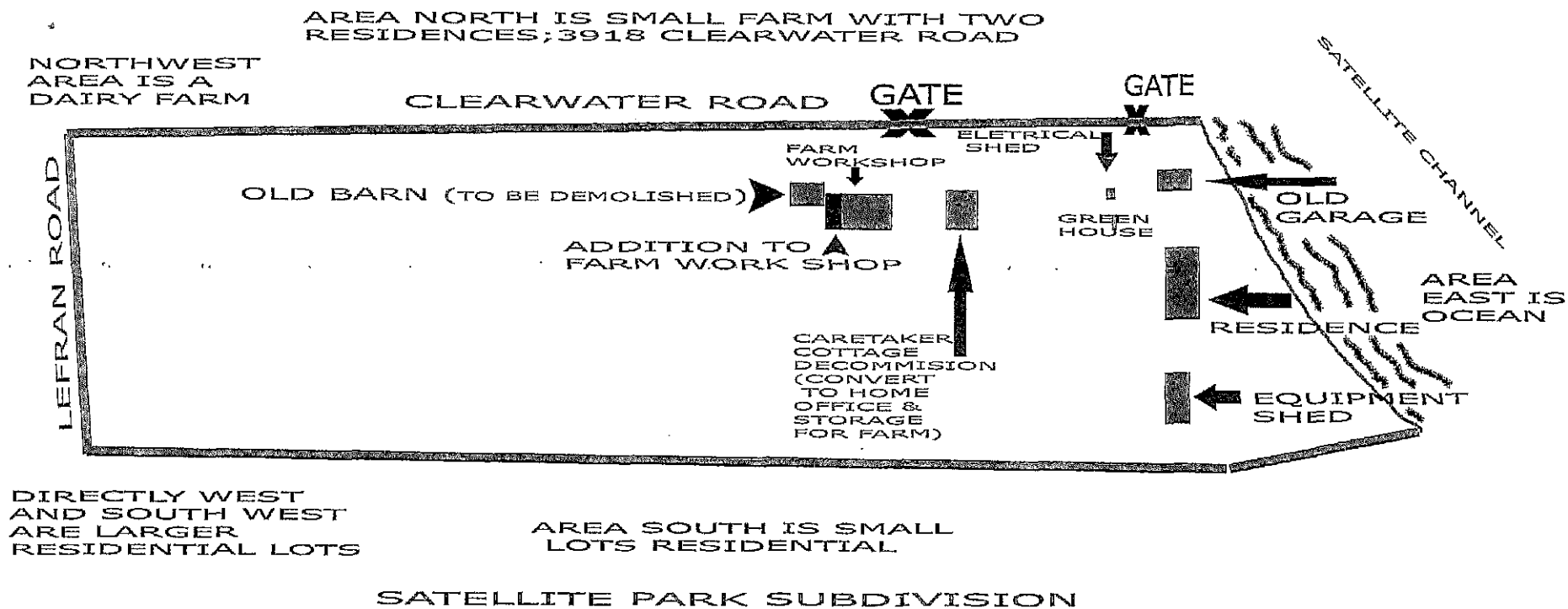


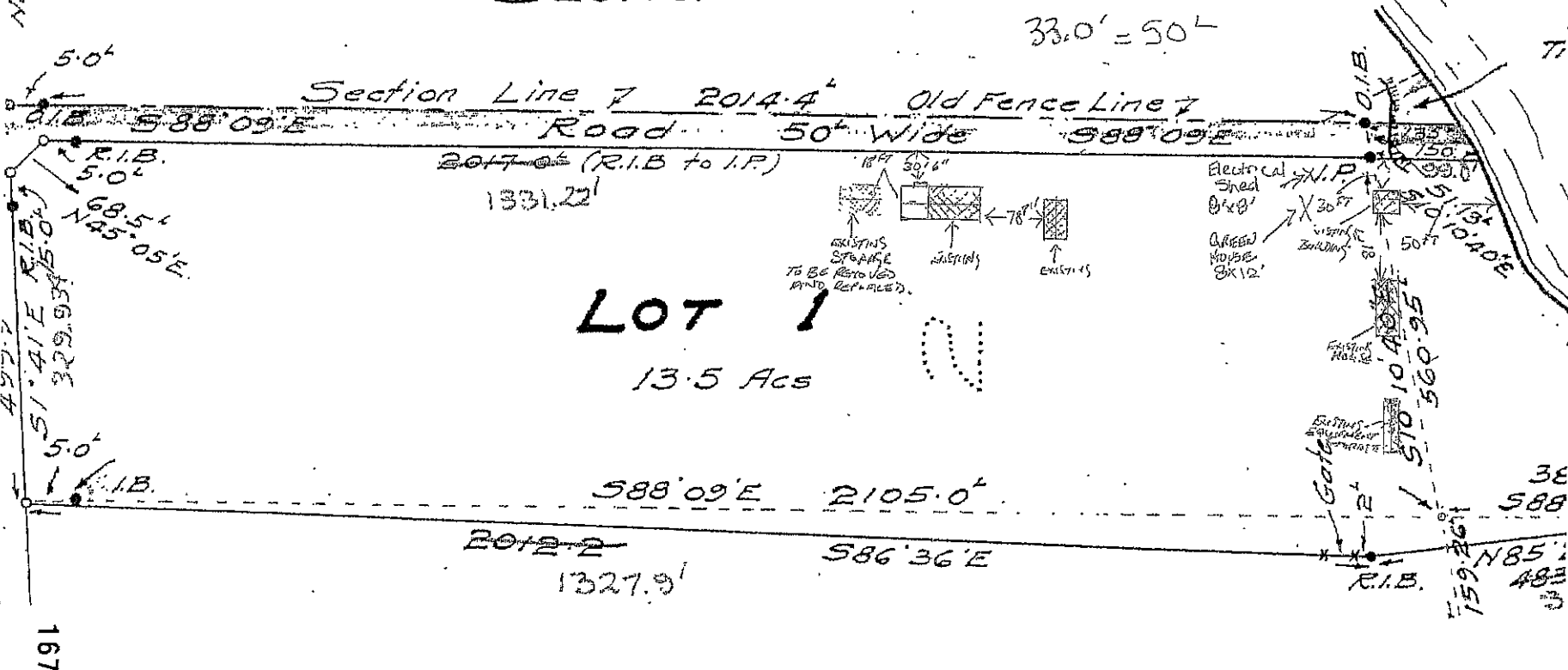
DIAGRAM TO ILLUSTRATE PROPOSED CHANGES TO CLEARWATER FARM . SCALE APPROX. 1 - 300  
 3915 CLEARWATER ROAD: LOT 1 SECTION 16, RANGE 9, SHAWNIGAN DISTRICT,  
 PLAN 6742, AREA C; P.I.D. 000-107-395

## APPENDIX 1

4460-88N

3.10.01  
1.6.67

Bearings are referred to the True Meridian and are derived from L.R.O. Plan 6504.



# COBBLE HILL ADVISORY PLANNING COMMISSION MEETING

AUGUST 12<sup>TH</sup>, 2010

COBBLE HILL HALL

## MINUTES

**Present:** Rod De Paiva - Chair, Dave Thomson, Joanne Bond, Rosemary Allen, Jerry Tomljenovic @ 7:04 p.m., Al Cavanagh, Brenda Krug

**Also present:** Gerry Giles – Regional Director Area 'C' @ 7:27 p.m., John Krug – Alternate Director, H.L. Kimit, Kelvin Stone (applicants), Gar Clapham, Betsy Burke

**Regrets:** Jens Liebgott, David Hart, Robin Brett

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

**Agenda:** It was duly moved and seconded *that the agenda be amended to include adoption of the minutes of the June 24<sup>th</sup>, 2010 as circulated.* Carried

**Minutes:** It was duly moved and seconded *that the minutes of the 24<sup>th</sup> of June 2010 be adopted as circulated.* Carried

### New Business:

- o Application #1-C-ALR – Ms. Kimit and Mr. Stone presented the application: Mr. Stone gave a history of modifications to the property and explained the plans for its future use if the application is approved. He also indicated that approval would enable Mr. Stone and Ms Kimit to provide care for Ms Kimit's elderly mother (Mrs. Luscombe), who lives in the main dwelling, permitting her to remain in her home. Caring for the property and Ms Kimit's mother while commuting from their present home in Maple Bay has proven to be extremely difficult

Chair de Paiva cautioned the Commission that its function is merely to recommend and that the Agricultural Land Commission is the deciding body for this application.

Mr. Stone and Ms Kimit then answered questions from the Commission members regarding water supply, size of the cottage that is to be decommissioned, the decommissioning requirements for the cottage, the nature of the proposed store and gallery reported in the application and the growing of truffles. Several Commission members requested a site visit prior to making a recommendation.

After a brief discussion, it was duly moved and seconded *that a site visit be conducted by the APC before a recommendation is made.* Carried Brenda Krug is to arrange the visit.

- o Fisher Road Recycling – Director Giles told the Commission her request for the well water results from FRR through a Freedom of Information application has been denied by the CVRD citing "economic harm to the third party" (Fisher Road

Minutes of the Cobble Hill Advisory Planning Commission's site visit to 3915 Clearwater Road on at 7:00 p.m. August 16<sup>th</sup> 2010 regarding application 1-C-10ALR (Kmit for Luscombe).

Those present: Rod de Paiva – Chair, Robin Brett, Al Cavanagh, Joanne Bond, Jerry Tomljenovic, Rosemary Allen, John Krug and Gerry Giles – Director.

After a site visit where the application to create a studio with living area and workshop plus shop for farm sales was explained in detail, it was

Moved/seconded

That the Cobble Hill APC recommends the application be approved subject to the cottage currently being rented on the site being decommissioned. MOTION CARRIED

There being no other items of business the meeting was moved adjourned at 7:26 p.m



D9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010

**FILE No:** 4-E-10ALR

**FROM:** Jill Collinson, Planning Technician,  
Planning & Development Department

**SUBJECT:** ALR Application 4-E-10ALR  
(Archer)

---

**Recommendation:**

That Application No. 4-E-10ALR, submitted by John and Athena Archer, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a fourth dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

**Purpose:**

To request permission to construct an additional single-family dwelling on the approximately 53 ha (130 acres), as required for agricultural use.

**Background:**

Location of Subject Property: 3330 Jackson Road

Legal Descriptions: Lot A, Section 2, 3, 4, and 5, Range 4, and of Sections 2, 3, and 4 Range 5, Quamichan District, Plan 9808 except part in Plan 12705 (PID 005-409-012)

Date Application and Complete Documentation Received: August 2<sup>nd</sup>, 2010

Owner: John and Anthea Archer

Applicant: As above

Size of Parcel: Approximately 53 ha (130 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Agriculture

Existing Use of Surrounding Properties:

North:	Agriculture
South:	Agriculture/Forestry
East:	Agriculture/Forestry
West:	Agriculture/Forestry

Services:

<u>Road Access:</u>	Jackson Road
<u>Water:</u>	Proposed well
<u>Sewage Disposal:</u>	Proposed septic system

Agricultural Land Reserve Status: In

**Soil Classification:**

Revised CLI Maps:

±8% 3A(2D);

$$\pm 15\% \quad \frac{5P}{T} \left( \frac{5P}{T} \right);$$
$$\pm 42\% \quad \frac{7}{7T} - \frac{3}{3T} \quad \frac{7}{(7T)} - \frac{3}{(3T)};$$
$$\pm 5.5\% \quad \begin{matrix} 6 & 4 \\ 4P - 3T & (4T - 3T); \\ T & D \\ & P & D \end{matrix}$$

**+24% 3W (2D);**

**$\pm 5.5\%$  3A (2D);  
T**

<i>Soil Classification</i>	<i>% of subject property (Unimproved)</i>	<i>% of subject property (Improved)</i>
2	-	37.5
3	52.3	14.8
4	3.3	-3.3
5	15	15
6	-	-
7	29.4	29.4
<b><i>TOTAL</i></b>	<b><i>100</i></b>	<b><i>100</i></b>

### Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
- Class 2 lands have minor limitations for Agricultural Production;
- Class 3 lands have moderate limitations for Agricultural Production;
- Class 4 lands have limitations that require special management practices;
- Class 5 lands have limitations that restrict capability to produce perennial forage crops;
- Class 6 lands is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
- Class 7 lands have no capability for arable culture.
- Subclass “A” indicates soil moisture deficiency;
- Subclass “D” indicates undesirable soil structure and/or low perviousness;
- Subclass “P” indicates stoniness;
- Subclass “T” indicates topography limitations;
- Subclass “W” indicates excess water.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 52.3% Class 3 with soil moisture deficiency in some areas and excess water in others, low perviousness and topography limitations, 3.3% Class 4 with stoniness and topography limitations, 15% Class 5 with stoniness and topography limitations, and 29.4% Class 7 with topography limitations. With soil improvement methods, such as irrigation, drainage and stone picking, 37.5% of the soil is improvable to Class 2, 14.8% Class 3, 3.3% Class 4, 15% Class 5 and 29.4% remains Class 7.

**Environmentally Sensitive Areas:** The Cowichan Valley Environmental Planning Atlas 2000 identifies Kelvin Creek and a tributary on the subject property. The Sensitive Ecosystems Inventory (SEI) also identifies a riparian zone following the creek.

**Archaeological Site:** None identified.

**The Proposal:**

An application has been made to the Agricultural Land Commission (ALC) pursuant to Section 20(3) of the Agricultural Land Commission Act (application for a non-farm use) for the purpose of constructing a dwelling on the subject property, which is to be occupied by the owner's son.

**Planning Division Comments:**

This is the third generation family farm in which the Archer family has owned and operated since 1954. Prior to this, 'Fairburn Farm' was a portion of a 1200 acre estate. Currently, Cowichan Water Buffalo Dairy and agri-tourism is the focus of the farm. The ±130 acres houses a herd of water buffalo, as well as offers farm-stay/guesthouse accommodation and garden produce sales.

There are three existing homes on the property, one occupied by the Archer's, another occupied by their daughter and her family, and a mobile home used by farm help. The Archers' son, Richard, wishes to build his own single-family dwelling in the northern portion of the farm. The zoning for this property is A-1 (primary agricultural) which permits a single-family dwelling, a second single-family dwelling on parcels 6 ha or larger, a small suite on parcels 2 ha or greater, and an additional single family dwelling as required for agricultural use. Therefore, this proposal would comply with CVRD Electoral Area E Zoning Bylaw No. 1840.

The owner's have a herd of water buffalo, a milking parlour and multiple existing farm buildings located on the property. The location of the proposed new home is to be on Class 5 soils, adjacent to Class 7 soils. Class 5 soils 5 lands have limitations that restrict capability to produce perennial forage crops and Class 7 soils have no capability for arable culture. As noted previously, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 52.3% Class 3 with soil moisture deficiency in some areas and excess water in others, low perviousness and topography limitations, 3.3% Class 4 with stoniness and topography limitations, 15% Class 5 with stoniness and topography limitations, and 29.4% Class 7 with topography limitations. With soil improvement methods, such as irrigation, drainage and stone picking, 37.5% of the soil is improvable to Class 2, 14.8% Class 3, 3.3% Class 4, 15% Class 5 and 29.4% remains Class 7. The applicants have provided an Agricultural Impact report, prepared by Mark Tuner (P.Ag) (see attached).

The ALR Use, Subdivision & Procedure Regulation will permit additional accommodation on a single parcel of land without making application to the ALC provided that it is either 1) a single-family dwelling for the accommodation of farm help; 2) a manufactured home for the owner's immediate family; and 3) a secondary suite. If, for example, the application was for either a secondary suite or a manufactured home for the owner's immediate family, no application to the ALC would be required. However, CVRD policy is to direct applications for more than one single-family dwelling on a parcel of land within the ALR to the Agricultural Land Commission for review, therefore this application was made for non-farm use approval.



**Government Agency Comments:**

This application was not forwarded to the Area E Advisory Planning Commission.

**Options:**

The CVRD Board's Policy with respect to ALR non-farm use applications is to forward applications to the ALC only if the proposed non-farm use complies with CVRD Bylaws, which in this case it does.

1. That Application No. 4-E-10ALR, submitted by John and Athena Archer, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a fourth dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.
2. That Application No. 4-E-10ALR, submitted by John and Athena Archer, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a fourth dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

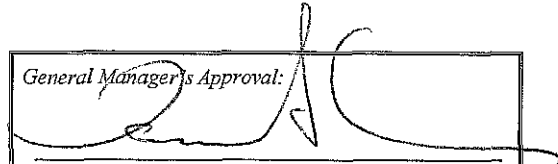
Option 1 is recommended.

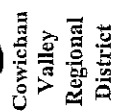
Submitted by,



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

JC/ca  
Attachments

General Manager's Approval:

Signature



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

The Regional District does not warrant the accuracy.

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

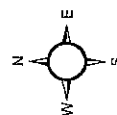
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 4-E-10-ALR**

### Legend



Subject Property



**R. 5**

**R. 4**

174

4  
0250 100

02300 100 Meters

## INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM

### TYPE OF APPLICATION

**EXCLUSION:** Check this box if you wish to exclude the land from the Agricultural Land Reserve.

**INCLUSION:** Check this box if you wish to include land in the Agricultural Land Reserve.

**SUBDIVISION:** Check this box if you wish to subdivide but keep the land within the Agricultural Land Reserve.

**NON-FARM USE:** Check this box if you wish to use land for non-farm purposes but keep the land within the Agricultural Land Reserve. (Note: If your proposal involves the placement of fill or removal of soil, please complete the Application for Non-farm Use to Place Fill or Remove Soil, instead of this form.)

### APPLICANT

This is the registered owner of the land or an agent acting on behalf of the owner. If there is more than one registered owner, all owners' names must be shown. An agent must supply written authorization of all owners.

### LOCAL GOVERNMENT

Specify the municipality or regional district in which the property is located.

### LAND UNDER APPLICATION and INTERESTS IN OTHER LANDS

Refer to your registered title to complete this part. The size of parcel refers to the entire parcel, not just the area under application. If you do not know the size of your property, your local government office may be able to assist with this information. Copies of the Certificate of Title or Title Search Print must accompany your application.

### PROPOSAL

Be clear and precise in describing the proposal and purpose of the application.

If proposing to subdivide, be sure that the number, area and dimensions of the parcels are noted, including the remainder of the parcel. A plan or sketch showing the proposal is required.

If proposing a non-farm use, provide details on the area, buildings, parking, and other physical alteration of the land that the non-farm use will require. Include a plan or sketch if appropriate.

Explain what steps you may be proposing to reduce potential impact on surrounding agricultural lands such as landscape screening, fencing, etc.

### CURRENT USE OF LAND and ADJACENT USES

Describe the current use of the whole parcel and the types of activities on adjacent lots. Include any historical use of the property, particularly its use for farming activities. Show this information on a plan or sketch.

### SIGNATURE(S)

All registered owners of the land must sign the application or provide written confirmation that they consent to the application. If an agent signs the application form, he/she must provide written authorization to act on behalf of the owner(s).

### NOTICE OF APPLICATION

If you are applying to exclude your land from the ALR, your application must be accompanied by proof of the advertising, serving and posting requirements of Section 16 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

### SEND COMPLETED APPLICATION and ACCOMPANYING DOCUMENTS TO:

- the Municipality in which the land is located;
- if not within a Municipality, the Regional District or Islands Trust in which the land is located.

The following must be enclosed:

- |   |  |
|---|--|
| ■ Application fee (\$600) payable to the Local Government | ■ Map or sketch showing proposal & adjacent uses     |
| ■ Certificate of Title or Title Search Print              | ■ Proof of Notice of Application *(See instructions) |
| ■ Agent authorization (if using agent)                    | ■ Photographs (optional)                             |

### INCOMPLETE OR MISSING INFORMATION WILL DELAY YOUR APPLICATION

*If you have any questions about the application process, contact the Municipal or Regional District or Islands Trust office in which the property is located. You may also contact the Commission's office.*

## APPLICATION BY LAND OWNER

*NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.*

### TYPE OF APPLICATION (Check appropriate box)

- |   |  |
|---|--|
| <input type="checkbox"/> <b>EXCLUSION</b><br>under Sec. 30(1) of the Agricultural Land Commission Act | <input type="checkbox"/> <b>SUBDIVISION</b> in the ALR<br>under Sec. 21(2) of the Agricultural Land Commission Act             |
| <input type="checkbox"/> <b>INCLUSION</b><br>under Sec. 17(3) of the Agricultural Land Commission Act | <input checked="" type="checkbox"/> <b>Non-farm USE</b> in the ALR<br>under Sec. 20(3) of the Agricultural Land Commission Act |

### APPLICANT

Registered Owner: <b>ANTHEA M AND JOHN D ARCHER</b>		Agent: <b>JOHN R ARCHER</b>	
Address: <b>3330 JACKSON RD</b>		Address: <b>3330 JACKSON RD</b>	
Postal Code <b>V9L 6N7</b>		Postal Code <b>V9L 6N7</b>	
Tel. (home) <b>250 746 4621</b> (work) <b>250 746 4621</b>		Tel. <b>250 (710-8678)</b>	
Fax		Fax	
E-mail <b>daarcher@telus.net</b>		E-mail <b>archer-r@hotmail.com</b>	

### LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

**CVRD**

### LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase	
		Month	Year
<u><b>EM 7857</b></u>	<u><b>53.2</b></u>		<u><b>1954</b></u>

### OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s): \_\_\_\_\_

**PROPOSAL** (Please describe and show on plan or sketch)

A-1 ZONE ONE ADDITIONAL SINGLE FAMILY DWELLING AS REQUIRED FOR AGRICULTURAL USE. MOVING BACK TO FAMILY FARM AND NEED A HOUSE TO LIVE IN.

HOUSE LOCATION NOT ON PRIME ACR LAND, THIS WILL NOT AFFECT FARM IN ANY NEGATIVE WAY

**CURRENT USE OF LAND** (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings

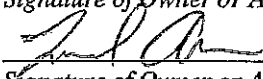
WATER BUFFALO DAIRY, AGRI-TOURISM. MAIN FARMHOUSE, SECOND SINGLE FAMILY DWELLING, BARNs FOR DAIRY AND STORAGE

**USES ON ADJACENT LOTS** (Show information on plan or sketch)

North	HYDRO RIGHT OF WAY
East	FOREST LANDS
South	FOREST LANDS
West	FOREST LANDS

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

Date	Signature of Owner or Agent	Print Name
Date	Signature of Owner or Agent	Print Name
AUG 2/2010		JOHN RICHARD ARCHER
Date	Signature of Owner or Agent	Print Name

Please ensure the following documents are enclosed with your application:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Application fee payable to the Local Government | <input checked="" type="checkbox"/> Map or sketch showing proposal & adjacent uses |
| <input checked="" type="checkbox"/> Certificate of Title or Title Search Print      | <input type="checkbox"/> Proof of Notice of Application *(See instructions)        |
| <input type="checkbox"/> Agent authorization (if using agent)                       | <input type="checkbox"/> Photographs (optional)                                    |

**FAIRBURN WATER BUFFALO  
FAIRBURN FARM  
3330 Jackson Road, Duncan,  
British Columbia, V9L 6N7  
250-746-4621  
daarcher@telus.net**

August 2, 2010

Cowichan Valley Regional District,  
Ingram Street,  
Duncan, BC

Attention: Jill Collinson, Planing Department

Dear Ms Collinson,

Re: Application for a third family dwelling at Fairburn Farm

I enclose an application submitted by our son, Richard Archer, to build a third family dwelling at Fairburn Farm where our family has operated a mixed farm and now a water buffalo dairy since 1954.

For two years two of our children have been working on the farm and both wish to continue permanently. We currently have a century old home where our daughter and husband will reside and a second home where my husband, Darrel and I reside. I am over 65 and Darrel is 62.

Richard wishes to live on the farm and has researched a home and location that will not intrude on any aspect of farming. It would be ideal if the house could be built during the winter 2010 – 2011 as summer months are too busy with field work for construction. We believe that the application conforms to all regulations for the CVRD and also for the ALC and hope that the process will not be unduly delayed.

If you have any questions please do not hesitate to ask. We will do whatever is needed to expedite this application and thank you for your assistance in this matter.

Yours truly,



Anthea M. Archer

**FAIRBURN WATER BUFFALO  
FAIRBURN FARM  
3330 Jackson Road, Duncan,  
British Columbia, V9L 6N7  
250-746-4621  
daarcher@telus.net**

August 2, 2010

Provincial Agricultural Land Commission,  
Room 133, 4940 Canada Way,  
Burnaby, BC V7G 4K6

Dear Commissioners:

Re: Application for a third family dwelling at Fairburn Farm – Agent J. Richard Archer

We, John Darrel Archer and Anthea M. Archer, are registered owners of the property known as Fairburn Farm at 3310 and 3330 Jackson Rd, Cowichan Station near Duncan. The property is on one Certificate of Title. We operate a water buffalo dairy and agri-tourism including Farm holidays which we offered for over 40 years. Darrel is 62 years old and Anthea is 65.

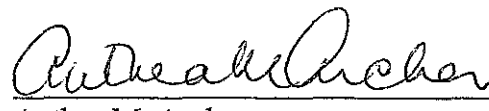
Two of our adult children have decided to continue farming into the third generation and they are already an asset to the farming operation.

Our son, Richard, age 26, wishes to build his own family dwelling on the farm. Our daughter and husband will occupy the original farmhouse and operate Fairburn Farmstay and Guesthouse. We all participate in the water buffalo dairy operation, agricultural tours and garden produce sales.

We support Richard's application wholeheartedly. Please do not hesitate to ask us if you have any questions.

Yours sincerely,

  
John Darrel Archer

  
Anthea M. Archer



Cowichan  
Valley  
Regional  
District

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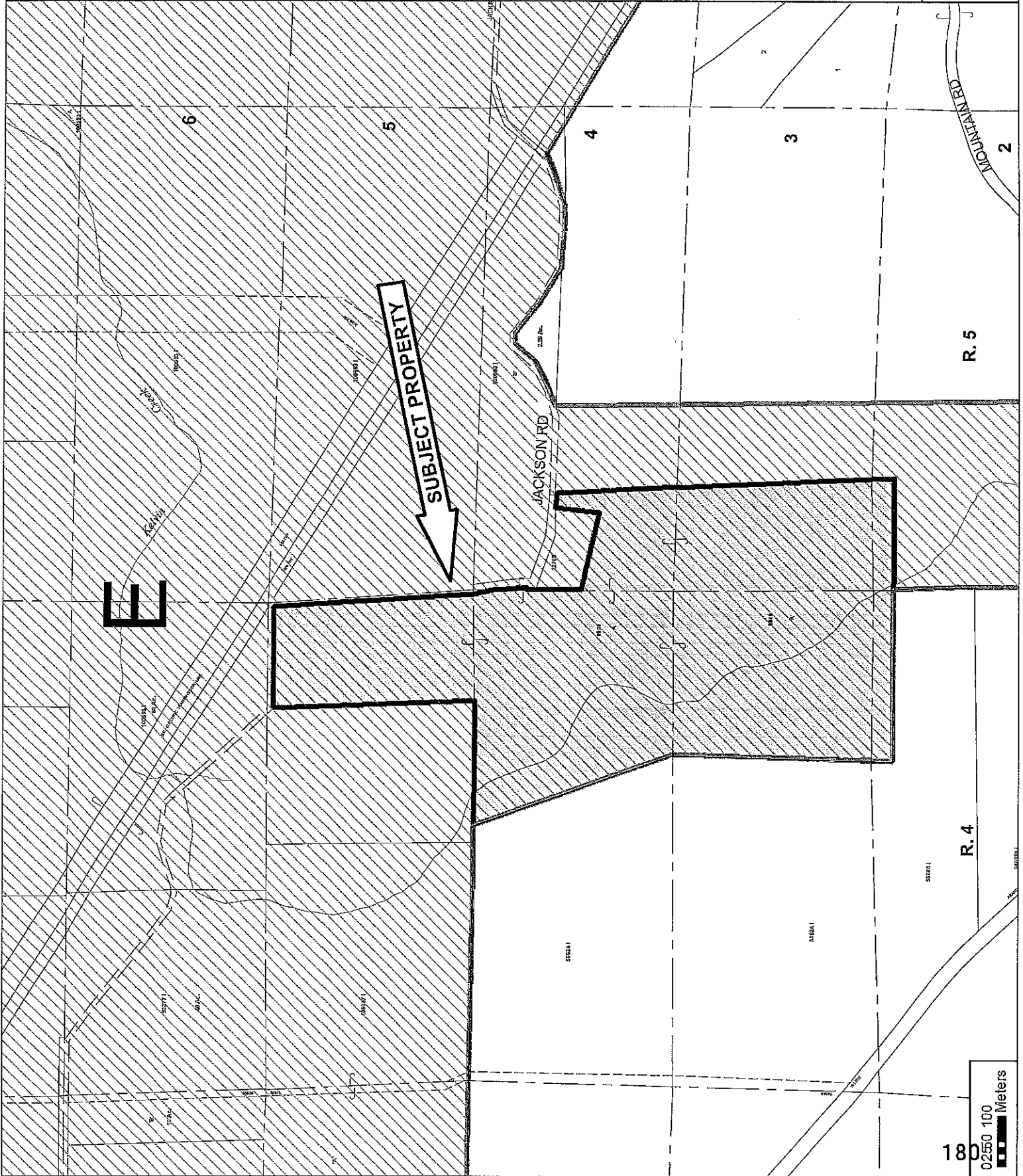
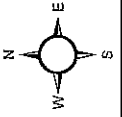
FILE: 4-E-10-ALR

ALR

Legend



Subject Property  
E\_ALR





### 7.3 A-1 ZONE - PRIMARY AGRICULTURAL

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

(a) Permitted Uses

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

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

\* subject to Land Reserve Commission approval: It is the mandate of the ALC to preserve agricultural land and encourage agriculture. Therefore, the ALC will base its decision on the benefit to or impact on agriculture.

(b) Conditions of Use

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

- (1) the *parcel coverage* shall not exceed 30 percent for all *buildings and structures*;
- (2) notwithstanding Section 7.3(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;
- (3) the *height* of all *buildings and structures* shall not exceed 10 metres except for *accessory buildings* which shall not exceed a *height* of 7.5 metres;
- (4) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for residential and *accessory uses* in Column II, for *agricultural and accessory uses* in Column III and for *auction use* in Column IV:

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

- (5) Notwithstanding Section 7.3(b)(4), a *building or structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.
- (6) Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;
- (7) A slaughterhouse, abattoir or stockyard shall be specifically prohibited;
- (8) Maintenance and repair of any materials offered for sale shall be specifically prohibited.

(c) Minimum Parcel Size

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



Cowichan  
Valley  
Regional  
District

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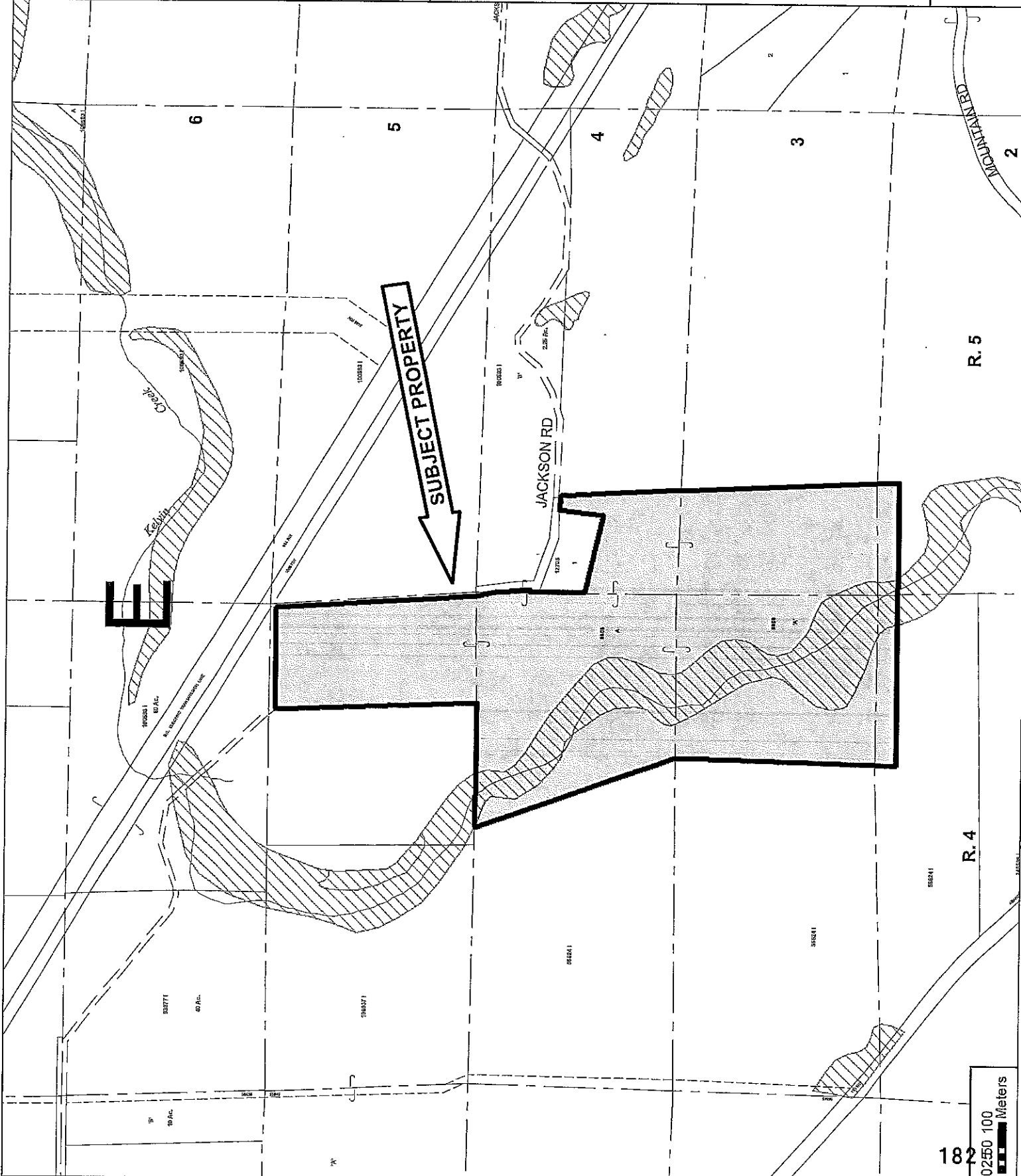
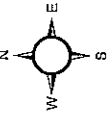
FILE: 4-E-10-ALR

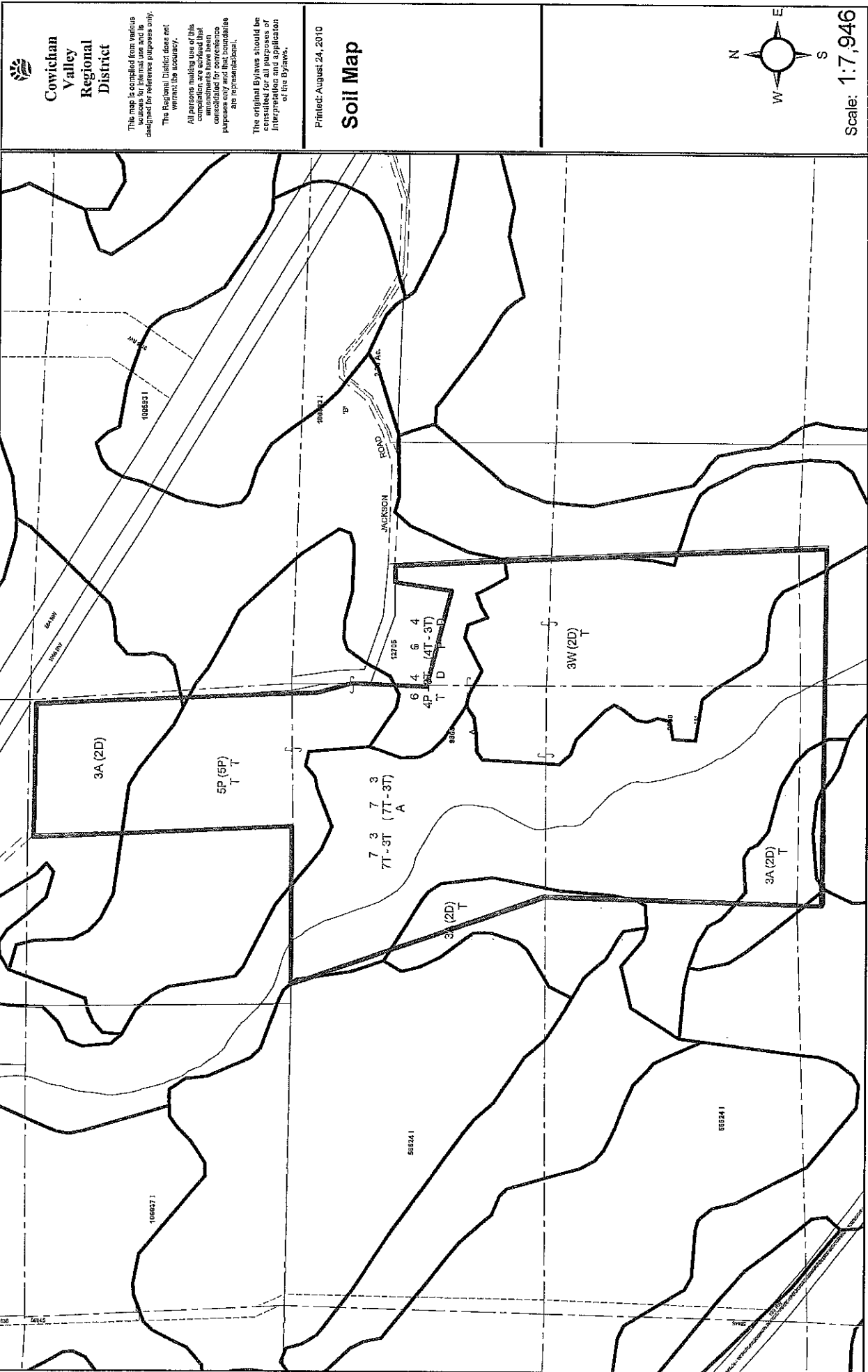
## Sensitive Ecosystem Inventory

Legend



Subject Property  
SEI 2004





■ PO Box 776, Stn Main  
■ Duncan, BC,  
■ V9L 3Y1

August 11, 2010

RE: Fairburn Farm Building Request

**CVRD**

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

Dear CVRD Board:

Wayne Haddow PAg. and Mark Turner PAg. were requested by the Archer family to evaluate the Agricultural Impact of building an approximately 1000 sq ft home for the use of the future farm manager, their son, as part of their 130 acre farm. The area in question has the Agricultural Capability mapped as 7T and 5PA. We investigated the farm/site and see only positive impacts on "farming" in the Cowichan Region with this building being completely complementary to this farm business and Cowichan Valley Agriculture as a whole.

The Archers met with us, showed us the proposed building site (photos attached) for a 28X30, 840 sq ft plus sun deck home. The proposed site features are:

- within the existing farm compound of barns, corrals, holding pens and buildings
- as shown on the attached Land Capability for agriculture map (a portion of map 92B.072, 1:20,000) and verified on site the proposed house location is adjacent to a steep slope with an agricultural capability of class 7T (topography)
- the house itself will be placed on soils mapped as 5 PA (stony and arid). This rating agrees with soils evident on the top of slope at the house site.
- at the top of a slope, set back sufficiently as to have no impact on the slope
- will provide onsite housing near the livestock for the farm manager
- adjacent to and replacing an existing 252 sq foot derelict once bunk house, so the net change in land covered by buildings will be no more than 750 sq ft.

To gather information on the larger impact on the area agriculture, we discussed a wide range of issues relating to their estate and succession planning for the continuance of the farm and it's importance as a unique, innovative and profitable contribution to Cowichan Valley business and agriculture industry.

Also please note that the Archers have a proven history of successful intergenerational legacy as Mr. Archer succeeded his parents as the steward of this farm that has been part of the family since 1954.

In summary, the house is not being placed on the more productive soils of the farm but rather on the soils with significant limitations to cultivation, thus having minimal negative impacts on the farms agricultural potential.

Respectfully submitted,

  
Mark Turner PAg.

Enclosures



## Photographs



Proposed site is near the debris pile centre left



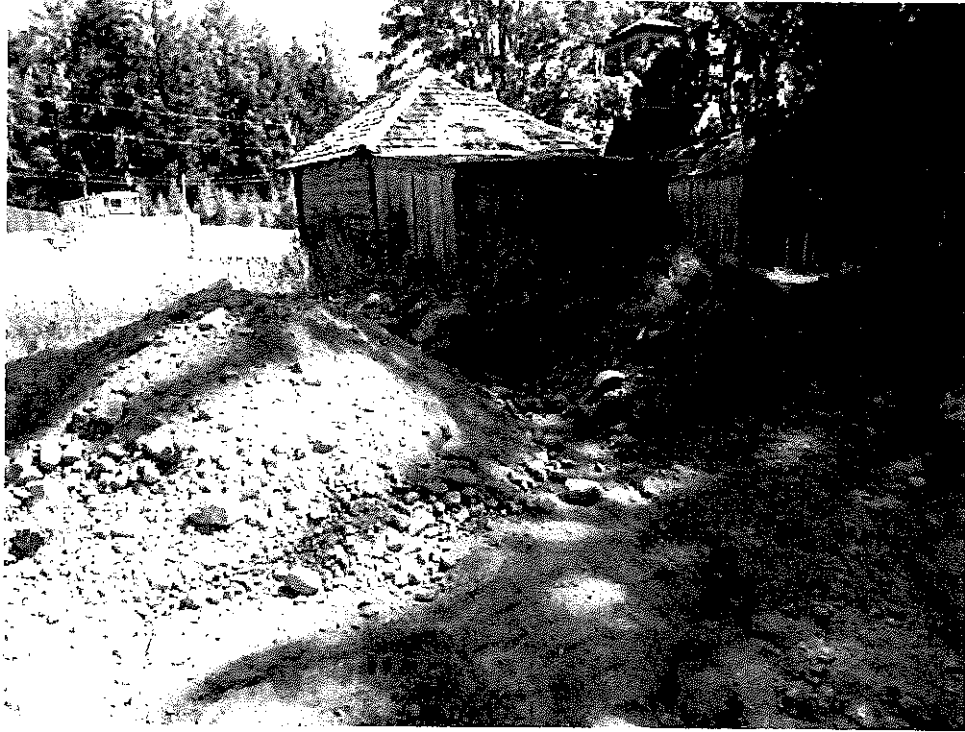
Long view

Photos #2



Soil test pit at site showing clay, stones and cobbles, soils that are mapped as 5 PA (stony and arid)

Photos #3



Soil dug from the test pit



Adjacent slope taken from the toe



PLAN OF SUBDIVISION OF PART OF SECTIONS 2, 3, 4 AND 5 RANGE 4  
AND PART OF SECTIONS 2, 3 AND 4 RANGE 5  
QUAMICHAN DISTRICT B.C.

Scale 1 inch = 300 feet

Legend

Bearings Astronomic derived from Plan 584 R/W

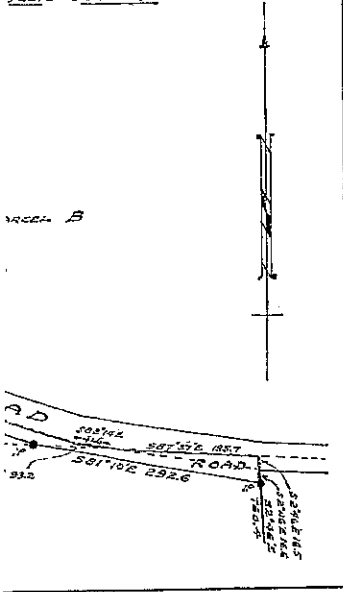
- IP denotes iron post set
- OIP " " " Found
- OOP " " " wood " "

Approved under the Land Registry Act  
this 27<sup>th</sup> day of APRIL 1954

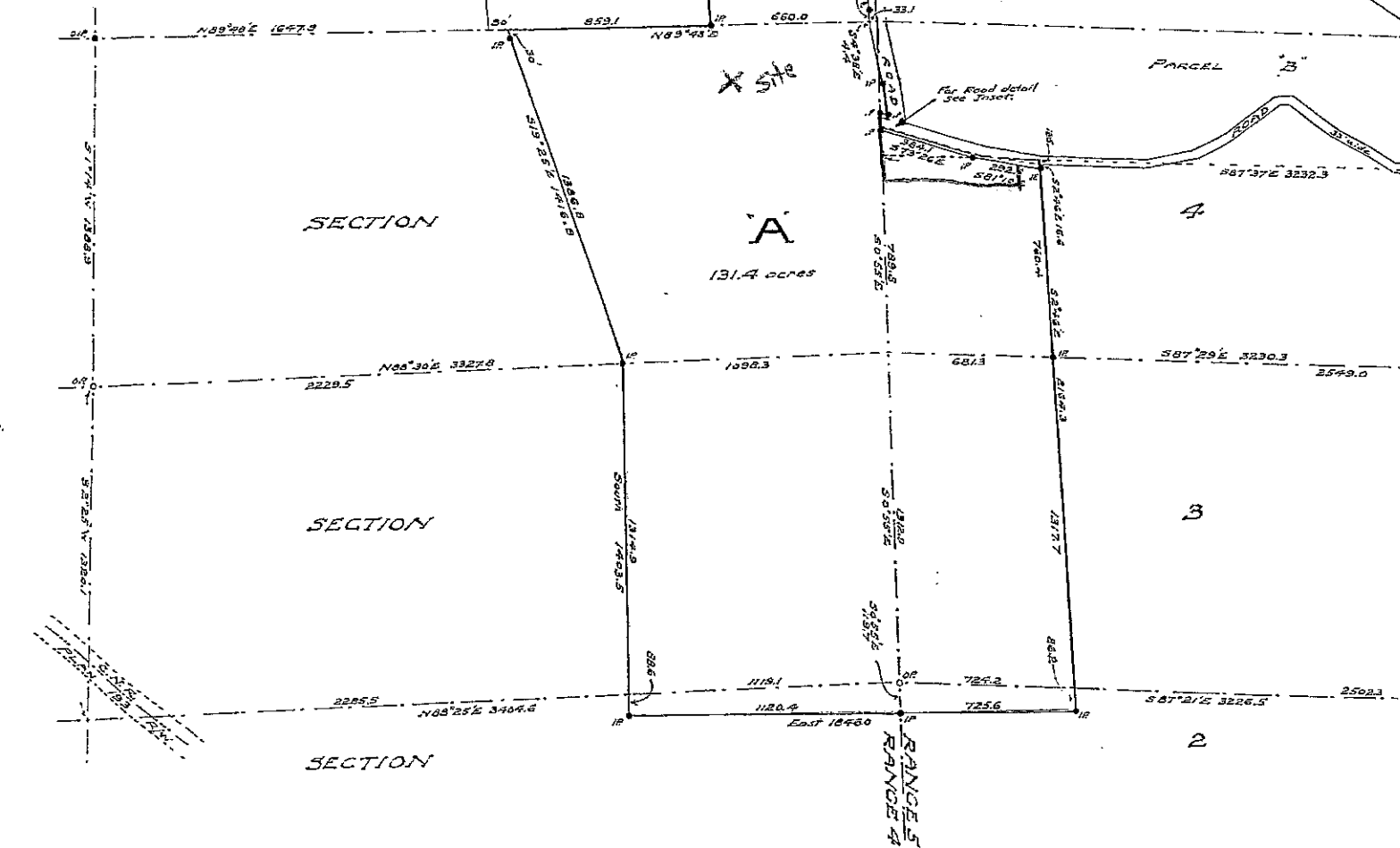
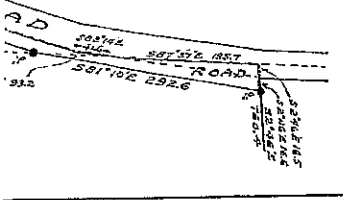
*A. J. Bowring*  
Deputy Officer for the Department of  
Public Works, Victoria B.C.

T SHOWING ROAD DETAIL

Scale 1 inch = 100 feet



Parcel B





D10

## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **FILE NO:** 4-A-10DVP  
**FROM:** Maddy Koch, Planning Assistant **BYLAW NO:** 2000  
**SUBJECT:** Development Variance Permit Application  
No. 4-A-10DVP(Kuwert)

---

**Action:**

That the committee provide further direction on this application

**Purpose:**

To consider an application to vary the setback to the interior side parcel line by 2.8 metres (9.2 feet).

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

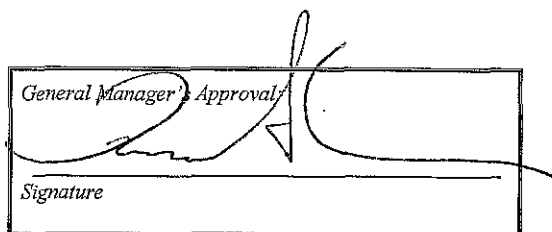
N/A

**Background:**

At the August 3, 2010 Electoral Areas Services Committee, the file 4-A-10DVP was recommended for approval. At the August 11, 2010 Regional Board meeting, the file was referred back to the EASC. A letter of opposition, the original staff report and the original draft DVP are attached to this report.

Submitted by,

Maddy Koch,  
Planning Assistant  
Development Services Division  
Planning and Development Department



---

**From:** Norm Nicholson [normnicholson@shaw.ca]  
**Sent:** Monday, July 26, 2010 4:03 PM  
**To:** DS Email  
**Subject:** re 4-A-10DVP(Kuwert)

To: Maddy Koch,

**Re: Development Variance Permit Application - File 4-A-10DVP(Kuwert)**

My wife Veronika and I strongly oppose the granting of the variance applied for by Mr. Kuwert at 2473 Mill Bay Rd. The existing house, situated only .2 m from the side property line, is already a considerable variance from the 4.5 m from the required minimum setback. From what I understand, the house was situated on 2 separate lots and was altered to be contained entirely within one lot with a side setback of only .2 m. Any further expansion to the house should be made to comply with current setbacks for new construction. The situation has the future potential to create undesirable density, not only for the two directly affected lots, but to those homes in the visible vicinity.

Thank you,  
Norm Nicholson

Veronika Nicholson

2476 Mill Bay Rd.,  
Mill Bay, BC,  
V0R 2P4



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 3, 2010

**DATE:** July 28, 2010 **FILE No:** 4-A-10DVP  
**FROM:** Maddy Koch, Planning Assistant **BYLAW No:** 2000  
**SUBJECT:** Development Variance Permit Application No. 4-A-10DVP (Kuwert)

---

**Recommendation:**

That Development Variance Permit Application No. 4-A-10DVP by Eric Kuwert for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to the interior side parcel line from 3.0 metres to 0.2 metres on Lot 5, District Lot 47, Malahat District, Plan 6695 (*PID 005-773-610*), be approved, subject to a legal survey confirming compliance with approved setbacks.

**Purpose:**

To consider an application to vary the setback to the interior side parcel line by 2.8 metres (9.2 feet).

**Background:**

Location of Subject Property: 2473 Mill Bay Road

Legal Description: Lot 5, District Lot 47, Malahat District, Plan 6695 (*PID 005-773-610*)

Date Application and Complete Documentation Received: June 21, 2010

Owner: Eric Kuwert

Applicant: As above

Size of Parcel: ±0.086 ha. (±0.2 acre)

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

Setback permitted by zoning: 3.0 metre setback to the interior side parcel line

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential (R3-A Urban Residential Limited Height)  
 South: Residential (R3-A Urban Residential Limited Height)  
 East: Holford Road  
 West: Mill Bay Road

Services:

Road Access: Mill Bay Road  
Water: Mill Bay Waterworks  
Sewage Disposal: On-site septic System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None Identified

Archaeological Site: None Identified

**Proposal**

An application has been made to: Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, of Electoral Area A – Mill Bay/Malahat.

For the purpose of: Issuing a Development Variance Permit for construction of an addition 0.2 metres from the interior side parcel line.

**Surrounding Property Owner Notification and Response:**

A total of 17 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. One response letter, in opposition to the variance, was received to date. A copy of the letter is attached to this report.

**Planning Division Comments:**

The subject property is located at 2473 Mill Bay Road. It is 860 square metres (0.21 acres) in size and has a view of Mill Bay. The lot is terraced on the east side and is in the process of being landscaped. Lot 4, which is also owned by the applicant, is not separated from the applicant's lot. Without knowing where the parcel line is, one would assume they are both one lot. Lot 4 is undeveloped but has a number of fruit trees on it.

The house on the subject property originally encroached onto Lot 4, presumably because it was built prior to CVRD jurisdiction over the area. In April 2010 a building permit was issued to allow the applicant to demolish the portion of the house located on Lot 4. The house is now completely contained on Lot 5, with its closest point located only 0.2 metres from the interior side parcel line. In October, 2008, a Development Variance Permit was issued to bring the home into compliance with the Zoning Bylaw.

The applicant is now proposing to construct a <sup>±</sup>360 square foot addition on the south-west side of the home. This addition would be two stories high with a bedroom on the top story and a garage on the lower level.

A Development Variance Permit is required as the applicants are requesting to vary the interior side parcel line setback from 3.0 metres to 0.2 metres. The proposed addition would be more or less flush with the portion of the existing house that is currently located 0.2 metres from the interior side parcel line. This variance would allow for the construction of a two story addition 0.2 metres away from the interior side parcel line at the closest point. This variance would ensure the applicant has sufficient turn around room to park in the proposed garage easily.

Staff is recommending approval of the requested variance. Since the existing house is already located 0.2 metres from the interior side parcel line at the closest point and the proposed height of the addition is in compliance with the zoning bylaw, construction of the addition will not further affect neighbours' views. Also, the lot which would be most affected by the variance is owned by Mr. Kuwert, who is obviously supportive of the variance.

**Options:**

1. That Development Variance Permit Application No. 4-A-10DVP by Eric Kuwert for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to the front parcel line from 3.0 metres to 0.2 metres Lot 5, District Lot 47, Malahat District, Plan 6695 (PID 005-773-610), be approved, subject to a legal survey confirming compliance with approved setbacks.
2. That Development Variance Permit Application No. 4-A-10DVP by Eric Kuwert for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to the front parcel line from 3.0 metres to 0.2 metres on Lot 5, District Lot 47, Malahat District, Plan 6695 (PID 002-706-849), be revised.

Option 1 is recommended.

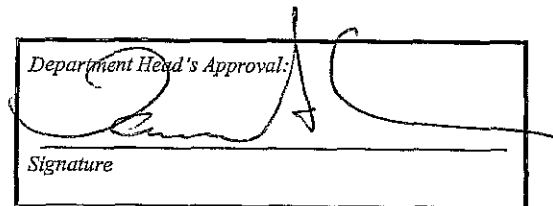
Submitted by,

*Maddy Koch*

Maddy Koch,  
Planning Assistant  
Development Services  
Planning and Development Department

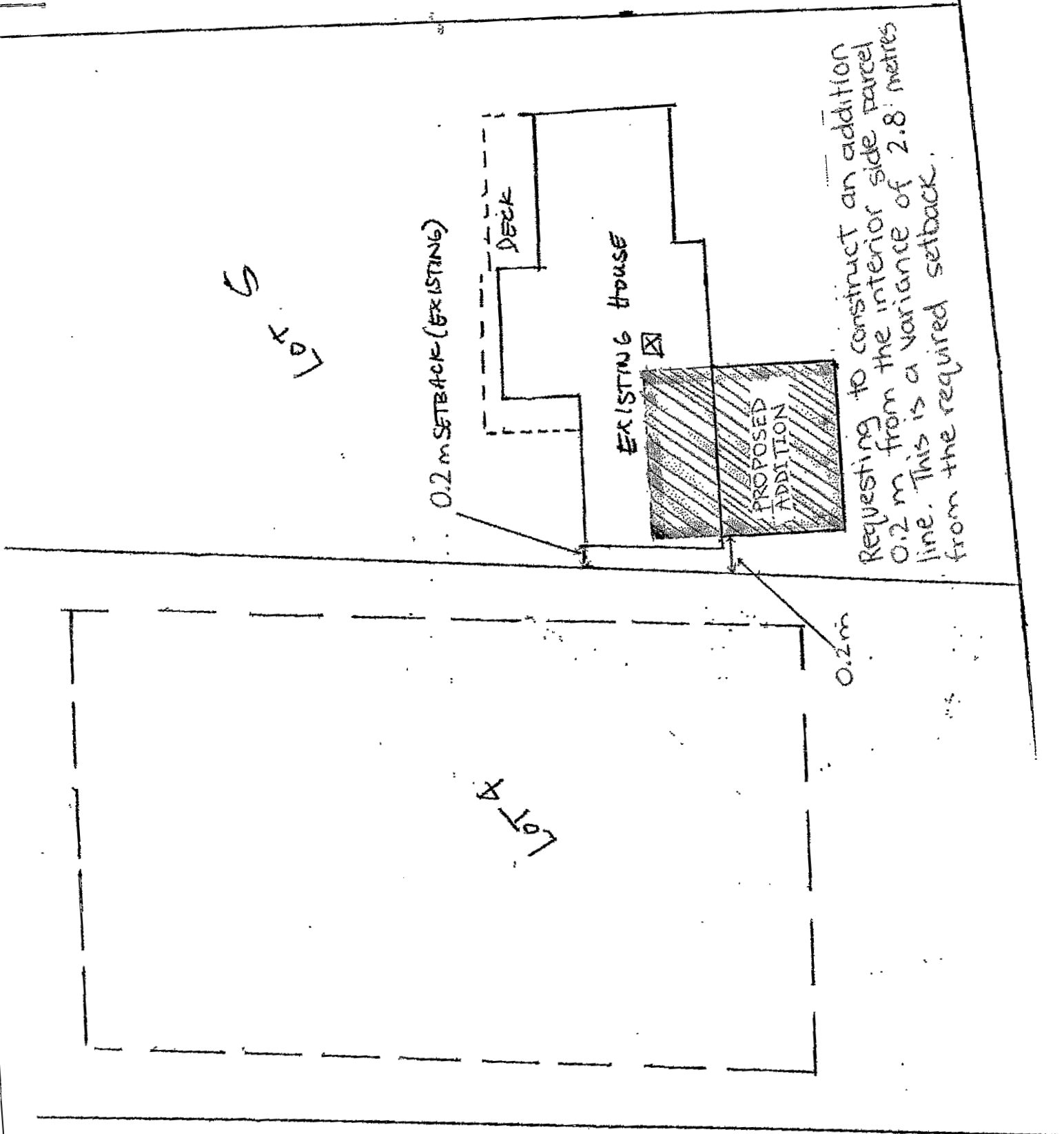
MK/jah

Attachments



2473 MILL BAY ROAD.

OWNER ERIC KLAUERT 250.743.5  
CONTRACTOR 2. BLUE BARNFIELD.  
c. 250.896.9179



#### 8.4.A R-3A ZONE – URBAN RESIDENTIAL (LIMITED HEIGHT)

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations apply in the R-3A Zone:

##### (a) Permitted Uses

The following uses and no others are permitted in an R-3A Zone:

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

##### (b) Conditions of Use

For and parcel in an R-3A Zone:

- (1) The parcel coverage shall not exceed 25 percent for all buildings and structures;
- (2) 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;
- (3) The following minimum setbacks apply:

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

##### (c) Minimum Parcel Size

Subject to Part 13, the minimum parcel size in the R-3 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.





Cowichan  
Valley  
Regional  
District

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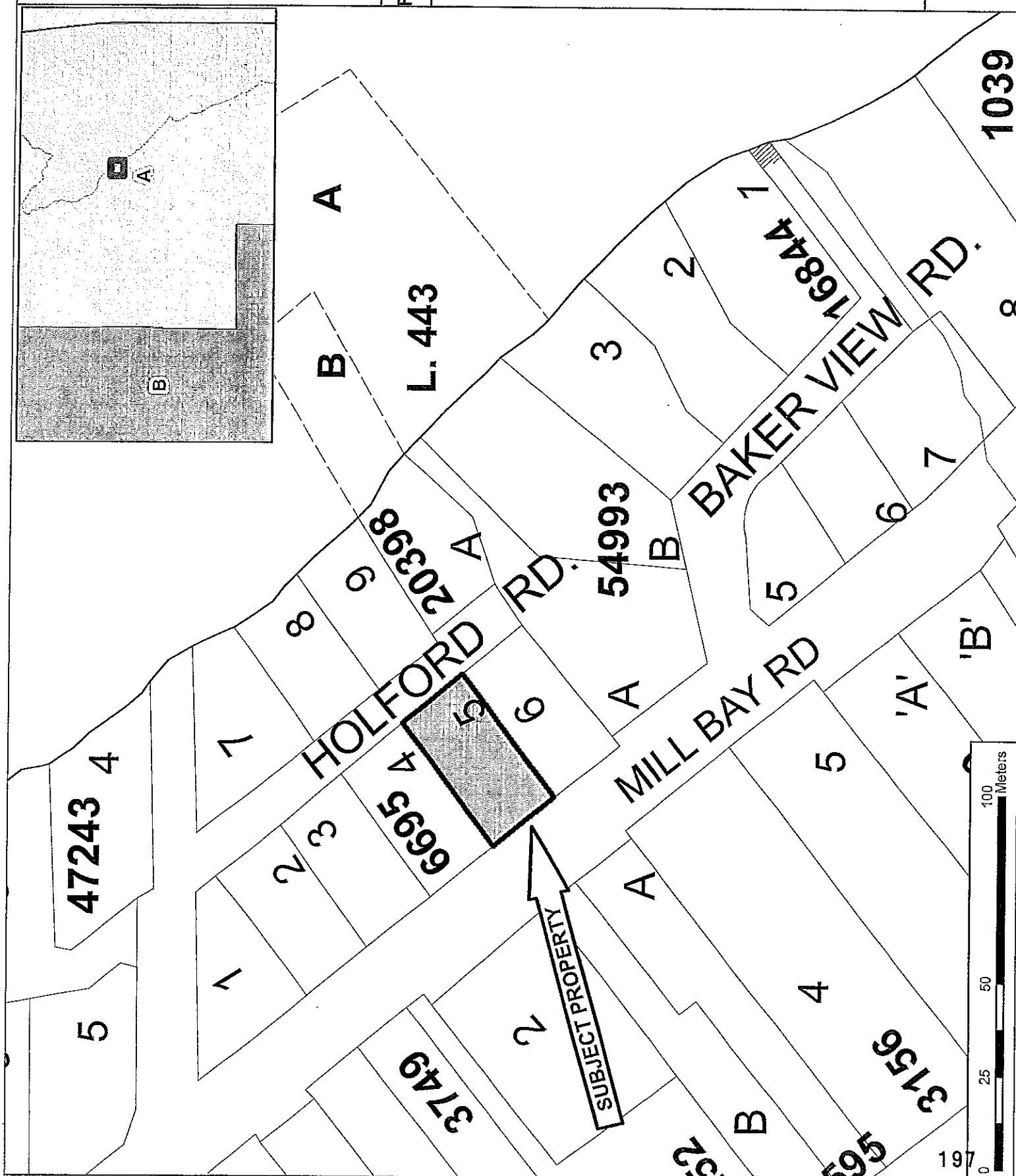
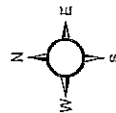
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-10-DVP

Legend



Subject\_Property





Cowichan  
Valley  
Regional  
District

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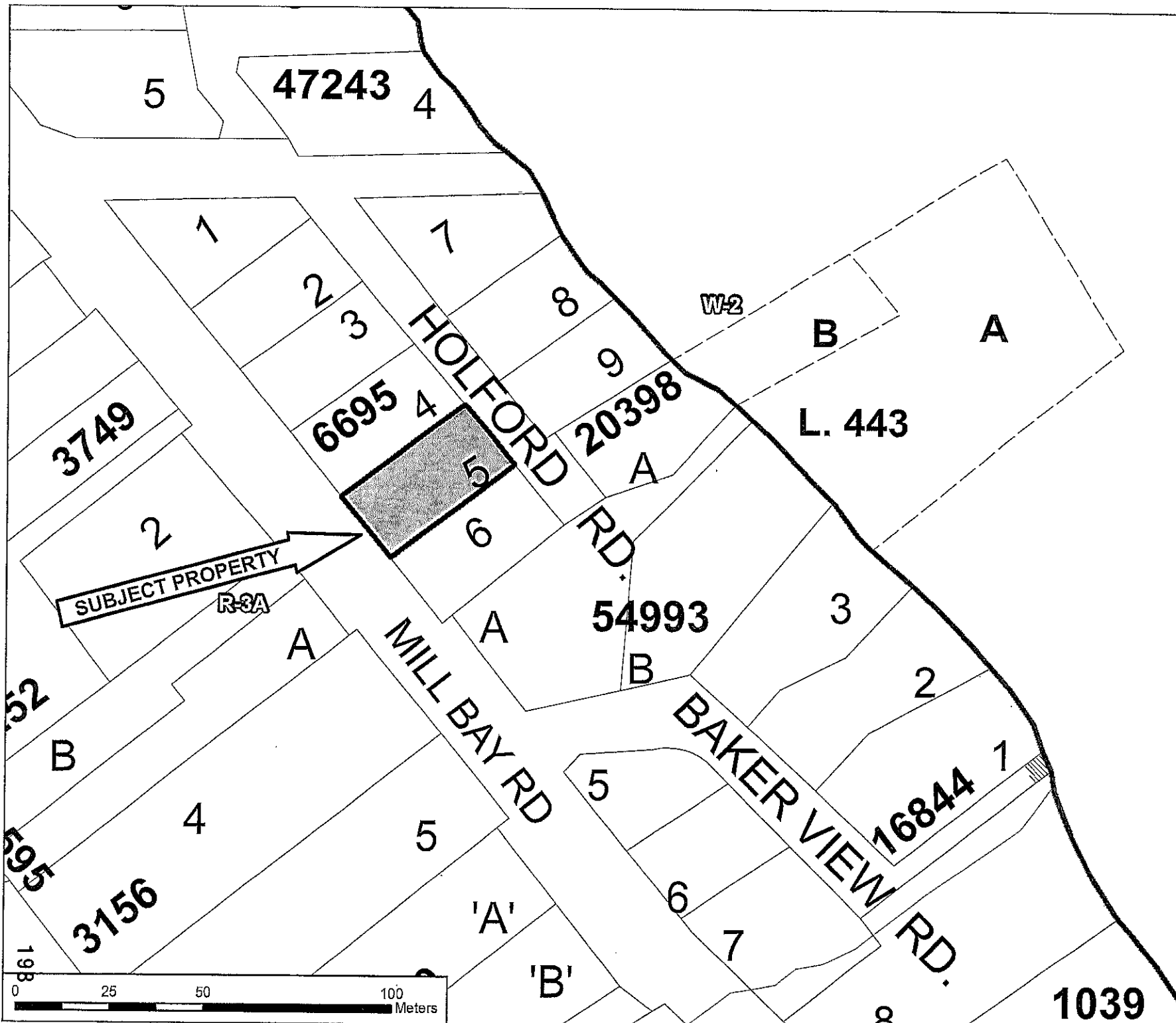
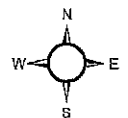
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-10-DVP

## ZONING

### Legend

-  Subject Property
-  Zoning Electoral Area A



DRAFT



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

DRAFT

NO: 4-A-10DVP DRAFT

DATE: AUGUST XX, 2010

TO: ERIC KUWERT

ADDRESS: 2473 Mill Bay Road

MILL BAY, BC V0R 2P0

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):

*Lot 5, District Lot 47, Malahat District, Plan 6695 (PID: 005-773-610)*

3. Zoning Bylaw No. 2000, applicable to Section 8.4A(b)(3), is varied as follows: The interior side parcel line setback for an accessory building is reduced from 4.5 metres to 0.2 metres.
4. A survey certificate from a BC Land Surveyor is required confirming compliance with the setback variance described in Section 3 of the Permit.
5. The following plans and specifications are attached to and form a part of this permit:
  - Schedule A – Site Plan
6. 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.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

**AUTHORIZING RESOLUTION NO. XX-XXX (X) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 11<sup>th</sup> DAY OF AUGUST 2010.**

---

Tom Anderson, MCIP  
General Manager, Planning and Development Department

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

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

\_\_\_\_\_  
**Signature of Owner/Agent**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Occupation**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**



D 11

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **FILE No:** 2-C-10DVP  
**FROM:** Maddy Koch, Planning Assistant **BYLAW No:** 1405  
**SUBJECT:** Development Variance Permit Application No. 2-C-10DVP  
(Lamont)

---

#### **Recommendation:**

That the application by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.) **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks

#### **Purpose:**

To consider an application to relax the rear parcel line setback to allow for construction of an additional steel storage building.

#### **Background**

Location of Subject Property: 1334 Fisher Road

Legal Description: Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13 Range 6 Shawnigan district plan VIP81077 PID: 027-434-176

Date Application and Complete Documentation Received: June 30th, 2010

Owner: Nick Hill/ Bill Motherwell

Applicant: Kevin Lamont

Size of Parcel: 2.02 acres (.816 hectares)

Zoning: I-1B

Setback Permitted by Zoning: 7.5 metres (24.61 ft.) from rear parcel line

Proposed Setback: 6.66 metres (21.85 ft.) from rear parcel line

Existing Plan Designation: Industrial

Existing Use of Property: Industrial (mini-storage)

Existing Use of Surrounding Properties:

North:	Fisher Road (I-1B)
South:	Residential (R-3)
East:	Parks and Institutional (P-1)
West:	Industrial (Cabinet Shop) (I-1C)

Services:

<u>Road Access:</u>	Fisher Road
<u>Water:</u>	CVRD Water Systems Cobble Hill
<u>Sewage Disposal:</u>	Septic Field

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None identified

**The Proposal:**

The subject property is located at 1334 Fisher Road in Electoral Area C- Cobble Hill. It is two acres in size and mostly flat with the rear portion abruptly sloping uphill. The rear parcel line is irregularly shaped with an approximately 55 by 90 foot portion jutting out on the south-easterly portion of the subject property. The property is home to South Cowichan Storage and currently there are two storage units, several RVs and several boats on the property. The applicants are proposing to construct an additional steel storage building on the southern portion of the subject property to allow for increased storage capacity.

A Development Variance Permit is required as the applicants are requesting to decrease the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.). This is a variance of 0.84 metres. It is important to note that this variance would only apply to the portion of the building located parallel to the most northern section of the rear parcel line.

**Planning Division Comments:**

A rear parcel line variance of 0.84 metres (2.76 ft.) has been requested, as the applicants are planning to build two conforming storage buildings where the RVs and boats are currently located. Once those have been constructed, there will not be room elsewhere on the property for a third new storage building. A variance to the rear parcel line setback requirement is necessary to allow adequate room for vehicles to drive between all of the existing and future storage buildings.

Directly behind the section of the rear parcel line in question for a variance is an abrupt dirt slope. This property is owned by one of the applicant's family members and is the result of a past subdivision from the subject property.

Staff is recommending approval of the requested variance because there is no other room on the subject property to accommodate the proposed storage building and the property sharing the parcel line would be minimally affected by the proximity of the proposed storage building.

**Surrounding Property Owner Notification and Response:**

A total of fifteen (15) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. During the two week period provided for a written reply, we have not received any correspondence for or against granting this variance.

**Options:**

1. That the application by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.) **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks.
2. That the application by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.) **not be approved**.

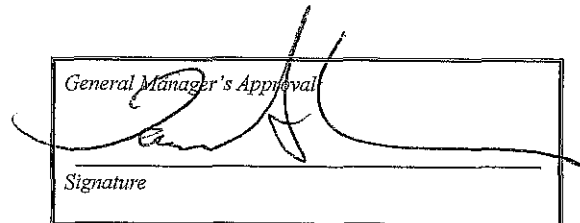
Option 1 is recommended.

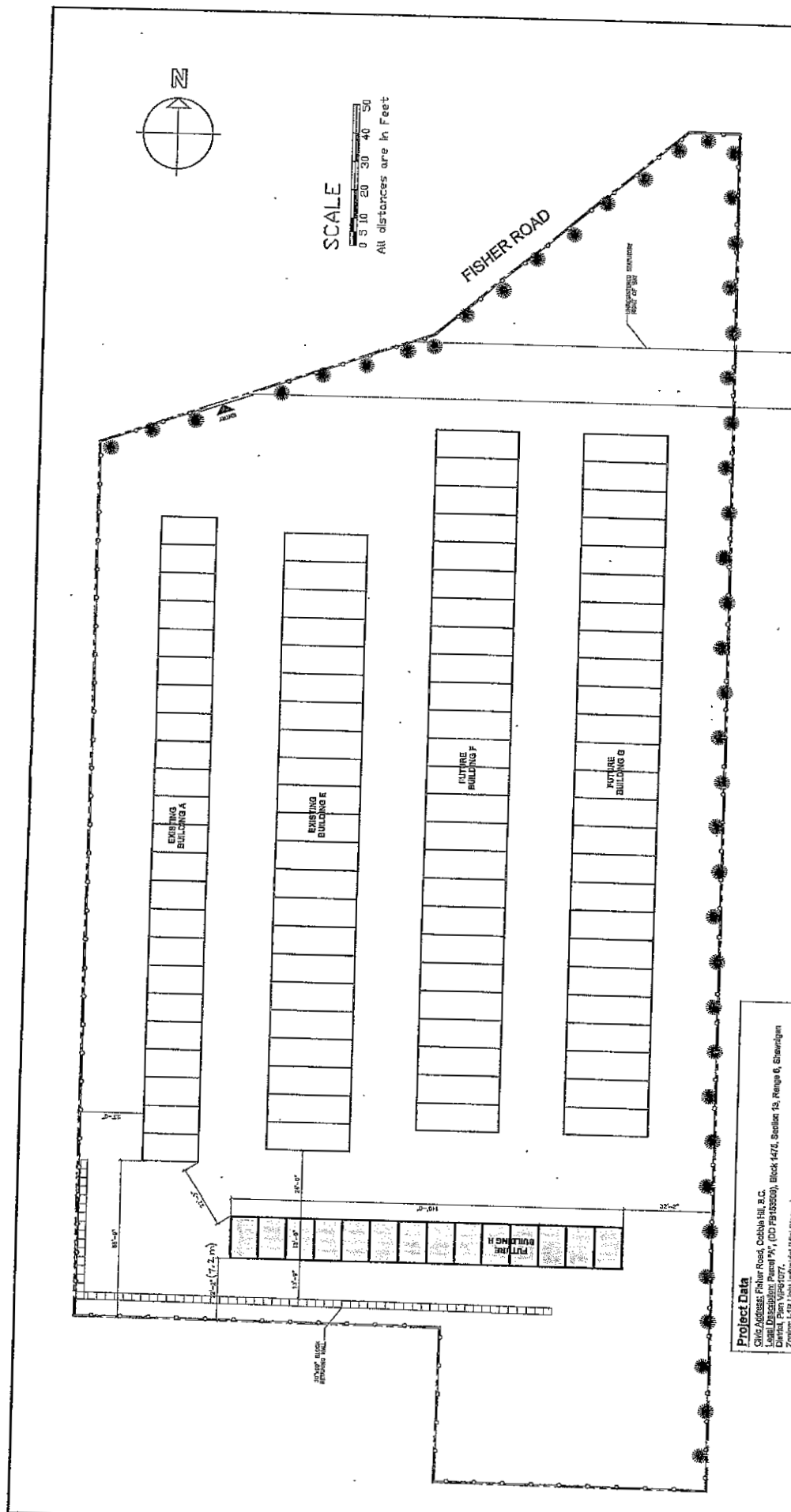
Submitted by,

*Maddy Koch*

Maddy Koch, Planning Assistant  
Development Services Division  
Planning and Development Department

MK/ca  
Attachments





**KEVIN LAMONT**  
PROJECT FACILITATOR  
LAWRENCE, ILL.  
PHONE 281-14-1909

**MINI STORAGE FOR  
SOUTH CONCHIAN STORAGE  
(FISHER ROAD)**

**SITE PLAN**

SCALE: AS NOTED

DRAWN BY: K.J.L.

DATE: JUNE 2002

PLANNING SOUTH CON

DRAWING NO.

DATE: JUNE 2002

**A1**

**Project Data**

Client: Fisher Road, Cobble Hill, E.C.  
 Location: 1-18 Light Industrial (Mini Storage)  
 Zoning: 1-18 Light Industrial (Mini Storage)  
 Site Area: 27,653.21 sq ft (652.21 m)  
 Building Area: 13,407 sq ft (310 m)  
 Building F: 13,407 sq ft (310 m)  
 Building E: 13,407 sq ft (310 m)  
 Building G: 13,407 sq ft (310 m)  
 Building H: 13,407 sq ft (310 m)  
 Total Building Area: 13,407 sq ft (310 m)  
 F.R.R.: 0.227  
 Site Coverage: 12.41 %

Setback	North	South	East	West
Building F	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building E	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building G	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building H	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building A	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building B	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building C	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)
Building D	32'-0" (9.75 m)	25'-0" (7.62 m)	25'-0" (7.62 m)	25'-0" (7.62 m)



### 11.3 I-1B – LIGHT INDUSTRIAL (MINI-WAREHOUSING)

#### (a) Permitted Uses

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

- (1) Mini warehousing, indoor storage, outdoor storage of boats and RV's only;
- (2) One single-family residential dwelling unit, accessory to a use permitted in Section 11.3(a)(1) above.

#### (b) Conditions of Use

For any parcel in an I-1B Zone:

- (1) The parcel coverage shall not exceed 50 percent for all buildings and structures.
- (2) The height of all buildings and structures shall not exceed 10 metres;
- (3) The minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> <b>Type of Parcel Line</b>	<b>COLUMN II</b> <b>Buildings and Structures</b>
Front	7.5 metres
Interior Side	3.0 metres where the abutting parcel is not zoned Industrial; 0 metres where the abutting parcel is zoned Industrial.
Exterior Side	4.5 metres
Rear	7.5 metres

#### (c) Screening

For any parcel in an I-1B Zone:

- (1) A vegetative screen shall be located and maintained along the entire length of rear parcel lines where the abutting parcel is not zoned Industrial. This vegetative screen shall consist of mature coniferous trees not less than 2 metres high when planted and shall be located in at least two offsetting rows and spaced not more than 5 metres apart.
- (2) A vegetative screen in the I-1B Zone shall be located and maintained along the entire length of interior side parcel lines where the abutting parcel is not zoned Industrial. This vegetative screen shall consist of a coniferous tree or shrub species, in at least two offsetting rows and spaced not more than 5 metres apart, and shall not be a continuous hedge.



Cowichan  
Valley  
Regional  
District

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

The Regional District does not  
warrant the accuracy.

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

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

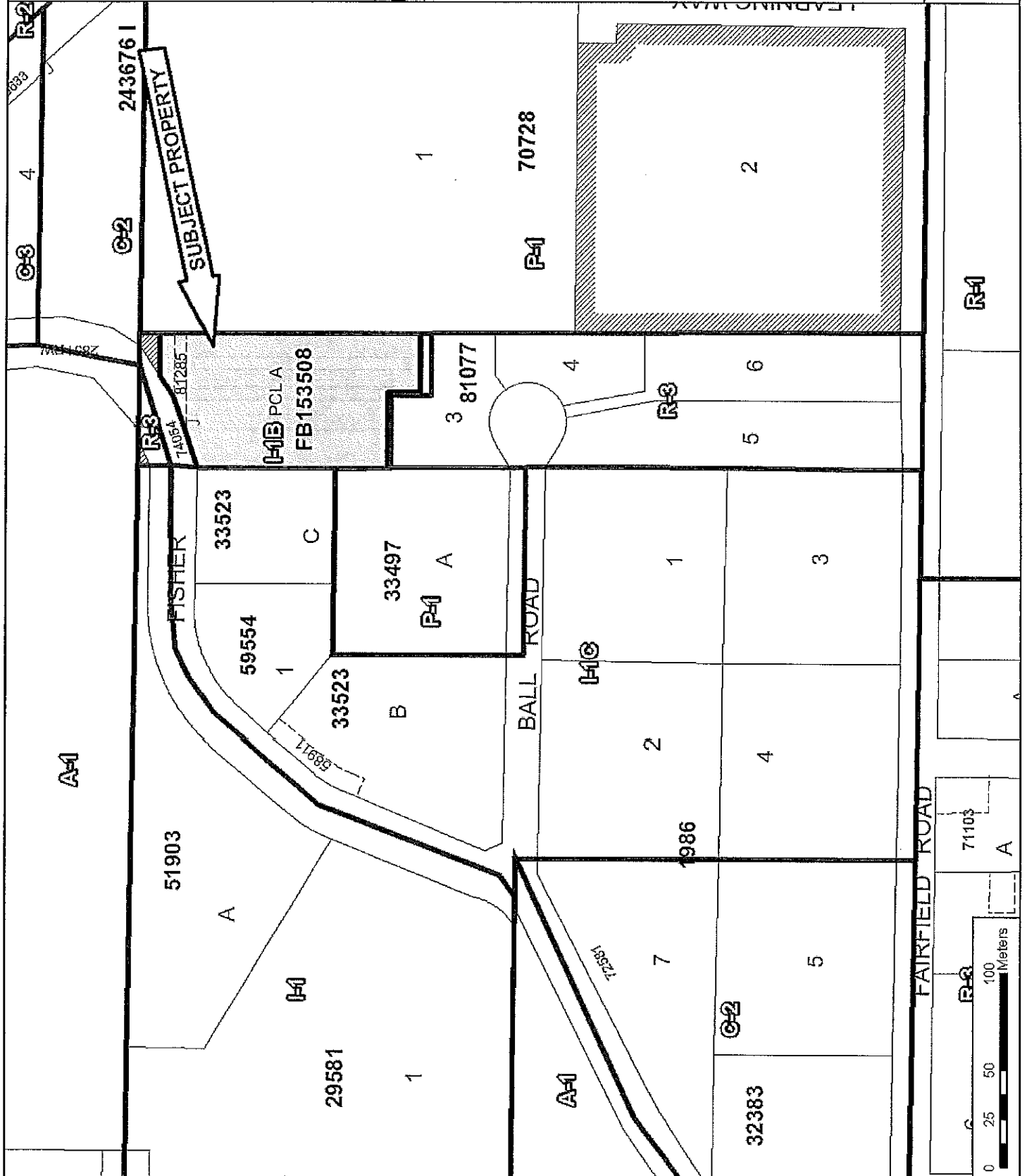
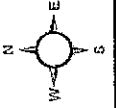
FILE: 2-C-10-DVP

## ZONING

Legend



Subject Property  
Zoning Electoral Area C





CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 2-C-10DVP DRAFT

DATE: AUGUST 27, 2010

TO: Kevin Lamont  
 ADDRESS: 3946 Knudsen Road  
LADYSMITH BC

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):  
*Parcel A (Being a consolidation of Lots 1 and 2, See FB 153508) Block 1475 and Section 13 Range 6 Shawnigan District Plan VIP81077*
3. Zoning Bylaw No. 1405, applicable to Section 11.3 (b)(3), is varied as follows: The rear property line setback is reduced to 6.66 metres to allow for the construction of a steel storage building, subject to a legal survey confirming compliance with approved setbacks.
4. The following plans and specifications are attached to and form a part of this permit.
  - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is **NOT** a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF SEPTEMBER 2010.

\_\_\_\_\_  
 Tom Anderson, MCIP  
 General 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 KEVIN LAMONT other than those contained in this Permit.

_____ Signature	_____ Witness
_____ Owner/Agent	_____ Occupation
_____ Date	_____ Date



D 12

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **FILE NO:** 02-B-10DVP  
**FROM:** Maddy Koch, Planning Assistant **BYLAW NO:** 1001  
**SUBJECT:** Development Variance Permit Application No. 02-B-10DVP  
(Sheppard)

---

#### **Recommendation:**

That the application 02-B-10 DVP by **Dale Sheppard** for a variance to Section 4.1 (a) of Bylaw No. 1001, to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1 on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (PID 017-973-961) **be approved**, subject to:

- Secure bicycle parking being created, as shown on the attached site plan;
- Improvements being made to the existing disability parking space by repainting lines, repainting the wheelchair symbol, installing protective barriers and installing signs, to the satisfaction of the building inspector;
- The above conditions being met prior to issuance of a building permit.

#### **Purpose:**

To consider an application to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1.

#### **Background:**

**Location of Subject Property:** 2750 Shawnigan Lake Road

**Legal Description:** Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (PID: 017-973-961)

**Date Application and Complete Documentation Received:** May 19, 2010

**Owner:** Inchan (Don) Kim

**Applicant:** Dale Sheppard

**Size of Parcel:** ±0.16 ha. (±0.4 acres)

**Zoning:** C-2 (Local Commercial)

Number of Parking Stalls Required by Zoning: 6.5 spaces per 100 square metres of gross leasable area. In this case, 35 parking stalls are required.

Number of Loading Spaces Required by Zoning: 1 loading space for every 150 square metres of gross floor area. In this case, 5 loading spaces are required.

Existing Plan Designation: Commercial

Existing Use of Property: Commercial

Existing Use of Surrounding Properties:

North:	Shawnigan Lake Historical Society and Shawnigan Garage
South:	Steeple's Restaurant
East:	Subway Restaurant
West:	Residential

Services:

<u>Road Access:</u>	Shawnigan Lake Road
<u>Water:</u>	Lidstech Holdings
<u>Sewage Disposal:</u>	On-site septic System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None Identified

Archaeological Site: None Identified

### **Proposal**

An application has been made to: Sections 4.1(a) and (b) of CVRD Bylaw No. 1001.

For the purpose of: Issuing a Development Variance Permit to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1.

### **Surrounding Property Owner Notification and Response:**

A total of 50 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, one letter of correspondence has been received and is attached.

### **Planning Division Comments:**

The subject property is located at 2750 Shawnigan Lake Road. It is 1628 square metres (0.4 acres) in size and is home to Aitken and Fraser General Store along with a number of other businesses. The business complex is located on the north eastern corner of the lot and is adjacent to the Shawnigan Mill Bay Road and Shawnigan Lake Road intersection. The parking lot makes up the remainder of the property.

At present, the complex only provides 19 of the 35 required parking stalls and 1 of the 5 required loading spaces. A relatively dangerous and poorly marked disability parking space is included in the 19 parking spaces.

The applicant intends to convert approximately 483 square feet of the total 5778 square feet of leasable space within the existing building to commercial space and does not have sufficient parking spaces on site to comply with bylaw requirements for off-street parking and loading. In order to proceed with the conversion, a variance to reduce the number of required parking spaces from 35 to 19 and the number of off street loading spaces from 5 to 1 is necessary. Please note that no additions to the building are proposed, just the conversion of existing space within the building.

It was noted by the applicant that many of the complex's customers are walk-ins, which is likely because of the complex's location in the centre of pedestrian- heavy Shawnigan Village. Also, the new retail space is for a screen-printing business whose merchandise is sold in Langford, therefore this business would not require more than 2 parking spaces. To date, the single loading space has been sufficient for the purposes of the business complex. Creation of new parking space is not feasible as there is not enough room on the subject property. Past trends indicate that the current parking capacity is sufficiently meeting the needs of the complex and its customers. Furthermore, the applicant has agreed to provide bicycle racks and make improvements to the existing disability parking space in lieu of the missing parking spaces. Therefore, staff is recommending approval of the requested variance.

**Options:**

1. That the application 02-B-10 DVP by **Dale Sheppard** for a variance to Section 4.1 (a) of Bylaw No. 1001, to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1 on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (*PID 017-973-961*) **be approved**, subject to:
  - Secure bicycle parking being created, as shown on the attached site plan;
  - Improvements being made to the existing disability parking space by repainting lines, repainting the wheelchair symbol, installing protective barriers and installing signs, to the satisfaction of the building inspector;
  - The above conditions being met prior to issuance of a building permit.
2. That the application 02-B-10 DVP by **Dale Sheppard** for a variance to Section 4.1 (a) of Bylaw No. 1001, to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1 on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (*PID 017-973-961*) **not be approved**.

Option 1 is recommended.

Submitted by,

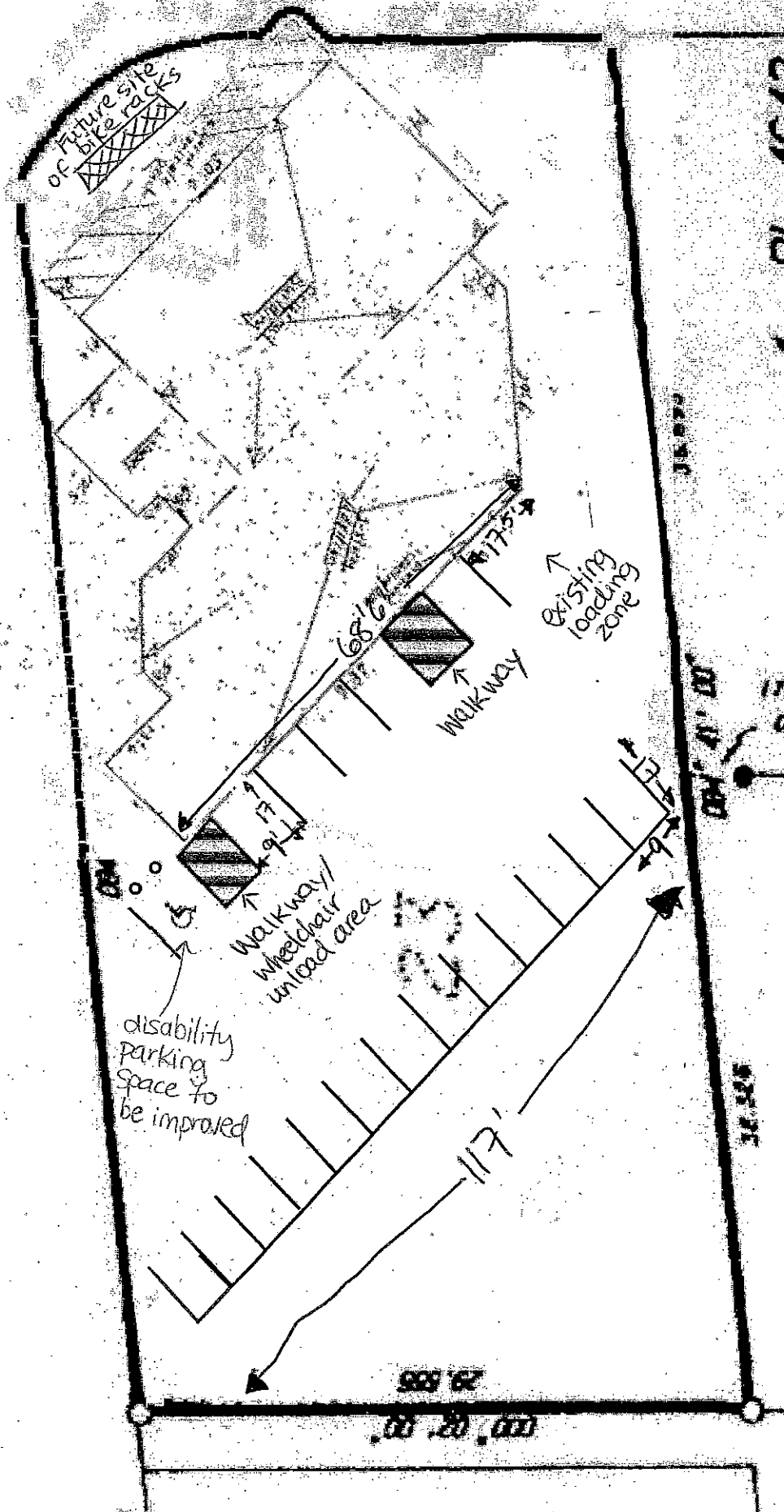
*Maddy Koch*

Maddy Koch,  
Planning Assistant  
Development Services  
Planning and Development Department

MK/ca  
attachments

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

**THE**  
**WORLD**  
**OF**





<u>Class of Building</u>	<u>Required Parking Spaces</u>	<u>Required Loading Spaces</u>
Restaurant (drive-in or drive-through only)	10 spaces	1 space
Restaurant (with accessory drive-in or drive-through service)	1 space per 3 seats plus 3 spaces	1 space
School (Junior and Senior Secondary)	1 space per employee plus 1 space per 10 students	One passenger loading space for every four classrooms or a fraction thereof plus one loading space for every 3,000 square metres of gross floor area or a fraction thereof.
School (Kindergarten and Elementary)	1 space per employee plus 1 space per classroom	1 passenger loading space for every 4 classrooms or a fraction thereof plus one loading space for every 3,000 square metres of gross floor area or a fraction thereof.
Shopping Centre (community)	5.5 spaces per 100 square metres gross leasable area	The same as for "Neighbourhood Shopping Centre"
Shopping Centre (neighbourhood)	6.5 spaces per 100 square metres gross leasable area	1 loading space for every 150 square metres of gross floor area
Shopping Centre (regional)	5.1 spaces per 100 square metres gross leasable area	The same as for "Neighbourhood Shopping Centre"
Store (Convenience)	6.2 spaces per 100 square metres of gross floor area	1 space
Store (Retail)	7.5 spaces per 100 square metres of gross floor area	1 space for buildings less than 700 square metres of gross floor area and 1 additional space for each additional 500 square metres gross floor area
Theatre	1 space per 4 seats	0 spaces
Tire Repair	1 space per 2 employees plus 1 space per service bay	2 spaces
Tourist Lodge/Resort	The same as for "Motel"	The same as for "Motel"
Warehouse/Wholesale Use	1 space minimum per business use plus 1 space per 185 square metres of gross floor area whichever is greater	1 space for buildings of less than 700 square metres of gross floor area. 1 space for each additional 700 square metres of gross floor area for buildings greater than 700 square metres in area to a maximum of 4 spaces



Cowichan  
Valley  
Regional  
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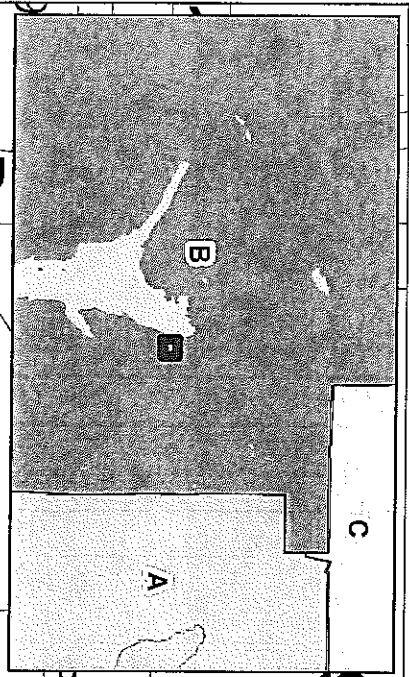
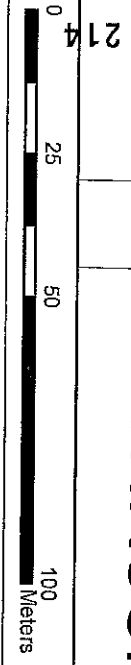
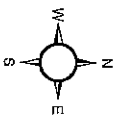
All persons making use of this  
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The original Bylaws should be  
consulted for all purposes of  
interpretation and application  
of the Bylaws.

FILE: 2-B-10  
-DVP

Legend

 Subject Property



## Maddy Koch

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**From:** Alison Garnett  
**Sent:** Wednesday, September 01, 2010 8:15 AM  
**To:** Maddy Koch  
**Subject:** FW: corner store property

Maddy,

Here is a note about the parking variance request. It should be printed off and added as an attachment to the report.

Ali

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**From:** dar stone [mailto:darstone2009@hotmail.com]  
**Sent:** Tuesday, August 31, 2010 5:49 PM  
**To:** CVRD Development Services  
**Subject:** corner store property

Re: Lot 1 ,Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254(PID;017-973-961)

I'm writing to let you know ,I think that allowing this conversion the be passed is a miss stake.

Now with the other business around the store, Staples don't have enough parking some of there customers park at the store. The Museum across the road don't have any parking guess where they park!

With the owner wanting to take away parking spaces to make his changes is a bad idea, with the four business that are all ready there,and the trucks that have to service the building and customers, big semi's stop and unloading on Heald Road. Trying to get buy that ,with kid and moms walking up and road. Add lake traffic to the equation.

The store building should have there delivery trucks use the stores one of two entrances to off lode there trucks and cart it to the stores, not sitting on Heald road unloding there stuss.

Thank you Darlene Stone home address 1395 Carlton Dr. Cobble Hill, B.C.. We also own the house on the corner 2745 Heald Road. 250 743 5876.



CVRD

COWICHAN VALLEY REGIONAL DISTRICT  
DEVELOPMENT VARIANCE PERMIT

NO: 2-B-10DVP DRAFT

DATE: AUGUST 27, 2010

TO: Dale Sheppard

ADDRESS: TBA

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):  
*Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254*
3. Bylaw No. 1001, applicable to Sections 4.1(a) and (b) (which refer to stipulations in table 1), is varied as follows: The number of required parking spaces is reduced to 19 and the number of required loading spaces is reduced to 1, subject to the following:
  - Secure bicycle parking being created, as shown on the attached site plan;
  - Improvements being made to the existing disability parking space by repainting lines, repainting the wheelchair symbol, installing protective barriers and installing signs, to the satisfaction of the building inspector;
  - The above conditions being met prior to issuance of a building permit.
4. The following plans and specifications are attached to and form a part of this permit.
  - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is **NOT** a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

**AUTHORIZING RESOLUTION XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF SEPTEMBER 2010.**

\_\_\_\_\_  
Tom Anderson, MCIP  
General 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 DALE SHEPPARD other than those contained in this Permit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



013

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **BUILDING FILE:** 2645 Mill Bay Rd  
**FROM:** Jill Collinson, Planning Technician **BYLAW NO:** 2000  
Development Services Division  
**SUBJECT:** 2645 Mill Bay Road – Additional kitchen and bathroom facilities

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#### **Recommendation:**

Committee direction is requested.

#### **Purpose:**

To obtain direction from the EASC with respect to a request for an additional kitchen, including a fridge, sink, stove, and island space, in an existing accessory building at 2645 Mill Bay Road in Electoral Area A.

**Interdepartmental/Agency Implications:** N/A

#### **Background:**

In September 1989, the CVRD issued a building permit relating to the construction of an accessory building in compliance with Zoning Bylaw No. 2000. Previously, the applicants owned and ran the *Ethnic Café* that was located in Frayne Centre. The business evolved and catering was integrated into activities. As the *Ethnic Café* has now closed its doors, there is still the occasional demand for catering activities, primarily for social-cultural events. The applicants are requesting an additional kitchen and bathroom be permitted in an accessory building on their property. The existing two-story garage currently has a bathroom (toilet and sink) on the upper floor. They have been advised by a CVRD building inspector that only one sink and one toilet fixture are permitted in an accessory building unless Board authorization is obtained. The owners wish to incorporate an additional bathroom (toilet and sink) fridge, kitchen sink, stove, and island space into the existing garage and are requesting permission from the Board, as outlined in the attached letter.

The CVRD's policy with respect to plumbing fixtures within accessory buildings originates from the following January, 2004 Electoral Area Services Committee resolution:

"As a measure to reduce the number of illegal dwellings in the CVRD, that staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board."

Since 2004, requests for additional fixtures have been directed to the Board, through EASC.

**Staff Comments:**

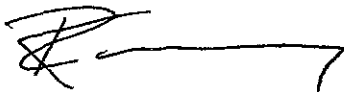
The owners state in their letter that they intend to use the converted accessory building for a small commercial type kitchen. The subject property is located at 2645 Mill Bay Road and is zoned R-3A (Urban Residential-Limited Height). Though the R3-A zone allows for a small suite, the subject property is not large enough to permit this usage, as noted in Zoning Bylaw No.2000.

Staff recommends that if the Committee choose to support their request that a restrictive covenant be registered. This covenant would prohibit the occupancy of the accessory structure as a dwelling as a condition approval. Staff also recommends that the covenant should require the property owner to remove all additional fixtures from the garage (one toilet and one sink permitted) at the time of sale. Although the covenant would not guarantee that structure would not be occupied as a dwelling, it would prevent future owners of the property from using the accessory building as a dwelling. This covenant would also facilitate future enforcement action, should it be required.

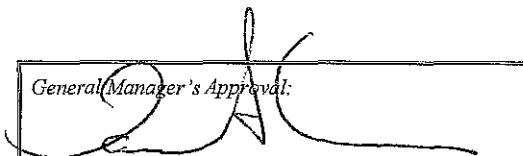
**Options:**

1. Allow the additional bathroom (sink and toilet) kitchen, including a fridge, sink, stove, and island space, in an existing accessory building for Lot 3, Section 1, Range 9, Shawnigan District, Plan 41541 except part in Plan 45732 (PID 000-674-478) at 2645 Mill Bay Road, subject to the registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
2. Limit fixtures within an accessory building for Lot 3, Section 1, Range 9, Shawnigan District, Plan 41541 except part in Plan 45732 (PID 000-674-478) at 2645 Mill Bay Road.

Submitted by,



For: Jill Collinson,  
Planning Technician  
Development Services Division  
Planning & Development Department

<p>General Manager's Approval:</p> 
<p>Signature</p>

July 26, 2010

COWICHAN VALLEY REGIONAL DISTRICT  
Development Services Department  
175 Ingram Street, Duncan, BC V9L 1N8

Dear Sir/Madame,

Please accept this document in support for the building permit regarding modification of our garage at 2645 Mill Bay Rd, Mill Bay. Owners: Jan and Marilyn van der Have.

This garage was built in or about 1992 and since then was used as such. A building permit was taken out and is appended to the wall inside.

At present we are intending to modify the building to accommodate a small "commercial type" kitchen for Mrs. van der Have who is a specialist in oriental cooking and used to operate a restaurant at the Frayne Centre in Mill Bay, known as the Ethnic Cafe. The sole purpose of the endeavour is to provide her with a larger working area than presently available within the tight confines of the main house.

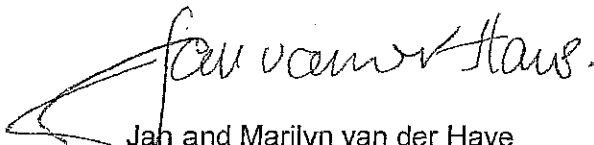
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Mrs. van der Have's Filipino background combined with her cooking expertise has resulted in numerous requests for small catering projects by her extended family as well as other individuals. These activities are primarily social-cultural events as opposed to commercial ones and typically include friends as well as family members participating in the food preparation, hence the requirement for a larger working area.

Mrs. van der Have is on the elected board of the Provincial Intercultural Society, which meets regularly in Vancouver, and she has also contributed to published cookbooks.

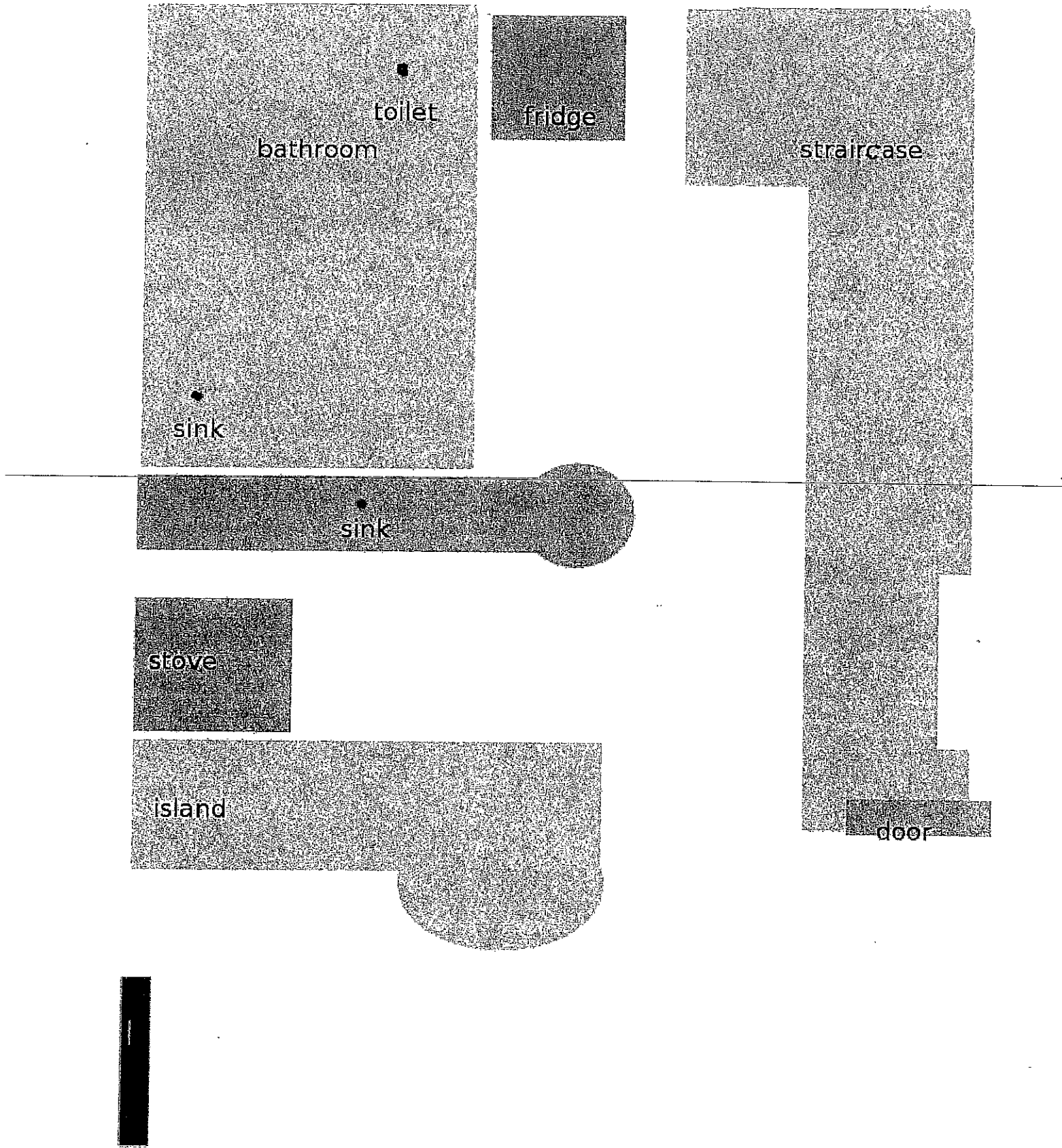
We would appreciate you granting us the necessary permit to modify the garage. All work done will be by fully qualified professional staff and done in accordance with applicable building codes.

Sincerely,



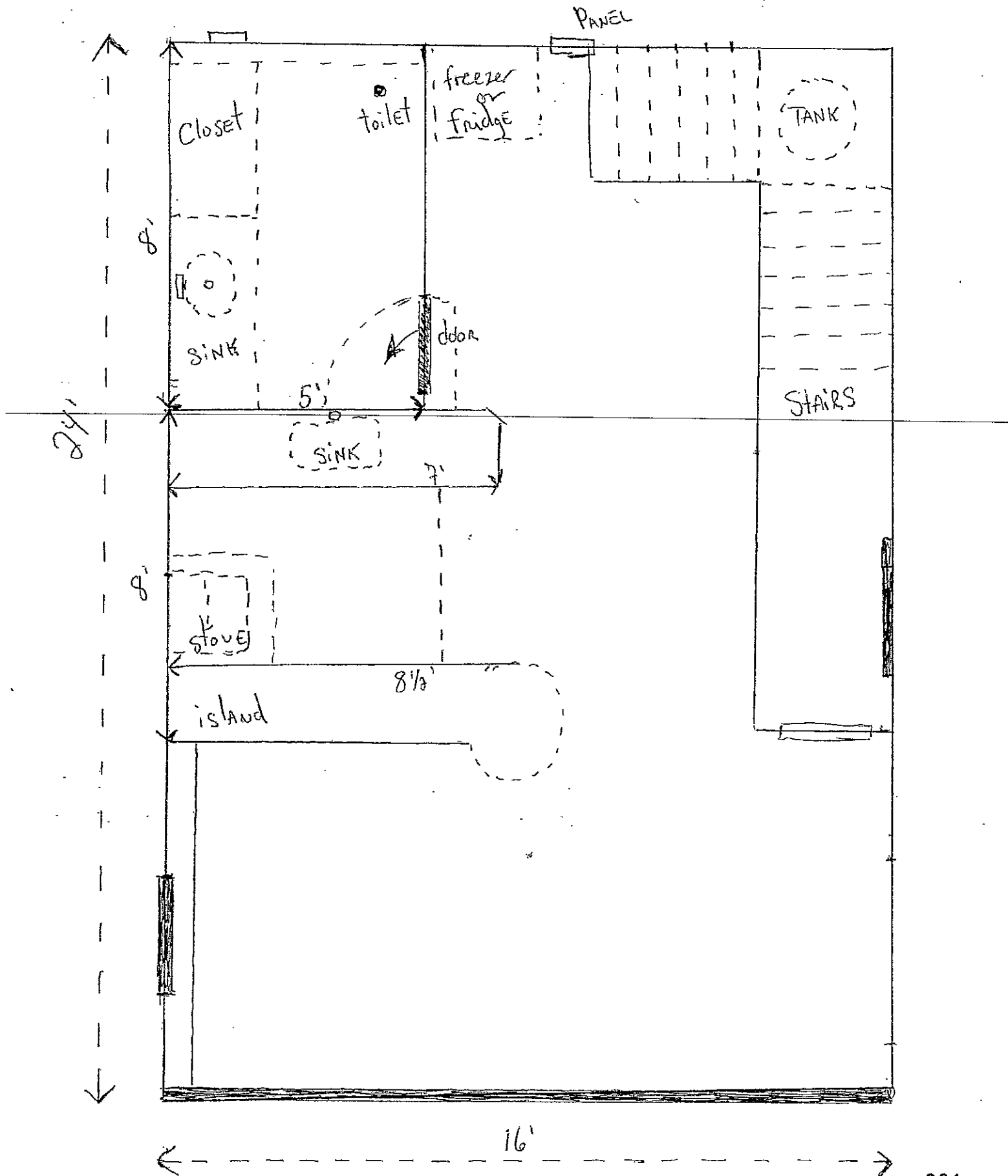
Jan and Marilyn van der Have  
2645 Mill Bay Rd  
Mill Bay, BC V0R 2P1

# general layout plan





# Layout





D14

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010

**FILE No:**

**FROM:** Jill Collinson, Planning Technician  
Development Services Division

**BYLAW No:**

**SUBJECT:** 13100 Magdalena Drive – Accessory Building Fixtures

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**Recommendation:**

Committee direction is requested.

**Purpose:**

To obtain direction from the EASC with respect to a request for bathing facilities and sink within an proposed accessory building conversion at 13100 Magdalena Drive in Electoral Area H.

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

N/A

**Background:**

On March 9<sup>th</sup>, 2005, the CVRD Board authorized a development permit to allow construction of a single-family dwelling at 13100 Magdalena Drive. R-10 zoning (Rural Water Conservancy) allows for one single family dwelling onsite. In 2006, the owners built their primary residence above the garage. As the family and business are expanding, they owners are planning to build a larger home on the subject property with the existing one-bedroom residence being converted to an office upon completion of the new home. They have been advised by a CVRD building inspector that only one sink and one toilet fixture are permitted in the converted accessory building unless Board authorization is obtained. The owners will be removing the entirety of the kitchen facilities, but wish to retain one sink to allow for a coffee bar area. They also would like to keep the three piece bathroom comprised of a toilet, sink and walk-in shower. They are requesting permission from the Board, as outlined in the attached letter.

The CVRD's policy with respect to plumbing fixtures within accessory buildings originates from the following January, 2004 Electoral Area Services Committee resolution:

*"As a measure to reduce the number of illegal dwellings in the CVRD, that staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board."*

Since 2004, requests for additional plumbing fixtures have been directed to the Board, through EASC.

**Staff Comments:**

The owners state in their letter that they intend to use the converted accessory building as office space for their business of GNB Builders. They also indicate that future plans (5-6 years) they would like to connect the proposed new home and converted accessory building via a heated breezeway. If this occurs, the accessory building would then be considered part of principle dwelling and a full bathroom and additional sinks would be allowed.

In the proposed accessory building conversion the existing bedroom will be converted into storage space for the interior design portion of GNB Builders, the kitchen area will be modified in to desk space, and the eating area will be remodeled to serve as a board room and client consultation area.

The owners have indicated that they will be willing to enter into a restrictive covenant should the Committee choose to support their request. This covenant would prohibit the occupancy of the accessory structure as a dwelling as a condition approval. Although the covenant would not guarantee that structure would not be occupied as a dwelling in the future, it would inform any future owner of the property that the accessory building cannot be used as a dwelling and would facilitate future enforcement action, should it be required.

As the owners would be required to apply for a development permit (Woodley Range Development Permit Area) prior to construction of their proposed new single-family dwelling, the restrictions imposed on the accessory building can also be incorporated as subject of the development permit.

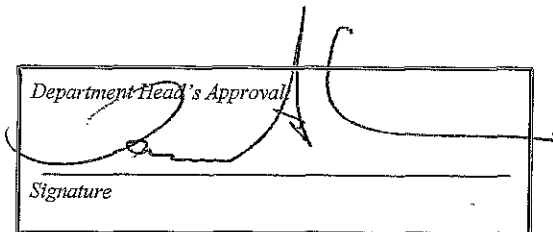
**Options:**

1. Allow the shower and additional sink, as well as the permitted a sink and toilet, within a converted accessory building for Lot 24, Block 567, Oyster District, Plan VIP71713 (13100 Magdalena Drive).
2. Limit plumbing fixtures within an accessory building for Lot 24, Block 567, Oyster District, Plan VIP71713 (13100 Magdalena Drive).

Submitted by,



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

 Department Head's Approval
Signature

JC/ca  
Attachments

Greg Bianchini and Heidi Derhousoff  
13100 Magdalena Drive  
Ladysmith, BC  
Tel: 250.245.5717  
Fax: 250.245.5727  
Email: [greg@gnbbuilders.ca](mailto:greg@gnbbuilders.ca)

July 12, 2010

Norman Knoedel  
Cowichan Regional District  
Planning and Building Department

Re: Construction of a Single Family Dwelling and current SFD changed to Accessory building

Dear Norman:

As discussed, we are submitting this letter explaining our plans for the next phase of developing our property. We are hoping to move forward this fall with building our dream home on our five acre property located at 13100 Magdalena Drive, Ladysmith, BC in Area H of the CVRD, Aquila Estates.

R-10 ZONING

We built our carriage house in 2006 that we have been living in while saving money for building our home. We had this accessory building deemed as our primary residence in order to comply with building regulations (you cannot build an accessory building before the primary). We minimized the amount of plumbing that went into the carriage house knowing that we would be removing most fixtures. Plans of the current building are attached.

On our original building permit application we noted on the site plan the location of the future home. We brought in a 400 amp service with 100 amp for the carriage house, 100 for the shop/storage building and left 200 amps ready for the larger home to be built. The septic was designed with this homes capacity in mind.

When we started our personal home project we had no children and now we have a one and three year old living in the carriage house with one bedroom; building this fall is our goal so we can provide bedrooms for our children and places to play.

Before commencing site preparation and finalizing home plans we would like to confirm the CVRD's approval of our proposed property expansion.

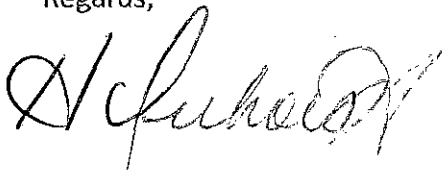
Proposal:

- ☐ To build a detached single family dwelling, conceptual plans attached.
- ☐ To decommission the kitchen in the carriage building and have it designated into an accessory building rather than SFD when our home is completed.

- ❑ GNB Builders, our home business to occupy the current carriage building
- ❑ In the carriage building we would like to leave the coffee bar (one sink), the washroom with one toilet and one sink and shower. We understand that you are allowed one sink and one toilet and this would put us over by one sink and one shower.
  - We would be willing to put a covenant on this building or similar to keep the one extra sink and the shower. The sink in the office would for make coffee and tea and the shower for use after the hot tub which we are planning to leave in place. As well we are planning on installing a pool and having a washroom with an outside door would be handy. The pool would be in the backyard between the two buildings.
  - As well we plan on connecting the buildings in the future which would then allow these two extra fixtures.
- ❑ In the future (5-6 years) when money permits we would like to connect the house and carriage house to allow for a heated breezeway so the carriage building can be an extension of our home. You will note on the conceptual plan of our home the additional garage, tower and breezeway that would connect to the home through the heated work space on the lower floor of our carriage building.
- ❑ When we retire in 10-15 years we would like the option of using the carriage building, once attached, as a potential bed and breakfast. YES - PERMITTED USE

We look forward to working with the CVRD in accomplishing our vision and dreams of our estate. Please let us know what we need to do to move forward.

Regards,



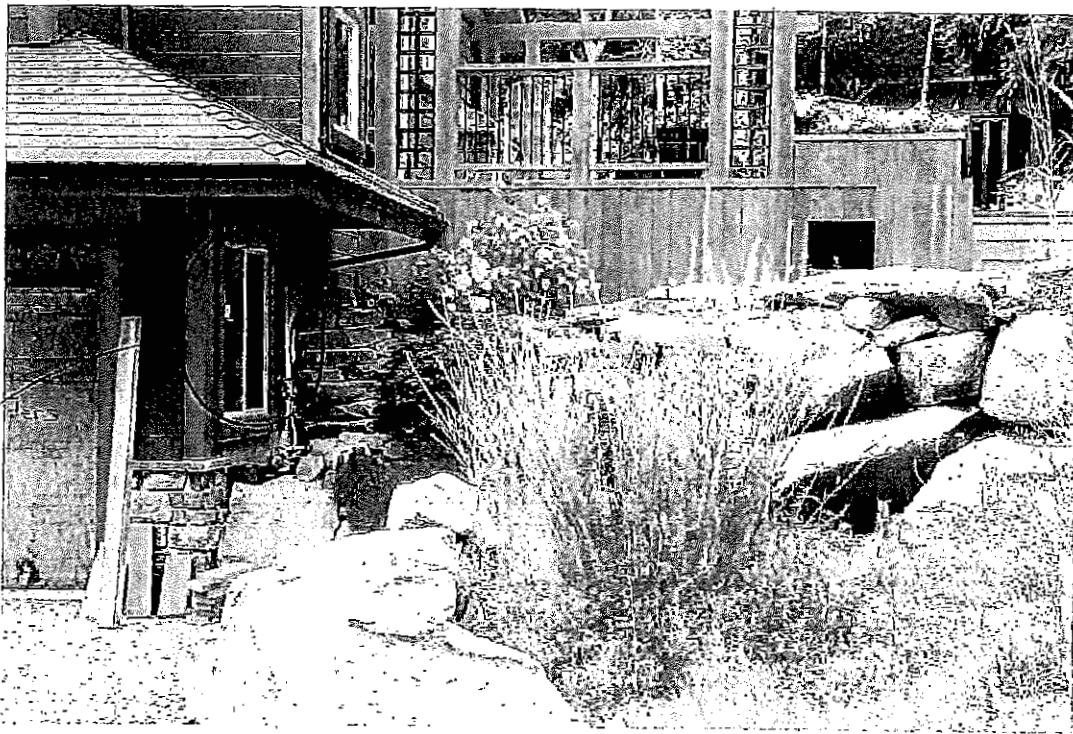
Heidi Derhousoff  
Greg Bianchini

Attached: photos, conceptual plans, current home plans.

Location phone

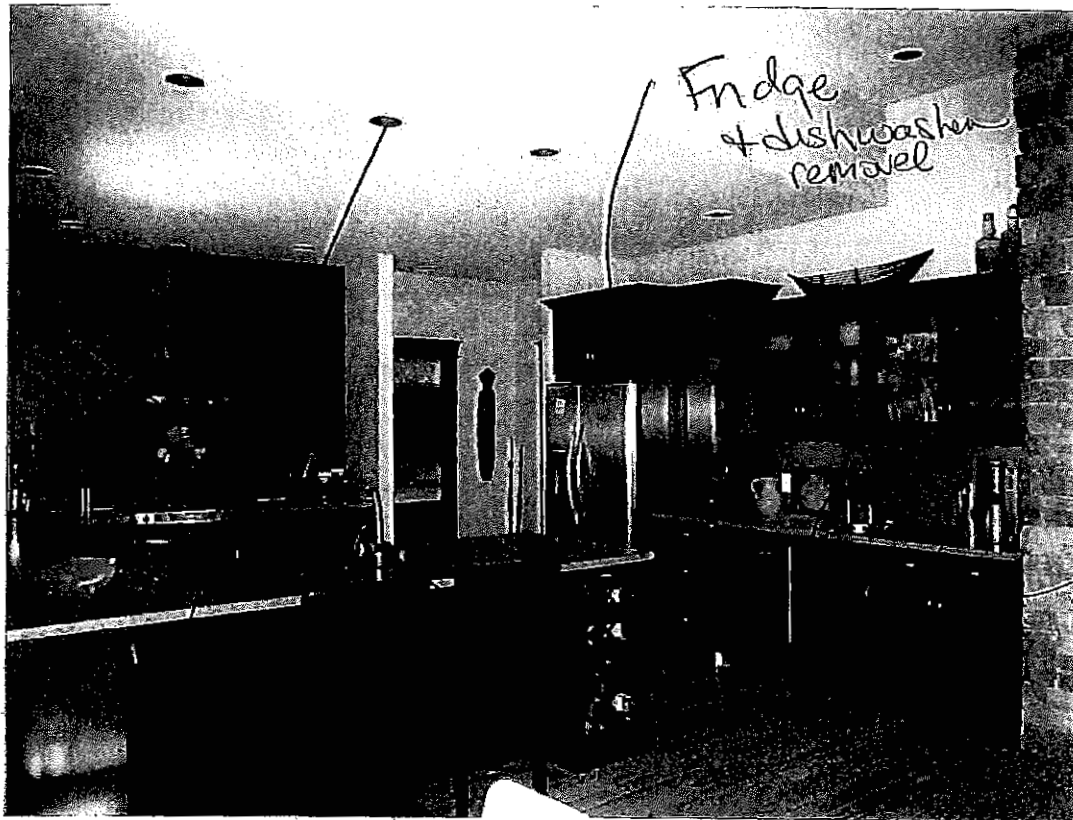


Carriage building -- looking onto future home site



Window is location of future tie in.

→  
all  
removed  
-Kitchen  
sink,  
stove,  
cabinetry



Current kitchen in Carriage Building to be decommissioned.





D 15

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** September 1, 2010 **FILE No:** 24-A-10BE  
**FROM:** Nino Morano, Bylaw Enforcement Officer **BYLAW No:**  
**SUBJECT:** 3086 Wilkinson Road – Accessory Building Shower

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**Recommendation:**

Direction of the Committee is required.

**Purpose:**

To seek direction from the EASC on the matter of a bathing facility (shower) in a planned accessory building at 3086 Wilkinson Road, Mill Bay.

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

N/A

**Background:**

A request has been made by the owner of 3086 Wilkinson Road in Mill Bay to include a shower facility within a planned agricultural accessory building intended to be used for the processing of cheese and yogurt. The property is located within the A-1 (Primary Agriculture) Zone in Area A, is within the ALR and is approximately 72 acres.

The following is an excerpt of the January 19, 2004 EASC meeting where it was resolved that:

“As a measure to reduce the number of illegal dwellings in the CVRD, that staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board.”



The following is the request made by the land owner:

"My wife and I are planning to build a cheese and yogurt processing facility on our dairy farm in Mill Bay. The farm address is 3086 Wilkinson rd.

I am writing you this letter to ask for permission to install a shower facility in our new plant. I have spoken with Brian Duncan, and he tells me that because the building is for agricultural use I only need to apply for a siting permit. The problem with this is that a siting permit does not allow for shower facilities. In order to have shower facilities we would require special permission from the board.

The reason I require shower facilities is because Dairy Farming is often unhygienic work and I need the ability to transition from the farm to the plant quickly. I know that if I am required to go home for a shower, corners will eventually get cut and I will end up inside the plant for some emergency without taking the time to get properly cleaned up. As you are probably aware, it is very easy to unintentionally contaminate dairy products with undesired bacteria, and no one wants a health recall for something so easily prevented.

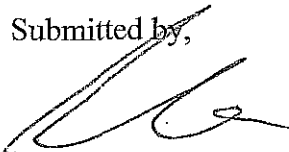
Thank you for taking the time to review my request,  
David Lestock-Kay"

Unfortunately, no plans have been submitted to describe where the building will be built at this time.

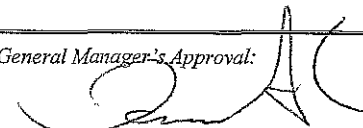
**Options:**

- 1) Permit one bathing facility (shower) in the planned agricultural accessory building located at 3086 Wilkinson Road requested by David Lestock-Kay.
- 2) Deny request by David Lestock-Kay for a bathing facility (shower) in the planned agricultural accessory building located at 3086 Wilkinson Road.

Submitted by,



Nino Morano,  
Bylaw Enforcement Officer  
Planning and Development Department

<p>General Manager's Approval:</p> 
<p>Signature</p>

NM/ca



SRI

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 13, 2010

**FILE NO:** 1-D-08DP

**FROM:** Maddy Koch, Planning Assistant

**BYLAW NO:**

**Subject:** Development Permit Application No. 1-D-08DP  
(Silver Catch Processing Inc.)

---

#### **Recommendation:**

That the Development Permit issued to Silver Catch Processing Inc lapsing on December 10, 2010 be extended until December 10, 2012.

#### **Background:**

Silver Catch Processing Inc was issued a Development Permit on December 10, 2008 to allow for the construction of a 25 unit condominium apartment building and associated works at 1838 Cowichan Bay Road.

The Development Permit states that "if the holder of this Permit does not substantially start any construction within two years of its issuance [December 10, 2010], this permit will lapse". The permit holders do not believe they will have begun substantial construction of the project by December 10, 2010 and are requesting that the permit be extended until December 10, 2012.

The terms and conditions of the original development permit would continue to apply if the permit is renewed and the applicants have provided security of \$31,089.96 for the required landscape works. Staff are not aware of any regulatory changes which would affect the terms of the original Development Permit. Repeating the Development Permit process after it lapses would seem redundant. Attached is a copy of the development permit.

#### **Options:**

1. That the Development Permit issued to Silver Catch Processing Inc be renewed until December 10, 2012.
2. That Silver Catch Processing Inc reapplies for a Development Permit.

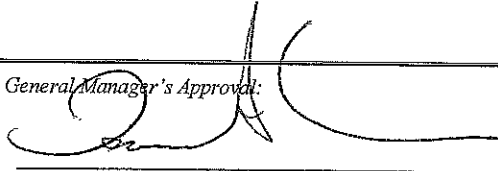
Option 1 is recommended.

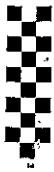
Submitted by,

*Maddy Koch*

Maddy Koch,  
Planning Assistant  
Development Services Division  
Planning and Development Department

MK/ca  
Attachment

<i>General Manager's Approval:</i> 
<i>Signature</i>

**SCOTT-MONCRIEFF & COMPANY**

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

BRYAN W. SCOTT-MONCRIEFF\*  
PAULA L. BOSENBERG  
LINDSAY SCOTT-MONCRIEFF

104 - 9710 Second Street  
SIDNEY, B.C.

Canada, V8L 3C4  
PHONE: (250) 656-0981  
FAX: (250) 656-6241  
www.smclawyers.ca  
E-mail: paula@smclawyers.ca

OUR FILE: 16271

August 5, 2010

**Cowichan Valley Regional District**  
175 Ingram Street  
Duncan, B.C., V9L 1N8

*per facsimile: (250) 746-2513*Attention: **Rob Conway**

Dear Sir:

Re: **Silver Catch Processing Inc. - Renewal of Development Permit # 1-D-08DP**

As you may know, we are instructed on behalf of Silver Catch Processing Inc. (the "Company").

On December 10, 2008, the Development Permit # 1-D-08DP was issued to the Company in respect of a 25 unit condominium development located at the property legally described as :

Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)

We have attached copy of the Development Permit for ease of reference.

The Development Permit states that it will lapse after two years from the date of its issuance if the Company does not substantially start construction.

Due to the fact that the required substantial construction has not yet begun, and may not begin before December 10, 2010, we seek an extension of the Development Permit on the same terms and conditions for an additional two year period from the current lapse date, i.e. to December 10, 2012.

We confirm that no material changes have occurred which would jeopardize the approval previously granted by Ministry of Transport Approval in respect of the development. We also confirm that the Company has remained compliant with the Habitat Protection Development Permit Area guidelines.

- 2 -

We trust that you find our request in order. Please feel free to contact our office if you require any additional information.

Yours truly

**SCOTT-MONCRIEFF & COMPANY**

Per:

Paula L. Bosenberg

PLB/plb

Enc:

A handwritten signature, likely of Paula L. Bosenberg, is written above a large, empty rectangular box. The box is drawn with thin lines and appears to be a placeholder for a stamp or additional information.

**CVRD****COWICHAN VALLEY REGIONAL DISTRICT****DEVELOPMENT PERMIT****NO: 1-D-08DP****DATE: DECEMBER 10, 2008****TO: SILVER CATCH PROCESSING INC.****ADDRESS: PO BOX 521****SHAWNIGAN LAKE, BC V0R 2W0**

1. This Development Permit is issued subject to compliance with all of the Regional District bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
3. This Development Permit applies to and only to those lands within the Regional District described below (legal description):

**Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)**

4. Authorization is hereby given for the construction of a 25-unit condominium apartment and associated works, in accordance with the Multi-Family Development Permit Area Guidelines of Electoral Area D – Cowichan Bay - Official Settlement Plan Bylaw No. 925.

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

1. Compliance with the Habitat Protection Development Permit Area guidelines
2. Ministry of Transportation Approval
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 Schedules are attached:

- Schedule A – Site Plan
- Schedule B – South and East Elevations
- Schedule C – North and West Elevations
- Schedule D – Main Floor Plan
- Schedule E – Landscape Plan

and form part of this Permit.

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


ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-603 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 13<sup>th</sup> DAY OF AUGUST 2008.



Tom Anderson, MCIP  
Manager, Development Services

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

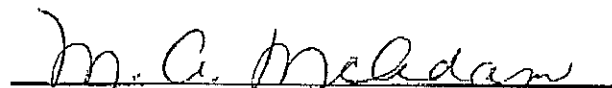
I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with SILVER CATCH PROCESSING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

  
Signature

Owner/Agent

Date

Dec 12, 2008

  
Witness

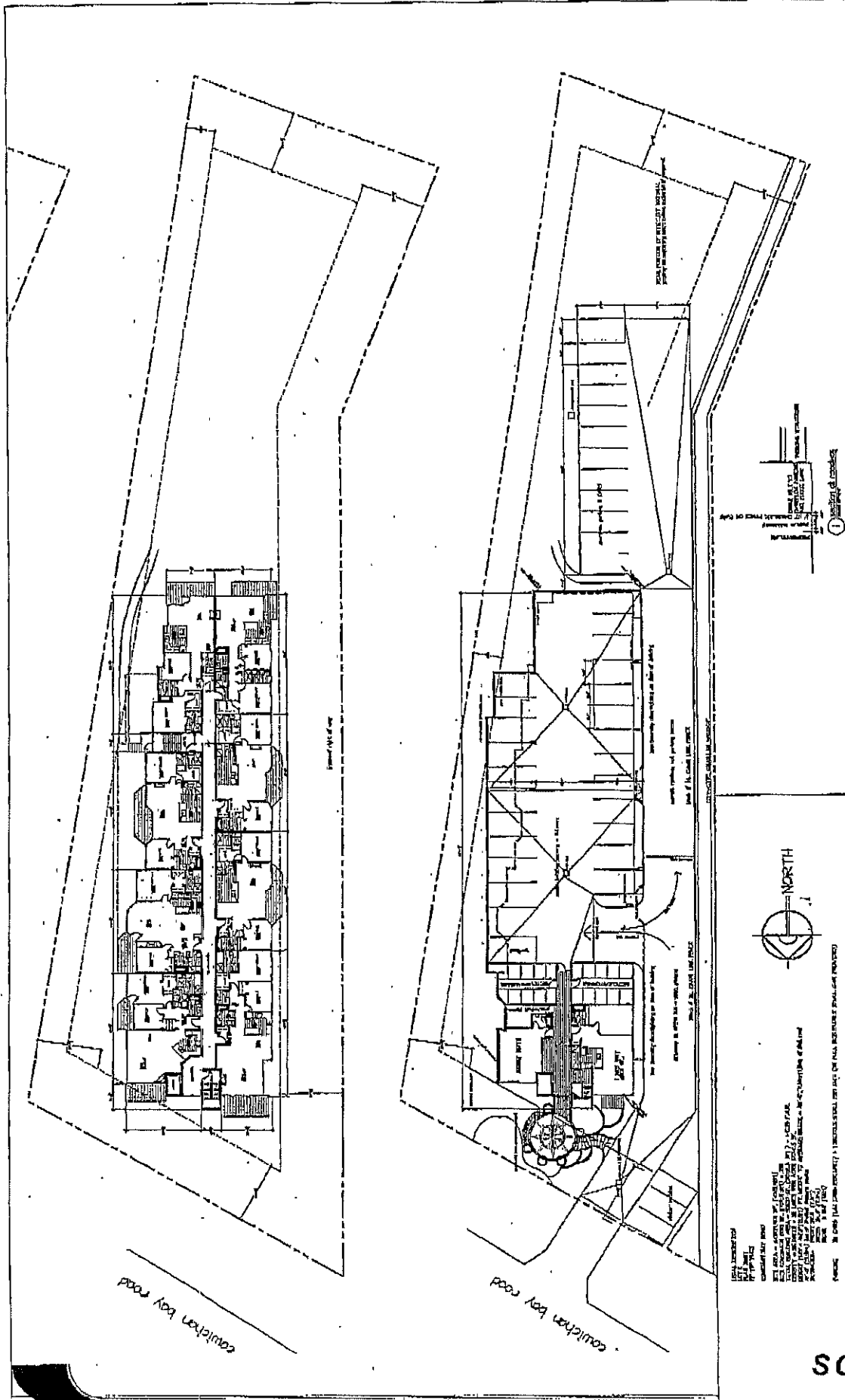
Occupation

Date

Sec / Dev. Serv.  
Dec 12 / 08







The Company - Caulich Bay Road	
Project No.	250-656-6241
Sheet No.	A-02

Project Name	
Project Location	

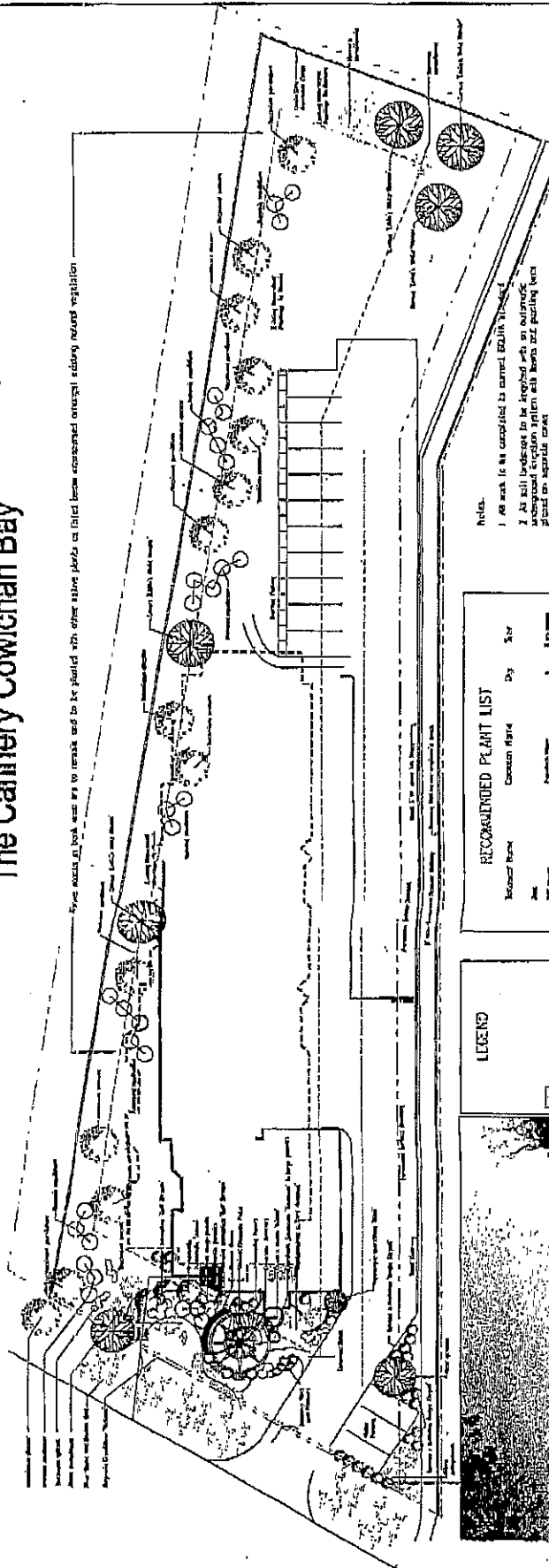
Project Description	
Project Status	
Project Date	





# LANDSCAPE CONCEPT PLAN

## The Cannery Cowichan Bay



## Appendix

1. All work is not completed to current EDJ standards



## 1531



Receptor Name	Condition Name	Dy	Sex
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Date: July 2003

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Project

**The Cannery Corridor Eay  
Landscape Concept Plan**

Redant Designs  
1742 Teakwood Rd.  
Victoria B.C.  
V8N 1E2  
250-386-8860

[www.researchgate.net](http://www.researchgate.net)

redantdesigns<sup>INC.</sup>

## SCHEDULE E



SR2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 13, 2010

**FILE NO:** 5-A-07DP

**FROM:** Maddy Koch, Planning Assistant

**BYLAW NO:**

**SUBJECT:** Development Permit Application No. 5-A-07DP (Walerius)

---

#### **Recommendation:**

That the Development Permit issued to Dwain Walerius, which lapsed on November 28, 2009, be renewed until November 28, 2011.

#### **Background:**

Dwain Walerius was issued a Development Permit on November 28, 2007 to allow for the subdivision of 2650 Partridge Road. The owner is intending to subdivide the  $\pm$  0.5 ha lot, into two parcels. A development permit was required for this subdivision application as the subject property is located within the Mill Bay Development Permit Area.

The Development Permit states that "if the holder of this Permit does not substantially start any construction within two years of its issuance [by November 28, 2009], this permit will lapse". The permit holders did not begin substantial construction before the Development Permit lapsed and are requesting that the permit be renewed.

#### **Staff Comments:**

The terms and conditions of the original development permit would continue to apply if the permit is renewed. One of the original conditions of approval is that a covenant be registered to protect the SPEA located on the subject property. This condition has still not been met but will need to be satisfied prior to subdivision. Staff are not aware of any regulatory changes which would affect the terms of the original Development Permit. Repeating the Development Permit process after it lapses would seem redundant, so staff are supportive of the permit being renewed. Attached is a copy of the development permit.

**Options:**

1. That the Development Permit 5-A-07DP issued to Dwain Walerius be renewed until November 28, 2011.
2. That Development Permit 5-A-07DP not be renewed.

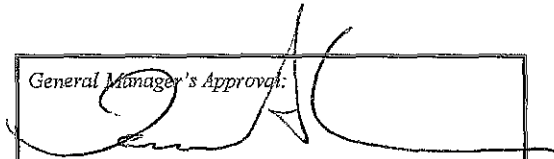
Option 1 is recommended.

Submitted by,

*Maddy Koch*

Maddy Koch,  
Planning Assistant  
Development Services Division  
Planning and Development Department

MK/ca

General Manager's Approval: 
Signature



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 5-A-07DP/RAR

DATE: DECEMBER 10, 2007

TO: DWAIN WALERIUS

ADDRESS: 2650 PARTRIDGE ROAD

MILL BAY, BC V0R 2P0

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of subdivision:  
*That Part of Lot 12, Block F, Section 1, Range 9, Shawnigan District, Plan 1720, Lying to the North of a Straight Boundary Joining the Points of Bisection of the Easterly and Westerly Boundaries of Said Lot, Except Part in Plan 50378 (PID: 007-059-388)*
3. Authorization is hereby given for the subject property to be subdivided into two residential lots subject to the following:
  - a) *A covenant is registered that would prohibit further development within the 10 metre Streamside Protection and Enhancement Area as identified by the Riparian Areas Assessment Report.*
4. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
5. The following Schedule is attached:
  - *Schedule A – Riparian Areas Regulation Site Plan*
  - *Schedule B – Proposed Lot Site Plan*
  - *Form 1 – Riparian Areas Regulation Report No. 553 prepared by Guillermo Perez*

and it forms part of this Permit.

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

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 07-829(2) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 28<sup>TH</sup> DAY OF NOVEMBER 2007.

Tom Anderson, MCIP  
Manager, Development Services

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

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

Signed

Owner/Agent

Date

Witness

Occupation

Date

PETER G.V. FAULKNER

*Barrister & Solicitor*

~~6595 Sooke Road, P.O. Box 939~~


*Sooke, BC V8S 1N0*

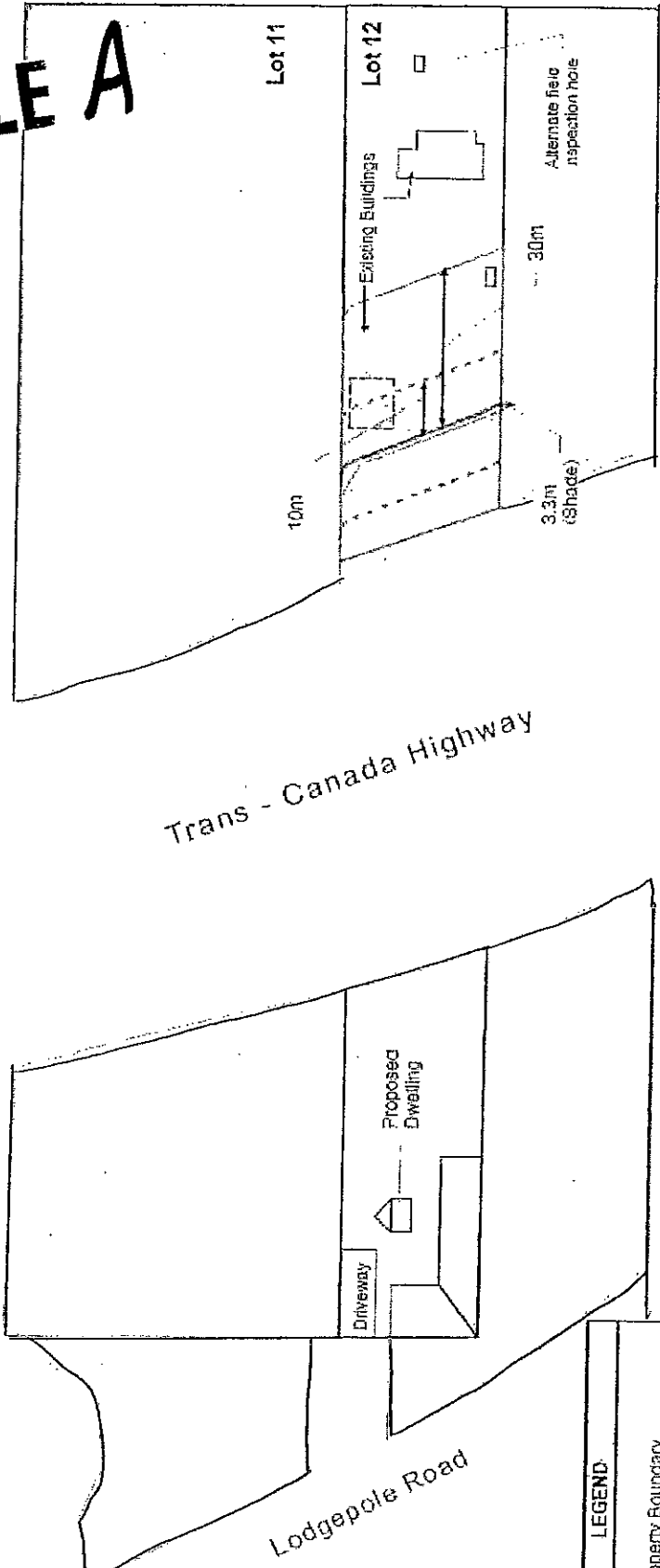


# SCHEDULE A

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	2650 PARTRIDGE RD - RAR	LOCATION: 2650 Partridge Road	DOSSIER NO: 07.0189	DRAWN BY: A. Nowak
	ASSESSED BY: Guillermo Perez, M.Sc., R.R.Bio	FIELD VISIT July 9, 2007	MAP SCALE: ~1:1000	MAP REVISION DATE: July 11, 2007

Partridge Road

Lot 11

Lot 12

Existing Buildings

Alternate field inspection hole

30m

10m

3.3m (Shade)

Trans - Canada Highway

Lodgepole Road

Proposed Dwelling

Driveway

LEGEND:	
	Property Boundary
	High Water Mark
	SPEA (10m)
	Riparian Assessment Area
Zones of Sensitivity	
	Large Woody Debris (10m)
	Litter Fall and Insect Drop (10m)
	Shade (3.3m)

# SCHEDULE B

## Site Plan

PLAN OF PROPOSED SUBDIVISION OF

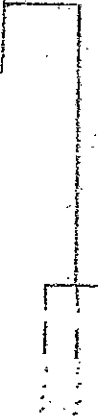
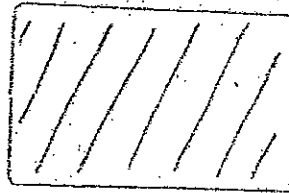
THAT PART OF LOT 12, BLOCK F, PLAN 1720  
THAT LIES NORTH OF A STRAIGHT BOUNDARY

N

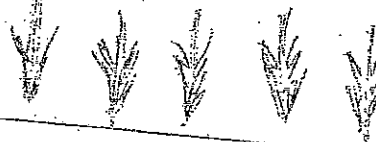
67.60 m

TRANS-CANADA HIGHWAY

31.74 m



30.76 m



LOUGHEOLE RD.

75.64 m

RECEIVED  
MAR - 1 2005

MINISTRY OF TRANSPORTATION

PROPOSED BUILDING SITE  
PROPOSED SEWAGE DISPOSAL FIELD

ALL LOTS ARE RESIDENTIAL.

23543

SAMPLE Feb 26, 2005

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

**Riparian Areas Regulation: Assessment Report**

Date 2007-07-17

**I. Primary QEP Information**

First Name	Guillermo	Middle Name	Enrique
Last Name	Pérez		
Designation	Registered Professional Biologist	Company	Madrone Environmental Services Ltd.
Registration #	1881	Email	Guillermo.perez@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
		Phone #	250 746 5545

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

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

**III. Developer Information**

First Name	Kevin	Middle Name	
Last Name	Glanfield		
Company			
Phone #	250 743 5026	Email	
Address	2650 Partridge Road		
City	Mill Bay	Postal/Zip	VOR 2P1
Prov/state	BC	Country	Canada

**IV. Development Information**

Development Type	Subdivision	
Area of Development (ha)	N/A	Riparian Length (m) 30
Lot Area (ha)	0.53	Nature of Development New
Proposed Start Date	July 23 <sup>rd</sup> 2007	Proposed End Date August 15 <sup>th</sup> 2007

**V. Location of Proposed Development**

Street Address (or nearest town)	Mill Bay		
Local Government	Cowichan Valley Regional District	City	Mill Bay
Stream Name	Unknown		
Legal Description (PID)	007-059-388	Region	Region 1, Vancouver Island
Stream/River Type	Stream	DFO Area	South Island
Watershed Code	NA		
Latitude	48	38	56
Longitude	123	33	28

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

Polygon No:   
SPVT Type:

Method employed if other than TR

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	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					
LWD, Bank and Channel Stability ZOS (m)	10						
Litter fall and insect drop ZOS (m)	10						
Shade ZOS (m) max	3.3	South bank	Yes		No		No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report				
<b>SPEA maximum</b>	<b>10</b>	(For ditch use table3-7)					

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	10						
Litter fall and insect drop ZOS (m)	10						
Shade ZOS (m) max	3.3	South bank	Yes		No		No
<b>SPEA maximum</b>		(For ditch use table3-7)					

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		No
<b>SPEA maximum</b>		(For ditch use table3-7)					

I, Guillermo Pérez, hereby certify that:

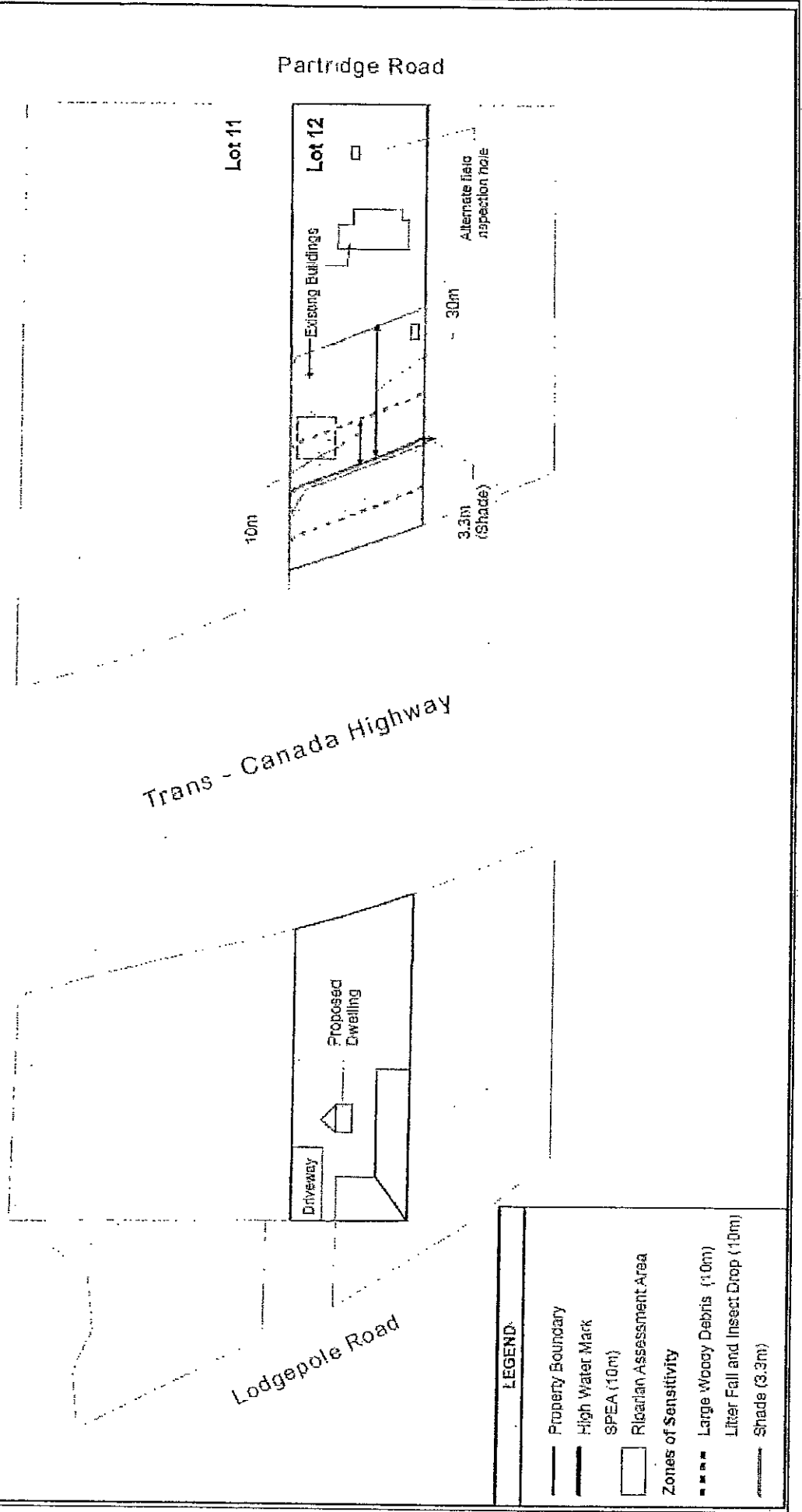
- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Kevin Glanfield;
- c) I have carried out an assessment of 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.

**Comments**

The current property owner will not be developing inside the RAA of the creek, or anywhere on the eastern property. Despite this, the 10m SPEA needs to be surveyed from the flagged HWM by professional surveyors before the property is subdivided.

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

	<b>2650 PARTRIDGE RD - RAR</b> ASSESSED BY: Guillermo Perez, M.Sc., R.P.Bio	<b>LOCATION:</b> 2650 Partridge Road <b>FIELD VISIT:</b> July 9, 2007	<b>DOSSIER NO:</b> 07.0189 <b>MAP SCALE:</b> ~1:1000	<b>DRAWN BY:</b> A. Nowak <b>MAP REVISION DATE:</b> July 11, 2007
--	---	--	---	--



LEGEND	
	Property Boundary
	High Water Mark
	SPEA (10m)
	Riparian Assessment Area
Zones of Sensitivity	
	Large Woody Debris (10m)
	Litter Fall and Insect Drop (10m)
	Shade (3.3m)

### Section 4. Measures to Protect and Maintain the SPEA

<b>1. Danger Trees</b>	
<p><u>I, Guillermo Pérez</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Kevin Glanfield</u>;</p> <p>g) 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>All proposed future developments planned by the current property owner under the scope of this report are well beyond the 30m RAA of the creek (refer to site plan). All developments will occur on the western side of the highway, following the approval of subdivision. No development activities are proposed on the eastern property by the current property owner inside the RAA. The existing house will be renovated. This house is in excess of 50m from the high water mark of the creek. The subdivision process triggered the RAR in this particular case.</p>	
<b>2. Windthrow</b>	
<p><u>I, Guillermo Pérez</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>Kevin Glanfield</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>Refer to statement above. The client will not remove any existing vegetation inside or outside of the RAA.</p>	
<b>3. Slope Stability</b>	
<p><u>I, Guillermo Pérez</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>Kevin Glanfield</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>Terrain is flat over the entire property (refer to photos). Refer to statement made under the first heading.</p>	
<b>4. Protection of Trees</b>	
<p><u>I, Guillermo Pérez</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>Kevin Glanfield</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>Refer to statement under the first heading. No development will take place.</p>	
<b>5. Encroachment</b>	
<p><u>I, Guillermo Pérez</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>Kevin Glanfield</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 has historically been used as a lawn/backyard area and is disturbed as a result (refer to photos). Despite a SPEA being implemented, the property owner can continue to use the land as it has always been used, although further site degradation must be avoided. The current property owner has inherited the SPEA in its disturbed state from the previous owner, and he has been actively improving the site by removing garbage from the creek and riparian area. The current property owner is encouraged to leave the SPEA as a natural site and allow it to regenerate, or to enhance the SPEA through replanting with native riparian vegetation. The property owner will be making use of an existing permanent garage that is approximately 5 metres from the high water mark of the creek.</p> <p>Under local government (CVRD) bylaws, the SPEA must be registered as a covenant, which is then attached to the property. The property owner must liaise with the CVRD to comply with this covenant bylaw. The recognition of the 10m SPEA as a covenant will help prevent future encroachment, even if the property is sold.</p>	

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

<b>6. Sediment and Erosion Control</b>	
<p><b>I, Guillermo Pérez,</b> 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>Kevin Glanfield</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>Refer to statement under the first heading.</p>	
<b>7. Stormwater Management</b>	
<p><b>I, Guillermo Pérez,</b> 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>Kevin Glanfield</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>Refer to statement under the first heading. No development will take place</p>	
<b>8. Floodplain Concerns (highly mobile channel)</b>	
<p><b>I, Guillermo Pérez,</b> 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>Kevin Glanfield</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>Refer to statement under the first heading.</p>	



### ***Section 5. Environmental Monitoring***

The subdivision application triggered the RAR process, and no developments are occurring inside the RAA of the creek, or anywhere on the eastern property where the creek exists. No monitoring plan is required under the scope of this report relating to the plans of the current property owner.

**The developer must contact the QEP when the covenant has been registered for the SPEA to ensure that the local government bylaw has been followed. The developer must also contact the QEP when the SPEA has been surveyed in the field by a professional British Columbia Land Surveyor.**

**Section 6. Photos**



Looking downstream along the drainage. Note highly disturbed nature of riparian area.



Looking upstream along the drainage. Fence in the background marks southern edge of property. Again, note anthropogenic disturbance and lack of understory vegetation.

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



Looking downstream along the creek from the approximate southern edge of the property.



Looking west towards the drainage and riparian area. Lawn area and bare ground extend to edge of creek. Note existence of functional riparian vegetation in the form of large trees, however.

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



Looking east from edge of drainage towards the property. Note existence of permanent structure inside the SPEA (garage/shop) and residence in the background.



Existing permanent structure and anthropogenic land use inside the SPEA.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Outflow of drainage onto beach at the end of Handy Road, approximately 300 m downstream of the property.



Arrow marks upper end of culvert along Handy Road. Outflow shown in above photograph is approximately 100m downstream. Due to this extensive culvert (no daylighted portions), it is unlikely that anadromous fish exist in the drainage.

## Section 7. Professional Opinion

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

Date 2007-07-17

1. I Guillermo  
Pérez

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

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 Kevin Glanfield, 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.]



SR3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 23, 2010 **FILE NO:**

**FROM:** Alison Garnett, Planner **BYLAW NO:**

**SUBJECT:** Release of Covenant request by Ministry of Transportation and Infrastructure

---

**Recommendation:**

Direction from the Electoral Areas Services Committee is requested.

**Purpose:**

To inform the EASC of a written request from the Ministry of Transportation and Infrastructure.

**Financial Implications:** N/A

**Interdepartmental/Agency Implications:**

A response to the Ministry of Transportation and Infrastructure is required.

**Background:**

The Ministry of Transportation and Infrastructure (MOTI) has received a covenant release request from the property owner of 10894 Loyalist Lane in Saltair (Strata Lot 2 of Plan 3464). This property was created as part of a 2 lot subdivision in 1994. At the time of subdivision a covenant was registered to prevent the construction of buildings and structures on the western property line of strata lots 1 and 2 of Plan 3464. The purpose of the covenant was to protect a future road corridor, which was identified in the Saltair Official Community Plan Bylaw No. 1085. The covenant was registered on these two lots, in favour of the MOTI, at the recommendation of CVRD Planning staff in 1994.

The MOTI is now considering a request from the property owner of strata lot 2 to release the no build covenant. The attached letter from the MOTI explains that during more recent subdivision approvals in the area, no other covenants were registered to further the expansion of the "future road corridor" identified in OCP Bylaw No. 1085. Furthermore, the current Saltair OCP Bylaw No. 2500 no longer contains transportation policies which identify this future road corridor.

Attached to this report is a map identifying the subject property, as well as the materials received from the Ministry of Transportation and Infrastructure.

**Options**

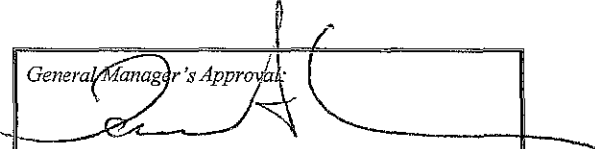
1. That a letter be forwarded to the Ministry of Transportation and Infrastructure, advising that the CVRD does not object to the release of Covenant EH138168 on strata lot 2 Plan 3436, located at 10894 Loyalist Lane.

Submitted by,



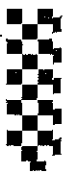
Alison Garnett,  
Planner  
Planning and Development Department

AG/ca

<i>General Manager's Approval</i>

<i>Signature</i>







August 3, 2010

Our File: 01 002 12184

Your File: 7-G-92 SA

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

**Attention: Alison Garnett, Planning Technician**

**RE: 10894 Loyalist Lane – Strata Lot 2, District Lot 31, Oyster District, Plan VIS3464**

On September 23<sup>rd</sup>, 1994 the Provincial Approving Officer signed a fee-simple subdivision plan creating Lots A & B, Plan VIP60021, and then a strata subdivision of Lot A, Plan VIP60021 which created Strata Lots 1 & 2, Plan VIS3464.

One of the conditions from your agency was protection of a future road network corridor running north/south along the westerly boundaries of Strata Lots 1 & 2, Plan VIS3464, pursuant to Page 50 of the Official Community Plan Bylaw No. 1085. As part of the subdivision approval, the ministry requested a no-build covenant for protection of a future road corridor be registered against the two strata lots.

We have now been approached by the owner of Strata Lot 2, Plan VIS3464 to release this covenant from their title.

In light of this request, I researched other subdivisions in this area. Lots A & B, Plan VIP81167 were created in 2006, and there was no request for protection of a future road corridor. Also, a recent applicant, our file 2009-04142, your file 1-G-09SA did not mention a need for protection of a future corridor.

I would appreciate it if you could review this information and advise if your agency wishes to continue to protect a future corridor, or if it would be accept to release this existing covenant.

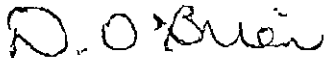
...../2

Cowichan Valley Regional District  
August 3, 2010  
Page 2

I have enclosed a copy of the subdivision report dated September 15<sup>th</sup>, 1992 for your reference.

Thank you for your assistance regarding this issue, and if you need anything else, please do not hesitate to contact me at (250) 751-3268.

Yours truly,



Debbie O'Brien  
Sr. District Development Technician

DLO/kp/12164 CVRD Ltr

Attach.

**COWICHAN VALLEY REGIONAL DISTRICT  
REPORT OF PRELIMINARY SUBDIVISION**

REG. DIST. FILE: 7-G-92 SA

HIGHWAYS FILE: 06-002-12164

DATE: September 15, 1992

ELECTORAL AREA: "G"

LEGAL DESCRIPTION: Lot 5, District Lot 31, Oyster District, Plan 4039

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

EXISTING ZONING: R-3 (Urban-Residential) - Zoning Bylaw No. 1180

DOES SUBDIVISION AND USE COMPLY WITH ZONING? YES X NO   

IN AGRICULTURAL LAND RESERVE? YES    NO X

COMMUNITY/SETTLEMENT PLAN DESIGNATION: C (Commercial) - Official Community Plan  
Bylaw No. 1085

DOES SUBDIVISION AND USE COMPLY WITH SETTLEMENT PLAN? YES X NO   

WAIVER BY APPROVING OFFICER OF 10 PERCENT FRONTAGE REQUIRED? YES    NO X

DOES ZONING DICTATE SOURCE OF WATER REQUIRED? YES X NO   

IF YES, WHICH? COMMUNITY SYSTEM X WELL(S) LAKE OR STREAM

GRID ROAD SYSTEM? YES X NO    SPECIFY Chemainus Road

PARK DEDICATION REQUIRED? YES    NO X IF YES, WHERE?

REGIONAL DISTRICT SUBDIVISION APPLICATION FEE REQUIRED? YES X NO   

.../2

COMMENTS: The submitted proposal would meet the 0.2 hectare minimum parcel size requirement as specified under Section 13.1 of Zoning Bylaw No. 1130 subject to both parcels being connected to the Saltair Water System.  
Policy 12.1.7 within Official Community Plan Bylaw No. 1085 suggests certain road links be considered when evaluating subdivision proposals.  
One of these suggestions is the South Oyster School Road extension which more or less bisects Lots 1 through 13 of Plan 4039. The extension would be at the rear of this parcel and road dedication may need to be provided along the rear boundary of Lot 5.  
We have attached a copy of page 50 from Official Community Plan Bylaw No. 1085 which indicates the location of the road extension which is designated on Figure 9.

RECOMMENDATION: That the 2 lot proposal, as submitted, be recommended for approval, subject to consideration of the above comments. All other requirements of the Ministry of Transportation and Highways and the Ministry of Health are to be complied with prior to final approval.

  
D.M. Paras, Planner

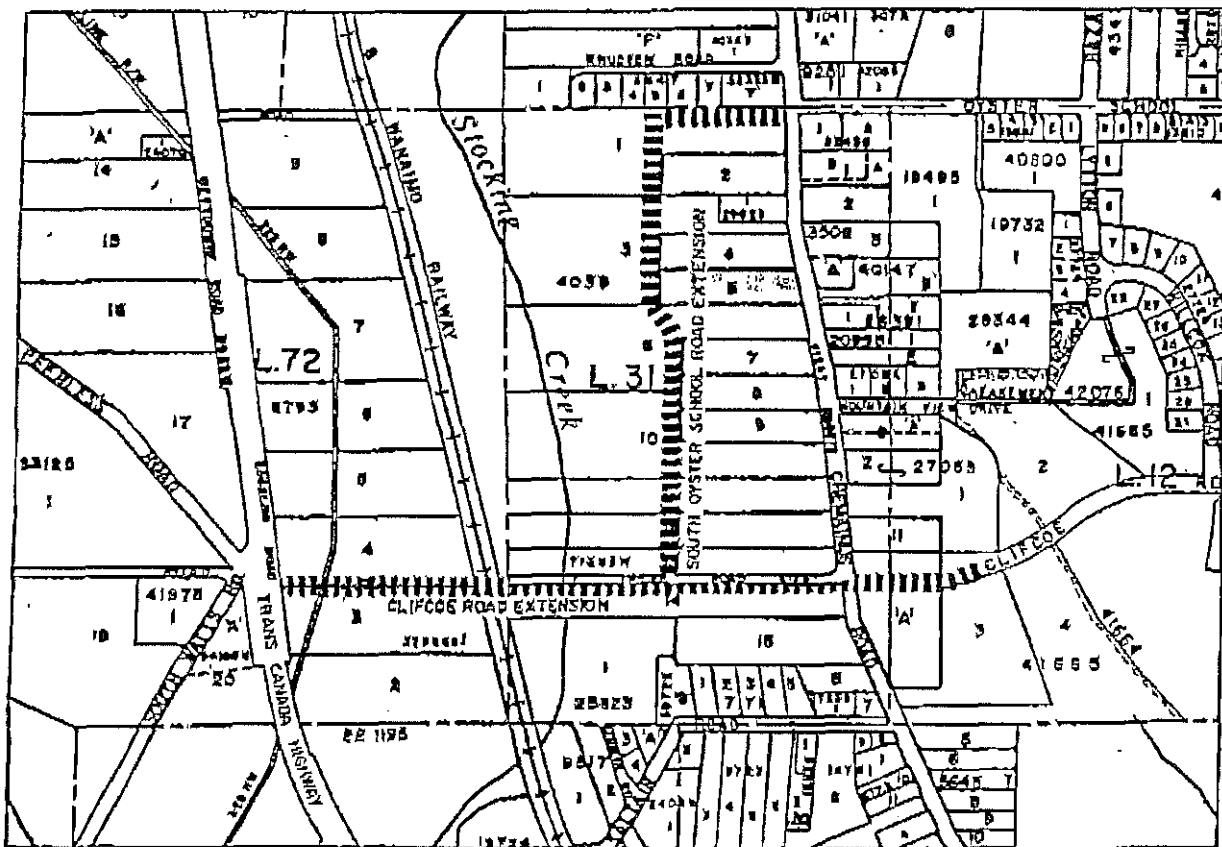
DMP/mam

cc: Hanson, Kenyon & Quarmby, B.C.L.S.

- iv) Newly completed roads shall be completed to a paved standard at the developers expense so as to reduce the Ministry of Transportation and Highways' long term maintenance costs.
- v) All new roads shall be constructed in a manner which shows due regard for the natural landscape and quality of the environment.

**POLICY 12.1.7:**

The Ministry of Transportation & Highways should be encouraged to extend South Oyster School Road west across Chemainus Road along the northerly boundary of District Lot 31 then south to connect with Thicke Road. The road extensions as identified in Figure 10 should provide a secondary collector route to the residential land uses immediately east of the area fronting on Chemainus Road which is designated Commercial in this plan.



Proposed Road Extensions for Cliffoe Road and South Oyster School Road

Figure 9



SR 4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **FILE NO:** 6480-20-D/2010  
**FROM:** Ann Kjerulf, Planner III, Community and Regional Planning Division **BYLAW NO:** N/A  
**SUBJECT:** Request to hold Rezoning Applications in Abeyance during the Electoral Area D – Cowichan Bay Official Community Plan Process

---

#### **Recommendation:**

1. That the CVRD advise applicants that rezoning applications for properties located in Electoral Area D – Cowichan Bay will be held in abeyance until an Official Community Plan bylaw has been adopted;
2. That an exception be made for properties located within the Cowichan Bay, Eagle Heights or Lambourn Estates Sewer System Service Areas; and
3. That an exception be made for those properties for which the CVRD Board has allocated sewer units and are intended to be included in the Cowichan Bay, Eagle Heights or Lambourn Estates Sewer System Service Areas.

#### **Purpose:**

The CVRD Board is asked to pass a resolution to hold new rezoning applications for properties located in Electoral Area D – Cowichan Bay in abeyance until a new Official Community Plan (OCP) has been adopted. The existing Official Settlement Plan (OSP), adopted in 1986, no longer provides a strong planning policy framework for guiding land use and growth management decisions including decisions on rezoning applications. Without well-informed and publicly-supported policies, it is difficult to make educated decisions and to have confidence that the decisions that are made are truly in the public interest.

Community input through the current OCP consultation process is expected to provide direction to several plan components (and future rezoning applications) including the following:

- Whether the boundaries of serviced areas should be expanded to accommodate future growth or if new growth should occur by sensitive infill of existing serviced areas;
- The types and densities of housing needed to accommodate diverse household types such as seniors, families, and singles; and
- Desired community amenities that may, in part, be achieved through future rezoning processes.

**Financial Implications:**

If and when new rezoning applications will be received is unknown. Because of this, the financial impact on the CVRD of delaying acceptance of rezoning applications is also unknown.

**Interdepartmental/Agency Implications:**

Development Services and Engineering staff are pursuing a public consultation process in relation to sewer servicing in Electoral Area D – Cowichan Bay. This process is intended to support the Official Community Plan process, currently underway, by clarifying how serviced growth should occur in the future and whether or not existing Sewer Service Area boundaries should be extended. Holding rezoning applications in abeyance will enable this process to proceed without further complication.

**Discussion:**

An Official Community Plan process for Electoral Area D – Cowichan Bay commenced in April 2010 and is expected to be completed in the fall of 2011. Based on an extensive consultation process to determine community vision, goals and values, the new OCP is intended to provide a clear policy framework to guide decisions about land use and growth management. Consultation activities to date indicate that Area D – Cowichan Bay residents have a strong desire for carefully managed growth, preservation of rural values, and greater protection of environmental and public health.

***Effect of an OSP/OCP on Rezoning Applications***

An OCP with clear and well-informed policies is necessary to guide decisions on rezoning applications. As subordinate legislation, zoning bylaws must be consistent with an OCP. However, over time, a community plan can become obsolete and lose its effectiveness; rezoning decisions can occur that are contrary to established policies. It is clear that the current OSP has lost its effect in this regard, as exemplified by the following:

*Policy 8.7 of the OSP states that “the residential properties between the Inn at Cowichan Bay, Kil-Pah-Las Indian Reserve #3, and Cowichan Bay Road (the Botwood Road area) are recognized as being best suited in the long run for some form of commercial development (or a combination of commercial and multiple family use). As a result, the Board may consider zoning these properties for such use without plan amendment upon application by the owners.”*

The policy clearly directs commercial uses to this specific site and even contemplates waiving a plan amendment if commercial uses are included. Still, a recent rezoning application for the site resulted in a multi-family residential designation with no commercial uses. The original staff report to APC referenced Policy 8.7 and, at a public hearing, concerns were voiced by the public about the potential loss of commercial development potential in Cowichan Bay. However, these basic land use concerns were overshadowed by building height and view protection issues. Moreover, the possibility that the proposed multi-family development would create affordable housing opportunities for young families with children in Cowichan Bay, garnered significant support from the community and may have contributed to the success of the rezoning. Unfortunately, there was no policy framework in place to ensure that affordable housing would be developed. The “Villas on the Bay”, a 14-unit strata condominium complex, is now nearing completion with ten 1200+ sf units on the market for \$389,000 to \$449,000.



### ***Provision of Community Amenities through Rezoning***

“Growth” and “development” are generally perceived by Area D – Cowichan Bay residents as having a negative impact on quality of life and rural character. However, an OCP can help to enhance community quality of life through appropriate growth management policies and by directing the provision of community amenities through rezoning processes. Examples of community amenities that may be obtained through rezoning include affordable housing, parks, trails, community meeting spaces, day cares, museums, libraries, water and sewer infrastructure, green buildings, community gardens and public art. The new Official Community Plan will provide policy direction regarding the provision of appropriate community amenities for Area D – Cowichan Bay based on community preferences and values.

### ***Impact on Residential Growth***

The Local Government Act requires that an OCP include policies respecting residential development required to meet housing needs for at least five years. A recently completed housing capacity analysis confirms that there is sufficient development potential under current zoning to meet residential growth requirements in Area D – Cowichan Bay for at least five years. This suggests that there is no practical need to rezone additional land (to permit higher densities) at the present time.

Notwithstanding, there are rezoning applications that were received or contemplated prior to the commencement of the OCP process and it is suggested that these applications be exempt from this resolution. It is also suggested that an exception also be made for properties already located within Specified Sewer Service Areas and properties for which the CVRD Board has allocated sewer units and for which a rezoning application may be pending. These applications should be allowed to proceed given the considerable investment of time and resources by their respective applicants.

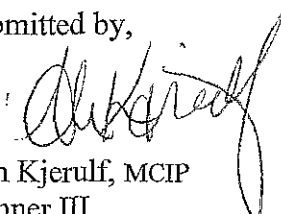
Direction from the CVRD Board to hold rezoning applications in abeyance until an OCP has been adopted will acknowledge support for the OCP consultation process and confirm the importance of community input toward growth management policies, and decisions on rezoning applications. This direction is supported by the Area D – Cowichan Bay Official Community Plan Steering Committee which includes broad representation from the community and Cowichan Tribes.

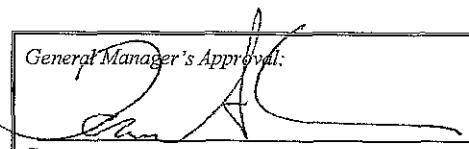
### **Options:**

The CVRD Board may, at its discretion:

1. Move the recommendation;
2. Move the recommendation in part;
3. Choose not to move the recommendation.

Submitted by,

  
Ann Kjerulf, MCIP  
Planner III  
AK/ca  
Attachment

  
General Manager's Approval:  
Signature



SR5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 27, 2010 **FILE NO:** 6550-04-RDN  
**FROM:** Ann Kjerulf, Planner III **BYLAW NO:** N/A  
Community and Regional Planning Division  
**SUBJECT:** Regional District of Nanaimo Regional Growth Strategy Amendment Application  
Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949  
2610 Myles Lake Road, RDN Electoral Area C

---

#### **Recommendation**

1. That the Regional District of Nanaimo be advised that the Regional Growth Strategy amendment application for Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 appears to be inconsistent with the intent of the Regional Growth Strategy and, specifically, Goals 1, 2, 3, 4, 5 and 7 of the strategy; and
2. That the proposed amendment would facilitate automobile-development development and potential negative impacts on CVRD air quality and the safety of public roadways.

#### **Purpose**

As a neighbouring regional district, the CVRD is being asked to provide input regarding an application to amend the Regional District of Nanaimo (RDN) Regional Growth Strategy (RGS).

#### **Financial Implications**

Amending an RGS involves significant public and stakeholder consultation. The costs of this process are borne primarily by the RDN. However, there are residual costs to member municipalities and adjacent regional districts who are asked to review proposed amendments.

#### **Interdepartmental/Agency Implications**

In accordance with the *Local Government Act*, all member municipalities and adjacent regional districts must accept an RGS amendment prior to adoption by the RDN.

#### **Discussion**

The RDN Regional Growth Strategy was adopted in 1997 following a period of significant growth. The strategy is intended to contain urban settlement within designated growth nodes, protect the integrity of rural and resource areas, protect the environment, increase servicing efficiency, and improve mobility within the region.

The RDN is now undertaking a review and consultation process in conjunction with an application to amend its RGS. The amendment would change the RGS designation of the subject

property from *Resource Lands and Open Space* to *Rural Residential*; permit a site specific decrease in minimum parcel size; and allow OCP and zoning bylaw amendments to proceed in order to accommodate a four lot subdivision on an 8.71 ha property south of Extension.

***Site and Regional Context:***

The subject property, located at 2610 Myles Lake Road, is approximately 3 km south of the Extension Village Centre and 5 km west of the TransCanada Highway (accessible via Nanaimo River Road) in RDN Electoral Area C. This electoral area shares a jurisdictional boundary with CVRD Electoral Area H, approximately 6 km to the south of the subject property. Context maps are included in the correspondence from the RDN attached to this report.

The 8.71 ha (21.5 acre) rural property, with lake frontage, is currently occupied by one dwelling. Adjacent land uses include rural residential (10+ acre) properties to the north and east and resource lands to the west. There are no community water, sewer or public transit services in the immediate area. The property is partially located in the Extension Fire Protection Area. Major community facilities and services are located in Nanaimo and Ladysmith. Extension, designated by the RGS as a future growth node, has very limited facilities and services at the present time.

***Current Designation:***

The current RGS designation for the subject property is *Resource Lands and Open Space*, which includes: land with primary value for resource uses such as agriculture, forestry, aggregate and other resource development; and land designated for long-term open space uses.

The RGS states that “*no new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this regional growth strategy may be created on land in this designation*”. Current (RU6-V) zoning on the subject property permits a minimum parcel size of 50 ha, which is supported by the current OCP *Resource* designation. Notably, the property was rezoned in 1999 as part of the OCP process “*to protect resource lands from fragmentation and reduce the amount of development outside of urban areas*”. The applicant is seeking to reinstate the 2 ha minimum parcel size in effect prior to 1999.

***Proposed Designation:***

The proposed RGS designation for the subject property is *Rural Residential*, which generally includes “*land that has already been subdivided into relatively small parcels for a rural area and land where modest future rural residential subdivision development could occur without affecting the rural economy and environmental quality*”. With the *Rural Residential* designation, the applicant would be able to proceed with an OCP/zoning amendment application to accommodate the proposed residential four-lot subdivision.

***Regional Growth Strategy Goals:***

The following broad goals of the RGS are germane to a review of the amendment application:

***Goal 1 – Strong Urban Containment:*** To limit sprawl and focus development within well defined urban containment boundaries.

***Goal 2 – Nodal Structure:*** To encourage mixed-use communities that include places to live, work, learn, play, shop and access services.

**Goal 3 - Rural Integrity:** To protect and strengthen the region's rural economy and lifestyle.

**Goal 4 - Environmental Protection:** To protect the environment and minimize ecological damage related to growth and development.

**Goal 5 - Improved Mobility:** To improve and diversify mobility options within the region – increasing transportation efficiency and reducing dependency on the automobile.

**Goal 6 - Vibrant and Sustainable Economy:** To support strategic economic development and to link commercial and industrial strategies to the land use and rural and environmental protection priorities of the region.

**Goal 7 - Efficient Services:** To provide cost efficient services and infrastructure where urban development is intended, and to provide services in other areas where the service is needed to address environmental or public health issues and the provision of the service will not result in additional development.

**Goal 8 - Cooperation among Jurisdictions:** To facilitate an understanding of and commitment to the goals of growth management among all levels of government, the public and key private and voluntary sector partners.

Based on a cursory review of the proposed RGS amendment, it is evident that the proposal is inconsistent with the intent of the RGS and goals 1 – 5 and 7 in particular. With regard to the potential impact on the CVRD, it is apparent that any development created on the subject property would be automobile-dependent due to the lack of services in the immediate area. This could have a negative impact on the CVRD, and Electoral Area H in particular, due to increased greenhouse gas emissions, increased traffic and corresponding negative impacts on air quality and the safety of public roadways.

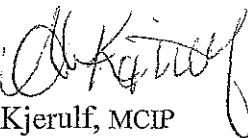
At this stage, the RDN is requesting preliminary input from affected local governments to identify potential issues and concerns related to the RGS amendment application. In the event that an RGS bylaw amendment is pursued, the CVRD Board will be asked to formally accept or refuse the RGS amendment. This would occur after 1<sup>st</sup> and 2<sup>nd</sup> reading of the RGS amendment bylaw and a statutory public hearing. More detail about the application and RGS amendment process can be found in the attached correspondence from the RDN.

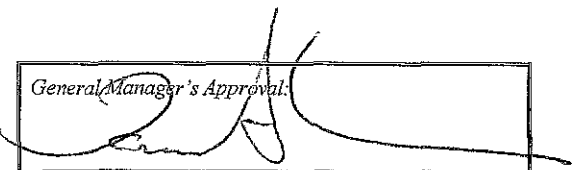
### Options

In consideration of the above noted recommendation, the Board may choose to:

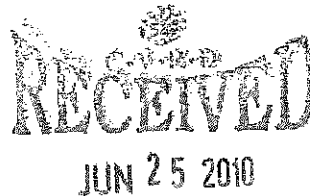
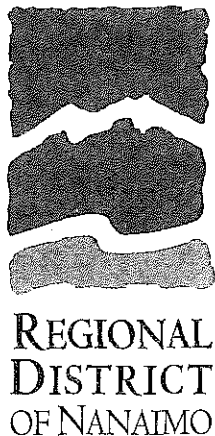
- (i) Move the recommendation as stated;
- (ii) Move the recommendation with changes; or
- (iii) Decline to comment at this time.

Submitted by,

  
Ann Kjerulf, MCIP  
Planner III  
Planning and Development Department

  
General Manager's Approval:  
Signature

AK/ca  
Attachment



June 23, 2010

PL2009-778  
ZA0604

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

File #:	6550-04-RDN
X-Reference	

**Re:    *Regional Growth Strategy Amendment Application***  
***Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949***  
***2610 Myles Lake Road, Electoral Area 'C'***  
***Applicants: Linda E Addison & George C Addison***

The Regional District of Nanaimo Board of Directors, at its regular meeting held on May 25, 2010 decided to consider an amendment to the Regional Growth Strategy (RGS) that will allow for a decrease in the minimum parcel size outside of the Urban Containment Boundary. The proposed amendment to the RGS is required to allow an application for a zoning and official community plan (OCP) amendment to proceed. This letter is a request for comments on the proposed amendment to the RGS.

The zoning/OCP amendment application is for a property on Myles Lake Road in Electoral Area 'C' which is currently designated as Resource Lands and Open Space in the RGS (*Attachment 1*). The applicant is proposing to create a four lot subdivision with a minimum parcel size of 2 ha from the 8.71 ha property (*Attachments 2 - Subject Property and 3 - Development Proposal*). The applicant's subdivision proposal also provides 1,116 m<sup>2</sup> of the land to be dedicated as a pedestrian access to a park on an adjacent property. The current zoning on the property is RU6-V under "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", permitting a minimum parcel size of 50 ha. The "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" designates the property as Resource, which supports the 50 ha minimum parcel size. The property does not adjoin the Extension Village Centre, which is the nearest designated area for future growth.

The zoning was originally changed on the property from 2 ha to 50 ha in 1999 as part of the Arrowsmith Benson – Cranberry Bright Official Community Plan (OCP) implementation process. Through the implementation process properties within the Forest Land Reserve were designated for 50 ha minimum parcel size to protect resource lands from fragmentation and reduce the amount of development outside of urban areas. The applicant has requested that the RDN change the minimum parcel size back to 2 ha as it was prior to the rezoning.

6300 Hammond Bay Rd.  
Nanaimo, B.C.  
V9T 6N2

Ph: (250)390-4111  
Toll Free: 1-877-607-4111  
Fax: (250)390-4163


RDN Website: [www.rdn.bc.ca](http://www.rdn.bc.ca)

The RGS must be amended to allow the change in the minimum parcel size to proceed. Policy 3A of the RGS prohibits the zoning/OCP amendment as it does not allow the minimum parcel size of lands in the Rural Residential and Resource Lands and Open Space designations to be reduced below the minimum parcel size established in the OCP in place at the date of the adoption of the RGS in 2003. A site specific amendment to Policy 3A and changing the property's land use designation from Resource Lands and Open Space to Rural Residential Lands would allow the OCP and zoning amendment application to proceed. The amendment would specifically exempt the property from RGS Policy 3A (see *Attachment 4*).

At this point in the RGS amendment process the RDN is seeking comments from affected individuals, organizations and agencies. There are several other steps in the process including acceptance of the amendment by each municipality in the RDN and adjacent regional districts. Please see Attachment 5 for the RGS amendment process and timeline.

The RDN encourages your comments and feedback on the proposed amendment and its implications for regional sustainability. To discuss the application further please contact the RDN's Long Range Planning staff at 250-390-6510 or 1-877-607-4111.

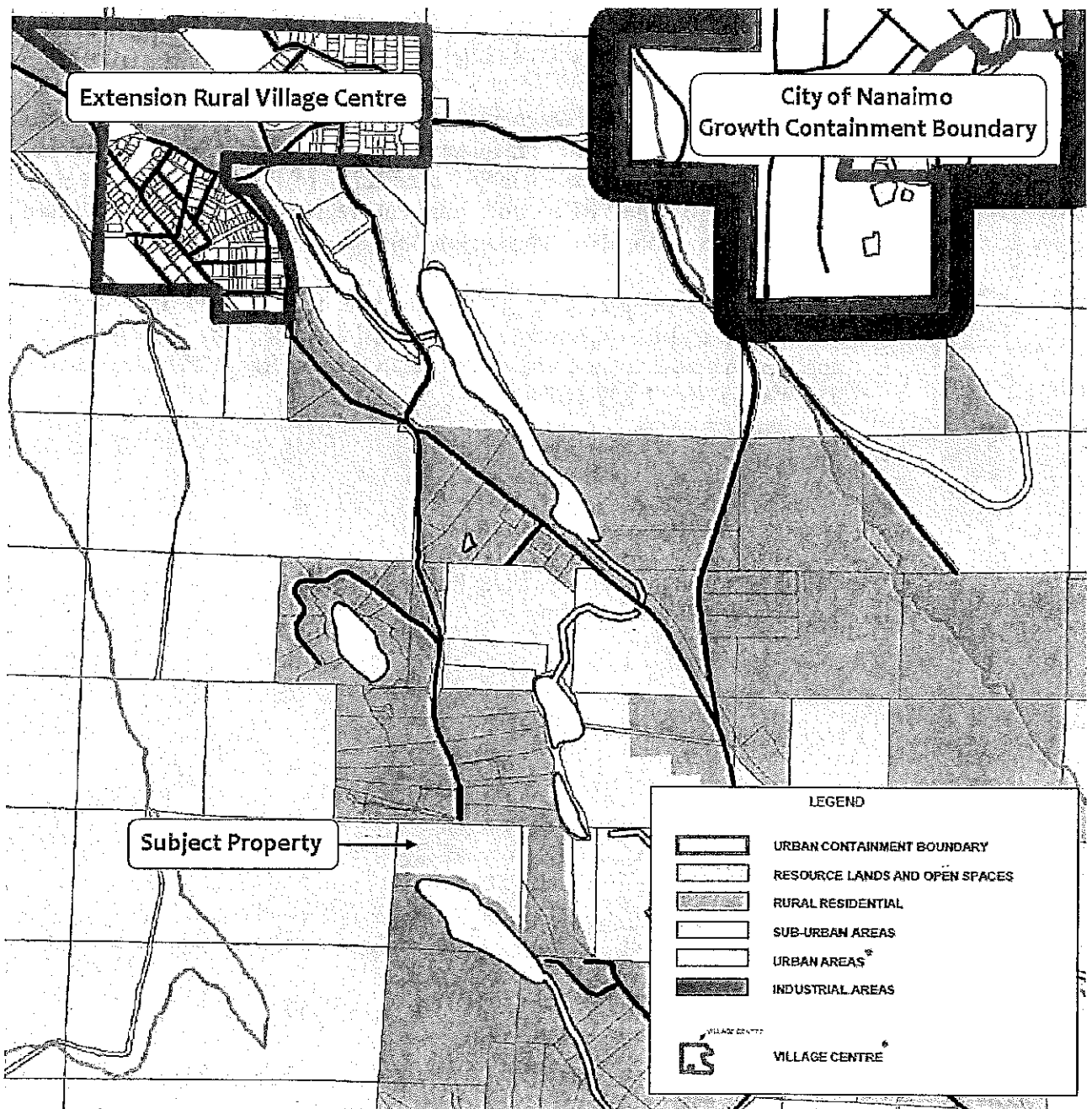
Sincerely,

A handwritten signature in black ink, appearing to read 'P. Thompson'.

Paul Thompson, Manager of Long Range Planning  
Regional District of Nanaimo

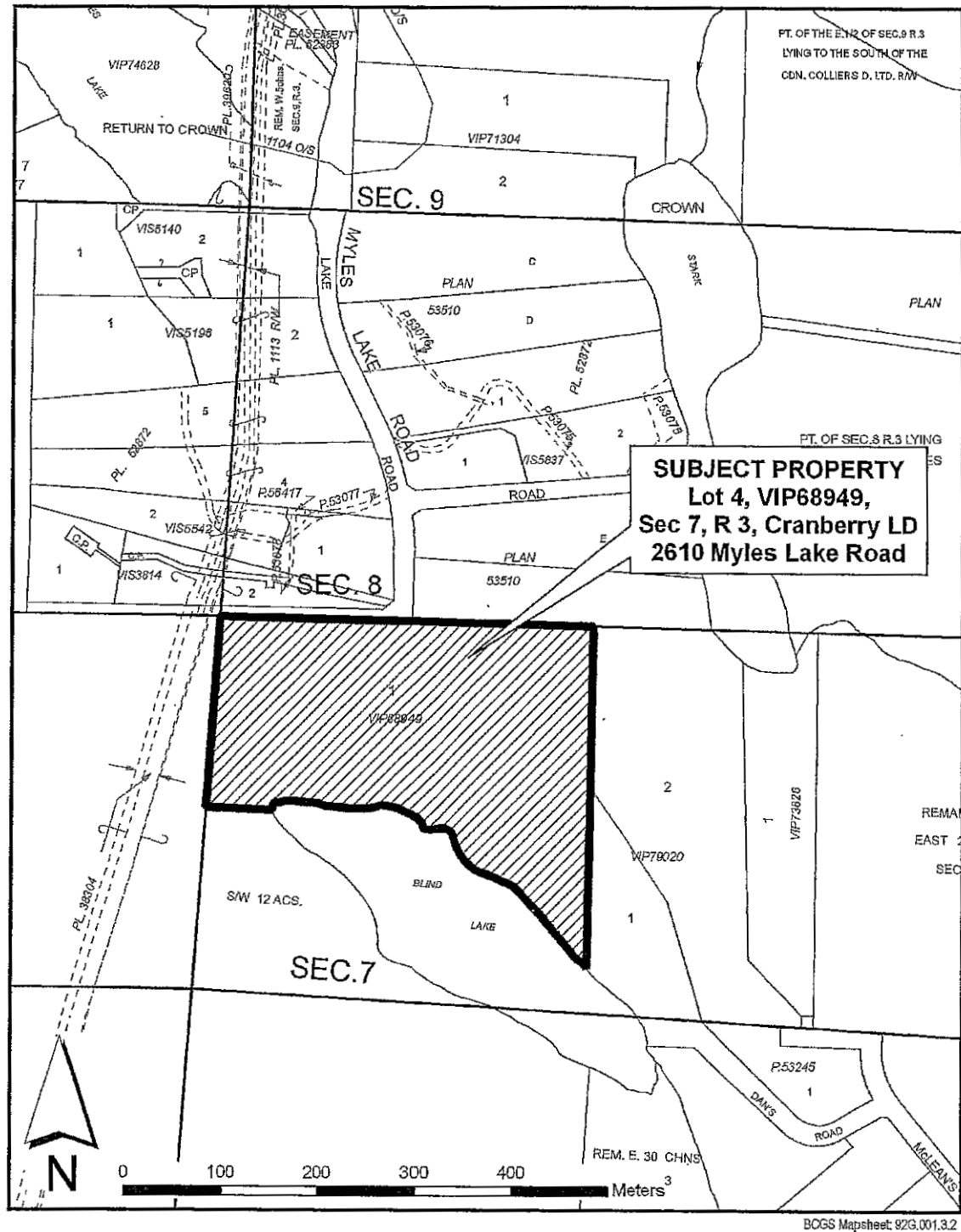
## Attachment 1

### *RGS Context*



## Attachment 2

### Location of Subject Property





## Development Proposal



## Attachment 4

### Proposed RGS Amendment

Proposed RGS Amendment to allow a decrease in the minimum parcel size for *Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949*:

Existing RGS Policy:

**Policy 3A:** The RDN and member municipalities agree to promote and encourage the retention of large rural holdings on land designated as Resource Lands and Open Space and lands designated as Rural Residential. To this end, the RDN and member municipalities agree that the minimum parcel size of lands designated as Rural Residential and Resource Lands and Open Space will not be reduced below the minimum parcel size established in official community plans in place at the date of the adoption of this regional growth strategy except where the land is in a Community Water Service Area at the date of adoption of the Regional Growth Strategy, subdivision may be permitted to the minimum parcel size allowed by the zoning bylaw with community water service at the date of adoption of the Regional Growth Strategy. Further, the RDN and member municipalities agree to investigate the ideal and practical minimum parcel sizes for resource uses on lands designated as Resource Lands and Open Space.

Add the following policy under Goal 3:

***Policy 3F***

As an exemption to Policy 3A, the RDN and member municipalities agree that the Official Community Plan for Electoral Area 'C' may be amended to change the land use designation for Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949 from Resource to Rural to allow for subdivision of the parcel in accordance with the OCP policies for the Rural land use designation.

## Attachment 5

### *Consultation Process and Timeline For the Regional Growth Strategy and Official Community Plan Amendment for 2610 Myles Lake Road*

#### **Consultation Process**

The proposed consultation process for the RGS amendment is intended to fulfill the requirements of the *Local Government Act* and provide opportunity to resolve any issues that members of the RDN may have early in the process. This is important because all member municipalities and adjacent regional districts must accept the proposed RGS amendment prior to Board adoption.

The flow chart below outlines the process for making an amendment to the RGS and OCP. The Regional Board has already agreed to consider the application based on the recommendation of the Electoral Area Planning Committee and the Sustainability Select Committee. The amendment process for the application is as follows:

- The Board would approve the consultation plan for the OCP and RGS amendments.
- Consultation (public, province, municipalities) for both OCP and RGS amendment bylaws as per the requirements in the *Local Government Act* and RDN Bylaw 1432.
  - A copy of the application will be forwarded to the elected officials and planning staff for all member municipalities and adjacent regional districts. RDN staff will work with these other local governments to address any concerns or recommendations regarding the implications of the application for the goals of the RGS.
  - The application will be forwarded to First Nations, school districts, improvement districts and senior government agencies. These organizations will be invited to provide comments on the applications or speak with RDN staff with their recommendations.
  - A public information meeting will be conducted for the application. The proponent would present their proposal, the public would have an opportunity to ask questions and identify any potential issues from their perspective.
- Board (Electoral Area Directors only) grants OCP amendment bylaw 1<sup>st</sup> and 2<sup>nd</sup> reading.
- Referral of the OCP bylaw amendment to adjacent municipalities and the Intergovernmental Advisory Committee for comment. The Committee reviews the proposal, staff assessment and comments to date to make recommendations in relation to the RGS.
- A staff report would be prepared for the Sustainability Select Committee that would provide information about the proposal and the Intergovernmental Advisory Committee recommendations. The Sustainability Select Committee reviews the proposal and required RGS amendments then makes a recommendation to the Board.
- Board grants 1<sup>st</sup> and 2<sup>nd</sup> reading for RGS amendment.
- The RDN Board is required to conduct a public hearing for both the OCP and the RGS amendment. The public hearing for the OCP and RGS amendment can be held at the same time, in the same location.
- The proposed amendment is submitted to each member municipality, adjacent regional district and the Minister of Community and Rural Development. The statutory requirements of the *Local Government Act* give the local governments 60 days to accept or refuse the RGS amendment. Acceptance by each local government is required for the

amendment to proceed to adoption. If one or more local governments do not accept the amendment, then it must go through the statutory dispute resolution process as directed by the Minister.

- Board (Electoral Area Directors only) grants OCP amendment bylaw 3<sup>rd</sup> reading.
- OCP bylaw is submitted to the Minister of Community and Rural Development for approval.
- Board grants 3<sup>rd</sup> reading for RGS amendment.
- Board adopts RGS bylaw amendment.
- Board adopts OCP bylaw amendment.

### Dispute Resolution

If consensus cannot be reached among member and adjacent local governments, then the Minister of Community and Rural Development will direct the dispute resolution process. The Minister may either choose non-binding resolution or a final settlement process depending on the circumstances. In the non-binding resolution process, the conflicting local governments meet with an independent facilitator to reach consensus. If consensus is not reached, then the amendment must go through the final settlement process which may be the settlement by a panel of elected officials or independent arbitrator.

### Advertising

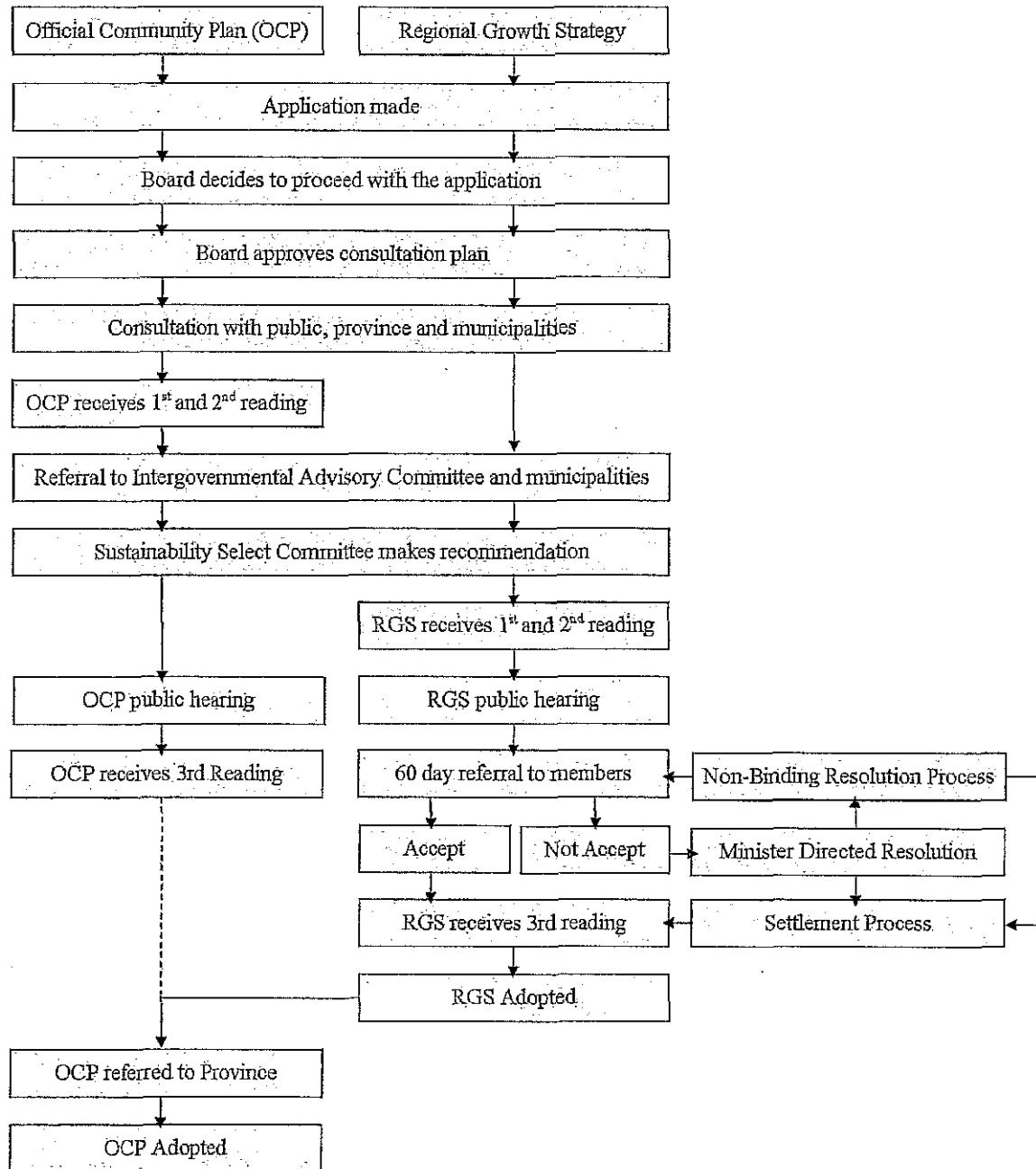
The RDN is required to provide the public opportunities to speak to the bylaw amendment either through formal submission or by attendance at the public information meeting or public hearing. Notices will be in the major regional newspapers to advertise the public hearing as per the requirements of section 882 of the *Local Government Act*. As a bylaw that also alters the density of existing land uses in the OCP, land owners of properties within 200 metres of the parcel under consideration for bylaw amendment will receive written notice.

### Anticipated timeline for amendment

2010	
Board adopts the consultation plan	June
Application forwarded to stakeholders	July - September
Staff discuss application with member municipalities	September - October
Public information meeting held	September - October
OCP bylaw given 1 <sup>st</sup> and 2 <sup>nd</sup> reading by the Board	November
Intergovernmental Advisory Committee assessment of proposal	November - December
Submission to Sustainability Select Committee	December
2011	
RGS bylaw given 1 <sup>st</sup> and 2 <sup>nd</sup> reading by the Board	January
Public hearing held for OCP and RGS amendments	February
OCP bylaw given 3 <sup>rd</sup> reading by the Board	March
Municipalities and regional district accept or reject RGS amendment	February – April
OCP amendment submitted to the Province for approval	May
RGS bylaw given 3 <sup>rd</sup> reading and adopted by the Board	June
OCP bylaw adopted by the Board	July

This timeline is based on the assumption that there will be no opposition to the proposed RGS amendment, and that it will be accepted by member municipalities and adjacent regional districts. The Board cannot adopt the OCP and RGS amendment unless the changes to the RGS are accepted by each member municipality and adjacent regional district.

## Legislated Amendment Process for the Regional Growth Strategy





SR6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 23, 2010

**FILE NO:**

**FROM:** Alison Garnett, Planner

**BYLAW NO:** Area H OCP

**SUBJECT:** Bill 27 requirement to introduce greenhouse gas emission reduction targets into all CVRD Official Community Plans.

---

#### **Recommendation:**

1. That the Bill 27 bylaw for Electoral Areas H proceed to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading,
2. That a public hearing be held for the amending bylaw in Electoral Area H- North Oyster/Diamond with Directors Marcotte, Dorey and Morrison named as delegates of the Board;
3. That the proposed bylaw for Electoral Area H be referred to the City of Duncan, Town of Lake Cowichan, District of North Cowichan, Town of Ladysmith, Nanaimo Regional District, Cowichan Tribes, Chemainus First Nation, Ministry of Community and Rural Development, and School Districts No. 68 and 79 for comment, in the form of a written referral only with a 3 week response period.

#### **Purpose:**

Bylaw amendment for Electoral Area H- North Oyster Diamond Official Community Plan in compliance with Bill 27, respecting reduced greenhouse gas emissions.

#### **Financial Implications:**

Individual hearing costs

#### **Interdepartmental / Agency Implications:**

Local governments are required by Bill 27 to introduce into existing and new OCPs a policy framework for green house gas emissions reduction targets. The Provincial deadline for amending OCPs was May 31, 2010.

#### **Background:**

The Provincial government has mandated that local governments reduce greenhouse gas (GHG) emissions. All Official Community/Settlement Plans must be amended to include emission targets, as well as policies and actions to attain those targets. The implementation date set by the Province was May 31<sup>st</sup>, 2010.

The focus of the amendments is on strengthening good land use planning principles. Estimates on greenhouse gas emissions show that transportation is the largest contributor of emissions in the region. Land use decisions made by local governments that preserve resource land and concentrate residential growth within well defined residential areas are directly linked to efficient use of the land base and reduced transportation based emissions.

The proposed bylaw amendment includes an entirely new section for the OCP, titled *Climate, Land, Resources and Energy Efficiency (Bill 27)*. The introduction of this new section is similar in each OCP/OSP, but the policies vary to reflect differences in the Plan areas. GHG reduction targets are included in this section, which mimic those set by the Province: to reduce total greenhouse gas (GHG) emissions by 33% from current levels by 2020, and by 80% from current levels by 2050. Staff are also proposing modifications to existing sections in Electoral Area H OCP.

**Advisory Planning Commission:**

The North Oyster/Diamond APC recently held a workshop to review the proposed bylaw amendments and have directed staff that the APC supports the amendments proceeding to the Board.

**Option**

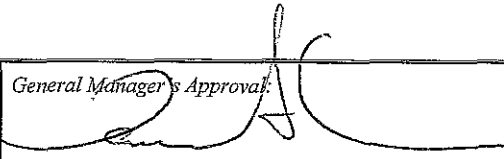
1. That the Bill 27 bylaw for Electoral Areas H proceed to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading,
2. That a public hearing be held for the amending bylaw in Electoral Area H- North Oyster/Diamond with Directors Marcotte, Dorey and Morrison named as delegates of the Board;
3. That the proposed bylaw for Electoral Area H be referred to the City of Duncan, Town of Lake Cowichan, District of North Cowichan, Town of Ladysmith, Nanaimo Regional District, Cowichan Tribes, Chemainus First Nation, Ministry of Community and Rural Development, and School Districts No. 68 and 79 for comment, in the form of a written referral only with a 3 week response period.

Submitted by,



Alison Garnett,  
Planner  
Development Services Division  
Planning and Development Department

AG/ca

<p>General Manager's Approval:</p> 
<p>Signature</p>



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3421

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

---

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

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area H- North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1497;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3241 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Bill 27), 2010**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

.../2



READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3421 as given Third  
Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT  
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No. 3421

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

- 1) The following is inserted as Part Fourteen Climate, Land, Resources, and Energy Efficiency (Bill 27), and added to the Table of Contents. The remaining sections are renumbered accordingly.

#### **Part Fourteen- Policies: Climate, Land, Resources, and Energy Efficiency (Bill 27)**

Bill 27, the *Local Government Statutes Amendments Act* (2008), requires that all local governments establish targets for reducing greenhouse gas emissions. In addition, all Official Community Plans (OCP) must include actions and policies which outline how those reduction targets will be achieved. The CVRD recognizes that Bill 27 raises some very important issues. Firstly, it should hasten the regional response to reduce emissions which are responsible for climate change. But the legislated amendments also provide a unique opportunity to review, strengthen and improve good community planning principles in this Plan. Policies that reduce greenhouse gas (GHG) emissions are based on reduced fossil fuel consumption and efficient use of energy, land and resources. Increased efficiency has a positive impact on improved health and quality of life for the region's residents, and overall environmental sustainability.

In a rural area such as the CVRD, local governments are well situated to respond to climate change. Vehicle related transportation is by far the largest contributor to overall emissions in this region. It represented an estimated 82.9% of the GHG emissions produced in 2007<sup>1</sup>, as a result of driving to work, schools, and other daily activities. The distribution of land uses, which means the location of homes, workplaces, schools and recreational opportunities, and the preservation of resource lands, is controlled to a large extent by local governments. Understanding the connection between land use and transportation related emissions is one step; the imperative to incorporate climate change into the decisions on land use is another.

The CVRD realizes the urgent need to respond to climate change, and has set targets for emission reductions. To move towards the established targets, the first proposed action is to undertake a climate change action plan, a process involving comprehensive community engagement. This OCP also acknowledges that the provincial government regulates many high emission producing sectors. These matters are outside of the scope of an OCP. Through the review process involved in Bill 27, the CVRD has identified many long term projects that would

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<sup>1</sup> Province of BC, Cowichan Valley Regional District Community Energy and Greenhouse Gas Emissions Inventory: 2007 (2009)

contribute greatly to an overall reduction in emissions and energy use. Many of these projects are dependent on complementary action from the provincial government if we are to reach the targets. As such, the CVRD Board strongly recommends senior governments consider and support the following initiatives in three key areas:

- a) Transportation is the largest contributor to climate change related emissions in the region, therefore the CVRD urges the provincial government to invest in commuter rail service between the CVRD, Greater Victoria and other urban centres on Vancouver Island. Furthermore, the CVRD requests improved traffic flows along roads in the CVRD, with emphasis on the Island Highway, to reduce the acceleration, deceleration and idling of vehicles.
- b) The Cowichan Valley faces large scale deforestation, which if left unforested, has the deleterious effects of large scale carbon production *and* the removal of natural carbon sequestration. As a mitigation measure, the CVRD is exploring the idea of a regional carbon trust, where forested land could be purchased and actively managed for maximum carbon sequestration. Furthermore, the CVRD is interested in providing tax incentives to encourage tree farm production and tax penalties to discourage removal of land from tree farm licensing. The CVRD's ability to achieve the emissions reduction targets is completely dependent on innovation and financial support from senior levels of government.
- c) The opportunities for alternative energy technology are well known in this region, and the potential benefits are numerous: the reduction of energy use by the implementation of alternative energy technology in buildings, the economic opportunity presented by a growing industry, and the desire for energy self-sufficiency on Vancouver Island. Senior governments must provide incentives to encourage private and public investment into alternative energy technology.

### **TARGETS**

- a. To reduce total green house gas (GHG) emissions in the plan area by 33% by 2020, and by 80% by 2050 from 2007 levels;
- b. To reduce overall energy consumption in the region, encourage an efficient use of the land base, and promote a healthy and high quality of life for residents.

### **POLICIES**

#### **Policy 14.1:**

To meet the CVRD GHG reduction targets of 33% by 2020, and 80% by 2050, the CVRD Board will consider adopting a climate change action plan, which would provide a more comprehensive set of targets, indicators, policies and actions.

#### **Policy 14.2:**

In the context of reducing GHG emissions, policies related to land use and density are as follows:

.../3

- a. In a future OCP review, the CVRD Board and community will give consideration to identifying village containment areas, to encourage the following goals:
  - i. To preserve the agricultural and forestry land base of the Plan area, and allow no net loss of these resource lands;
  - ii. To encourage a solid economic base within reasonable walking distance to properly zoned existing residential areas;
  - iii. To delineate areas where mixed residential, commercial and institutional land uses may be focused, to create complete, healthy and liveable communities;
- b. If appropriate and acceptable to the local community, the CVRD Board may initiate projects to identify potential infill sites within existing areas of higher commercial and residential densities.

**Policy 14.3:**

In the context of reducing GHG emissions, policies related to transportation are as follows:

- a. The CVRD Board may consider existing and future transit infrastructure in all land use planning decisions;
- b. The planning and development of cycling and walking trails is encouraged, to promote healthy living and alternative transportation methods throughout the community;
- c. This OCP very strongly encourages the Ministry of Transportation and Infrastructure to accommodate pedestrian and cycling requirements into road design, as road improvements and upgrades take place.

**Policy 14.4:**

In the context of GHG emissions, policies related to food and agriculture are as follows:

- a. In a future OCP review, the CVRD Board and local community may give consideration to the following:
  - i. To encourage local agricultural production and consumption, lands may be designated for community gardens and farmers markets;
  - ii. Incentives may be provided to include additional farmland in the Agricultural Land Reserve (ALR) for long term preservation;
- b. The CVRD recognizes the importance of the agricultural land base to the economic viability and ecology of the area, as well as to food security. Development applications that threaten the area's agricultural land will be considered in light of the CVRD's objectives noted within this Plan.

- 2) The following Policies 6.1.13 and 6.1.14 are added to the Forestry Policies:

**Policy 6.1.13:**

The Regional Board supports the retention of Forestry designated lands for productive forestry uses.

**Policy 6.1.14:**

Forestry lands are valued for their capacity to naturally sequester carbon dioxide, and for this reason the CVRD Board strongly encourages sustainable forestry practices on all designated forestry lands.

- 3) The following policy 8.1.8 is added to the General Residential Policies:

**Policy 8.1.8:**

The CVRD wishes to retain the rural areas and working resource land base of this Plan, therefore the Board discourages the conversion of forestry or agricultural resource land to any other use.

- 4) The following policy 12.1.12 is added to the Transportation Policies:

**Policy 12.1.12:**

The creation of a network of walking and cycling paths may be identified in a future OCP review.



SR7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 30, 2010

**FILE No:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW No:**

**SUBJECT:** Shawnigan Lake Cemetery

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**Action:**

That the Committee give consideration to this request.

**Purpose:**

To receive Committee direction on a request to waive the building permit fee for the construction of a gazebo on the above noted property.

**Financial Implications:**

The building permit fee for the gazebo is approximately \$60.

**Interdepartmental/Agency Implications:**

N/A

**Background:**

The Sylvan United Church, owners of the Shawnigan Cemetery, are in the process of applying for a building permit to construct a gazebo to provide a place of refuge during periods of extremely hot or inclement weather. As the structure will be located in a public place it is essential and desirable that the construction be completed in accordance with the BC Building Code. Presently, the South Cowichan Lions Club use donations and labour from their club to maintain the grounds. The Lions Club, along with a reputable builder from the area, will be project managing the construction of the gazebo by way of volunteer labour and donated materials. In order to keep costs to a minimum, the CVRD has been requested to waive the building permit fee for this project.

Submitted by,

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca



SR8

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010

**FILE NO:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** Draft Subdivision Servicing Bylaw

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#### **Recommendation:**

That the Draft Subdivision Servicing Bylaw be forwarded to the Ministry of Transportation and Infrastructure for consideration.

#### **Purpose:**

To obtain Committee direction to move forward with the Draft Bylaw.

#### **Financial Implications:**

N/A

#### **Interdepartmental/Agency Implications:**

All key departments within the Regional District participated in the drafting of the bylaw. The Ministry of Transportation and Infrastructure will ultimately be required to approve the bylaw so it is important to undertake early consultation in order to determine if they have any significant problems.

#### **Background:**

In 2008, the Planning and Development Department received approval and funding to proceed with the drafting of a new Subdivision Servicing Bylaw for the Regional District. Landworks Consultants were hired to undertake the work due to their significant involvement in shaping the *Green Bylaws Toolkit* which promotes alternative development standards.

An interdepartmental steering committee within the Regional District was formed with representation from Engineering, Environment, Public Safety, Parks, Building Inspection and Planning to provide guidance to the consultant in the drafting of the bylaw. The final draft of that work is presented to the Committee which will now also play a key role in setting new standards for future development in the Regional District.

Many of the standards outlined in the Bylaw may be new to this region but are in actual fact quite commonly found in other local governments servicing bylaws. Other standards found in our draft bylaw are considered "leading edge" and have been incorporated into the bylaw as a

way to push the “green” agenda as directed at the start of this project. In his presentation to the Committee on May 18, 2010, the Consultant, highlighted these new standards and identified those which are moving the “green” initiative forward. After considerable discussion, the Committee passed the following recommendation:

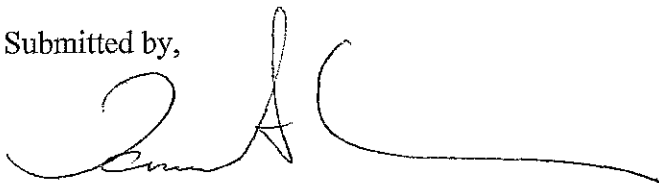
“That the “Report on Subdivision Servicing Bylaw” and draft “Subdivision Servicing Bylaw No. 3215, 2010 prepared by Landworks Consultants Inc. be received, and that EASC members be requested to forward their comments on the draft bylaw to Tom Anderson, General Manager, over the course of the next couple of weeks.”

To this date, no comments have been received. As such, it is requested that the Committee provide direction to have staff and the consultant meet with the Ministry of Transportation and Infrastructure to outline just how these new standards may impact their part of the development approvals process. It is our belief that our proposed alternate road and drainage standards and related maintenance may cause some consternation with Ministry officials so we feel we should meet to try and address any of these concerns prior to moving the bylaw forward through our formal process.

It is proposed that once Ministry of Transportation and Infrastructure comments have been received, a report will be forwarded to the Committee as an update and for further consideration of the bylaw.

**Directors are requested to bring their previously distributed copies of the Report on Subdivision Servicing Bylaw and the Draft Subdivision Servicing Bylaw.**

Submitted by,

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

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca





SR 9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 10, 2010

**DATE:** August 18, 2010 **FILE NO:** OCP: Areas A,  
C, D and H

**FROM:** Mike Tippet, Manager,  
Community and Regional Planning Division **BYLAW NO:**

**SUBJECT:** Marine Riparian Development Permit Areas

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#### **Recommendation:**

- (a) That the proposed amendment to the Cobble Hill Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area C to Fisheries and Oceans Canada, School District 79, Malahat First Nation and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Giles, Iannidinardo and Morrison be appointed as delegates to the public hearing;
- (b) That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area D to Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Iannidinardo, Giles and Morrison be appointed as delegates to the public hearing;
- (c) That the proposed amendment to the North Oyster/Diamond Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area H to Fisheries and Oceans Canada, School District 68, Stz'uminus First Nation, the Town of Ladysmith and Nanaimo Regional District in the form of a written referral only, with a four week response period, and that Directors Marcotte, Dorey and Morrison be appointed as delegates to the public hearing;
- (d) That Bylaw 3414 have Second Reading rescinded, be amended in accordance with the bylaws for Electoral Areas C, D and H, and that second reading as amended be done;
- (e) That CVRD Development Applications Procedures and Fees Bylaw No. 3275 be amended by adding development permit applications under the Marine Riparian DPAs to the list of permit types that are delegated to staff.

#### **Purpose:**

To propose revisions to CVRD Bylaw No. 3414 (Ocean Shoreline DPA) and to bring forward for the consideration of the Committee similar draft bylaws for Electoral Areas C, D and H.

**Financial Implications:**

Usual hearing costs plus an ongoing commitment to process applications that are not now required (Development Services Division), and to monitor shoreline development activities generally (Bylaw Enforcement Division).

**Interdepartmental/Agency Implications:**

Improved stewardship of public foreshore areas and improvements to development standards in marine riparian areas will to some degree fill the regulatory void that exists presently.

**Background:**

At the committee meeting of August 3, 2010, direction was given to staff to proceed to the Board with amendment bylaws that would introduce a new development permit area for ocean shorelines. The draft bylaw that was attached to that report, for Mill Bay/Malahat, proceeded to the Board on the 11<sup>th</sup> and now has two readings. It was not possible to prepare the other three bylaws in time for the agenda deadline (the day after the Committee meeting!).

Staff has now had an opportunity to draft amendment bylaws for Electoral Areas C, D and H – these are attached to this report. In the course of drafting the other bylaws, some enhancements to the content of the original draft bylaw were made. These enhancements concern the terminology used within the bylaws (for example: substituting “marine riparian” for “ocean shoreline”) as well as enhancements to the guidelines, including a guideline that speaks against the use of the foreshore for hydrothermal heating loops. We feel that the drafts for Electoral Areas C, D and H are superior to the original draft for Area A that now has two readings, so we will recommend that Bylaw 3414 have second reading rescinded and be amended as per the attached updated version.

Additionally, staff discussed the process for dealing with the applications that would come with these development permit areas and have come to the conclusion that we ought to amend the Development Application Procedures and Fees Bylaw No. 3275 by adding the Marine Riparian development permit areas to the list of permits which are delegated to staff.


There are two principal arguments in favour of this: “fast-track” development permits save considerable staff, Committee and Board time, making the process less onerous for all concerned; and secondly, that the nature of this development permit area is technical, similar to Woodley Range and RAR. As with all delegated DPs, staff may choose to refer an application to Committee for direction, if it could be considered controversial for some reason. In anticipation of the possibility that the Committee may agree with staff on the matter of delegation of these DPs, a draft Procedures and Fees Amendment Bylaw was prepared and is attached to this report.

**Options:**

1. (a) That the proposed amendment to the Cobble Hill Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area C to Fisheries and Oceans Canada, School District 79, Malahat First Nation and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Giles, Iannidinardo and Morrison be appointed as delegates to the public hearing;

- (b) That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area D to Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Iannidinardo, Giles and Morrison be appointed as delegates to the public hearing;
  - (c) That the proposed amendment to the North Oyster/Diamond Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area H to Fisheries and Oceans Canada, School District 68, Stz'uminus First Nation, the Town of Ladysmith and Nanaimo Regional District in the form of a written referral only, with a four week response period, and that Directors Marcotte, Dorey and Morrison be appointed as delegates to the public hearing;
  - (d) That Bylaw 3414 have Second Reading rescinded, be amended in accordance with the bylaws for Electoral Areas C, D and H, and that second reading as amended be done;
  - (e) That CVRD Development Applications Procedures and Fees Bylaw No. 3275 be amended by adding development permit applications under the Marine Riparian DPAs to the list of permit types that are delegated to staff.
2. That no changes be made to other Official Plans with respect to new development permit areas for marine waterfront lands.

Submitted by,

<p><i>General Manager's Approval:</i></p>  <p><i>Signature</i></p>
--

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

MT/ca



## **COWICHAN VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 3XXX**

#### **A Bylaw to amend Cowichan Valley Regional District Development Application Procedures and Fees Bylaw No. 3275, 2009.**

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**WHEREAS** the Board of Directors of the Cowichan Valley Regional District has adopted a procedures and fees bylaw pursuant to Sections 895 and 931 of the Local Government Act, that being CVRD Development Application Procedures and Fees Bylaw No. 3275;

**AND WHEREAS** the Board of Directors of the Cowichan Valley Regional District believe it to be in the public interest to amend CVRD Development Application Procedures and Fees Bylaw No. 3275 by altering provisions of the Bylaw in order to improve its administration;

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

#### **CITATION**

1. This Bylaw may be cited for all purposes as Procedures and Fees Amendment Bylaw No. 34xx, 2010, amending CVRD Development Application Procedures and Fees Bylaw No. 3275.
2. CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009 is hereby amended as follows:

That Section 7 is amended by adding the following to the list of development permit areas within which staff may issue development permits, under the direction of the General Manager of Planning and Development:

- e) where a development permit has been applied for in a Marine Riparian Development Permit Area.

READ A FIRST TIME this                      day of ,                      2010.  
READ A SECOND TIME                      this day of ,                      2010.  
READ A THIRD TIME this                      day of ,                      2010.  
RECONSIDERED AND FINALLY ADOPTED this                      day of , 2010.

\_\_\_\_\_  
Corporate Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3414

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

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**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 Official Community Plan Amendment Bylaw No. 3414, 2010, Area A – Mill Bay/Malahat (Marine Riparian DPA), Amendment to CVRD Bylaw No. 1890**".

2. **AMENDMENTS**

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

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3414 as given Third  
Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE MINISTER OF RURAL AND COMMUNITY DEVELOPMENT  
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

## SCHEDULE "A"

### To CVRD Bylaw No. 3414

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

1. That Section 14.10 "MARINE RIPARIAN DEVELOPMENT PERMIT AREA" be added after Section 14.9, as follows:

#### **14.10 MARINE RIPARIAN DEVELOPMENT PERMIT AREA**

##### *Category*

The **Marine Riparian Development Permit Area** is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

##### *Area of Application*

The **Marine Riparian Development Permit Area** applies to all lands within 30 metres of the high tide mark of the ocean within Electoral Area A (Mill Bay/Malahat), for parcels of land shown on **Figures 13a and 13b: Marine Riparian Development Permit Area**.

##### *Justification*

Pursuant to Section 919 of the *Local Government Act*, the **Marine Riparian Development Permit Area** is established to address the following:

- (a) Mill Bay/Malahat has several kilometres of marine shoreline along Saanich Inlet, ranging from high bedrock escarpments to rocky beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- (b) The marine foreshore is a valuable public (common property) resource, and the CVRD wishes to enhance the physical, recreational, aesthetic and natural values of this area for use by the public as well as marine life.



- (c) An area consisting of natural vegetation, rocks, trees, and fallen trees can help protect land by dissipating wave energy, thereby protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff.
- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. This threshold is around 12% across a typical watershed in this region. The objective of this guideline is to maintain or improve water quality in the marine and estuarine environments.
- (e) Hard surfaces and reduced vegetation can cause surface water to be quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), oil leaks from motor vehicles and household or garden chemicals. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean.
- (f) Placing buildings and structures in areas that are directly or indirectly subject to natural erosion and mass movement is not responsible, because it can threaten the safety of those using the buildings and structures and result in economic loss. Once established in a precarious location, the owners of such buildings and structures will understandably want to protect them from destructive mass movements, which in turn could lead to major engineering works in the marine riparian area, irrevocably harming this important habitat. Therefore the objective of this guideline is to strongly support and accommodate sensitive residential and commercial development.

### *Definitions*

For the purposes of this Development Permit Area, the following definitions apply:

**“high tide mark”** means the upper boundary of distinctive marine or estuarine vegetation as determined by a qualified environmental professional, or where this cannot be determined, it means the natural boundary as determined by a BC Land Surveyor.

**“qualified environmental professional”** has the same meaning as under the *Provincial Riparian Areas Regulation*.

*Guidelines*

Subject to the exemptions listed below, within the **Marine Riparian Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal or pruning/trimming of trees or vegetation;
- removal/deposit of soil, rocks, boulders, rip rap, gabions, prefabricated concrete elements or other materials;
- construct a road, bridge, driveway, parking area, patio, swimming pool, hot tub, spa, water feature, septic tank or sewage effluent drainfield;
- construct a seawall, retaining wall, dock abutment, patio, concrete stairway or similar structure;
- construct a dock, install a piling in the foreshore, construct a hydrothermal heating/cooling loop in the foreshore or beyond;
- remove logs from the shoreline; or
- construct any other type of building or structure

Prior to the owner of land applying for and receiving a development permit from the CVRD, the application for which shall sufficiently address the following guidelines:

- (a) Where a report by a qualified environmental professional is required under the "Application Requirements" section, the report will consider the effects the development proposal will have on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to manage marine shores wherever possible. *On the Living Edge, Your Handbook to Waterfront Living (ISBN 0-9691633-4-7)* by Sarah Kipp and Clive Calloway is a suitable guide to using natural measures, which may be proposed in a development permit application.
- (b) Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope's gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals;

- (c) Recommendations in the Ministry of Environment's Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.
- (d) Footpaths or trails to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairways above the natural vegetation;
- (e) Tree and native brush retention is a priority within this development permit area; however, should there be a desire for pruning and thinning trees and shrubs in the marine riparian area to provide or enhance views, a report prepared by a certified arborist will be required. The author(s) of that report will take responsibility for ensuring that the pruning and thinning proposed in the report will not impair slope stability, lead to erosion or impair ecological function of the foreshore;
- (f) Site preparation and development should be carried out in a manner that minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained;
- (g) Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (h) Public access along the marine waterfront is important to Electoral Area A – Mill Bay/Malahat residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit;
- (i) Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure will be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings;

- (j) Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted;
- (k) Retaining walls, sea walls or any other structures, if approved in a development permit, will not be composed of unsightly construction debris like broken concrete, blocks or bricks;
- (l) Deep-rooted vegetation should be planted along any retaining wall on the terraces or along the top, to help filter runoff before it enters the beach;
- (m) The construction of hydrothermal and geothermal heating/cooling loops that would be located on seafront parcels of land and within the foreshore area is discouraged because of the degree to which this technology can impact the local marine life, the inconvenience to public users of the foreshore including First Nation shellfish harvesting, walkers, swimmers and boaters. If such a system is proposed, a report by a qualified environmental professional such as a marine ecologist or biologist will be required, in which the probable impacts and effective mitigation strategies are proposed;
- (n) Any marine riparian areas that are affected by development will be subject to a vegetation restoration plan prepared according to BCSLA/BCNTA standards, by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive;
- (o) Discharge from swimming pools, spas, water features and hot tubs shall only be made to an approved and properly functioning sewage treatment system;
- (p) The Ministry of Environment's *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* will be respected.

### *Variances*

The standard setback from the marine shoreline in the zoning bylaw may not, in some cases, be sufficient to protect development from hazardous conditions or to protect the marine riparian environment from alteration and harm. In such cases, a development permit may prescribe a marine shoreline setback in excess of that within the zoning bylaw.

Conversely, where a proposed development plan is consistent with all applicable guidelines of the Marine Riparian Development Permit Area, a development permit may vary the regulations of the implementing bylaws, where such variances are believed to either have no impact upon the marine riparian area or adjacent parcels, or would be required in order to reduce the impact upon the marine riparian area or adjacent parcels of land.

*Exemptions*

The following will be exempted from the requirement of obtaining a development permit in the **Marine Riparian Development Permit Area**:

- (a) Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore.
- (b) Development located more than 30 metres from the high tide mark of the ocean.
- (c) Interior renovations and minor exterior renovations of buildings that do not increase the parcel coverage, within 30 metres of the high tide mark (an example being re-roofing).
- (d) Construction, repair and maintenance of works, stream restoration and fish and habitat restoration or enhancement by agents or contractors or with the approval of Fisheries and Oceans Canada, the Ministry of Environment, or the CVRD.
- (e) A trail, provided that:
  - 1. No motorized vehicles are permitted;
  - 2. The trail is a maximum of 1.5 metres in width;
  - 3. No structures or earthworks are required to construct the trail; and
  - 4. No trees are removed.
- (f) The planting of native trees, shrubs or other native species of groundcover for the purpose of enhancing habitat values and /or soil stability, provided that the planting is carried out in accordance with the guidelines provided in the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* or subsequent publications of the federal Department of Fisheries and Oceans and/or the provincial Ministry of Environment.
- (g) The mechanical removal (no herbicides) of invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, provided that erosion protection measures are taken, where necessary, to avoid sediment or debris being discharged into the watercourse, and the plants are replaced with native vegetation.
- (h) Parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional.
- (i) Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
  - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
  - 2. Repairs to bridges and safety fences;
  - 3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and
  - 4. Emergency flood or erosion protection works.

- (j) Within the Agricultural Land Reserve, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*.

#### *Violation*

- (a) Every person who:
1. violates any provision of this Development Permit Area;
  2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
  3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
  4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
  5. fails to comply with an order, direction or notice given under this Development Permit Area; or
  6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw.
- (b) Each day's continuance of an offence under the Violations Section constitutes a new and distinct offence.

#### *Penalty*

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

#### *Severability*

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

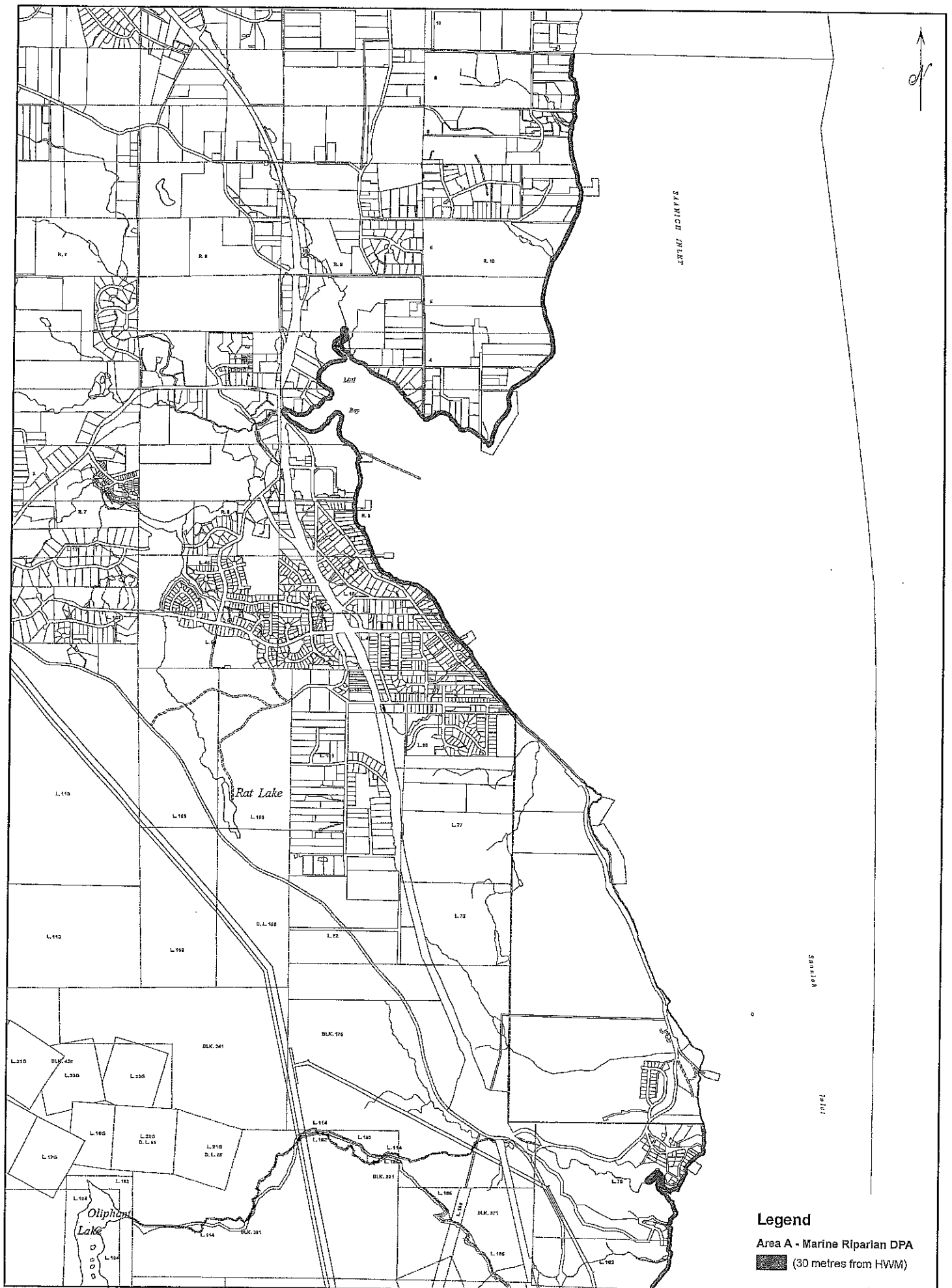
#### *Application Requirements*

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Marine Riparian Development Permit Area**, the applicant must submit a development permit application, which, at a minimum, includes:
1. A written description of the proposed project;
  2. Reports or information addressing each of the Development Permit Guidelines;
  3. Information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of ocean high tide mark;
    - location of other watercourses;
    - topographical contours;
    - location of slopes exceeding 25 percent grade;

- location of lands subject to periodic flooding;
  - location and percentage of existing and proposed impervious surfaces;
  - existing tree cover and proposed areas to be cleared;
  - areas of known sensitive or rare native plant communities;
  - existing and proposed buildings;
  - existing and proposed property parcel lines;
  - location of roads, vehicular access points, driveways, and parking areas;
  - location of trails;
  - location of stormwater management works, including retention areas and drainage pipes or ditches and curtain drains around septic fields;
  - proposed erosion mitigation and bank alterations;
  - location of septic tanks, treatment systems and fields;
  - location of water lines and well sites;
  - proposed erosion mitigation structures and proposed bank alterations.
- (b) In addition to the requirements listed above, where any building or structure of any sort, including a retaining wall, stairway or seawall, is proposed within the development permit area, the applicant shall be required to furnish, at the applicant's expense, a report certified by a professional engineer or geoscientist with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition, and an assessment on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the intended purposes. Where possible, slope erosion mitigation will be achieved using soft landscaping and planting of natural vegetation as opposed to the use of retaining walls or other hard armoring of the shoreline;
- (c) Should any thinning, removal or alteration of vegetation in the marine riparian area be proposed in a development permit application, the report of a qualified arborist or qualified environmental professional or member of BC Society of Landscape Architects or BC Nursery Trades Association shall be submitted, detailing a procedure for thinning and pruning in a fashion that will not compromise the ecological function of the marine riparian area or the health of pruned vegetation, and further, describing the methods whereby landscape restoration to restore marine riparian function will be achieved;
- (d) In addition to the requirements listed above, the applicant may also be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist or other qualified environmental professional, assessing any potential environmental impacts of the project upon the marine riparian area, and the means by which any such impacts may be mitigated;.

**NOTE:** Where more than one report under Section (b), (c) or (d) immediately above is to be submitted with a development permit application, the professionals preparing the reports will be required to incorporate into their own work, the work of the other professionals, in order to ensure that a coherent interdisciplinary approach to the marine riparian development application is submitted.









## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3XXX

#### A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1210, Applicable To Electoral Area C – Cobble Hill

---

**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 C – Cobble Hill, that being Official Community Plan Bylaw No. 1210;

**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. 1210;

**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 Official Community Plan Amendment Bylaw No. 3xxx, 2010, Area C – Cobble Hill (Marine Riparian DPA), Amendment to CVRD Bylaw No. 1210**".

#### 2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1210, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

#### 3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3xxx as given Third  
Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE MINISTER OF RURAL AND COMMUNITY DEVELOPMENT  
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No. 3xxx

---

Schedule A to Official Settlement Plan Bylaw No. 1210, is hereby amended as follows:

1. That Section 11.5: "MARINE RIPARIAN DEVELOPMENT PERMIT AREA" be added after Section 11.4.6, as follows:

#### **11.5 MARINE RIPARIAN DEVELOPMENT PERMIT AREA**

##### **11.5.1 CATEGORY**

The **Marine Riparian Development Permit Area** is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

##### **11.5.2 AREA OF APPLICATION**

The **Marine Riparian Development Permit Area** applies to all lands within 30 metres of the high tide mark of the ocean within Electoral Area C (Cobble Hill), for parcels of land shown on **Figure 9: Marine Riparian Development Permit Area**.

##### **11.5.3 JUSTIFICATION**

Pursuant to Section 919 of the *Local Government Act*, the **Marine Riparian Development Permit Area** is established to address the following:

- (a) Cobble Hill has several kilometres of marine shoreline along Satellite Channel, ranging from high escarpments to beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- (b) The marine foreshore is a valuable public (common property) resource, and the CVRD wishes to enhance the physical, recreational, aesthetic and natural values of this area for use by the public as well as marine life.
- (c) An area consisting of natural vegetation, rocks, trees, and fallen trees can help protect land by dissipating wave energy, thereby protecting the bank from slumping or being washed away. Roots of plants and trees act to

reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff.

- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. This threshold is around 12% across a typical watershed in this region. The objective of this guideline is to maintain or improve water quality in the marine and estuarine environments.
- (e) Hard surfaces and reduced vegetation can cause surface water to be quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), oil leaks from motor vehicles and household or garden chemicals. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean.
- (f) Placing buildings and structures in areas that are directly or indirectly subject to natural erosion and mass movement is not responsible, because it can threaten the safety of those using the buildings and structures and result in economic loss. Once established in a precarious location, the owners of such buildings and structures will understandably want to protect them from destructive mass movements, which in turn could lead to major engineering works in the marine riparian area, irrevocably harming this important habitat. Therefore the objective of this guideline is to strongly support and accommodate sensitive residential and commercial development.

#### 11.5.4 DEFINITIONS

For the purposes of this Development Permit Area, the following definitions apply:

**“high tide mark”** means the upper boundary of distinctive marine or estuarine vegetation as determined by a qualified environmental professional, or where this cannot be determined, it means the natural boundary as determined by a BC Land Surveyor.

**“qualified environmental professional”** has the same meaning as under the Provincial *Riparian Areas Regulation*.

#### 11.5.5 GUIDELINES

Subject to Section 11.5.7 below, within the **Marine Riparian Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal or pruning/trimming of trees or vegetation;
- removal/deposit of soil, rocks, boulders, rip rap, gabions, prefabricated concrete elements or other materials;
- construct a road, bridge, driveway, parking area, patio, swimming pool, hot tub, spa, water feature, septic tank or sewage effluent drainfield;
- construct a seawall, retaining wall, dock abutment, patio, concrete stairway or similar structure;
- construct a dock, install a piling in the foreshore, construct a hydrothermal heating/cooling loop in the foreshore or beyond;
- remove logs from the shoreline; or
- construct any other type of building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, the application for which shall sufficiently address the following guidelines:

- (a) Where a report by a qualified environmental professional is required under the “Application Requirements” section, the report will consider the effects the development proposal will have on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to manage marine shores wherever possible. *On the Living Edge, Your Handbook to Waterfront Living (ISBN 0-9691633-4-7)* by Sarah Kipp and Clive Calloway is a suitable guide to using natural measures, which may be proposed in a development permit application.
- (b) Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope’s gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals;
- (c) Recommendations in the Ministry of Environment’s Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques

that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.

- (d) Footpaths or trails to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairways above the natural vegetation;
- (e) Tree and native brush retention is a priority within this development permit area; however, should there be a desire for pruning and thinning trees and shrubs in the marine riparian area to provide or enhance views, a report prepared by a certified arborist will be required. The author(s) of that report will take responsibility for ensuring that the pruning and thinning proposed in the report will not impair slope stability, lead to erosion or impair ecological function of the foreshore;
- (f) Site preparation and development should be carried out in a manner that minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained;
- (g) Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (h) Public access along the marine waterfront is important to Electoral Area C – Cobble Hill residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit;
- (i) Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure will be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings;
- (j) Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate



- wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted;
- (k) Retaining walls, sea walls or any other structures, if approved in a development permit, will not be composed of unsightly construction debris like broken concrete, blocks or bricks;
  - (l) Deep-rooted vegetation should be planted along any retaining wall on the terraces or along the top, to help filter runoff before it enters the beach;
  - (m) The construction of hydrothermal and geothermal heating/cooling loops that would be located on seafront parcels of land and within the foreshore area is discouraged because of the degree to which this technology can impact the local marine life, the inconvenience to public users of the foreshore including First Nation shellfish harvesting, walkers, swimmers and boaters. If such a system is proposed, a report by a qualified environmental professional such as a marine ecologist or biologist will be required, in which the probable impacts and effective mitigation strategies are proposed;
  - (n) Any marine riparian areas that are affected by development will be subject to a vegetation restoration plan prepared according to BCSLA/BCNTA standards, by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive;
  - (o) Discharge from swimming pools, spas, water features and hot tubs shall only be made to an approved and properly functioning sewage treatment system;
  - (p) The Ministry of Environment's *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* will be respected.

#### 11.5.6 VARIANCES

The standard setback from the marine shoreline in the zoning bylaw may not, in some cases, be sufficient to protect development from hazardous conditions or to protect the marine riparian environment from alteration and harm. In such cases, a development permit may prescribe a marine shoreline setback in excess of that within the zoning bylaw.

Conversely, where a proposed development plan is consistent with all applicable guidelines of the Marine Riparian Development Permit Area, a development permit may vary the regulations of the implementing bylaws, where such variances are believed to either have no impact upon the marine riparian area or adjacent parcels, or would be required in order to reduce the impact upon the marine riparian area or adjacent parcels of land.

## 11.5.7 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Marine Riparian Development Permit Area**:

- (a) Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore.
- (b) Development located more than 30 metres from the high tide mark of the ocean or 15 metres back from the top of bank, whichever is further.
- (c) Interior renovations and minor exterior renovations of buildings that do not increase the parcel coverage, within 30 metres of the high tide mark (an example being re-roofing).
- (d) Construction, repair and maintenance of works, stream restoration and fish and habitat restoration or enhancement by agents or contractors or with the approval of Fisheries and Oceans Canada, the Ministry of Environment, or the CVRD.
- (e) A trail, provided that:
  - 1. No motorized vehicles are permitted;
  - 2. The trail is a maximum of 1.5 metres in width;
  - 3. No structures or earthworks are required to construct the trail; and
  - 4. No trees are removed.
- (f) The planting of native trees, shrubs or other native species of groundcover for the purpose of enhancing habitat values and /or soil stability, provided that the planting is carried out in accordance with the guidelines provided in the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* or subsequent publications of the federal Department of Fisheries and Oceans and/or the provincial Ministry of Environment.
- (g) The mechanical removal (no herbicides) of invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, provided that erosion protection measures are taken, where necessary, to avoid sediment or debris being discharged into the watercourse, and the plants are replaced with native vegetation.
- (h) Parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional.
- (i) Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
  - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
  - 2. Repairs to bridges and safety fences;

3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and
  4. Emergency flood or erosion protection works.
- (j) Within the Agricultural Land Reserve, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*.

#### 11.5.8 VIOLATION

(a) Every person who:

1. violates any provision of this Development Permit Area;
2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
5. fails to comply with an order, direction or notice given under this Development Permit Area; or
6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

- (b) Each day's continuance of an offence under Section 11.5.8(a) constitutes a new and distinct offence.

#### 11.5.9 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

#### 11.5.10 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

#### 11.5.11 APPLICATION REQUIREMENTS

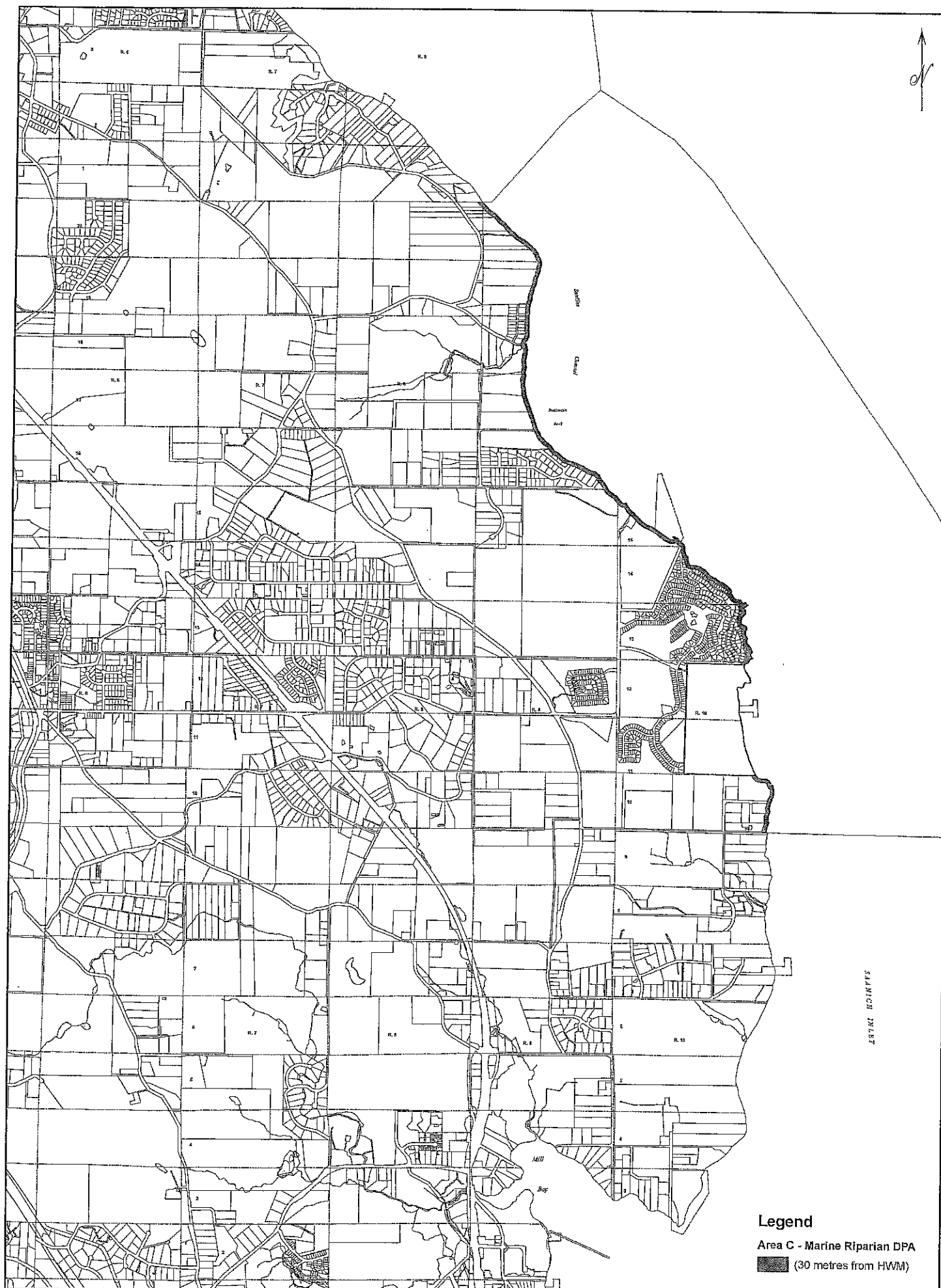
- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Marine Riparian Development Permit Area**, the applicant must submit a development permit application, which, at a minimum, includes:

1. A written description of the proposed project;
  2. Reports or information addressing each of the Development Permit Guidelines;
  3. Information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of ocean high tide mark;
    - location of other watercourses;
    - topographical contours;
    - location of slopes exceeding 25 percent grade;
    - location of lands subject to periodic flooding;
    - location and percentage of existing and proposed impervious surfaces;
    - existing tree cover and proposed areas to be cleared;
    - areas of known sensitive or rare native plant communities;
    - existing and proposed buildings;
    - existing and proposed property parcel lines;
    - location of roads, vehicular access points, driveways, and parking areas;
    - location of trails;
    - location of stormwater management works, including retention areas and drainage pipes or ditches and curtain drains around septic fields;
    - proposed erosion mitigation and bank alterations;
    - location of septic tanks, treatment systems and fields;
    - location of water lines and well sites;
    - proposed erosion mitigation structures and proposed bank alterations.
- (b) In addition to the requirements listed above, where any building or structure of any sort, including a retaining wall, stairway or seawall, is proposed within the development permit area, the applicant shall be required to furnish, at the applicant's expense, a report certified by a professional engineer or geoscientist with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition, and an assessment on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the intended purposes. Where possible, slope erosion mitigation will be achieved using soft landscaping and planting of natural vegetation as opposed to the use of retaining walls or other hard armoring of the shoreline;
- (c) Should any thinning, removal or alteration of vegetation in the marine riparian area be proposed in a development permit application, the report of a qualified arborist or qualified environmental professional or member of BC Society of Landscape Architects or BC Nursery Trades Association shall be submitted, detailing a procedure for thinning and pruning in a fashion that will not compromise the ecological function of the marine riparian area or the health of

pruned vegetation, and further, describing the methods whereby landscape restoration to restore marine riparian function will be achieved;

- (d) In addition to the requirements listed above, the applicant may also be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist or other qualified environmental professional, assessing any potential environmental impacts of the project upon the marine riparian area, and the means by which any such impacts may be mitigated;.

**NOTE: Where more than one report under Section 11.5.11 (b), (c) or (d) is to be submitted with a development permit application, the professionals preparing the reports will be required to incorporate into their own work, the work of the other professionals, in order to ensure that a coherent interdisciplinary approach to the marine riparian development application is submitted.**





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3XXX

#### A Bylaw For The Purpose Of Amending Official Settlement Plan Bylaw No. 925, Applicable To Electoral Area D – Cowichan Bay

---

**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 settlement plan bylaw for Electoral Area D – Cowichan Bay, that being Official Settlement Plan Bylaw No. 925;

**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 Settlement Plan Bylaw No. 925;

**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 Official Settlement Plan Amendment Bylaw No. 34xx, 2010, Area D – Cowichan Bay (Marine Riparian DPA), Amendment to CVRD Bylaw No. 925**".

#### 2. AMENDMENTS

Cowichan Valley Regional District Official Settlement Plan Bylaw No. 925, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

#### 3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3xxx as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE MINISTER OF RURAL AND COMMUNITY DEVELOPMENT  
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary





## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No. 34xx

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Schedule A to Official Settlement Plan Bylaw No. 925, is hereby amended as follows:

1. That Section 13.8: "MARINE RIPARIAN DEVELOPMENT PERMIT AREA" be added after Section 13.7.6, as follows:

#### **13.8 MARINE RIPARIAN DEVELOPMENT PERMIT AREA**

##### **13.8.1 CATEGORY**

The **Marine Riparian Development Permit Area** is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

##### **13.8.2 AREA OF APPLICATION**

The **Marine Riparian Development Permit Area** applies to all lands within 30 metres of the high tide mark of the ocean within Electoral Area D (Cowichan Bay), for parcels of land shown on **Figure 9: Marine Riparian Development Permit Area**.

##### **13.8.3 JUSTIFICATION**

Pursuant to Section 919 of the *Local Government Act*, the **Marine Riparian Development Permit Area** is established to address the following:

- (a) Cowichan Bay has several kilometres of marine shoreline along the estuary and Satellite Channel, ranging from high escarpments to beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- (b) The marine foreshore is a valuable public (common property) resource, and the CVRD wishes to enhance the physical, recreational, aesthetic and natural values of this area for use by the public as well as marine life.
- (c) An area consisting of natural vegetation, rocks, trees, and fallen trees can

help protect land by dissipating wave energy, thereby protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff.

- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. This threshold is around 12% across a typical watershed in this region. The objective of this guideline is to maintain or improve water quality in the marine and estuarine environments.
- (e) Hard surfaces and reduced vegetation can cause surface water to be quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), oil leaks from motor vehicles and household or garden chemicals. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean.
- (f) Placing buildings and structures in areas that are directly or indirectly subject to natural erosion and mass movement is not responsible, because it can threaten the safety of those using the buildings and structures and result in economic loss. Once established in a precarious location, the owners of such buildings and structures will understandably want to protect them from destructive mass movements, which in turn could lead to major engineering works in the marine riparian area, irrevocably harming this important habitat. Therefore the objective of this guideline is to strongly support and accommodate sensitive residential and commercial development.

#### 13.8.4 DEFINITIONS

For the purposes of this Development Permit Area, the following definitions apply:

**“high tide mark”** means the upper boundary of distinctive marine or estuarine vegetation as determined by a qualified environmental professional, or where this cannot be determined, it means the natural boundary as determined by a BC Land Surveyor.

**“qualified environmental professional”** has the same meaning as under the Provincial *Riparian Areas Regulation*.

#### 13.8.5 GUIDELINES

Subject to Section 13.8.7 below, within the **Marine Riparian Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal or pruning/trimming of trees or vegetation;
- removal/deposit of soil, rocks, boulders, rip rap, gabions, prefabricated concrete elements or other materials;
- construct a road, bridge, driveway, parking area, patio, swimming pool, hot tub, spa, water feature, septic tank or sewage effluent drainfield;
- construct a seawall, retaining wall, dock abutment, patio, concrete stairway or similar structure;
- construct a dock, install a piling in the foreshore, construct a hydrothermal heating/cooling loop in the foreshore or beyond;
- remove logs from the shoreline; or
- construct any other type of building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, the application for which shall sufficiently address the following guidelines:

- (a) Where a report by a qualified environmental professional is required under the "Application Requirements" section, the report will consider the effects the development proposal will have on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to manage marine shores wherever possible. *On the Living Edge, Your Handbook to Waterfront Living (ISBN 0-9691633-4-7)* by Sarah Kipp and Clive Calloway is a suitable guide to using natural measures, which may be proposed in a development permit application.
- (b) Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope's gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals;
- (c) Recommendations in the Ministry of Environment's Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques

that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.

- (d) Footpaths or trails to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairways above the natural vegetation;
- (e) Tree and native brush retention is a priority within this development permit area; however, should there be a desire for pruning and thinning trees and shrubs in the marine riparian area to provide or enhance views, a report prepared by a certified arborist will be required. The author(s) of that report will take responsibility for ensuring that the pruning and thinning proposed in the report will not impair slope stability, lead to erosion or impair ecological function of the foreshore;
- (f) Site preparation and development should be carried out in a manner that minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained;
- (g) Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (h) Public access along the marine waterfront is important to Electoral Area D - Cowichan Bay residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit;
- (i) Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure will be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings;
- (j) Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate

wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted;

- (k) Retaining walls, sea walls or any other structures, if approved in a development permit, will not be composed of unsightly construction debris like broken concrete, blocks or bricks;
- (l) Deep-rooted vegetation should be planted along any retaining wall on the terraces or along the top, to help filter runoff before it enters the beach;
- (m) The construction of hydrothermal and geothermal heating/cooling loops that would be located on seafront parcels of land and within the foreshore area is discouraged because of the degree to which this technology can impact the local marine life, the inconvenience to public users of the foreshore including First Nation shellfish harvesting, walkers, swimmers and boaters. If such a system is proposed, a report by a qualified environmental professional such as a marine ecologist or biologist will be required, in which the probable impacts and effective mitigation strategies are proposed;
- (n) Any marine riparian areas that are affected by development will be subject to a vegetation restoration plan prepared according to BCSLA/BCNTA standards, by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive;
- (o) Discharge from swimming pools, spas, water features and hot tubs shall only be made to an approved and properly functioning sewage treatment system;
- (p) The Ministry of Environment's *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* will be respected.

#### 13.8.6 VARIANCES

The standard setback from the marine shoreline in the zoning bylaw may not, in some cases, be sufficient to protect development from hazardous conditions or to protect the marine riparian environment from alteration and harm. In such cases, a development permit may prescribe a marine shoreline setback in excess of that within the zoning bylaw.

Conversely, where a proposed development plan is consistent with all applicable guidelines of the Marine Riparian Development Permit Area, a development permit may vary the regulations of the implementing bylaws, where such variances are believed to either have no impact upon the marine riparian area or adjacent parcels, or would be required in order to reduce the impact upon the marine riparian area or adjacent parcels of land.

### 13.8.7 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Marine Riparian Development Permit Area**:

- (a) Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore.
- (b) Development located more than 30 metres from the high tide mark of the ocean or 15 metres back from the top of bank, whichever is further.
- (c) Interior renovations and minor exterior renovations of buildings that do not increase the parcel coverage, within 30 metres of the high tide mark (an example being re-roofing).
- (d) Construction, repair and maintenance of works, stream restoration and fish and habitat restoration or enhancement by agents or contractors or with the approval of Fisheries and Oceans Canada, the Ministry of Environment, or the CVRD.
- (e) A trail, provided that:
  - 1. No motorized vehicles are permitted;
  - 2. The trail is a maximum of 1.5 metres in width;
  - 3. No structures or earthworks are required to construct the trail; and
  - 4. No trees are removed.
- (f) The planting of native trees, shrubs or other native species of groundcover for the purpose of enhancing habitat values and /or soil stability, provided that the planting is carried out in accordance with the guidelines provided in the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* or subsequent publications of the federal Department of Fisheries and Oceans and/or the provincial Ministry of Environment.
- (g) The mechanical removal (no herbicides) of invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, provided that erosion protection measures are taken, where necessary, to avoid sediment or debris being discharged into the watercourse, and the plants are replaced with native vegetation.
- (h) Parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional.
- (i) Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
  - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
  - 2. Repairs to bridges and safety fences;

3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and
  4. Emergency flood or erosion protection works.
- (j) Within the Agricultural Land Reserve, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*.

#### 13.8.8 VIOLATION

- (a) Every person who:
1. violates any provision of this Development Permit Area;
  2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
  3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
  4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
  5. fails to comply with an order, direction or notice given under this Development Permit Area; or
  6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw.
- (b) Each day's continuance of an offence under Section 13.8.8(a) constitutes a new and distinct offence.

#### 13.8.9 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

#### 13.8.10 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

#### 13.8.11 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Marine Riparian Development Permit Area**, the applicant must submit a development permit application, which, at a minimum, includes:

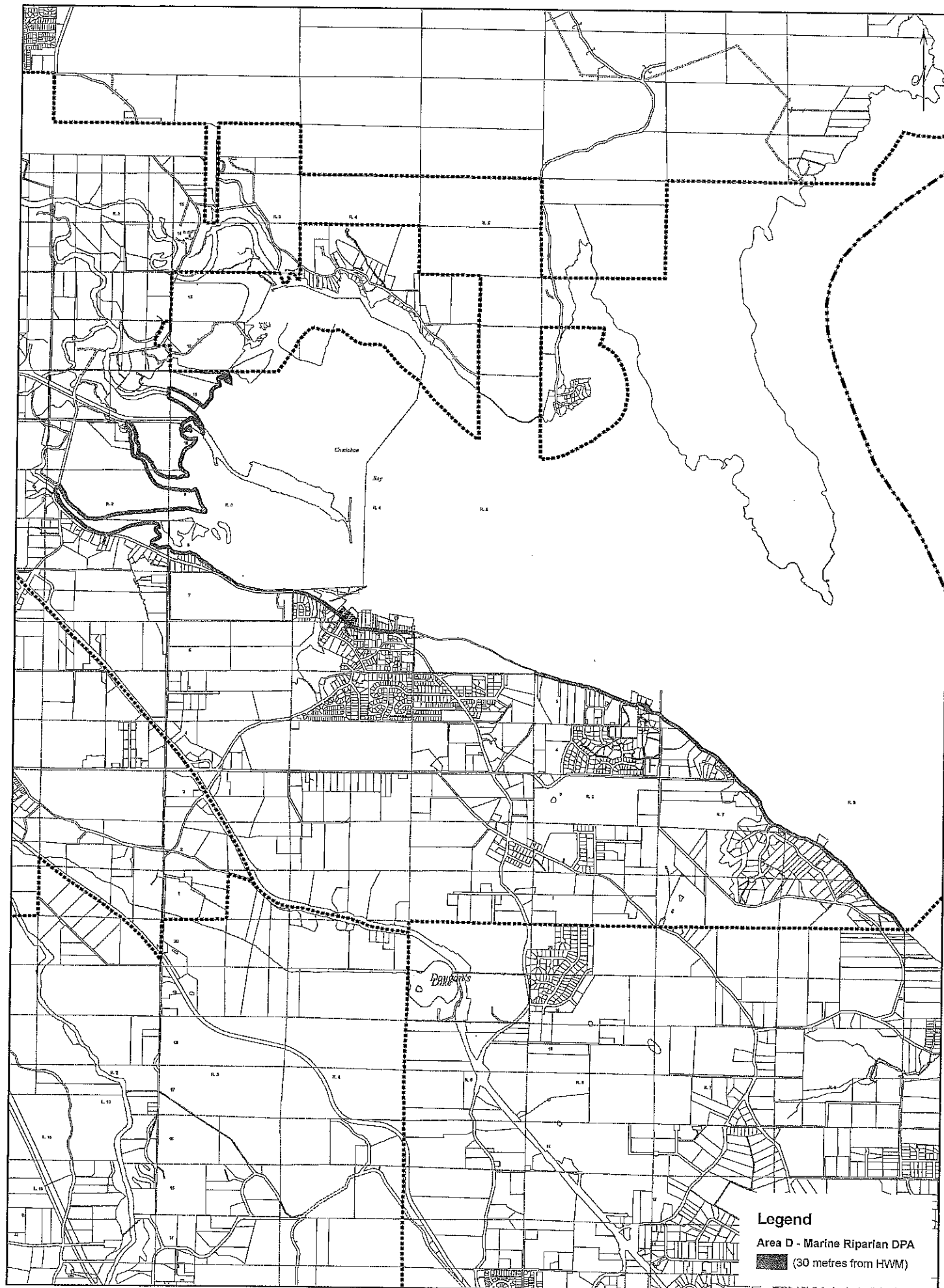
1. A written description of the proposed project;
  2. Reports or information addressing each of the Development Permit Guidelines;
  3. Information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of ocean high tide mark;
    - location of other watercourses;
    - topographical contours;
    - location of slopes exceeding 25 percent grade;
    - location of lands subject to periodic flooding;
    - location and percentage of existing and proposed impervious surfaces;
    - existing tree cover and proposed areas to be cleared;
    - areas of known sensitive or rare native plant communities;
    - existing and proposed buildings;
    - existing and proposed property parcel lines;
    - location of roads, vehicular access points, driveways, and parking areas;
    - location of trails;
    - location of stormwater management works, including retention areas and drainage pipes or ditches and curtain drains around septic fields;
    - proposed erosion mitigation and bank alterations;
    - location of septic tanks, treatment systems and fields;
    - location of proposed erosion control structures and bank alterations;
    - location of water lines and well sites.
- (b) In addition to the requirements listed above, where any building or structure of any sort, including a retaining wall, stairway or seawall, is proposed within the development permit area, the applicant shall be required to furnish, at the applicant's expense, a report certified by a professional engineer or geoscientist with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition, and an assessment on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the intended purposes. Where possible, slope erosion mitigation will be achieved using soft landscaping and planting of natural vegetation as opposed to the use of retaining walls or other hard armoring of the shoreline;
- (c) Should any thinning, removal or alteration of vegetation in the marine riparian area be proposed in a development permit application, the report of a qualified arborist or qualified environmental professional or member of BC Society of Landscape Architects or BC Nursery Trades Association shall be submitted, detailing a procedure for thinning and pruning in a fashion that will not compromise the ecological function of the marine riparian area or the health of



pruned vegetation, and further, describing the methods whereby landscape restoration to restore marine riparian function will be achieved;

- (d) In addition to the requirements listed above, the applicant may also be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist or other qualified environmental professional, assessing any potential environmental impacts of the project upon the marine riparian area, and the means by which any such impacts may be mitigated;.

**NOTE: Where more than one report under Section 13.8.11 (b), (c) or (d) is to be submitted with a development permit application, the professionals preparing the reports will be required to incorporate into their own work, the work of the other professionals, in order to ensure that a coherent interdisciplinary approach to the marine riparian development application is submitted.**





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3X4XX

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

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

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area H – North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1497;

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

#### 1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Official Community Plan Amendment Bylaw No. 34xx, 2010, Area H – North Oyster/Diamond (Marine Riparian DPA), Amendment to CVRD Bylaw No. 1497**".

#### 2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

#### 3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 34xx as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE MINISTER OF RURAL AND COMMUNITY DEVELOPMENT  
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

## SCHEDULE "A"

### To CVRD Bylaw No. 34xx

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

1. That Section 4.6: "MARINE RIPARIAN DEVELOPMENT PERMIT AREA" be added after Section 4.5, as follows:

#### **4.6 MARINE RIPARIAN DEVELOPMENT PERMIT AREA**

##### **4.6.1 CATEGORY**

The **Marine Riparian Development Permit Area** is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

##### **4.6.2 AREA OF APPLICATION**

The **Marine Riparian Development Permit Area** applies to all lands within 30 metres of the high tide mark of the ocean within Electoral Area H (North Oyster/Diamond), for parcels of land shown on **Figure 8A: Marine Riparian Development Permit Area**.

##### **4.6.3 JUSTIFICATION**

Pursuant to Section 919 of the *Local Government Act*, the **Marine Riparian Development Permit Area** is established to address the following:

- (a) North Oyster/Diamond has several kilometres of marine shoreline along Ladysmith Harbour and Stuart Channel, ranging from high escarpments to rocky beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- (b) The marine foreshore is a valuable public (common property) resource, and the CVRD wishes to enhance the physical, recreational, aesthetic and natural values of this area for use by the public as well as marine life.
- (c) An area consisting of natural vegetation, rocks, trees, and fallen trees can help protect land by dissipating wave energy, thereby protecting the bank

from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff.

- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. This threshold is around 12% across a typical watershed in this region. The objective of this guideline is to maintain or improve water quality in the marine and estuarine environments.
- (e) Hard surfaces and reduced vegetation can cause surface water to be quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), oil leaks from motor vehicles and household or garden chemicals. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean.
- (f) Placing buildings and structures in areas that are directly or indirectly subject to natural erosion and mass movement is not responsible, because it can threaten the safety of those using the buildings and structures and result in economic loss. Once established in a precarious location, the owners of such buildings and structures will understandably want to protect them from destructive mass movements, which in turn could lead to major engineering works in the marine riparian area, irrevocably harming this important habitat. Therefore the objective of this guideline is to strongly support and accommodate sensitive residential and commercial development.

#### 4.6.4 DEFINITIONS

For the purposes of this Development Permit Area, the following definitions apply:

**“high tide mark”** means the upper boundary of distinctive marine or estuarine vegetation as determined by a qualified environmental professional, or where this cannot be determined, it means the natural boundary as determined by a BC Land Surveyor.

**“qualified environmental professional”** has the same meaning as under the *Provincial Riparian Areas Regulation*.

#### 4.6.5 GUIDELINES

Subject to Section 4.6.7 below, within the **Marine Riparian Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal or pruning/trimming of trees or vegetation;
- removal/deposit of soil, rocks, boulders, rip rap, gabions, prefabricated concrete elements or other materials;
- construct a road, bridge, driveway, parking area, patio, swimming pool, hot tub, spa, water feature, septic tank or sewage effluent drainfield;
- construct a seawall, retaining wall, dock abutment, patio, concrete stairway or similar structure;
- construct a dock, install a piling in the foreshore, construct a hydrothermal heating/cooling loop in the foreshore or beyond;
- remove logs from the shoreline; or
- construct any other type of building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, the application for which shall sufficiently address the following guidelines:

- (a) Where a report by a qualified environmental professional is required under the "Application Requirements" section, the report will consider the effects the development proposal will have on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to manage marine shores wherever possible. *On the Living Edge, Your Handbook to Waterfront Living (ISBN 0-9691633-4-7)* by Sarah Kipp and Clive Calloway is a suitable guide to using natural measures, which may be proposed in a development permit application.
- (b) Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope's gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals;
- (c) Recommendations in the Ministry of Environment's Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques

that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.

- (d) Footpaths or trails to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairways above the natural vegetation;
- (e) Tree and native brush retention is a priority within this development permit area; however, should there be a desire for pruning and thinning trees and shrubs in the marine riparian area to provide or enhance views, a report prepared by a certified arborist will be required. The author(s) of that report will take responsibility for ensuring that the pruning and thinning proposed in the report will not impair slope stability, lead to erosion or impair ecological function of the foreshore;
- (f) Site preparation and development should be carried out in a manner that minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained;
- (g) Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (h) Public access along the marine waterfront is important to Electoral Area H – North Oyster/Diamond residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit;
- (i) Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure will be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings;
- (j) Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate



wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted;

- (k) Retaining walls, sea walls or any other structures, if approved in a development permit, will not be composed of unsightly construction debris like broken concrete, blocks or bricks;
- (l) Deep-rooted vegetation should be planted along any retaining wall on the terraces or along the top, to help filter runoff before it enters the beach;
- (m) The construction of hydrothermal and geothermal heating/cooling loops that would be located on seafront parcels of land and within the foreshore area is discouraged because of the degree to which this technology can impact the local marine life, the inconvenience to public users of the foreshore including First Nation shellfish harvesting, walkers, swimmers and boaters. If such a system is proposed, a report by a qualified environmental professional such as a marine ecologist or biologist will be required, in which the probable impacts and effective mitigation strategies are proposed;
- (n) Any marine riparian areas that are affected by development will be subject to a vegetation restoration plan prepared according to BCSLA/BCNTA standards, by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive;
- (o) Discharge from swimming pools, spas, water features and hot tubs shall only be made to an approved and properly functioning sewage treatment system;
- (p) The Ministry of Environment's *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* will be respected.

#### 4.6.6 VARIANCES

The standard setback from the marine shoreline in the zoning bylaw may not, in some cases, be sufficient to protect development from hazardous conditions or to protect the marine riparian environment from alteration and harm. In such cases, a development permit may prescribe a marine shoreline setback in excess of that within the zoning bylaw.

Conversely, where a proposed development plan is consistent with all applicable guidelines of the Marine Riparian Development Permit Area, a development permit may vary the regulations of the implementing bylaws, where such variances are believed to either have no impact upon the marine riparian area or adjacent parcels, or would be required in order to reduce the impact upon the marine riparian area or adjacent parcels of land.

## 4.6.7 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Marine Riparian Development Permit Area**:

- (a) Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore.
- (b) Development located more than 30 metres from the high tide mark of the ocean or 15 metres back from the top of bank, whichever is further.
- (c) Interior renovations and minor exterior renovations of buildings that do not increase the parcel coverage, within 30 metres of the high tide mark (an example being re-roofing).
- (d) Construction, repair and maintenance of works, stream restoration and fish and habitat restoration or enhancement by agents or contractors or with the approval of Fisheries and Oceans Canada, the Ministry of Environment, or the CVRD.
- (e) A trail, provided that:
  - 1. No motorized vehicles are permitted;
  - 2. The trail is a maximum of 1.5 metres in width;
  - 3. No structures or earthworks are required to construct the trail; and
  - 4. No trees are removed.
- (f) The planting of native trees, shrubs or other native species of groundcover for the purpose of enhancing habitat values and /or soil stability, provided that the planting is carried out in accordance with the guidelines provided in the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* or subsequent publications of the federal Department of Fisheries and Oceans and/or the provincial Ministry of Environment.
- (g) The mechanical removal (no herbicides) of invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, provided that erosion protection measures are taken, where necessary, to avoid sediment or debris being discharged into the watercourse, and the plants are replaced with native vegetation.
- (h) Parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional.
- (i) Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
  - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
  - 2. Repairs to bridges and safety fences;

3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and

4. Emergency flood or erosion protection works.

(j) Within the Agricultural Land Reserve, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*.

#### 4.6.8 VIOLATION

(a) Every person who:

1. violates any provision of this Development Permit Area;
2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
5. fails to comply with an order, direction or notice given under this Development Permit Area; or
6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

(b) Each day's continuance of an offence under Section 4.6.8(a) constitutes a new and distinct offence.

#### 4.6.9 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

#### 4.6.10 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

#### 4.6.11 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Marine Riparian Development Permit Area**, the applicant must submit a development permit application, which, at a minimum, includes:

1. A written description of the proposed project;
  2. Reports or information addressing each of the Development Permit Guidelines;
  3. Information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of ocean high tide mark;
    - location of other watercourses;
    - topographical contours;
    - location of slopes exceeding 25 percent grade;
    - location of lands subject to periodic flooding;
    - location and percentage of existing and proposed impervious surfaces;
    - existing tree cover and proposed areas to be cleared;
    - areas of known sensitive or rare native plant communities;
    - existing and proposed buildings;
    - existing and proposed property parcel lines;
    - location of roads, vehicular access points, driveways, and parking areas;
    - location of trails;
    - location of stormwater management works, including retention areas and drainage pipes or ditches and curtain drains around septic fields;
    - proposed erosion mitigation and bank alterations;
    - location of septic tanks, treatment systems and fields;
    - proposed erosion control structures and areas of bank alterations;
    - location of water lines and well sites.
- (b) In addition to the requirements listed above, where any building or structure of any sort, including a retaining wall, stairway or seawall, is proposed within the development permit area, the applicant shall be required to furnish, at the applicant's expense, a report certified by a professional engineer or geoscientist with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition, and an assessment on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the intended purposes. Where possible, slope erosion mitigation will be achieved using soft landscaping and planting of natural vegetation as opposed to the use of retaining walls or other hard armoring of the shoreline;
- (c) Should any thinning, removal or alteration of vegetation in the marine riparian area be proposed in a development permit application, the report of a qualified arborist or qualified environmental professional or member of BC Society of Landscape Architects or BC Nursery Trades Association shall be submitted, detailing a procedure for thinning and pruning in a fashion that will not compromise the ecological function of the marine riparian area or the health of pruned vegetation, and further, describing the methods whereby landscape restoration to restore marine riparian function will be achieved;

- (d) In addition to the requirements listed above, the applicant may also be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist or other qualified environmental professional, assessing any potential environmental impacts of the project upon the marine riparian area, and the means by which any such impacts may be mitigated;

**NOTE:** Where more than one report under Section 4.6.11 (b), (c) or (d) is to be submitted with a development permit application, the professionals preparing the reports will be required to incorporate into their own work, the work of the other professionals, in order to ensure that a coherent interdisciplinary approach to the marine riparian development application is submitted.





SR 10

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010

**FILE NO:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** Community Planning Reserve Bylaw

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#### **Recommendation:**

That the Regional Board approve the use of Community Planning Reserve funds in the amount of \$22,000 for the purpose of funding a new photocopier that has been purchased by the Planning and Development Department.

#### **Purpose:**

To obtain Committee and ultimately Regional Board approval for the use of Community Planning Reserve funds to pay for the new Planning and Development Department photocopier.

#### **Financial Implications:**

See Background Section.

#### **Interdepartmental/Agency Implications:** N/A

#### **Background:**

The 2010 Community Planning Budget allowed for the purchase of a new photocopier for the Department. The new copier was purchased in April of this year. In reviewing the status of our departmental budgets and looking ahead at the fact that we may be incurring some rather significant legal fees before the end of the year, it is the desire to try to create some buffer within the Community Planning budget to accommodate this possibility. As such, it is proposed that the cost of the new photocopier be paid for from Community Planning Reserve funds which currently has a balance of approximately \$32,000. It should be noted that this possibility was foreseen at the time the budget was approved as \$20,000 was budgeted as a Transfer from Reserve for just this purchase.

Submitted by,

Tom R. Anderson,  
General Manager  
Planning and Development Department



SR11

**STAFF REPORT**  
**ELECTORAL AREA SERVICES COMMITTEE MEETING**  
**OF SEPTEMBER 7, 2010**

**DATE:** August 17, 2010 **FILE NO:** Bylaw No. 3418  
**FROM:** Kathleen Harrison, Legislative Services Coordinator  
**SUBJECT:** Malahat Fire Protection Service Amendment Bylaw – Boundary Extension

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**Recommendation:**

That "CVRD Bylaw No. 3418 – Malahat Fire Protection Service Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

**Purpose:** To introduce a bylaw that amends "CVRD Bylaw No. 2414 – Malahat Fire Protection Service Establishment Bylaw, 2003", to extend the boundaries of the Malahat Fire Protection Service Area to include five additional properties.

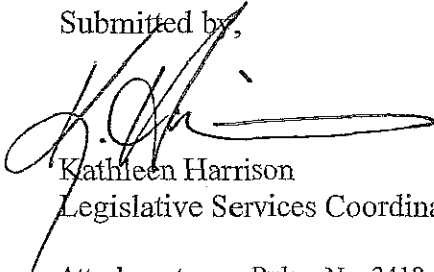
**Financial Implications:** Service costs are to be recovered through property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements. The maximum amount of money that may be requisitioned annually in support of this service is the greater of \$84,000 or \$1.77 per \$1,000 of net taxable land and improvements. The average costs to taxpayers within the proposed service area with property assessed at \$100,000 would be approximately \$105.56 annually.

**Interdepartmental/Agency Implications:** This bylaw requires the approval of the service area voters before it can be adopted. In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the Bylaw. This bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval pursuant to the *Regional Districts Establishing Bylaw Approval Exemption Regulation, B.C. Reg. 113/2007*. The Public Safety Department is responsible for the operation and administration of this service.

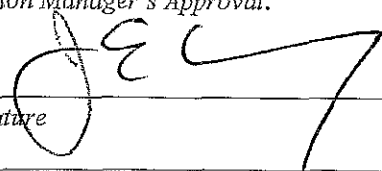
**Background:**

The CVRD received a sufficient *petition for services* to include five parcels in the Malahat Fire Protection Service Area. At its regular meeting held on August 11, 2010 the Board passed a resolution authorizing an amendment to the existing service area by extending the boundaries to include five additional properties. The amendment bylaw has been prepared and is attached for consideration.

Submitted by,

  
Kathleen Harrison  
Legislative Services Coordinator

Division Manager's Approval:

  
Signature

Attachment: Bylaw No. 3418





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3418

#### A Bylaw to Amend the Boundaries of the Malahat Fire Protection Service Area

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**WHEREAS** the Board of the Cowichan Valley Regional District established the *Malahat Fire Protection Service Area* under the provisions of Bylaw No. 2414, cited as "CVRD Bylaw No. 2414 – Malahat Fire Protection Service Establishment Bylaw, 2003";

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following five properties:

- PID 026-226-537, Lot 26, District Lot 201, Malahat District, Plan VIP78459;
- PID 009-395-172, Block 281, Malahat District;
- PID 009-395-075; That Part of Block 201, Malahat District, Including Part of Amended Parcel A (DD 1896741) of Said Block, Shown Outlined in Red on Plan 1522R;
- PID 009-395-130, District Lot 201, Malahat District; and
- PID 009-395-156, Block 270, Malahat District;

**AND WHEREAS** the owners of the above noted properties have petitioned the Regional District to have their property included in the service area;

**AND WHEREAS** the Director of Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

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

#### 1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3418 – Malahat Fire Protection Service Amendment Bylaw, 2010".

#### 2. AMENDMENT

That Bylaw No. 2414 be amended by deleting the existing Schedule A and replacing it with the Schedule A attached to this bylaw.

.../2

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

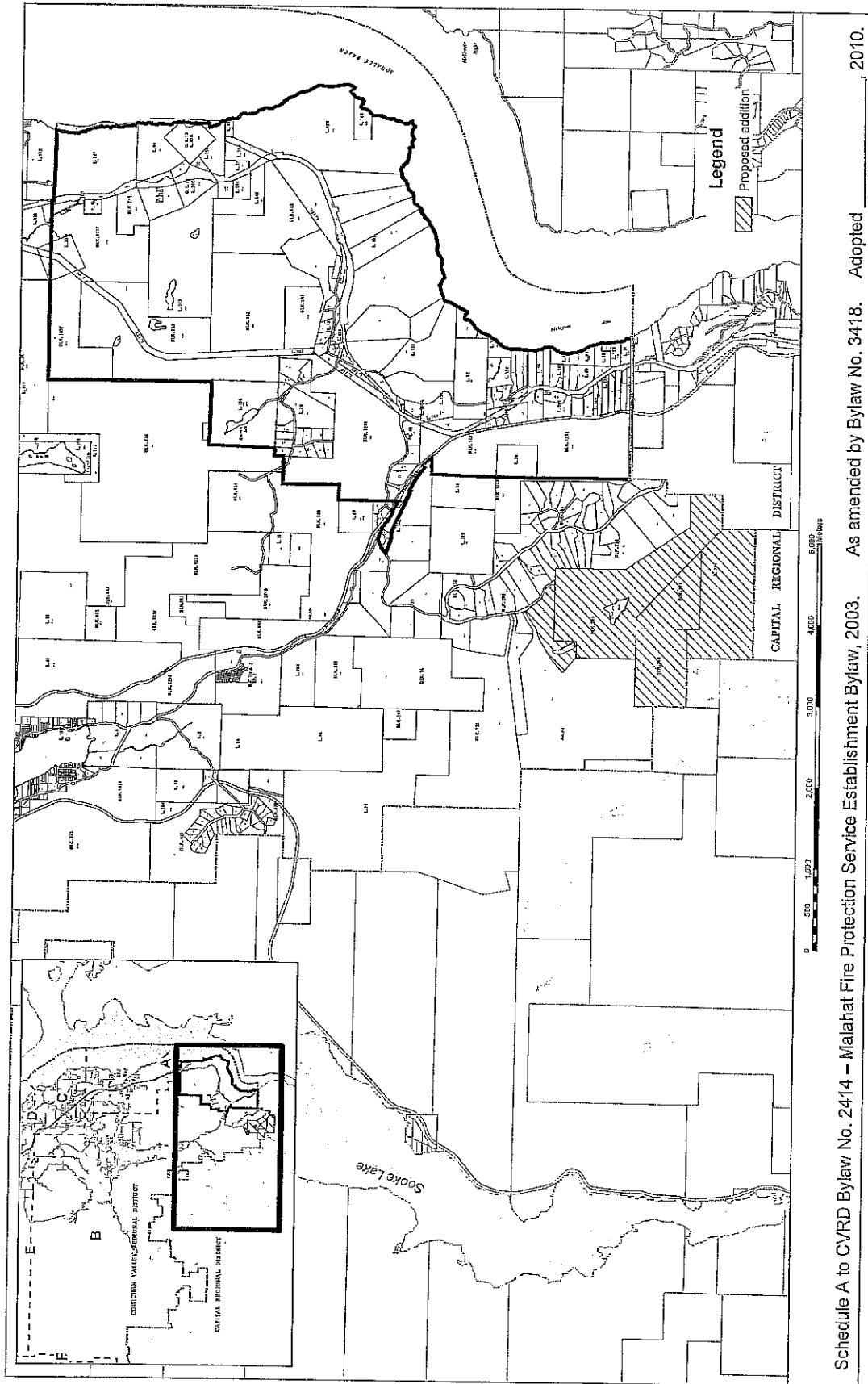
READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary





SR 12

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010

**FILE NO:**

**FROM:** Tom Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** 2011 Planning and Development Department Budget Preparation Report

---

#### **Recommendation:**

Direction of the Committee is requested.

#### **Purpose:**

To obtain direction from the Committee on any new projects the Committee may wish to see undertaken by Planning and Development staff that falls under the direction of the Electoral Area Services Committee. In addition, if the Committee wish to provide any firm financial direction for the Department to follow in preparation of the 2011 budget, then now would be an appropriate time to do so.

#### **Financial Implications:**

Dependent upon direction provided.

#### **Interdepartmental/Agency Implications:**

Unknown

#### **Background:**

The following is an update on the key projects, workloads and priorities tasked to Planning and Development staff at the present time. The commentary you see below has been provided by our Division Heads and as such, the style of each of the sections may vary.

### ADMINISTRATIVE SUPPORT

The Administrative Support Division is responsible for providing clerical support for all Divisions within the Planning and Development Department as well as the Parks and Trails Division of the Parks, Recreation and Culture Department. This section is comprised of six full time employees, one part time employee and several on-call casual employees. Cathy Allen, Administrative Coordinator, provides senior administrative support services, and coordinates and supervises work activities of support staff. Jennifer Hughes, Secretary III, organizes public hearing and transcribes minutes of hearings, maintains department employee time records, and tracks APC and Parks Commissions. Mary Anne McAdam, Secretary II, assists with processing

department's applications, and administers the animal control program. Deb Bumphrey, Records Management Clerk, maintains the department's filing system and covenant information, and inputs annual budget data. Laura Gale, Secretary I, provides general clerical support services and back-up reception duties. Lisa Zimmer, Clerk/Receptionist, provides receptionist duties for the CVRD Ingram Street office. The part-time Secretary I position is currently vacant due to some in-house position switching. A review is presently being undertaken with a view to upgrading this to a full time position in order to accommodate the growing needs of the Parks and Trails Division. The change in the part time to full time position would have minimal impact on the overall budget as the position is currently a 3 days/week that already pays benefits.

The Administrative Support Division appreciates past provision in the budget for support staff education and upgrading (computer courses, administrative professional seminars, etc.) and requests continued support and provision in the 2011 budget. Worth mentioning, although it may not affect the Department's 2011 budget, is upgrading of the CVRD's records management software. A new and much needed system would be very beneficial to this Department.

## DEVELOPMENT SERVICES DIVISION

The Development Services Division is primarily responsible for managing development and processing land use and development applications. Staff from this division handle the majority of the department's planning inquiries, and occasionally assist the Community and Regional Planning Division with policy and community planning projects.

Currently assigned to the Development Services Division are two planning technicians, a planner and a manager. The planning technicians allocate approximately 50% of their time to front counter inquiries and general planning issues. The remainder of their time is focused on processing development permit, development variance permit, Agricultural Land Commission and subdivision applications. The planner and division focus primarily on rezoning and OCP amendment applications, although they also participate in other applications and division responsibilities.

Table 1 identifies development application activity over the last five and a half years. Applications for 2010 are shown in the shaded rows as applications received to August 19<sup>th</sup> and applications projected to the end of the year.

**Table 1**

Year	DVP Applications	DP Applications	ALR Applications	Subdivision Applications	Zoning/OCP Amendments
2005	21	41	9	100	25
2006	27	45	21	71	31
2007	42	96	12	80	40
2008	23	46	9	60	25
2009	20	35	11	37	17
2010 (to Aug. 19)	16	41	12	26	15
2010 (Projected)	21	55	16	35	20

Despite the slowdown in the global economy, development application activity in the Regional District has remained relatively steady. The number of large rezoning and OCP amendment applications received has slowed slightly this year, but new applications are continuing to be received at a rate comparable to previous years. Subdivision activity has slowed slightly when compared to recent years, which is likely explained by reduced activity in the real estate market and the large number of new lots created in previous years. The number of development variance permit, development permit and Agricultural Land Reserve applications are projected to be equivalent or higher than the average in past years.

In 2010, a number of significant rezoning applications have been concluded. These include Youbou Lands, the Parhar Business Park and Elkington Estates. Other complex applications that have been in-stream for a number of years, most notably the Bamberton application, are not yet concluded and are continuing to consume staff time and resources. The scale and complexity of these applications are requiring considerably more staff time than smaller applications require and it has been challenging to find sufficient resources within the Division to allocate to these files. To assist, some staffing resources from the Regional and Community Planning Division have been allocated to application files. Management of these developments will continue to be an issue for the Department following bylaw adoption, as the development approval process for these projects, typically involve rigorous development permit approval requirements, agreements and covenants to ensure future development occurs in accordance with community expectations. At some point, dedicated staff may be necessary to effectively manage the planned communities and comprehensive developments that are approved by the Board.

Trends that are affecting the Development Services Division include increased expectations for first nations consultation, desires to link sustainable development requirements to development approvals and increasing pressures in the Region for affordable housing. Another notable trend is that development permits are representing an increased proportion of the Regional District's overall application activity. This is largely a result of the numerous development permit areas that have been created over the past decade and the desire on the part of the public and the Board to see more control over the form and character and mitigation of environmental impacts associated with development. As the administrative responsibilities of managing development permit areas increases, it may be necessary to shift appropriate staff resources to this area.

## **COMMUNITY AND REGIONAL PLANNING DIVISION**

The Community and Regional Planning Division is responsible for all long range planning projects within the Region. This division is staffed by Mike Tippet (Manager), Katy Tompkins (Senior Planner) and Ann Kjerulf (Planner III). Projects currently in process are:

**South Cowichan Official Community Plan** – Katy Tompkins is developing the policy and structure of this plan and the three sub-plans that would apply to the core areas of Mill Bay, Shawnigan Lake and Cobble Hill. Meetings with the OCP Steering Committee will resume once drafts are completed, probably in late September. The target is to update the Committee on this project in November and seek formal direction at that time with respect to the public consultation procedure. Adoption will be targeted for the first half of 2011.

**Greenhouse (Bill 27) Gas OCP Amendments** – Mike Tippet and Alison Garnett were assigned this project. Of the five electoral areas that have interim amendments to meet Bill 27 requirements proposed, three are ready to proceed to public hearing (Areas F, I and G) and one is not far behind (Area H). The draft bylaw for Area E has been referred to the Director and his APC for review. Although we did not meet the provincial target date for adoption of the end of May 2010, so long as progress is being made, we expect that the Ministry will not impose a sanction. The other four electoral areas will have the Bill 27 requirements incorporated into their new OCPs and that prospect appears to be satisfactory to the Ministry of Rural and Community Development. We anticipate completion of all five of these amendments by mid-2011.

**Cowichan Bay Official Community Plan** – Ann Kjerulf began this project in Spring 2010 and a robust community consultation process is underway, with the assistance of Maddy Koch, the summer planning assistant. The 2011 work program will be a key part of this project, during which the draft plan will be developed.

**Major CVRD-initiated OCP and Zoning Bylaw Amendments** – Presently underway is a series of four new Marine Riparian Development Permit Areas that would apply to ocean shorelines in Electoral Areas A, C, D and H. These may be completed before the end of 2010 but the possibility exists that this work may extend into the early part of 2011.

A long-standing need exists for amendments to the dock zoning at the Palmer Way and Stin-Qua developments in Areas I and F respectively, as well as a related amendment for sewer at Palmer Way. Additionally, when the surveys related to docks installed at Woodland Shores are received, a similar amendment will be required there. We plan to achieve this during 2011.

Besides this work, staff intends to report to the Committee in the coming months on additional CVRD-initiated amendments to OCPs and Zoning Bylaws that would improve bylaw interpretation and administration. We also expect that other new initiatives may arise from Committee direction during the year, which we will strive to implement.

**Subdivision Servicing Bylaw** - Expected to be completed by the end of 2010.

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

**Area E OCP Review** (projected commencement: early 2012)

**Area F OCP Review**

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

## **BUILDING INSPECTION**

After experiencing a decrease in permits in July, we are anticipating an increase in permits now that the reality of the HST has settled in. The last couple of years have been extremely good from a revenue point of view and it is expected that we will end this year with a surplus. To that end, it is requested that the Committee consider the possibility of the Building/Bylaw Divisions acquiring a boat to administer CVRD regulations to those areas which are currently inaccessible. A used boat in the \$15,000.00 range, inflatable with rigid hull with a trailer would certainly add a CVRD presence to Shawnigan Lake, Cowichan Lake, as well as those Gulf Islands not served by regular ferry service.

It should also be noted that we will be putting forward a request to have the Committee consider a minor increase in permit fees in the upcoming year. Our current calculation of \$100 per square foot for new house construction is well under the current market value of \$175 - \$200 per square foot. Directors may recall that we began increasing this calculation a number of years ago in an effort to bring our numbers more in line with current market values.

## **BYLAW ENFORCEMENT**

This year has seen a significant increase in the number of waste management related enforcement investigations and it is expected that this will continue as a result of increased awareness. There seems to be a desire to have bylaw enforcement available after hours and weekends which will need further consultation and planning.

The use of parks and trails by motorized vehicles is becoming more of an issue with significant challenges to enforcement. Again further consultation and planning will be needed to undertake effective enforcement including officer safety and identification of offenders which may include input from the local RCMP.

Outfitting vehicles with the capability to access data from the road would make enforcement more efficient. Examples of this would include: lap top with stand in vehicles with capability to print notices/permits (building inspection may be able to utilize this as well). Conducting a permit check from a mobile source would be highly desirable as there are many situations where it is unclear when one is on-site as to whether construction is authorized by permit or not. If implemented, such a system would also be useful to some of our other Divisions and Departments as well.

Further to the comments of the Building Inspection Division, issues such riparian area monitoring, moorage issues, boat noise issues and just generally more consistent monitoring of our foreshores has given rise to the idea that purchase of a boat for such purpose may be an idea worth consideration. While no discussions have been held as of yet, there may be opportunity to partner with the Water Management and Environment Divisions as well.

While there has been hesitancy in the past, it may be an appropriate time to reconsider the purchase of a noise meter and training associated that that would require. The increasing number of complaints received from lakeshore residents regarding noisy boats may warrant reconsideration of such a device and appropriate bylaw amendments to control this situation.

The enhancement of staff (5 Building Inspectors) authorized to enforce bylaws has been of great assistance in providing a more immediate response to complaints. If it is felt that the opportunities presented by having this increased number of staff to draw on will only increase in the future as we further refine our response and enforcement processes.

*Note: As mentioned in the Mid-Year Budget Report, the increasing cost of legal services for legal opinions and the like, may be reflected in this budget next year!*



## CORPORATE STRATEGIC PLAN

Attached is the Sustainable Land Use Section of the Draft Corporate Strategic Plan. While other sections within the Plan have an impact on this Department, the Land Use section is most pertinent with regard to directive on specific work. As you can see, a number of projects such as the Subdivision Servicing Bylaw, new OCP's in three (3) Electoral Areas are well underway. Even the directive to recommend regulation and policy improvements and policy amendments to the Agricultural Land Commission has been achieved somewhat as a result of the ALC's recent Review Forums which a number of our Directors attended.

Of note, however, is the fact that the proposed Regional Sustainability Plan has been put on hold pending confirmation of Gas Tax funding for the project. With any luck, approval and the Regional Boards desire for 100% funding, will be received in the Spring of 2011. Further, as a result of direction provided at the July 28, 2010 Regional Services Meeting, the Corporate Strategy has been amended to include the following priority under the section titled "Develop Long-Range Plans for Sustainability":

**Review the feasibility of implementing a regional growth management strategy following completion of the regional sustainability planning process.**

Once the Regional Board has approved the Corporate Strategic Plan, initiatives to achieve compliance with the Plan will be presented for Committee consideration and appropriate budgeting, if required.

## CONCLUDING COMMENTS

The above commentary is an outline from staff on the status of the current Departmental projects and priorities as previously set by the Electoral Area Services Committee. In addition, the comments provided under the heading of the Corporate Strategic Plan indicate where our Corporate priorities may be going in the near future (subject to Regional Board approval). As this is the lead-off document to where you as Directors would like to go with the 2011 departmental budget, your direction on any projects you would like to see undertaken next year would be appreciated so that we can work to pull the various resources together to make it happen. In addition, if there is a desire by Directors to provide firm financial direction to the Department for this coming budget year, prior to receipt of any year end surplus figures, please feel free to do so.

Submitted by,



Tom Anderson,  
General Manager  
Planning and Development Department

TA/ca

# SUSTAINABLE LAND USE

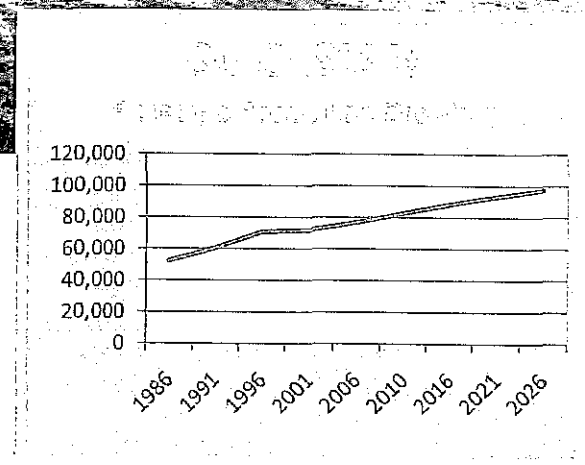
Sustainable land use is about development that meets the needs of the present without compromising the ability of future generations to meet their own needs. To this end, the CVRD is working to ensure that land use planning is well coordinated across the Region, promotes sustainable development, and enhances agricultural opportunities.

With its mild climate and beautiful surrounding landscapes, the Cowichan Region is expected to continue to see steady population growth in the years ahead. In light of this reality, the CVRD seeks to manage this growth to encourage sustainable development and manage resources so that the quality of life enjoyed today will be preserved and enhanced for future generations.



## OBJECTIVES

- Establish well coordinated land use plans and policies throughout the Region.
- Continue to develop long term plans for sustainability
- Promote sustainable land use



## 2009 SURVEY SAYS...

**97%** of residents rate quality of life in the valley as good or very good.

**86%** of residents list protecting agricultural or farm land as a priority.

**59%** of Cowichan residents feel that the amount of growth in the valley has been about right over the past 5 years, while **29%** feel there has been too much growth.

**36%** of residents would place a priority on accommodating growth through higher density.

OBJECTIVE	STRATEGIC ACTION
<p><b>Establish well coordinated land use plans and policies</b></p>	<ol style="list-style-type: none"> <li>1. Develop a plan to ensure well integrated land use plans and policies internally, regionally, and inter-regionally.</li> <li>2. Develop a public safety lens that incorporates emergency, fire safety, and other hazard considerations internally and externally into planning processes.</li> </ol>
<p><b>Develop long-range plans for sustainability</b></p>	<ol style="list-style-type: none"> <li>1. Initiate a regional sustainability planning process in 2010.</li> <li>2. Review the feasibility of implementing a regional growth management strategy following completion of the regional sustainability planning process.</li> <li>3. Develop a strategy to ensure up-to-date Official Community Plans (OCP's) are in place within a reasonable time frame, consistent with local government legislation.</li> <li>4. Complete the subdivision servicing bylaw in 2010.</li> <li>5. Incorporate aesthetic preservation principles into OCP's and explore other ways of preserving the aesthetic nature of the Cowichan Region.</li> <li>6. Update background technical studies to inform the planning process i.e. demographic projections, assessment of development capacity and demand, economic forecast, environmental issues, and regional service demand assumptions.</li> <li>7. Recommend to the Agricultural Land Commission: (1) regulation and policy improvements to recognize an expanded agricultural base, &amp; culture, and (2) policy amendments to promote the expansion of agricultural lands and agricultural uses.</li> <li>8. Develop a long-term land use strategy/policy for forestry lands in the Cowichan Region.</li> </ol>
<p><b>Promote sustainable land use</b></p>	<ol style="list-style-type: none"> <li>1. Develop a green building strategy/policy that supports environmentally friendly building practices.</li> <li>2. Promote ecosystem enhancement-oriented design guidelines for new developments.</li> <li>3. Develop and implement a program to recognize examples of excellence in sustainable community development.</li> </ol>



SR 13

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 27, 2010

**FILE NO:**

**FROM:** Tom Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** Mid-Year Budget Report

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#### Action:

This report is submitted for information purposes only.

#### Purpose:

To provide the Committee with an update on the status of the various Planning and Development Department budgets that fall under the operational authority of the Electoral Area Services Committee. This report reflects the status of budgets up to July 31, 2010.

#### Financial Implications:

##### **Community Planning Budget (325)**

#### Expenditures:

General expenditures including salaries, benefits, office operations, etc. are right in line with where they should be at this time of year. With regard to specific accounts for various projects, the funds budgeted for the South Cowichan OCP (\$3,000) are slightly higher than expected at approximately \$5,000. Due to costs incurred to bring the Mill Bay/Malahat portion of this Plan up to speed with the Shawnigan Lake and Cobble Hill segments. Those funds earmarked for the Cowichan Bay OCP (\$7,000) remain well within budget at this time. Of note, is the fact that our costs this year for legal services for advice on Phased Development Agreements, covenants and the like are far higher than normal which could have an impact on this budget as it pays the greatest portion of the Bylaw Enforcement budget which is where the legal fees are currently charged.

Revenues:

Revenues from various Fees and Applications are at 60% of our budget expectations which is right in line with where we should be at this time of year. As there is a concern with the potential that our legal costs will be higher than expected, a report has been prepared which proposes to transfer approximately \$20,000 out of the Community Planning Reserve Budget in order to pay for the new photocopier that was purchased earlier in the year. This will allow for a little more flexibility with our legal costs.

**Building Inspection Budget (320)**Expenditures:

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

Revenues:

The monthly reports that have been forwarded to Committee showing the number of building permits issued so far this year highlight the fact that considering the economic conditions being experienced in some parts of this country, this area remains extremely active. As a matter of fact, building permit fees have almost reached year-end budget expectation levels already.

**Bylaw Enforcement Budget (328)**

Expenditures for salaries, benefits and other general operating costs are in line with where they should be at this time of year. However, as noted above, costs for legal opinions, which come out of this budget, are expected to exceed that which was predicted at the start of the year as we have already expended 87% of our budgeted amount.

**Animal Control Budget (310)**

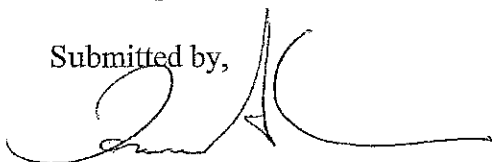
Expenditures for this function vary little due to the fact that the primary expenditure is the Animal Control Contract with the SPCA.

Revenues are approximately \$3,000 short of what was projected to the end of the year. While revenues are primarily obtained in the first six months of the year through our licensing program, there are still a few agencies that have some outstanding remittances so it is expected that we will meet our revenue projections.

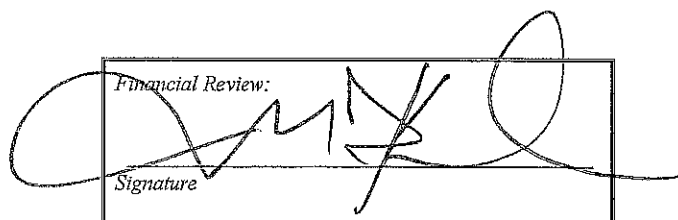
**Electoral Area Services Budget (250)**

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

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department  
TRA/ca





SR 14

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

**DATE:** August 31, 2010 **FILE NO:**  
**FROM:** Brian Farquhar, Manager Parks and Trails **BYLAW NO:**  
**SUBJECT:** Community Parks and Trails 2010 Mid –Year Budget Status Report

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**Recommendation:**

That this report be received for information.

**Purpose:**

To provide the Committee with interim reports as of July 31, 2010 on the status of the Community Parks and Trails Program budgets.

**Financial Implications:**

Financial Updates only.

**Interdepartmental/Agency Implications:**

None.

**Background:**

This report provides the mid-year status of the Community Parks and Trails Program functional budgets in keeping with the provision of such reports to the various Committees and Commissions of the Board on the status of functional budgets revenues and expenditures. The following provides a summary of key budgets within the Community Parks and Trails Program:

**Mill Bay/Malahat Community Parks (231)**

**Revenues**

In addition to the Board approved requisition of \$96,000 for this function, an additional \$21,000 was received as a Development commitment for a new trail a pedestrian bridge over Hollings Creek and \$9,380 in UBCM funding for fuel management work in Mill Bay Nature Park.

**Expenditures**

Expenditures to date are in line with what was anticipated for the first half of the year. Key projects completed to date are the repairs to the trail washout at Inlet Drive, replacement of the

lower trail bridge in Mill Bay Nature Park and planning work for the new tot lot park in the Mill Springs Development.

### **Shawnigan Lake Community Parks (232)**

#### Revenues

The budget includes a \$10,830 grant for fuel management reduction at Silvermine Park, in addition to the \$370,000 requisition.

#### Expenditures

Expenditures too date are in line with what was anticipated for the first half of the year, with fifty completion of the fuel management work in Silvermine Park and engineering/site design work completed for the Shawnigan Hills Athletic Park Phase I Expansion works (perimeter jogging pathway, underground site services, sportsfield realignment, field lighting conduit) that will commence in the fall, as well as the design of the sports fieldhouse/washroom for planned construction in 2011.

### **Cobble Hill Community Parks (233)**

#### Revenues

A total of \$13,280 was received in grant funding for fuel management work at Quarry Nature Park in addition to the \$160,000 requisition approved by the Board and the remainder of the \$50,000 in Tree Canada Funding for completion of the Cobble Hill Train Station project early in the year.

#### Expenditures

Expenditures too date are in line with what was anticipated for the first half of the year, including completion of the Cobble Hill Train Station project, the equestrian parking lot at Quarry Nature Park, Manley Creek Trail Bridge #3 and 50% of the fuel management work along the trails in Quarry Nature Park. The addition of the train station site to the Cobble Hill Community Parks inventory has had an increase to annual parks maintenance costs for the year.

### **Cowichan Bay Community Parks (234)**

#### Revenues

No revenues in addition to the Board approved \$100,000 requisition for this function were anticipated.

Expenditures

Expenditures too date are in line with what was anticipated for the first half of the year, with the planning completed for the tennis court repaving project at Coverdale Watson completed, with the project to be completed in fall 2010.

**Cowichan Station/Sahtlam/Glenora Community Parks (235)**Revenues

Revenues include \$14,000 in UBCM approved funding for two projects (Boys Road Info Stop and Glenora Staging Area Community Park info signage) in addition to the \$180,000 Board approved requisition and \$420,000 transfer from reserves for land purchase.

Expenditures

General park expenditures too date are in line with what was anticipated for the first half of the year. The MOTI has approved the Boys Road Info Stop project within the highways r/w and work has started on the signage design for both this info stop and the Glenora Community Trailhead Park information signage. The Glenora Community Trailhead Park playground design work was also completed and components ordered for installation in late August/early September. Picnic tables were also received for several park sites, Maplewood Park underwent landscaping improvements along the major hedge separating the industrial park to the west and horse corrals were installed at the Glenora Community Trailhead Park.

**Cowichan Lake South/Skutz Falls Community Parks (236)**Revenues

Revenues include \$20,000 as budgeted carryover from 2008 in UBCM funding for the Mesachie Lake Tourism Stop and the \$153,504,000 requisition approved by the Board.

Expenditures

General park expenditures too date are in line with what was anticipated for the first half of the year. Due to fire restrictions again this year (two years in a row!) the annual Bay Days fireworks event was cancelled and the \$2,500 contribution from the Area F Community Parks budget for the event remains unspent. Expansion of the Mesachie Lake Park ballfield into the lands acquired last year was completed in time for the 26<sup>th</sup> annual Mesachie Muscular Dystrophy baseball tournament and planning was initiated on the Mesachie Tourism Info Pullout, with work to complete this project scheduled for fall. Expenditures also include a short term interest/principle repayment for the purchase of the former Mesachie Lake Store property in 2009 to expand Mesachie Lake Park.



### **Saltair Community Parks (237)**

#### Revenues

Revenues include UBCM funding in the amount of \$5,000 for highway signage and donation contributions from the local baseball league for annual maintenance/upgrade of the Saltair Centennial ballfield, in addition to the \$108,320 requisition approved by the Board.

#### Expenditures

General park expenditures too date are in line with what was anticipated for the first half of the year. The UBCM funded community welcome signage has been completed and installed and planned trail improvements for Stocking Creek Park will proceed in fall.

### **North Oyster/Diamond Community Parks (238)**

#### Revenues

Revenues include a budgeted contribution in the amount of \$2,500 from the Provincial Integrated Land Management Bureau towards replacement of a trail bridge in Yellow Point Park, in addition to the \$15,000 requisition approved by the Board. The provincial contribution is conditional upon completion of a development plan for the park (which is leased from the Province).

#### Expenditures

General park expenditures too date are in line with what was anticipated for the first half of the year, and minor access improvement have been completed at Trillium Park.

### **Youbou/Meade Creek Community Parks (239)**

#### Revenues

Revenues include the \$107,000 requisition approved by the Board and \$2,080 in UBCM funding for fuel management reduction work.

#### Expenditures

General park expenditures are proceeding as anticipated first half of the year. Expenditures have also included. Planned expenditures also included upgrades to the Arbutus Park irrigation system, replacement of a pedestrian bridge at Price Park, a condition assessment of Youbou Little League Park and fuel management reduction work along the trails in Price, Marble Bay and Swordfern Parks. The expenditures also include final annual repayment of principle/interest for a short term loan related to parkland purchase in 2005 adjacent the Creekside Development. Unplanned expenditures involved installing a new small pedestrian bridge in Nantree Park that had gone missing.

### **Bright Angel Park (281)**

#### Revenues

Revenues include group facility rental fees which are slightly over the anticipated target for the year, in addition to the \$40,000 requisition approved by the Board.

#### Expenditures

General park expenditures are proceeding as anticipated in first half of the year, with the new caretakers in place addressing group use booking, site security and garbage pick-up within the park and a parks maintenance contractor addressing other aspects of the park (grass cutting, weeding, minor maintenance, etc.).

### **South Cowichan Parks (281)**

#### Revenues

The South Cowichan Parks includes a carryforward of \$89,000 surplus from 2009 in addition to the Board approved \$50,000 requisition. This surplus is earmarked for major improvements/restoration of the Mill Bay Historic Church once an overall plan for future upgrades/uses is determined through consultation with the South Cowichan Community and South Cowichan Parks Commission. The revenues also include minor donations from interim use of the Mill Bay Church by local community groups that were using the facility prior to acquisition of the property by the Regional District

#### Expenditures

General park expenditures applicable to the operation/maintenance of the South Cowichan Parks (Cowichan Bay Boat Launch, Mill Bay Historic Church, South Cowichan Dog Off-leash Area) are in line with what was anticipated for the first half of the year. Increased use of the Cowichan Bay Boat Launch and South Cowichan Dog Park are requiring increased maintenance services (i.e. garbage pick-up, additional doggie bags/disposal, etc.). An architectural/heritage condition and restoration cost implication assessment of the two buildings was completed in early spring and forwarded to the Parks Commission for consideration.

### **Recreation Saltair (456)**

#### Revenues

Anticipated revenues include program fees in addition to the \$11,492 requisition approved by the Board.

#### Expenditures

Expenditures are in line with expectations for the Saltair Summer Daycamp Program which is the only program currently funded under the Recreation Saltair (456) function.

**Community Parks and Trails Program (279)**Revenues

Revenues for the Community Parks and Trails Program include allocations from each of the nine Electoral Area Community Parks functions and two sub-regional functions (\$2,200 each) and \$35,000 from Regional Parks (280) to offset parks administrative costs in support of these functions.

Expenditures

Expenditures are within expectations for the program through mid year and there are no projected expenditure deviations forecast through yearend for this function.

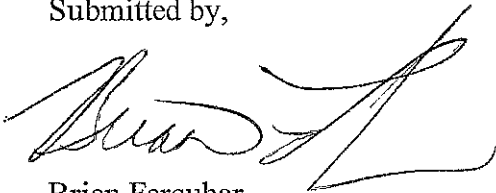
**2010 Community Parks and Trail Capital Program**

Attached is the schedule of approved 2010 Community Parks and Trails Capital Program as approved by the Committee and the status of the projects as of August 31, 2010 (attachment). The project schedule is on track to complete identified projects as noted.

**2011 Community Parks and Trails Budget Planning**

Further to the direction of the Board on the schedule and timeline to prepare 2011 budgets for consideration by the Board, Parks and Trails Division staff will be working with Parks and Recreation Commissions in September thru mid-October to identify 2011 priorities for individual Electoral Area and Sub-regional budgets, in particular 2011 minor and major capital projects and summer student work crew projects for those Electoral Area Community Parks which wish to engage the students in projects for 2011.

Submitted by,



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

BF/ca  
Attachment



REC  
AUG

API

AREA "H" ADVISORY PLANNING COMMISSION SITE VISIT MINUTES

Date: July 18, 2010

Time: 9:00 AM

Location: 4991 Reiber Road

Applicant Present: Not available

Owner Present: Not available

Members Present: Mike Fall, Chris Gerrand, Jan Tukham, Jody Shupe, and John Hawthorn

Also Present: Director: Mary Marcotte

The Advisory Planning Commission toured the subject property; Lot 1, District Lot 23, Oyster District, Plan 18300 (*PID 003-902-641*)

After this tour the Advisory Planning Commission decided to hold off on any recommendation(s) until the next APC meeting.

Adjournment: This site visit was completed @ 9:30 AM.

Jan Tukham - Secretary

1 AP2

AREA "H" ADVISORY PLANNING COMMISSION SITE VISIT MINUTES

Date: July 18, 2010

Time: 9:44 AM

Location: 12290 Chandler Road

Applicant Present: Kent Knelson

Members Present: Mike Fall, Chris Gerrand, Jan Tukham, Jody Shupe, and John Hawthorn

Also Present: Director: Mary Marcotte

The Advisory Planning Commission toured the subject property; Lot 1, District Lots 64 & 65, Oyster District, Plan 23935, except part in Plan 39835 and VIP85702.

Application No. 2-G-10SA (Kent Knelson c/o WR Hutchinson Land Surveying Ltd.)

After this tour the following motion was made: Motion: That the application be held in abeyance until an environmental impact study be completed. This is to include the following;

- a) A drainage study
- b) Indication of the riparian area
- c) Species at risk report – to include a fisheries study (as the stream feeds into a fish bearing creek, heron count, an avian species protection report
- d) Ground water report
- e) Wetland Assessment

Seconded.

*Motion: Carried*

\*\*\*Please note: The information supplied to the Advisory Planning Commission was entirely inadequate. This information left out information such as the subdivision plan and any other related reports that have been completed.

Adjournment: This site visit was completed @ 10:10 AM.

Jan Tukham - Secretary

ELECTORAL AREA "E" APC MEETING MINUTES**GLENORA COMMUNITY HALL****August 9, 2010****Chairperson:** Jim Marsh**Director:** Loren Duncan**Members:** Frank McCorkell, David Coulson, Dave Tattum and Keith Williams.**Absent:** Alternate Director Area "E": Darin George, Colleen MacGregor, Ben Marrs and Dan Ferguson.

Meeting called to order at 7:05 pm after a site meeting at Matrix Marble at 6:00 pm.

**New Business:****1. Application File # 1-E-10DP (Matrix Marble and Stone)****Applicant:** Ivo Zanatta (owner) and Brian Kapuscinski (architect)**MOTION:**

It was moved and seconded that the application be accepted subject to the following conditions:

1. That parking remain along the front of the building to maintain safe traffic flow and that a 5' pedestrian walkway be designated from the parking lot to the front door,
2. That the current overhead wiring be placed underground,
3. That the required landscaping be installed on private property only and that appropriate irrigation be provided. That the landscaping along the E and N right-of-way side of the property be consistent with the landscaping of the adjacent property owner (Greg's RV),
4. That split rail cedar fencing be installed to block off access to the E and N right-of-way,
5. That a gravel pedestrian walkway be installed along the Allenby road side of the development and that marble pavers be installed across the entrance ways of Matrix Marble and Stone,
6. That the landscaping be to BCSLA standards and
7. That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD.

**Motion carried****Meeting adjourned at 8:00 pm****Acting Secretary:** Jim Marsh

AP4

# AREA 'C' COBBLE HILL ADVISORY PLANNING COMMISSION MEETING

THURSDAY, JUNE 24<sup>TH</sup>, 2010

ARBUTUS GOLF CLUB DINING ROOM

## MINUTES

**Present:** Rod de Paiva (Chair), Robin Brett, Jerry Tomljenovic, Rosemary Allen, David Hart, Jens Liebgott, Al Cavanagh, Brenda Krug

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

**Regrets:** Joanne Bond, Dave Thomson

Chair de Paiva called the meeting to order at 6:00 p.m.

**Agenda:** It was duly moved and seconded *that the agenda be adopted as amended with the next meeting of the APC to be August 12<sup>th</sup>, 2010.* Carried

**Minutes:** It was duly moved and seconded *that the minutes of February 14<sup>th</sup>, 2010 be adopted as circulated.* Carried

### Discussion Items:

- Fisher Road Recycling Licence Extension - Director Giles informed the commission that the minutes of the May 20<sup>th</sup> public meeting with Fisher Road Recycling are available. She also reported that a committee has been struck to guide the environmental review that will take place regarding the site. She then reported on the CVRD bylaw amendment #3404.. Two years ago the recycling application was removed from the industrial sites in the area with the exception of Fisher Road Recycling and Central Landscaping. Upon considering present conditions and in the best interest of our community it was duly moved and seconded *that the Cobble Hill Advisory Planning Commission supports this amendment.* Carried unanimously
- Transfer Station - A history of the Solid Waste Management Plan was given by Director Giles. She explained that South Cowichan is the only community in the CVRD without a transfer station and that Frank Raimondo was hired to find and purchase a suitable site. Five properties were originally considered, and that the Cameron Taggart Road site had been chosen as it best meets the Triple Bottom Line of Social, Economic and Environmental criteria. Nothing will remain on site and garbage will be removed daily. There are still noise, traffic and environmental assessment studies to be done, but this site will be a state of the art facility.
- South Cowichan Official Community Plan Update – Catherine Tompkins is writing the document over the summer and the SCOCPP Steering Committee members are looking forward to having it come out to the public as soon as possible.
- Governance - Director Giles reported that there is no money available at the provincial ministry level for a Phase 2 Study of governance in South Cowichan. Ministry staff has looked at the area, but any amalgamation envisioned seriously



compromises the integrity of the Cobble Hill Community. The Area Directors involved are opposed to this as a solution.

**Director's Report:**

- Horse Trailer Parking – John reported on the progress being made on the horse trailer parking lot. He noted that the area cleared south of Empress Avenue to improve sight lines was being used as temporary horse trailer parking. The upper parking lot has been enlarged and there have been some very positive comments made regarding the Train Station Park. The Parks Commission is waiting to see how extensive the usage of the horse trailer parking becomes before deciding if a portion of the lot might be set aside for a small dog park.
- Director Giles explained the operation of the Twin Cedars Sewer System and the possible plans for a full service washroom in Quarry Nature Park.

Chair de Paiva complimented Director Giles on her South Cowichan News articles that keep area residents informed about relevant projects and items of interest in our community.

**Next Meeting:** The next meeting of the APC will be **Thursday, August 12<sup>th</sup>, 2010 at 7:00 p.m.** in the dining room of the Cobble Hill Hall.

**Adjournment:** The meeting adjourned at 8:00 p.m.

Submitted by Brenda Krug

AP5

# COBBLE HILL ADVISORY PLANNING COMMISSION MEETING

AUGUST 12<sup>TH</sup>, 2010

COBBLE HILL HALL

## MINUTES

**Present:** Rod De Paiva - Chair, Dave Thomson, Joanne Bond, Rosemary Allen, Jerry Tomljenovic @ 7:04 p.m., Al Cavanagh, Brenda Krug

**Also present:** Gerry Giles – Regional Director Area 'C' @ 7:27 p.m., John Krug – Alternate Director, H.L. Kimit, Kelvin Stone (applicants), Gar Clapham, Betsy Burke

**Regrets:** Jens Liebgott, David Hart, Robin Brett

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

**Agenda:** It was duly moved and seconded *that the agenda be amended to include adoption of the minutes of the June 24<sup>th</sup>, 2010 as circulated.* Carried

**Minutes:** It was duly moved and seconded *that the minutes of the 24<sup>th</sup> of June 2010 be adopted as circulated.* Carried

### New Business:

- Application #1-C-ALR – Ms. Kimit and Mr. Stone presented the application: Mr. Stone gave a history of modifications to the property and explained the plans for its future use if the application is approved. He also indicated that approval would enable Mr. Stone and Ms Kimit to provide care for Ms Kimit's elderly mother (Mrs. Luscombe), who lives in the main dwelling, permitting her to remain in her home. Caring for the property and Ms Kimit's mother while commuting from their present home in Maple Bay has proven to be extremely difficult

Chair de Paiva cautioned the Commission that its function is merely to recommend and that the Agricultural Land Commission is the deciding body for this application.

Mr. Stone and Ms Kimit then answered questions from the Commission members regarding water supply, size of the cottage that is to be decommissioned, the decommissioning requirements for the cottage, the nature of the proposed store and gallery reported in the application and the growing of truffles. Several Commission members requested a site visit prior to making a recommendation.

After a brief discussion, it was duly moved and seconded *that a site visit be conducted by the APC before a recommendation is made.* Carried Brenda Krug is to arrange the visit.

- Fisher Road Recycling – Director Giles told the Commission her request for the well water results from FRR through a Freedom of Information application has been denied by the CVRD citing "economic harm to the third party" (Fisher Road

Recycling) and that she is appealing this ruling to the Provincial Privacy Commissioner. She also noted that she believes this to be a provincial matter. The environmental review of FRR has begun. Director Giles expressed her appreciation toward the members of the community who are serving on the advisory panel.

EBA is the firm that has been hired to perform the assessment. The panel also decided that a traffic study is required to address concerns raised by area residents and to review the turning radius with Ross Deveau from the Ministry of Transportation and Highways as he has expressed concern regarding access and egress to the site. Boulevard Transportation Group has been hired to perform this review.

The panel is continuing to examine other community issues including noise and working hours with care.

- ECO Depot: The group objecting to the proposed South Cowichan facility presented their protest at the CVRD Board meeting on August 11. They contend that the acquisition of the property was improper and are demanding the site be removed from consideration. Director Giles explained that most, if not all, local governments in British Columbia acquire land in closed session as to do otherwise would drive up the price thus adding additional costs for all taxpayers'. The present bin system now in use can be discontinued when the ECO Depot comes on line.  
The problem of vandalism to the Train Station Park is ongoing with garbage being strewn in the park every two to three days. The use of a herbicide on the plants in the gardens in front of the split rail fence was discussed as were the community divisions arising from this issue.  
The engineering, traffic, environmental and ground and surface water studies for the site will be proceeding.
- OCP Status: Catherine Tompkins is now working on the Cobble Hill Village portion of the plan and we should have results soon.

#### **Director's Report:**

- Water Management Study: The Second phase of the Water Management Study is underway. Director Giles had just come from a meeting regarding the Study and she is impressed with the expertise assembled to help with this project. Both ground and surface water issues are part of the study and much of the information available to date on groundwater has to do with Cobble Hill and our aquifer. An earlier study by EBA had been done for Braithwaite Estates and Cobble Hill Improvement Districts along with Millar Water System. Fisher Road Recycling sits atop of this vital water supply in a location where there is no impermeable layer(s) separating the aquifer from surface activity – just sand and gravel.
- Governance: There will not be any movement on this issue until 2012. The Province presently proposes that a large portion from Cobble Hill be left out of any area amalgamation; a solution that is not acceptable to Director Giles.

- Cowichan Health Network : This body was formed after the local loss of confidence in VIHA resulting from the closure of Cowichan Lodge. VIHA was asked for this network and it has now received funding for a 2 year part time position. The first project that was worked on was whether or not Cowichan Lodge should be converted to a facility for mental health. Next will be the Cowichan District Hospital and tackling the problem of caring for young children. This is an area of crisis and there is very little being done to meet the needs of children under 6 in the area.
  
- Cowichan River Basin Study: Director Giles explained the methods of weir management available for Cowichan Lake and said that those present at a meeting in Lake Cowichan a few weeks ago had voted to go from the rule curve to the rule band thus giving more flexibility in controlling the weir and water level in Cowichan Lake.
  
- Solid Waste Management: There are presently two pressing issues: The rehabilitation of the Peerless Road incinerator and of the old Koksilah incinerator site. The wells at Bings Creek show virtually no changes in water quality after having been monitored wells have been monitored for the past 10 years. This is a strong indication that Bings Creek is well managed and contained.

Next Meeting: The next meeting of the Area 'C' APC will be **Thursday, September 9<sup>th</sup>, 2010.**

**Adjournment:** the meeting adjourned at 8:37 p.m.

Submitted by Brenda Krug

AP 6

## Advisory Planning Commission Minutes Area D – Cowichan Bay

<b>Date:</b>	July 21, 2010
<b>Time:</b>	7:00 PM

Minutes of the Electoral Area D Advisory Planning Commission held on the above noted date and time at Old Koksilah School, Cowichan Bay.

### PRESENT

### ALSO PRESENT

<b>Chair</b>	Calvin Slade	<b>CVRD Rep</b>	None
<b>Secretary (acting)</b>	Cal Bellerive		
	Dave Paras		
<b>Members</b>	Brian Hosking		
	Al Jones	<b>Guests:</b>	
	Robert Stitt	Lew Penny, President: Cowichan Wooden Boat Society	
	Hilary Abbott	Colin Craig	
	Linden Collett	Hilton McCalister	
<b>Absent</b>	Dan Butler	Suzan Lagrove	
	David Slang	Gordon MacDonald	
	Kevin Maher	Steve Lawrence	
<b>Director</b>	Lori Iannidinardo		
<b>Alt. Director</b>			

### ORDER OF BUSINESS

**1. Development Permit application 1-d-10DP Addition to Cowichan Wooden Boat Society building at 1761 Cowichan Bay Road**

**Presentation By Lew Penny**

**A brief history of the society.**

**Funding source-Community Futures. The grant is for economic development of the community. Grant must be directed to capitol costs of new construction and must use local trades people.**

**The proposed addition will include; new washrooms, offices and a display area.**

**The addition will be built using timber frame construction to reflect the marine heritage of Cowichan Bay.**

**Questions:**

A discussion of setbacks and parking, clarified that there are no setbacks in a W3 zone and that the existing parking will remain.

The current space between the existing structures and Cowichan Bay Road is Department of Highways right of way.

Pedestrian safety was discussed and the applicant was hopeful they could facilitate pedestrians although the property between the front of the building and Cowichan Bay Road

belongs to the Department of Highways.

Public use of the facilities was discussed including the idea that the expanded building be used for non member groups and become a focal point of the Bay.

The applicant indicated that the Society is private but partially public funded and that they currently allow non-member groups to use the facilities.

The washrooms will be open to the public during the hours the building is open.

The addition will use the services of the existing building and therefore will not incorporate any new service systems such as rainwater catchment.

#### **Recommendation**

By a vote of 8-0, the members recommend:

The proposal be accepted as is, with a recommendation that the Society continue to encourage the public use of the facility

**NEXT MEETING**

TBA

**ADJOURNMENT**

The meeting was adjourned at 8:30 PM

<b>Cal Bellerive</b> <b>Acting Secretary</b>
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Draft

AP 7

Minutes of the Cobble Hill Advisory Planning Commission's site visit to 3915 Clearwater Road on at 7:00 p.m. August 16<sup>th</sup> 2010 regarding application 1-C-10ALR (Kmit for Luscombe).

Those present: Rod de Paiva – Chair, Robin Brett, Al Cavanagh, Joanne Bond, Jerry Tomljenovic, Rosemary Allen, John Krug and Gerry Giles – Director.

After a site visit where the application to create a studio with living area and workshop plus shop for farm sales was explained in detail, it was

Moved/seconded

That the Cobble Hill APC recommends the application be approved subject to the cottage currently being rented on the site being decommissioned. MOTION CARRIED

There being no other items of business the meeting was moved adjourned at 7:26 p.m



Minutes of the regular meeting of the Area H Parks Commission held at Elliott's Beach on Sunday, July 25, 2010 at 10:00 a.m.

**PRESENT:** Bruce Mason, Don Pigott, Brad Uytterhagen, Mary Marcotte, Secretary Barbara Waters.

**ABSENT:** Snuffy Ladret, Murray McNab

PKI

Bruce Mason called the meeting to order.

**APPROVAL OF  
AGENDA**

**Moved  
Seconded**

**That the agenda be approved, with additions.**

**MOTION CARRIED**

**REVIEW OF  
MINUTES FROM  
March 25, 2010**

The minutes of the regular meeting of April 22, 2010 were adopted as circulated.

**CORRESPONDENCE**

**C1 Letter to  
Terasen**

Mary Marcotte has sent a letter of thanks to Terasen Gas for the recent rock donations.

**C2 Invoice**

Invoice received from Dwayne Carson for costs only, regarding assistance with rock placement.

**REPORTS:**

**R1 Yellow Point  
Park**

As mentioned in previous minutes, the danger tree assessment was completed, three trees being subsequently removed and one determined to be sound. The surround to the garbage can has been repaired.

**R2 Blue Heron  
Park**

There is a bag dispenser at the CVRD for disposal of dog waste. As mentioned in previous minutes, the "no parking" and "private driveway" signs have been acquired, and are in the process of being installed. No further report regarding the survey of park boundaries. Don Pigott recently replaced the second rotting post in the picnic shelter. No further report regarding sweeping the parking lot to the edges as stipulated in the maintenance contract.

**R3 Raven Park**

No report.

**R4 Elliott's Beach**

There was further discussion regarding the large piece of maple which is down in the park. The conclusion is that it is safe to leave it as is. The maintenance contractor for this park has resigned, and there was discussion regarding a replacement. Parks Commission members are aware of a suitable candidate, who has WCB and liability insurance coverage. Mary is awaiting a copy of the new

contract, to be sent ASAP by Brian Farquhar.  
No report.

**R5 Michael Lake** Don Pigott reported that the trail seems well used and in good condition.

**R6 Trillium Park** The western entrance way is looking good. Grass is dried because of the hot weather, but it is expected that it will recover. Brad Uytterhagen reports that he has trimmed trees back from the trail, and needs to arrange for trimmings to be hauled away.

## **INFORMATION**

**IN1 Heart Lake** The public hearing at NO community Hall was well attended. The hearing committee has made a recommendation to the CVRD Board for consideration of third reading.

**IN2 Wiggins** This project is no longer a potential issue for the Parks Commission, as the proponent seems likely to return to the option of using 2 5-acre lots, which would not entail a change in zoning.

## **UNFINISHED BUSINESS**

**UB1 Maintenance  
Contract review** Contract expires in December, 2010, and the new contract will probably go to tender in September or October. A draft contract was reviewed at this meeting, and referred to next Parks Commission meeting for further input.

**UB2 Rock  
donation and  
placement** Donated rocks have been placed at Blue Heron and Yellow Point Parks, in compliance with DFO regulations where applicable.

**UB3 Picnic Tables** All picnic tables and benches have been refinished and look good. A memorial plaque is to be installed on one of the tables at Elliott's Beach.

**UB4 Memorial  
Plaques** Parks Commission needs to review and make consistent our policy regarding memorial benches and plaques.

**UB5 Wedding  
Policy**

Parks Commission needs to review and put in writing our policy regarding wedding permits in Area H parks.

**UB6 Diamond  
Subdivision Bridge**

CVRD staff will approach the developer regarding proposed construction of a footbridge across Bush Creek in the proposed Heart Lake Development.

**UB7 Five Year  
Plan**

Accepted.

**NEXT MEETING**

**Thursday, August 26, 2010, 6:30 p.m., North Oyster Community Hall.**

**ADJOURNMENT**

**Moved  
Seconded**

**That the meeting be adjourned.**

**MOTION CARRIED**

The meeting was adjourned at 11:30 a.m.

---

Barbara Waters, Secretary  
August 6, 2010

**Minutes of the Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Meeting, held on August 23<sup>rd</sup>, 2010 at the Sahtlam Fire Hall**

---

**Present:** Director Loren Duncan, Ron Smith, (Chair), Frank McCorkell, Howard Heyd, Phil Gates, John Ramsey, Mike Lees, Paul Slade

**Call to Order:**

The meeting was called to order at 7:02 p.m.

**Minutes:**

Minutes of the June 2<sup>nd</sup> meeting were not distributed.

**Business Arising:**

**1. Johns Rd./Granite Rd.**

There is still a proposal to put a gate on the Granite Rd. right-of-way and a picnic table near the Cowichan River but not to install any fences. A formal agreement from the Ministry of Transportation and Highways must be provided before any improvements will be undertaken.

**2. Boys Road Improvements**

This project is going ahead. A kiosk is proposed to be built with a bus shelter. The Commission suggested that a small re-design of the kiosk could be made but not to include any additional seating and so on since there is no guarantee of any funding assistance coming from BC Transit. The Commission is concerned that the Area E taxpayers are not paying \$85,000 for transit through the Cowichan Station area but after two years the busses have still not arrived.

**3. Glenora Trails Head Park Update**

Frank McCorkell updated the Commission on the work being done at the park. This included the summer student's work, the three new picnic tables that were brought down from Courtenay last week thanks to Paul Slade and Mike Lees as well as the arrival of the playground earlier today. The Commission also appreciated the playground site preparation work undertaken by Frank and Howard Heyd.

**New Business:**

**1. Glenora Trails Head Park Open House**

With all additions at the park, including the new information signs, the Commission is to hold an Open House on Sunday, September 19<sup>th</sup> to allow the public to become familiar with the park and its various amenities. There will be a ribbon cutting ceremony to officially open the new playground and a community barbeque. Commission members will work with Director Duncan and others to stage the event.

**2. Fairbridge Park**

The Chair brought the Commission up-to-date on the work done by the summer students at the park, including the removal of some of the pile of debris placed there by adjacent land owners. They also placed two park boundary and "no dumping" signs at the park. One was immediately stolen, and the other one continues to have a paper bag placed over it with various derogatory remarks. The CVRD bylaw enforcement officer is in the process of trying to correct this situation. A front end loader and truck should be used to remove the remaining debris and cement from the area as soon as possible.

**Minutes of the Area E Parks and Recreation Commission Meeting of August 23<sup>rd</sup>, 2010, continued:**

**3. Parks and Community Information Signs**

One sign, at Sahtlam, is already in place. The sign for the Glenora Trails Head Park should be installed very shortly while the Boys Road kiosk/sign is expected to be up next spring. Mike Lees, and the Sahtlam Fire Department, who assisted with the kiosk construction wanted to thank Shirley McLeod, the CVRD GIS Coordinator, for her many hours of assistance in preparing the maps and text for the sign.

At this point the meeting moved into closed session.

The closed session meeting rose without report and returned to regular session.

**Other Business:**

**1. Glenora Trails Head Park:**

Frank McCorkell indicated that the motion sensor lights have still not been installed and are needed. He also mentioned the showers are locked for the moment since the caretaker has reported that dog owners have been taking their dogs into the washrooms and on more than one occasion dog feces had been found inside the building. It was recommended by the Commission that a) a couple of dog "hitching posts" be installed away from the building but near the "doggie bags", b) signs erected to inform the public dogs are not allowed inside the building and c) large appropriate signs posted in conspicuous places around the playground indicating dogs are not allowed within the area.

Additional equipment is also going to be needed for the caretaker and should be acquired from the present parks budget. This includes a push lawn mower so he can mow small areas and a leaf blower.

The Commission would also like the caretaker to have hats saying CVRD Parks, (or something appropriate) as well as a name tag, e.g. Glenora Trails Head Park  
Custodian

This may assist with the overall management of the park.

**2. St. Andrews Church, Cowichan Station**

Phil Gates provided the Commission with about the church, now not operating as an Anglican Church, and said that a meeting should be arranged between church officials and the CVRD to discuss its future. It was suggested that there needs a formal letter coming from the Anglican Church to the CVRD Chair of the Board of Directors, Gerry Giles as well as the Chief Administration Officer, Warren Jones, to request a meeting to discuss this matter in greater detail. Phil indicated he would relay this on to the church officials.

**Next Meeting:**

The next meeting will be at the call of the Chair.

**Adjournment:**

The meeting adjourned at 10:25 p.m.



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July 29, 2010

File: 21050-40/Barnjum Rd

Mike Tippet MCIP  
Manager  
Community & Regional Planning Division  
Planning & Development Department  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan BC V9L 1N8

Dear Mike Tippet:

**Re: Ministry of Transportation & Infrastructure be requested to place the upgrading and paving of Barnjum Road, Electoral Area E, West of Duncan, on their priority list.**

I am replying to your letter dated July 22, 2010, to Ross Deveau, District Development Technician, regarding the paving of Barnjum Road.

Before Ministry of Transportation & Infrastructure paves this section of road we want to upgrade the road to 50 km/h design. This project including the paving is on our wish list.

With higher priorities and limited funding it maybe a few years before Ministry of Transportation & Infrastructure can fund and complete this project.

Should you have any further questions, please don't hesitate to contact me at: 250 952-4515 or via email at: [bob.webb@gov.bc.ca](mailto:bob.webb@gov.bc.ca)

Yours truly,

Bob Webb  
Operation Manager  
Ministry of Transportation & Infrastructure  
Saanich area Office

BW/db

Original:	Copies to:
Board:	DUNCAN
Committee(s):	
Directed by: TA	Date: 08/04/10
File #	



**MEMORANDUM**

**DATE:** August 11, 2010

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

**FROM:** Brian Duncan, Chief Building Inspector

**SUBJECT:** BUILDING REPORT FOR THE MONTH OF JULY, 2010

There were 44 Building Permits and 1 Demolition Permit(s) issued during the month of July, 2010 with a total value of \$ 3,284,259

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"		20,000		905,230	189,180		11	62	1,114,410	6,720,665
"B"	5,000		50,000	338,060	88,200		9	95	481,260	9,272,555
"C"					109,840		4	60	109,840	7,716,299
"D"				309,070	68,670		4	29	377,740	4,808,480
"E"				144,800	25,444	20,000	3	34	190,244	3,967,384
"F"		45,000			36,800		4	16	81,800	859,986
"G"				515,305	109,760		4	26	625,065	3,051,405
"H"				149,900	134,000	15,000	5	15	298,900	1,085,242
"I"					5,000		1	15	5,000	1,450,783
Total	\$ 5,000	\$ 65,000	\$ 50,000	\$ 2,362,365	\$ 766,894	\$ 35,000	45	352	\$ 3,284,259	\$ 38,932,799

B. Duncan, RBO  
Chief Building Inspector  
BD/db

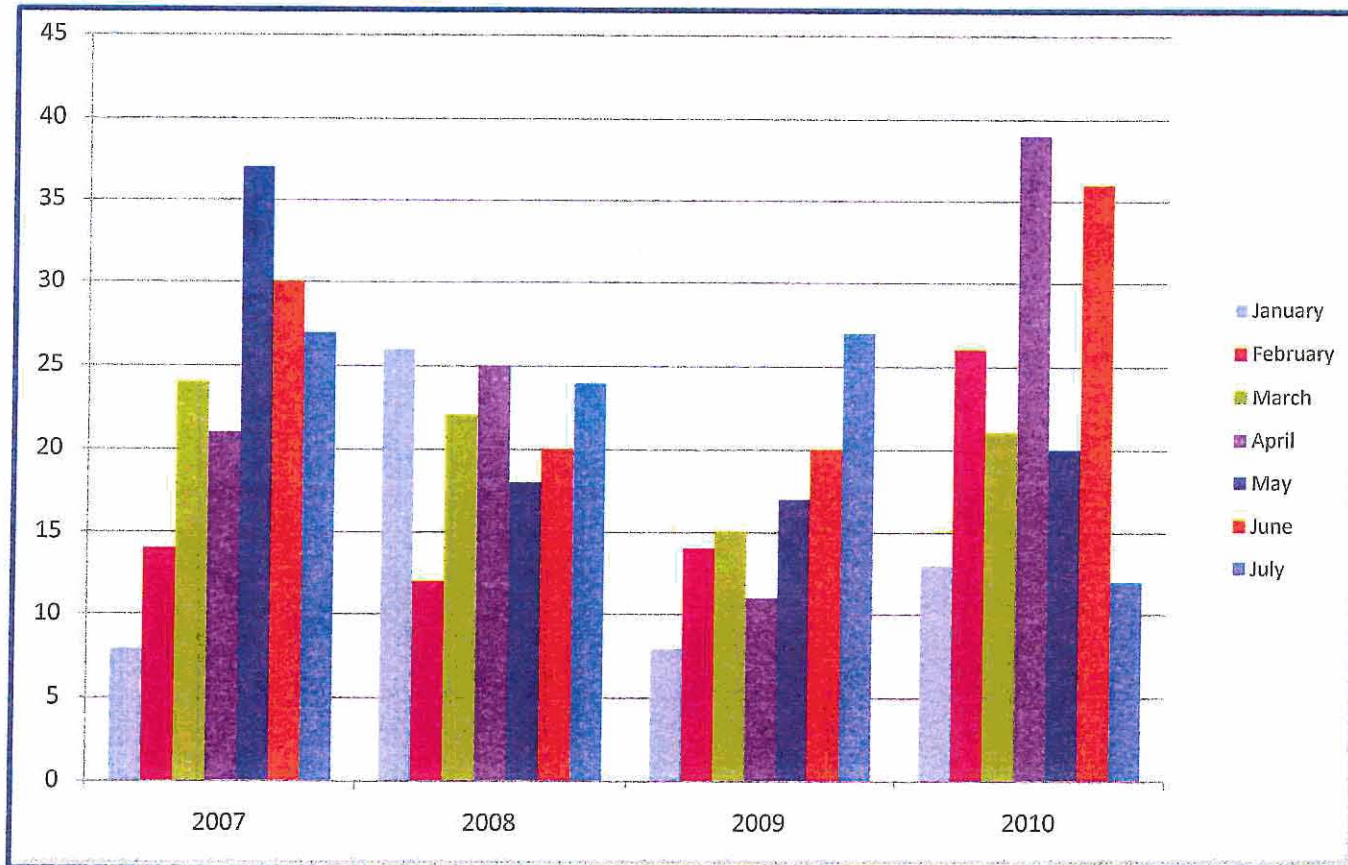
387 **NOTE:** For a comparison of New Housing Starts from 2007 to 2010, see page 2  
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3

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### Total of New Housing Starts

	2007	2008	2009	2010
January	8	26	8	13
February	14	12	14	26
March	24	22	15	21
April	21	25	11	39
May	37	18	17	20
June	30	20	20	36
July	27	24	27	12
YTD Totals	161	147	112	167

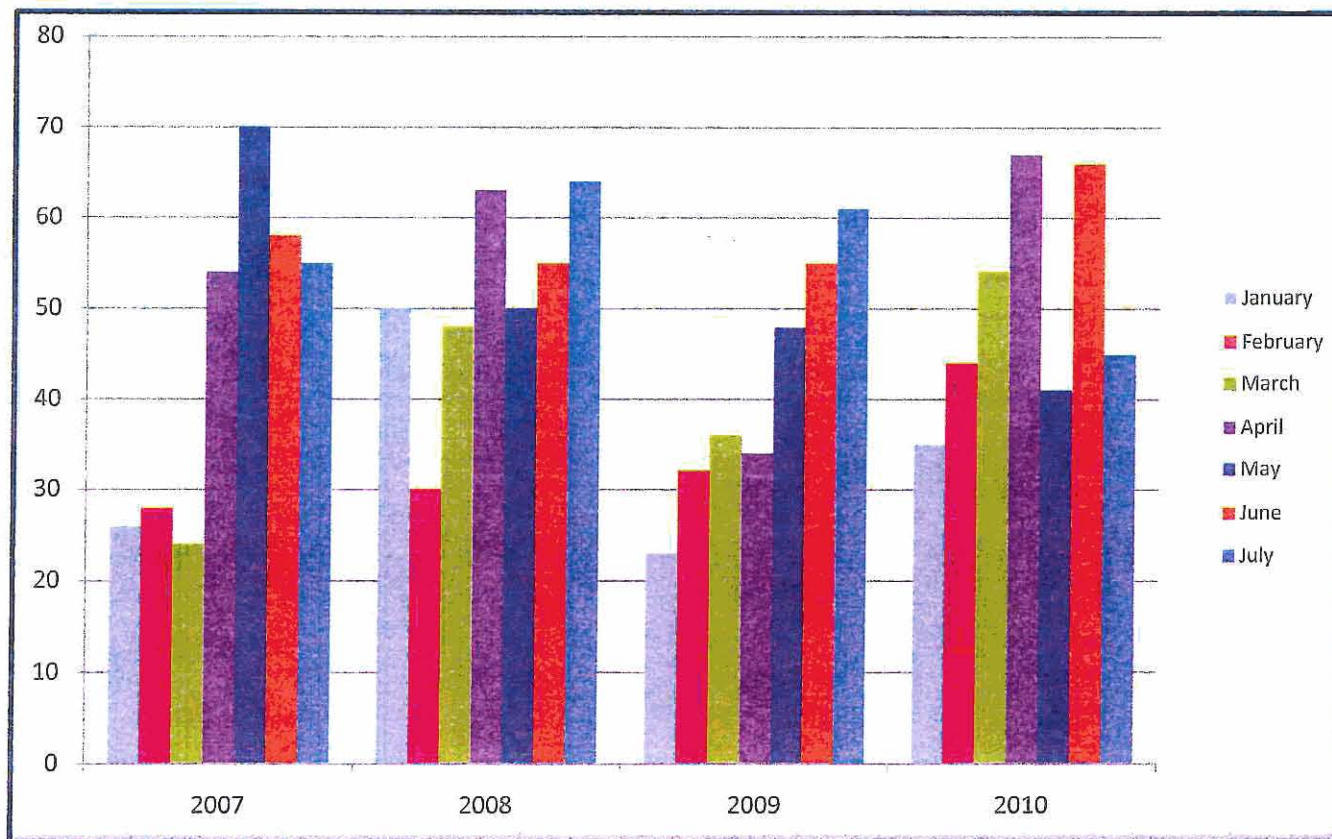






### Total Building Permits Issued

	2007	2008	2009	2010
January	26	50	23	35
February	28	30	32	44
March	24	48	36	54
April	54	63	34	67
May	70	50	48	41
June	58	55	55	66
July	55	64	61	45
YTD Totals	315	360	289	352





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COWICHAN VALLEY REGIONAL DISTRICT

Financial Services Department

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

Submitted by Director L. IANNIDINARDO Area D

Grantee:

Grant Amount \$ 500<sup>00</sup>/<sub>100</sub>

NAME: COWICHAN VALLEY NATURALISTS' SOCIETY

ADDRESS: P.O. BOX 361

DUNCAN BC

V9L 3X5

Contact Phone No: ERIC MARSHALL

PURPOSE OF GRANT: TO ASSIST ON-GOING WORK

THAT COWICHAN VALLEY NATURALISTS' SOCIETY

IS DOING ON THE PROTECTION OF THE WATERS

REQUESTED BY: Lou IannidinarDO OF COWICHAN BAY  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0379-114	500.00	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 \_\_\_\_\_



## COWICHAN VALLEY NATURALISTS' SOCIETY

PO Box 361  
Duncan, BC  
V9L 3X5  
Canada

Email: [cvns@naturecowichan.net](mailto:cvns@naturecowichan.net)  
Website: [www.naturecowichan.net](http://www.naturecowichan.net)

August 2, 2010

Lori Iannidinardo, Director Area D  
Cowichan Valley Regional District  
Cowichan Bay, BC

Dear Director Iannidinardo,

**RE: Request for a Grant in Aid for Cowichan Valley Naturalists' Society (CVNS) Estuary Protection Fund**

This letter is a request for a total funding of \$500 for an on-going project concerning the protection of eel grass beds, eel grass restoration work, salmon habitat, Purple Martin and Great Blue Heron populations in Cowichan Estuary. This project was precipitated by the placement of the Hood Canal Bridge in Cowichan Estuary and in conjunction with other efforts lead to the removal of the Bridge and the enforcement of zoning and the proper application of the Cowichan Estuary Management Plan (CEEMP) for the purposes of conservation. This on-going work will involve among other things, facilitating the provision of information about the location, nature and particulars of Crown leased sites within the Cowichan Estuary onto a website for the public. This project will assist with future restorative programs with interaction and partnering with other NGO's such as the Cowichan Bay Residents Association, Cowichan Tribes, and applicable Federal and Provincial agencies.

The Grant would assist on-going work that Cowichan Valley Naturalists' Society has been leading with others into the protection of the waters of Cowichan Bay. The local organizations are responsible for \$650.16 to date. CVNS has an Estuary Protection Fund that will supplement the \$500 if a Grant in Aid is approved.

Would you be willing to entertain the idea of a Grant in Aid for \$500?

Thank you for your consideration,

**Eric Marshall**

Eric Marshall, President  
Cowichan Valley Naturalists' Society (in cooperation with CBRA)

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COWICHAN VALLEY REGIONAL DISTRICT Financial Services Department

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

Submitted by Director IANNIDINARDO Area D

Grantee:	Grant Amount \$ <u>4000<sup>00</sup></u>
NAME: <u>COWICHAN BAY MARITIME CENTRE</u>	
ADDRESS: <u>1761 COWICHAN BAY ROAD</u>	
<u>COWICHAN BAY</u>	
<u>B.C. VORINO</u>	
Contact Phone No:	<u>LEW PENNEY 250-746-4985</u>
PURPOSE OF GRANT: <u>ASSISTANCE with the costs for</u>	
<u>A DEVELOPMENT PERMIT APPLICATION.</u>	
REQUESTED BY: <u>Lou L. Iannidinarido</u>	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0251-114	400.00	10.0

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

VENDOR NO. \_\_\_\_\_

**Disposition of Cheque:**

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

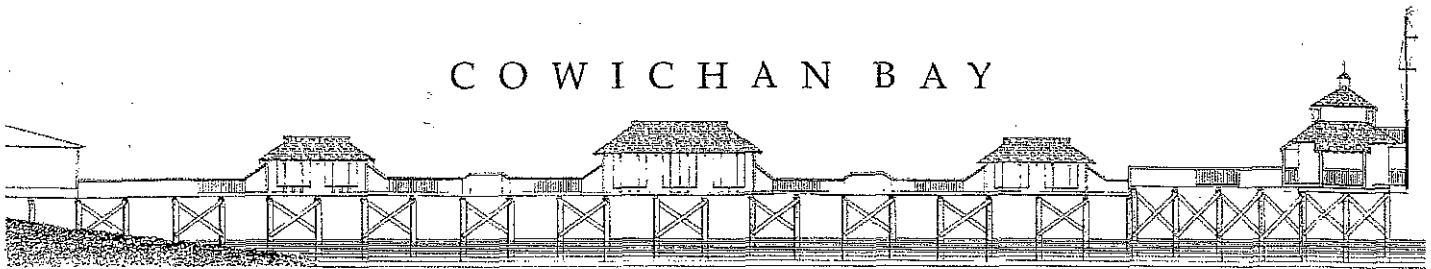
Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization

# COWICHAN BAY



## MARITIME CENTRE

July 20, 2010

To: Lori Iannidinardo  
Regional Director Area 'D'  
Cowichan Bay  
Cowichan Valley Regional District  
1366 Garret Place  
Cobble Hill, BC  
V0R 1L0

Attention: Lori Iannidinardo

Dear Ms. Iannidinardo,

I am writing to ask you to consider waving our \$400.00 fee regarding our Development Permit Application.

As a non-profit organization we would appreciate any assistance you can give us in this matter. At the time of our application the clerk was not sure what fee we should be assessed as there was no fee schedule for non profits.

I have enclosed a copy of our receipt for the payment.

I look forward to hearing from you.

Sincerely,



*Lew Penney*

President  
Cowichan Wooden Boat Society