



ELECTORAL AREA SERVICES COMMITTEE MEETING

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

3:00 pm

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 - IN1** FCM Sustainable Communities Conference 251
9. **NEW BUSINESS**
10. **PUBLIC/PRESS QUESTIONS**
11. **CLOSED SESSION**

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

 - CSM1** Minutes of Closed Session EASC meeting of November 23, 2010 252
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12. **ADJOURNMENT**

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

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

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

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

M I

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 23, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom R. Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Carla Schuk, Planning Technician
Brian Duncan, Chief Building Inspector
Nino Morano, Bylaw Enforcement Officer
Warren Jones, Administrator
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding two items of new business.

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

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the minutes of the November 2, 2010 EASC meeting, be amended by changing the word "voting" to "boating" on Page 4 (NB2) and by changing the word "CARRIEDM" to "CARRIED" on Page 5 (Rise), and that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D2 – Rajala/Weber

Carla reviewed Application No. 1-F-10ALR (Sidney and Valerie Rajala/Benjamin and Rhonda Weber) to subdivide property located at 10315 and 10318 Swinburne Avenue.

The Committee directed questions to staff.

The applicant was present and presented further information to the application.

It was Moved and Seconded

That Application No. 1-F-10ALR, submitted by Sidney and Valerie Rajala, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 18, Block H, Section 15, Renfrew District (situated in Cowichan Lake District), Plan 1501 (PID 007-334-702) and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with no recommendation.

MOTION CARRIED

It was Moved and Seconded

That the Agricultural Land Commission be requested to do soil classification mapping for the Gordon Bay area of Electoral Area F which would provide the CVRD with the information needed to make recommendations on future ALR applications.

MOTION CARRIED

D1 - Stacey

Maddy Koch, Planning Assistant, presented Application No. 4-G-10DVP (Lorraine Stacey), to relax the exterior side parcel line setback to legalize an existing addition to the accessory building located at 10845 Chemainus Road.

The applicant was not present.

It was Moved and Seconded

That Application No. 4-G-10DVP, submitted by Lorraine Stacey, for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, to decrease the setback of the exterior side parcel line from 4.5 metres to 0.0 metres, be approved, subject to:

1. The following improvements being made to the addition by June 30, 2011:
 - a) Vinyl siding which matches that of the parent accessory building;
 - b) Roofing which matches that of the parent accessory building;
 - c) Front siding and a garage door installed.
2. Strict compliance with the conditions of the Ministry of Transportation and Infrastructure's permit.

MOTION CARRIED

D3 - Davis

Carla Schuk, Planning Technician, presented Application No. 3-A-10DP (Kerry Davis) to allow for subdivision of the subject property located at 696 Frayne Road into three lots ranging from 0.2 to 0.4 hectares.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 3-A-10DP be approved, and that a development permit, pursuant to the Mill Bay Development Permit Area, be issued to Kerry Davis for Lot 16, District Lot 47, Malahat District, Plan 3749, except that parts lying northerly and westerly of the northerly and westerly limits of Plan 1064 RW and westerly of the westerly limit of Plan 570 RW and except that part in Plan 51166 (PID: 006-144-128) for subdivision of the subject property.

MOTION CARRIED

D4 – Tennant

Mike Tippet, Manager, reviewed Staff Report dated November 17, 2010, regarding Bamberton Application Update.

The Committee directed questions to staff.

The applicants were present. Ross Tennant requested that the time allotted to make their presentation be extended.

It was Moved and Seconded

That the applicants respecting Application No. 4-A-06RS (Bamberton) be permitted to have 20 minutes to make their presentation.

MOTION CARRIED

Mr. Tennant handed out an information package to Committee members and reviewed the information through a power point presentation. The information package provided an update of the application including current status, project objectives, and CVRD requirements that have been addressed.

Also reviewed were proposed neighbourhoods. In conclusion, the applicants requested that the CVRD either move the application forward or decline it.

The Committee directed comments to the applicants.

It was Moved and Seconded

That staff be directed to review the information submitted by Three Point Properties Ltd. on November 15, 2010, and to prepare a report for a special EASC meeting in January, 2011, regarding the submission and whether or not it provides a sufficient basis for preparing draft OCP and zoning amendment bylaws and a phased development agreement.

MOTION CARRIED

SR1 – Towns for Tomorrow

Jacob Ellis, Manager, reviewed Staff Report dated November 16, 2010, regarding Towns for Tomorrow Program Application.

General discussion ensued.

It was Moved and Seconded

That Electoral Area Directors be requested to submit any further suggestions for projects regarding the Towns for Tomorrow Program, to Jacob Ellis, Manager, Corporate Planning, so that they can be included in the final report to the December 7th EASC meeting.

MOTION CARRIED

SR2 – GSPF/IF

Jacob Ellis, Manager, reviewed Staff Report dated November 16, 2010, regarding Innovations Fund and General Strategic Priorities Fund Program applications.

It was Moved and Seconded

That the Staff Report dated November 16, 2010, from Jacob Ellis, Manager, Corporate Planning, regarding Innovations Fund and General Strategic Priorities Fund Programs Applications, be tabled to the December 7th EASC meeting.

MOTION CARRIED

SR3 – 1695 Sandy Beach Road

Brian Duncan, Chief Building Inspector, reviewed Staff Report dated November 16, 2010, regarding Jarvis Property at 1695 Sandy Beach Road.

It was Moved and Seconded

That the report from Richard Brimmell, P.Eng. dated October 27, 2010, regarding Geotechnical Considerations for 1695 Sandy Beach Road (Jarvis), be accepted as an updated evaluation of bank stability.

MOTION CARRIED

SR4 – Bill 27, Area F

Alison Garnett, Planner II, reviewed Staff Report dated November 15, 2010, regarding Bill 27 (Greenhouse Gas Reduction) bylaw amendment for Area F Official Community Plan .

It was Moved and Seconded

1. That the Bill 27 Bylaw Amendment for Electoral Area F proceed to the Board for consideration of 1st and 2nd Readings.
2. That a Public Hearing be scheduled for the Amending Bylaw with Directors Morrison, Kuhn and Iannidinardo appointed as delegates of the Board.

3. That the Bill 27 Bylaw Amendment for Electoral Area F be referred to the Town of Lake Cowichan, Municipality of North Cowichan, Cowichan Tribes, School District No. 79, and Ministry of Community and Rural Development for comment.

MOTION CARRIED

**SR5 – Park
Maintenance
Contract**

Ryan Dias, Parks Operations Superintendent, reviewed Staff Report, dated November 16, 2010, regarding Area A-E, F and I Park Maintenance Contract Extensions.

It was Moved and Seconded

That the existing Community Parks Maintenance Services Contracts with Easy Living Landscape Holdings Ltd. be extended for an additional three years, commencing January 01, 2011, for the following amounts for each contract over the thirty-six month term (exclusive of HST); \$621,755 for the Electoral Area A-E Parks Maintenance Services Contract (inclusive of South Cowichan Parks and Bright Angel Park), \$99,626.00 for the Electoral Area F Parks Maintenance Services Contract and \$147,262.00 for the Electoral Area I Parks Maintenance Services Contract.

MOTION CARRIED

APC

AP1 to AP2 - Minutes

It was Moved and Seconded

That the minutes of the Area D APC meeting of October 20, 2010, and the minutes of the Area F APC meeting of September 15, 2010, be received and filed.

MOTION CARRIED

PARKS

PK1 to PK4 - Minutes

It was Moved and Seconded

That the following Parks minutes be received and filed:

- Minutes of Area A Parks meeting of October 22, 2010
- Minutes of Area C Parks meeting of October 28, 2010
- Minutes of Area D Parks meeting of October 18, 2010
- Minutes of Area I Parks meeting of October 12, 2010

MOTION CARRIED

IN1 – Building Report It was Moved and Seconded
That the October 2010 building report, be received and filed

MOTION CARRIED

NB1 – Grant in aid It was Moved and Seconded
That a grant in aid, Electoral Area G – Saltair, be given to Nanaimo-Ladysmith Schools Foundation in the amount of \$500 to assist in providing a student with a Saltair Community Award Bursary.

MOTION CARRIED

NB2 –Ministry Trial Period Mike Tippet, Manager, reviewed Staff report dated November 22, 2010, regarding Ministry of Community, Sport and Cultural Development bylaw approval trial period.

It was Moved and Seconded
That the Cowichan Valley Regional District advise the Minister of Community, Sport and Cultural Development that we wish to participate in the Ministerial Approval Waiver trial period.

MOTION CARRIED

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

MOTION CARRIED

The Committee moved into Closed Session at 4:40 pm.

RISE The Committee rose without report.

ADJOURNMENT It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:45 pm

Chair

Recording Secretary

DI

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: Nov 24, 2010
NAME OF APPLICANT: Terry Parker
ADDRESS OF APPLICANT: 746 Handy Road, Mill Bay
PHONE NO.: 250 743-6720
REPRESENTING: The Parker Family
Name of Organization
MEETING DATE: Dec 7, 2010
COMMITTEE/BOARD NAME: Electoral Area Services Committee
NO. ATTENDING: 1
NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Opposition to Mill Bay Marina
rezoning & development proposal

NATURE OF REQUEST/CONCERN:

Many concerns about impact & appropriateness
of this development (letter attached)

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.

Terry & Tricia Parker
746 Handy Road
Mill Bay, BC
V0R 2P1
November 24th, 2010

Development Services
Cowichan Valley Regional District
174 Ingram Street
Duncan, BC
V9L 1N8
Attention: Rob Conway

Re: Concerns about the rezoning and development application for the Mill Bay Marina

Dear Mr. Conway, District Staff and Board

The current proposal to rezone the Mill Bay Marina property and develop condominiums has many aspects that we consider troubling. Our family has already experienced negative impacts from the changes effected since Cadillac Homes announced their proposal and are seriously concerned about future impacts the project would have on us, our neighbours and Mill Bay as a whole.

Personal Impact

We own the property immediately west of the marina property. We currently enjoy a stunning ocean view from inside our house and, especially from our rooftop deck. This view is a significant part of our personal enjoyment. We spend much time on the deck and in the warmer months have supper on the deck every evening the weather allows. The proposed development would remove all of that ocean view.

The way they have sited the row of condominiums along the western boundary of their property would block every last bit of ocean view from our house and deck as well as from all but the extreme northern and southern edges of our property. It also would block out most of the sky from our living room and all of it from our large, bright kitchen. By requesting smaller setbacks to the western and southern ends of their property and a height slightly more than the 7.5 meter limit, the proposal hopes to take more of our view and sky than is permitted under current bylaws and zoning.

We find it sadly ironic that there has already been discussion about removing boathouses from the allowable uses of the water lot in order to protect the views of the 14 condominium owners who don't even live here yet.

The proposed 8-unit building being so tall and so close to our property line will also significantly shade our yard, particularly our vegetable gardens. That eastern exposure is the only direct unfiltered sun these gardens receive mid-fall to mid-spring. We are year-round gardeners -- harvesting organic produce in all 4 seasons. In the months where the sun is low in the sky the shade will likely put an end our winter gardening and delay our spring harvest. This is important to us nutritionally as well as ethically as we teach our daughter values of good whole food, eating locally and living lightly on the earth.

Our house also currently enjoys significant passive solar heating, especially in the seasons when the sun is low in the sky. The loss of that will impact us financially and increase our energy use, something we constantly strive to reduce.

Neighbourhood Considerations

Mill Bay OCP policy 7.6.4 h) states multifamily residential development in the Urban Containment Boundary shall *"integrate into the existing neighbourhood with complimentary uses, character, setbacks, building height, scale and form, to those of nearby land uses and buildings."* The proposed condominium development meets none of those requirements. There is nothing similar on Handy Road, or anywhere in Old Mill Bay east of Mill Bay Road.

The Handy Road neighbourhood consists mostly of smaller, single-story homes, each with their own distinct character and story. The homes on the south side of Handy Road are all sited so that downslope

homes don't significantly block the views of the upslope homes. The properties are also configured so that it is easy for neighbours to talk with each other across the fence. It is not uncommon for us to stand on our deck or at our fence and converse with the neighbours two lots away; certainly we were in the regular habit of talking with neighbours immediately to the east and west of us.

The proposed condominium structure turns its back on the upslope neighbours. It is configured to maximise its ocean views at the expense of the upslope neighbours. Its design discourages easy conversation with those neighbours. In the design proposals we have seen to date, we have seen front and side elevations of the building but no rear elevation has been presented. The only thing apparent is the plan to fill their backyard with bushes and trees, further discouraging engagement with the upslope neighbours.

The design has an air of exclusion rather than the inclusivity we have so appreciated about this neighbourhood. This is not entirely surprising given the developers did not talk with any of the Handy Road property owners before their June 30, 2010 presentation at the marina. By then their design was set and since then they have turned down our request to revisit those plans.

The design is terribly out of scale with anything else on Handy Road and has a character and form that prefers homogeneity of housing units over unique character of individual homes, density over openness and exclusivity over neighbourliness.

Furthermore, the Mill Bay OCP policy 7.6.2 states, *"...the Regional Board may, through the zoning bylaw, initiate new multifamily residential zones within the Urban Residential designation to permit a more affordable type of housing and to use the land base more efficiently."* Affordable housing was, in fact, lost when the RV residents of the marina were evicted. What is being proposed could hardly be called affordable housing, thus we think any move to create a new zone to allow for reduced setbacks without variance application should be quashed.

Historical value

The existing marina house should be considered for heritage protection. It is one of the few buildings of its size and vintage in Mill Bay and used to be an impressive building as part of the original estate that went all the way up to Mill Bay Road. That property later became the marina and RV Park, which existed that way for decades, even after the subdivision that reduced the marina property to its current size.

The first slide of Cadillac Homes' proposal presentation to the Area Planning Committee (November 9th, 2010) promised to "Revitalize" the Mill Bay's "Historic" marina. The proponents seem to be aware of the historic significance of the property, but we find "revitalizing" hard to reconcile with complete demolition of the existing structures and subsequent building of a project that bears little resemblance to the original.

Community Access and Marina Facilities

If we compare what the community had before the Good Friday storm of 2010 with what is being proposed, the community would see some significant reductions in facilities. The pre-storm marina had 158 slips, mostly for smaller craft at quite an affordable rate. The proposal is for approximately 95 slips, with an increase in larger boats and a substantial decrease for smaller pleasure craft. While we haven't yet heard estimates for the future moorage rates, it seems logical that a "first class" marina would also have "first class" fees. We are also concerned about the potential for at least some of the marina slips to be sold on a strata basis. We have yet to see a firm commitment that would prevent that.

Prior to early November 2010 when the chain link gates went up on the marina property's 2 driveways, the public had access to the upland portion of the marina property. It was a private commercial enterprise, but the marina we knew was most definitely open to the community. Many Mill Bay citizens would walk their dogs through the property as part of their beach stroll. Marina patrons had access to a large area of the upland property to work on their boats. There was dry-land storage for boats in the off-season or in need of more significant repair. The proposal includes a public boardwalk, but beyond that and the parking lot, a substantial portion of the upland will be lost to community access, there will be no dry land dedicated to routine boat maintenance or storage.

In addition to the existing public boat ramp, the marina currently has its own ramp, which was operated on a for-fee basis, has a better slope and accommodated larger boats. The current proposal promises to reconstruct the public ramp but also includes the elimination of the marina's own ramp. During summer peaks both ramps were fairly heavily used. The impact of the new design on Handy Road traffic, ramp congestion and safety need to be examined thoroughly.

Not only will two ramps' traffic be squeezed into one, but if the boat owners who have been displaced by the fewer small slips in new marina begin to use the new public ramp, we're looking at a substantial increase in the usage of the one remaining ramp.

The amount of parking for ramp users and their boat trailers will be reduced as those who used the marina's ramp parked on marina property, not on Handy Road. As it was, on busy weekends parking on Handy Road was full, with some boaters resorting to parking in no parking zones on both sides of the road. We see no parking plan that accommodates the extra load from former marina ramp users and the displaced small boat owners.

The traffic flow also changes. Marina patrons and the public alike used the marina's u-shaped driveway as a turnaround, which effectively and safely removed them from the activity at the top of the ramp. The proposed design now presents a dead end which could become quite congested with parked trucks and boat trailers and boaters lined up for their turn on the ramp. All this by a beach where people visit, walk their dogs and children play and swim.

The marina development proponents have said they use the Port of Sidney Marina as a model for their new marina construction. Mill Bay with its quaint rural seaside feel is not the same place as Sidney. Do we need massive concrete docks or would strong wooden docks be more suitable? Sidney is a beautiful small city but do we strive to be a city? Why should we lock in to a marina that models itself on a marina that exists in a place we are not?

Certainly the marina before the storm was in desperate need of repair, cleanup and, in the latter years under Amadon, good management. But we saw nothing wrong with its basic business model and the contributions it made to the community. We would be quite happy to see the marina restored to the way it had operated for decades – RV residents and all. No neighbourhood is flawless but most of those residents were excellent neighbours who added considerably to our lives and the community.

Environmental Concerns

One of us (Terry) has a Master's Degree in Marine Ecology, we keep current with environmental issues and we passionately believe in living a low-impact life. We see several environmental issues that we believe should be addressed before the proposal proceeds.

Every year, harbour seals birth and nurse their pups on the floating log breakwater to the east of the marina. This habitat will be removed under the current proposal. While the harbour seal population has made an impressive recovery in the last few decades, marine scientists are raising cautions about the stability of the population given increasing environmental contamination and illegal kills. Removing breeding habitat is ecologically irresponsible and eliminates something that could be promoted for its tourist value.

Eelgrass beds occur around and under the existing marina. This highly productive fish habitat is covered under a "no net loss" policy by the Department of Fisheries and Oceans. Construction will disrupt these beds and a protocol should be established to prevent loss of habitat due to construction and dredging.

Hatchery coho salmon return to Shawnigan Creek following a migration route that flows northward along the beach at the marina. Before marina construction, ramp construction and dredging occurs, we should have an understanding of how the timing and extent of that activity may affect the returning coho.

Surface run-off is also a concern. During winter and early spring the soil of the hill upslope of the marina becomes saturated to the point there is standing water in places of our lawn. It is consistent with stories we have heard about streambeds being filled in on the original estate property.

Our property and the marina are where the slope levels out and the downhill flow soaks into the soil before becoming run-off into Saanich Inlet. If the colour coding on the proposal drawings means anything, the development will substantially increase the amount of pavement on the marina property itself and along the northern edge of Handy Road abutting Wheelbarrow Creek. What are the plans for handling and treating the increased surface run-off? An increasing number of environmentalists and builders recognise the inappropriateness of such hardscaping, especially near stream and shoreline habitat.

As a more personal concern, what assurances do we have that the construction of a wall of condominiums in front of our property won't impede the natural downslope flow and increase the risks of flooding on our property?

Conclusion and Alternate Vision

The proponents of the development have been clear in stating their plan is "for the community" with the condos being a necessary evil in order to fund the marina construction. They have also been clear in stating to us that if they don't get approval, they will continue to hold the property for use as a tourist commercial development such as a 10 metre high hotel, or even a private residence. Those latter two contingencies would not have a marina. So it is possible the restoration of the marina may not be the primary concern.

In considering this development proposal, we ask that the Board consider the nature of the linkage between condo and marina. Is it truly necessary? Is it even appropriate to use the marina as a carrot to encourage a substantial change in the character of Old Mill Bay and to the detriment of the current Handy Road residents?

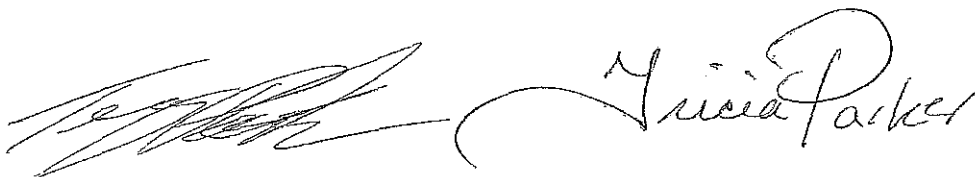
If this is really about restoring the marina for the community there are other models that should be considered. The Ladysmith Community Marina was created in 1985 – economic times as tough or tougher than we have now. That marina provides affordable, safe moorage for the public and has become a community gathering point. Could the proponents not apply their considerable management and project development expertise toward helping the creation of a community marina in a similar manner to what Ladysmith accomplished in 1985?

We want to be clear that we believe Mill Bay should have a marina, but we believe it would be best to replace the functionality that has been lost over the years. The current proposal would result in a net loss to the community compared to what had been there and impose an irrevocable change on a neighbourhood that deserves to be protected.

A simple, solid, safe marina with upland access for marina patrons and the public, which allows for boat work and adequate parking (including boat trailers) is what Mill Bay should have. Such a marina could be constructed re-using the stable pilings that still remain, replacing the unstable ones and attaching new docks. This could reduce the environmental impact of the construction and reduce the cost.

The historic house could be restored to include space for marina offices, a marine store, public meeting rooms, a museum and a permanent home for the Mill Bay Historical Society. The upland could also have an area for a seasonal public market similar to ones in Ganges on Saltspring Island and elsewhere. The Mill Bay Marina property is Mill Bay's last, best chance to secure a central waterfront gathering point for the community. If we let it go to private condominium development with a ribbon of public access along a boardwalk, the community has lost that forever. We need to be careful to ensure Mill Bay keeps, and maybe even enhances, what it has had for decades.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is more stylized and appears to be 'Terry'. The signature on the right is written in a cursive script and clearly reads 'Tricia Parker'.

Terry & Tricia Parker



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: November 30, 2010 **FILE NO:** 5-A-10RS
FROM: Rob Conway, Manager **BYLAW NO:** 2000 & 1890
Development Services Division
SUBJECT: Proposed Zoning and OCP Amendment - Mill Bay Marina

Recommendation:

1. That draft amendment bylaws for Rezoning and OCP Amendment Application No. 5-A-10RS (Mill Bay Marina Inc.) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Mill Bay Volunteer Fire Department; Ministry of Environment, the Archaeology Branch of the Ministry of Tourism, Culture and the Arts, Fisheries and Oceans Canada, Cowichan Tribes, Malahat First Nation, Transport Canada, the Integrated Land Management Bureau and Mill Bay Waterworks be accepted.
3. That a public hearing be scheduled with Directors Harrison, Cossey and Dorey appointed as Board delegates.

Financial Implications: N/A

Interdepartmental / Agency Implications: See attached referral comments.

Background Information:

The applicant is applying to amend the Electoral Area A Official Community Plan Bylaw 1890 and Zoning Bylaw No. 2000, to develop 14 residential townhouses on the upland portion of the Mill Bay Marina property.

Location of Subject Property: 740 Handy Road, Mill Bay

Legal Description: Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433); and Foreshore Lease Lot 459 (Lease No. 112643)

Date Application and Complete: Documentation Received: July 19, 2010

Owner: Mill Bay Marina Inc.

Applicant: Cadillac Homes Inc.

Size of Parcel: Upland property is + 0.632 ha.; Water lot is 1.079 ha

Existing Zoning: Upland is zoned C-4 (Tourist Recreational Commercial);
Water lot is zone W-3 (Water Marina).

Minimum Lot Size Under Existing Zoning: C-4 is 0.4 ha; W-3 does not have a minimum

Existing Plan Designation: Tourist Recreational Commercial; None identified for the water lot lease

Existing Use of Property: Marina and Campground

Existing Use of Surrounding Properties: North: Handy Road and Residential
South: Residential
East: Mill Bay (marina)
West: Residential

Services:

Road Access: Handy Road

Water: Mill Bay Waterworks

Sewage Disposal: Community Sewer (Sentinel Ridge)

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The Environmental Planning Atlas has identified the waterfront portion of the subject property to be within a Shoreline Sensitive Area and the northern portion is within a Stream Planning Area.

Archaeological Site: An archaeological site has been identified along the foreshore of the property.

The Proposal:

The Mill Bay Marina site is presently comprised of a 0.632 ha. (1.56 ac.) upland parcel and a 1.079 ha. (2.67 ac.) water lot lease. The upland parcel is zoned C-4 (Tourist Recreational Commercial) and is now mostly vacant. In the past the property was used as an RV campground. The water lot lease area that contains the marina is zoned W-3. The marina was largely destroyed by a storm last winter.

The ownership of the marina and upland property recently transferred. The new owners would like to reconstruct the marina, but do not expect future revenues from the marina to be sufficient to adequately finance the reconstruction. To fund redevelopment of the marina, the owners are proposing to rezone most of the upland C-4 zoned property to RM-2 (Multi-Family Residential –

Medium Density) and develop it for 14 townhouse dwellings. As the remainder of the C-4 zoned land (near the waterfront) is proposed as marina parking and a public walkway, zoning on this part of the site is proposed to change from C-4 to W-3. Although the initial application proposed to expand the water lot lease and W-3 zoning on the water surface for an expansion of the marina, the applicants have since removed the marina expansion from the application.

A detailed description of the rezoning application was provided by the applicants and is attached to this report for information. Please note that the marina expansion and pub/bistro that are mentioned in the letter are no longer part of the proposal.

1. Townhouses – 71% of the upland property, or approximately 4,490 square metres, is proposed to be rezoned from C-4 to RM-2. RM-2 is a multiple family zone that permits residential apartments or townhouses at a density of 35 units per hectare, or one unit per 286 square metres of site area.

The applicants are proposing to develop the site for townhouses at a density of about 31 units per hectare or one unit per 321 square metres of site area. Lot coverage is estimated at 34.5%. A block of eight townhouse units is proposed along the west property boundary and three duplex buildings are to the south. The eight unit block is a three storey structure and the duplexes are proposed to be two storeys in height to allow all units to have ocean views. The buildings have been designed with low slope and flat roofs to reduce building height. Building height shown on the concept plans is 7.65 metres, but the applicant has confirmed that the residential structures would be limited to 7.5 metres in height, measured from average natural grade.

Access to the townhouse units would be from Handy Road via a private strata driveway. Each of the dwelling units would be provided with two on-site parking spaces. Six additional surface parking spaces are provided for visitors. Each of the units will have an outdoor patio and landscaping will be provided around the perimeter of the site and in other common areas.

Low impact development features incorporated into the proposal include water demand reduction measures and on-site storm water management. A more complete description of environmental protection measures associated with the development is contained within the attached sustainability checklist.

2. Boat Launch – An existing public boat launch is located at the end of Handy Road. The existing launch is in poor condition and is difficult to use because of the shallow ramp grade. The proponent intends to reconstruct the boat launch as part of the marina and townhouse development. Improvements will include dredging and reconstruction of the launch at a steeper grade. Some trailer parking is planned within the Handy Road right-of-way, but the launch and associated works will require approval from the Ministry of Transportation and other agencies. No zoning change is necessary for the boat launch.
3. Public Walkway – A 4.1 metre wide public walkway is planned along the foreshore. This part of the site will be dedicated as public land and will be constructed and landscaped by the proponent. The walkway is proposed as a board walk, but the CVRD Parks and Trails Division has indicated that a hard surfaced pathway is preferred to so as to minimize future

maintenance. The design and construction of the walkway will require agency approval and input from the Area A Parks Commission. As park is permitted in all zones, W-3 zoning is proposed for the walkway to achieve a consistent zoning designation for the waterfront uses.

4. Marina – A complete re-construction of the marina is proposed that includes berths for approximately 94 boats, a sani-dump and fueling dock, a café, and marina office and store. Outdoor space on the marina will also be provided for activities such as a market and art display. As the existing water lot lease area where the re-constructed marina is proposed is already zoned for marina use (i.e. W-3), a zoning change is not required for this part of the proposal.
5. Marina Parking – Approximately 1,500 square metres (.37 ac.) of the subject property located between the waterfront and the proposed townhouse site is proposed as marina parking. 47 parking spaces will be provided, which is equivalent to half a parking space for every slip in the slip marina. This complies with the CVRD's bylaw requirement for marina parking. Surface parking will be hard-surfaced to comply with bylaw requirements and landscaping within the parking area is also planned. As the marina parking is a fundamental part of the marina, it is proposed that this part of the site have the same zoning designation as the marina and that it be rezoned from C-4 to W-3.
6. Servicing – Mill Bay Waterworks District supplies the water in the area and water for the proposed development is expected to be provided from this utility. The applicants have indicated that they would like to direct sewage from the proposed development to the Sentinel Ridge sewage treatment plant. The subject property is already within the Sentinel Ridge Sewer Service Area.

Policy Context

Official Community Plan:

Official Community Plan Bylaw No. 1890, applicable to Mill Bay and Malahat, designates the subject property as Tourist Commercial. The property is also within the Mill Bay Urban Containment Boundary and the Mill Bay Development Permit Area.

The Tourist Commercial designation is intended largely for uses such as tourist accommodation, restaurants and recreation facilities outside of Mill Bay's core commercial area. Many of the properties in the plan area that have this designation are located on the Trans Canada Highway or the former Island Highway (Mill Bay Road) and have traditionally accommodated businesses that served the travelling public.

In order to rezone the subject property for residential use, the OCP designation of the subject property would need to be amended to an Urban Residential designation. As the property is within the Urban Containment Boundary and is immediately adjacent to other properties that are designated for Urban Residential use, re-designation to Urban Residential would be consistent with the land use pattern and OCP designation for the surrounding area.

Multiple Family residential use is permitted within the Urban Residential designation, where criteria of the following policy are met:

POLICY 7.6.4

Any multi-family residential development shall have approved servicing (community sewer and water) that meets CVRD standards and shall:

- a) be subject to section 14 "Development Permit Areas" of this Plan;*
- b) be located in the near vicinity (10 minute walk) of Mill Bay Village Centre, within the Urban Containment Boundary shown on Figure 3;*
- c) be located and developed so that walkways or trails can, in the future, connect the development with the village commercial nodes, schools, parks and other community amenities;*
- d) provide open space and protect unique site features and, where possible, large stands of trees;*
- e) promote public safety;*
- f) be connected to an approved community sewer system;*
- g) be serviced by the Mill Bay Waterworks community water system; and*
- h) integrate into the existing neighbourhood in an appropriate manner with complementary uses, character, setbacks, building height, scale and form, to those of nearby land uses and buildings.*

Because the upland property is within the Mill Bay Development Permit Area, a development permit will be required for the proposed townhouses and marina parking if the requested zoning change is granted. The development permit area does not apply to the water lot lease, so a development permit is not required for the marina re-development.

Zoning:

The current C-4 zone does not have a density limitation, but it does limit site coverage to 20% and building height to 10 metres. Minimum setbacks in the C-4 zone are 6.0 metres from all property boundaries.

Although lot coverage is proposed at 34.5% for the residential part of the site, it is about 24.5% percent for the entire property when the parking lot and waterfront walkway is incorporated. The proposed 7.5 metre building height limit is less the 10 metres currently permitted and the proposed 6.0 metre building setbacks are equivalent to what the current C-4 zoning allows.

The original application proposed to rezone part of the upland property to RM-2 (Multi-family Residential – Medium Density). Although this zone is a good fit in terms of density and land use, development criteria within the zone is not a good match for what is proposed with the application. For example, the zone permits a 10 metre building height and side yard setbacks of 3.0 metres. In order to better match zoning to the proposed form of development staff suggest that a new zone would be more appropriate than using the RM-2 zone. The applicant has confirmed that this approach is agreeable.

The W-3 zone currently applies to the water surface where the marina previously existed. In addition to the marina use, the zone permits other commercial uses such as restaurant, café, marine pub and the sale and rental of boats and sporting equipment. A full list of permitted uses is included in the attached W-3 zone. Marina and related activities outlined in the current application can all occur within the existing lease area and W-3 zone. The subject application proposes to change zoning on the part of the property where the marina parking and public walkway is proposed to W-3.

Advisory Planning Commission:

The Advisory Planning Commission reviewed this application at its November 9, 2010 meeting. The Commission recommended unanimously that application 5-A-10RS be approved. Minutes from the meeting are attached for the Committee's information.

Government Agency Comments:

This application was referred to government agencies on October 14, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – *No works are to be on the Handy Road right of way or the extension into Mill Bay except for the new public wharf and boat launch.*
- Mill Bay Volunteer Fire Department – *No comments received.*
- Environmental Protection Division, Ministry of Environment – *See attached letter - approval required before zoning change can be granted.*
- Archaeology Branch, Ministry of Tourism, Culture and the Arts – *As noted in the referral, there is an archaeological site (#DdRv-14) recorded on the subject property. DdRv-14 is protected under the Heritage Conservation Act and must not be altered or damaged without a site alteration permit from the Archaeology Branch. Prior to development and prior to receiving a site alteration permit, the applicant will need to engage a qualified (i.e., eligible to hold a provincial heritage permit) consulting archaeologist to determine the steps in managing impacts to DdRv-14 or any other unrecorded archaeological sites on the property. I am attaching a notification letter which can be forwarded to the applicant.*
- Fisheries and Oceans Canada – *No comments received.*
- Cowichan Tribes – *No comments received.*
- Malahat First Nation – *No comments received.*
- Transport Canada – *Will require Navigable Waters Protection Act Approval (see attached letter).*
- Integrated Land Management Bureau – *No comments received.*
- Mill Bay Waterworks – *No comments received.*
- CVRD Engineering and Environmental Services Department – *The previous owners of these properties requested and received inclusion into the Sentinel Ridge Sewer System. They must however build the infrastructure to service these properties and contribute to the cost of the treatment and disposal system. The previous owners also requested sewer service for a "sani-station" for the boats. This may need to be addressed in this proposal.*

- CVRD Parks, Recreation and Culture Department – *Application referred to Area A Parks Commission – Comments pending.*
- CVRD Public Safety Department – *See attached memo*

Public Comments:

Two letters regarding the subject application were received and are attached to this report for the Committee's information.

Development Services Division Comments:

Land Use:

A previous application to rezone the subject property for residential use was denied by the CVRD Board in January, 2010. Although the reasons for the denial are not stated in the Board resolution, a staff report identifies concerns about the scale and density of the proposal and questions the appropriateness of residential infill at that location. It should be noted that the previous application proposed 28 units in two 10 metre high buildings. As the scale and density of the prior application was considerably greater than what is now proposed, these same concerns do not necessarily apply to the current application.

The proximity of the subject property to Mill Bay Centre and the fact that it is within the urban containment boundary and generally complies with the criteria for multi-family housing in Policy 7.6.4 suggests that multi-family residential use at the subject location may be appropriate. Although residential use does have a tendency to privatize the waterfront and discourage public access, the application has made a good effort to maintain and enhance the waterfront as a public space by dedicating a public pathway along the waterfront and by providing some uses at the marina such as a café that will draw the public to the site. It is also noteworthy that marinas are quasi-public facilities that are typically accessible to the public. The configuration of the proposed development clearly defines the residential, marina and public walkway components, both in terms of distinct ownerships and through design features such as grade transitions and landscaping. Planning staff believe the scale and design of the residential component of the project is compatible with surrounding land uses and the re-developed marina.

Marina Re-Construction:

Re-construction of the marina does not require re-zoning, as the water surface defined by the water lot lease is already zoned for a marina and associated uses. Although the marina re-development could proceed independently of the proposed townhouse development, the uses are linked insofar as the residential use is intended to finance re-construction of the marina. To ensure the marina reconstruction occurs, it is recommended that residential development not occur until the marina re-development is substantially complete. This could be secured through a covenant registered on the property prior to the zoning change.

Through the course of the application review, some adjustments to the W-3 zoning for the marina have been suggested. The intention of these adjustments is to achieve a form and scale of marina redevelopment that is compatible with the Mill Bay community and the residential development proposed for the upland property. Suggested changes include precluding boat shelters and live-aboards within the marina and requiring development permits for commercial buildings in the marina.

As the Mill Bay Marina water lot is the only water surface in Area A that is zoned W-3, these changes can be made without impacting other properties or water lot leases.

Traffic:

The applicants commissioned a Traffic Impact Assessment report from the Boulevard Transportation Group. The report concludes that the Handy Road/Mill Bay Road intersection operates at a “good” level under existing conditions at the peak pm hour. Post development, the levels of service remain unchanged, with the exception of the east bound movement which drops from level of service “B” to “C”. The following recommendations are included in the report:

- Widen Handy Road to MoT’s local road standard.
- Remove trees and vegetation at Mill bay Road/Handy Road to improve sight lines.
- Install a W-6 (Concealed Road) sign south of Handy Road on Mill Bay Road.

The extent of works and road improvements required will be determined by the Ministry of Transportation prior to subdivision and development of the site. The Traffic Impact Assessment Report is not attached to this report but is available through the Planning and Development Department.

Amenity Commitments:

Community amenities proposed with this application include reconstruction of the public boat launch and dedication and construction of a public walkway. In order to secure these commitments, staff recommends that a covenant be registered on the subject land prior to bylaw adoption. The covenant would essentially preclude development of the townhouses until the amenities are completed or until an acceptable form of security (e.g. irrevocable letter of credit) has been provided. The covenant should be drafted prior to public hearing to ensure the amenity contribution is clearly defined.

Draft Amendment Bylaws:

Draft amendment bylaws for the subject application are attached to this report. The draft bylaws are based on the proposal as presented.

Summary:

Re-construction of the marina and boat launch are long overdue and would benefit the local boating community as well as rectify what is currently an eye sore and potential hazard to the health of the Saanich Inlet. A redeveloped Marina would encourage public access to the Mill Bay waterfront, as will the proposed public walkway.

The housing proposed with this application is consistent with the Official Community Plan and is of a scale and density that is compatible with Mill Bay Village. Although the housing is not targeted at low income occupants, it is proposed to be designed and built to a high standard that will complement the existing community and the marina. Should the rezoning request be granted the subsequent development permit process will allow for review and further refinement of the townhouse site.

There are some outstanding issues that will need to be resolved before the proposed development can proceed. These include obtaining Ministry of Environment approval for site remediation, approval from the Archaeology Branch for a site alteration permit and approvals for servicing the proposed development. The Ministry of Environment approval will be required prior to any zoning change, but the other issues can be addressed in subsequent approval processes.

Options:

Option A:

1. That draft amendment bylaws for Rezoning and OCP Amendment Application 5-A-10RS (Mill Bay Marina Inc.) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Mill Bay Volunteer Fire Department; Ministry of Environment, the Archaeology Branch of the Ministry of Tourism, Culture and the Arts, Fisheries and Oceans Canada, Cowichan Tribes, Malahat First Nation, Transport Canada, the Integrated Land Management Bureau and Mill Bay Waterworks be accepted.
3. That a public hearing be scheduled with Directors Harrison, Cossey and Dorey appointed as Board delegates.

Option B:

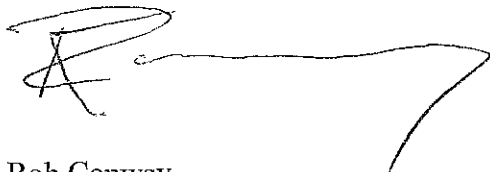
That Rezoning and OCP Amendment Application 5-A-10RS (Mill Bay Marina Inc.) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input.

Option C:

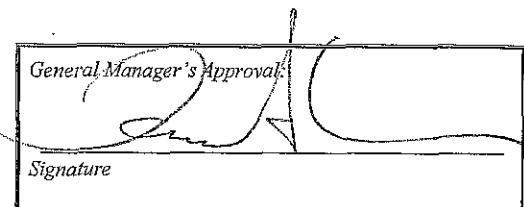
That Rezoning and OCP Amendment Application 5-A-10RS (Mill Bay Marina Inc.) be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

Option A is recommended.

Submitted by,



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



RC/ca



Cowichan
Valley
Regional
District

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

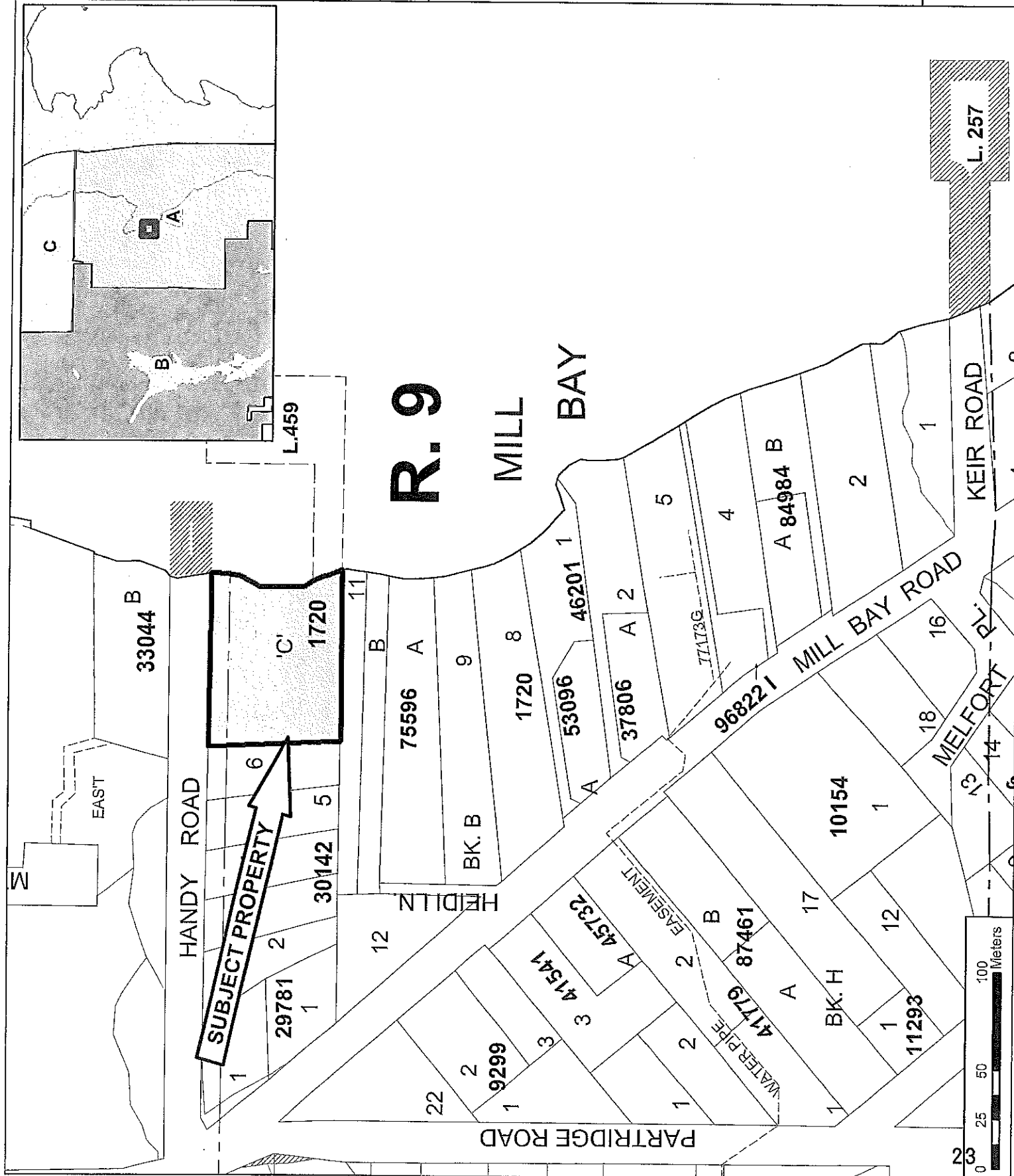
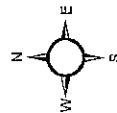
The Regional District does not
warrant the accuracy.

All persons making use of this
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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: 5-A-10-RS

Legend
 Subject Property





Cowichan
Valley
Regional
District

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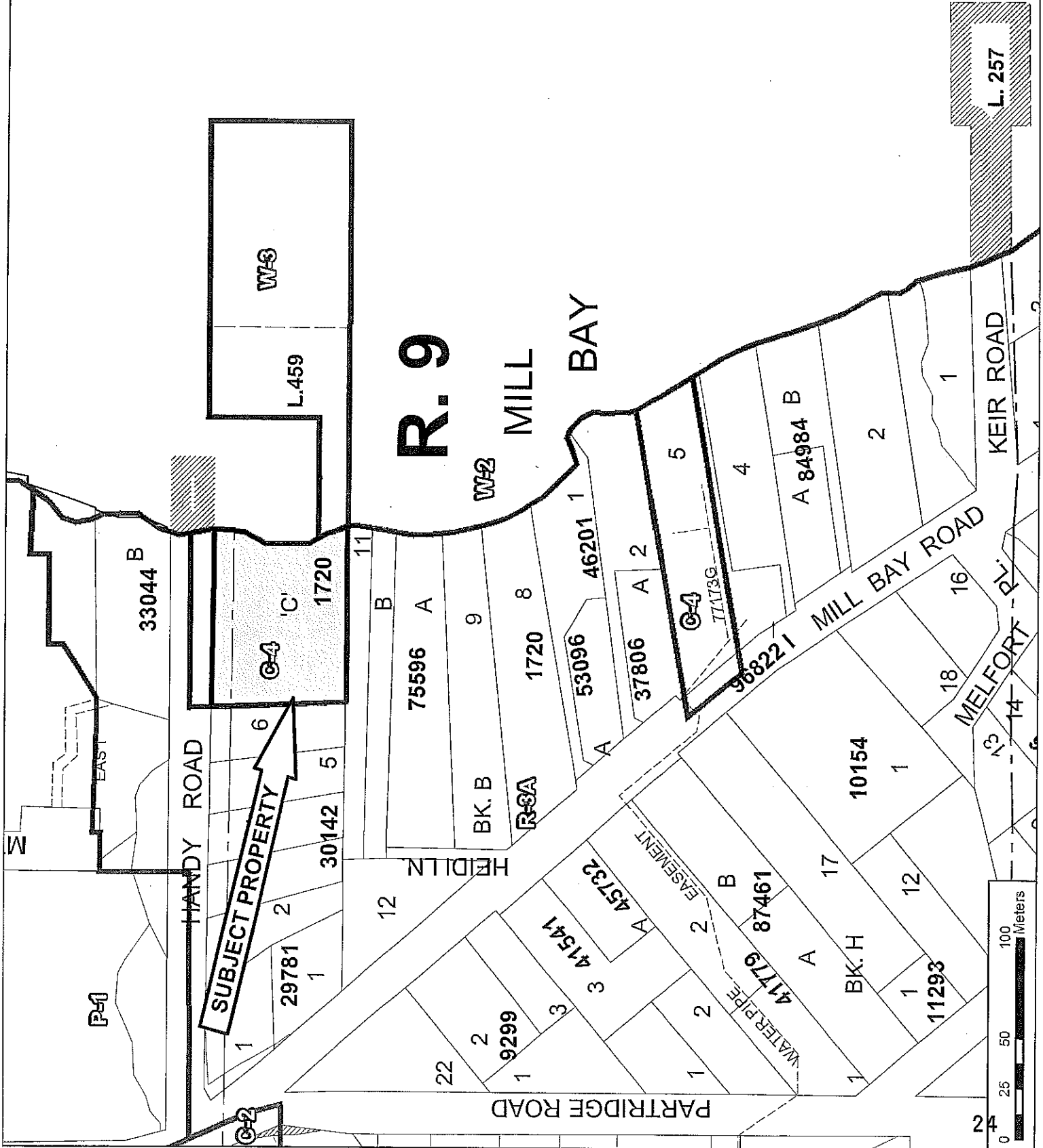
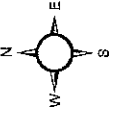
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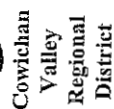
ZONING

Legend



Subject Property
Zoning Electoral Area A





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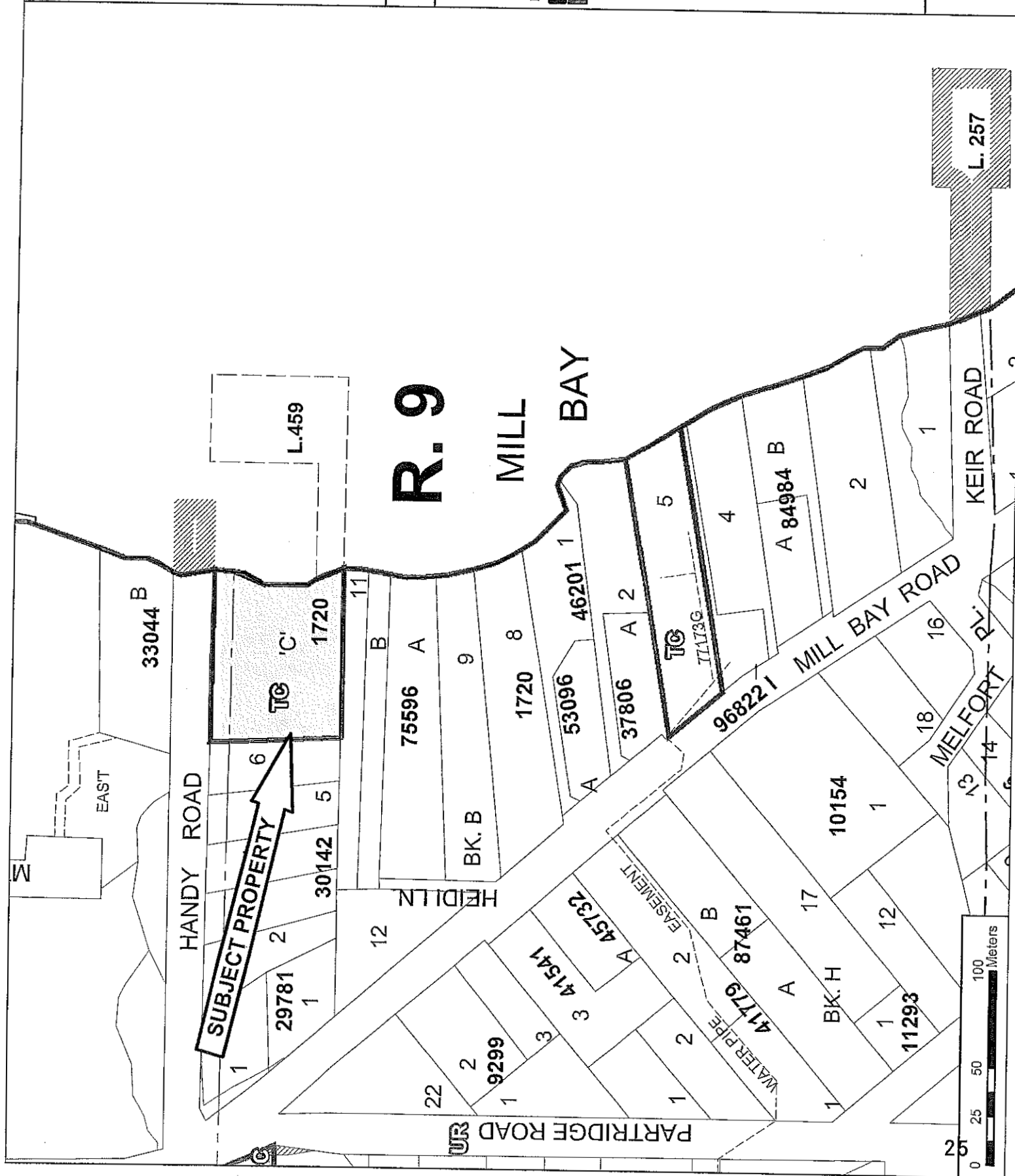
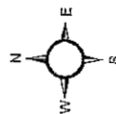
FILE: 5-A-10-RS

DO

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Subject Property
OCP Electoral Area





Cowichan
Valley
Regional
District

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reference purposes only.

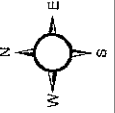
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FILE: 5-A-10-RS

Orthophoto
(2002)



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EXISTING W-2 ZONE

EXTENT OF EXISTING FORESHORE LEASE (ZONED W3)

BOAT LAUNCH RAMP (CVRD PARK)

EXISTING FORESHORE LEASE (ZONED W3)

PROPOSED 94 SLIP MARINA

PROPOSED BOARDWALK SITE (RE-ZONED TO W3)

EXISTING W-2 ZONE

MARINA SITE PLAN
1 : 400M

TOWNHOME SITE PLAN
1 : 400M

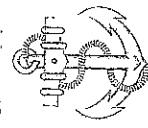
MILL BAY MARINA AND SHORELINE TOWNHOMES

PROPOSED RESIDENTIAL AND MARINA DEVELOPMENT - RE-ZONING

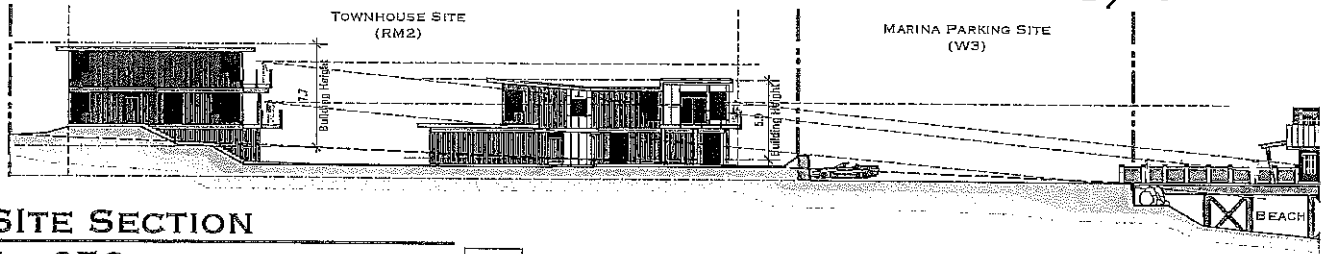
A2

2010.11.05

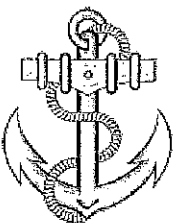
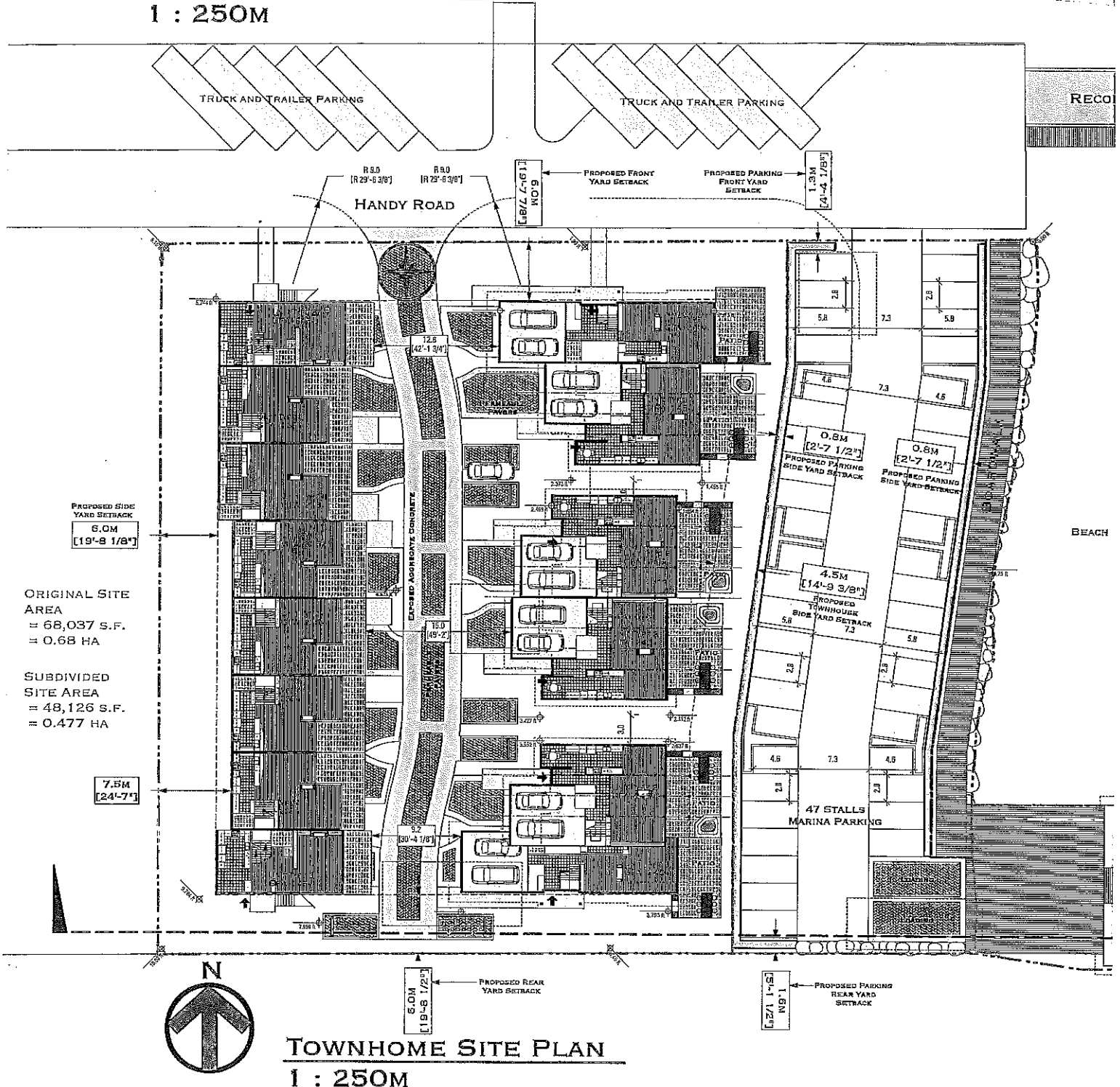
Joe Novak Architects Inc.
111 West Street, Suite 100, West York, ON M2H 3B5
Tel: (416) 333-1100
Fax: (416) 333-1101
www.jnovak.com



Nov 12/10

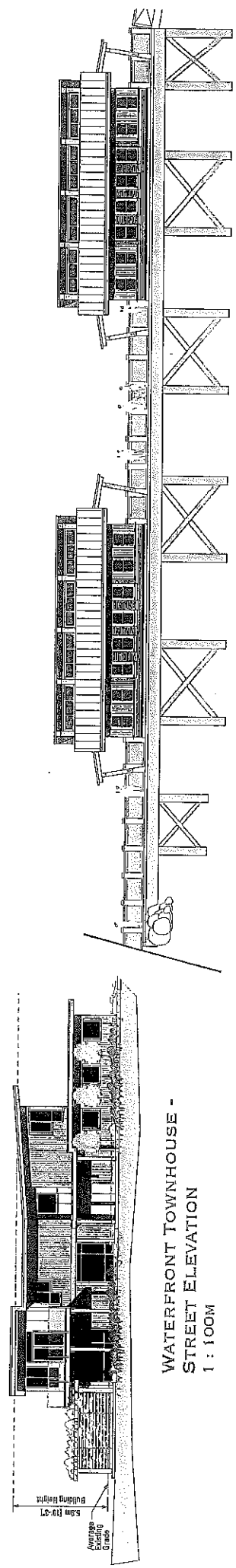
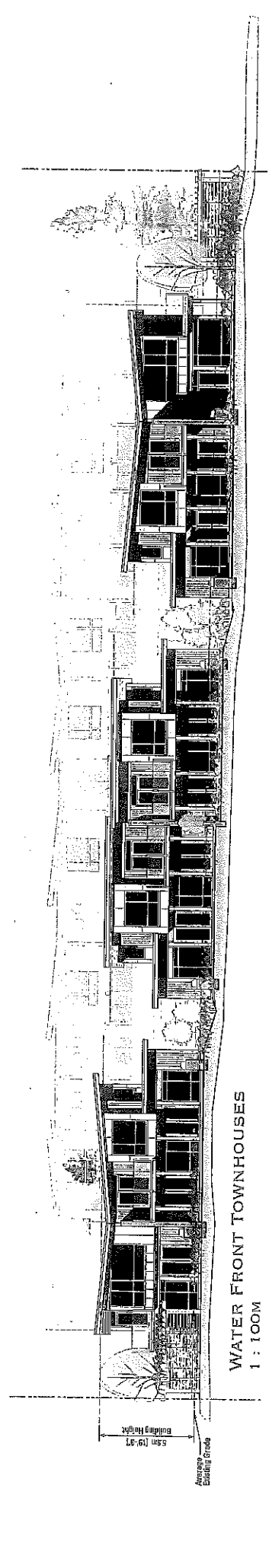
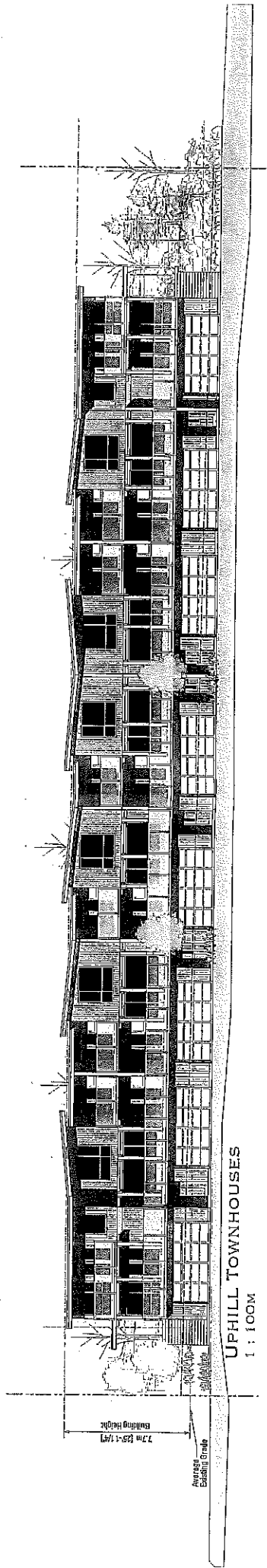


SITE SECTION
1 : 250M



MILL BAY MARINA AND SHORELINE

PROPOSED RESIDENTIAL AND MARINA DEVELOPMENT - RE-ZONING



MARINA BUILDINGS
1 : 100M

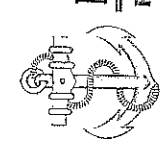
MILL BAY MARINA AND SHORELINE TOWNHOMES

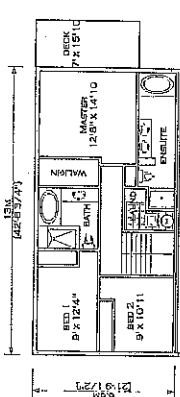
PROPOSED RESIDENTIAL AND MARINA DEVELOPMENT - RE-ZONING

A4

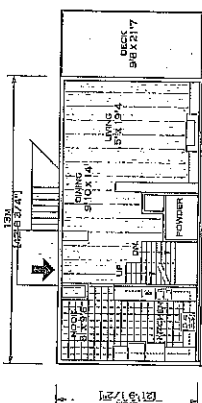
2010.11.05

Joe Newell Architect Inc
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Fax: 905.709.8845
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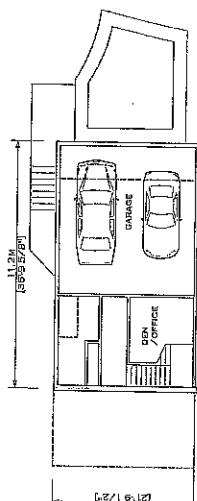




3RD FLOOR

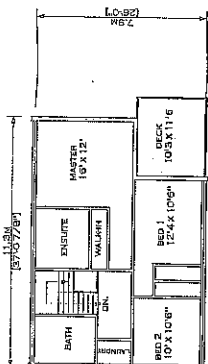


2ND FLOOR

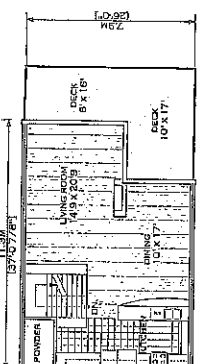


GROUND FLOOR

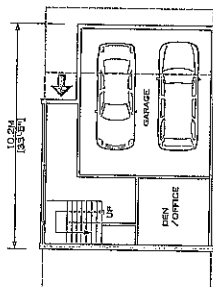
3 STOREY END UNIT
1 : 100M



3RD FLOOR

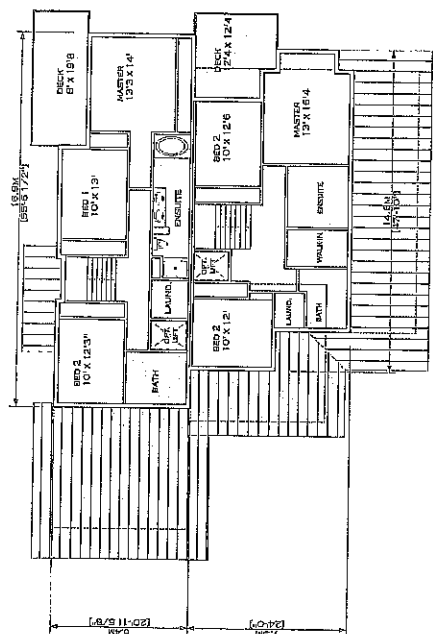


2ND FLOOR

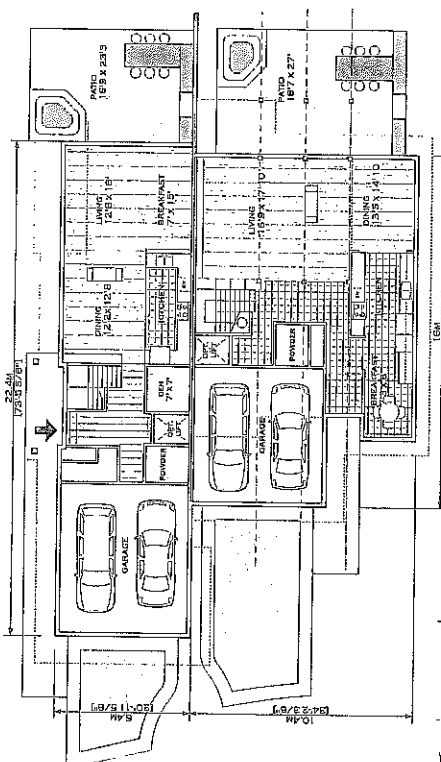


GROUND FLOOR

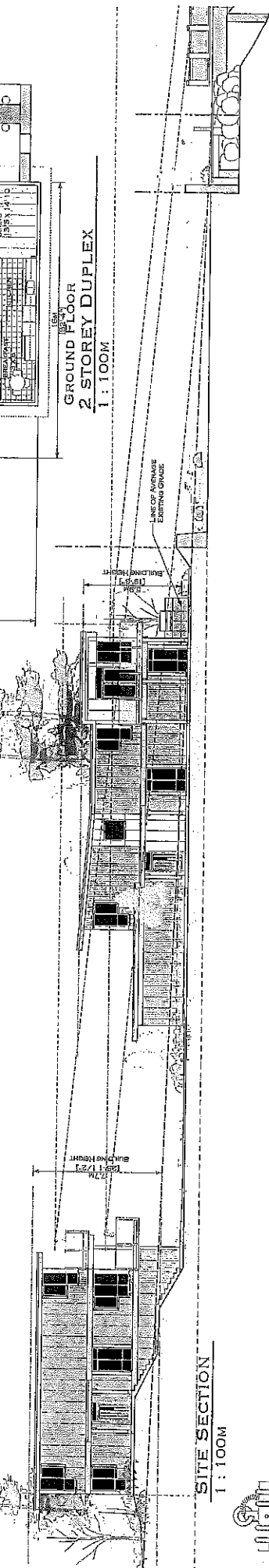
3 STOREY MIDDLE UNIT
1 : 100M



2ND FLOOR



GROUND FLOOR
2 STOREY DUPLEX
1 : 100M



SITE SECTION
1 : 100M

MILL BAY MARINA BISTRO AND SHORELINE TOWNHOUSES A5

PROPOSED RESIDENTIAL AND MARINA DEVELOPMENT - RE-ZONING

2010.07.15

JOB NEWELL ARCHITECT INC
1000 Highway 100
North Bay, Ontario
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Tel: (705) 641-1111
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2010.07.26

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

RECEIVED
JUL 27 2010

Attention: Rob Conway

RE: Mill Bay Marina Rezoning Application

We have prepared a set of drawings including site plans, floor plans, site sections and conceptual elevations as well as a cover sheet detailing the zoning data to describe the proposal to redevelop the Mill Bay Marina site including both the water lot and the land lot on which the current marina and associated uses are located.

Intent

The existing land lot is zoned C4 and contains uses associated with the existing marina including boat servicing, repair and storage space, storage yard for miscellaneous material that has collected over the years through the operation of the Marina, an existing residential dwelling and associated out buildings and a number of recreational vehicles that have been semi permanently parked on the site and are being used as dwellings.

The existing water lot is currently zoned W3. It contains the marina slips and floating docks as well as a marina store on a wood promenade and a wooden bridge on piles to access the store and docks from the shore. It should be pointed out that we are assuming the area defined as W3 on the CVRD zoning map was intended to follow the legal lot lines of the water lot, but that due to the scale of the map and possibly the tools used to draft the lots, the accuracy of the lot outlines is not as accurate as the legal surveys of the lots prepared by a BCLS. I note that because, as you can see on the Site plan, the lines indicating the different zones making up the land and water lots, do not completely coincide with the legal lot lines of those lots.

There is a third zoning designation, W2, which applies to the water and the beach surrounding the W3 zone of the marina.

In conjunction with this rezoning application, the Owner intends to subdivide the Land Lot into three components that will contain a townhouse site, parking for the marina, and a public board-walk along the shore line which will be dedicated as park to the CVRD.

The intent of the rezoning application is to:

- A. Rezone the subdivided land lot containing townhouses to the RM-2 Zone (Multi Family Residential – Medium Density) to allow 14 townhouses to be constructed.
- B. Rezone the subdivided land lots containing the marina parking and the boardwalk to W3 – Water Marina.
- C. Extend the area of the water lot that is zoned W3 to include the full extents of the marina shown on the site plan, including the beach up to the boardwalk site on the land.

/...2

Townhouse Site

The townhouse site will be zoned RM-2 and will contain 14 townhouses. The intention is to help leverage the financing of the marina portion of the redevelopment with the funds generated through the sale of the townhouses.

The area of the site after subdivision will be 4,490.4 square meters, which using the permitted density of the RM-2 zone would permit 15 units to be built. The coverage of the proposed buildings will total 34.5% compared to the permitted coverage of 40%.

Building height will be well within the 10 meter maximum permitted under the RM-2 zone. The highest portion of buildings arrayed along the West side of the site will be 7.65 meters.

Setbacks will be within the setbacks permitted, with the exception of the South (rear) yard setback, which we propose be reduced from 7.5 meters to 4.5 meters. Measures to be taken to mitigate this reduction include minimizing windows in the townhouse end walls to avoid privacy concerns with the neighbouring single family dwelling, as well as introducing denser and taller landscaping to further screen the two lots from each other. Finally a solid cedar fence will be constructed along the property line to ensure access and views are controlled.

Parking for the townhouse site is being provided at a rate of 2 spaces per dwelling unit (contained in garages) as well as an additional 6 visitor spaces. The CVRD parking bylaw requires 2 stalls per duplex and 1.5 stalls per townhouse, which for this site would equate to 24 stalls compared to the 33 that we are providing.

The suites are arranged as three 2 storey duplex buildings along the side closest to the water and a row of three storey townhouses along the uphill side, opposite. The arrangement will permit views from all units out to the water and to the points of land beyond. The conceptual design of the townhouses and duplexes is indicated on the conceptual elevations and is a contemporary design with plenty of glazing facing the views and a mixture of low slope and flat roof planes in an effort to ensure there are ample views over and around the buildings from behind. Materials will be a mix of local select cedar materials, custom wood doors, durable sheet metal accents and heavy timber post and beam construction. All of the suites will feature ample out door living space both hard surfaced and in the case of the duplexes, extensively landscaped.

It is the intention of the developer to incorporate water saving and re-use features in the development of the site and buildings. Permeable paving and storm water control swales will be used in combination with underground tanks and roof rainwater catchment systems to harvest and store rain water for re-use in the landscape irrigation system. Landscaping will be designed for drought tolerance through the use of native species, carefully placed to take advantage of the different environments offered by the site.

Parking Site

The parking for the Marina will be located on the subdivided strip of land that currently functions as a parking area for the boat yard and marina. The lot will be zoned W3 to permit it use as parking for the marina. The lot is 1,507.5 square meters in area.

The parking provided will equate to 1 parking stall per 2 slips in the 100 slip proposed marina. The parking will be dropped somewhat from its current level to aid in protecting the views from the townhouse site. The townhouse side of the parking site will be retained with a stone or concrete retaining wall with landscaping behind it on the townhouse side.

/...3

The parking area will be set back from the property lines of the parking site by 1.3 meters for the front yard, 1.8 meters for the rear yard and 0.8 meters for both side yards.

Boardwalk Site

The board-walk site will be subdivided and zoned W3. This zone permits a park use (as do all the CVRD zones) and the land will be dedicated to park use with the construction of a board-walk above the high water mark. The intention is to have a boulder stack or concrete wall separating the parking area from the board-walk and to landscape this area so that boardwalk users are screened from the parking area. In addition the boardwalk will likely be designed to allow access to the beach, so that users can continue to walk along the waterfront in front of areas that do not have a public path.

The boardwalk site is 323.4 square meters in area and will be approximately 4.1 meters wide, throughout its length. The exact design of the boardwalk is not yet finalized.

Marina Site

The Marina site will be located over the water lot currently zoned W3 with portions still zoned W2. The intention is to zone all of the water surface over or on which the marina structures are situated, to W3. This will include the portion of the beach situated between the land lots and the water lots, and which is currently zoned W2. It also includes a strip of water surface and beach that extends off of the end of Handy Road and which the marina will extend into.

The developer is proposing to upgrade the existing public boat launch ramp by making the existing ramp steeper and dredging the surrounding sea bed to make depth for boat launching. The ramp is currently zoned W2 and is designated as a CVRD park. This designation and zoning will not change.

The structures making up the Marina include a raised promenade on a concrete sub structure, a 100 slip marina for temporary and extended storage of boats ranging from 20 feet to 50 feet in length. The floating slip area will also contain a fueling station and a sani-station for boats. The promenade will support a single building containing a marina store, beer and wine store, a bistro / pub with licensed indoor and outdoor seating area, washrooms and change rooms for bistro patrons as well as for boat owners using the marina for a temporary stop, and a marina administration office. Parking for the bistro / pub will be located on the promenade and a large outdoor public gathering space will occupy the promenade at the end of the parking. This last is intended as a space for an outdoor market or sales booths (such as is found at the BC Ferries terminal in Sidney)

The design of the building and promenade is expected to develop as we proceed into the Development Permit. For now a conceptual layout has been established to show how everything will fit onto the water lot. The areas shown for the bistro / pub, change room, office and shop building are sufficient for a facility of this size. The conceptual elevation of the bistro / pub is intended to indicate the proposed direction the architecture of the building will take. It follows on the theme and material choices of the townhouses but with a more commercial air to it.

The design of the promenade and the marina slips, ramps etc will be the work of a marine engineer and will continue to evolve as the design progresses.

2010.07.23
Mill Bay Marina
Mill Bay, BC
Re: Rezoning Application
Page 4

There will be a floating breakwater structure, which will be located close to, but not entirely within, the W3 zoned lot that the Marina will be located in. This breakwater is shown in concept only at this stage and will, like the promenade and marina structures, be further developed with the input of a marine engineer. The breakwater is permitted in the W2 zone.

Summary

I trust that the above description is sufficient for the processing of the rezoning application. The owner of the site is committed to seeking subdivision of the land lot along the lines indicated herein and on the accompanying plans. In addition, they have indicated their commitment to preserving and enhancing the public amenities currently available on or near the site through the repair / reconfiguration of the boat launch, construction of the boardwalk and designation of that as a public park, and through the designation of the promenade open areas as publicly accessible amenities.

In addition, they are committed to developing the entire project using recognized sustainable building practices that would include, water conservation, energy conservation, raw resource conservation and maintenance and enhancement of a clean indoor and outdoor environment.

If there is anything further, that you would like to see added to this application, or if you have any questions regarding any of the information provided, please don't hesitate to call me at 250 382 4240.

Yours sincerely,

Joe Newell Architect Inc



Joe Newell, MAIBC

CC: Cam Pringle, Dave Slang – Cadillac Homes



THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING ☒

DEVELOPMENT PERMIT ☐

Uses Proposed:

☐ Single Family Residential

☐ Industrial

☒ Multi Family

☐ Institutional

☐ Commercial

☐ Agricultural

☐ Other _____

Environmental Protection and Enhancement					
Please explain how the development protects and/or enhances the natural environment. For example does your development:					
		YES	NO	N/A	EXPLANATION
1.	Conserve, restore, or improve natural habitat?	Yes <input checked="" type="checkbox"/>			Foreshore will be cleaned up through removal of debris from earlier marina
2.	Remove invasive species?	Yes <input checked="" type="checkbox"/>			Existing Blackberries, Broom, English Ivy, Daphne Laurel to be cleared and disposed of
3.	Impact an ecologically sensitive site?		No		Site is previously brownfield or otherwise in use as a combined semi industrial / residential site
4.	Provide conservation measures for sensitive lands beyond those mandated by legislation?		No		Site is surrounded on three sides by Single family residential, 4th side is ocean which requires conservation / protection measures mandated by DFO.
5.	Cluster the housing to save remaining land from development and disturbance?			N/A	Lot is relatively small, density of housing is
6.	Protect groundwater from contamination?	Yes <input checked="" type="checkbox"/>			Protected through the use of oil catchment devices and retention of stormwater run off.

Please explain how the development contributes to the more efficient use of land. For example does your development:					
		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	Yes <input checked="" type="checkbox"/>			Site is under developed though not vacant. Development will utilize under-utilized areas of the site. <input checked="" type="checkbox"/>
8.	Utilize pre-existing roads and services?	Yes <input checked="" type="checkbox"/>			Existing Handy Road provides access. Existing services except sewer (new) will be utilized <input checked="" type="checkbox"/>
9.	Revitalize a previously contaminated area?	Yes <input checked="" type="checkbox"/>			Site contains small areas of contamination due to boat yard use. Remediation will be undertaken <input checked="" type="checkbox"/>
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?	Yes <input checked="" type="checkbox"/>			Passive solar and natural ventilation will be incorporated into townhouses to reduce energy usage
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?		No		

Please explain how the development facilitates good environmentally friendly practices. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?	Yes <input checked="" type="checkbox"/>			Possibly
13.	Provide an area for a community garden?		No		Instead site will be extensively landscaped with native and low water / drought tolerant plant species.
14.	Involve innovative ways to reduce waste, and protect air quality?	Yes <input checked="" type="checkbox"/>			Finishes and products will be chosen for their low VOC and off gassing qualities. Durability of finishes and products will be a deciding factor in their use, to reduce the frequency of replacement. Recycled and recyclable products will be used as available and practical
15.	Include a car free zone?		No		
16.	Include a car share program?	Yes <input checked="" type="checkbox"/>			Possibly. This depends on discussion with future purchasers

Please explain how the development contributes to the more efficient use of water. For example does your development:					
		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	Yes <input checked="" type="checkbox"/>			Plant species shall be native species acclimatized to the area and able to withstand drought and low water conditions
18.	Recycle water and wastewater?	Yes <input checked="" type="checkbox"/>			Rain water catchment and re-use is being contemplated

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	Yes +			Use of permeable paving and catchment system to reduce / retain stormwater until after the event. Possible use of rainwater for irrigation.
20.	Utilize natural systems for sewage disposal and rain water?	Yes +			For rainwater, permeable paving / bioswales etc.
21.	Use energy saving appliances?	Yes +			All appliances shall be Energystar where possible.

Please explain how the development protects a 'dark sky' aesthetic by limiting light pollution and light trespass from outdoor lighting. For example does your development:

		YES	NO	N/A	EXPLANATION
22.	Include <u>only</u> "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are retained on the site?	Yes +			All exterior lights will be shielded downlighters. No high intensity lighting to avoid glare and deep shadow

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?	Yes +			Possibility of adhering to the requirements of a specific program (LEED Canada for Homes) but not with the intention of becoming certified.
24.	Reduce construction waste?	Yes +			Waste stream diversion through recycling, framing layout plans etc
25.	Utilize recycled materials?	Yes +			Where possible, construction materials shall incorporate recycled content
26.	Utilize on-site materials/ reduce trucking?			N/A	No existing resources on site - except for one large tree to be removed and possibly processed into lumber
27.	Avoid contamination?	Yes +			Construction activities shall be monitored to avoid contamination.
28.	Please outline any other environmental protection and enhancement features.				

Community Character and Design

Does the development proposal provide for a more "complete community" within a designated Village Centre? For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?	Yes +			Addition of alternate housing type in a single family dwelling zone. Inclusion of restaurant pub / marina use in close proximity to residential
2.	Provide services, or an amenity in close proximity to a residential area?	Yes +			provision of pub / bistro/ marina in close proximity to residential neighbourhood

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?	Yes +			Housing is in close proximity to aforementioned marina / marine pub / bistro. Also within 5 minute walk of Mill Bay Plaza, with grocery, banking, pharmacy etc. 10 minutes walk from the commercial area across the TC highway. Proximity to Brentwood Bay College (educational facility)
Please explain how the development increases the mix of housing types and options in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?	Yes +			Townhouse provided and within that - two distinct unit types that address different lifestyles, household types.
5.	Include rental housing?		No		
6.	Include seniors housing?	Yes +			Townhouses can function as seniors housing in as much as aging in place is possible
7.	Include cooperative housing?		No		
Please explain how the development addresses the need for affordable housing in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?		No		Housing is intended to help support the development of the marina.
Please explain how the development makes for a safe place to live. For example does your development:					
		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?	Yes +			Fire protection sprinklers are to be incorporated into the townhouses.
10.	Help prevent crime through appropriate site design?	Yes +			CPTED principles will be applied.
11.	Slow traffic through the design of the road?	Yes +			Road is designed with textured paving and curves to reduce traffic speed within the site.
Please explain how the development facilitates and promotes pedestrian movement. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?	Yes +			Boardwalk is being provided on the waterside of the site. Promenade and boat ramp will have strong connection to housing project as well as the greater community and all of these spaces will be publicly accessible.
13.	Promote, or improve trails and pedestrian amenities?	Yes +			Boardwalk being provided

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)	Yes +			Site is in close proximity (200m) to grocery, pharmacy, banking. 500m of one school and 1km to another school.

Please explain how the development facilitates community social interaction and promotes community values. For example does your development:

		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)	Yes +			Promenade will act as a community public gathering space. One of the ideas expressed for the use of this area was as a periodic market place similar to the Swartz Bay BC Ferry Terminal in Sidney.
16.	Use colour and public art to add vibrancy and promote community values?	Yes +			Residential and commercial buildings will be vibrant and colourful.
17.	Preserve heritage features?		No		Monitoring of the designated archaeological site along the foreshore will be undertaken but initial investigations indicate that previous disturbances have left little of any heritage significance
18.	Please outline any other community character and design features.				

Economic Development

Please explain how the development strengthens the local economy. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?	Yes +			Pub / Bistro and marina will provide permanent local employment opportunities.
2.	Promote diversification of the local economy via business type and size appropriate for the area?	Yes +			Pub / bistro is a new business type in the community. In addition the marina is existing but is in die straits and the revitalization of this facility is important to the community.
3.	Increase community opportunities for training, education, entertainment, or recreation?	Yes +			Marina provides opportunities for recreation.
4.	Positively impact the local economy? How?	Yes +			Revitalization of the marina will bring boaters to the area and its proximity to shops and facilities in Mill Bay will provide economic stimulus. Also additional housing brings with it additional consumers utilizing local services
5.	Improve opportunities for new and existing businesses?	Yes +			Marina services such as fuel, septic, beer and wine store and the marina store will be available to local operators. Promenade will provide marketing opportunities for local businesses, crafts people to display their wares.
6.	Please outline any other economic development features.				

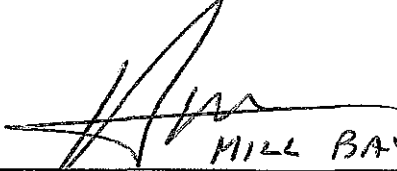
Other sustainable features?

Townhouses are to be constructed utilizing as many sustainable features as possible within the given budget. Durable materials - heavy timber, metal roofs, cedar cladding, concrete - will be used to extend the serviceable life of the structures and their components. Energy efficient fixtures, appliances and equipment will be specified. Highly efficient air source heat pump units will provide heating and cooling in conjunction with passive systems utilizing natural air movement and solar gain. Water conservation measures will be incorporated - low water fixtures (showers, toilets, faucets, irrigation systems, drought tolerant native plants, rainwater harvesting where practical).

Local materials and products will be used wherever possible. LEED defines local as anything extracted and manufactured up to 800km by road and 1200km by rail from the project site.

Low Emissions products and finishes will be utilized in all of the buildings to promote indoor air quality and the health of the occupants.

Disclaimer: Please note that staff are relying on the information provided by the applicant to complete the sustainability checklist analysis. The CVRD does not guarantee that development will occur in this manner.


MILL BAY MARINA INC.

Signature of Owner

Signature of Agent

Date JULY 15 2010

Date

Area A Advisory Planning Commission Minutes

9 November 2010 at 6:30 PM

Mill Bay Fire Hall

Present: David Gall, Deryk Norton, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Dola Boas, Brian Harrison (Director, Area A) and Rob Conway (MCIP, Manager, Development Services Division, CVRD)

Regrets: June Laraman, Geoff Johnson, Roger Burgess (Alternate Director, Area A)

Audience: 13 public representatives

Meeting called to order at 6:40 pm.

Previous minutes:

~~It was moved and seconded the minutes of 12 October 2010 meeting be adopted.~~

MOTION CARRIED

New Business:

Drader Application 2-A-10RS (*Rezoning Malahat Mountain Meadows RV Campground*)

Purpose: To rezone the northern portion of the subject property from R-1 (Rural residential) to C-4 (Tourist Commercial) in order to create one continuous zone (C-4).

Neil Drader, the applicant answered questions from APC members.

- Water is from a deep well and septic are both on-site
- RV storage was on the site when he purchased the property
- Oil pans will be used under stored vehicles

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Drader Application 2-A-10RS** be approved.

Pringle Application 5-A-10RS (*Rezoning application Mill Bay Marina*)

(Margo Johnston recused herself from the meeting at this point as the rezoning application under discussion is within close proximity to her property. The meeting continued with Dola Boas acting as secretary.)

Purpose:

The applicants have requested a zoning amendment to expand and re-develop the Mill Bay Marina and develop fourteen townhouses units on the upland property.

Cam Pringle, applicant MB Marina Residences Ltd, was present and provided further information and answered questions from APC members.

- Working on upgrading the public boat launch with CVRD
- Bistro café not beer and wine store location changed to the other side of the property
- Floating breakwater is within foreshore lease
- Development has approval of First Nations
- Park/Walkway will be given to the CVRD

- Sewage up Handy Road to Sentinel Ridge via Mill Bay or Partridge Road
- Issues brought forward were nearly all addressed in proposal
- CVRD needs to ensure developer completes project according to plan

APC Recommendations:

The applicant agreed that boathouses should not be permitted in the W3 zone.

The Area A APC unanimously recommends to the CVRD **Pringle Application 5-A-10RS** be approved.

Mill Springs Phase 11 Application 2-A-10DP

Purpose:

To obtain a development permit for Phase 11.

Gerald Hartwig, applicant Aecom Canada Ltd., was present and provided further information. The APC members directed questions to Rob Conway and the applicant.

- Strata development with lot averaging, lots are smaller than zoning permits in this phase. Earlier phases this was not as critical for CVRD to monitor as it is now with 200 lots available.
- CVRD staff recommending no further Mill Springs phases be considered until an approved layout for the remainder of the site is provided.
- Extending Deloume Road north only an option if Ministry of Transportation approves. CVRD staff will be contacting MoT.
- Alget Road is close to the boundary of Phase 11 and could provide an access for this phase, a suggestion, which Gerald Hartwig agreed might be acceptable
- Run off water goes to on-site holding ponds.
- Additional park dedication added at each phase. Parkland affects number of lots
- Now well water not used by Mill Springs is given to Mill Bay Waterworks District. There is enough water for full build out.
- The CVRD has agreed to hold discussions to take over the sewer system- there will be public consultation negotiations between the developer and CVRD. Phase 19 is on septic field – so might not be a Phase 19, it is part of discussion. This would also affect the lot averaging. The intention is for 394 lots.

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Mill Springs Phase 11 Application 2-A-10DP** be approved.

Area A Director Update:

- Discuss with Bob Webb, Operations Manager, MoT regarding safety concerns for TransCanada Highway thru Mill Bay and pedestrian walkways, etc.
- Bamberton – report not complete
- Limona – submitting a new Development Permit
- Handy/Mill Bay Road property rezoning to allow duplex – CVRD meeting 10 November 2010
- Meredith Road - Parks funds available
- SCOC draft within next month or so

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 8:15 pm.



Date: **NOV 03 2010**

Victoria File: 26250-20/12284
SITE 12284

VIA FAX ONLY: 250-733-9884 and 250-746-2513

Mill Bay Marina Inc.
PO Box 38
Mill Bay, BC V0R 2P1
Attention: David Slang

Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8
Attention: Rob Conway

Dear Mr. Slang and Mr. Conway:

Re: **Site Profile Submission – Zoning Application**
740 Handy Road, Mill Bay
PID: 001-027-433

According to our records, there is an outstanding requirement for a preliminary site investigation for the subject site as outlined in our site profile decision letter dated May 18, 2010. Pursuant to the *Local Government Act* (section 946.2) or the *Land Title Act* (section 85.1) in the case of subdivision, this decision will suspend approval of the zoning application or future applications for the site as identified in section 40 of the *Environmental Management Act* (Act), until¹:

- the proponent has applied for, and obtained one of the following instruments, as applicable: a determination that the site is not a contaminated site, a Voluntary Remediation Agreement, an Approval in Principle of a remediation plan or a certificate confirming the satisfactory remediation of the site. A copy of the instrument must be provided to the approving authority; or
- the approving authority has received notice from the ministry that it may approve a specific application because either a) in the opinion of the Director, the site would not present a significant threat or risk if the specific application were approved or b) the Director has received and accepted a notice of independent remediation with respect to the site.

¹ Except where the municipality or approving officer has opted out of the site profile process as per section 4(4) of the Contaminated Sites Regulation.

- 2 -

For more information regarding the freeze and release provisions of the site profile process, refer to Fact Sheet 37, "Site Profile Freeze and Release Provisions" and Administrative Guidance 6, "Site Profile Decisions and Requesting Release Where Local Government Approvals are Required".

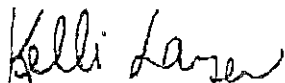
Please also be advised of the following:

- The ministry recommends that the proponent review all aspects of the government's contaminated sites legislation and supporting guideline documents and protocols to ensure that all required information is collected and documented during investigation and where necessary, remediation of the site;
- Those persons undertaking site investigations and remediation at contaminated sites in British Columbia are required to do so in accordance with the requirements of the Act and its regulations. The ministry considers these persons responsible for identifying and addressing any human health or environmental impacts associated with the contamination.
- ~~In cases of site demolition, we recommend that a survey of building materials and equipment be undertaken to identify any materials that require special management;~~
- Fees are applicable for the ministry's contaminated sites services, pursuant to section 9 of the Contaminated Sites Regulation. Information on the government's contaminated sites legislation and supporting guideline documents and protocols as well as a Contaminated Sites Services Application Form can be obtained from the ministry's Land Remediation web page located at: <http://www.env.gov.bc.ca/epd/remediation/>;
- Under the authority of the Act, all applications eligible under Protocol 6 shall be submitted by an Approved Professional via the Contaminated Sites Approved Professional Society. For further clarification of application eligibility please see Protocol 6, "Eligibility of Applications for Review by Approved Professionals"; and
- Penalties for noncompliance with the contaminated sites requirements of the Act and Regulation are provided in section 120(17) of the Act.

Decisions of a Director may be appealed under part 8 of the Act.

Please contact the undersigned at 604-582-5246 if you have any questions about this letter.

Sincerely,



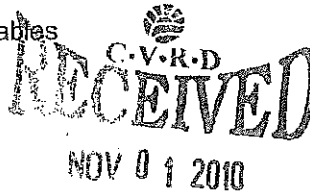
Kelli Larsen
for Director, *Environmental Management Act*

kl/



Transport Canada Transports Canada

Navigable Waters Protection Program
Programme de protection des eaux navigables
Suite 820, 800 Burrard Street
Vancouver, B.C. V6Z 2J8



Your File Votre référence
5-A-10-10RS

Our File Notre référence
8200-2005-500936 (T1531.2)

October 26, 2010

Mill Bay Marina Inc.
740 Handy Road
P.O. Box 231
Mill Bay, BC V0R2P0
Attn: Cam Pringle

Re.: Application under the *Navigable Waters Protection Act* by MB Marina Residences Ltd. for Approval of expansion of the existing Marina located in Mill Bay, in the Province of British Columbia

Dear Mr. Pringle;

We have received a referral from Cowichan Valley Regional District regarding your proposal to expand and redevelop the existing Mill Bay Marina. Please be informed that an application under the *Navigable Waters Protection Act* (R.S.C. 1985, c. N-22), as amended by Part 7 of the *Budget Implementation Act*, 2009, S.C. 2009, c. 2, is required for any works whether existing or proposed, to be placed (or removed) in navigable waters.

Please note that before constructing any works on, in, under or through any navigable waters it will be necessary for you to first apply for and receive approval of your plans from our office.
Enclosed, please find NWP Application form and a sample drawing.

Please submit a filled in NWP Application form and one set of drawings (10 copies if drawings are larger than 11"x17") of the proposed works. Drawings must show the following information:

- drawings showing top and side views with all dimensions
- high and low water marks
- details of how the works are to be placed in relation to the upland property
- water lot lease area
- any adjacent works
- an overall site plan
 - complete legal description of the property fronting the works

If you are not the owner of the upland property please provide us with the name, address and telephone number of the owner.

.../2

Please note that you may be required to deposit plan(s) related to the above-referenced work and provide notice by advertising in the *Canada Gazette* and in one or more newspapers. However, in order to minimize the cost of having to re-deposit and re-advertise, we recommend you do not proceed until advised by our office.

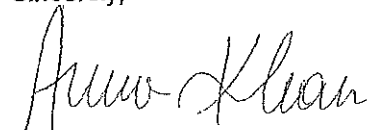
You may also be further required to undertake the following:

- a) Undergo a federal environmental assessment in accordance with the *Canadian Environmental Assessment Act (CEAA)*. This assessment must be completed before a decision is made on whether to issue an Approval as described above. **You will be advised by Environmental Affairs Branch, Transport Canada of additional information requirements if CEAA applies to your project.**

It is the applicant's responsibility to obtain any other forms of approval, including building permits, under any other applicable laws.

Should you have any questions, please do not hesitate to contact Ryan Greville, NWP Area Officer at 604-775-5486 or by facsimile transmission at (604) 775-8828 or by e-mail at Ryan.Greville@tc.gc.ca.

Sincerely,



Anna Khan

Navigable Waters Protection Coordinator / Coordonnateur de la protection des eaux navigables
Transport Canada / Transports Canada
820 - 800 Burrard Street / 800, rue Burrard, 820
Vancouver, BC V6Z 2J8 / Vancouver, (C.-B.) V6Z 2J8
Telephone / Téléphone: 604-775-8814
Facsimile / Télécopier: 604-775-8828
Email / Courriel: khana@tc.gc.ca

/ak

cc: **Cowichan Valley Regional District, 175 Ingram Street, Duncan BC, V9L 1N8**
Attn: Rob Conway, Manager, Development Services Department





MEMORANDUM

DATE: October 27, 2010 **FILE NO:** 5-A-10RS

TO: Rob Conway, Manager Development Services

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Proposed OCP and Zoning Amendment for Mill Bay Marina
Application No. 5-A-10RS – Public Safety Application Review

In review of the Rezoning Application No. 5-A-08RS, the following comments affect the delivery of emergency services within the proposed area.

- ✓ The Community Wildfire Protection Plan has identified this area as **low risk for wildfire**.
- ✓ Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route in the event of congestion on Handy Road or Mill Bay Road.
- ✓ Proposal is within Shawnigan Lake RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 137 Mill Bay) response area.
- ✓ Proposal is within the Mill Bay Fire Improvement District response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program

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

- Roadway width between residences accommodates emergency response vehicles
- all buildings within the Mill Bay Marina Residences development be equipped with sprinkler protection
- that boat ramp/slip areas be equipped with fire hydrants
- a water system compliant with “NFPA 1142, Standard on Water Supplies for suburban and Rural Fire Fighting” is required to ensure necessary fire flows.

9.4 C-4 ZONE - TOURIST RECREATIONAL COMMERCIAL

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

(a) Permitted Uses

The following *uses* and no others are permitted in a C-4 zone:

- (1) *Campground*;
- (2) Marina operations, including accessory boat sales, rental and servicing, but excluding boat building;
- (3) Restaurant;
- (4) Recreation facility; including golf driving range and mini-golf facility;
- (5) *Tourist accommodation*;
- (6) *Accessory retail sales, gift shop*;
- (7) One single *family dwelling* per *parcel* accessory to a *use* permitted in Section 9.4(a)(1-5).

(b) Conditions of Use

For any *parcel* in a C-4 zone:

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings* and structures;
- (2) The *height* of all *buildings* and *structures* shall not exceed 10 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	6.0 metres
Interior & Exterior Side	6.0 metres
Rear	6.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the C-4 zone shall be:

- (1) 0.2 ha for *parcels* served by a *community water* and *sewer system*;
- (2) 0.4 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*.

12.3 W-3 ZONE - WATER MARINA

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the W-3 Zone:

(a) Permitted Uses

The following *uses* and no others are permitted in a W-3 zone:

- (1) Boat shed or boat shelter;
- (2) Marina;
- (3) Marina fuelling station and storage of petroleum products up to a 23,000 litre capacity;
- (4) Marine pub;
- (5) Moorage facilities for water taxi, ferry, fishing boats, float planes, or similar commercial use;
- (6) Restaurant, café;
- (7) Sales and rental of boats and sporting equipment;
- (8) Sewage pumpout station;
- (9) Yacht club;
- (10) Slips, docks, breakwaters, ramps, dolphins, and pilings necessary for the establishment and/or maintenance of permitted uses in Section 12.3(a)(1-6);
- (11) Offices and retail sales accessory to a permitted use in Section 12.3(a)(1-6);
- (12) One single family dwelling per parcel accessory to a use permitted in Section 12.3(a)(1-6);
- (13) any use permitted in the W-2 zone.

(b) Conditions of Use

For any *parcel* in a W-3 zone:

- (1) No building or structure shall not exceed a height of 7.5 m above the high water mark;
- (2) No residential use of floats, piles, or vessels of any kind is permitted.

Terry & Tricia Parker
746 Handy Road
Mill Bay, BC
V0R 2P1
November 24th, 2010

Development Services
Cowichan Valley Regional District
174 Ingram Street
Duncan, BC
V9L 1N8
Attention: Rob Conway

Re: Concerns about the rezoning and development application for the Mill Bay Marina

Dear Mr. Conway, District Staff and Board

The current proposal to rezone the Mill Bay Marina property and develop condominiums has many aspects that we consider troubling. Our family has already experienced negative impacts from the changes effected since Cadillac Homes announced their proposal and are seriously concerned about future impacts the project would have on us, our neighbours and Mill Bay as a whole.

Personal Impact

We own the property immediately west of the marina property. We currently enjoy a stunning ocean view from inside our house and, especially from our rooftop deck. This view is a significant part of our personal enjoyment. We spend much time on the deck and in the warmer months have supper on the deck every evening the weather allows. The proposed development would remove all of that ocean view.

The way they have sited the row of condominiums along the western boundary of their property would block every last bit of ocean view from our house and deck as well as from all but the extreme northern and southern edges of our property. It also would block out most of the sky from our living room and all of it from our large, bright kitchen. By requesting smaller setbacks to the western and southern ends of their property and a height slightly more than the 7.5 meter limit, the proposal hopes to take more of our view and sky than is permitted under current bylaws and zoning.

We find it sadly ironic that there has already been discussion about removing boathouses from the allowable uses of the water lot in order to protect the views of the 14 condominium owners who don't even live here yet.

The proposed 8-unit building being so tall and so close to our property line will also significantly shade our yard, particularly our vegetable gardens. That eastern exposure is the only direct unfiltered sun these gardens receive mid-fall to mid-spring. We are year-round gardeners – harvesting organic produce in all 4 seasons. In the months where the sun is low in the sky the shade will likely put an end our winter gardening and delay our spring harvest. This is important to us nutritionally as well as ethically as we teach our daughter values of good whole food, eating locally and living lightly on the earth.

Our house also currently enjoys significant passive solar heating, especially in the seasons when the sun is low in the sky. The loss of that will impact us financially and increase our energy use, something we constantly strive to reduce.

Neighbourhood Considerations

Mill Bay OCP policy 7.6.4 h) states multifamily residential development in the Urban Containment Boundary shall *"integrate into the existing neighbourhood with complimentary uses, character, setbacks, building height, scale and form, to those of nearby land uses and buildings."* The proposed condominium development meets none of those requirements. There is nothing similar on Handy Road, or anywhere in Old Mill Bay east of Mill Bay Road.

The Handy Road neighbourhood consists mostly of smaller, single-story homes, each with their own distinct character and story. The homes on the south side of Handy Road are all sited so that downslope

homes don't significantly block the views of the upslope homes. The properties are also configured so that it is easy for neighbours to talk with each other across the fence. It is not uncommon for us to stand on our deck or at our fence and converse with the neighbours two lots away; certainly we were in the regular habit of talking with neighbours immediately to the east and west of us.

The proposed condominium structure turns its back on the upslope neighbours. It is configured to maximise its ocean views at the expense of the upslope neighbours. Its design discourages easy conversation with those neighbours. In the design proposals we have seen to date, we have seen front and side elevations of the building but no rear elevation has been presented. The only thing apparent is the plan to fill their backyard with bushes and trees, further discouraging engagement with the upslope neighbours.

The design has an air of exclusion rather than the inclusivity we have so appreciated about this neighbourhood. This is not entirely surprising given the developers did not talk with any of the Handy Road property owners before their June 30, 2010 presentation at the marina. By then their design was set and since then they have turned down our request to revisit those plans.

The design is terribly out of scale with anything else on Handy Road and has a character and form that prefers homogeneity of housing units over unique character of individual homes, density over openness and exclusivity over neighbourliness.

Furthermore, the Mill Bay OCP policy 7.6.2 states, *"...the Regional Board may, through the zoning bylaw, initiate new multifamily residential zones within the Urban Residential designation to permit a more affordable type of housing and to use the land base more efficiently."* Affordable housing was, in fact, lost when the RV residents of the marina were evicted. What is being proposed could hardly be called affordable housing, thus we think any move to create a new zone to allow for reduced setbacks without variance application should be quashed.

Historical value

The existing marina house should be considered for heritage protection. It is one of the few buildings of its size and vintage in Mill Bay and used to be an impressive building as part of the original estate that went all the way up to Mill Bay Road. That property later became the marina and RV Park, which existed that way for decades, even after the subdivision that reduced the marina property to its current size.

The first slide of Cadillac Homes' proposal presentation to the Area Planning Committee (November 9th, 2010) promised to "Revitalize" the Mill Bay's "Historic" marina. The proponents seem to be aware of the historic significance of the property, but we find "revitalizing" hard to reconcile with complete demolition of the existing structures and subsequent building of a project that bears little resemblance to the original.

Community Access and Marina Facilities

If we compare what the community had before the Good Friday storm of 2010 with what is being proposed, the community would see some significant reductions in facilities. The pre-storm marina had 158 slips, mostly for smaller craft at quite an affordable rate. The proposal is for approximately 95 slips, with an increase in larger boats and a substantial decrease for smaller pleasure craft. While we haven't yet heard estimates for the future moorage rates, it seems logical that a "first class" marina would also have "first class" fees. We are also concerned about the potential for at least some of the marina slips to be sold on a strata basis. We have yet to see a firm commitment that would prevent that.

Prior to early November 2010 when the chain link gates went up on the marina property's 2 driveways, the public had access to the upland portion of the marina property. It was a private commercial enterprise, but the marina we knew was most definitely open to the community. Many Mill Bay citizens would walk their dogs through the property as part of their beach stroll. Marina patrons had access to a large area of the upland property to work on their boats. There was dry-land storage for boats in the off-season or in need of more significant repair. The proposal includes a public boardwalk, but beyond that and the parking lot, a substantial portion of the upland will be lost to community access, there will be no dry land dedicated to routine boat maintenance or storage.

In addition to the existing public boat ramp, the marina currently has its own ramp, which was operated on a for-fee basis, has a better slope and accommodated larger boats. The current proposal promises to reconstruct the public ramp but also includes the elimination of the marina's own ramp. During summer peaks both ramps were fairly heavily used. The impact of the new design on Handy Road traffic, ramp congestion and safety need to be examined thoroughly.

Not only will two ramps' traffic be squeezed into one, but if the boat owners who have been displaced by the fewer small slips in new marina begin to use the new public ramp, we're looking at a substantial increase in the usage of the one remaining ramp.

The amount of parking for ramp users and their boat trailers will be reduced as those who used the marina's ramp parked on marina property, not on Handy Road. As it was, on busy weekends parking on Handy Road was full, with some boaters resorting to parking in no parking zones on both sides of the road. We see no parking plan that accommodates the extra load from former marina ramp users and the displaced small boat owners.

The traffic flow also changes. Marina patrons and the public alike used the marina's u-shaped driveway as a turnaround, which effectively and safely removed them from the activity at the top of the ramp. The proposed design now presents a dead end which could become quite congested with parked trucks and boat trailers and boaters lined up for their turn on the ramp. All this by a beach where people visit, walk their dogs and children play and swim.

The marina development proponents have said they use the Port of Sidney Marina as a model for their new marina construction. Mill Bay with its quaint rural seaside feel is not the same place as Sidney. Do we need massive concrete docks or would strong wooden docks be more suitable? Sidney is a beautiful small city but do we strive to be a city? Why should we lock in to a marina that models itself on a marina that exists in a place we are not?

Certainly the marina before the storm was in desperate need of repair, cleanup and, in the latter years under Amadon, good management. But we saw nothing wrong with its basic business model and the contributions it made to the community. We would be quite happy to see the marina restored to the way it had operated for decades – RV residents and all. No neighbourhood is flawless but most of those residents were excellent neighbours who added considerably to our lives and the community.

Environmental Concerns

One of us (Terry) has a Master's Degree in Marine Ecology, we keep current with environmental issues and we passionately believe in living a low-impact life. We see several environmental issues that we believe should be addressed before the proposal proceeds.

Every year, harbour seals birth and nurse their pups on the floating log breakwater to the east of the marina. This habitat will be removed under the current proposal. While the harbour seal population has made an impressive recovery in the last few decades, marine scientists are raising cautions about the stability of the population given increasing environmental contamination and illegal kills. Removing breeding habitat is ecologically irresponsible and eliminates something that could be promoted for its tourist value.

Eelgrass beds occur around and under the existing marina. This highly productive fish habitat is covered under a "no net loss" policy by the Department of Fisheries and Oceans. Construction will disrupt these beds and a protocol should be established to prevent loss of habitat due to construction and dredging.

Hatchery coho salmon return to Shawnigan Creek following a migration route that flows northward along the beach at the marina. Before marina construction, ramp construction and dredging occurs, we should have an understanding of how the timing and extent of that activity may affect the returning coho.

Surface run-off is also a concern. During winter and early spring the soil of the hill upslope of the marina becomes saturated to the point there is standing water in places of our lawn. It is consistent with stories we have heard about streambeds being filled in on the original estate property.

Our property and the marina are where the slope levels out and the downhill flow soaks into the soil before becoming run-off into Saanich Inlet. If the colour coding on the proposal drawings means anything, the development will substantially increase the amount of pavement on the marina property itself and along the northern edge of Handy Road abutting Wheelbarrow Creek. What are the plans for handling and treating the increased surface run-off? An increasing number of environmentalists and builders recognise the inappropriateness of such hardscaping, especially near stream and shoreline habitat.

As a more personal concern, what assurances do we have that the construction of a wall of condominiums in front of our property won't impede the natural downslope flow and increase the risks of flooding on our property?

Conclusion and Alternate Vision

The proponents of the development have been clear in stating their plan is "for the community" with the condos being a necessary evil in order to fund the marina construction. They have also been clear in stating to us that if they don't get approval, they will continue to hold the property for use as a tourist commercial development such as a 10 metre high hotel, or even a private residence. Those latter two contingencies would not have a marina. So it is possible the restoration of the marina may not be the primary concern.

In considering this development proposal, we ask that the Board consider the nature of the linkage between condo and marina. Is it truly necessary? Is it even appropriate to use the marina as a carrot to encourage a substantial change in the character of Old Mill Bay and to the detriment of the current Handy Road residents?

If this is really about restoring the marina for the community there are other models that should be considered. The Ladysmith Community Marina was created in 1985 – economic times as tough or tougher than we have now. That marina provides affordable, safe moorage for the public and has become a community gathering point. Could the proponents not apply their considerable management and project development expertise toward helping the creation of a community marina in a similar manner to what Ladysmith accomplished in 1985?

We want to be clear that we believe Mill Bay should have a marina, but we believe it would be best to replace the functionality that has been lost over the years. The current proposal would result in a net loss to the community compared to what had been there and impose an irrevocable change on a neighbourhood that deserves to be protected.

A simple, solid, safe marina with upland access for marina patrons and the public, which allows for boat work and adequate parking (including boat trailers) is what Mill Bay should have. Such a marina could be constructed re-using the stable pilings that still remain, replacing the unstable ones and attaching new docks. This could reduce the environmental impact of the construction and reduce the cost.

The historic house could be restored to include space for marina offices, a marine store, public meeting rooms, a museum and a permanent home for the Mill Bay Historical Society. The upland could also have an area for a seasonal public market similar to ones in Ganges on Saltspring Island and elsewhere. The Mill Bay Marina property is Mill Bay's last, best chance to secure a central waterfront gathering point for the community. If we let it go to private condominium development with a ribbon of public access along a boardwalk, the community has lost that forever. We need to be careful to ensure Mill Bay keeps, and maybe even enhances, what it has had for decades.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is more stylized and appears to be 'Terry'. The signature on the right is written in a cursive script and clearly reads 'Tricia Parker'.

Terry & Tricia Parker

743 Handy Road
Mill Bay, BC
V0R 2P1
November 27, 2010

Director Brian Harrison
Chair, CVRD EASC
175 Ingram Street
Duncan, BC

Dear Director Harrison

After reviewing the current proposal for the Mill Bay Marina Development we would like to make the EASC, CVRD aware of our concerns:

Mill Bay Marina Development

We are concerned about the beer/wine store. We feel that there are already two liquor outlets in the Mill Bay Centre and this type of commercial activity is not compatible with the surrounding Residential /Institutional zones. We support the concept of a bistro restaurant but not a commercial enterprise selling alcohol without food.

In regard to foreshore lease we do not feel it is necessary to increase the lease at all. Please give careful consideration so that small boat owners have an opportunity for moorage.

Upland Portion of the Mill Bay Marina Development

We do not support any variances in regard to height or property line setbacks. The design and location of the townhouses should take in consideration the concerns of the adjacent properties. Upholding the current residential zoning setbacks will maintain a buffer between the marina development and the adjacent residential properties.

Mill Bay Boat Ramp, Turnaround and Parking

In reviewing the site plans we would like to point out that the basic parking of vehicles and trailers (as shown on their info package) is orientated in the wrong direction. The boat owners should be able to simply back their trailers out of the parking area and to the ramp.

In regard to the street parking, we do not want the bank removed or altered that supports the row of fir trees on the north side of Handy Road. This bank and the fir trees provide a buffer between our residential property and the commercial activities of the marina. Furthermore, the trees provide a canopy for the fish-bearing creek and help support the local ecosystem.

Also, to the west of our driveway, we do not wish to see any more culvert used on Wheelbarrow Creek as there is very little left of the natural creek environment. In addition to this request I would like to advise the committee that I have a legal access in this area for my water license and this is where my pump is located.

Recommendations

In regards to safety and security for the public and boaters, there should be at least one streetlight for the turnaround area. In addition it would be helpful for vehicle/ pedestrian access and public safety around the turnaround if the south side of Handy Road has a culvert and sidewalk from the end of the road up to at least the western edge of the Parker property.

Thank you for your consideration of these points,

Dave and Jane Burkmar

CC: Rob Conway, CVRD



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3453

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

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area A – Mill Bay/Malahat, that being Official Community Plan Bylaw No. 1890;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1890;

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

1. CITATION

This bylaw shall be cited for all purposes as "Cowichan Valley Regional District Bylaw No. 3453 - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Mill Bay Marina), 2010".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 3453, 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.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3453

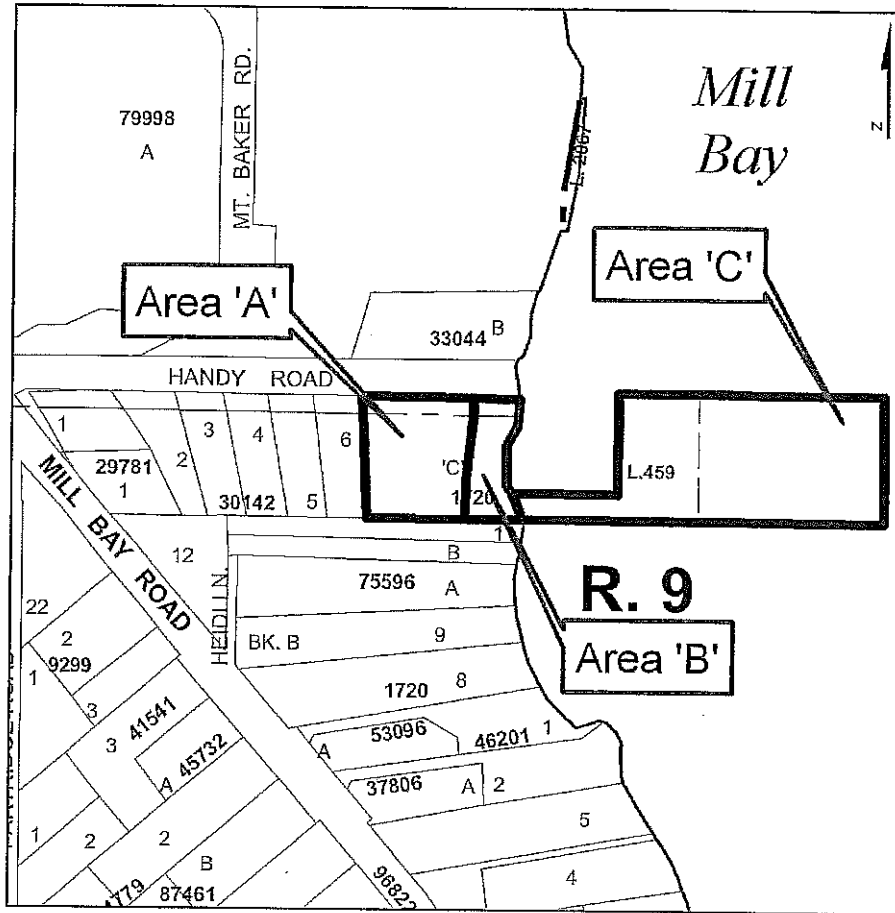
Schedule A to Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. That part of Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142, as shown outlined in a solid black line and labeled Area A on Plan number Z-3453 attached hereto and forming Schedule B of this Bylaw, be re-designated from Tourist Recreational Commercial to Urban Residential and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.
2. That part of Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142, as shown outlined in a solid black line and labeled Area B on Plan number Z-3453 attached hereto and forming Schedule B of this Bylaw, be re-designated from Tourist Recreational Commercial to Commercial and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.
3. That part of the water surface of the Saanich Inlet, as shown outlined in a solid black line and labelled Area C on Plan number Z-3453 attached hereto and forming Schedule B of this Bylaw be designated Commercial and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.
4. That Figure 7 of the Mill Bay Development Permit Area Guidelines is amended to include the commercially designated water surface described in Section 3 above in the Mill Bay Development Permit Area.
5. That the following is inserted into the Mill Bay Development Permit Area Guidelines, Section 14.5.7, following paragraph d):
 - e) Marinas, other than buildings and structures intended for commercial use.

PLAN NO. Z-3453

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

3453



AREA 'A' OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM Tourist Recreational Commercial to Urban Residential; AREA 'B' OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM Tourist Recreational Commercial to Commercial; AREA 'C' OUTLINED IN A SOLID BLACK LINE IS DESIGNATED Commercial

APPLICABLE TO ELECTORAL AREA A

Map of Mill Bay DPA showing residential lots, roads, and geographical features. The map includes a grid with ranges (R. 7, R. 8, R. 9, R. 10) and lots (L. 17, L. 46, L. 60, L. 107, L. 113, L. 159, L. 160, L. 101, L. 82, L. 77, L. 72). A legend indicates 'Mill Bay DPA' and '30m Buffer'. A scale bar shows 0 to 800 meters. The map is labeled 'See Figure 8' in the center. Other labels include 'Mill Bay', 'Whiskey Point', 'Rat Lake', and 'D.L. 160'.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3454

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

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 3454;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 3454;

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. 3454 - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Mill Bay Marina), 2010**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 3454, as amended from time to time, is hereby amended in the following manner:

.../2

- a) That the following definition be added to Section 3.1.

“**Townhouse**” means a residential building consisting of not less than two and not more than six attached dwelling units separated by a common wall extending from foundation to roof, with each dwelling unit having its own private entrance with direct exterior access.

- b) That Part 8 be amended by adding the following after Section 8.8, and that existing Sections 8.9 and 8.10 be renumbered accordingly.

8.9 RM-3 ZONE – TOWNHOUSE RESIDENTIAL

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply to the RM-3 Zone:

(a) Permitted Uses

The following uses and no others are permitted in an RM-3 Zone:

- (1) *Townhouse*;
- (2) *Home occupation*;

(b) Conditions of Use

For any parcel in an RM-3 Zone:

- (1) *Parcel coverage* shall not exceed 40 percent;
- (2) The *height* of any *principal building* or *structure* shall not exceed 7.5 m;
- (3) The height of any accessory building shall not exceed 4.5 m;
- (4) The following minimum setbacks apply:

<i>COLUMN I</i> <i>Type of Parcel Line</i>	<i>COLUMN II</i> <i>Residential Buildings & Structures</i>	<i>COLUMN III</i> <i>Buildings and Structures Accessory to Residential Use</i>
Front	6.0 metres	3.0 metres
Interior Side	6.0 metres	3.0 metres
Exterior Side	6.0 metres	3.0 metres
Rear	6.0 metres	3.0 metres

- (5) No accessory building or structure shall exceed a gross floor area of 50 m².

(c) Density

The maximum density of *dwelling units* in the RM-3 zone is 35 units per hectare of *parcel* area.

.../3

(d) Minimum Parcel Size

Subject to part 13, the minimum *parcel* size in the RM-3 zone shall be:

- (1) 0.2 ha. for *parcels* served by a community water and sewer system
- (2) 1.0 ha. for *parcels* served by a community water system only;
- (3) 1.0 ha. for *parcels* served by neither by a community water or sewer system.

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

“RM-3 Townhouse Residential”

- d) That Appendix One – Minimum Parcel Size Summary be amended by adding minimum parcel sizes for the RM-3 zone.
- e) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning Block “C”, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3379, from C-4 (Tourist Recreational Commercial) to RM-3 (Townhouse Residential) and W-3 (Water Marina).

3. FORCE AND EFFECT

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

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

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

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

ADOPTED this _____ day of _____, 2010.

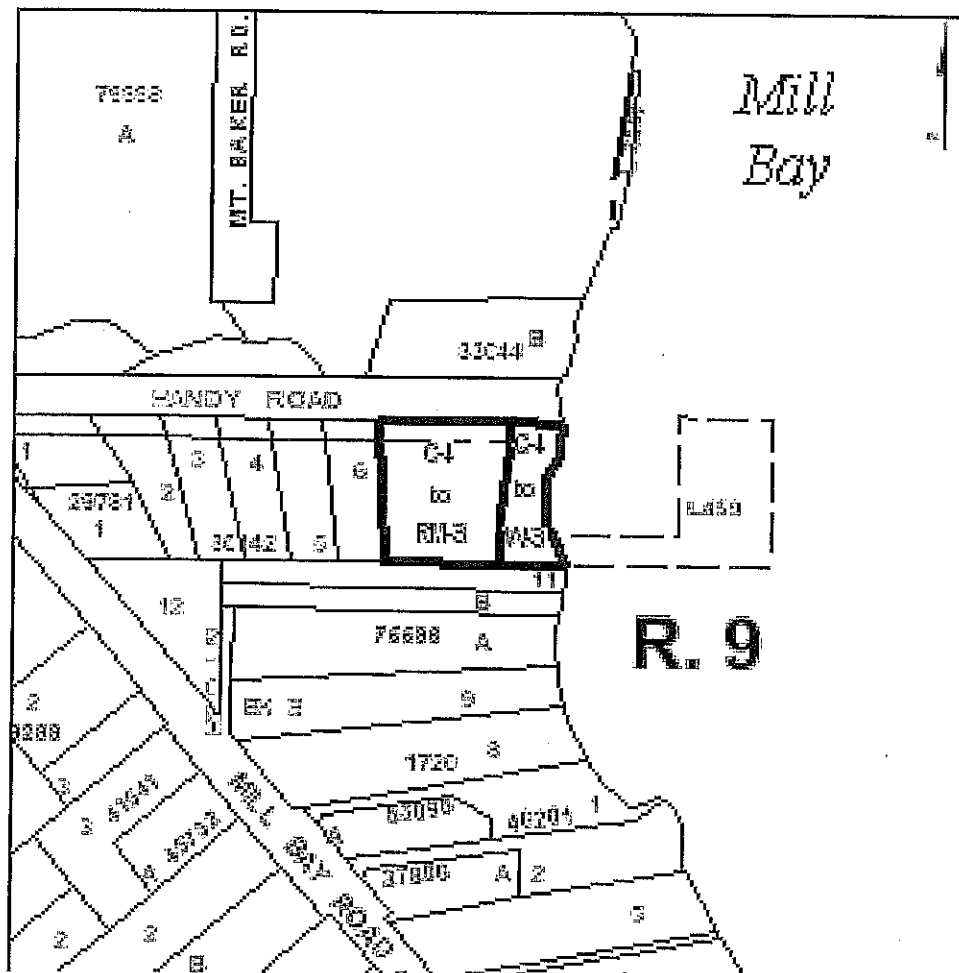
Chairperson

Secretary

PLAN NO. Z-3454

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

3454



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

C-4 (Tourist Recreational Commercial) **TO**

RM-3 (Townhouse Residential) and W-3 (Water Marina) **APPLICABLE**

TO ELECTORAL AREA A



03

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: November 25, 2010 **FILE NO:** 2-A-10DP
FROM: Rob Conway, Manager,
Development Services Division
Planning and Development Department **BYLAW NO:** 2000
SUBJECT: Development Permit Application No. 2-A-10DP
(Phase 11 of Mill Springs)

Recommendation:

1. That Application No. 2-A-10DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for a 17 lot phase of subdivision (Phase 11 of Mill Springs) on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 10) and Except Plan VIP83878, and VIP85356 and VIP85745.
2. That Staff be directed to arrange a meeting with officials from the Ministry of Transportation and Infrastructure to discuss opening Deloume Road at the north boundary of Mill Springs.

Purpose:

To consider issuance of a development permit for Phase 11 of the Mill Springs development, in accordance with the Mill Bay Development Permit Area guidelines.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

Location of Subject Phase: North of Bucktail Road, east of Deloume Road and Tudor Way

Legal Description: District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and Strata Plan VIS4795 (Phase 3, and 5 to 10) and except plan VIP83878, and VIP85356 and VIP85745 (PID: 009-355-723)

Date Application and Complete Documentation Received: February 15, 2010

Owner: 687033 BC Ltd

Applicant: Aecom Canada Ltd.

Size of Parcel: 1.627 hectares to be subdivided from the remainder of District Lot 46

Existing Zoning: R-3 (Urban Residential)

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

Existing Plan Designation: Urban Residential

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

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

Services:

<u>Road Access:</u>	Tudor Way
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	Mill Springs private sewer system

Agricultural Land Reserve Status: Property is not located in the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any environmentally sensitive areas within the subject phase of development.

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

The Proposal:

The applicant has applied for a development permit for Phase 11 of the Mill Springs development in order to subdivide 17 residential lots. A subdivision plan showing the proposed layout for the current phase is attached to this report.

Background:

Mill Springs is a multi-phased residential development in south west Mill Bay. The first phase of this development commenced in the late 1990s and since then an additional nine phases have been developed. A total of 183 residential lots have been created to date within the project. The number of lots possible on the remaining undeveloped land is partially dependent on how it will be serviced and the amount of the site that is used for roadways and park, so the total number of lots possible within the development cannot be determined conclusively at this stage. Based on servicing with a community sewer system, it is estimated that 394 lots are possible within Mill Springs. 212 lots, including those in the current phase, have yet to be created.

Policy Context:

Development Permit Guidelines:

The Mill Springs lands are within the Mill Bay Development Permit Area (DPA), as defined in Official Community Plan Bylaw No. 1890. The Mill Bay DPA was established to protect the natural environment and to establish objectives and guidelines for new development, including subdivision, in the Mill Bay area. Proposed subdivision of land within the Mill Bay DPA requires a development permit prior to receiving subdivision approval from the Ministry of Transportation and Infrastructure. The development permit review process is not intended to deal with use or density, or other matters addressed by the zoning bylaw. Rather, it is intended to ensure compliance with the applicable development permit guidelines.

The following section identifies applicable guidelines from the Mill Bay DPA (in italics) and how they are addressed in the subject application.

14.5.5 (a) Services and Utilities

1. *All sewage disposal facilities shall be approved by the Vancouver Island Health Region or the Ministry of Environment.*
2. *Storm sewers should be designed to retain and delay storm water runoff in order to reduce peak storm flows and the possible negative impact of flash flooding on the creeks. A storm water retention plan is encouraged to be developed as part of any engineering work in the development permit area.*
3. *Primary water sources for housing should not include Shawnigan or Hollings Creeks.*
4. *In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.*
5. *Drainage facilities shall divert drainage away from hazardous lands.*

The applicant will be connecting Phase 11 to the existing sewage treatment plant, which has been approved by the Ministry of Environment. Water for Phase 11 will be provided from Mill Bay Waterworks water system, and as such will not draw water from Shawnigan or Hollings Creeks.

Storm water management for proposed Phase 11 includes a combination of infiltration and collection systems. Residential lots with suitable soil conditions will direct perimeter drains and rain water leaders to infiltration systems. Roadway drainage and lots with poorly drained soil will be diverted through underground piping and will discharge to Handysen Creek.

14.5.5 (b) Vehicular Access

1. *Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.*
2. *Unnecessary duplication of access points is discouraged. Where two or more multi-family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.*
3. *Roads shall be paved with curbs, gutters and sidewalks or similarly dedicated walkways/bikeways. Paths and bikeways shall be encouraged to link the on-site uses together and to connect with off-site amenities and services.*

Proposed Phase 11 will be accessed from Tudor Way, via McLaren Road, Pratt Road, Deloume Road and Frayne Road. A significant issue with the Mill Springs development is that public road access is currently possible only from Frayne Road. Although Deloume Road extends northwards towards the intersection at the Trans Canada Highway, the road is blocked at the northern boundary of Mill Springs and is only accessible by emergency vehicles. A secondary access road to the development is desirable to reduce traffic on Frayne Road and to allow alternative routes for traffic in and out of the development. Additional road access could be achieved by opening Deloume Road to the north and by connecting Frayne Road and Deloume Road to the west when future phases of Mill Springs are developed. This issue is discussed later in the report.

Roads within Phase 11 will be paved with asphalt and will have concrete curbs and gutters with a concrete sidewalk on one side of the new roadway.

14.5.5 (g) 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 only without glare spill-over to adjacent parcels or to adjacent roads.

Streetlights will be provided with Phase 11. The lamp standards will match the decorative standards provided with previous phases and will include covers that direct the lighting downwards.

14.5.5 (h) Overhead wiring

Underground wiring shall be encouraged rather than overhead wiring.

Phase 11 will be serviced with underground wiring, as was the case with previous phases.

14.5.5 (j) Development Adjacent to Environmentally Sensitive Area and Hazardous Lands

- 1. Such development shall be discouraged within 30m of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.*
- 2. Any alteration, construction or development must not impact water quality and quantity and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.*
- 3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.*
- 4. Adequate buffering and protection of any sensitive native plant communities shall be provided.*

A Riparian Area Regulation assessment report was prepared for the entire Mill Springs project in 2007. This report identified riparian setback areas for the entire property and established setback areas for Handysen Creek, Good Hope Creek and wetland areas on the property. As there are no identified creeks or wetlands within 30 metres of Phase 11, this phase is not impacted by the Regulation.

A comprehensive storm water management plan and drainage plan for the Mill Springs site was prepared during the initial phases of the development, and site specific updates for these proposed phases must be reviewed and approved by the Ministry of Transportation and Infrastructure prior to the final approval of the subdivision. Storm water management methods proposed for Phase 11 are described above and in the attached memo from the applicant.

Zoning Compliance:

The subject lands are currently zoned R-3, which has a minimum parcel size of 2,000 square metres (21,500 sq. ft.) for lots serviced with community water but not community sewer. Lots that are connected to both a community water and sewer system qualify for a smaller parcel size of 1675 sq. metres (18,000 sq. ft.). The zoning bylaw definition of “community sewer system” requires that the system be owned, operated and maintained by a Municipality or a Regional District and must serve a minimum of 50 residential unit equivalents. As the Mill Springs sewer system is not owned or operated by the Regional District or a Municipality, a minimum lot size of 2,000 square metres applies. Discussions are underway between the developer and the Regional District to transfer the sewer system to the Regional District, which would qualify it as a community sewer system. The transfer, however, has not yet occurred.

As Mill Springs was developed as a bare land strata subdivision, “lot averaging” has been used whereby individual lots within the development may be less than the minimum specified by the Zoning Bylaw provided the overall density in the development does not exceed what could be achieved by conventional fee simple subdivision. Because lot averaging has been used, many of the lots within the developed phases of Mill Springs are less than the minimum 2,000 square metres specified by the zoning. The current phase is compliant with density limits for the R-3 zone, but it will be necessary for the applicant to provide information necessary to confirm that the project is within the permitted density and lot size constraints for future phases

Parkland Dedication:

Section 941 of the *Local Government Act* requires subdivision involving three or more new lots to dedicate 5% of the land area for parkland purposes. Although park dedication in the current phase is only about 2%, additional park land was dedicated with prior phases so the overall park dedication for the site is over 5%.

The CVRD’s Parks Recreation and Culture Department has advised that it is supportive of the parkland shown on the Phase 11 subdivision plan as it is consistent with the park dedication concept plan agreed-to for the entire property.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed this application on November 9, 2010 and unanimously recommended that the application be approved. Minutes from the meeting regarding the application are attached for information.

Development Services Division Comments:

Density and Future Development:

As previously stated in this report, lot averaging has been used within Mill Springs to allow many of the lots that have been developed to date to be less than the minimum required by the zoning. When lot averaging is used on large phased developments such as Mill Springs, it can be challenging to track total number of lots that are possible to ensure that the density limit specified by the zoning bylaw is not exceeded. It is typically less important to track density in

the early stages of a project where the high percentage of undeveloped land in future phases means the risk of exceeding density limits is low. However, as a project builds-out and nears completion, it becomes increasingly important to know what is planned for future phases to ensure the overall density maximum is not exceeded.

Although the developer has provided an overall concept plan for future phases of the Mill Springs development, the plan assumes the subdivision will be connected to a community sewer system. Currently Mill Springs is serviced by a private sewer system that has a larger minimum lot size of 2000 square metres compared to the 1675 square metre minimum for lots serviced with community sewer. If the development is not serviced with community sewer, it will not be possible for the developer to achieve the density shown on the concept plan and there is a risk that the density limit will be exceeded if phases continue to be approved in accordance with the concept plan.

To resolve this issue, staff has suggested to the developer that a single development permit application should be pursued for the remainder of the site rather than to continue with phase-by-phase applications. In order to do this, it will be necessary for the developer to confirm if future phases are to be serviced with community sewer or private sewer as well as provide other information about future phases. Although this issue does not directly affect the current development application, the Committee should be aware that a single development permit application for the remainder of the site will likely be forthcoming. With respect to the current application, staff can confirm that it is compliant with zoning limitations for density.

Road Network:

The second issue staff wishes to highlight is road access to the Mill Springs Development. All public vehicular traffic in and out of Mill Springs is required to use Frayne Road. A future extension of Deloume/Frayne Road to the west may provide an alternate access to Mill Bay/Shawnigan Lake Road, but it is not certain if and when this connection will be realized. A more likely second access to the development would be to open Deloume Road to the north. Deloume Road is presently gated at the north boundary of Mill springs and is only passable by emergency vehicles. Because Deloume Road is blocked, all traffic from Mill Springs is channeled onto Frayne Road and the Frayne Road/Trans Canada Highway intersection. Opening Deloume Road would allow traffic from the development to be diffused and would likely result in a net decrease in local traffic by facilitating more direct and efficient travel. As approximately 200 additional homes are planned within Mill Springs, traffic impacts will continue to intensify if alternate access is not provided.

Although Road access to Mill Springs is the responsibility of the Ministry of Transportation and Infrastructure, staff believe a meeting with Ministry officials discuss the issue may be productive. If the Committee is supportive, staff propose that a meeting be arranged with CVRD staff, MoTI staff, the local area director and the Board Chair to discuss road access to Mill Springs.

Summary:

The two issues staff have highlighted – overall density and road access – relate more to future phases of the project than they do to proposed Phase 11. In staff's opinion, proposed Phase 11 is consistent with the applicable design guidelines and issuance of the development permit is recommended.

Options:

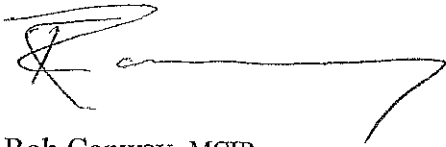
1. That Application No. 2-A-10DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for a 17 lot phase of subdivision (Phase 11 of Mill Springs) on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 10) and Except Plan VIP83878, and VIP85356 and VIP85745; AND

That Staff be directed to arrange a meeting with officials from the Ministry of Transportation and Infrastructure to discuss opening Deloume Road at the north boundary of Mill Springs.

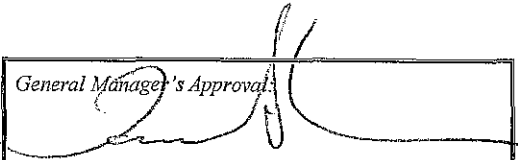
2. That Application No. 2-A-10DP not be approved and a development permit not be issued until the application is amended to comply with applicable development permit guidelines.

Option 1 is recommended

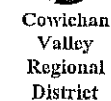
Submitted by,



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

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

RC/ca



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.

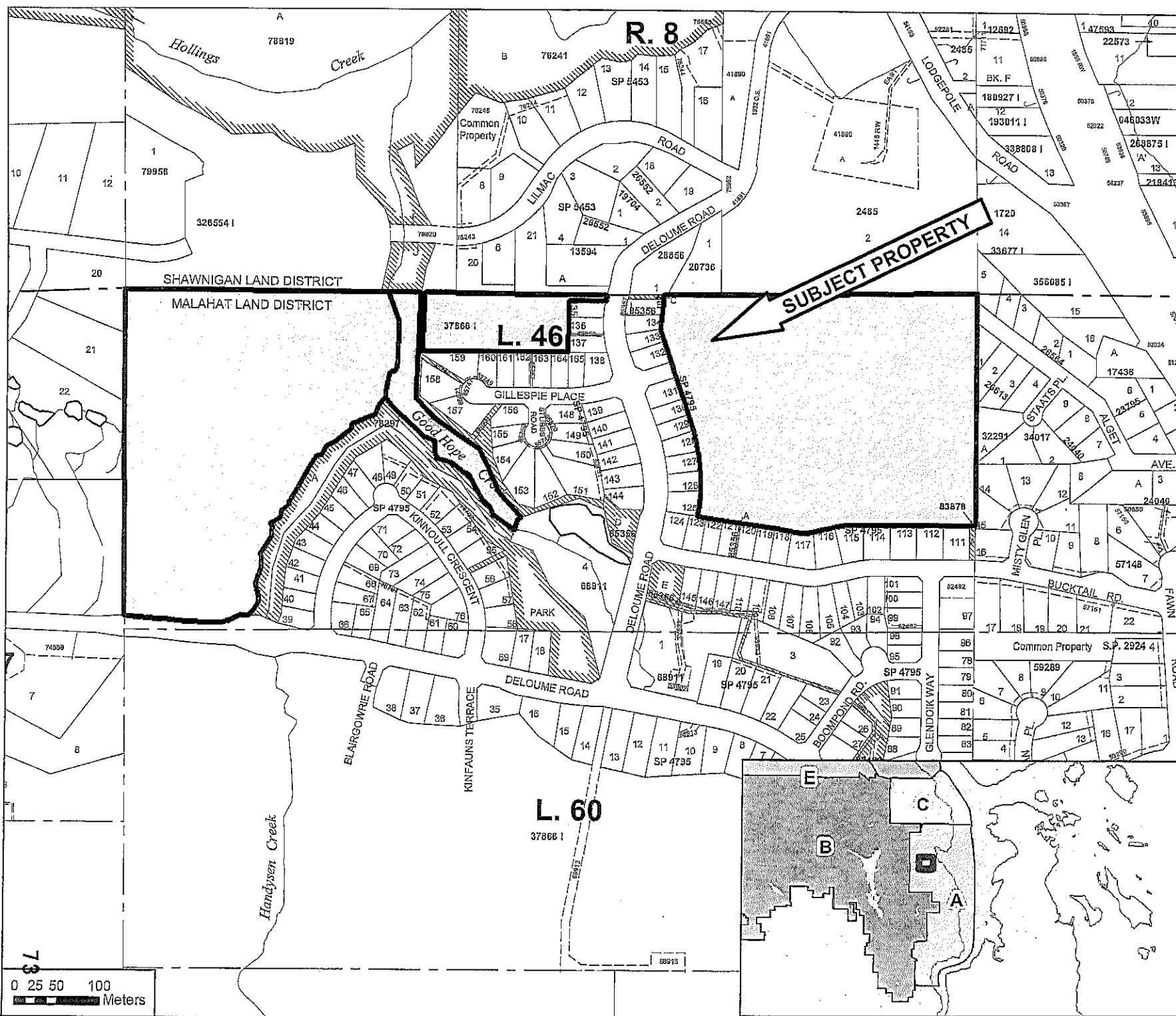
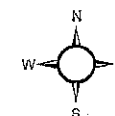
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

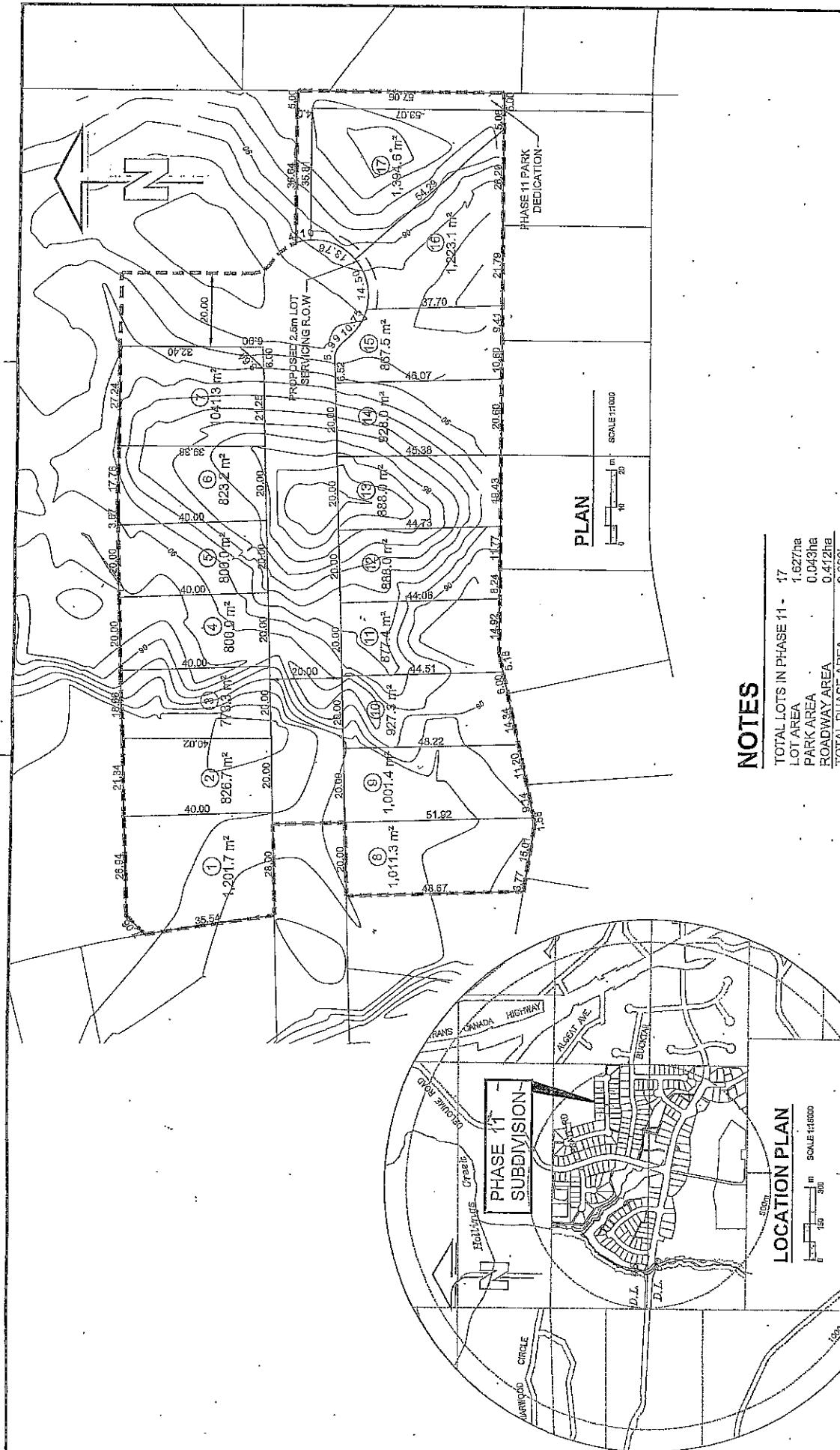
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 02-A-10-DP

Legend

 Subject Property

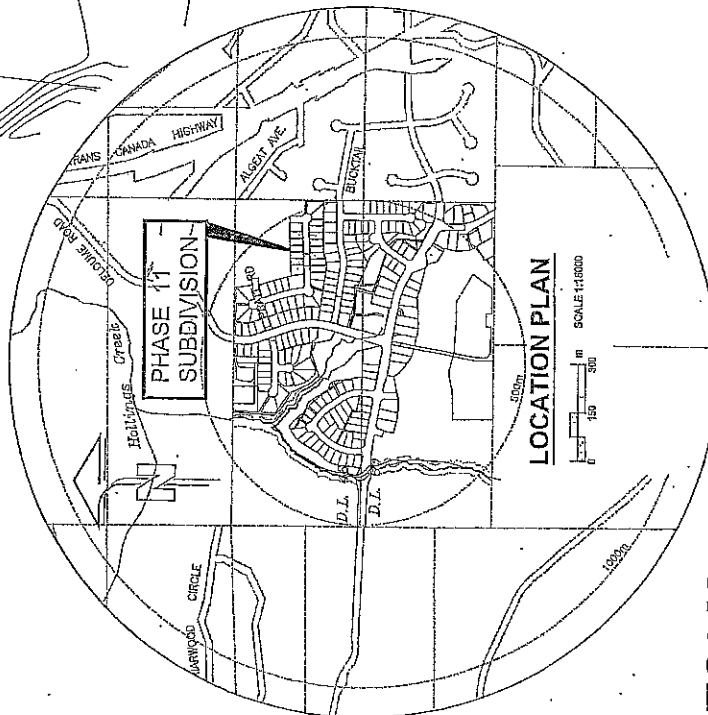




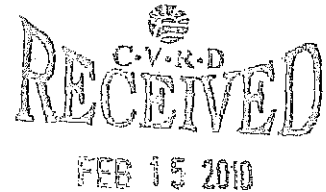
NOTES

TOTAL LOTS IN PHASE 11 -	17
LOT AREA	1.627ha
PARK AREA	0.043ha
ROADWAY AREA	0.472ha
TOTAL PHASE AREA	2.062ha

* CONTOURS SHOWN MAY NOT REPRESENT CURRENT TOPOGRAPHICAL CONDITIONS.



687033 BC Ltd.
 Phase 11 - Mill Springs
 Mill Springs Village - Phase 11
 Rem D.L. 46, Malahat District
 Issued For Preliminary Lotting Application
 February 8th 2010



February 8, 2010

Project No: 60147531 (4.0)

Mike Tippet
Deputy Manager
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Mike:

Re: Mill Springs Village: Development Permit Application – Phase 11

On behalf of 687033 BC Ltd., enclosed is a Development Permit Application for Phase 11 at Mill Springs Village, in Mill Bay. As part of the application process, we have enclosed a lotting plan (PLA drawings as submitted to MOT), a current State of Title Certificate and a cheque in the amount of \$3,600 for the development of 17 lots and park dedication. For your reference, we have also attached one copy of the Master Phasing Plan and sections 4 & 5 of the Master Drainage Plan (KPA Engineering 1994), which details the storm water management plan for Mill Springs Village. If you require further information of the Master Drainage Plan, it is our understanding that a copy of the document is on file with the CVRD.

To summarize the above sections of the storm water management plan, the control point for gauging pre and post development was established at the north boundary of the development at Handysen Creek. The 5-year post development hydrograph at the north boundary of Handysen Creek determined approximately 11,556 m³ of storage required to meet predevelopment flows for the entire development. Two detention ponds, located centrally in the development, were constructed to hold a combined storage of 11,667 m³ to offset peak flows. The detention ponds discharge into Good Hope Creek, a tributary of Handysen Creek, at a reduced rate so that post flows will not be exceeded in Handysen Creek. This "discharge reduction" in Good Hope Creek allows other flows to be directed into Handysen Creek. Storm waters that cannot be diverted to the detention ponds by means of gravity, discharge directly into Handysen Creek. To further reduce post development flows, infiltration systems are being installed on all lots with well-drained soils.

Management of the storm water for Phase 11 will be a combination of infiltration and collection systems. Residential lots with adequate permeable soils will direct foundation perimeter drains and rainwater leaders to infiltration systems (see attached Figure 1, Storm Water Infiltration). The remaining storm water collected from roadway catch basins and lots with poorly drained soils will be diverted through underground piping and discharged to Handysen Creek.

Since the development of the Master Drainage Plan (1994), the Riparian Regulations have been introduced. The Riparian Regulations have resulted in additional areas along Handysen and Good Hope Creeks that will be dedicated as natural "green space" areas (predevelopment). Mill Spring Village also has a network of natural pathways throughout the development and adjacent to the riparian areas. The natural "green space" areas from paths and riparian zones result in reductions to the post-development flows in Handysen Creek. The Master Drainage Plan considered larger lots as per the original zoning. The increased green space and subsequent smaller lot sizes further enhances the storm water management.

If you have any questions, please do not hesitate to contact the undersigned at (250) 475-6355.

Sincerely,
AECOM Canada Ltd.



Daryl Henry, P.Eng.
Senior Project Engineer
daryl.henry@aecom.com

Encl.
cc: 687033 BC Ltd., Gerald Hartwig

Area A Advisory Planning Commission Minutes

9 November 2010 at 6:30 PM

Mill Bay Fire Hall

Present: David Gall, Deryk Norton, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Dola Boas, Brian Harrison (Director, Area A) and Rob Conway (MCIP, Manager, Development Services Division, CVRD)

Regrets: June Laraman, Geoff Johnson, Roger Burgess (Alternate Director, Area A)

Audience: 13 public representatives

Meeting called to order at 6:40 pm.

Previous minutes:

It was moved and seconded the minutes of 12 October 2010 meeting be adopted.

MOTION CARRIED

New Business:

Drader Application 2-A-10RS (*Rezoning Malahat Mountain Meadows RV Campground*)

Purpose: To rezone the northern portion of the subject property from R-1 (Rural residential) to C-4 (Tourist Commercial) in order to create one continuous zone (C-4).

Neil Drader, the applicant answered questions from APC members.

- Water is from a deep well and septic are both on-site
- RV storage was on the site when he purchased the property
- Oil pans will be used under stored vehicles

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Drader Application 2-A-10RS** be approved.

Pringle Application 5-A-10RS (*Rezoning application Mill Bay Marina*)

(Margo Johnston recused herself from the meeting at this point as the rezoning application under discussion is within close proximity to her property. The meeting continued with Dola Boas acting as secretary.)

Purpose:

The applicants have requested a zoning amendment to expand and re-develop the Mill Bay Marina and develop fourteen townhouses units on the upland property.

Cam Pringle, applicant MB Marina Residences Ltd, was present and provided further information and answered questions from APC members.

- Working on upgrading the public boat launch with CVRD
- Bistro café not beer and wine store location changed to the other side of the property
- Floating breakwater is within foreshore lease
- Development has approval of First Nations
- Park/Walkway will be given to the CVRD

- Sewage up Handy Road to Sentinel Ridge via Mill Bay or Partridge Road
- Issues brought forward were nearly all addressed in proposal
- CVRD needs to ensure developer completes project according to plan

APC Recommendations:

The applicant agreed that boathouses should not be permitted in the W3 zone.

The Area A APC unanimously recommends to the CVRD **Pringle Application 5-A-10RS** be approved.

Mill Springs Phase 11 Application 2-A-10DP

Purpose:

To obtain a development permit for Phase 11.

Gerald Hartwig, applicant Aecom Canada Ltd., was present and provided further information. The APC members directed questions to Rob Conway and the applicant.

- Strata development with lot averaging, lots are smaller than zoning permits in this phase. Earlier phases this was not as critical for CVRD to monitor as it is now with 200 lots available.
- CVRD staff recommending no further Mill Springs phases be considered until an approved layout for the remainder of the site is provided.
- Extending Deloume Road north only an option if Ministry of Transportation approves. CVRD staff will be contacting MoT.
- Alget Road is close to the boundary of Phase 11 and could provide an access for this phase, a suggestion, which Gerald Hartwig agreed might be acceptable
- Run off water goes to on-site holding ponds.
- Additional park dedication added at each phase. Parkland affects number of lots
- Now well water not used by Mill Springs is given to Mill Bay Waterworks District. There is enough water for full build out.
- The CVRD has agreed to hold discussions to take over the sewer system- there will be public consultation negotiations between the developer and CVRD. Phase 19 is on septic field – so might not be a Phase 19, it is part of discussion. This would also affect the lot averaging. The intention is for 394 lots.

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Mill Springs Phase 11 Application 2-A-10DP** be approved.

Area A Director Update:

- Discuss with Bob Webb, Operations Manager, MoT regarding safety concerns for TransCanada Highway thru Mill Bay and pedestrian walkways, etc.
- Bamberton – report not complete
- Limona – submitting a new Development Permit
- Handy/Mill Bay Road property rezoning to allow duplex – CVRD meeting 10 November 2010
- Meredith Road - Parks funds available
- SCOCPP draft within next month or so

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 8:15 pm.

The next regular meeting will be at 6:30 pm, **14 December 2010** at Mill Bay Fire Hall.

8.4 R-3 ZONE - URBAN RESIDENTIAL

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the R-3 Zone:

(a) Permitted Uses

The following *uses* and no others are permitted in an R-3 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 any *parcel* in an R-3 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 10 m except for *accessory buildings* which shall not exceed a *height* of 6 m;
- (3) The following minimum *setbacks* shall apply:

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

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel size* in the R-3 zone shall be:

- (1) 0.1675 ha for *parcels* served by *community water and sewer system*;
- (2) 0.2 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*.

14.5 MILL BAY DEVELOPMENT PERMIT AREA

14.5.1 CATEGORY AND AREA

All lands located within the area highlighted in grey on Figure 7 are designated as the Mill Bay Development Permit Area. The Mill Bay Development Permit Area is proposed pursuant to the following sections of the Local Government Act:

- (a) Section 919.1(a) for protection of the natural environment, its ecosystems and biodiversity; 919(e) for the establishment of objectives for the form and character of intensive residential development, and 919.1(f) for the establishment of objectives for the form and character of commercial, industrial and multi-family residential development; and
- (b) Section 919(a) for protection of the natural environment, its ecosystems and biodiversity, for riparian assessment areas outlined in Section 14.5.2.

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to:

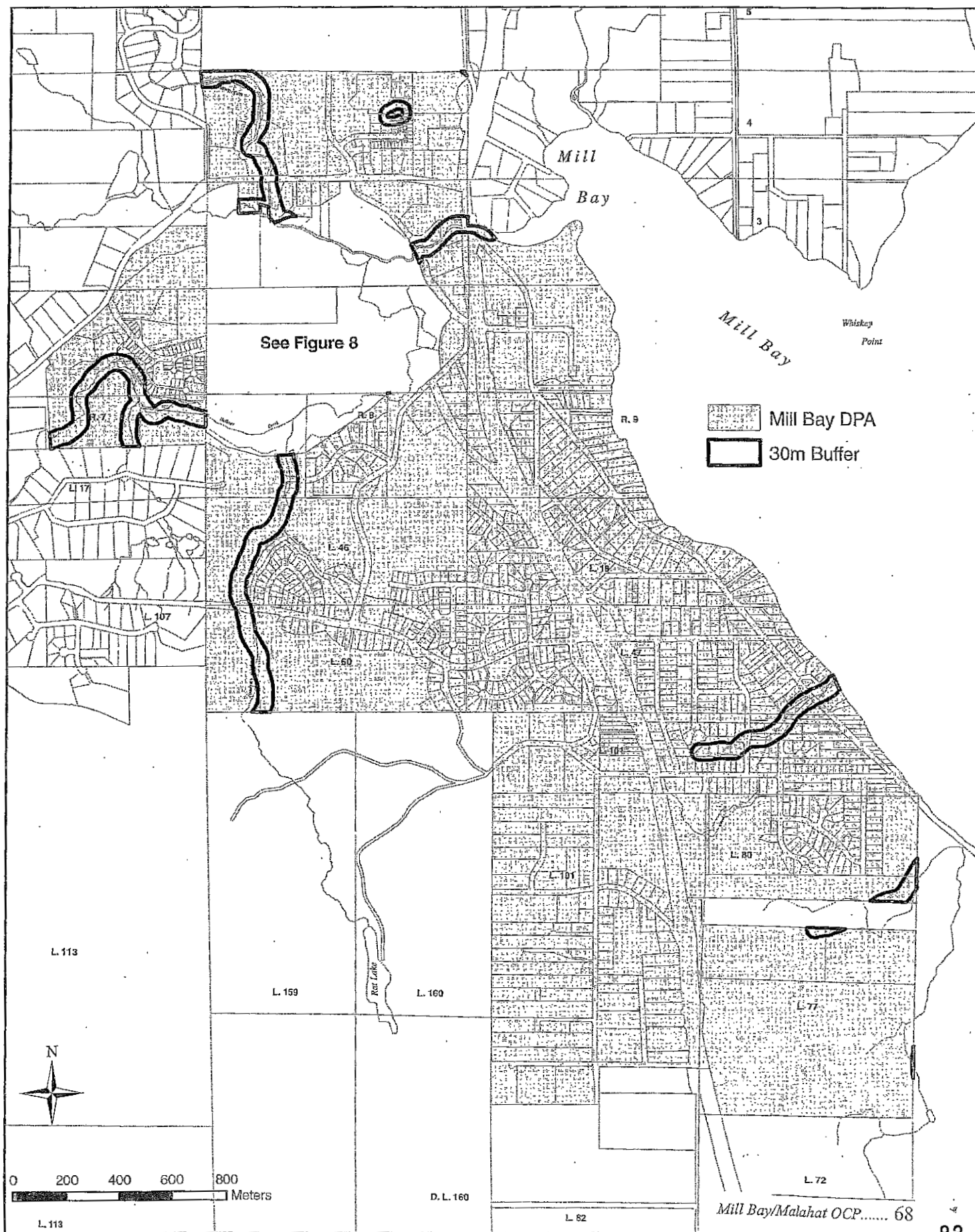
- (c) commencement of the subdivision of land or any commercial, industrial, or multi-family or related development within the Mill Bay Development Permit Area, shown in Figure 7; and
- (d) For riparian assessment areas outlined in Section 14.5.2, any of the following activities occurring in the Mill Bay Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation, subject to Section 14.5.1 (a) (b) and (c):
 - removal, alteration, disruption or destruction of vegetation;
 - disturbance of soils;
 - construction or erection of buildings and structures;
 - creation of nonstructural impervious or semi-impervious surfaces;
 - flood protection works;
 - construction of roads, trails, docks, wharves and bridges;
 - provision and maintenance of sewer and water services;
 - development of drainage systems;
 - development of utility corridors;
 - subdivision as defined in section 872 of the *Local Government Act*.

14.5.2 RIPARIAN ASSESSMENT AREAS

Additionally, Riparian Assessment Areas, as defined in the *Riparian Areas Regulation* that are within the area shown as Mill Bay Development Permit Area on Figure 7, are (as measured on the ground):

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

Figure 7 - Mill Bay Development Permit Area



- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank,
- And within these areas, the Riparian Areas Regulation Guidelines below will also apply.

14.5.3 DEFINITIONS

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

14.5.4 JUSTIFICATION

- a) An objective of the Regional District is to ensure that the design of any intensive residential, multi-family residential, commercial or industrial development is more stringently regulated than provided for in the zoning bylaw, in order to ensure that it is compatible with surrounding land uses.
- b) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial activities are attractive, with rigorous requirements for the storage of materials, landscaping, traffic mitigation and environmental protection.
- c) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial development does not impact negatively on the attractive character of any portion of the community, the livability of any residential neighbourhood, or the natural environment, in particular the groundwater resource.
- d) An objective of the Regional District is to ensure that intensive residential and multi-family residential development is designed to encourage affordability, safety, and accessibility, and is aesthetically landscaped and screened.
- e) Land uses within the development permit area may directly impact the Mill Bay Aquifer, the Saanich Inlet and/or freshwater streams, such as Shawnigan Creek, Hollings Creek or Handysen Creek, which flow into the Inlet. An objective of the Regional District is to ensure that the integrity of surface water and groundwater is protected from indiscriminate development. It is recognized that:
- a majority of residents in the Mill Bay Village area rely upon the Mill Bay aquifer for domestic water use, both in the form of drilled wells and the Mill Bay Waterworks Community Water System,
 - the Mill Bay Aquifer has a high vulnerability rating and a moderate productivity level, due to the depth to static water being shallow and, in many cases, the aquifer being unconfined (the aquifer flows north to northeast and has a mean depth of 7.2 metres (23 ft), a median depth of 6.7 metres (22 ft), with a total range of 0-38.1 metres (0-125 ft)),
 - the vulnerability of the Mill Bay Aquifer may be greatest in the upslope recharge areas and the northern area near Hollings Creek (the Mill Bay Aquifer is recharged through infiltration of precipitation along the upslope southern portion of the aquifer, groundwater flow is towards the

north and northeast, and the discharge zone is in the northern portion in the vicinity of Wheelbarrow Springs),

- significant areas along Shawnigan Creek and its tributaries may be subject to flooding, erosion and channel shifting,
 - provincial Fishery officials and the Federal Department of Fisheries and Oceans are concerned about the loss and degradation of trout and salmon spawning and rearing streams in the area,
 - the construction of buildings and structures and the clearing of land can create sedimentation problems which can adversely affect aquatic habitat, and
 - “Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia”, published by the Ministry of Environment requires that sensitive areas be left undisturbed wherever possible, with most development being preferably at least 30 metres away from the natural boundary of a watercourse.
- f) The province of British Columbia’s *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

14.5.5 GUIDELINES

Prior to commencing any development, including subdivision or construction, on lands within the Mill Bay Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:

- a) Services and Utilities
1. All sewage disposal facilities shall be approved by the Vancouver Island Health Authority or the Ministry of Environment.
 2. Storm sewers should be designed to retain and delay storm water runoff in order to reduce peak storm flows and the possible negative impact of flash flooding on the creeks. A storm water retention plan is encouraged to be developed as part of any engineering work in the development permit area.
 3. Primary water sources for housing should not include Shawnigan or Hollings Creeks.
 4. In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.
 5. Drainage facilities shall divert drainage away from hazardous lands.
- b) Vehicular Access
1. Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on

secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.

2. Unnecessary duplication of access points is discouraged. Where two or more multi family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.
3. Roads shall be paved with curbs, gutters, and sidewalks or similarly dedicated walkways/bikeways. Paths and bikeways shall be encouraged to link the on-site uses together and to connect with off-site amenities and services.
4. The Regional Board may give favourable consideration to variances of the terms of its parking bylaw (as stated in Policy 14.5.6 VARIANCES), for intensive residential development that features extended care facilities for seniors, if the development is located within the Urban Containment Boundary and in the vicinity of a public transit route which connects with Mill Bay Centre.

c) Vehicular Parking

1. Parking surfaces shall be constructed of asphalt or concrete and should be located a minimum of three metres from any parcel line.
2. Parking areas shall be designed to physically separate pedestrian and vehicular traffic.
3. Parking areas shall have interior landscaping, to break up large parking areas.
4. Parking areas shall be well lit and designed to provide for the safety of users.

d) 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.

e) Landscaping

1. Landscaping shall be provided as a minimum 6 metre visual buffer between a multi family, commercial or industrial use and neighbouring parcels and public roads. Combinations of low shrubbery, ornamental trees, and flowering perennials are recommended.
2. Safety from crime should be considered in landscaping plans.
3. The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between a multi family use and public roads is encouraged.
4. Landscaping may include lawn areas, however for commercial and industrial uses such areas should not exceed 50% of the total landscaping on the site, and for multi family uses such areas should not exceed 80% of the total landscaping on the site.

5. The Development Permit may specify the amount and location of tree and vegetation cover to be planted or retained.

f) Signage

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

g) 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 only without glare spill-over to adjacent parcels or to adjacent roads.

h) Overhead Wiring

Underground wiring shall be encouraged rather than overhead wiring.

i) Building Design (applies only to intensive or multiple family residential, commercial and industrial buildings)

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

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

This section applies to intensive residential, multi-family residential, commercial and industrial uses:

1. such development shall be discouraged within 30 metres of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.
 2. Any alteration, construction or development must not impact water quality and quantity, and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.
 3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
 4. Adequate buffering and protection of any sensitive native plant communities shall be provided.
- k) Timing of Development on Land
The development permit may impose conditions for the sequence and timing of development on land described in the permit.
- l) Siting of Buildings and Structures
The regulations of the zoning bylaw will normally prevail, however since site conditions will vary, there may be a need to alter the siting in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the site design.
- m) Riparian Areas Regulation Guidelines
Prior to undertaking any of the development activities listed in Section 14.5.1(d) above, an owner of property within the Mill Bay Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:
1. A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there

- are measures identified to protect the integrity of those areas from the effects of development; and
- iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
2. Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
 3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
 4. If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
 5. Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *R4R* in their reports;
 6. The CVRD Board strongly encourages the QEP report to have regard for "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment.

14.5.6 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Mill Bay Development Permit Area, the Regional District, in determining what conditions or requirements

it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a) a brief text description of the proposed development,
- b) maps/elevation drawings which include:
 - 1. the location of the project,
 - 2. a scale drawn site plan showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, pedestrian walkways and bike paths, and outdoor illumination design,
 - 3. a scale drawn landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
 - 4. a Signage plan showing all existing and proposed signs or sign areas,
 - 5. a preliminary building design including proposed roof and exterior finish details,
 - 6. the location of all natural watercourses and water bodies,
 - 7. the location of all greenways or open space,
 - 8. setback distances from a watercourse for construction or the alteration of land,
 - 9. location of break of land at the top of bank, or the significant or regular break in slope which is a minimum of 15 metres wide away from the watercourse, pursuant to the document "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment,
 - 10. topographical contours,
 - 11. the location of all soil test sites and soil depths,
 - 12. the location of hazardous slopes exceeding 25 percent grade,
 - 13. the location of lands subject to periodic flooding,
 - 14. existing and proposed roads, drainage systems, septic tanks and other sewage systems, irrigation systems, and water supply systems,
 - 15. the location of the sewage treatment plant and disposal field, if applicable,
 - 16. proposed erosion control works or alteration proposed, and
 - 17. areas of sensitive native plant communities.
- c) For development in areas that are subject to Section 14.5(a), a report of a Qualified Environmental Professional pursuant to Section 14.5.4(m).
- d) In addition to the requirements in subsections (a), (b) and (c), the Regional District may require the applicant to furnish, at his/her own expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
 - 1. a hydrogeological report/environmental impact assessment assessing any impact of the project on watercourses in the area,
 - 2. a report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition,

3. a report regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended,
4. a drainage and stormwater management plan, and
5. a report on the potential impact of the development on the groundwater resource.

14.5.7 EXEMPTIONS

The terms of the Mill Bay Development Permit Area do not apply to:

- a) construction or renovations of single family dwellings and accessory structures that lie outside of the area that is subject to Section 14.5(a);
- b) interior renovations to existing buildings;
- c) agriculture (except veterinary clinics) forestry, and parks;
- d) changes to the text or message on an existing sign that was permitted under an existing development permit.

14.5.8 VARIANCES

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

14.5.9 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
- b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
- c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
- d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
- e) fails to comply with an order, direction or notice given under this Development Permit Area; or
- f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

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



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-A-10DP
DATE: DECEMBER 8, 2010

TO: 687033 BC LTD.
c/o AECOM CANADA LTD.
ADDRESS: 200 - 415 GORGE ROAD EAST
VICTORIA, BC V9T 2W1

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 for purposes of subdivision:
District Lot 46, Malahat District, except parts in Plans VIP68911, VIP78297, VIP82480 and Strata Plan VIS4795 (Phases 3, and 5 to 10) and except Plan VIP83878, and VIP85356 and VIP85745(PID: 009-355-723)
3. Authorization is hereby given for the land to be subdivided into 17 residential parcels, plus land for park purposes.
4. The subdivision shall be developed in substantial compliance with the tentative plan of subdivision dated, February 8, 2010 attached hereto as Schedule 1.
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 Subdivision Approval. No subdivision approval shall be recommended until all items of this Development Permit and other requirements of subdivision have been completed 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 8th DAY OF DECEMBER 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.

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 687033 BC LTD., other than those contained in this Permit.

Signed

Witness

Owner/Agent

Occupation

Date

Date



D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF DECEMBER 7, 2010

DATE: December 1, 2010

FILE NO: 2-A-10 RS

FROM: Alison Garnett, Planner II
Development Services Division

BYLAW NO:

SUBJECT: Rezoning Application No. 2-A-10 RS (Drader)

Recommendation:

1. That Application No. 2-A-10RS (Neil Drader) proceed to the Board for 1st and 2nd reading of the bylaws;
2. That the application referrals from the Ministry of Transportation and Infrastructure, Malahat Volunteer Fire Department, Vancouver Island Health Authority and Malahat First Nation be accepted;
3. That a public hearing be scheduled with Directors Harrison, Cossey and Duncan appointed as delegates of the Board, following the receipt of a draft covenant affecting a 3 metre wide strip of the subject property along the road frontage for the purpose of protecting the Malahat Drive view corridor, which prohibits the installation of signage, the removal of vegetation and the parking of vehicles, unless specifically authorized by the CVRD.

Purpose:

An application has been received to rezone the northern portion of the subject property from R-1 (Rural Residential) to C-4 (Tourist Commercial), in order to create one consistent zone (C-4) throughout the subject property, and to permit RV storage adjacent to the existing campground.

Background:

Location: 304 Trans Canada Highway

Legal Description: Lot A, District Lots 105 and 139, Malahat District, Plan VIP56326
(PID: 018-218-482)

Date Application and Complete Documentation Received: March 23, 2010

Owner(s): Neil Drader, Calay Drader, and Douglas Drader

Applicant: Neil Drader

Size of Land Parcel: 5.8 ha (14.3 acres)

Contaminated Site Profile: Declaration signed by Neil Drader that no Schedule 2 activities have occurred on the subject property, pursuant to the *Environmental Management Act*

Existing Use of Property: Campground on the C-4 zoned portion of lot
Non-conforming RV storage on the R-1 zoned portion

Existing Use of Surrounding Properties:

North: Residential
South: Residential and Tourist Commercial
East: Railway and Forestry
West: Trans Canada Highway and Residential

Services:

Road Access: Trans Canada Highway (Malahat Drive)
Water: Well
Sewage Disposal: On-site disposal

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a TRIM stream with confirmed fish presence on the south end of the subject property.

Archaeological Sites: None identified in CVRD mapping

Fire Protection: Malahat Fire Service Area

Existing Plan Designation: Tourist Commercial and Rural Residential

Proposed Plan Designation: Tourist Commercial applied to the entire subject property

Existing Zoning: C-4 (Tourist Commercial) and R-1 (Rural Residential)

Proposed Zoning: C-4 (Tourist Commercial) applied to the entire subject property

Property Context:

The subject property is located at 304 Trans Canada Highway (Malahat Drive), towards the southern extent of Electoral Area A. The lot is 5.8 ha (14.3 acres) in size, and currently operates as Malahat Mountain Meadows RV & Campground. As illustrated by the attached maps, the subject property is an irregular shape: the northern triangular portion of the lot is zoned R-1 (Rural Residential) and the remainder of the property is zoned C-4 (Tourist Commercial). Similarly, the subject property has a split OCP designation of Rural Residential and Tourist Commercial.

The lot is located in an area of the Malahat with many other tourist commercial and general commercial uses, including other campgrounds, a service station, auto repair business, and a restaurant. Beyond this tourist commercial node, the surrounding land use includes large residential lots to the north and east. The E&N rail line runs adjacent to the subject property to the west, and forestry zoned lands are located beyond.

The applicant has operated a campground on the C-4 portion of the property for the past 7 years, and there are buildings for office and laundry use, a caretaker cabin, a pool and internal road network for the campsites. There are no buildings on the R-1 zoned portion of the subject property. Aside from vegetation and trees along the Trans Canada Highway, this portion of the subject property is mostly cleared and is surfaced with crushed gravel. The applicant also owns the adjacent residential property at 392 Trans Canada Highway (Lot 152).

This application was initiated following a bylaw enforcement investigation into the use of the R-1 portion of the lot for RV storage. Originally, the applicant was requesting to rezone the R-1 portion to the I-1A (Light Industrial) zone, which would legalize the RV storage and permit the establishment of mini storage. However, following discussions with staff, the current application is to extend the C-4 zone and Commercial designation to the entire subject property. RV storage is considered a use accessory to camping, and therefore permitted in the C-4 zone.

Proposal:

The applicant has stated that RV storage represents an economic opportunity which complements the existing campground use of the property. If successful, this rezoning application would allow an expansion of any uses in the C-4 zone to the entire subject property, and the storage of RVs as an accessory use. He has indicated that there is sufficient space to store approximately 80 RVs on the current R-1 zoned portion of the subject property.

This application involves only modest changes to the subject property. The existing access point from the Trans Canada Highway would remain, and internal roadways already exist. No construction is proposed, although in the long term the applicant intends to build structures to cover and provide protection for the parked RVs. The applicant has indicated a willingness to use oil pans under the parked RVs to decrease the risk of motor oil contamination on the site. The watercourse located on the subject property is south of the proposed RV storage, and no new development is being proposed within 30 metres of this watercourse.

Servicing

The lot is currently serviced by on-site septic tank and field, and on-site well, and these existing services would supply any increase in demand from this proposed use.

Fire Protection

The subject property is located within the Malahat Fire Protection Area and fire protection is provided by the Malahat Volunteer Fire Department. Comments received from the Fire Department and the CVRD Public Safety Department are noted below.

Policy Context:

Official Community Plan

One of the Economic Goals within OCP Bylaw No. 1890 is to “*facilitate economic growth in a manner which will be beneficial to the community*”.

Furthermore, General Commercial Policy 8.3.2, states:

Proposals to designate new commercial land in the Plan area should ensure that the proposed use is not already being adequately provided, is essential to either the traveling public or local residents, and will not have an adverse effect on views along the highway or the quality of the environment.

Policy 8.6.1 in the Tourist Recreation Commercial section states:

Tourist Recreational Commercial uses shall ensure that:

- a) The development reflects and is sensitive to the character of the surrounding properties;*
- b) The site has good road access, and the development will not create levels of traffic on residential streets that would exceed those normally experienced in a residential neighbourhood;*
- c) Adequate off-street parking is provided to accommodate the needs of the development; and*
- d) Public access to beach areas or adjacent public recreation facilities is not reduced.*

Zoning

The C-4 Zone permits the following uses:

- 1)Campground;
- 2)Marina operations, including accessory boat sales, rental and servicing, but excluding boat building;
- 3)Restaurant;
- 4)Recreation facility; including golf driving range and mini-golf facility;
- 5)Tourist accommodation;
- 6)Accessory retail sales, gift shop;
- 7)One single family dwelling per parcel accessory to use permitted in Section 9.4(a)(1-5)

The parcel coverage is 20 percent and the height limit is 10 metres for all buildings and structures. The setback to all property lines is 6 metres. Minimum parcel size without servicing is 1 hectare.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed this application on November 9, 2010 where the following motion was passed:

The Area A APC unanimously recommends to the CVRD that Drader Application No 2-A-10RS be approved.

Referral Agency Comments:

This application was referred to government agencies on October 7th, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Approval recommended subject to no further access to the Trans Canada Highway*
- Vancouver Island Health Authority – *Interests unaffected.*
- Malahat First Nation – *No comments received.*
- Malahat Volunteer Fire Department – *Approval recommended subject to 1) Propane cylinders on all stored RV's must be shut off, 2)All units must remain unoccupied 3)RV's should have sufficient spacing to limit the spread of fire,*
- CVRD Parks and Trails Division – *Parks and Trails staff have reviewed the application, and will not be forwarding it to the Parks Commission.*

- CVRD Public Safety Department – *This area is a high to extreme risk for wildfire. Consideration should be given to implementing FireSmart principles to protect vulnerable RVs as well as the surrounding Wildland Interface area. Minimum two points of access/egress to the property should be considered to provide citizenry and emergency services personnel secondary evacuation route due to campground on the property. The water system for the property must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting flows (see attached memo).*

Staff Comments:

This application to create a continuous C-4 zone for the subject property appears to be a reasonable request, as tourist commercial use already exists on the majority of the subject property. Furthermore, this land use is compatible with adjacent commercial zoning and operations in the area.

The recommendations received from CVRD Public Safety department and Malahat Volunteer Fire Department have been conveyed to the applicant. These comments are difficult to enforce through zoning, therefore we have encouraged that the applicant communicate directly with representatives of those agencies and work towards compliance.

The above noted OCP policies provide direction on those issues which should be considered in this application, which notably include safe vehicle access and view protection. As shown on the attached site plan, the campground currently uses a single access point directly from the Trans Canada Highway, and no changes are proposed as a result of this application. The Ministry of Transportation and Infrastructure staff appear satisfied with this issue, as support has been recommended for the application, subject to there being no further road access.

With respect to view protection, the site’s existing trees and fencing provide some screening from the perspective of the Trans Canada Highway, although parked RVs are currently still visible. There are no signs along the road frontage, other than the principle business sign at the campsite’s entrance. To ensure that this screening is maintained in the future, staff are recommending that a restrictive covenant be registered on the subject property, applicable to a minimum 3 metre wide strip along the road frontage. This covenant would prevent removal of vegetation, the installation of signs and the parking of vehicles, with the intention of maintaining the treed view corridor along the Malahat Drive. Existing fencing and landscaped areas could be maintained in their current state.

The goal of preserving this view corridor is reinforced by the Trans Canada Highway Development Permit Area guidelines, as well as the C-4 zone’s 6 metre setback to property lines. However the storage of RV’s is not subject to zoning setbacks, nor would it likely require a development permit (unless other significant site alterations are proposed), therefore staff support the use of a covenant to provide some assurance on this site’s development.

Options:

A:

1. That Application No. 2-A-10RS (Neil Drader) proceed to the Board for 1st and 2nd reading of the bylaws;

2. That the application referrals from the Ministry of Transportation and Infrastructure, Malahat Volunteer Fire Department, Vancouver Island Health Authority and Malahat First Nations be accepted;
3. That a public hearing be scheduled with Directors Harrison, Cossey and Duncan appointed as delegates of the Board, following the receipt of a draft covenant affecting a 3 metre wide strip of the subject property along the road frontage, for the purpose of protecting the Malahat Drive view corridor, which prohibits the installation of signage, the removal of vegetation and the parking of vehicles, unless specifically authorized by the CVRD.

B:

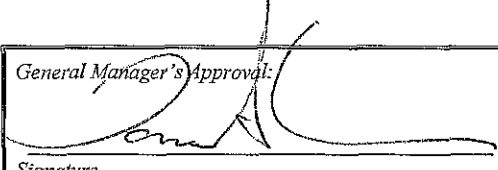
That Application No. 2-A-10RS (Drader) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option A is recommended.

Submitted by,



Alison Garnett, Planner II
Development Services Division
Planning and Development Department

General Manager's Approval:	
Signature	

AG/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.

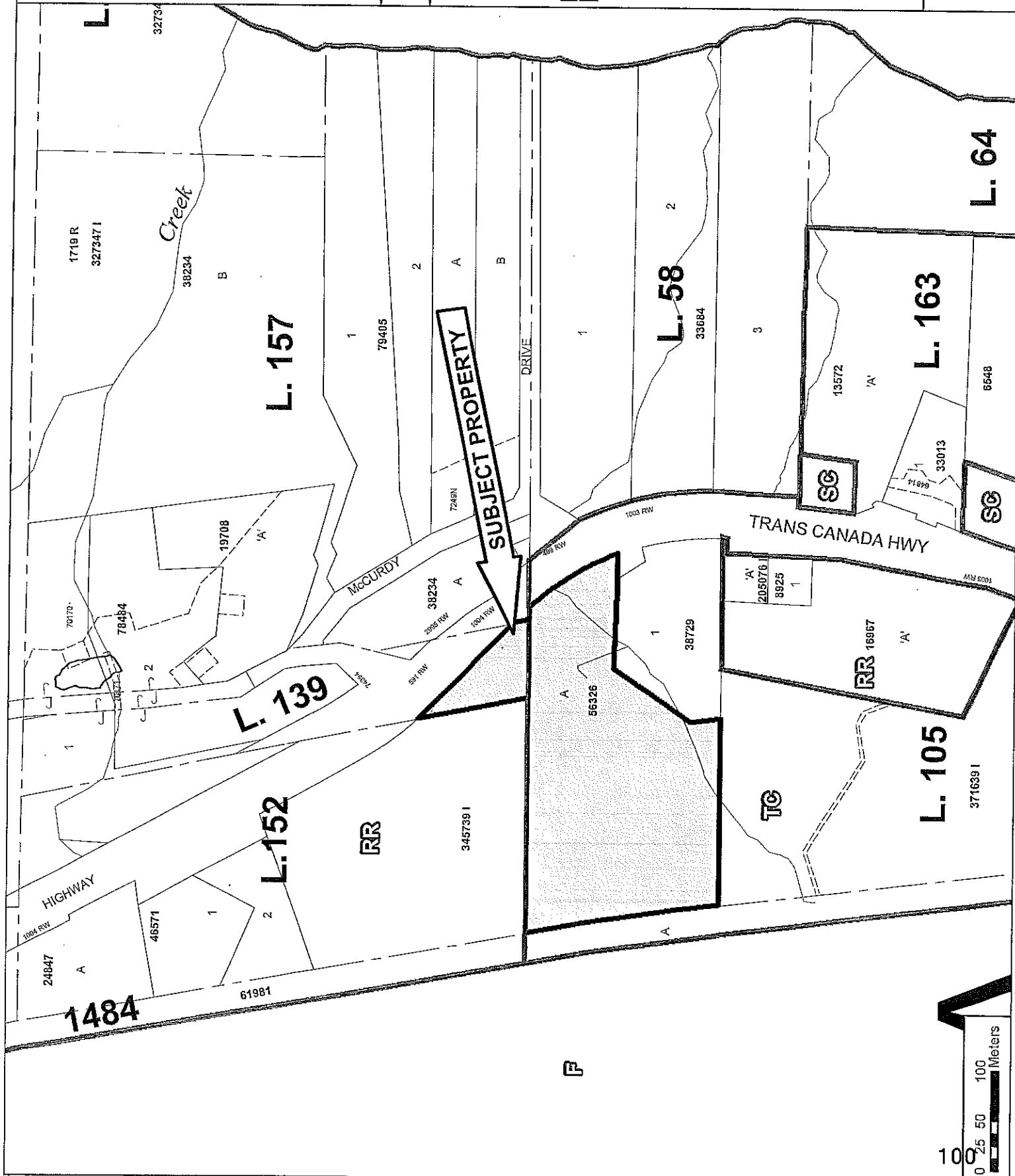
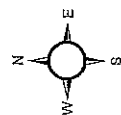
FILE: 2-A-10-RS

OCP

Legend



Subject Property
OCP Electoral Area A



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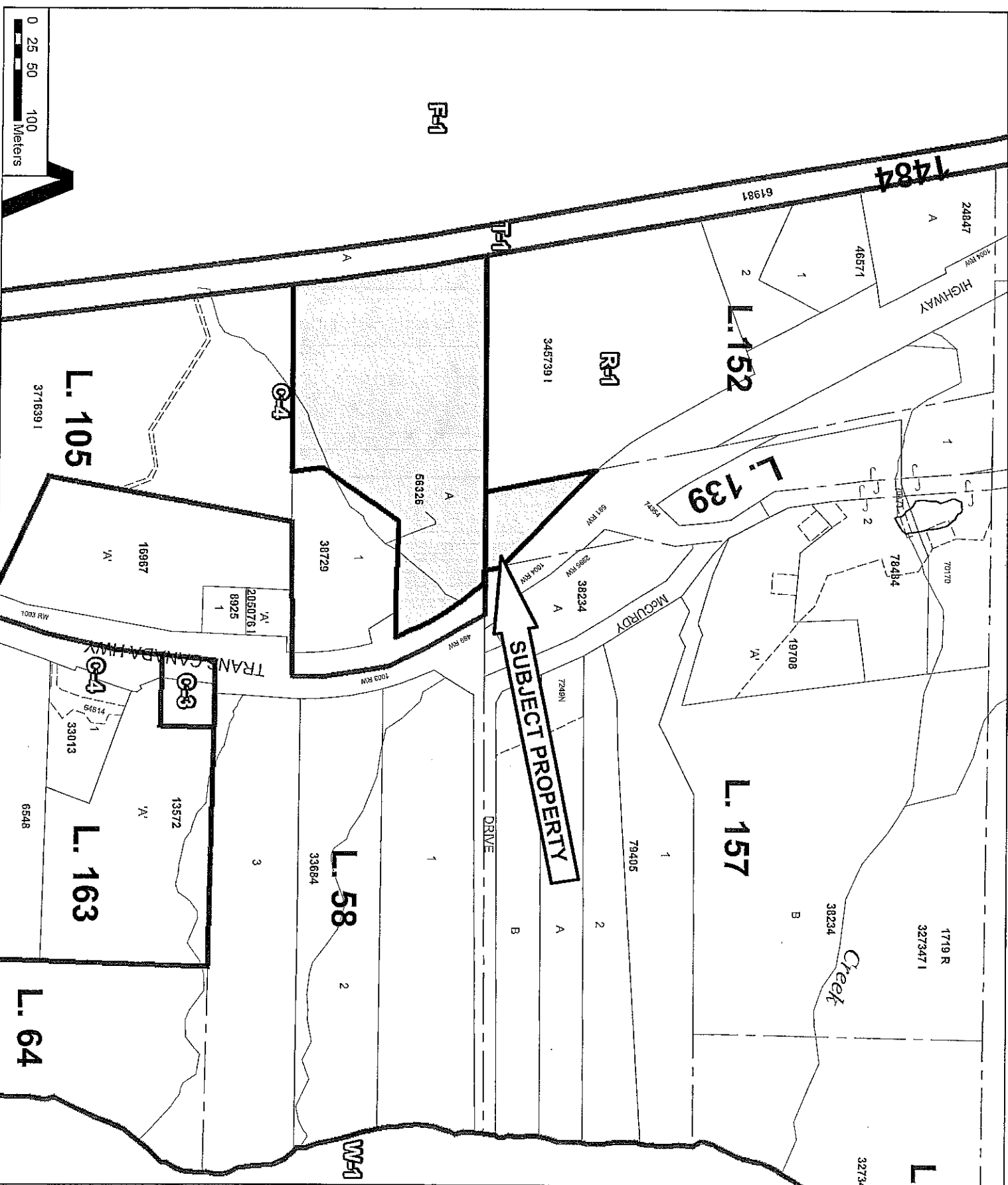
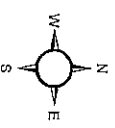
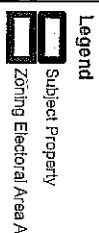
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FILE: 2-A-10-RS

ZONING





Cowichan
Valley
Regional
District

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

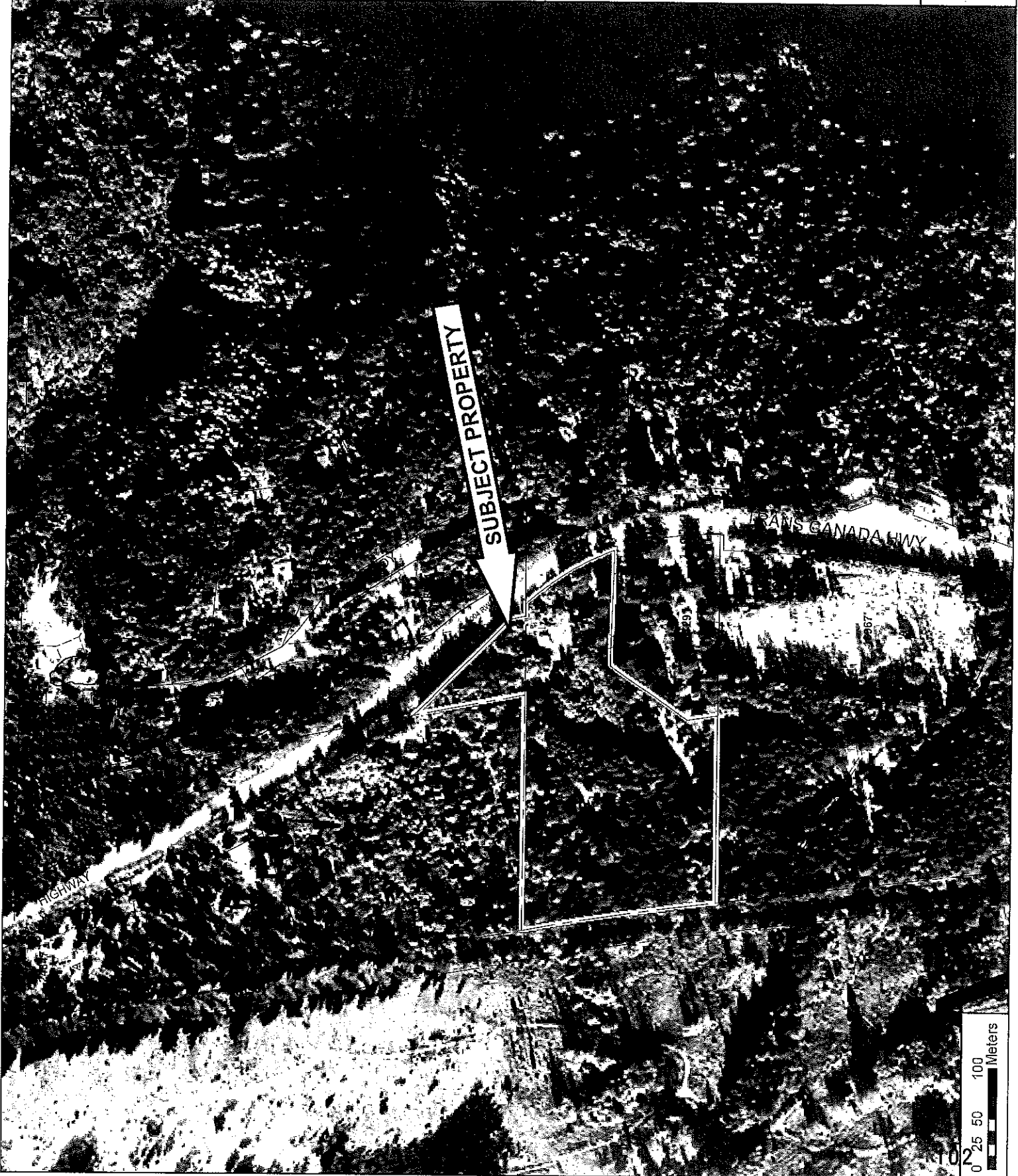
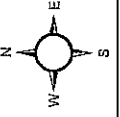
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The official Bylaws should be consulted for all rules of interpretation and application of the Bylaws.

FILE: 2-A-10-RS

Orthophoto (2002)



PLAN OF SUBDIVISION OF
PART OF D L 139 AND THE NORTHERLY
9.52 CHAINS OF D L 105 (EXCEPT PLAN
38729), MALAHAT DISTRICT

BCGS 92B053

SCALE 1:1000

Owner _____

Owner _____

Witness _____

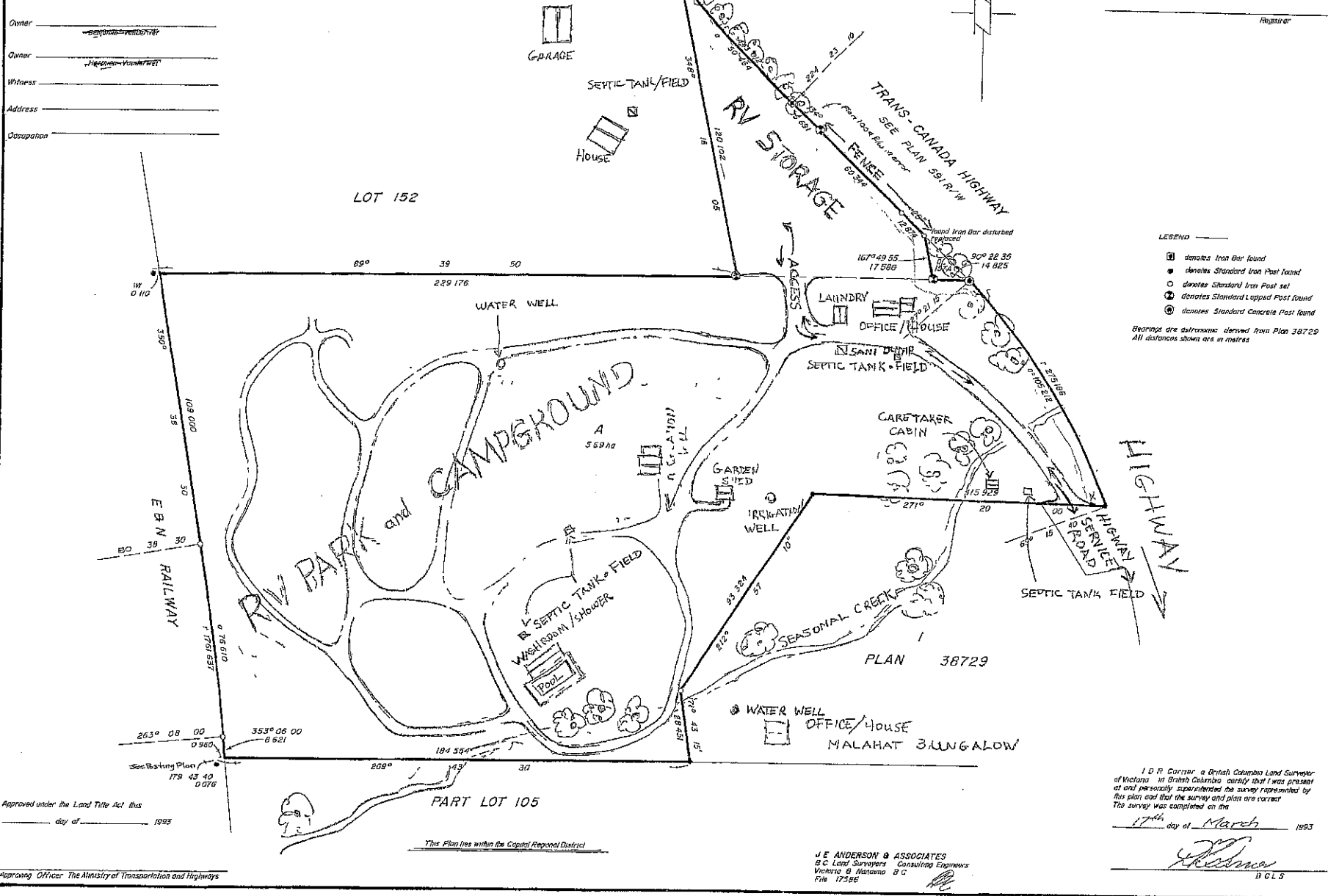
Address _____

Occupation _____

PLAN _____

Deposited in the Land Titles Office at Victoria B.C. this
_____ day of _____ 1993

Register _____



9.4 C-4 ZONE - TOURIST RECREATIONAL COMMERCIAL

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

(a) Permitted Uses

The following *uses* and no others are permitted in a C-4 zone:

- (1) *Campground*;
- (2) Marina operations, including accessory boat sales, rental and servicing, but excluding boat building;
- (3) Restaurant;
- (4) Recreation facility; including golf driving range and mini-golf facility;
- (5) *Tourist accommodation*;
- (6) *Accessory retail* sales, gift shop;
- (7) One single *family dwelling* per *parcel* accessory to a use permitted in Section 9.4(a)(1-5).

(b) Conditions of Use

For any *parcel* in a C-4 zone:

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings* and structures;
- (2) The *height* of all *buildings* and *structures* shall not exceed 10 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	6.0 metres
Interior & Exterior Side	6.0 metres
Rear	6.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the C-4 zone shall be:

- (1) 0.2 ha for *parcels* served by a *community water* and *sewer system*;
- (2) 0.4 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*.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3451

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

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area A – Mill Bay/Malahat, that being Official Community Plan Bylaw No. 1890;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1890;

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3451- Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Drader), 2010**".

2. AMENDMENT

Cowichan Valley Regional District Official Community Plan Bylaw No. 3451, 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.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3451

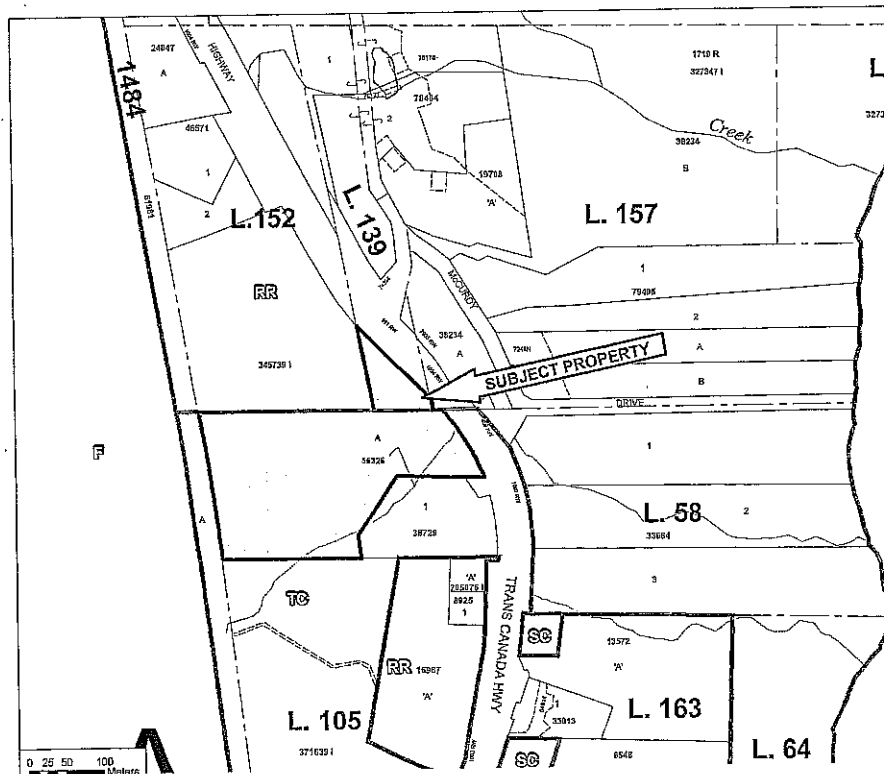
Schedule A to Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. That a portion of Lot A, District Lots 105 and 139, Malahat District, Plan VIP 56326, shown as shaded on Plan number Z-3451 attached hereto and forming Schedule B of this bylaw, be redesignated from Rural Residential to Tourist Commercial; and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.

PLAN NO. Z-3451

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

3451



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Rural Residential

TO

Tourist Commercial

APPLICABLE

TO ELECTORAL AREA A



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3452

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

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3452 - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Drader), 2010**".

2. AMENDMENT

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

- a) That Schedule B (Zoning Map) to Zoning Bylaw No. 2000 is amended by rezoning a portion of Lot A, District Lot 105 and 139, Malahat District, Plan VIP56326, which is shown as shaded on Plan Z-3452 attached hereto and forming Schedule A of this Bylaw, from R-1 (Rural Residential) to C-4 (Tourist Commercial).

.../2

3. FORCE AND EFFECT

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

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

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

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

ADOPTED this _____ day of _____, 2010.

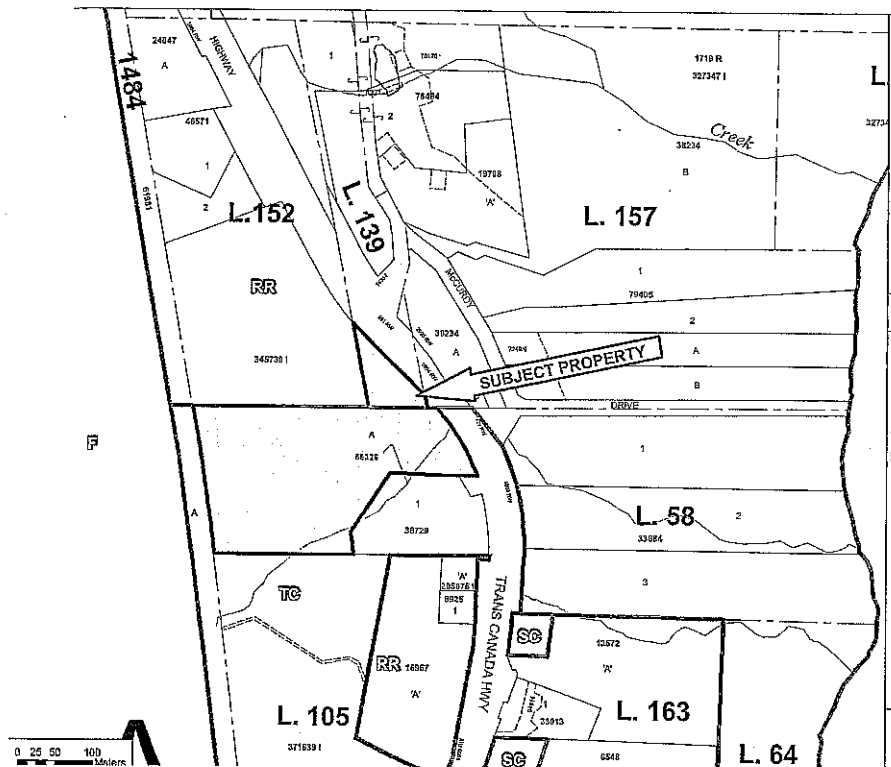
Chairperson

Secretary

PLAN NO. Z-3452

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

3452



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-1 (Rural Residential)

TO

C-4 (Tourist Commercial)

APPLICABLE

TO ELECTORAL AREA A



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF DECEMBER 7, 2010

DATE: November 30, 2010

FILE NO: 2-D-10 RS

FROM: Alison Garnett, Planner II
Development Services Division

BYLAW NO:

SUBJECT: Rezoning Application 2-D-10 RS (Butler)

Recommendation:

That Application No. 2-D-10RS (Butler) 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:

An application has been received to amend Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015. The applicants are proposing to rezone $\pm 853 \text{ m}^2$ ($\pm .21$ acres) of land from the R-3B Zone (Urban Residential – Limited Height) to a new duplex limited height zone.

Background:

Location: 1721 Pritchard Road, Cowichan Bay

Legal Description: Lot A (DD A26121), Section 6, Range 4, Cowichan District, Plan 12744

Date Application and Complete Documentation Received: January 20, 2010

Owner(s): Michael and Deborah Butler

Size of Parcel: $\pm 853 \text{ sq.m.}$ ($\pm .21$ acres)

Contaminated Site Profile Received: Declaration pursuant to the *Waste Management Act* signed by the property owner. No Schedule 2 uses noted.

Existing Use of Property:

The subject property currently has a small cottage on it that was built in the 1930s.

Existing Use of Surrounding Properties:

North: Residential (zoned R-3B)
 South: Residential (zoned R-3B)
 East: Multiple Family Residential (zoned RM-3)
 West: Residential (zoned R-3B)

Agricultural Land Reserve Status: The subject property is outside of the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) does not identify any environmentally sensitive areas on the subject property.

Archaeological Sites: There are no identified archaeological sites on the subject property.

Existing Plan Designation: Urban Residential

Proposed Plan Designation: Not being amended.

Existing Zoning: The subject property is zoned R-3B (Urban Residential – Limited Height).

Proposed Zoning: A new duplex limited height zone is proposed

Minimum Lot Size Under Existing and Proposed Zoning:

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

- 700 m² for parcels served by a community water and sewer system;
- 0.2 ha for parcels served by a community water system only;
- 0.8 ha for parcels served by neither a community water or sewer system.

Services:

Road Access: Pritchard Road

Water: Community Water is proposed

Sewage Disposal: Community Sewer is proposed

Property Context:

The subject property is located on Pritchard Road in Cowichan Bay. This is a sloped, 0.21 acre lot that is primarily lawn and landscaped gardens. The north and east parcel boundaries are heavily vegetated providing a visual buffer between the subject property and the adjacent condo building.

This neighborhood in Cowichan Bay is characterized by residential use and designated Urban Residential within the OSP. Properties to the immediate north, west, and south of the site contain urban residential parcels that range in size from about 600 m² to 3900 m². Multi-family residential uses are located to the immediate east and northeast of the property.

The Proposal:

Overview

This application proposes to rezone the subject property from R-3B (Urban Residential – Limited Height) to a new zone for the purpose of permitting a duplex on the property. The applicants have indicated to CVRD staff that they intend to demolish the existing home and applying to strata title the proposed duplex. A conceptual site plan illustrating the proposed layout and location of the duplex onsite is attached to this report, but at this point the applicants have not provided a conceptual building design.

Site Access

The subject property has access off Pritchard Road, which is along its southern boundary. The applicant has indicated that Pritchard Road will continue to be used to access the parcel if the rezoning application is approved.

Water

The applicants have indicated the property currently has one connection to Cowichan Bay Water District, so an additional connection will be required for the second residence. Cowichan Bay Water Districts comments are noted below.

Sewer

The subject property is located within the Cowichan Bay Sewer System Service Area, and the subject property currently has one community sewer connection. One additional connection is required for the additional dwelling unit being proposed.

Fire Protection

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

Park Dedication

The applicant is not proposing any park dedication. As no subdivision is proposed, park dedication under Section 941 of the *Local Government Act* is not required.

Watercourses and Environmentally Sensitive Areas

The CVRD Environmental Planning Atlas (2000) does not identify Environmentally Sensitive Areas on the subject property. No watercourses or wetlands were seen during a site visit conducted by staff on July 7, 2010.

Policy Context:

Official Settlement Plan:

The Area D OSP designates the subject property as Urban Residential. The Area D Official Settlement Plan (p. 8, 9 & 10) states that some of the objectives of the Plan are, “*to protect areas and views of exceptional natural beauty and visual amenities for the general public*” (p.8), “*to provide for a diversity of lifestyles by permitting a variety of lot sizes and housing alternatives*” (p.9), and “*to evaluate all new residential development on the basis of its effect on existing water supplies*” (p. 10).

The OSP also contains policies that relate to the subject application; they include:

Policy 7.1 – Infilling shall be encouraged adjacent to existing residential areas and within those areas designated Urban and Suburban Residential on the Plan Map. Further designation of land for residential use shall be conditional upon a review of residential land availability in the area.

In cases where this review indicates that there is sufficient land available to satisfy the anticipated population growth over a five year period, re-designation should be denied or deferred until infilling has occurred.

Policy 7.9 – Land designated Urban Residential shall be subject to the following net density standards (including all parks, roads, and schools).

URBAN RESIDENTIAL DEVELOPMENT STANDARDS

Services Provided

Maximum Net Density

No services

1 unit per .8 hectares

Community Water

1 unit per .2 hectares

Community Water and Sewer

1 unit per 700 m²

Policy 7.11 – Duplexes shall be permitted on a single parcel providing the allowable maximum density is not exceeded.

Policy 7.11.1 – Notwithstanding Policy 7.11, the Board may, by way of rezoning, consider permitting duplexes on parcels of land in the Urban Residential Designation, provided parcels are connected to a community water system and the Eagle Heights (CVRD) sewer system. In considering such zoning amendment applications, the Board shall have regard for the surrounding land uses, traffic and such other matters as may be considered relevant.

Off-street Parking Bylaw No. 1001

Currently on-site there is one parking spot on the subject property. Parking Bylaw No.1001 stipulates that when a building contains two or less dwelling units, as is the case with the proposed duplex, there must be two spaces per dwelling unit. In this case, this rezoning proposal would require four parking spaces. As the applicants are proposing four parking spaces, the proposed duplex would be in compliance with CVRD Bylaw 1001.

Advisory Planning Commission Comments:

The Area D Advisory Planning Commission reviewed this application on October 20, 2010 where the following motion was passed:

The APC declines to approve the application to rezone the property to R3-A but recommends the property be rezoned to a new zone Urban Residential Duplex Limited Height (7.5 m) that is applicable to any new duplex application in the limited height zone of Area D.

The motion passed 7-0.

Referral Agency Comments:

This application was referred to government agencies on August 26th, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Interests unaffected*
- Vancouver Island Health Authority – *This office has no objection provided all units are connected to community water and sewer systems*
- Cowichan Tribes – *No comments received.*
- Cowichan Bay Volunteer Fire Department – *Interests unaffected*
- Cowichan Bay Water District – *The owner must make formal application to CBWD for water, and pay all applicable fees. The owner must comply with CBWD Engineering Specifications and Standards.*
- CVRD Parks and Trails Division – *Parks and Trails staff have reviewed the application and will not be referring it to the Parks Commission during the rezoning stage.*
- CVRD Public Safety Department – *Proposal is within North Cowichan/Duncan RCMP Detachment area; Proposal is on the border of BC Ambulance Service Station 152 (Duncan) and Station 137 (Mill Bay) response areas and either station could be called to respond; Proposal is within the boundaries of the CVRD Regional Emergency Program; With the proposed cottages set back from the road area, the proposed development should ensure that community and emergency services personnel have sufficient space to enter the property; Proposal is inside the response area of the Cowichan Bay Volunteer Fire Department.*
- CVRD Environmental and Engineering Department – *Currently Cowichan Bay Sewer Service Area is at capacity and unable to add additional users at this time.*

Planning Division Comments:

A primary challenge for this application is community sewer availability. The subject property is located within the Cowichan Bay Sewer Service Area, but as noted in the comments received from CVRD Environmental and Engineering Department, Cowichan Bay Sewer system is at capacity, and unable to provide service to the proposed second residence. The development potential of a duplex on this lot is therefore in question.

This is somewhat regrettable, as the APC appears supportive of a duplex within Cowichan Bay village, so long as the appropriate height limits are in place for view protection. Planning staff also support this application from a land use perspective, as it proposes a modest increase in density within the village area, and the land is already designated for Urban Residential use. Furthermore, this application complies with those Plan policies that encourage infilling and variation in housing types.

The height issue raised in the APC's comments are based on the applicant's original request to rezone the property to an existing duplex zone within the Area D Zoning Bylaw: R-3A Urban Residential Duplex zone. This zone currently applies to three parcels located on Francis Street in the Koksilah area, approximately 5 km from the subject property. The R-3A zone has a height limit of 10 metres for all buildings and structures. We have received comments from the public (attached) which object to the proposed 10 metre height limit, as the subject property is currently in a height limited zone. This issue can be addressed by creating a new height limited duplex

zone in order to ensure view protection in Cowichan Bay village. The applicants are amenable to a 7.5 metre height restriction.

However, the uncertainty of redeveloping this lot due to the inability to meet servicing requirements leaves staff in a position to recommend that this application be denied. This recommendation comes from a practical perspective, and is reinforced by OSP policy 7.11.1, which states that a duplex must be connected to a community water and sewer system. In accordance with Bylaw No. 3725, the applicants could reapply in 12 months, at which time there may be additional capacity in the Cowichan Bay Sewer system.

Alternatively, it is possible for the duplex zoning to be in place prior to securing the additional sewer unit. In this scenario, the applicants could elect to maintain the small home in the interim, or a portion of the duplex could be constructed, with the second half added when the additional sewer unit becomes available. It is also possible that the owner may pursue approval for an on-site sewage disposal system if connection to the community water system is not possible. There is more uncertainty with this scenario, but this is an option that the EASC may wish to consider.

Options:

A:

1. That Application No. 2-D-10RS (Butler) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

B:

1. That draft bylaws for application No. 2-D-10RS (Butler) for a new limited height duplex zone be prepared and presented at a future EASC meeting;

2. That the application referrals from the Ministry of Transportation and Infrastructure, Cowichan Bay Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes and Cowichan Bay Waterworks be accepted;

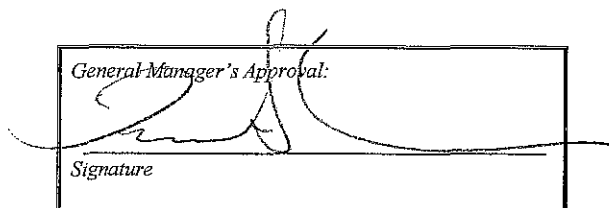
Option A is recommended.

Submitted by,



Alison Garnett, Planner II
Development Services Division
Planning and Development Department

AG/ca

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

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The Regional District does not warrant the accuracy.

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

FILE: 2-D-10-RS

ZONING

Legend



Subject Property
Zoning Electoral Area D

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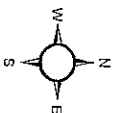
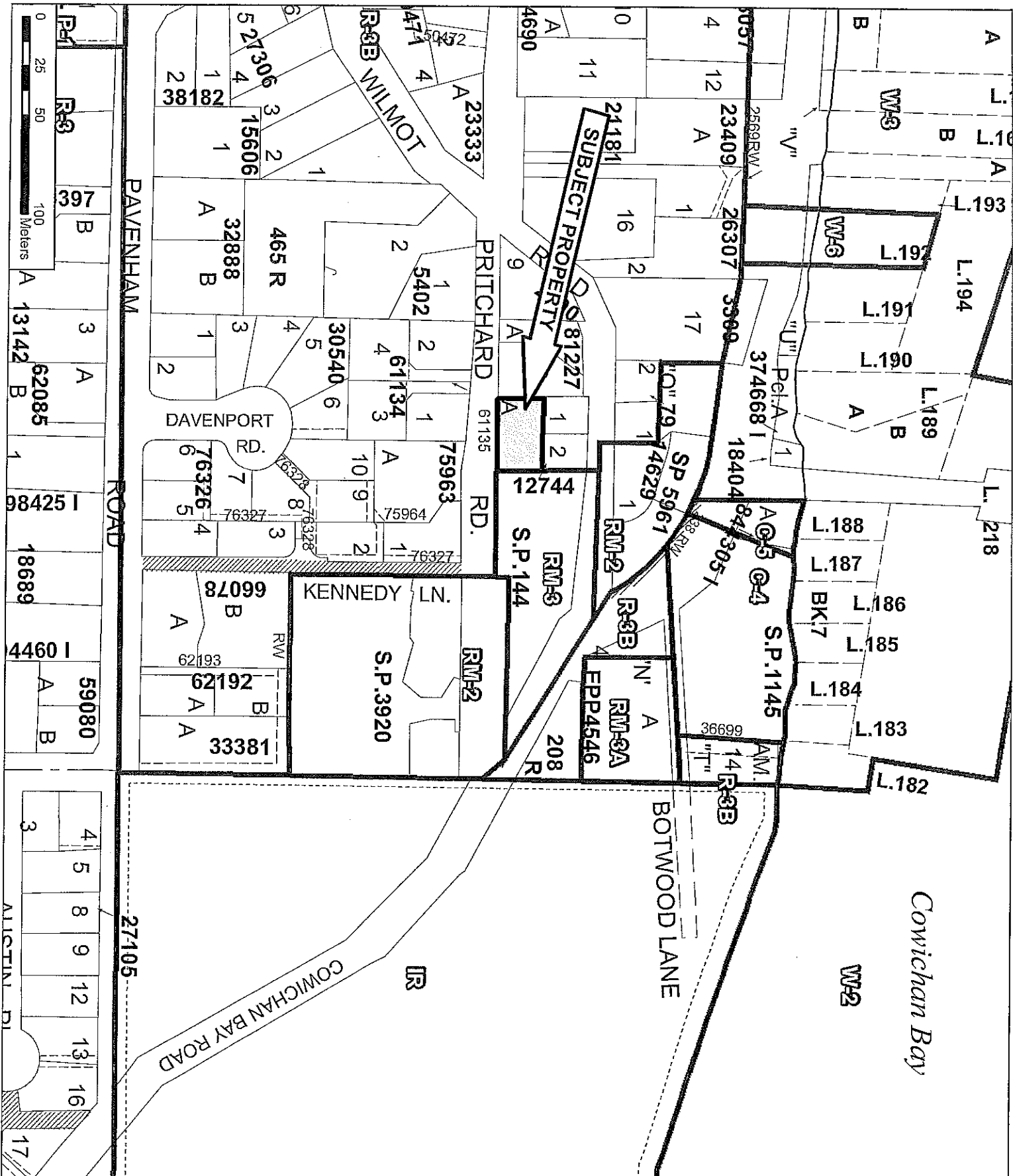
Cowichan Bay

WV-2

BOTWOOD LANE

COMWICHAN BAY ROAD

-27-105





Cowan Valley Regional District

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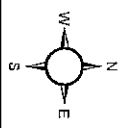
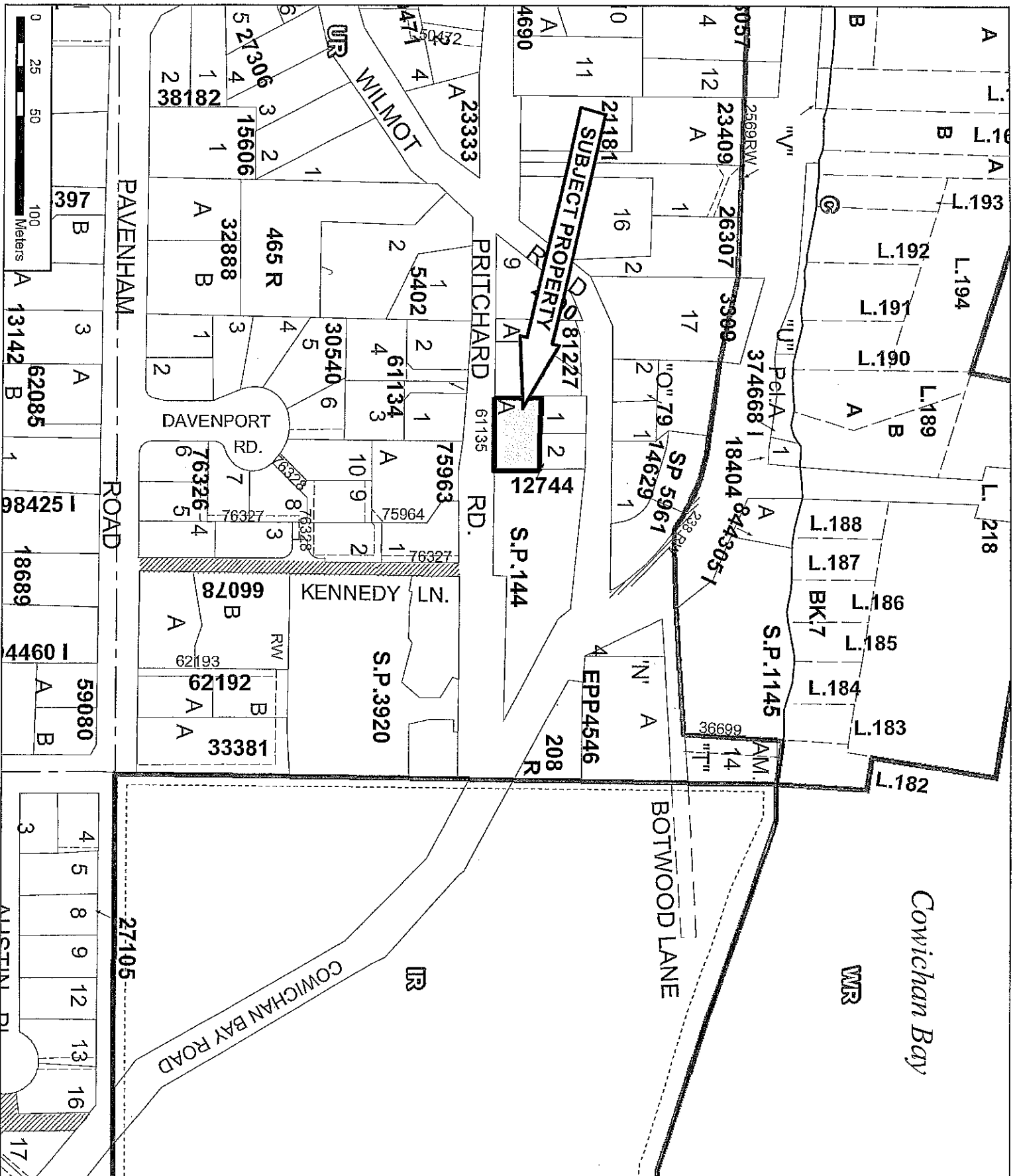
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-D-10-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area D



PAV
CRAE
400'S

EXISTING

EXISTING

EXISTING
COTTAGE

240' PITCHMAN RD.

73.65'

125'

73.65'

PARALLEL
LOT

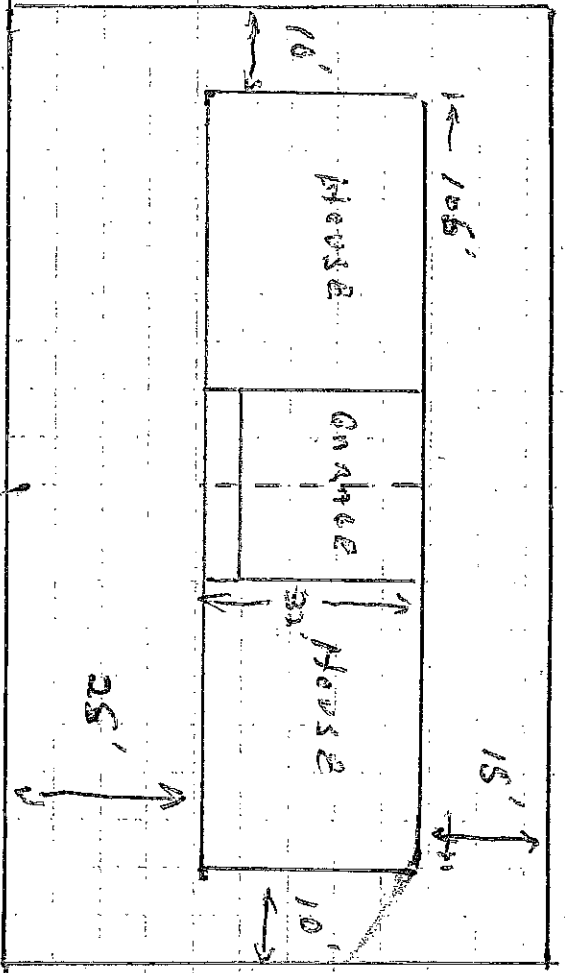
COULCIVILLE
BAY
ARMS.

SCALE 1"=25'
APPROX

N

PROPOSED
IMPROVED
DEVELOPMENT

SCALE
1" = 25'
AREA



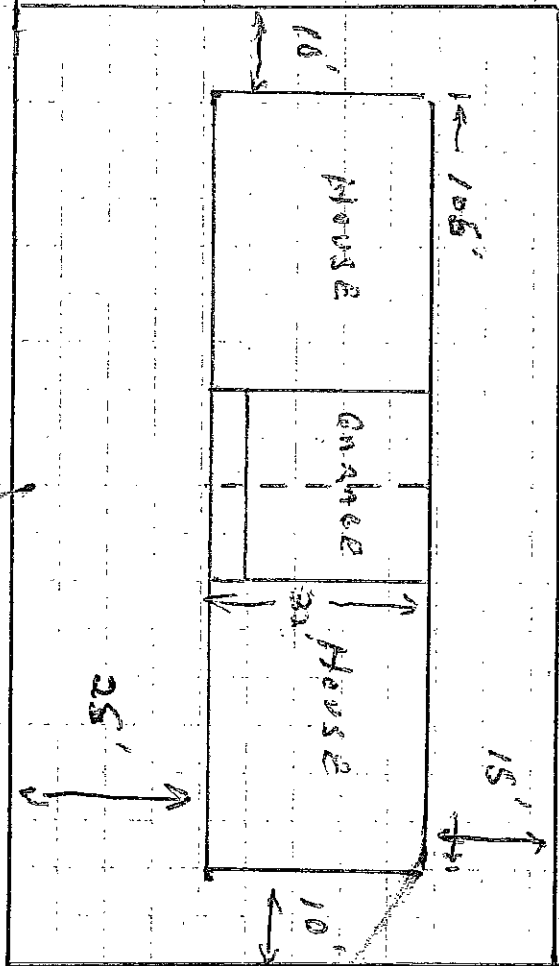
S

PATTHAN RD.

N

PROPOSED
DUPLEX
DEVELOPMENT

SCALE
1" = 25'
AREA



S

PATCHEARD RD.

DRY
CRANE
H003E

CONTAINER

CONTAINER

ENCLOSURE
BY
ARM

EXISTING
CONTAINER

140' PITCHERS RD.

73.85'

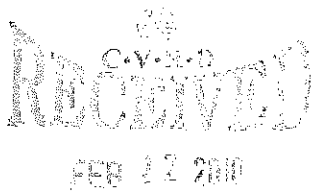
125'

125'

73.85'

PARALLEL
LOT

SCALE 1" = 25'
APPROX.



1722 Pritchard Road RR1
Cowichan Bay, B.C.
V0R 1N1

February 11, 3010

Mr. T. Anderson
Planning Department
CVRD
175 Ingram Street
Duncan, BC
V0L 1N8

Dear Mr. Anderson:

I am writing with respect to the Development Application for Re-Zoning of the property at 1723 Pritchard Road in Cowichan Bay. My understanding is that the re-zoning, if approved, would permit the construction of a 10 metre high building in the middle of an area which is otherwise restricted to 7.5 metres in height. This would make nonsense of the ruling restricting new construction in the area to 7.5 metres and would set a very undesirable precedent for future development applications.

In my view the CVRD should immediately issue a new zoning provision for this protected area of Cowichan Bay permitting the construction of a duplex or other building not covered by the present zoning but limited to 7.5 metres in height.

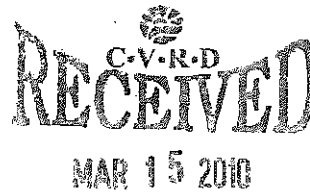
If this is not done and the current Application amended accordingly I can assure you that my neighbours and I will vigorously oppose it. I hope and believe that other Cowichan Bay residents would do likewise.

We live at 1722 Pritchard Road, directly across from the property in question, and our views of the Bay could be considerably compromised by the proposed development.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Griggs".

David Griggs



March 10, 2010

Cowichan Valley Regional District
Duncan, BC

Attention: Mr. Tom Anderson

Re: Rezoning application, 1723 Pritchard Road, Cowichan Bay

Sir,

We respectfully ask the CVRD to deny Mr. And Mrs. Butler's application to rezone their property at 1723 Pritchard Road from "Urban Residential - Limited Height" to "Urban Residential -Duplex". The additional 2.5 meters of height permitted under the Duplex zoning will adversely affect our and our neighbours' view of the bay. The 7.5 meter height limit was introduced to preserve bay views for all residents and we see no reason why the restriction should be lifted, or a precedent made, in this case.

Respectfully yours,

Two handwritten signatures are present. The first signature, on the left, is for Sharron Keetley. The second signature, on the right, is for Eric Brown.

Sharron Keetley
1726 Pritchard Road
Cowichan Bay

Eric Brown

Note!

Rob Conway

From: Tom Anderson
Sent: Wednesday, February 17, 2010 11:51 AM
To: Rob Conway
Subject: FW: Rezoning application

From: KAREN STUBBS [mailto:karenandcal@shaw.ca]
Sent: Wednesday, February 17, 2010 11:45 AM
To: Tom Anderson
Cc: Iannidinardo, Lori; Rutherford, Gordon; Hosking, Brian; Einarsson, Donna
Subject: Rezoning application

Re: Rezoning application for 1721 Pritchard Road - Butler.

This application is requesting to change a property zoned R-3B Height Restricted Single Family Residential to R-3A duplex. This duplex zoning has a 10 metre height limit. The existing zoning has a 7.5 metre height limit. This area of Cowichan Bay is all height restricted.

The question of whether a duplex is appropriate for the site is clouded by the 10 metre height of that zoning. Perhaps a limited height duplex zone would be a more appropriate application. Any 10 metre building in the middle of a height restricted zone does not make sense. Perhaps revising this application before it goes to public hearing will save everyone time and money. Every previous attempt to do an end run around the height restrictions has failed. Need we go down this path again?

Cal Bellerive



D 6

**STAFF REPORT
ELECTORAL AREA SERVICES COMMITTEE MEETING
of December 7, 2010**

DATE: December 7, 2010 **FILE NO:** 2-H-10ALR
FROM: Carla Schuk, Planning Technician **BYLAW NO:** 1020
SUBJECT: ALR Application 2-H-10 ALR (Gisborne)

Recommendation:

That application No. 2-H-10 ALR (Gisborne), regarding the subdivision of Lot A, District Lot 39, Oyster District, Plan 29596 (PID: 000-031-071) into two lots to the Agricultural Land reserve, be forwarded to the Agricultural Land Commission with a *recommendation to approve*.

Purpose:

To consider an application to subdivide the subject property pursuant to Section 21(2) of the *Agricultural Land Commission Act*.

Background:

Location of Subject Properties: 13465 and 13467 Cedar Road

Legal Description: Lot A, District 39, Oyster District, Plan 29596 (PID 000-031-071)

Date Application and Complete Documentation Received: October 15, 2010

Owner: Bert Gisborne

Applicant: As above

Size of Parcel: ± 4.17 ha (10.3 acres)

Existing Zoning: A-1 Primary Agriculture and P-2A Institutional

Minimum Lot Size Under Existing Zoning: 12 hectares (A-1) and 0.6 hectares (P-2A)

Existing Plan Designation: Agricultural

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: P-2 Institutional
 South: A-1 Primary Agriculture
 East: A-1 Primary Agriculture
 West: A-1 Primary Agriculture

Services:

Road Access: Cedar Road
Water: Well
Sewage Disposal: Septic

Agricultural Land Reserve Property is in the ALR

Status:

Soil Classification (if ALR applicable):

Revised CLI Maps:

<u>Unimproved</u>	<u>Improved</u>
$\pm 75\%$ 3A	$\pm 75\%$ (2A)
P	P
$\pm 25\%$ 4P	(4P)

<i>Soil Classification</i>	<i>% of subject property (Unimproved)</i>	<i>% of subject property (Improved)</i>
2	-	75
3	75	-
4	25	25
5	-	-
6	-	-
7	-	-
<u>TOTAL</u>	<i>100</i>	<i>100</i>

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 $\pm 75\%$ Class 3 with soil moisture deficiency in some areas and stoniness, and 25% Class 4 with stoniness. With soil improvement methods, rock removal and irrigation, 75% of the soil is improvable to Class 2 and 25% remains Class 4.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a TRIM stream with possible fish presence on the far western corner of the subject property. This area would not be influenced by the proposed subdivision.

The Proposal:

An application has been made to: The Agricultural Land Commission, pursuant to Section 21(2) of the *Agricultural Land Commission Act*.

For the purpose of: Subdividing the property into 2 lots.

Policy Context

The North Oyster – Diamond Official Community Plan, Bylaw No. 1497, 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.

Policy 5.1.17

The Regional Board shall request and encourage the Agricultural Land Commission to permit two dwellings on parcels with a size of two hectares or larger in North Oyster-Diamond.”

Planning Division Comments:

In mid-1993, an old section of the North Oyster School was slated for demolition during an upgrade to the North Oyster Elementary School. A group of concerned citizens banded together to form the North Oyster and Area Historical Society and raised funds to move and preserve the old school building rather than see it destroyed. Because of the large size of the building, it would have been difficult to move the building over a great distance. As a result, the applicant was approached and approval was secured to place the old school building on his property, across the road its original site. Subsequent approval from the ALC was granted to lease a 0.6 ha portion of the subject property to the North Oyster and Area Historical Society for the purpose of establishing and operating the community hall.

The subject property is located on Cedar Road in Ladysmith. The subject property currently has one residence, a workshop, and a barn, as well as the old North Oyster School, which serves as a community hall for the area. The community hall is currently located on a portion of the subject property that has been leased to the North Oyster and Area Historical Society for over 15 years. Because the subject property is located within the ALR, the applicant is applying to the Agricultural Land Commission (ALC) for permission to subdivide the subject property for the purpose of establishing a permanent site for the North Oyster Community Hall through the provision of a separate title for the portion of the subject property the community hall currently occupies. The applicant is proposing to sell this new parcel to the North Oyster and Area Historical Society for \$1. This proposed subdivision will situate the community hall on a proposed 0.67 hectares new lot as seen on the plan of subdivision appended to this report. The Remainder Lot A will be 3.5 hectares in size. The property went through a rezoning application to zone the leased portion of the property to P-2A Institutional. The proposed subdivision will establish a legal boundary along a boundary between two different zones.

The eastern side of the proposed new parcel is largely dedicated to the septic field. The area between the building and the septic field will be used for additional parking as needed. The community hall gets their water from the North Oyster Elementary School water supply. There are plans to install a water reservoir tank on the site as well.

The proposed new parcel, zoned P-2A, meets the minimum parcel size of 0.6 ha for this zone as it is on a community water system. As mentioned above, approval from the ALC to lease a 0.6 ha portion of the subject property for a non-farm use was granted in 1995. The proposed plan of subdivision has increased the area of the proposed new lot from 0.6 ha to 0.67 ha in order to adhere to setback requirements and accommodate an appropriate septic field. A curtain drain was installed in order to minimize the size of the septic field, however, the 0.07 ha increase in size was still needed to ensure that all servicing elements of the community hall are located within the proposed new lot.

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 75% Class 3 and 25% Class 4, with moisture deficiency and stoniness limitations. With soil improvement methods, the soil is improvable to 75% Class 2 with continued stoniness and moisture deficiencies and 25% remaining Class 4 with stoniness.

The proposed new parcel is located on the portion of the property classified to be Class 3 soil with stoniness and moisture deficiency.

The community hall is located close to the road in order to reduce impacts on the potential agricultural use of the remainder of the parcel in the future. The applicant states that a lack of water in the area, and the stoniness of the property, limits the agricultural potential of the property. The property is not farmed currently, nor are there plans to do so in the future.

The community hall currently serves as a meeting space for various community groups and events, as well as a community heritage site.

Advisory Planning Commission Comments:

CVRD Development Application Procedures and Fees Bylaw No. 3275 does not require ALR applications to be referred to the APC unless requested by the Area Director. The Director for Electoral Area H was contacted regarding this application and did not request that it be referred to the APC.

Options:

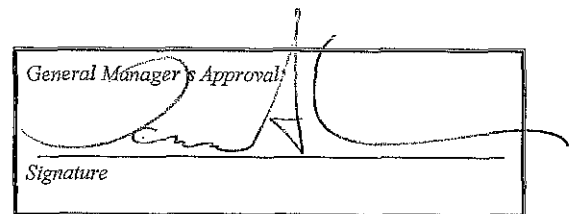
1. That application No. 2-H-10 ALR (Gisborne), regarding the subdivision of Lot A, District Lot 39, Oyster District, Plan 29596 (PID: 000-031-071) into two lots, be forwarded to the Agricultural Land Commission with a *recommendation to approve*.
2. That application No. 2-H-10 ALR (Gisborne), regarding the subdivision of Lot A, District Lot 39, Oyster District, Plan 29596 (PID: 000-031-071) into two lots, be forwarded to the Agricultural Land Commission with *no recommendation*.
3. That application No. 2-H-10 ALR (Gisborne), regarding the subdivision of Lot A, District Lot 39, Oyster District, Plan 29596 (PID: 000-031-071) into two lots, be forwarded to the Agricultural Land Commission with a *recommendation to deny*.

Staff recommends Option 1.

Submitted by,



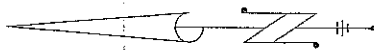
Carla Schuk,
Planning Technician
Development Services Division
Planning and Development Department



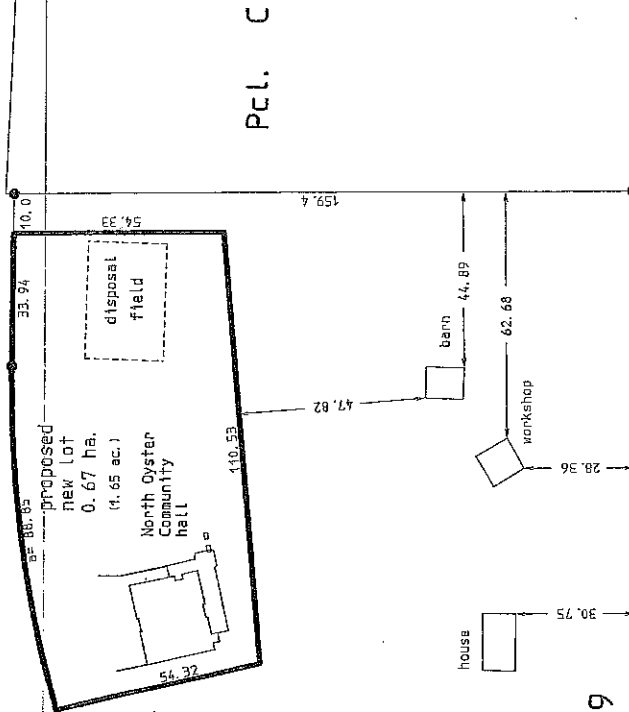
CS/ca

Plan of proposed subdivision of part of
Lot A, District Lot 39, Oyster District,
Plan 29596.

SCALE 1:1250
20 10 0 20 40 60
All distances are in metres.



Cedar Road

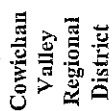


P.C.L. C

Rem. Lot A
Plan 29596

D. L. 39

D. L. 37



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.

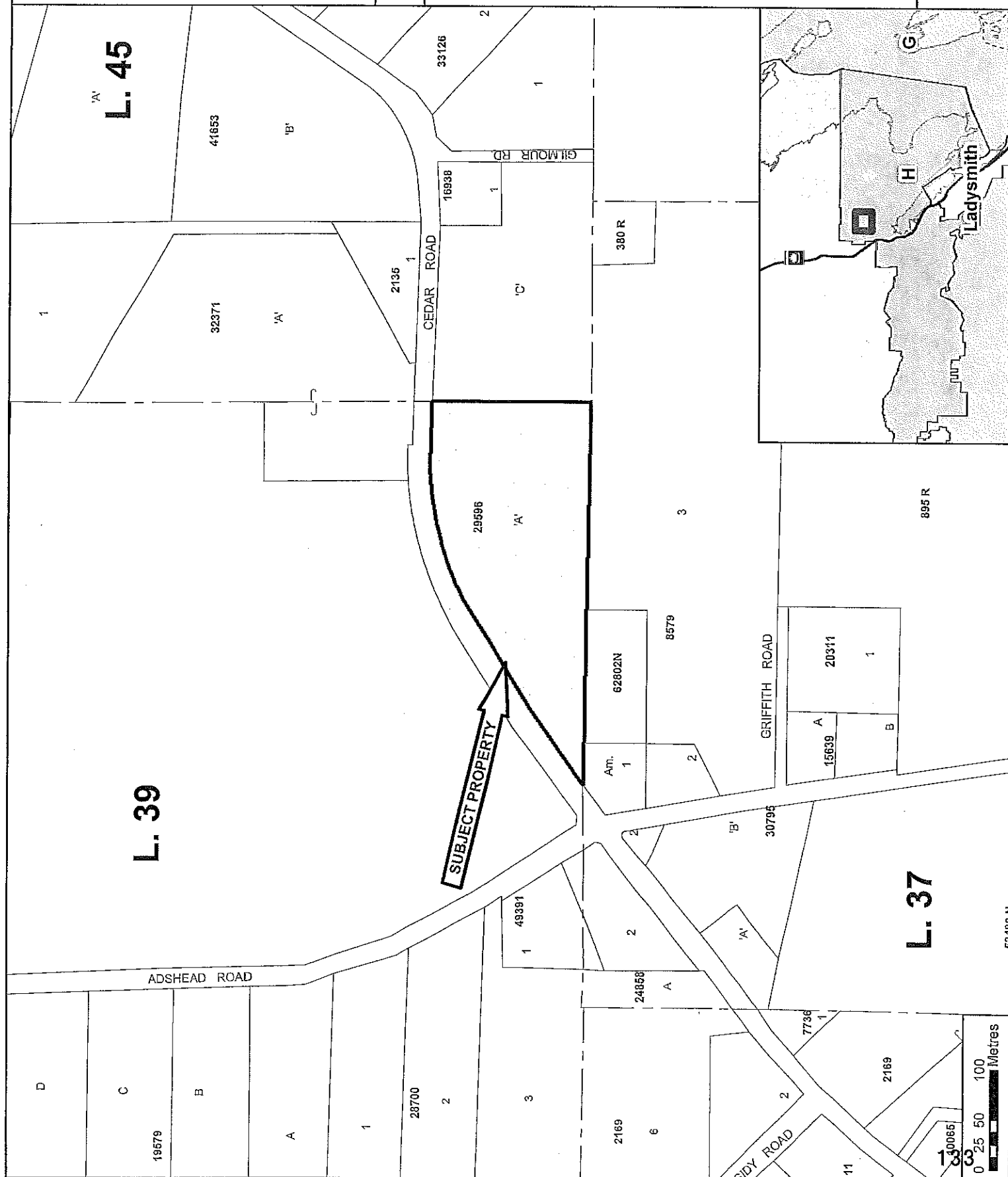
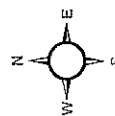
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

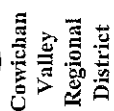
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 02-H-10-ALR

Legend

 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.

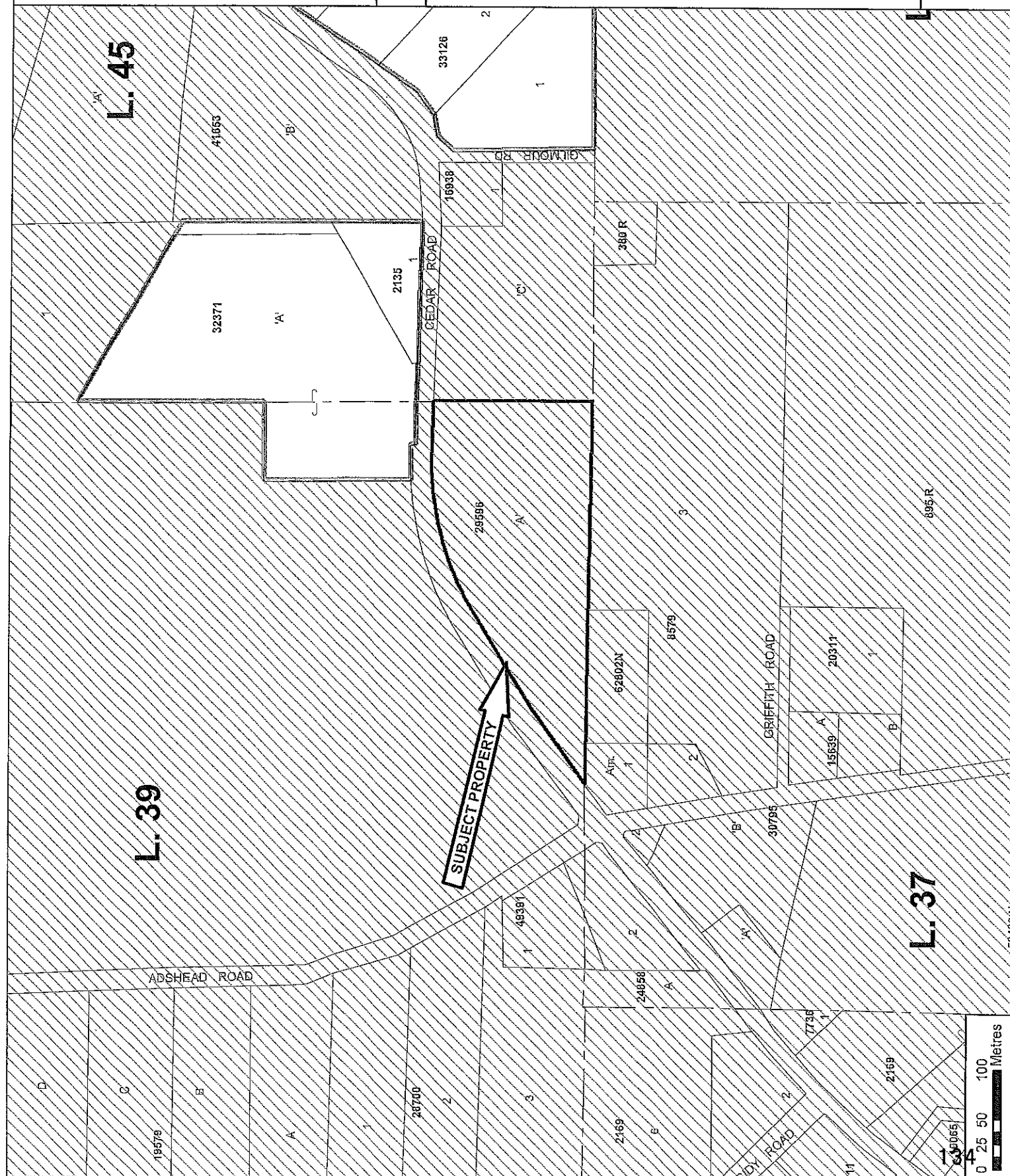
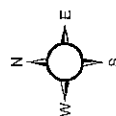
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FILE: 02-H-10-ALR

AL

Legend





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.

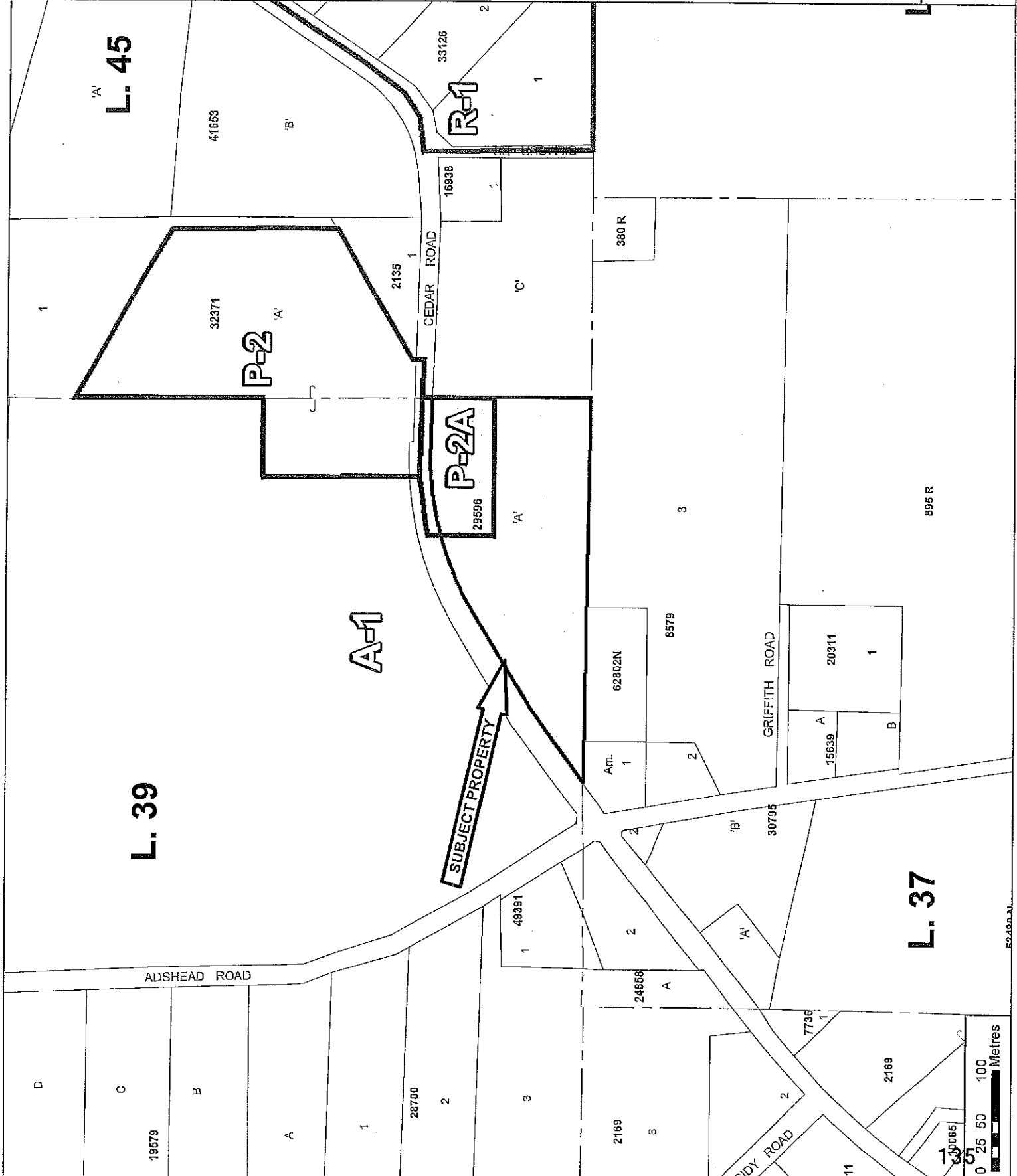
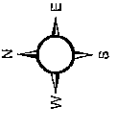
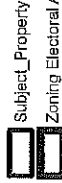
All persons making use of this
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of the Bylaws.

FILE: 02-H-10-ALR

ZONING

Legend





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.

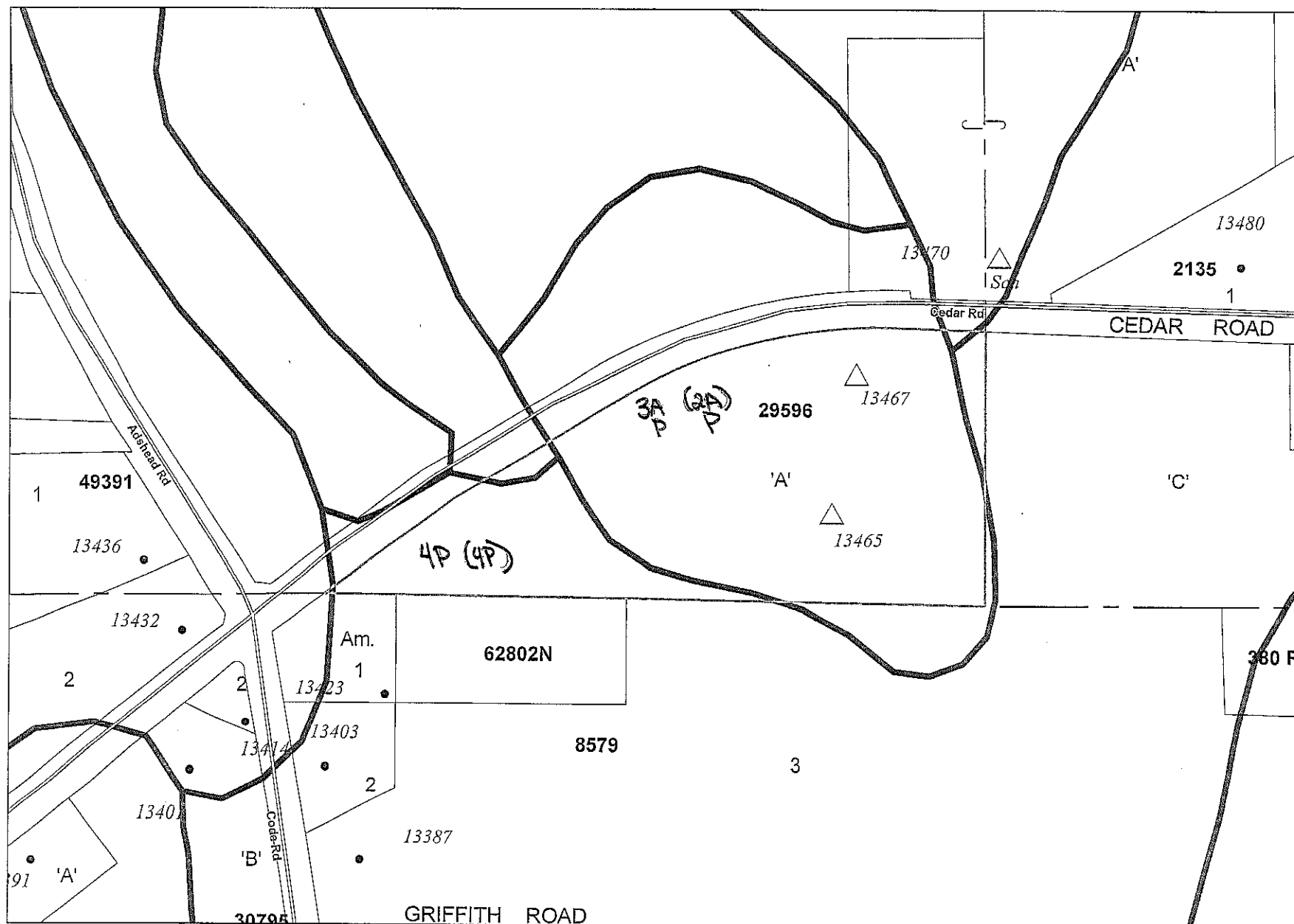
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

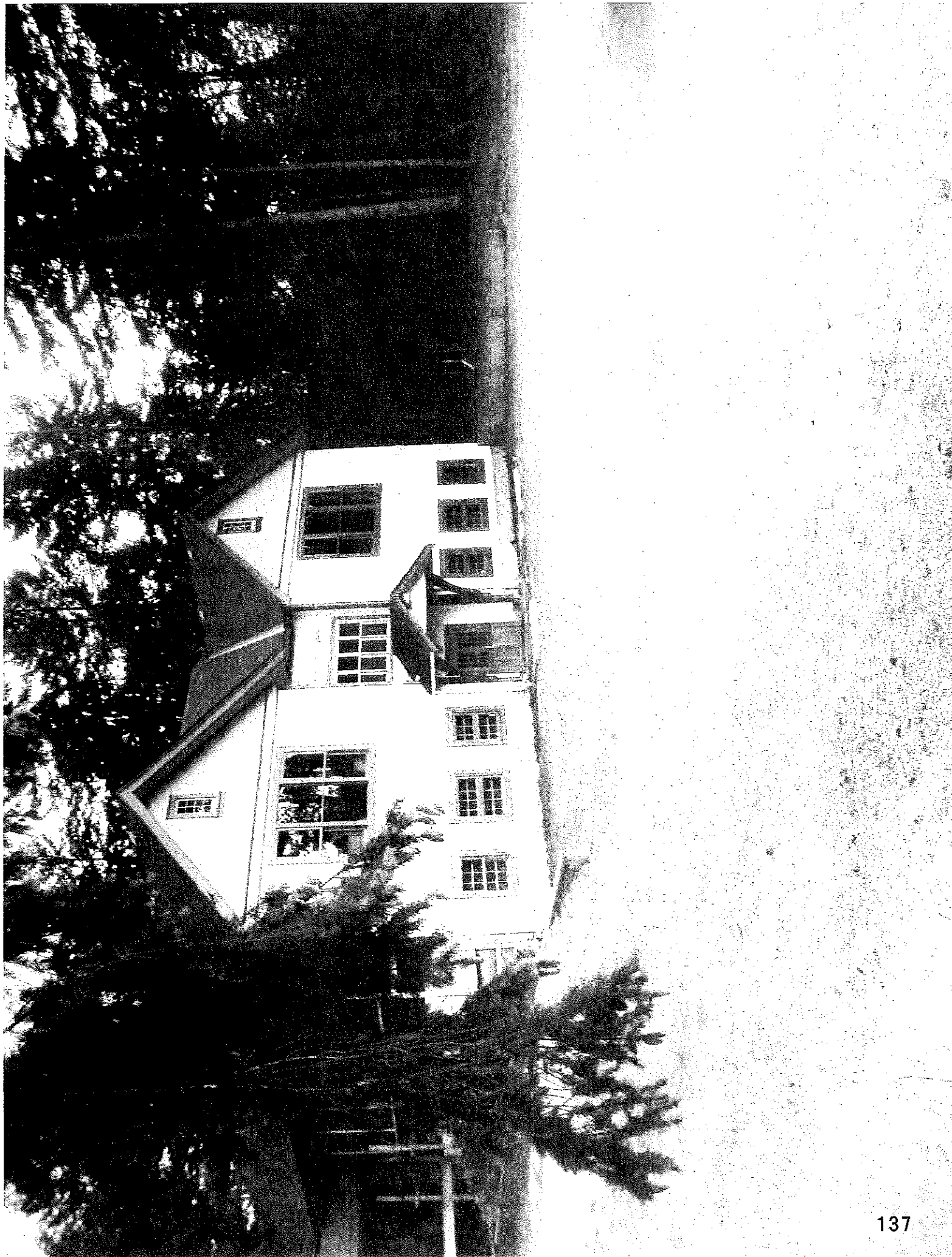
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

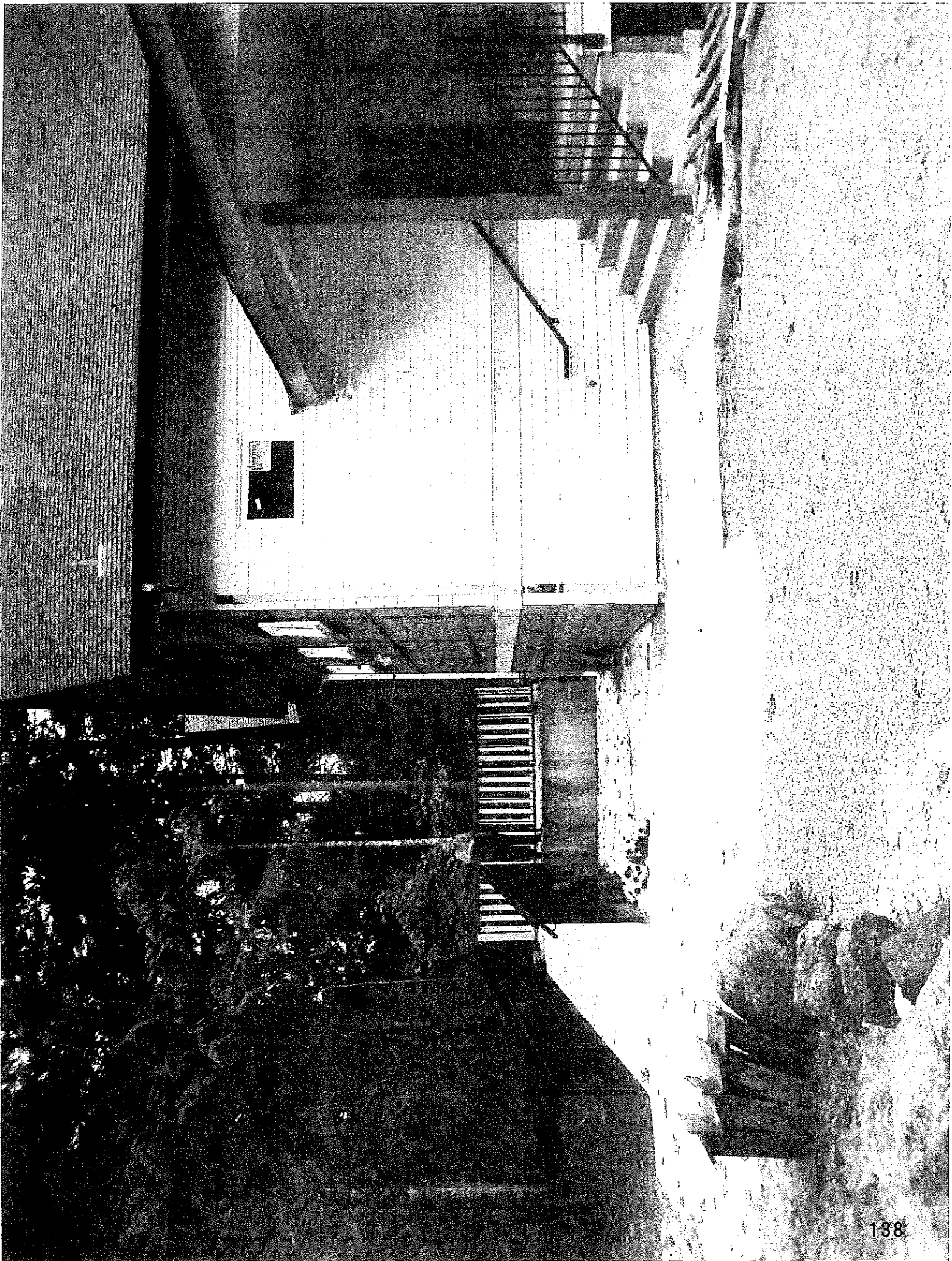
Printed: November 17, 2010

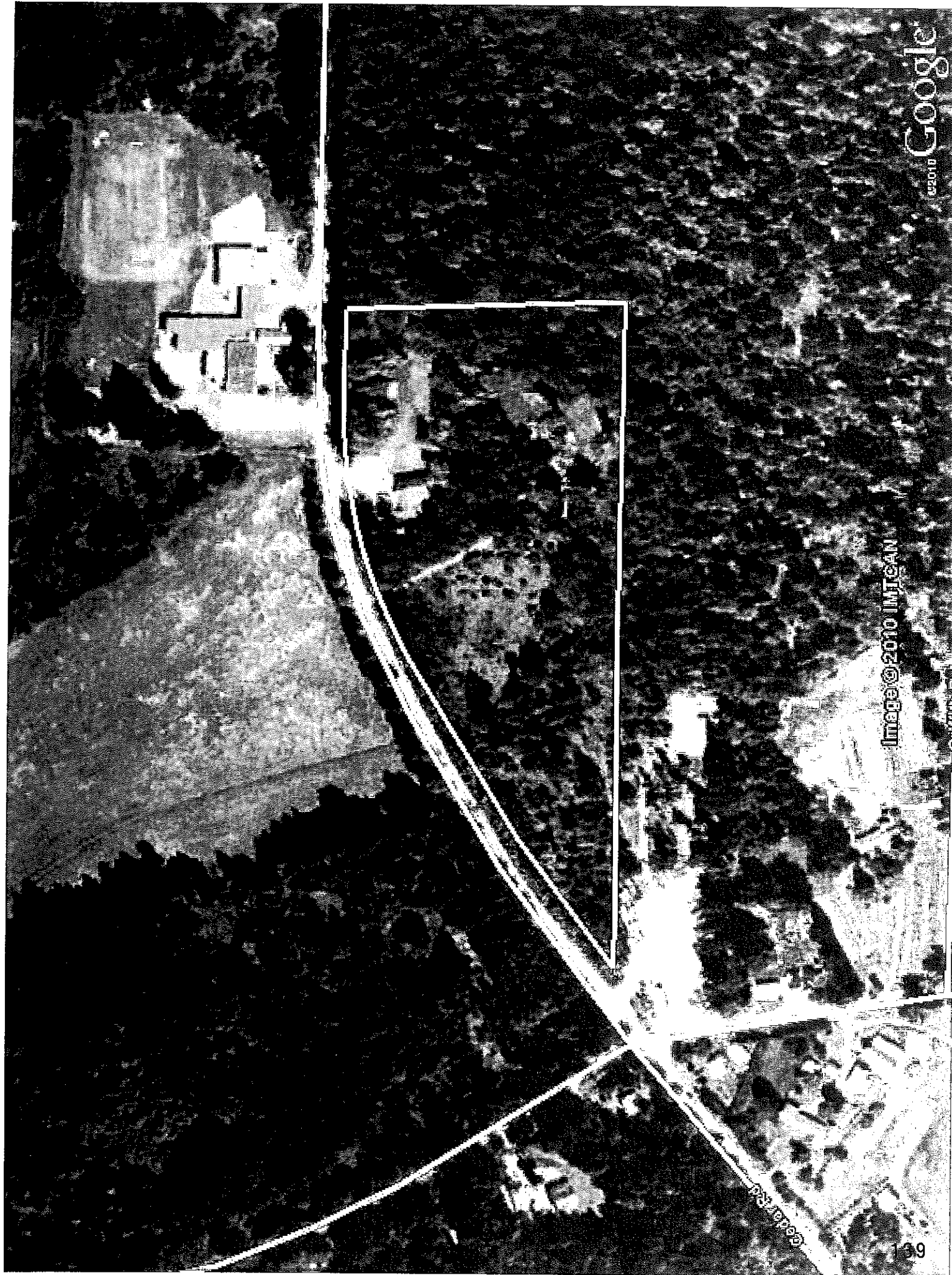


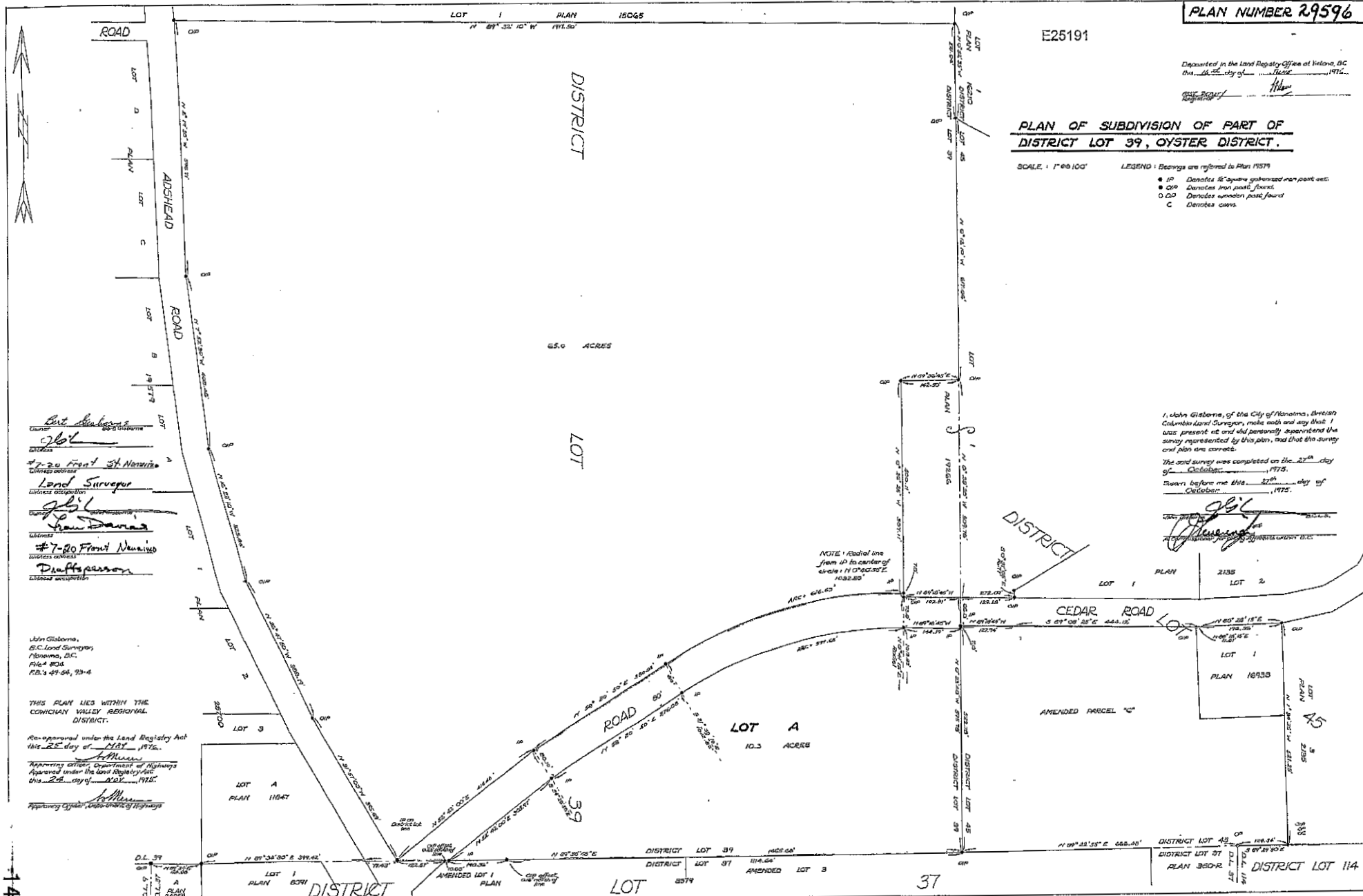
Scale: 1:2,014













North Oyster & Area Historical Society

13467 Cedar Road • Ladysmith • B.C. V9G 1H6
Telephone: 245-3950 • Fax: 245-3905

C.V.R.D.
RECEIVED
OCT 15 2010

Provincial Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, BC, V5G 4K6

2010-09-27

Dear Sir,

Re: Sub division Application part of Lot A District Lot 39 Plan 29596

North Oyster and Area Historical Society supports this application rather than permission to Lease as it provides a continuity of tenure without having to deal with a Lease with unknown potential future owners. Mr. Bert Gisborne the owner has offered the "Lease Area" to the community, thru NOAHS, as a gift to purchase for \$1.00.

The Old School Building is located on this site across the road from its former central location where it has served the community since 1918.

The present use as a Community Center will not change.

We enclose copies of documents of community support for the saving of this old school building when it was to be replaced by a new school building on the site some 16 years ago. To be saved. It had to be moved with only seven days notice.

North Oyster and Area Historical Society were formed and the Community has raised over a third of a million dollars and donated thousands of hours of volunteer time. We now have a functional operating Center, restored to earth quake preparedness, on the leased site.

The site is serving the agricultural sector as well as the whole community.

Yours Truly,

Greg Wyndlow, Director

Enclosure: Documents

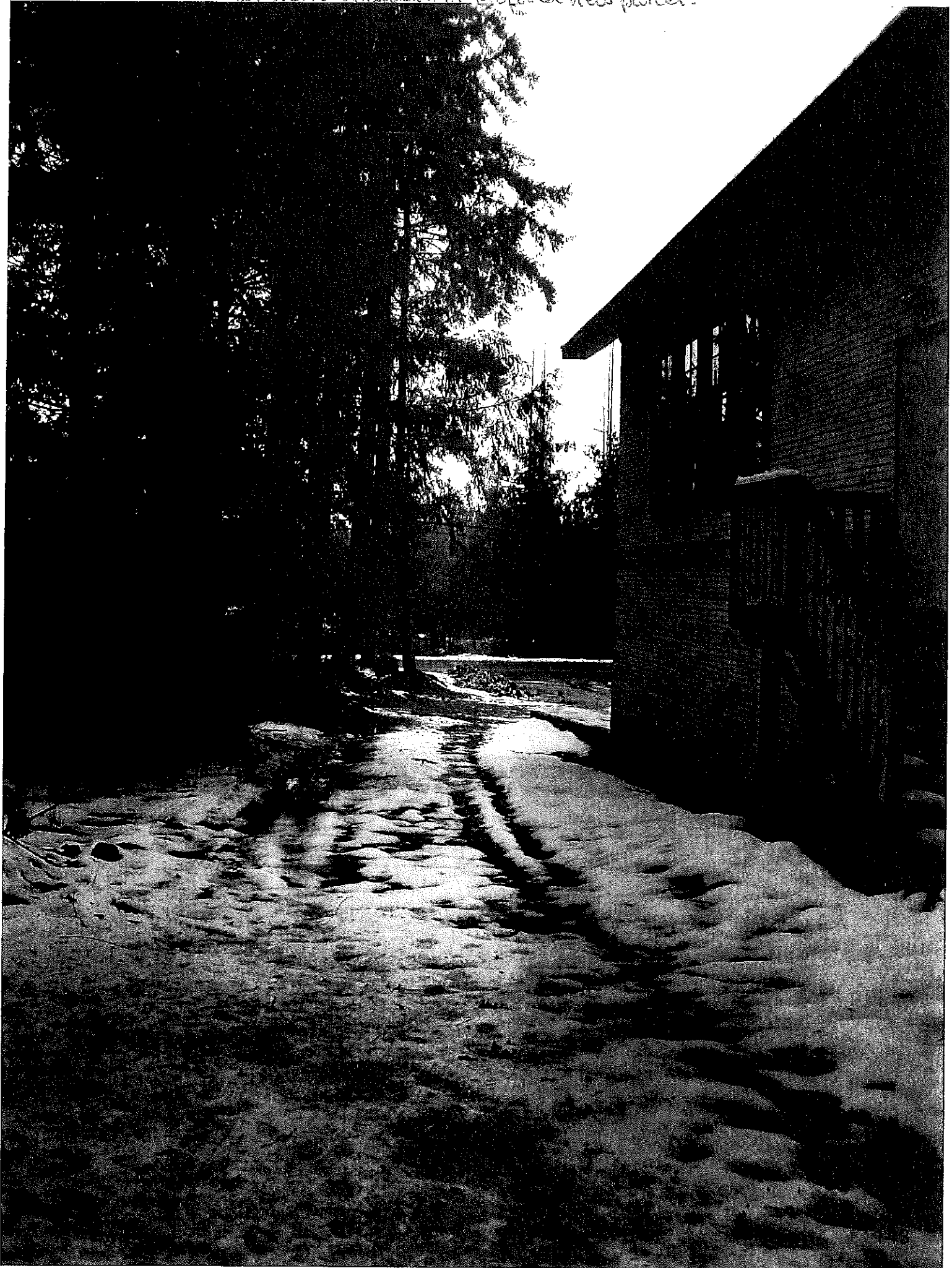
- 13 page Petition
- 12 individual letters of support
- Hall rental summary

NOAHS HALL RENTAL SUMMARY

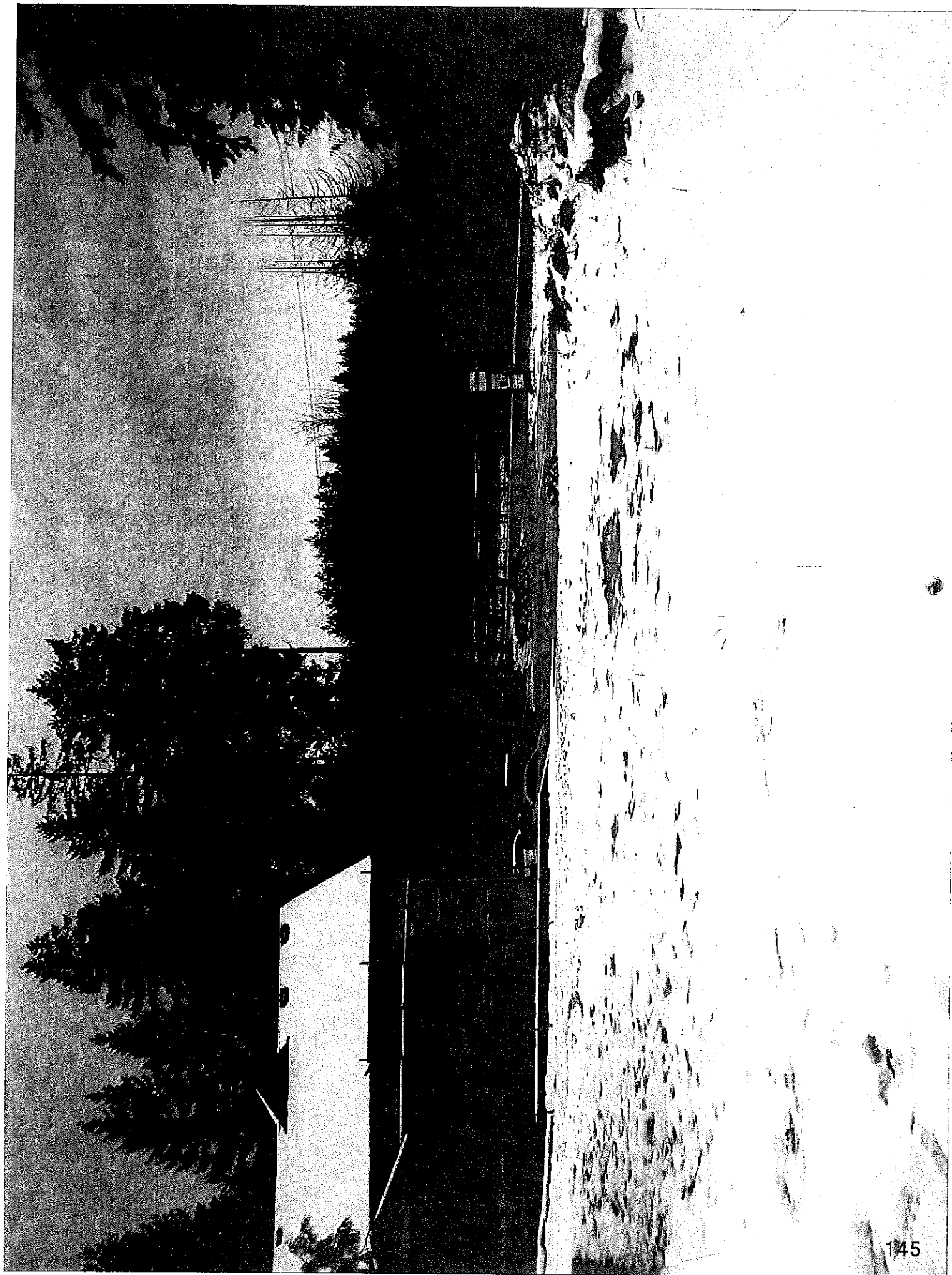
2009/2010

- Dog Obedience Classes
- CVRD Parks Commission, Advisory Planning Commission, and Fire Protection Service Meetings
- 4-H Speakers Competition, 4-H Display Boards, 4-H Meetings
- CVRD Area H Public Hearings
- Memorial Services, Celebrations of Life
- Area H Director's Meetings
- Baby Items Sale
- Anniversary Celebrations
- Birthday Parties
- CVRD Public Open Houses
- North Oyster Fire Department Training Sessions
- Weekly Craft Fairs and Christmas Craft Fairs
- Public Presentations
- Retirement Parties
- Weddings
- Citizen Committee Public Presentations and Meetings on Proposed New Fire Hall
- CVRD Public Meeting on Environmental Initiatives
- Musical "Jam" Session
- Garage Sales
- Parking Lot Sales – fruit, vegetables and market garden plants

Western boundary of proposed new parcel.









D 7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: December 7, 2010 **FILE NO:** 6-I-10DP

FROM: Carla Schuk, Planning Technician, Development Services Division,
Planning & Development Department

SUBJECT: Development Permit Application No. 6-I-10 DP (Hummel & Paterson)

Recommendation:

That Application No. 6-I-10DP *be approved*, and that a development permit be issued to Dana Hummel and Ken Paterson for Lot 62, Block 7, Cowichan Lake District, Plan 8301 except parts in Plans 10217, 10479, and 29280 (PID: 005-533-431), subject to the following:

- Strict compliance with the recommendations in Riparian Assessment Report No. 1099, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 23, 2008;
- Completion of a survey, by professional surveyors, of the 15m SPEA and that the SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
- Registration of a covenant on the title of the property for the protection of the 15m SPEA;
- Contracting a certified arborist to identify hazardous dead standing snags within the SPEA that are to be topped or taken down as specified by the arborist, remains of which are to stay within the SPEA as course woody debris;
- Submission of mid-construction and post-construction monitoring reports by the Qualified Environmental Professional via the Ministry of Environment RAR notification system prior to expiry of the development permit.

Purpose:

To consider the issuance of a Development Permit for the construction of a single-family dwelling in accordance with the provisions of the Watercourse Protection Development Permit Area contained within OCP Bylaw No. 2650.

Background:

Location of Subject Property: Lot 62, Cypress Road

Legal Description: Lot 62, Block 7, Cowichan Lake District, Plan 8301 except parts in Plans 10217, 10479, and 29280 (PID: 005-533-431)

Date Application and Complete Documentation Received: August 9, 2010

Owner: Dana Hummel and Ken Paterson

Applicant: As above

Size of Parcel: \pm 1.2 ha (\pm 2.97 acres)

Existing Zoning: R-3 (Urban Residential 3 Zone)

Minimum Lot Size Under Existing Zoning: 2 hectares if not connected to a community water system

Existing Plan Designation: Urban Residential

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Forestry
South:	Commercial
East:	Residential
West:	Residential

Services:

<u>Road Access:</u>	Cypress Road
<u>Water:</u>	Coonskin Creek
<u>Sewage Disposal:</u>	Septic system

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

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas (2000) has identified a TRIM stream with confirmed fish presence running north to south on the subject property.

Archaeological Site: No archaeological sites have been identified.

The Proposal:

An application has been made to: An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Watercourse Protection Development Permit policies contained within Official Community Plan (OCP) Bylaw No. 2650.

For the purpose of: construction of a single-family dwelling.

Policy Context:

The *Riparian Areas Regulation*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that development within 30m of a watercourse be subject to review by a Qualified Environmental Professional (QEP). The QEP submits a Riparian Assessment Report to the Ministry of Environment. The *Riparian Areas Regulation* states:

“An assessment report for the purposes of this regulation must employ the assessment methods set out in the Schedule and must report on all of the following:

- (a) the width of the streamside protection and enhancement area which must be protected;*
- (b) the measures necessary to protect the integrity of the streamside protection and enhancement area.”*

The Youbou – Meade Creek Official Community Plan, Bylaw No. 2650, supports the protection of the natural environment. The following policies are derived from the Natural Environment section of the OCP.

“Policy 2.1

For the purposes of this Plan, environmentally sensitive areas include areas identified as sensitive ecosystems in the provincial Sensitive Ecosystem Inventory (SEI), all watercourses, including lakes, rivers, streams, wetlands, and the riparian habitat areas associate with them. The CVRD will identify other sensitive habitat areas that will require protection in the future.

Policy 2.2

The development of lands within an environmentally sensitive area will be carried out in a manner that strictly minimizes the change of bank erosion or the contamination of water by effluent or other runoff.

Policy 2.3

Lands adjoining Cowichan Lake and its tributaries are affected by development permit areas in Sections 13, 14, and 15 of this plan.”

Further to these, CVRD Bylaw No. 2650 has established guidelines for the protection of the natural environment through the Watercourse Protection Development Permit Area. Because a stream is located on the subject property and access road upgrades associated with the construction of a single family dwelling are proposed within the 30m Riparian Assessment Area as outlined in the OCP and the Provincial regulation, the need for approval of a Watercourse Protection Development Permit was triggered.

Planning Division Comments:

The subject property is Lot 62, on Cypress Road in Youbou. Other than an existing pumphouse located mid-way up the creek and an existing access road situated on the west side of the property entering from Cypress Road, the subject property has no buildings or structures. The applicants is proposing to construct a 253.5 m² (2729 ft²) house on the western side of the property outside of the 30m Riparian Assessment Area. The subject property is zoned R-3 Urban Residential which permits the construction of a single family dwelling. It should further

be noted that the applicants are proposing to integrate several sustainable features, such as a green roof and use of passive solar energy, into the design and construction of the proposed house to further limit potential impacts of the house on the natural environment. Other proposed sustainability features can be seen in the sustainability checklist appended to this report.

The subject property is located within the Watercourse Protection Development Permit Area (DPA). As such, a development permit must be approved prior to commencing any site preparation or construction, in accordance with Youbou/Meade Creek Official Community Plan Bylaw No. 2650. In compliance with the Watercourse Protection DPA guidelines, the applicants have retained the services of Trystan Willmott, a Qualified Environmental Professional (QEP), to conduct a Riparian Areas Regulation (RAR) Assessment. A copy of RAR report No. 1099 is appended to this report.

The following section will outline how the proposed development addresses the Watercourse Protection DPA guidelines. The attached excerpt from OCP Bylaw No. 2650 provides the complete guidelines.

- (a) **Retention of natural vegetation** – Trees and vegetation will be removed in the location of the proposed house, which is outside the 30 metre riparian assessment area (RAA). Vegetation will also be removed from the driveway which is located within the 30 metre RAA, but outside the assessed 15 metre Streamside Protection and Enhancement Area (SPEA). Under consultation and supervision of a certified arborist, the QEP recommends the identification and taking down of a few hazardous dead standing snags that are located within the SPEA. It is recommended that the snags that are brought down be left on site as Coarse Woody Debris because of their important habitat value. The applicants have stated that they will consult with the arborist to see if any identified hazardous snags within the SPEA can be topped instead of taken down. This determination, however, will be left to a certified arborist.
- (b) **Coverage of entire area** – As indicated on the attached site plan, the proposed house is located at the western side of the property, outside of the riparian assessment area.
- (c) **Riparian area protection** – this guideline has been largely superseded by the *Riparian Areas Regulation* guidelines.
- (d) **BMP implementation** – the role of the Qualified Environmental Professional (QEP) is to examine all BMPs and integrate these into the Riparian Assessment Report. Report No. 1099 indicates the proponent will use gravel soak-aways for driveway run-off. The proponent also proposes to install a “green roof” on the single family dwelling to be constructed in order to moderate the impacts of roof run-off during peak rain events. Roof overflow will also be directed to gravel/rock soak-aways.
- (e) **Silt and sediment control** – Report No. 1099 states that construction will follow a number of sediment and erosion control measures. The QEP report recommends that a sediment and erosion control plan be submitted to the CVRD prior to development activity occurring. This plan will include actions such as covering stockpiled soil with tarps; keeping clearing and grading to a minimum on site; carrying out major grading/site preparation during the dry summer period; and applying temporary covers, such as geotextiles, to small bare areas, and combining mulch and seeding to manage more extensive bare areas. The QEP also recommends retention of vegetation cover where possible, restricting high frequency movement of trucks and other heavy machinery to

- temporary gravel “runways” on site, constructing perimeter swales that intercept run-off from disturbed sites and direct it into sediment traps (settling ponds), along with installing gravel access pads at the main site access, and regular sweeping (as opposed to washing) of impermeable surfaces during construction.
- (f) **Imperviousness figures** – The R-3 Zone permits 25% parcel coverage for all buildings and structures on a lot. However, the development proposal will result in far less parcel coverage than that permitted by the zoning. The total house footprint including outdoor living area will be 253.5 m² on a 1.2 ha lot, which results in approximately 2% parcel coverage.
 - (g) **Floodplain** – The residence is proposed to be built beyond the top of a ravine bank of a confined, high gradient creek. The QEP assessed this area as not being associated with an active floodplain. The QEP also reported that the residence will be constructed well above the 200 year flood level of Cowichan Lake.
 - (h) **Driveway design** – The driveway of the property will be utilizing an existing access road bed that is located within the RAA, but outside the SPEA. This road bed will be widened and upgraded with a gravel surface, however, width and length of the road will be kept to a minimum. Gravel soak-aways will be placed at 10 metre intervals along the western margin of the road to capture and enhance infiltration of any road surface water. The applicants have secured a driveway access permit from the Ministry of Transportation and Highways to construct the driveway access.
 - (i) **Footpaths** – a small footpath of stepping stones is proposed from the driveway to the proposed residence. The geotechnical analysis of the road approved such a footpath as long as the cut is kept under 30 cm.
 - (j) **Retaining walls** – No retaining walls are proposed within the Riparian Assessment Area (RAA). The geotechnical analysis of the property as part of the QEP Report suggested that a retaining wall may be required at the southeast corner of the building site, which will be located outside of the RAA.
 - (k) **Retaining wall appearance** – see above.
 - (l) **Retaining wall with fence** – see above.
 - (m) **Cultural/heritage sites** – no such sites were identified.
 - (n) **Pilings/floats** – No new such construction is proposed.
 - (o) **Applicable only to subdivision**
 - (p) **Develop with care** – the RAR Assessment Report will cover this within the Riparian Assessment Area.
 - (q) **Wetlands** – No wetlands were assessed to be present on the site.
 - (r) **Harmful Alteration/Destruction or Disruption of fish habitat** – compliance with the RAR Assessment Report will by definition prevent a HADD.

Riparian Areas Regulation Assessment Report:

RAR Assessment Report No. 1099 by Trystan Willmott identifies a 15 metre Streamside Protection and Enhancement Area (SPEA) on the north and south side of Coonskin Creek. The SPEA is measured from the high water mark of the creek. As required by the *Riparian Areas Regulation*, the entire SPEA is to remain in its natural state. All proposed development, other than the topping or taking down of hazardous dead standing snags as identified by a certified arborist, will be located outside the designated SPEA. The existing road bed that is within the riparian assessment area (RAA) will be upgraded for use as a driveway. The QEP report

requires that all spoil from the driveway excavation not be sidecast into the SPEA in order to maintain the SPEA's integrity. It also requires that the driveway be constructed with a gravel surface to enhance infiltration, as well as the installation of the above mentioned gravel soak-aways to capture road runoff. The QEP has recommended that a mid-construction and a post-construction report be submitted as part of the development process in order to mitigate any impacts to the SPEA from the development and to confirm compliance with the RAR report recommendations at the end of the construction.

Advisory Planning Commission:

Members of the Area I Advisory Planning Commission reviewed this application at a meeting held November 2, 2010, and made the following recommendations:

"It was Moved and Seconded by Area I (Youbou/Meade Creek) APC, to approve Application 6-I-10DP (Paterson/Hummel) subject to the following amendments:

1-Register against the property, a Restrictive Covenant to protect RAA on Coonskin Creek

2-Maintain the large trees on the south side of the proposed cul-de-sac, top snags rather than remove, and leave debris on the forest floor

3-Ministry of Highways and Infrastructure, neighbours, and applicants should co-operate to make the cul-de-sac viable and useable for all parties."

Final Staff Comments:

It is not common practice for the CVRD to require a covenant to be registered against the title of a property subject to RAR when the proposed development is a single family dwelling. However, the applicants are supportive of registering a covenant on the title of their property to protect the SPEA. In the past, the applicants pursued an agreement with the Cowichan Land Trust to help preserve the SPEA and registration of a covenant is seen by the applicants as a way to strengthen this protection. Also, the APC recommendation to require the maintenance of the large trees on the south side of the proposed cul-de-sac is beyond the scope of this development permit. Because these trees are located outside of the RAA, the development permit does not apply to this area. However, the applicants are supportive of retaining these trees as they believe they are essential to the maintenance of the stability of the slope in this area and do not plan to remove them. The applicants are also supportive of working with a certified arborist to identify any hazardous dead standing snags, as recommended by the QEP, and topping hazardous snags instead of taking them down if this is considered an appropriate option by the certified arborist. Also, it is beyond the scope of this development permit to regulate cooperation between individuals and the Ministry of Transportation and Infrastructure. Staff recommends that the requested development permit be issued, subject to the strict compliance with the conditions and recommendations of the Qualified Environmental Professional's RAR report.

Options:

1. That application No. 6-I-10 DP *be approved*, and that a development permit be issued to Dana Hummel and Ken Paterson for Lot 62, Block 7, Cowichan Lake District, Plan 8301 except parts in Plans 10217, 10479, and 29280, subject to the following:
 - Strict compliance with the recommendations in Riparian Assessment Report No. 1099, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 23, 2008;

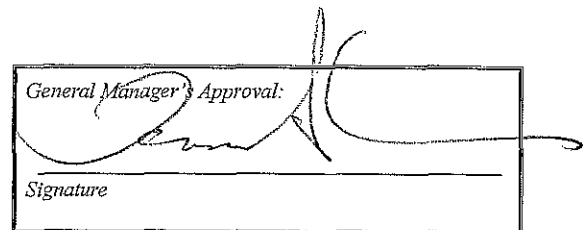
- Completion of a survey, by professional surveyors, of the 15m SPEA and that the SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
 - Registration of a covenant on the title of the property for the protection of the 15m SPEA;
 - Contracting a certified arborist to identify hazardous dead standing snags within the SPEA that are to be topped or taken down as specified by the arborist, remains of which are to stay within the SPEA as course woody debris;
 - Submission of mid-construction and post-construction monitoring reports by the Qualified Environmental Professional via the Ministry of Environment RAR notification system prior to expiry of the development permit.
2. That application No. 6-I-10 DP *be approved*, and that a development permit be issued to Dana Hummel and Ken Paterson for Lot 62, Block 7, Cowichan Lake District, Plan 8301 except parts in Plans 10217, 10479, and 29280, subject to the following:
- Strict compliance with the recommendations in Riparian Assessment Report No. 1099, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 23, 2008;
 - Completion of a survey, by professional surveyors, of the 15m SPEA and that the SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
 - Contracting a certified arborist to identify hazardous dead standing snags within the SPEA that are to be topped or taken down as specified by the arborist, remains of which are to stay within the SPEA as course woody debris;
 - Submission of mid-construction and post-construction monitoring reports by the Qualified Environmental Professional via the Ministry of Environment RAR notification system prior to expiry of the development permit.
3. That application No. 6-I-10 DP *be revised*.

Option 1 is recommended.

Submitted by,



Carla Schuk,
Planning Technician
Development Services Division
Planning and Development Department



CS/ca



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT (DRAFT)

NO: 6-I-10DP/RAR

DATE: December XX, 2010

TO: Dana Hummel and Ken Paterson

ADDRESS: 8554 Maple Ridge Road
Duncan, BC V0R 3E1

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 62, Block 7, Cowichan Lake District, Plan 8301 except parts in Plans 10217, 10479 and 29280 (PID: 005-533-431)
3. Authorization is hereby given for construction of a single family dwelling, in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - Strict compliance with the recommendations in Riparian Assessment Report No. 1099, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 23, 2008;
 - Completion of a survey, by professional surveyors, of the 15m SPEA and that the SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
 - Registration of a covenant on the title of the property for the protection of the 15m SPEA;
 - Contracting a certified arborist to identify hazardous dead standing snags within the SPEA that are to be topped or taken down as specified by the arborist, remains of which are to stay within the SPEA as course woody debris;
 - Submission of mid-construction and post-construction monitoring reports by the Qualified Environmental Professional via the Ministry of Environment RAR notification system prior to expiry of the development permit.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedule is attached:

Schedule A – RAR report No. 1099 by Trystan Willmott, Madrone Environmental Services Ltd., dated September 23, 2008, including site plan on page 7.

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. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

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 *[name on title]* other than those contained in this Permit.

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date



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

DATE: November 2, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Vice-chairperson George deLure at 7:05pm.

PRESENT:

Chairperson:

Vice-Chairperson: George deLure

Members: Jeff Abbott, Gerald Thom, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Recording Secretary: Tara Daly

REGRETS:

Shawn Carlow (conflict of interest), Erica Griffith, Mike Marrs (conflict of interest)

GUESTS:

Trevor Gillott, Michelle Weisgerber, Richard Bruce, Garry Lincoln, Bernard Edgar Day, Grant Daly, Al Capeling, Scarlet Hampson, Jason McEwan, Rose Steven; applicants Ken Paterson and Dana Hummel (6-I-10DP Paterson/Hummel)

AGENDA:

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of September 7, 2010 as circulated.

MOTION CARRIED

DELEGATION:

- **APPLICATION 6-I-10DP (Paterson/Hummel)** ~ the applicants explained they had bought Lot 62 in 1991 and built a driveway in 1992. They have-utilized a landscape architect and plan on building a passive solar house wishing to minimize the impact on the area. Currently there is a small portion of the driveway in the riparian area that wasn't originally.
- Trevor Gillott thanked the applicants for clearing up many of his concerns before the meeting but noted that:
 - a) it's important to keep the proposed cul-de-sac clear to allow for emergency traffic (fire and ambulance), snow removal equipment, and delivery vehicles to have access (*applicant explained there wouldn't be as much room as there is now if the property hadn't been bought and*

driveway put in; MOTI isn't interested in putting in the cul-de-sac and it isn't in the parameters of CVRD)

- b) opposes removal of the trees on the lower portion of the property as they stabilize the soil and act as a buffer to highway and other noise pollution
- c) unclear on drainage system and positioning of proposed retaining wall
- d) septic system concerns (*applicant explained one tank has a bubbling system, the whole system is gravity fed and able to work during a power outage of a couple days with no back-up generator*)
- e) Submission #1 attached
- Richard Bruce (10475 Arbutus Crescent) purchased his property in 1990 along with water rights on Coonskin Creek; Submission #2 attached (*Director Kuhn emphasized with R. Bruce but noted that health regulations are soon going to be enforced by VIHA, private systems are on their way out; qualified technicians will be required to test the water and annual insurance costs will be high.*)
- Gary Lincoln ~ Submission #3 and #3a attached
- Bernie Day said that the survey isn't registered with Land Titles as the applicants have said; there's a discrepancy with the survey and RAR regulations
- Howard Smith ~ Submission #4 and #4a attached
- Jason McEwan ~ 10485 Cypress doesn't want to change to new system, prefers Coonskin Creek water
- Questions/concerns from APC members: If there is a covenant registered with the Cowichan Valley Land Stewards, the creek will be protected in perpetuity. SPEA regulations are 15m on either side of the creek at the high water mark. The applicants noted that they only wished to top trees rather than remove and that snags/dead trees would stay. As part of the application process, CVRD would contact Ministry of Highways and Infrastructure about the cul-de-sac. After walking the property, it was realized how far the creek is away from the proposed house position. The problems/concerns with the water system on Coonskin Creek are beyond the parameters of the APC. Tonight's speakers were encouraged to contact the proper agencies with their concerns.

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC, to approve Application 6-I-10DP (Paterson/Hummel) subject to the following amendments:
1-Register against the property, a Restrictive Covenant to protect RAA on Coonskin Creek

2-Maintain the large trees on the south side of the proposed cul-de-sac, top snags rather than remove, and leave debris on the forest floor

3-Ministry of Highways and Infrastructure, neighbours, and applicants should co-operate to make the cul-de-sac viable and useable for all parties.

MOTION CARRIED

ANNOUNCEMENTS:

- **Next Meeting** December 7, 2010 at 7pm in Upper Youbou Hall

The meeting was adjourned at 9:15pm

/s/ Tara Daly
 Secretary



Cowichan
Valley
Regional
District

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

The Regional District does not
warrant the accuracy.

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

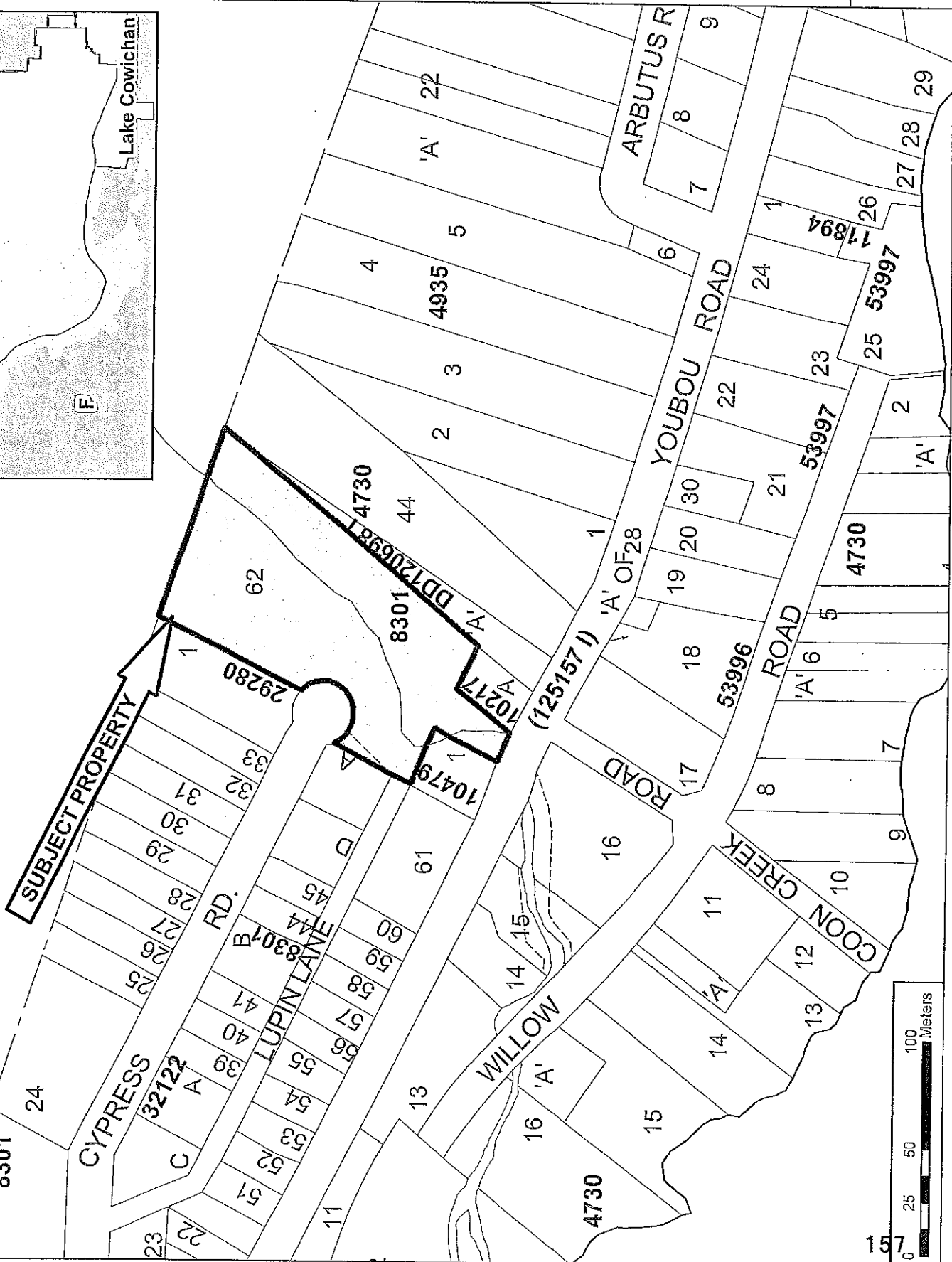
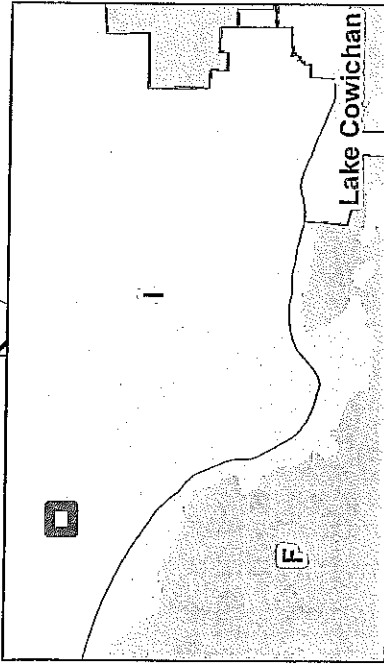
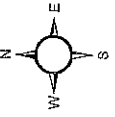
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 6-I-10-DP

Legend



Subject Property





Cowichan
Valley
Regional
District

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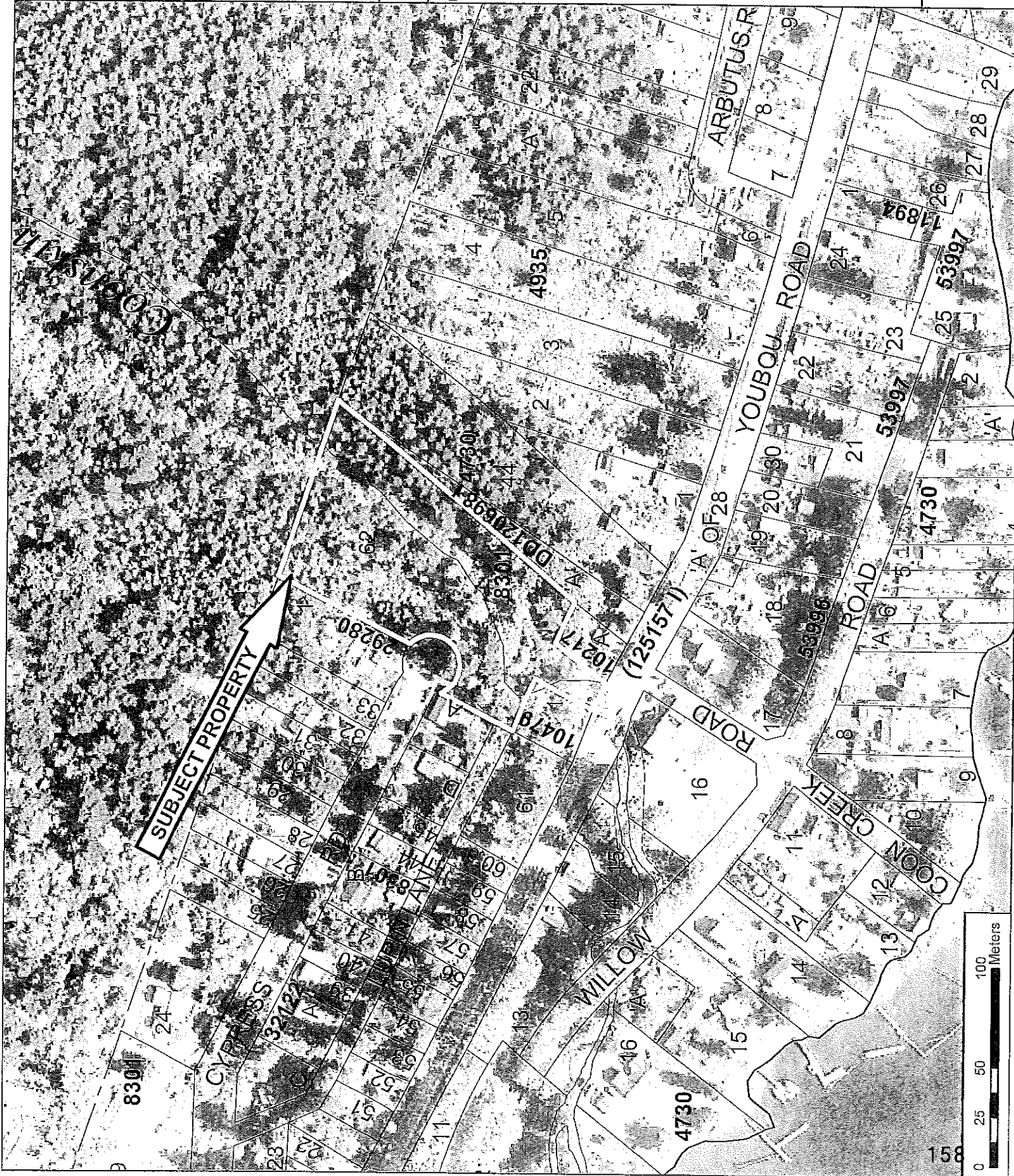
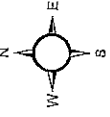
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FILE: 6-I-10-DP

Orthophoto (2004)





Cowichan
Valley
Regional
District

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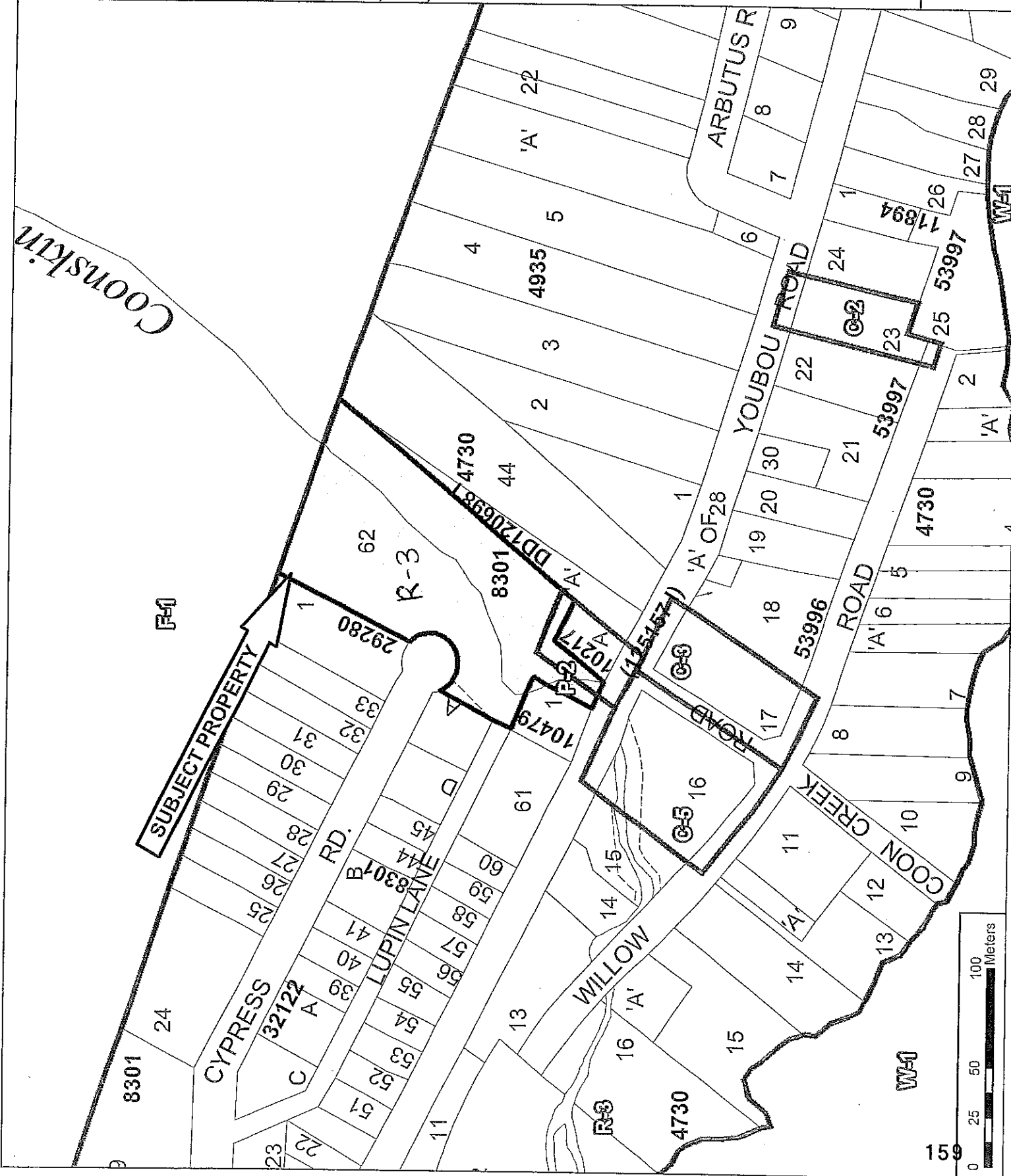
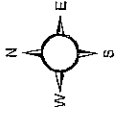
FILE: 6-I-10-DP

ZONING

Legend



Subject Property
Zoning Electoral Area



SECTION 13. WATERCOURSE PROTECTION DEVELOPMENT PERMIT AREA

13.1: CATEGORY

The Watercourse Protection Development Permit Area is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biodiversity, and the protection of development from hazardous conditions.

13.2: SCOPE

The Watercourse Protection Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Map 6. Notwithstanding the areas indicated on Map 6, the actual Watercourse Protection Development Permit Area will in every case be measured on the ground, and it will be:

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

13.3: DEFINITIONS

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

13.4: JUSTIFICATION/OBJECTIVES

- (a) The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).
- (b) The environmental quality of Cowichan Lake, its tributaries, and associated riparian areas should be protected, as they provide critical habitat for an abundance of fish and aquatic animals, birds, plants, and land-based wildlife such deer, bear, cougar, and Roosevelt Elk;
- (c) Increasing environmental awareness and declining fish stocks in the Strait of Georgia have led to the need for the protection of the OCP area's lake, streams, wetlands and adjacent riparian lands.
- (d) The riparian areas along Cowichan Lake and its tributaries act as natural water storage, drainage and purifying systems. These areas need to remain in a largely undisturbed state in order to prevent flooding, control erosion, reduce sedimentation, and recharge groundwater.
- (e) This area requires careful management, as it includes hazardous lands that have physical characteristics that may lead to property damage or loss of life if improperly built on.
- (f) The water quality of Cowichan Lake and its tributaries requires protection as it provides an important existing and potential domestic water source.
- (g) 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. The OCP aims to ensure that, henceforth, impervious surfaces are minimized to the extent possible, particularly in areas within close proximity to a watercourse.

- (h) The vegetation within the riparian areas requires special consideration as it is essential to the water quality, protecting the water resource from pollution and sedimentation, and permitting more regular water flows during the summer months than would occur otherwise.

13.5: APPICABILITY

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

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

13.6: GENERAL GUIDELINES

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) Sites shall be retained in their natural state where possible, preserving indigenous vegetation and trees. If adequate, suitable areas of land for the use intended exist on a portion of the parcel located outside of the Watercourse Protection Development Permit Area, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be applied, whereby the onus will be placed with the applicant to demonstrate that encroaching into the Watercourse Protection Development Permit Area is necessary due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort is made to minimize adverse impacts.
- (b) Where a parcel of land is entirely within the Watercourse Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed building/land use and the most sensitive area. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact that is suitable for the use intended.
- (c) Any work done in the Watercourse Protection Development Permit Area must be carried out in a manner that minimizes the need for vegetation clearing. An arborist should be consulted, to ensure that trees and shrubs in the riparian buffer area are carefully pruned, where necessary to enhance views, rather than removed. 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. Where a development proposal calls for the removal of vegetation within this Development Permit Area, the Regional Board may require

the preparation of a report by a qualified biologist, payable by the developer, indicating measures required to achieve no net loss of habitat and appropriate implementation measures. The Board may require the re-vegetation of land in a Development Permit.

- (d) Recommendations in the Ministry of Water Land and Air Protection'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 stormwater management techniques that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.
- (e) The creation and implementation of a silt and sediment control plan and/or an integrated stormwater management plan, by qualified professionals may be required to permit the controlled release of runoff from the development and to buffer streams from the loading of sediment and nutrient materials. The Regional Board will require that a drainage study be completed by a licensed, professional engineer to determine the extent of the works required and to establish criteria for eliminating or minimizing storm flows from the developed site.
- (f) 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.
- (g) Where a subject property is located within a floodplain as shown on the "Cowichan Lake Floodplain Maps", buildings and structures will be subject to the flood construction levels specified on the floodplain maps, administered under Section 56 of the *Community Charter*.
- (h) Roads and driveways should be located as far as possible from the edge of a bank or from a 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.
- (i) Footpaths to a 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.
- (j) Retaining walls will be limited to areas above the high water mark, and to areas of active erosion. Backfilling behind a wall, to extend the existing edge of a slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank.
- (k) Where a retaining wall is proposed, bioengineering – using native plants, will be encouraged. The use of concrete, rip rap, unsightly construction debris like broken concrete, bricks and shot rock are discouraged as materials to improve bank stability. The use of vegetation such as willows and/or deadfalls or logs are encouraged as alternatives to minimize erosion and reduce the velocity of stream flows. 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. 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; Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption.

- (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) Cultural/heritage features of a site must be undisturbed.
- (n) Pilings, floats, or wharves should be consistent with the current Operational Statement of Fisheries and Oceans Canada.
- (o) For subdivision proposals, where a sensitive area is proposed to be covenanted for conservation purposes or dedicated to a public body or conservation group, the parcel lines may abut or follow the boundaries of the sensitive area. In other cases, the appropriateness of proposed parcel line locations should be reviewed with respect to site-specific considerations and the overall goal of minimizing environmental impacts.
- (p) All development proposals subject to a development permit should be consistent with "Develop With Care -- Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.
- (q) The draining of wetlands or watercourses, and the land filling or dredging of a watercourse, including a lake, to increase a property size, create a sandy beach area, or restrict the public use of an area beyond property lines, is prohibited.
- (r) Development proponents must ensure that the proposed development does not cause a harmful alteration, disruption or destruction to habitat.

13.7: RIPARIAN AREA REGULATION GUIDELINES

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),

- the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- (f) Cowichan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.
- (g) The mean annual high water mark on Cowichan Lake has been calculated by the Ministry of Environment as being 164 metres above mean sea level, so Qualified Environmental Professionals are very strongly encouraged to incorporate this into their reports, as being the point from which the SPEA will be measured.

13.8: EXEMPTIONS

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

- (a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- (b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- (c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- (d) Creation of a passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

13.9: VARIANCES

Where a proposed development plan adheres to the guidelines of the Watercourse Protection Development Permit Area, the Regional Board may give favourable consideration to variances of its 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.

13.10: FLOOD CONSTRUCTION LEVELS

The Board will not give relaxations to the flood construction levels in any circumstance.

13.11: CONCURRENT DEVELOPMENT PERMIT AREAS

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

13.12: 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 constitutes a new and distinct offence.

13.13 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.

13.14: 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.

13.15 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Watercourse Protection 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, including top of bank;
 - 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;
- Areas of known wildlife habitat;
- 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/watercourse bank alterations;
- Existing and proposed septic tanks, treatment systems and fields;
- Existing and proposed water lines and well sites.

4. A Qualified Environment Professional's report, prepared pursuant to Section 13.7.

(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;
4. To ensure that all of the applicable DPA guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to the Board's satisfaction. Should a Development Permit holder fail to fulfill the requirements of a Development Permit, the CVRD may undertake and complete the works required at the cost of the Permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above, the CVRD will refund the Security to the Permit holder.

5.12 **R-3 URBAN RESIDENTIAL 3 ZONE**

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

1. **Permitted Uses**

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

- a. Single family dwelling;

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

- b. Bed and breakfast accommodation;
- c. Buildings and structures accessory to a principal permitted use;
- d. Home occupation;
- e. Horticulture
- f. Secondary dwelling unit or secondary suite.

2. **Minimum Parcel Size**

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

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

3. **Number of Dwellings**

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

4. **Setbacks**

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

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

5. **Height**

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

6. **Parcel Coverage**

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

7. **Parking**

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

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Riparian Areas Regulation - Assessment Report

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

Date 23/9/08

I. Primary QEP Information

First Name	Trystan	Middle Name	Mark
Last Name	Willmott		
Designation	Technologist	Company	Madrone Environmental Services Ltd.
Registration #	25491	Email	trystan.willmott@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	Gordon	Middle Name	
Last Name	Butt		
Designation	Professional geoscientist Professional agrologist	Company	Madrone Environmental Services Ltd.
Registration #	18656 (P.Geo)	Email	gordon.butt@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
		Phone #	250 746 5545

III. Developer Information

First Name	Dana	Middle Name	
Last Name	Hummel		
Company			
Phone #	250 701 8283	Email	merlinswatergardens@hotmail.com
Address	8554 Maple Ridge Road		
City	Duncan	Postal/Zip	VOR 3E1
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Single family residential		
Area of Development (ha)	0.042	Riparian Length (m)	150
Lot Area (ha)	1.26	Nature of Development	New
Proposed Start Date	2008-12-01	Proposed End Date	2009-06-01

V. Location of Proposed Development

Street Address (or nearest town)	Lot 62, Block 7, Plan 8301					
Local Government	CVRD			City	Youbou	
Stream Name	Coonskin Creek					
Legal Description (PID)	005-533-431			Region	1 - Vancouver Island	
Stream/River Type	Stream			DFO Area	South Island	
Watershed Code	920-257700-76800					
Latitude	48	52		Longitude	124	12

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

Coonskin Creek is known to contain coho salmon (*Oncorhynchus kisutch*) and coastal cutthroat trout (*O. clarki clarki*), as per the Habitat Wizard website:

(http://webmaps.gov.bc.ca/imf5/imf.jsp?site=moe_habwiz)

Juvenile salmonids (likely coho salmon parr) were observed in the lower portion of the assessment area immediately upstream of the North Shore Road bridge. These fish were using pool habitat in the lower gradient portion of the creek. Immediately above the road bridge, the gradient of the creek increases dramatically, and there are several natural waterfalls and cascades which represent barriers to upstream migration of fish. Habitat Wizard lists these waterfalls as obstructions, and describes fish as being present in the lower reaches of the creek only (below the falls).

In addition to supporting fish below the falls, Coonskin Creek connects directly to Cowichan Lake, which represents extremely high fishery resource values. Cowichan Lake is known to contain chinook salmon (*O. tshawytscha*), coho salmon, chum salmon (*O. keta*), steelhead (*O. mykiss*), kokanee (*O. nerka*), coastal cutthroat trout, rainbow trout (*O. mykiss*), brown trout (*Salmo trutta*), Dolly Varden (*Salvelinus malma*) and bull trout (*Salvelinus confluentus*).

The creek is moderately confined in the lower portion, with a steep sided bank on the west side; the east side slopes gently away from the creek edge. Above the waterfalls, the creek becomes highly confined in a steep sided ravine (steep slopes adjacent to both banks), with a bedrock-dominated channel substrate.

Riparian vegetation consists of structural stage 5 forest containing bigleaf maple (*Acer macrophyllum*), Douglas-fir (*Pseudotsuga menziesii*) and red alder (*Alnus rubra*). The forest cover is providing riparian function in the form of shade, insect drop/litter fall and bank stability.

The developer is proposing to construct a single family residence on the west side of the creek on a relatively flat upper knoll (beyond the top of ravine bank and outside the Riparian Assessment Area - RAA). An existing road bed (currently grown in with tall shrubs) provides access to the proposed building site. This road bed would be upgraded with a gravel surface as part of the development. Due to the terrain, the access road has been cut into the slope, and as such a separate assessment was carried out by Gordon Butt, M.Sc., P.Ag., P.Geo. to ascertain potential slope stability issues. Stability of the proposed building site was also assessed (refer to measures).

The house development will be occurring outside the RAA, but the improvements to the access road will be inside the RAA, which constitutes "development" under the RAR.

An existing dam and pumphouse exists midway up the creek, which is currently being used as a source for domestic water supply. Currently, the creek is associated with 19 separate water extraction licenses for domestic use. The developer holds one of these licenses and will extract water from the existing system for future domestic use.

The developer may also be proposing a small hydro-generation facility to generate power for the proposed residence. The steep gradient of the creek is well suited to the generation of hydro-electric power. The hydro power proposal, if taken further, will be considered as a separate application procedure (likely under the Section 9 procedure with specific involvement from the DFO).

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Section 2. Results of Riparian Assessment (SPEA width)

Refer to Chapter 3 of Assessment Methodology

Date: 23/9/08

Description of Water bodies involved (number, type)

Coonskin Creek

Stream	X
Wetland	
Lake	
Ditch	

Number of reaches 1

Reach # 1

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

Channel Width(m)		Gradient (%)	I, <u>Tristan Willmott</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dana Hummel</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point	4.3	22	
upstream	4.9		
	4.6		
	7.8		
	5.1		
	4.8		
downstream	6.5	12	
	5.9		
	5.7		
	4.1		
	4.8		
Total: minus high /low	46.6		
mean	5.2	17	
	R/P	C/P	
Channel Type		X	

Site Potential Vegetation Type (SPVT)

		Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Tristan Willmott</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dana Hummel</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
SPVT Polygons			X	

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Polygon No:	<input type="text"/>	Method employed if other than TR	
SPVT Type	<div>LC SH TR</div> <div><input type="text"/> <input type="text"/> <input checked="" type="checkbox"/></div>		
Polygon No:	<input type="text"/>	Method employed if other than TR	
SPVT Type	<div>LC SH TR</div> <div><input type="text"/> <input type="text"/> <input type="text"/></div>		
Polygon No:	<input type="text"/>	Method employed if other than TR	
SPVT Type	<div><input type="text"/> <input type="text"/> <input type="text"/></div>		

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)	10.4							
Litter fall and insect drop ZOS (m)	15							
Shade ZOS (m) max	15	South bank	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)							
Ditch Fish Bearing	Yes	<input type="text"/>	No	<input type="text"/>	If non-fish bearing insert no fish bearing status report			
SPEA maximum	15	(For ditch use table3-7)						

Segment No:	<input type="text"/>	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)	<input type="text"/>						
Litter fall and insect drop ZOS (m)	<input type="text"/>						
Shade ZOS (m) max	<input type="text"/>	South bank	Yes	<input type="text"/>	No	<input type="text"/>	
SPEA maximum	<input type="text"/>	(For ditch use table3-7)					

Segment No:	<input type="text"/>	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)	<input type="text"/>						
Litter fall and insect drop ZOS (m)	<input type="text"/>						
Shade ZOS (m) max	<input type="text"/>	South bank	Yes	<input type="text"/>	No	<input type="text"/>	
SPEA maximum	<input type="text"/>	(For ditch use table3-7)					

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I, Trystan Willmott, 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 Dana Hummel;
- 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.

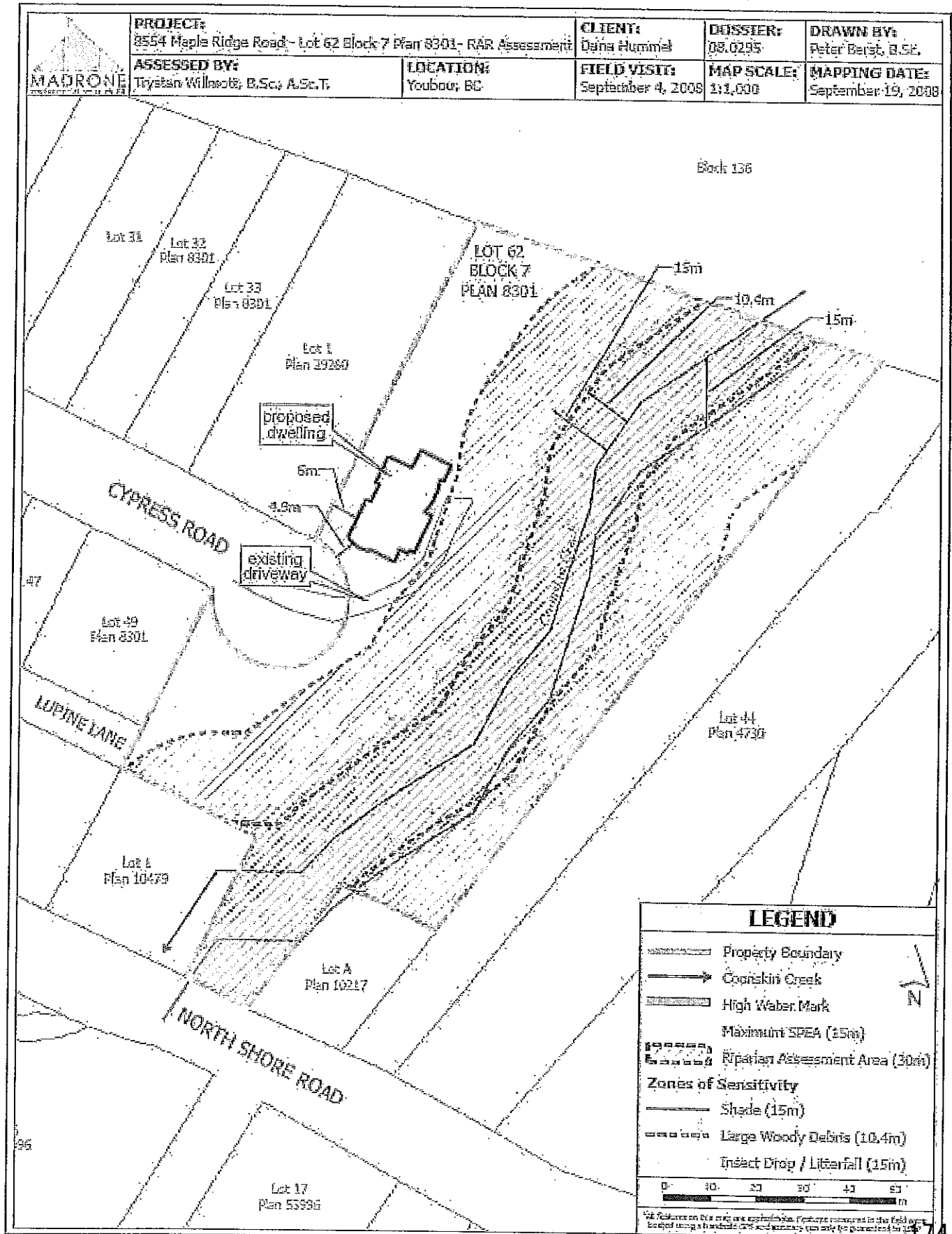
Comments

Professional surveyors should be employed to survey the 15m SPEA, which must be a horizontal distance measured from the flagged high water mark. The edge of the SPEA must be clearly marked in the field prior to development activities (access road improvement) occurring.

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Section 3. Site Plan



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Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	Several snags (mainly Douglas-fir) exist within the SPEA that may result in damage to either people or property if they fell. The developer will be removing dead standing snags using the services of a professional arborist. It is recommended that the designated professional use appropriate judgement to ensure that removal of snags inside the SPEA is kept to a minimum. Snags provide important wildlife habitat (e.g. cavities for nesting birds and roost areas for bats). Any snags that are removed inside the SPEA should be left on site as Coarse Woody Debris (CWD).
<p>I, <u>Trystan Willmott</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>Dana Hummel</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>	
2. Windthrow	<p>Damage to stands of trees from windthrow usually occurs when large areas of forest are cleared, which leads to the exposure of treed edges to increased wind velocities.</p> <p>Trees in the SPEA will not be subjected to increased wind velocities in this case, as the proposed development will involve minimal clearance of trees outside the RAA. While the access road improvements are occurring inside the RAA, the existing road route consists of early seral-stage vegetation (dense shrub cover in places), meaning that trees will not need to be cleared to bring the road into operation.</p>
<p>I, <u>Trystan Willmott</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>Dana Hummel</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>	
3. Slope Stability	<p>The proposed development exists beyond the top of ravine bank on the western side of the creek on a relatively flat upper knoll. The existing access road bed has been cut into the steep side slope to the west of the SPEA. Due to concerns related to slope instability and the integrity of the road/ building site, a separate terrain stability assessment was carried out by Gordon Butt, M.Sc., P.Ag., P.Geo. The following description highlights the findings of his assessment:</p> <p>Geologic Assessment of Proposed Road and House</p>

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	<p>Construction</p> <p>The west side of the SPEA consists of steep planar slopes formed in deep, gravelly sandy glaciofluvial deposits. Soils are rapidly drained. No bedrock was observed in the slope, however, bedrock is exposed in the creek channel. There was no evidence of past instability in the form of landslides or surface erosion, despite the fact that the entire area has been logged. However, the lack of bedrock control, the sheer slope of the area, and the proximity of the creek, render it potentially hazardous for landsliding.</p> <p>There is an existing road cut into gentle slopes above the SPEA, to the west of the creek. It was built using an excavator, approximately in 1991 or 1992. It is not evident that substantial amounts of spoil were sidecast below the road. The slope immediately below the road drops at 80 to 95%, but slopes above the road are only 30 to 35% for less than 15 m. The cuts stand at 1 to 3 m in height, and the gravelly sandy material has raveled down since construction. The road at the time of my inspection was heavily brushed in.</p> <p>Recommendations</p> <ol style="list-style-type: none"> 1. The road will require some widening and excavating of raveled cutslope material. All spoil should be disposed of in a safe location and NOT sidecast onto the SPEA. 2. The proposed house site is stable as it is located on a ridge with generally subdued topography. On the southeast corner it may be necessary to shore up the slope with an engineered structure such as a lock-block wall. More detailed geotechnical inspection by a qualified professional is required once detailed plans have been prepared. 3. I recommend no disturbance of the SPEA west of the creek; it should remain under forest cover. 4. I recommend that perimeter drain does not discharge onto this slope. 5. Similarly, I recommend that discharge from a septic field be kept away from this slope. 6. A small walking trail is acceptable, provided the cut is kept under 30 cm. <p>Gordon Butt, M.Sc., P.Ag., P.Geo. Professional Geoscientist</p>
<p>I, <u>Gordon Butt</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>Dana</u></p>	

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<p><u>Hummel</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>4. Protection of Trees</p>	<p>The majority of development activities, i.e. those associated with the construction of the residence, are occurring outside the RAA (refer to site plan). It is highly unlikely, therefore, that damage to trees will occur as a result of site preparation and/or construction activities.</p> <p>Although the access road will require improvements inside the RAA (refer to Section 3), the route of the road exists well beyond the SPEA boundaries. Again, due to the distance between the road and the edge of the SPEA, it is unlikely that trees inside the SPEA will be damaged (refer to site plan).</p>
<p>I, <u>Trystan Willmott</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>Dana Hummel</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>5. Encroachment</p>	<p>At present, existing use inside the SPEA boundaries consists of a concrete dam within the high water mark of the stream, with an associated small-scale pump house and water lines for domestic use (refer to photos). In addition, the access road route exists as a rough road bed beyond the edge of the SPEA on the western side of the creek.</p> <p>Any additional encroachment into the SPEA is to be avoided. Encroachment activities consist of the following:</p> <ul style="list-style-type: none"> - Removal, alteration, disruption or destruction of vegetation; - Disturbance of soils; - Construction of temporary or permanent structures; - Creation of non-structural impervious or semi impervious surfaces; - Flood protection works; - Construction of roads, trails, docks, wharves and bridges; - Provision and maintenance of sewer/water services; - Development of drainage systems; and - Development of utility corridors. <p>The proposed hydro-electric power facility and any (minimal) encroachment into the stream and/or SPEA would be dependent upon stringent approval from the DFO and/or MoE.</p>

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<p>I, <u>Trystan Willmott</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>Dana Hummel</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>6. Sediment and Erosion Control</p>	<p>It is important that sediment generated from construction activities (either associated with the access road upgrades inside the RAA or development of the residence outside the RAA) does not become mobilized and transported into the creek. The most important aspect to address is the control of sediment and erosion potential at the source. The design of the sediment/erosion control plan should be known prior to construction activities occurring on the ground. The following points should be implemented as part of the sediment and erosion control plan:</p> <ul style="list-style-type: none"> - covering all soil/fill stockpiles with tarps to prevent mobilization by rainwater; - ensuring that areas to be cleared/graded are kept to an absolute minimum; - carrying out major grading/site preparation during the dry summer period; - applying temporary covers, such as geotextiles, to relatively small bare areas; - combining mulching with seeding to manage more extensive bare areas and decrease the potential for sediment mobilization from rain splash. Prior to spreading mulch, bare ground should be scarified to improve infiltration (compacted soil leads to decreased infiltration and increased surface run off, which creates rills and defined channels, which erode material easily). The prepared ground should be seeded and covered with loose straw (minimum 3cm depth). Straw mats, or other rolled erosion control products, should be used on steeper slopes instead of loose straw, where they can be stapled into position; - retaining vegetation cover where possible, for as long as possible, to reduce erosion and mobilization of sediment; - restricting high-frequency movement of trucks and other heavy machinery to temporary gravel "runways" on site; - constructing perimeter swales that intercept run-off from disturbed sites and direct it into sediment traps (settling ponds). It should be noted that settling ponds are a secondary measure that will capture mobilized sediment should control at the source, using the methods above, be ineffective; - installing gravel access pads at the main site access to reduce the amount of sediment leaving the site; and

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	- regular sweeping (as opposed to washing, which mobilizes sediment) of impermeable surfaces.
<p>I, <u>Trystan Willmott</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>Dana Hummel</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>	
7. Stormwater Management	<p>The goal of successful storm water management is to return run-off from impermeable surfaces (e.g., roads and roof tops) to natural hydrological pathways.</p> <p>The access road improvements (inside the RAA) will involve the construction of a gravel surface, which will enhance infiltration. Gravel soak-aways will also be placed at 10m intervals along the western margin of the road to capture and enhance infiltration of any road surface water. The width and length of the access road will be kept to an absolute minimum.</p> <p>While not required to address stormwater concerns outside the RAA, the developer will be installing a "green roof" on the proposed residence, which will capture rainwater and decrease the amount of surface run-off in comparison with an impermeable roof top. Overflow will be directed to a gravel/rock drain soak-away, which will also enhance infiltration and decrease surface run off associated with storm events.</p>
<p>I, <u>Trystan Willmott</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>Dana Hummel</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>	
8. Floodplain Concerns (highly mobile channel)	The development is occurring beyond the top of ravine bank of a confined, high gradient creek and is not associated with an active floodplain area. The development is occurring well above the 200 year flood level of Cowichan Lake.
<p>I, <u>Trystan Willmott</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>Dana Hummel</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>	

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Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all documents be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Specific Actions Required:

- making sure that a sediment and erosion control plan has been formulated for the site (as per section 6 of the measures). Sediment and erosion control is a requirement for works involving the access road only (inside the RAA). Management of sediment and erosion is still recommended for the house site, however, despite being outside the RAA;
- completion of on-site monitoring visits throughout the access road improvement phase;
- carrying out a site inspection at the beginning and end of construction activities (related to the access road improvements) to ensure that the SPEA has been respected;
- completing and submitting a post-construction monitoring report via the RAR notification system;

Monitoring Schedule:

- on the first day of operations regarding the access road improvements, an on site meeting will be held to discuss the proposed development plans and to ensure that the suggested measures for sediment and erosion control have been implemented. In addition, the correct placement of high visibility fencing along the outer edge of the SPEA should be checked;
- mid-way through the development operations, the QEP will visit the site to ensure that the development is going ahead in the proper manner; and
- carrying out a final site visit following the cessation of access road improvement works.

Communication Plan:

- the developer is responsible for contacting the QEP to schedule a site visit on the first day of operations;
- the developer will also contact the QEP mid-way through the development, to allow for the QEP to have the opportunity to assess and modify (if required) the development activities; and
- upon completion of all construction activities within the RAA (i.e. access road development), the developer will contact the QEP, in order that the final site inspection can be carried out. This site inspection will form the basis of the post-construction monitoring report, which will be submitted via the notification system.

Section 6. Photos



Looking south west (downstream) from the lower portion of the property along Coonskin Creek towards North Shore Road. Channel gradient is relatively minor in this lower section.



Looking north east (upstream) from the lower portion of the property. Note cascade-pool channel type.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking south west (downstream) from the upper portion of the property. Gradient has increased significantly and channel type is step-pool.



Looking north east (upstream) towards the northern property boundary. Note high gradient, bedrock-controlled channel type and steep ravine slopes on both sides.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Low-gradient channel immediately upstream of North Shore Road crossing (near southern property boundary). Juvenile salmonids (likely coho salmon) were observed in this pool during the assessment.



Looking upstream towards existing pump house (to the right of the photo). Taken in the approximate centre of the property.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

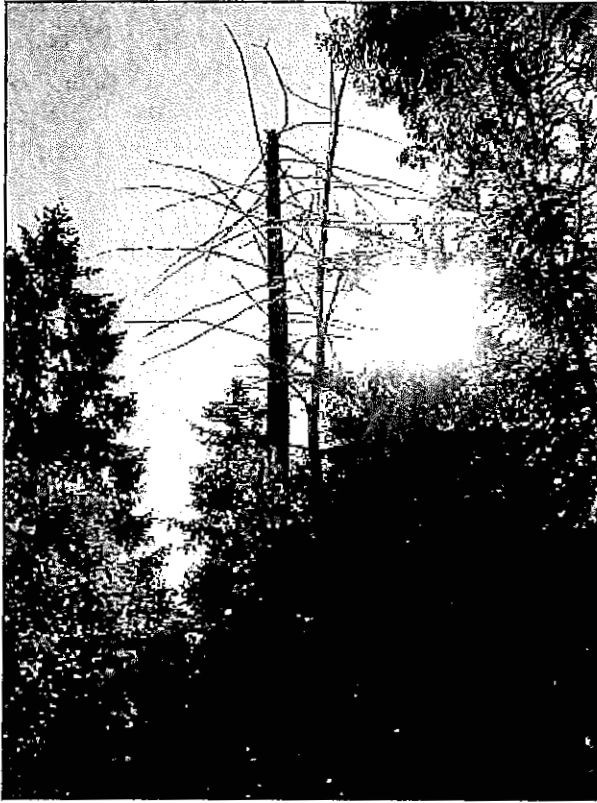


Looking downstream towards the existing concrete retention dam, filter screen and pump house.



Looking east from the right bank of the creek towards the existing pump house depicted in the photo above.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Douglas-fir snag inside the SPEA, the removal of which would depend upon the opinion of a qualified professional (i.e. do potential hazards warrant its removal).



Looking east along the existing access road to the proposed development site from the end of Cypress Road. Parts of this road exist inside the RAA, and upgrades will be required.

Section 7. Professional Opinion

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

Date 23/9/08

1. We, Trystan Willmott and Gordon Butt

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

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

2. As qualified environmental professionals, we hereby provide our professional opinions 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.]



CVRD

THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING ☐

DEVELOPMENT PERMIT ☒

Uses Proposed:

☒ Single Family Residential

☐ Industrial

☐ Multi Family

☐ Institutional

☐ Commercial

☐ Agricultural

☐ Other _____

Environmental Protection and Enhancement

Please explain how the development protects and/or enhances the natural environment. For example does your development:

	YES	NO	N/A	EXPLANATION
1. Conserve, restore, or improve natural habitat?	X			Our plans include protection of the entire property and Stewardship
2. Remove invasive species?	X			Broom removal + Control
3. Impact an ecologically sensitive site?		X		All development will remain outside the riparian area
4. Provide conservation measures for sensitive lands beyond those mandated by legislation?	X			Land Stewardship + Land trust has been setup
5. Cluster the housing to save remaining land from development and disturbance?	X			One home set up at the outermost area on property
6. Protect groundwater from contamination?	X			Use of composting toilets and the most advanced Septic system.

Please explain how the development contributes to the more efficient use of land. For example does your development:

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?		X		
8.	Utilize pre-existing roads and services?	X			Drive way developed 15 yrs ago.
9.	Revitalize a previously contaminated area?			X	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?	X			Passive Solar design. Capture + reuse rain water for irrigation.
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?	X			Micro hydro possibilities. Solar panels in floor radiant heating

Please explain how the development facilitates good environmentally friendly practices. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?	X			No organic materials will be removed from property
13.	Provide an area for a community garden?			X	
14.	Involve innovative ways to reduce waste, and protect air quality?	X			Passive air conditioning design. Most efficient wood stove heating
15.	Include a car free zone?			X	
16.	Include a car share program?			X	

Please explain how the development contributes to the more efficient use of water. For example does your development:

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	X			Native Plantings Vegetable gardens.
18.	Recycle water and wastewater?	X			Capture + Reuse for irrigation. Grey water is accepted.

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	X			Gravel driveways Soakaways for roof water run-off.
20.	Utilize natural systems for sewage disposal and rain water?	X			Composting toilets grey water for irrigation.
21.	Use energy saving appliances?	X			All appliances to be energy efficient or propane.

Please explain how the development protects a 'dark sky' aesthetic by limiting light pollution and light trespass from outdoor lighting. For example does your development:

		YES	NO	N/A	EXPLANATION
22.	Include only "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are retained on the site?	X			no yard lighting or flood lights Solar lighting

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?	X			The Home has been designed to be totally off grid + self sustainable.
24.	Reduce construction waste?	X			
25.	Utilize recycled materials?	X			Pot ash for concrete green insulation.
26.	Utilize on-site materials/ reduce trucking?	X			Soil excavation will be reused onsite
27.	Avoid contamination?	X			We must protect the riparian area.
28.	Please outline any other environmental protection and enhancement features.				

Community Character and Design

Does the development proposal provide for a more "complete community" within a designated Village Centre? For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?			X	
2.	Provide services, or an amenity in close proximity to a residential area?			X	

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?			X	
Please explain how the development increases the mix of housing types and options in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?		X		
5.	Include rental housing?		X		
6.	Include seniors housing?		X		
7.	Include cooperative housing?		X		
Please explain how the development addresses the need for affordable housing in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?			X	
Please explain how the development makes for a safe place to live. For example does your development:					
		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?			X	
10.	Help prevent crime through appropriate site design?	X			Dead end road In neighbor to the side
11.	Slow traffic through the design of the road?			X	
Please explain how the development facilitates and promotes pedestrian movement. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?		X		
13.	Promote, or improve trails and pedestrian amenities?		X		

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)			X	

Please explain how the development facilitates community social interaction and promotes community values. For example does your development:

		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)			X	
16.	Use colour and public art to add vibrancy and promote community values?			X	
17.	Preserve heritage features?			X	
18.	Please outline any other community character and design features.				


Economic Development

Please explain how the development strengthens the local economy. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?			X	
2.	Promote diversification of the local economy via business type and size appropriate for the area?			X	
3.	Increase community opportunities for training, education, entertainment or recreation?			X	
4.	Positively impact the local economy? How?			X	
5.	Improve opportunities for new and existing businesses?			X	
6.	Please outline any other economic development features.	Possible Microhydro generation Possible Salmon enhancement in creek			

Other sustainable features?

Disclaimer: Please note that staff are relying on the information provided by the applicant to complete the sustainability checklist analysis. The CVRD does not guarantee that development will occur in this manner.



Signature of Owner

Date Aug 9/10.

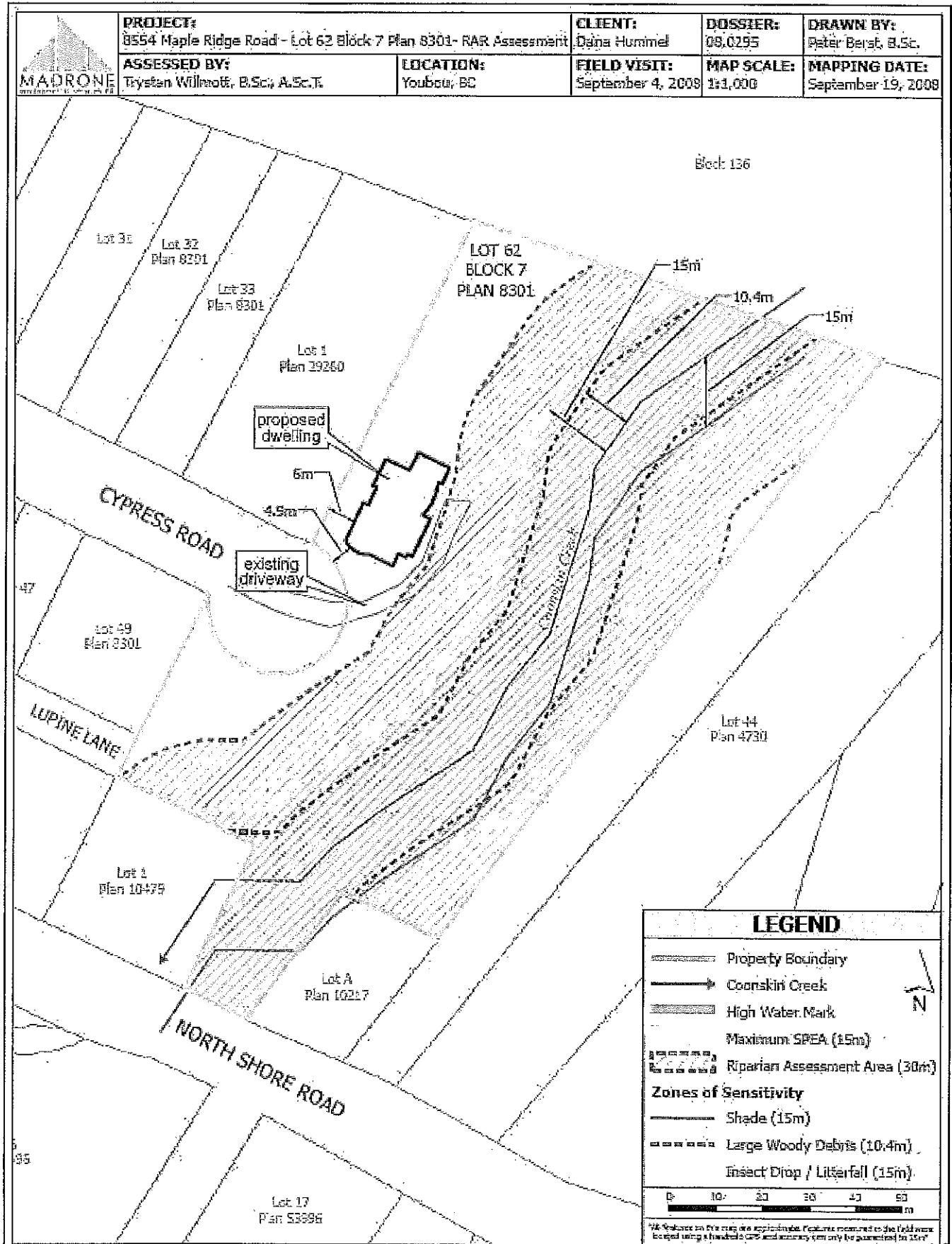
Signature of Agent

Date _____

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 3. Site Plan





PERMIT TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Saanich Area Office
240-4460 Chatterton Way
Victoria, BC V8X 5J2
Canada

("The Minister")

AND:

Dana Hummel and Ken Paterson
8554 Maple Ridge Road
Yubou, British Columbia V0R 3E1
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of temporary access to serve Lot 62, Blk 7, Cowichan Lake, Plan 8301, Except parts in plans 10217, 10479, 29280 for residential construction purposes on Cypress Road, as shown on drawing .

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. The Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
3. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
4. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
5. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent



thereto, but the Minister shall not be responsible for any damage regardless.

6. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.
7. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
8. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
9. The Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
10. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
11. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Designated Ministry Official. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the Permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the Permittee is the prime contractor for the purposes of the work described by this permit, at the work location described in this permit, and that the Permittee will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09.pdf
16. The Permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be part of this permit:

HERE DESCRIBE THE ATTACHMENTS

18. (a) The rights granted under this permit shall not be exercised before 2010-10-19.
(b) The Construction and Installations must be completed on or before 2011-01-19.
19. At the applicant's expense, the Ministry reserves the right to appoint an Inspector, as deemed advisable by the Operations Manager, and said Inspector's costs shall be chargeable to the applicant.
20. All work is to be carried out to the satisfaction of the Operations Manager, Victoria, British Columbia.
21. The rights granted under this permit and certificate are temporary and will expire on 2011-10-31. A request for extension must be received at least one month prior to the expiry date.
22. LOCATION
23. The layout shown on the drawings provided with the application are a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
24. CONSTRUCTION AND INSTALLATIONS
25. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the



reasonable satisfaction of the Designated Ministry Official.

26. The Permittee shall, at his/her cost, supply, erect, and maintain standard traffic control devices in accordance with the Ministry of Transportation Traffic Control Manual for Works on Roadways and WCB Regulation, Part 18.
27. That before opening up any highway or interfering with any public works, written notice (email is acceptable) of intention to do so must be given to the Designated Ministry Official at least two (2) business days before the work is begun.
28. If survey monuments are damaged or removed during the construction of the said works, they must be replaced by a BC Land Surveyor at the Permittee's expense immediately after construction.
29. Construction traffic shall be staged off of the pavement so as not to restrict the access of Cypress Road traffic or further restrict the ability to turn-around at the end of pavement.
30. No excavated materials will be stockpiled on the travelled portion of the pavement at any time.
31. Flaggers are required on Cypress Road when truck traffic is expected to exceed three (3) trips per hour or eight (8) trips per day.
32. The construction area shall be graveled to an extent, satisfactory to the Designated Ministry Official, to minimize the tracking of mud and soil onto the paved surface of Cypress Road.
33. Re-planting of areas where vegetation has been remove is required.
34. **The Permittee shall provide temporary security in the amount of two thousand five hundred dollars (\$2500). The security shall be in the form of a certified cheque. The security will be returned when the works have been completed to the satisfaction of the Designated Ministry Official. Security must be payable to the Minister of Finance.**
35. Permittee is required to contact the Ministry of Forests and Range to determine if a 'License to Cut' application is required. Their authorization for cutting and disposing of merchantable timber from public right-of-way is required prior to commencing works.
Phone: (250) 731-3000 Fax: (250) 731-3010
36. OPERATION AND MAINTENANCE
37. The Permittee will ensure that the works do not impair, impede or otherwise interfere with:
 - I. public passage on the Highways;
 - II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or
 - III. the operation of the Highways.
38. ADDITIONAL INFORMATION
39. A Structures Setback Permit is required for any structure on the property which is within 4.5m of the right-of-way boundary.
40. Gates are not permitted to be placed within the Cypress Road right-of-way.
41. Paving, landscaping or other work within the right-of-way requires a permit and must meet Ministry standards.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Victoria, British Columbia, this 19 day of October, 2010

On Behalf of the Minister

09.09.2010

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

tel: 250.746.2500
fax: 250.746.2513
t/f: 1.800.665.3955

Attn: Tom R. Anderson, MCIP
General Manager, Planning & Development Department

email: tanderson@cvrld.bc.ca

Subject: Lot 62, Cypress Road, Youbou
Proposed development of a single family residence

Likely you may have already received communication concerning the owner of Lot 62 proposal to construct a single family residence and the concerns that are being raised by adjacent neighbours.

The matter was brought before the recent APC meeting by the owner of Lot 1 (Mr. Trevor Gillott) which is adjacent to the area of Lot 62 on which the proposed residence is to be located. I should point out that given we own amalgamated Lots 46 and 47 on the attached subdivision plan, I stepped aside from the meeting and turned the chair over to another member. Given that there was no formal application before the commission at the time, the commission simply received the expressed concerns of Mr. Gillott which will be reflected in the meeting minutes.

That said, I am writing to express my concerns as a private citizen whose property stands to be impacted should the owner of Lot 62 follow through with his actions that have been clearly stated to the adjacent property owners.

The owner of Lot 62 has informed our neighbours that he has made application for a building permit, yet from the information obtained by Mr. Gillott from CVRD, that appears not to be the case.

The following reiterates the neighbouring concerns:

1. The owner appears to be determined and is adamant about locating sewage treatment immediately adjacent to the property line of Lot 1 by using a retaining wall as Lot 1 lies approximately 2-3 metres below the adjacent rise on Lot 62. I assume this is necessitated by the lack of area between the westerly property line of Lot 62 and the top of the ravine through which Coons Creek flows. Given the 10 metre set back required under the Watercourse Protection and Development Permit Area, from the top of the steep slope, I see little opportunity to construct a residence let alone a disposal system without variances being obtained.
2. Further, the owner of Lot 62 has stated to the neighbours that he intends to construct a gate across the road right-of-way where the pavement currently terminates, thus blocking off the access to the cul-de-sac bulb that fronts his property. While the bulb has yet to be fully developed for turning, it at least allows residents, service vehicles and emergency vehicles to turn, even though this turning must now employ the use of Mr. Gillott's driveway (Lot 1) to do so, thus acting as a hammerhead. Though he has been extremely gracious about its use, unfortunately, this is causing damage to Mr. Gillott's driveway. It is hoped by the residents of Cypress Road that MOH will at least grade and gravel the bulb of the cul-de-sac to allow a safe and adequate turning radius.

As it is now, those of us with RV trailers are forced to use the intersection of Maple Street and Cypress Road to turn and then back (any trailer larger than a utility trailer) all the way up Cypress Road to access our applicable driveways along the way – a bit of a feat given the narrowness and slope of the road. The lack of development of the cul-de-sac or any blockage permitted on it will only continue the frustration and traffic damage to adjacent private driveways.

3. Of even greater concern is the Lot 62 owner's stated determination to clear the lot of any and all vegetation, including trees that will obscure his view of the lake from the proposed residence. I should note that the owner has been on site, typically on weekends, clearing, cutting and grinding vegetation on both the road right-of-way as well as along the top of the ravine. Obviously this raises concerns about compliance with Section 13 of the OCP as well as the geotechnical stability impact upon the steep slopes along Coons Creek as well as potential impact downstream should he continue to do so.
4. I understand that the owner of Lot 62 has issued notices to those with private water licenses on Coons Creek to remove their water system and cease and desist us of the property. He has informed Mr. Gillott that he intends to construct a mini hydro system on the creek for his own private use which will limit the flow to the detriment of those downstream.
5. Whether or not applications have been initiated, he appears to be pushing ahead no matter what as evidenced by the stated intent, clearing work and delivery of retaining blocks at the base of his property.

While the owner of Lot 62 has the right to construct a residence and certainly no one objects to such, there are regulatory rules and procedures to be followed.

We certainly wish to express our concerns as to the activity and intent and in doing so we hope that the CVRD will advise the owner of Lot 62 of his obligations and procedures prior to any further irreversible work on the property. While we hope not, given the attitude shown, we fear that a cease and desist order may be necessary until such time that a formal application is made showing that it is feasible to safely construct a residence and its infrastructure on the narrow bench and a building permit is issued.

We request that our concerns and those of our neighbours be forwarded to your applicable departments, MOH and Island Health.

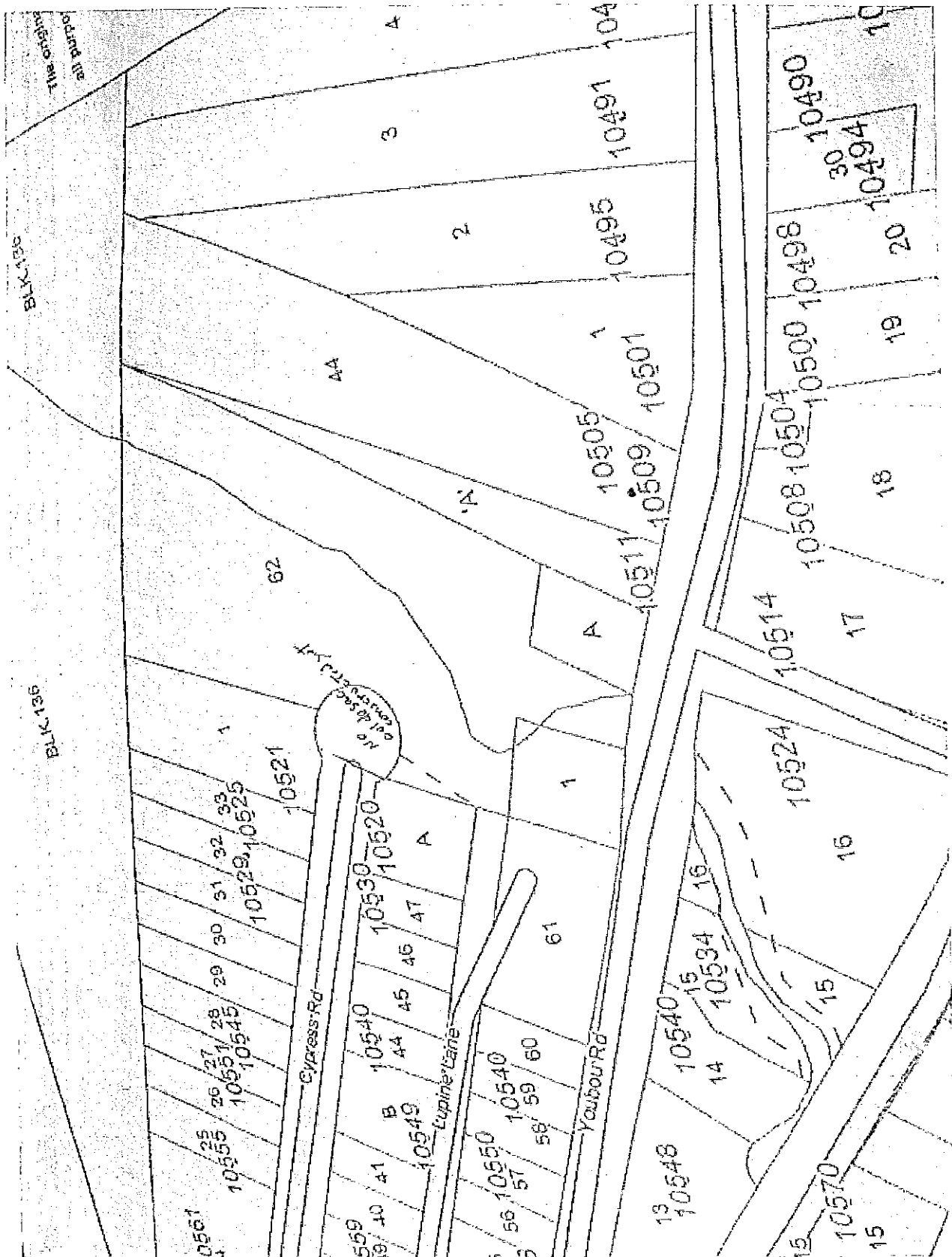
Your immediate attention to this matter is appreciated.

Should you have any questions, please do not hesitate to call my cell at 250.515.3555 or my residence.

Respectfully,

Mike & Vikki Marrs

Cc: Klaus Kuhn k.k@shaw.ca
Trevor Gillott by hand



Deb Bumphrey

From: CVRD Development Services
Sent: Wednesday, October 06, 2010 9:28 AM
To: Deb Bumphrey
Subject: FW: Development permit Lot 62, Cypress Road Youbou

From: Trevor Gillott [mailto:tgillott3@shaw.ca]
Sent: Tuesday, October 05, 2010 12:10 PM
To: CVRD Development Services
Subject: Development permit Lot 62, Cypress Road Youbou

It is my understanding that an application for a development permit has been sent to your department regarding lot 62 at the end of Cypress Road in Youbou. I understand that a riparian assessment has been conducted and is, I assume, included with the development application. As we live next door to this proposed development and the development affects us directly I would like to be included in some consultation over this project. I have some issues with the riparian assessment and the development in general and would appreciate some input on this matter. We have been in contact with the local planning advisory committee and we plan to have a public discussion concerning this matter. Back in 1992 the owner of this property cut away some of the bank directly above the creek known as Coon Skin Creek and as such, has compromised the land formations stability on this property. The riparian assessment, as I understand it, does not take into consideration the fact that an access road cut into this property is not in keeping the creek below safe from erosion and the possibility of having petroleum products making their way into the water system. We feel that this property is in grave danger of being altered in such a way as to create an environmental nightmare for this water way and the surrounding properties. I would like to participate in a dialog as to the merits of this development. All interested property owners at this end of Cypress road agree with our views and we all would like consultation before any development permit is granted. We intend on tabling this issue at the next planning advisory committee meeting in Youbou. Thank you, and I would appreciate notice that this letter has been received and is under consideration.

Regards,

Trevor Gillott
Michelle Weisgerber
10521 Cypress Road Youbou BC

250 745-8172
Email: tgillott3@shaw.ca



FILE COPY

September 28, 2010

Mike E. Marrs
10530 Cypress Road
YOUBOU, BC V0R 3E1

Dear Mike Marrs:

Re: Lot 62, Cypress Road, Youbou BC

Thank you for your e-mail and attached memorandum received September 9, 2010. I will attempt to respond to each of the points raised in the order that they appear.

First, please be advised that the owner of the above noted lot has made application for a Development Permit which staff are just now beginning to process. No building permit has been submitted at this time.

1. With respect to your concerns regarding on-site sewage disposal, a Septic Filing has been accepted by the Vancouver Island Health Authority (VIHA). The Filing number is DC10/152. The approval of the Filing by VIHA is usually all that we require to satisfy our need to ensure that on-site sewage treatment is in compliance with provincial regulations. However, as a result of your concerns, we have contacted VIHA and requested that they confirm their approval given the concerns that you have raised. They have forwarded the attached accepted Filing along with map information showing the location and design of the approved system. If you have further concerns, it is recommended that you contact them directly.
2. With respect to your concerns regarding the property owner proposing to block off access to the cul-de-sac bulb that fronts his property, if as you say, this is correct, any alienation of public road right of way would have to be approved by the Ministry of Transportation and Infrastructure (MoTI). A copy of your correspondence has been forwarded to Mr. Bob Webb, Operations Manager for the MoTI, South Island District, for comment and information. To this point in time, no response has been received.
3. With respect to your concern regarding the clearing of vegetation, the coloured area on the attached map prepared by Madrone Consultants, shows the land that falls within the Riparian Assessment Area. The vegetation within that area may only be cleared of, "dead standing snags" in accordance with the Qualified Environmental Professional (QEP) report that has been submitted as part of the Development Permit Application. The lands that are outside the coloured area (shown as white) are not subject to any tree or vegetation protection regulations. As a result of your comments, the property owner will be informed of this fact and requested to not undertake any clearing of vegetation unless in compliance with the QEP report.

September 28, 2010

Mike E Marrs

Page 2

4. With respect to your concerns regarding private water licences on Coonskin Creek, this is a matter that is regulated by the Ministry of Environment, Water Stewardship Branch, Nanaimo. A copy of this response and your correspondence will be forwarded to John Baldwin of that Ministry for his information.
5. With respect to your concerns regarding the property owner initiating work on the property, this matter will be addressed as per my response in #3 above.

We appreciate the information that you have brought forward and hope that the above response provides some clarification.

Yours truly,



Tom R. Anderson, MCIP
General Manager
Planning and Development Department

TRA/jnl

Attachment

pc Director K. Kuhn, Electoral Area I – Youbou/Meade Creek
 Bob Webb, Operations Manager, Ministry of Transportation, Victoria
 Cole Diplock, Environmental Health Officer, VIHA, Duncan
 John Baldwin, Water Stewardship Officer, MoE, Nanaimo

FILING OF SEWERAGE SYSTEM



This form is required to implement the Sewerage System Regulation (326/2004) and the collection of personal information complies with the Freedom of Information and Protection of Privacy Act. Within the Capital Regional District, information collected may be used by the CRD for the purpose of administration and enforcement of the Onsite Sewerage System Maintenance Bylaw. For Bylaw information contact 250-580-9000.

PID#(CRD only) FOLIO#(NORTH)	<input checked="" type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR	<input type="checkbox"/> AMENDMENT ONLY/ PREVIOUS FILING NUMBER FILING NUMBER DC 10/152
------------------------------	--	--

1. Lot Information

Descriptions where sewerage system is to be constructed

LEGAL DESCRIPTION OF PROPERTY Lot 62, Block 7, Lake Cowichan District, Plan 8301, Except Parts in Plan 10217, 10479 & 29280, PID# 005 - 533 - 431				GPS LOCATION OF SYSTEM Use Datum NAD83 PLEASE USE DECIMAL DEGREES LAT. 48.874638 LONG. -124.205196	
SUITE/APT NUMBER N/A	BUILDING NUMBER None Assigned	STREET NAME Cypress Road	CITY/MUNICIPALITY/AREA Youbou	HORIZONTAL ACCURACY (M) _____	
NAME OF LEGAL OWNER OR STRATA CORPORATION				TELEPHONE NUMBER	

2. Owner Information

Mailing Address of Property Owner

SUITE/APT NUMBER N/A	BUILDING NUMBER 8554	STREET NAME	CITY	POSTAL CODE
-------------------------	-------------------------	-------------	------	-------------

3. Authorized Person Information

Mailing Address of Authorized Person

NAME OF AUTHORIZED PERSON Harvey Elbe, P.Eng.			TELEPHONE NUMBER 250-748-7658	REGISTRATION NUMBER (if applicable) P.Eng.# 06073
SUITE/APT NUMBER N/A	BUILDING NUMBER 6045	STREET NAME Chippewa Road	CITY Duncan, BC	POSTAL CODE V9L 5P5

4. Facility Information

5. Site Information

SEWERAGE SYSTEM WILL SERVE: <input checked="" type="checkbox"/> SINGLE FAMILY DWELLING <input type="checkbox"/> DUPLEX <input type="checkbox"/> OTHER (specify): _____		NO. OF BEDROOMS 3	TOTAL LIVING AREA (INCL. FINISHED BASEMENT) (in m ²) 158	EST. DAILY SEWERAGE FLOW (in litres/day) 1,363	LOT SIZE (in hectares) 16.19
--	--	----------------------	---	---	---------------------------------

WILL BE CONNECTED TO A COMMUNITY WATER SYSTEM? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO SYSTEM NAME Youbou Public		HYDRAULIC CONDUCTIVITY (l/s/cm/day) N/A	AVG. PERC RATE (MIN/MIN) 8	SOIL TEXTURE / DESCRIPTION Sandy Loam, See Soils Report
--	--	--	-------------------------------	--

DISTANCE OF PROPOSED DISCHARGE AREA FROM (in metres) N/A WATER LINES N/A OWN WELL N/A NEIGHBOURING WELLS		NATURAL SOIL VERTICAL SEPARATION (in cm) >60
---	--	---

6. System Information

N/A BREAKOUT POINT >30	STREAM OR LAKE N/A	DOMESTIC WATER SOURCES
TOTAL VERTICAL SEPARATION (in m) >60	TYPE OF SEWERAGE SYSTEM <input type="checkbox"/> TYPE 1 <input type="checkbox"/> TYPE 2 <input checked="" type="checkbox"/> TYPE 3 (PROF. ONLY)	IF TYPE 2 OR TYPE 3 IS PROPOSED GIVE: MAKE Nayadic MODEL MGA TREATMENT CAPACITY (in litres/day) 1,900

SEPTIC TANK MANUFACTURER Roth	SEPTIC TANK MATERIAL Poly	VOLUME OF TANK (litres) 2,850	EFFLUENT PUMP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	HYDRAULIC LOADING RATE (in lpd/m ²) 39
----------------------------------	------------------------------	----------------------------------	--	---

DISCHARGE AREA: <input type="checkbox"/> TRENCH <input type="checkbox"/> BED <input type="checkbox"/> SAND MOUND <input checked="" type="checkbox"/> OTHER (SPECIFY)	METHOD OF EFFLUENT DISTRIBUTION: GRAVITY <input checked="" type="checkbox"/> PRESSURE <input type="checkbox"/> OTHER <input type="checkbox"/>	DISTANCE BETWEEN SEWERAGE SYSTEM AND NEAREST WELL N/A
--	---	--

7. Restrictive Covenants

ARE THERE ANY RESTRICTIVE COVENANTS/EASEMENTS, WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWERAGE SYSTEM? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

If yes, please explain and attach supporting documents.

8. Plans and Specifications Orders

Attachments: <input checked="" type="checkbox"/> a site or layout plan of the proposal drawn to scale, and <input checked="" type="checkbox"/> a set of specifications of the sewerage system. <input type="checkbox"/> a copy of the Health Act Order pertaining to the sewerage system.
--

9. Authorized Person's Signature and Assurance Statement

<input checked="" type="checkbox"/> YES I have consulted with the MOHS' publication "Sewerage System Standard Practice Manual"
<input type="checkbox"/> NO I have used another source of standard practice listed below or copy attached. Name of alternate source of standard practice: _____

The information on this form is accurate and true to the best of my knowledge. I am an authorized person according to Sewerage System Regulation BC Reg 326/2004. The plans and specifications attached to this form are consistent with standard practice.

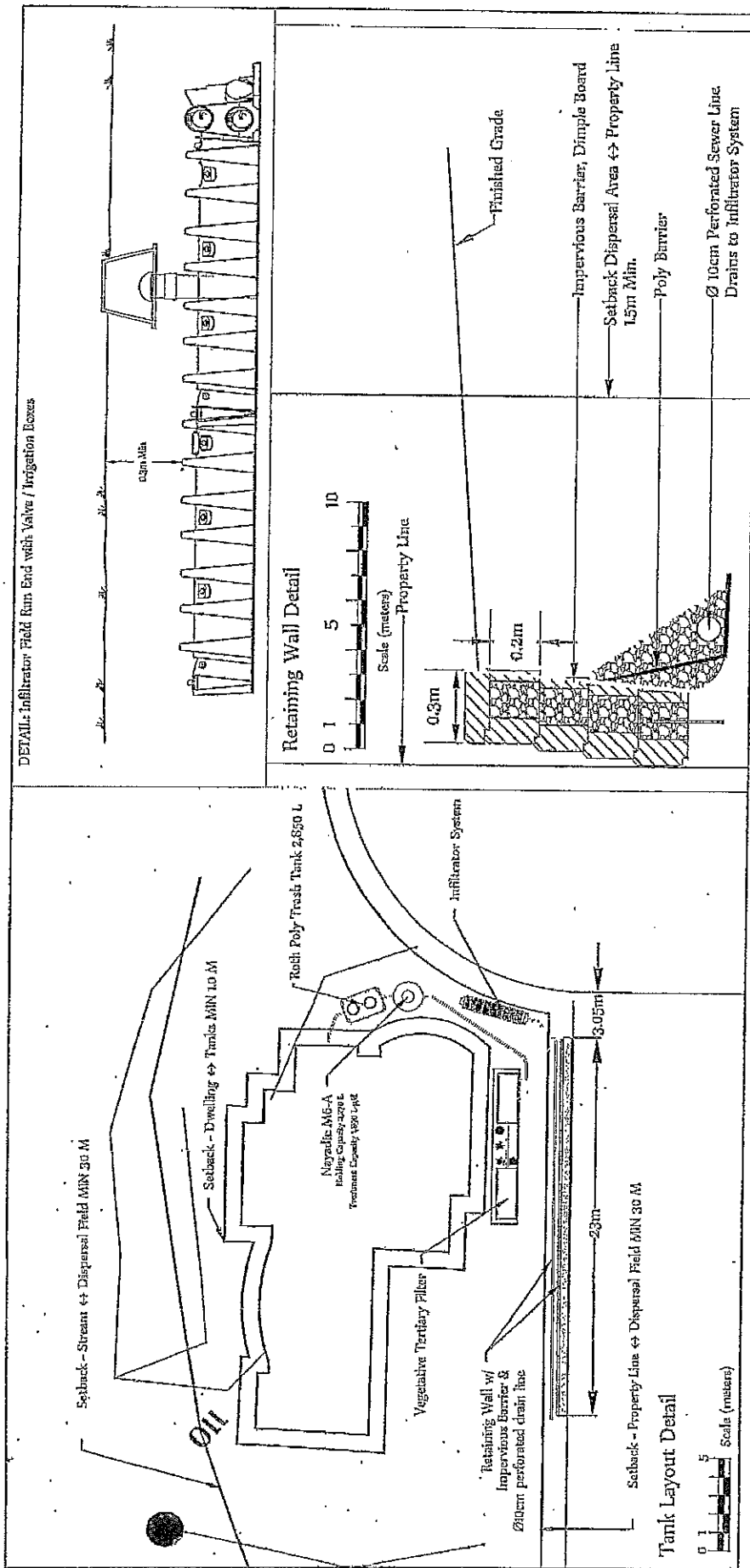
SIGNATURE 	PLEASE PRINT NAME Harvey Elbe P.Eng	DATE (DD/MM/YYYY) 20/08/2010
---------------	--	---------------------------------

Please complete all applicable fields on this form. If the form is incomplete, the filing may not be accepted and it will be returned to the Authorized Person. The Letter of Certification must be submitted within two years of the Accepted Date noted below. The Authorized Person must also file the Letter of Certification, the Maintenance Plan and the as-built plans as per Sewerage System Regulation (326/2004) within 30 days of completing the construction of the sewerage system.

AUTHORIZED PERSON'S SEAL 	OFFICE USE ONLY	
	FILING RECEIVED DATE (DD/MM/YYYY) 20/AUG/2010	VANCOUVER ISLAND HEALTH AUTHORITY WITH FILING ACCEPTED This Filing Does Not Constitute Approval for Further Subdivision
	RECEIPT #: 91599	
	DATE: Aug 30/10	

10. Authorized Person's Seal

ENTERED
ES 2010/08/20



<p>Civic Address and Legal Description Cypress Road, Yonkou, BC Lot 62, Block 7, Cowichan Lake District, Plan 5301 except parts in plan 10217 10679 and 23280, PID# 005 - 533 - 421</p> <p>Owners:</p>	<p>Professional Stamp WetlandsPacific Corp. 921 Maughan Road, Nanaimo, BC V9X 1J2 Office 250-722-7107, Fax 250-722-7120 info@wetlandspacific.com</p>	<p>CAUTION: It is the sole responsibility of the user to ensure full compliance with all necessary regulations. All dimensions and locations shown herein are approximate and are subject to field survey. This drawing is for informational purposes only and does not constitute a contract. The drawing is copyrighted to the author and may not be reproduced, transmitted or distributed in any form without consent.</p>	<p>Scale (Meters) AS SHOWN</p>
<p>Dated: August 6, 2010</p>	<p>Drawn By: D.K.</p>	<p>Customer Signature of Approval</p>	<p>Date</p>

Site Layout Detail

Site Layout Detail

LOT 1
PLAN 29280

LOT 49
PLAN 8301

LOT 61
PLAN 10479

LOT A
PLAN 10217

LOT 62
BLOCK 7
PLAN 8301

LOT 44
PLAN 4730

Cypress Road

LUPINE LANE

NORTH SHORE ROAD

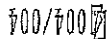
EDGE OF BANK

CREEK

COONSBAY

Dimensions:

- 95.0m
- 160.2m
- 22.9m
- 35.2m
- 15.2m
- 34.6m
- 33.8m
- 9.9m
- 42.0m
- 100.0m
- 105.0m
- 110.0m
- 115.0m
- 120.0m
- 125.0m
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- 720.0m
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- 735.0m
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- 745.0m
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R 1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: November 26, 2010 **BYLAW No.:** 3447

FROM: Kathleen Harrison, Legislative Services Coordinator

SUBJECT: South End Community Parks Service Amendment – Requisition Limit Increase.

Recommendation:

That "CVRD Bylaw No. 3447 – South End Community Parks Service Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To introduce CVRD Bylaw No. 3447 that amends South End Community Parks Service Establishment Bylaw No. 2232, by increasing the maximum requisition limit pursuant to CVRD Board Resolution 10-561-4.

Financial Implications:

The maximum amount of money that may be requisitioned annually in support of this service will increase from \$50,000 to \$62,500. If the maximum amount is requisitioned the annual cost to homeowners with a residential property assessed at \$100,000 will increase from \$1.22 to \$1.53 per year.

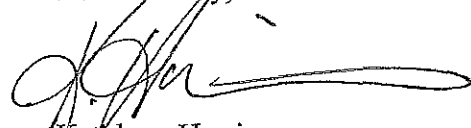
Interdepartmental/Agency Implications:

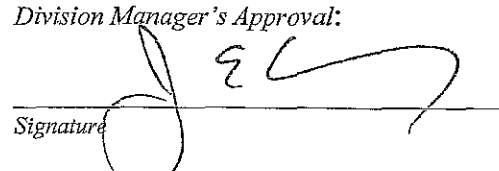
This amendment bylaw requires the approval of the service area voters before it can be adopted. Voter approval may be obtained by the Electoral Area Directors consenting, in writing, to the adoption of the Bylaw. Pursuant to *B.C. Reg. 113/2007*, this bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval.

Background:

At its meeting held November 10, 2010, the Board ratified Resolution 10-561-4 that authorized an increase to the requisition limit of the South End Community Parks Service. Therefore, the attached bylaw was drafted for consideration.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator

Division Manager's Approval:

Signature

Attachment: CVRD Bylaw No. 3447



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3447

A Bylaw to Amend the South End Parks Service Establishment Bylaw No. 2232

WHEREAS the Board of the Cowichan Valley Regional District established the *South End Parks Service* under the provisions of CVRD Bylaw No. 2232, cited as "CVRD Bylaw No. 2232 - South End Parks Service (Electoral Areas A - Mill Bay/Malahat, B - Shawnigan Lake, C - Cobble Hill, and D - Cowichan Bay), Establishment Bylaw, 2001";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable and expedient to increase the maximum annual tax requisition limit from \$50,000 to \$62,500 of net taxable value of land and improvements in the service area;

AND WHEREAS the Area Directors for Electoral Areas A- Mill Bay/Malahat, B - Shawnigan Lake, C - Cobble Hill and D - Cowichan Bay, have consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of Directors 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. 3447 -- South End Community Parks Service Amendment Bylaw, 2010**".

2. **AMENDMENT**

That CVRD Bylaw No. 2232 be amended by deleting the words "Fifty Thousand (\$50,000) Dollars", in the first paragraph of Section 5 and replacing them with the words "Sixty-Two Thousand Five Hundred Dollars (\$62,500)".

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



R 2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: November 26, 2010 **BYLAW No.:** 3446

FROM: Kathleen Harrison, Legislative Services Coordinator

SUBJECT: Saltair Community Parks Service Amendment – Requisition Limit Increase.

Recommendation:

That "CVRD Bylaw No. 3446 – Saltair Community Parks Service Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To introduce CVRD Bylaw No. 3446 that amends Saltair Community Parks Service Establishment Bylaw No. 2673, by increasing the maximum requisition limit pursuant to CVRD Board Resolution 10-561-3.

Financial Implications:

The maximum amount of money that may be requisitioned annually in support of this service will increase from \$0.35 to \$0.40/\$1,000 of net taxable value of land and improvements. If the maximum amount is requisitioned the annual cost to homeowners with a residential property assessed at \$100,000 will increase from \$29.03 to \$33.17 per year.

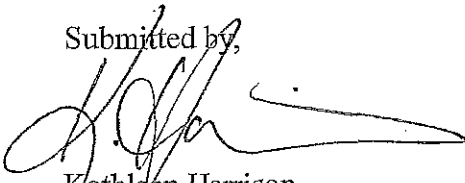
Interdepartmental/Agency Implications:

This amendment bylaw requires the approval of the service area voters before it can be adopted. Voter approval may be obtained by the Electoral Area Director consenting, in writing, to the adoption of the Bylaw. Pursuant to *B.C. Reg. 113/2007*, this bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval.

Background:

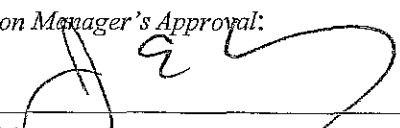
At its meeting held November 10, 2010, the Board ratified Resolution 10-561-3 that authorized an increase to the requisition limit of the Saltair Community Parks Service. The attached bylaw was drafted for consideration.

Submitted by,



Kathleen Harrison
Legislative Services Coordinator

Attachment: CVRD Bylaw No. 3446

Division Manager's Approval:

Signature



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3446

A Bylaw to Amend Saltair Community Parks Service Establishment Bylaw No. 2673

WHEREAS the Board of the Cowichan Valley Regional District established the *Saltair Community Parks Service* under the provisions of CVRD Bylaw No. 2673, cited as "CVRD Bylaw No. 2673 – Saltair Community Parks Service Establishment Bylaw, 2005";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable and expedient to increase the maximum annual tax requisition from \$0.35/\$1,000 to \$0.40/\$1,000 of net taxable value of land and improvements in the service area;

AND WHEREAS the Area Director for Electoral Area G – Saltair/Gulf Islands, has consented, in writing, to the adoption of this Bylaw;

NOW THEREFORE the Board of Directors 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. 3446 – Saltair Community Parks Service Amendment Bylaw, 2010**".

2. **AMENDMENT**

That CVRD Bylaw No. 2673 be amended as follows:

a) That the Section 6 "Maximum Requisition" text be deleted and replaced as follows:

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed \$0.40 per \$1,000 of net taxable value of land and improvements within the service area.

.../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



R 3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: November 30, 2010
FROM: Jacob Ellis, Manager, Corporate Planning
SUBJECT: Innovations Fund and General Strategic Priorities Fund Program Applications

Recommendation(s):

1. That it be recommended that staff submit a combined GSPF/IF capacity building/ICS planning application of \$370,000 for the Cowichan Basin Water Management Plan Implementation project.
2. That the committee review the potential projects for application to the capital project component of the GSPF and IF and recommend one project for application to each program

Purpose:

To provide a list of potential projects for application to the IF/GSPF funding program and to obtain input and/or direction on priority projects for application.

Background:

The Innovations Fund (IF) and General Strategic Priorities Fund (GSPF) provide funding for projects that result in cleaner air, water, or reduced greenhouse gas emissions. Individual applications or combined program applications can be made to these programs. The early application intake deadline is February 1, 2011. The regular intake deadline is April 29, 2011.

Funding under the *GSPF program* is specifically targeted at projects that are larger in scale or regional in impact. The CVRD may submit one capital project application and one capacity building/integrated community sustainability (ICS) planning project application to the GSPF.

Funding under the *IF program* is targeted at projects that reflect an innovative approach to achieving the intended outcomes of reduced GHG emissions, cleaner air and cleaner water. The CVRD may submit one capital project application and one capacity building/integrated community sustainability (ICS) planning project application to the IF.

It is anticipated that that this committee will be asked to provide direction on projects for application to the above programs at the next Electoral Areas Services Committee meeting on December 7, 2010.

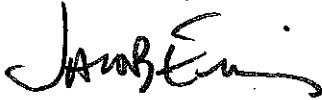
Financial Implications:

Internal contributions for any projects contemplated in the above programs should be included for consideration in the 2011 budget process.

Interdepartmental/Agency Implications:

n/a

Submitted by,



Jacob Ellis
Manager, Corporate Planning

Attachment

Appendix A
Project Description Summaries

POTENTIAL INNOVATIONS FUND CAPITAL PROJECTS

1. Saltair Power Generation

The Saltair water system is fed water from Stocking Lake, approximately 200m above the water treatment plant. As a result of the lake elevation, there is a great deal of water pressure and energy created at the treatment building. This project would transfer the hydraulic energy coming down from the reservoir by way of turbines into hydro electric power, creating excess amounts of energy that can be used on site to operate the plant and sold back to BC Hydro. It is anticipated that the facility would generate approximately \$20,000.00 worth of additional hydro electric power.

Estimated Project Cost:	\$1,000,000
CVRD Contribution:	\$0
Innovations Fund Grant Amount Requested:	\$1,000,000

2. Arbutus Ridge Sewer System

Sewage treatment within the Arbutus Ridge is accomplished through a Rotating Biological Contactor, RBC, which provides secondary treatment and discharges the effluent into septic fields located on the golf course. This project would upgrade the sewage treatment plant to a Class A level which would then allow us to surface discharge the effluent and use it for irrigation on the golf course. Additionally, due to the higher level of density of homes within the 650 unit community, and a number of possible energy users very close by, an examination would be undertaken to look at opportunities for heat energy recovery and reuse generated through the treatment process.

Estimated Project Cost:	\$1,000,000
CVRD Contribution:	\$0
Innovations Fund Grant Amount Requested:	\$1,000,000

Appendix B
Project Description Summaries

POTENTIAL GENERAL STRATEGIC PRIORITIES FUND CAPITAL PROJECT

1. Peerless Road Recycling Depot Upgrades & Ash Fill Remediation

For 25 years the Peerless Road recycling depot site hosted a Thermal Reduction Plant or municipal waste incinerator. Adjacent to the burn unit remains an unlined, uncapped ash fill consisting of approximately 20,000 tonnes of material. The site (long-term Crown Land lease to the CVRD) is ideally situated to serve as a central recycling drop-off depot and has provided limited service in this regard for the past ten years. In spite of the limited recycling options currently provided and dysfunctional orientation of the site, customer usage has tripled in this short period and continues to grow. This project will transform an existing contaminated site into full scale Public Recycling Depot.

Plans for a full scale facility involve importation of extensive fill material. However, the ash can be excavated and screened to recover the metal component, then the aggregate can be transferred across the site and used as a premium fill (the compaction qualities of ash commonly results in its use in road base) within a contained and engineered 'cell'. The recycled ash will form the base of the public recycling/tipping area, and will essentially be 'entombed'. As the CVRD is a provincial leader in its waste diversion efforts, providing a much needed public waste diversion facility, while recycling the 'wastes' of yesteryear and protecting the environment, ensures that such funding serves several key and publicly visible purposes.

Estimated Project Cost:	\$1,650,000
CVRD Contribution:	\$650,000
Regionally Significant Projects Amount Proposed:	\$400,000
<i>General Strategic Priorities Fund Grant Amount Requested:</i>	<i>\$600,000</i>



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: November 30, 2010
FROM: Jacob Ellis, Manager, Corporate Planning
SUBJECT: Towns for Tomorrow Program Application

Recommendation:

That the committee review the proposed list of potential projects for application to the Towns for Tomorrow Program and select one project for application.

Purpose:

To provide a list of potential projects for application to the Towns for Tomorrow Funding Program and to obtain input and/or direction on priority projects for application.

Background:

The Towns for Tomorrow Program invests in capital projects that help achieve the province's vision of vibrant, integrated, creative and prosperous communities. Specifically, projects will be selected based on their contribution towards reducing community greenhouse gas emissions, their public and environmental health benefits, the extent to which the ActNow BC principle of being more physically active is advanced, and the creation of seniors-friendly and disability-friendly communities.

The Towns for Tomorrow Program will provide funding to regional district communities with populations up to 15,000. For communities with a population under 5,000, the cost-sharing formula will be 80/20 – 80% provincial contribution, 20% local government contribution – with a maximum provincial contribution of \$400,000 for each approved project. For communities with a population between 5,000 and 15,000, the cost-sharing formula will be 75/25 – 75% provincial contribution, 25% local government contribution – with a maximum provincial contribution of \$375,000 for each approved project.

Under the Towns for Tomorrow Program, applicants will be required to utilize internal funding sources to meet their 20-25% contribution. This may include monies from the Gas Tax Community Works Funds, local sources such as borrowing or reserve funds. A community, for the purpose of application to the program, is considered to be a settlement area within a regional

district electoral area. The deadline for the Towns for Tomorrow program application is January 14, 2011.

It is anticipated that that this committee will be asked to provide direction on the project of choice for application to the above program at the next electoral areas services committee meeting on December 7, 2010.

Financial Implications:

Internal contributions for any projects contemplated above should be included for consideration in the 2011 budget process.

Interdepartmental/Agency Implications:

n/a

Submitted by,



Jacob Ellis
Manager, Corporate Planning

Attachment

Appendix A
Project Description Summaries

POTENTIAL TOWNS FOR TOMORROW PROJECTS

1. Brulette Sewer System

The Brulette Sewer System has two failing sewer treatment plants that do not meet either the Ministry of Environment permit regulations or the CVRD's South Sector Liquid Waste Management Plan guidelines for sewage treatment. This project would include replacing the existing sewer treatment plant with a Class A membrane facility and developing the disposal fields to accept a greater volume of treated effluent for the Mill Bay area, possibly including the Francis Kelsey school and the Kerry Park Recreation Centre. The CVRD has the borrowing authority for a portion of the works but the community needs either some sort of grant assistance or a development partner to be able to build the facility.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

2. Carlton Water System

This is a small water system serving 31 homes that has asked the CVRD to take over the ownership and operation. The Carlton system and the CVRD's Fern Ridge system are very close in proximity. The project would upgrade the Carlton water system and explore connecting it into the Fern Ridge Water system. This would create a single, larger, more stable water system while upgrading the existing utility that is currently being operated privately.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

3. Cobble Hill Sewer System

This Cobble Hill Sewer project would include extending an effluent re-use line through the Cobble Hill Village to the dog park, building washroom facilities and connecting the Galliers sewer system to the Twin Cedars treatment plant. The intent would be to use the treated effluent for irrigation purposes in the Village where applicable and for the washroom facilities that would be built as part of this project. In addition, the feasibility of running a sewer line from the Galliers treatment plant to the Twin Cedars plant would be examined. Galliers treatment plant facility is old, produces a large amount of odours, has little hydraulic capacity, and does not produce Class A treated effluent. This project will take the raw sewage from Galliers and pump it up to Twin Cedars for treatment. The existing disposal fields at Galliers would then be enhanced to accept more effluent for discharge. The installation of this connecting sewer line would provide those living in the Cobble Hill Village Area who have failing septic systems with an opportunity to connect into a properly functioning sewer system.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000

Towns for Tomorrow Grant Contribution:	\$400,000
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4. Cowichan Valley Trail (Trans Canada Trail) Staging Areas

With the completion of the Kinsol Trestle retrofit project plus other portions of the Cowichan Valley (CV) Trail in early 2011, there is a pressing need to construct additional public staging areas in the Glenora and Shawnigan portions of the CV trail system. Even in the absence of a marketing plan to encourage use of the trail, there has been an “exploding” user pattern of hikers, cyclists and equestrian riders using the trail system in 2010.

This project would include construction of a cookhouse and overnight group camp site at the Glenora Staging Area; a parking lot and washroom facility near the south end of the Kinsol Trestle at Shawnigan Lake; kiosk signage in the Glenora and Shawnigan portions of the CV trail describing historically significant areas along this trail such as the old Chinese Cemetery, original pioneer settlements and First Nations cultural sites; and solar powered washroom facilities strategically placed in locations along the south portion of the CV Trail.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

5. Mesachie Lake Sewer System

The Mesachie Lake Sewer System is a CVRD operated facility servicing 49 homes. This system is in a state of total failure. Complete replacement is needed, including finding additional land that could be used a sewage disposal field. The project would include the construction of a new waste water treat plant, disposal field, pump station and collection system. This project already has \$352,000.00 of Community Works Funds allocated to it, but the total estimated cost for this project would be between \$1.5 million and \$2 million.

Estimated Project Cost:	\$1.5-2 million
Estimated CVRD Contribution:	\$750,000 – 1,250,000
Towns for Tomorrow Grant Contribution:	\$400,000

6. North Oyster Fire Department

The North Oyster Fire Department is a CVRD operated department that relies on the volunteers of the community. They provide fire protection service to the residents of Area H as well as the Chemainus First Nation community. Their existing fire hall is in need of replacement, in addition, due to the 8km requirement, a portion of the fire service area is outside the response time so a second hall is also required. The anticipated cost is between \$1.5 and \$2.0 million. Part of their proposal is to be as green as possible. This project has \$348,500 in grant funding allocated from the first round of Community Works Fund for sustainability elements. In addition a \$100,000 grant from Terasen Gas has been committed.

Estimated Project Cost:	\$1.5-2 Million
CVRD Contribution:	\$651,000-1,151,500
Towns for Tomorrow Grant Contribution:	\$400,000

7. Shawnigan Hills Community Athletic Park Project

Shawnigan Hills Athletic Park is being developed as a family sports and fitness health facility for the South Cowichan community. Improvements underway/planned which would benefit from additional investment through Towns for Tomorrow are upgrading the existing softball field to youth/adult standard and formalizing a regulation international size soccer pitch. Also planned are a perimeter walking and running circuit, field house/washroom facility, accessible children's play space (handicapped accessible), field lighting for extended field play, family picnic shelter, spectator bleachers, community tennis court and an eco-friendly parking lot.

Estimated Project Cost:	\$1,075,000
CVRD contribution:	\$675,000
Towns for Tomorrow Grant Contribution:	\$400,000

8. Shellwood Water System Upgrade

This is a small water system serving 30 homes that has asked the CVRD to take over ownership and operation. This upgrade project would provide the replacement of the existing reservoir and construct of a new water treatment plant. This system in Area H is very close to a First Nations community that we would explore the opportunity to connect to and share resources.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

9. Sutton Creek/Honeymoon Bay Water System

The existing distribution piping within Sutton Creek Water System is in very poor condition, undersized and not capable of providing fire flows to the community. The CVRD recently expanded the Honeymoon Bay water system in 2010 to include the Sutton Creek community. However these upgrades were limited to running a connecting water main between the communities. This proposed project would replace the existing deteriorated distribution piping within Sutton Creek, increase capacity and ensure fire flows to the community.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: December 1, 2010

FILE No:

FROM: Tom R. Anderson, General Manager

BYLAW No:

SUBJECT: Proposed Resolution to AVICC

Action:

That the Committee provide direction on this matter.

Purpose:

To receive Committee direction.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

Not known.

Background:

Director Dorey has proposed that the attached draft resolution and discussion paper be considered by the Committee with the goal that it be forwarded by the Board for further consideration by the Association of Vancouver Island and Coastal Communities.

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca
attachment

PROPOSED AVICC RESOLUTION

REDUCING THE PRICE OF FARMLAND THROUGH TAXATION

COWICHAN VALLEY REGIONAL DISTRICT

WHEREAS the price of farmland is escalating in price beyond the affordability of potential farmers and farmers wanting to increase the size of their farms.

AND WHEREAS farmland is being subdivided and being sold to buyers that have no intention of ever farming the land and are competing with farmers driving the price up of newly subdivided farmland.

THEREFORE BE IT RESOLVED that the government institute a premium level of taxation higher than residential rates as a method of discouraging non farmers from purchasing newly subdivided farmland and using it as a country estate.

DISCUSSION;

One of the biggest obstacles to begin farming as a career is the price of land. It is too expensive. Unless you inherit a farm young people can't get started in farming. Let's look at why it's so expensive. There is the preconception that at some time in the future everyone will be able to subdivide farmland into small lots for residential dwellings. Residential lots are worth a lot of money. So people are willing to pay more money for farmland than actual farmers could afford to pay. This drives the price of farmland out of reach for farmers. This makes farming financially unviable for farmers because of the high price of land. Non farmers are buying this land with never having any intention of farming it.

One of the possible solutions to bringing the price of farmland down to affordable levels is through taxation. Presently if you own farmland and you actually farm it, you get a reduced level of taxation. This is good. If you don't farm it, you are taxed at the residential rate which is higher. This makes sense also. I am proposing a third higher level of taxation for newly formed lots of Agricultural Reserve Land. I will explain it in a moment after I explain more of the problems that are arising from these requests.

Applications come forward to regional districts and municipalities to subdivide Agriculture Land Reserve land into smaller lots. Subdividing this land is thought by many to be a good thing because you can do intensive farming on a 5 acre lot economically. Young people can get started on these small lots as well. The problem arises when this land is sometimes bought by people who are never going to farm it. They say, "What's the problem, it's still in the ALR?" The problem is how do we separate the farmers buying this land from the non farmers? Some buyers just want a quiet country estate of 5 acres. The problem is, this land is lost to farming forever. How do we stop it? My solution is to tax these newly subdivided lots at a premium rate much higher than the residential rate IF THEY DON'T FARM IT. This would be a premium rate. They would then think twice about buying one of these agricultural lots if they weren't serious about farming. This new high premium tax rate would only apply to newly subdivided agricultural lots. The question arises, "How serious are we about using farmland for farming?"

Mel Dorey, Area G Director, Saltair and the Islands, Cowichan Valley Regional District



R 6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 7, 2010

DATE: December 2, 2010

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Sidewalks on MoTI Road Rights of Ways

Action:

That the Committee provide direction if appropriate.

Purpose:

To receive Committee direction.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

The Ministry of Transportation and Infrastructure have been very protective of their rights of ways in the past and have been very strong in their desire not to take on additional liability and maintenance of sidewalks in rural areas.

Background:

The Regional District has attempted to have sidewalks included in the road construction of new subdivisions and commercial developments in the Electoral Areas. However, as the note above indicates, the Ministry of Transportation and Infrastructure are not that keen at allowing them and definitely have not wanted to shoulder any of the liability and maintenance costs associated with them.

Director Harrison has requested that this matter be placed on the agenda for discussion and direction.

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca

API

Advisory Planning Commission Minutes Area D – Cowichan Bay

Date:	November 17, 2010
Time:	7:00 PM

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

PRESENT

ALSO PRESENT

Chair	Calvin Slade	CVRD Rep	None
Secretary	Dan Butler		
Members	Dave Paras	Guests:	Blue Bennefield
	Brian Hosking		
	Al Jones		
	Cal Bellerive		
	Hilary Abbott		
	Robert Stitt		
	David Slang		
	Kevin Maher		
Absent	Linden Collett		
Director			
Alt. Director			

ORDER OF BUSINESS

1. Rezoning application 3-D-10RS (Bennnefield)

Presentation By Blue Bennefield

- Wants to split current lot in half as shown on the submitted plan.
- The resulting two lots would match the configuration and size of the other lots in the block.
- He realizes no sub-division can proceed without a sewer connection but wants to get the process started.
- Reasons for requesting this exception to the current zoning and OSP requirements are:
 - Conforms with neighbouring lot sizes and configuration
 - Extension of community sewer system creates an opportunity for his family
 - Utilizes current serviceable land.

Questions/Discussion:

- The proposal does not comply with the current OSP and zoning requirements which designate this area for low density residential.
- Recent sub-divisions in the area have complied with current zoning so approving this change could create an issue for those that have 'followed the rules' as well as creating more requests for similar re-zonings.
- There are already quite a few appropriately zoned and serviced (or about to be serviced) lots in the area so there doesn't seem to be demand pressure to increase density in advance of the updated OCP.
- The current OCP update process may or may not result in this area being identified for future densification.
- In the event the revised OCP does encourage increased density in this area, this property would be appropriate for sub-dividing.
- It is not clear that the sewer unit necessary to permit a second residential lot on this site would be available in the near future.

- **Recommendation**

By a vote of 9-0, the members recommend the re-zoning application be held in abeyance pending the outcome of the OCP review..

NEXT MEETING

Wednesday January 19, 2011 at Bench Elementary School

ADJOURNMENT

The meeting was adjourned at 9:00 PM

Dan Butler
Secretary



NOV 26 2010



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

DATE: November 2, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Vice-chairperson George deLure at 7:05pm.

PRESENT:

Chairperson:

Vice-Chairperson: George deLure

Members: Jeff Abbott, Gerald Thom, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Recording Secretary: Tara Daly

REGRETS:

Shawn Carlow (conflict of interest), Erica Griffith, Mike Marrs (conflict of interest)

GUESTS:

Trevor Gillott, Michelle Weisgerber, Richard Bruce, Garry Lincoln, Bernard Edgar Day, Grant Daly, Al Capeling, Scarlet Hampson, Jason McEwan, Rose Steven; applicants Ken Paterson and Dana Hummel (6-I-10DP Paterson/Hummel)

AGENDA:

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of September 7, 2010 as circulated.

MOTION CARRIED

DELEGATION:

- **APPLICATION 6-I-10DP (Paterson/Hummel)** ~ the applicants explained they had bought Lot 62 in 1991 and built a driveway in 1992. They have utilized a landscape architect and plan on building a passive solar house wishing to minimize the impact on the area. Currently there is a small portion of the driveway in the riparian area that wasn't originally.
- Trevor Gillott thanked the applicants for clearing up many of his concerns before the meeting but noted that:
 - a) it's important to keep the proposed cul-de-sac clear to allow for emergency traffic (fire and ambulance), snow removal equipment, and delivery vehicles to have access (*applicant explained there wouldn't be as much room as there is now if the property hadn't been bought and*

driveway put in; MOTI isn't interested in putting in the cul-de-sac and it isn't in the parameters of CVRD)

- b) opposes removal of the trees on the lower portion of the property as they stabilize the soil and act as a buffer to highway and other noise pollution
- c) unclear on drainage system and positioning of proposed retaining wall
- d) septic system concerns (*applicant explained one tank has a bubbling system, the whole system is gravity fed and able to work during a power outage of a couple days with no back-up generator*)
- e) Submission #1 attached
- Richard Bruce (10475 Arbutus Crescent) purchased his property in 1990 along with water rights on Coonskin Creek; Submission #2 attached (*Director Kuhn emphasized with R. Bruce but noted that health regulations are soon going to be enforced by VIHA, private systems are on their way out; qualified technicians will be required to test the water and annual insurance costs will be high.*)
- Gary Lincoln ~ Submission #3 and #3a attached
- Bernie Day said that the survey isn't registered with Land Titles as the applicants have said; there's a discrepancy with the survey and RAR regulations
- Howard Smith ~ Submission #4 and #4a attached
- Jason McEwan ~ 10485 Cypress doesn't want to change to new system, prefers Coonskin Creek water
- Questions/concerns from APC members: If there is a covenant registered with the Cowichan Valley Land Stewards, the creek will be protected in perpetuity. SPEA regulations are 15m on either side of the creek at the high water mark. The applicants noted that they only wished to top trees rather than remove and that snags/dead trees would stay. As part of the application process, CVRD would contact Ministry of Highways and Infrastructure about the cul-de-sac. After walking the property, it was realized how far the creek is away from the proposed house position. The problems/concerns with the water system on Coonskin Creek are beyond the parameters of the APC. Tonight's speakers were encouraged to contact the proper agencies with their concerns.

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC, to approve Application 6-I-10DP (Paterson/Hummel) subject to the following amendments:

1-Register against the property, a Restrictive Covenant to protect RAA on Coonskin Creek

2-Maintain the large trees on the south side of the proposed cul-de-sac, top snags rather than remove, and leave debris on the forest floor

3-Ministry of Highways and Infrastructure, neighbours, and applicants should co-operate to make the cul-de-sac viable and useable for all parties.

MOTION CARRIED

ANNOUNCEMENTS:

- **Next Meeting** December 7, 2010 at 7pm in Upper Youbou Hall

The meeting was adjourned at 9:15pm

/s/ Tara Daly
Secretary

* Submissions have been typed as presented by the persons signing.

Submission #1

As neighbours to this development we would like to see:

- 1) a complete turn around (cul du sac) at the end of Cypress Road for the following reasons:
 - ~ Emergency vehicle access (Youbou FD needs complete turn around access for emergencies)
 - ~ Snow Plow and Garbage truck access
 - ~ Extra parking for the proposed development
 - ~ In addition, the cul du sac should be in place before development begins to accommodate the influx of construction material deliveries and construction workers.
- 2) We are looking for assurances that no tress will be cut down to (afford a view of the lake) as stated by one of the partners in this development. One says yes and one says no. Confirmation that this will be a No., these trees are crucial in holding up the bank, as well as creating a noise and dust barrier from the highway below.
- 3) How will this development affect our property. In researching this septic system, it is recommended that no vegetable gardens or fruit trees be planted within 20feet, to ensure no contamination, we plan on planting a variety of trees to re-establish our privacy, and a vegetable garden is in the near future. In order to conserve city water, we would also like to put in a well and we believe that the placement of this septic system may have restrictions and compromise the use of our property for such purposes. If this is the case, then the septic system needs to be in another location on their property so as to prevent restriction from use of our own property.

We are requesting that our questions and concerns be answered in writing, by the Property Owners and CVRD before any final development approvals are issued.
Thank you

Michelle Weisgerber/Trevor Gillott
10521 Cypress Rd., Youbou 250 745 8172

Submission #2

Hello,

My name is Richard Bruce and I purchased property at 10475 Arbutus in 1991. I acquired water rights to Coonskin Creek at this time and with the exception of turbidity caused by former logging I have enjoyed this superior source of drinking water to this day. About a decade ago my insurance company forced me to replace the steel pipe water supply in my house. After 60 years there was very little of the corrosion that you would expect from over-chlorinated city water. I hooked up to municipal water this year because I sold the house to my daughter and her spouse. I still drink the water from the existing pipes to Coonskin Creek because the municipal water tastes like swimming pool. While helping with the repairs this summer Eva's brothers found a time capsule from the original building. Several pennies; none later than 1940 and a Newspaper with Winston Churchill on the cover with war dispatches. This puts the date of the reservoir and house in the time when my father and uncles were in one of our nations most heroic struggles. Wartime housing. Modest. Built to house the workers who were supplying the war effort against tyranny and aggression.

My father survived the war serving with the RCAF on both coasts and he lived to see the Constitution brought back to Canada and made into Law in 1982. Part of this is the Charter of Rights and Freedoms. Under Legal Rights we all are entitled to Life, Liberty, and Security of Person. Other than air, I can not think of anything more important to life than water.

/s/ Richard Bruce

Submission #3

Here are a few of my (our) concerns regarding the proposed development permit.

1-The whole project rests on the premise that there is enough room between the rock outcrop and the neighbour's property to allow the construction of a septic system.

A- Has a survey been completed?

B- If so who did it and are they certified and was it registered with Land Titles?

C- If not, the permit should be withheld until a proper survey has been completed.

2-While horticulture is normally an accepted land use under R3 zoning, because of the extreme environment sensitivity of the subject property, it would be wise to restrict the usage for this activity especially the culturing of water plants.

The dangers of introducing bacteria, alien plant species, or having fertilizers entering the stream are just ~~too~~ great considering that the waters of Coonskin Creek are fish bearing. The results could be devastating since the creek is a water supply for wild life and supplies drinking water for local area residents who hold draw water under licenses on this creek. The danger of contaminating the water system is just too great to consider permitting the raising of aquatic plants on this property.

3-There is not enough room to construct a green house and driveway without encroaching too close to the creek.

If this development is permitted are there assurances that no out buildings will be constructed?

4-There appears to be inadequate public parking on the street and, due to the environmental sensitivity of the lot, vehicle use of the property should be discouraged.

Therefore, a cull de sac should be completed before any development takes place and home businesses should be prohibited.

5-The owners of this property seem to have difficulties determining what is their property and what is the public property or the private property of others. They have demonstrated this in disputes with their current neighbors and by expressing their desire to destroy the vegetation on other properties including property owned by the Province of British Columbia and they have expressed interest in removing trees contained within the riparian zone of Coonskin Creek.

They are also currently blocking the use of public streets by leaving building materials in them.

It is therefore imperative that development of this lot be considered very carefully as we believe that the risk to the local environment is much too great to ignore.

/s/ G. W. Lincoln

Submission #3a

I wish to speak on behalf of a number of current Coonskin Creek Water License Holders, in regards to Application for Development of Lot 62 Block 7 Plan 8301 in Youbou. We received a letter dated Sept 4, 2010 from Ken Paterson and Dana Hummel stating that after six months from the above date, we will no longer be allowed on their property, therefore denying us access to our water works, for maintenance etc.

They also state that after this period of time they will consider the works abandoned and it will be dismantled. Hence, no more water for the Licence Holders.

It is of our understanding that they would then be able to use the creek solely for their own purpose.

I would like to refer back to a letter dated 12/10/91 from Mr Hummel that states access to your equipment etc will in no way be restricted. It also states that signs at the front of the property have been posted to deter public access but people with water licences and equipment may disregard these signs.

This policy has been in place since 1940 when the works were first built. This is why we have not given notice to enter the property as Mr Hummel claims.

Entry to the property has only occurred once or twice a year for regular maintenance or in a case of emergency.

I am in possession of a letter dated Oct 15/91 from the Ministry of Environment and sent to me Dana Hummel in response to a letter Mr Hummel sent to them Sept 18/91 providing information regarding the removal or relocation of water pipes and tanks.

It states that under Section 24 of the Water Act if the licensee and owner of the land cannot come to an agreement the Water Act provides for expropriation as a last resort.

This option is definitely being considered at the present time although we now have another primary source of water, does not alter the fact that we still hold Water Licences, and a number of people are still using Coonskin Creek as their main source of water, which was an option given to us when the new water system was installed.

/s/ G. W. Lincoln

Submission #4

Official Community Plan Amendment Bylaw No. 3417

Area I – Youbou/Meade Creek

Submitted by Howard Smith – 10516 Will Rd. Youbou B.C.

I've lived at the above address for forty three years, holding a water license on Coonskin Creek and being actively involved all this time.

Being a logger all my life I worked many days in the areas similar to Coonskin Cr.

We live in an area where there is a very heavy rainfall, to say the least, once logged or the soil disturbed, with these steep slopes and heavy rainfall Mother Nature can unleash an awful mess, ending up in the creek. This has happened before, I believe in the 1940's sometime.

Sensitive area like this, especially water sheds should not be sold in the first place, looking after the environment and conservation should be the first priority, not capital gain. Instances like this disrupts the whole community.

If by chance, the powers that be allow the proposed development permit, it should be on the condition that the water users on Coonskin Creek, DL Canning Community Water System, have access to maintain the dam, tank and pipes to clean out and flush the same at least once a year.

Hopefully we can all get along and build a strong community.

/s/ Howard Smith

Submission #4a

After our last tank cleanout in Sept. when theres very little water coming down creek, John Baldwin from the Environment Branch came out and did an inspection as he had a complaint about amount of silt that came out of the tank. He estimated about 2 wheel barrow he also said in the future clean out to let Willi Janzen from Fisheries know before hand which we will also to deposit silt on the bank.

/s/ Howard Smith

AP3
RECEIVED
NOV 22 2010

Area A Advisory Planning Commission Minutes

9 November 2010 at 6:30 PM

Mill Bay Fire Hall

Present: David Gall, Deryk Norton, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Dola Boas, Brian Harrison (Director, Area A) and Rob Conway (MCIP, Manager, Development Services Division, CVRD)

Regrets: June Laraman, Geoff Johnson, Roger Burgess (Alternate Director, Area A)

Audience: 13 public representatives

Meeting called to order at 6:40 pm.

Previous minutes:

It was moved and seconded the minutes of 12 October 2010 meeting be adopted.

MOTION CARRIED

New Business:

Drader Application 2-A-10RS (*Rezoning Malahat Mountain Meadows RV Campground*)

Purpose: To rezone the northern portion of the subject property from R-1 (Rural residential) to C-4 (Tourist Commercial) in order to create one continuous zone (C-4).

Neil Drader, the applicant answered questions from APC members.

- Water is from a deep well and septic are both on-site
- RV storage was on the site when he purchased the property
- Oil pans will be used under stored vehicles

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Drader Application 2-A-10RS** be approved.

Pringle Application 5-A-10RS (*Rezoning application Mill Bay Marina*)

(Margo Johnston recused herself from the meeting at this point as the rezoning application under discussion is within close proximity to her property. The meeting continued with Dola Boas acting as secretary.)

Purpose:

The applicants have requested a zoning amendment to expand and re-develop the Mill Bay Marina and develop fourteen townhouses units on the upland property.

Cam Pringle, applicant MB Marina Residences Ltd, was present and provided further information and answered questions from APC members.

- Working on upgrading the public boat launch with CVRD
- Bistro café not beer and wine store location changed to the other side of the property
- Floating breakwater is within foreshore lease
- Development has approval of First Nations
- Park/Walkway will be given to the CVRD

- Sewage up Handy Road to Sentinel Ridge via Mill Bay or Partridge Road
- Issues brought forward were nearly all addressed in proposal
- CVRD needs to ensure developer completes project according to plan

APC Recommendations:

The applicant agreed that boathouses should not be permitted in the W3 zone.

The Area A APC unanimously recommends to the CVRD **Pringle Application 5-A-10RS** be approved.

Mill Springs Phase 11 Application 2-A-10DP

Purpose:

To obtain a development permit for Phase 11.

Gerald Hartwig, applicant Aecom Canada Ltd., was present and provided further information. The APC members directed questions to Rob Conway and the applicant.

- Strata development with lot averaging, lots are smaller than zoning permits in this phase. Earlier phases this was not as critical for CVRD to monitor as it is now with 200 lots available.
- CVRD staff recommending no further Mill Springs phases be considered until an approved layout for the remainder of the site is provided.
- Extending Deloume Road north only an option if Ministry of Transportation approves. CVRD staff will be contacting MoT.
- Alget Road is close to the boundary of Phase 11 and could provide an access for this phase, a suggestion, which Gerald Hartwig agreed might be acceptable
- Run off water goes to on-site holding ponds.
- Additional park dedication added at each phase. Parkland affects number of lots
- Now well water not used by Mill Springs is given to Mill Bay Waterworks District. There is enough water for full build out.
- The CVRD has agreed to hold discussions to take over the sewer system- there will be public consultation negotiations between the developer and CVRD. Phase 19 is on septic field – so might not be a Phase 19, it is part of discussion. This would also affect the lot averaging. The intention is for 394 lots.

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Mill Springs Phase 11 Application 2-A-10DP** be approved.

Area A Director Update:

- Discuss with Bob Webb, Operations Manager, MoT regarding safety concerns for TransCanada Highway thru Mill Bay and pedestrian walkways, etc.
- Bamberton – report not complete
- Limona – submitting a new Development Permit
- Handy/Mill Bay Road property rezoning to allow duplex – CVRD meeting 10 November 2010
- Meredith Road - Parks funds available
- SCOC draft within next month or so

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 8:15 pm.

The next regular meeting will be at 6:30 pm, **14 December 2010** at Mill Bay Fire Hall.



PK1

NOV 24 2010

Area D Parks Commission General Meeting Minutes

Bench School

15 November, 2010

Meeting called to order: 1803

Present: Steve Garnett, Kerrie Talbot, Bruce Clarke, Megan Stone, Val Townsend

Absent: Lori Iannidinardo

Minutes from last meeting (Sept 20, 2010)

Approved

Presentations

1) Heritage Day: Cowichan Wooden Boat Society (Suzan LaGrove)

- Canadian Heritage Foundation has set the theme for 21 February, 2011 as "Heritage Parks". Suzan wonders whether we would like to help her compose story boards on our local parks, which can then be displayed at the Cowichan Wooden Boat Society for one week. Ideas for boards include: chooses a park per board, research the name and history of the park, include any pictures (historical), and perhaps a personal highlight about what's special in that park/ what we like about it. Other ideas to do for the celebration include: story boards to include trails and wildlife corridors; kids contest; tying celebration into Parks Canada's 100th anniversary (Suzan is going to check if there any Federal Parks in the area)
- Motion by Steven to research and provide information for the story boards, to Suzan, by Feb 18, 2011. Passed

Ongoing Business

1) Don Bright re: name change request for Hecate Park.

- CVRD states that last meeting's motion needed to be re-made. Motion by Kerrie to request CVRD staff to research the name, research the ship and its interaction with the first nations tribes, appropriateness of the name, please contact the First Nations and see if they are interested in changing the name and providing input. Motion passed

2) re: fig tree in Hecate Park

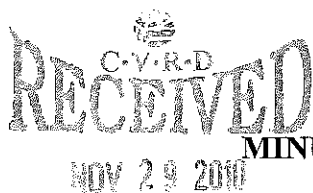
- request for a fig tree to be planted, with a plaque, in Hecate Park in honour of Mara Jernigan who was instrumental in implementing Citta Slow in the Cowichan Bay. Motion made by Val. Passed

3) MOT ROW's prioritize

- 1. Seaside (can even start with survey, depending on budget) 2. Deighton 3. Sparwood

Meeting adjourned at 1937

Next Meeting on 20 December, 2010, at Bench School, at 6pm



**MINUTES OF THE AREA F PARKS ADVISORY COMMITTEE
HONEYMOON BAY HALL OCTOBER 7, 2010**

Called to order at 19:00. David Lowther in the chair.

Present: Bill Backen, Ian Morrison, Brian Peters, Carolyn LeBlanc, Dave Darling, David Lowther, Ray Wear, Shirley Burden, Frank Limshue, Murray Brandon, Tyler Clarke.

MSC: to approve the **Agenda**

MSC: to accept the **Previous Minutes**

A presentation was made by Murray Brandon and Frank Limshue about the proposed subdivision of Couverton Real Estate on South Shore Road with reference to parkland allocation.

MSC: That the Commission approve parkland dedication File #4/5/6/7-F-09SA as outlined in the staff report dated October 4, 2010 signed by Tanya Soroka.

Correspondence:

Sept. 1, 2010, from Graham Gidden re: adding a memorial bench to Mayo Beach

MSC: to accept the bench subject to staff approval.

MSC: To receive and file letters regarding the Bear Lake Road access to Mesachie Lake Community Hall.

MSC: Request staff to effect immediate repairs and explore long term solutions with costs and report back.

MSC: The Commission approves the conversion of the Honeymoon Bay Ball Field to a designated Off Leash / Park Space.

MSC: The Commission requests staff to look into the viability of keeping or closing the tennis courts in Honeymoon Bay.

MSC: That our funding requisition remain at last year's level of \$153,504.

MSC: To approve the site plan for Central Park lighting.

MSC: To install double lamps with steel posts.

Report from the Area Representative:

Unfinished Business

MSC: That a table plaque in memory of Willie Wilcox to be installed.

MSC: That Myrna Moffat be remembered with a parks tree plaque placed on the largest tree in Central Park at the former church site, dedicated in her memory at a cost not to exceed \$100.00.

MSC: to adjourn at 19:45.



PK 3

**MINUTES OF ELECTORAL AREA " G " (SALT AIR/GULF ISLANDS)
PARKS COMMISSION MEETING**

DATE: November 1st, 2010

TIME: 7:00 PM

MINUTES of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the Water Board Building, Saltair, BC. Meeting called to order by Acting Chair (Glen Hammond) at 7:05 pm.

PRESENT:

Acting Chairperson: Glen Hammond
Secretary: Jackie Rieck
Members: Paul Bottomley, Norm Flinton, Dave Key, Kelly Schellenberg

ABSENT:

Members: Tim Godau
Chairperson: Harry Brunt

ALSO PRESENT:

Director: Mel Dorey

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the minutes of the Area G Parks Commission Meeting of September 13th, 2010 be accepted.

MOTION CARRIED

APPROVAL OF AGENDA:

Motion to approve the Agenda as submitted

MOTION CARRIED

STANDING REPORTS:

CVRD UPDATE:

The Trans Canada Trail from North Watts Rd to mid Stocking Creek Park has been completed. It was noted that there was some flooding across parts of the trail. Mel to email Ryan Dias regarding this matter. Trail looks great otherwise. There will be signage installed in the future. The installation of a bench and a water fountain was discussed.

CENTENNIAL PARK:

The beautification of the north entrance to Centennial Park has been completed. It was pointed out that the large boulders were placed too close to the pavement at the fence line entrance and some of the top soil had washed away after a heavy rainfall. The valve box lids next to the Picnic shelter had also popped off during this rainfall. Park Commission Members have requested the final cost for the beautification project be given at the next meeting.

PRINCESS DIANA PARK:

Nothing to report

STOCKING CREEK:

Need an update as to the fencing project near the Waterfall

BEACH ACCESS:

Nothing to report. Tabled until the new year 2011

LADYSMITH PARKS & REC:

There still has been no contact made from Ladysmith Parks & Rec Committee.

DIRECTOR'S REPORT:

A memorandum from Brian Farquhar (CVRD) regarding the "Saltair Day Camp" was reviewed and discussed. It was determined that the Saltair Day Camp Program was no longer viable due to high costs and low attendance. Mel proposed to suspend the Day Camp for 2011.

MOTION: It was moved and seconded to suspend the Saltair Day Camp Program for 2011.

MOTION CARRIED

SPECIAL EVENTS:

Halloween: Another great Halloween Centennial Park celebration was accomplished! This could not have happened without Dave Key's Volunteer Halloween Committee. A great big special THANK YOU to Dave and Cindy Key, Judy Durban, Wendy and Gary and all the other volunteers who participated in making this event a huge success! The fireworks were fabulous!

Christmas Party: A Christmas party is being planned by Mel for Commission Members. Mel will email all with the date and details.

CLOSED SESSION:

Property acquisition update.

NEXT MEETING:

Next meeting is scheduled for Monday, January 10th, 2011 7:00 pm at the CVRD Water Board Building.

ADJOURNMENT:

Meeting was adjourned at 8:30 PM



NOV 26 2010

Minutes of the regular meeting of the Area H Parks Commission held at the home of Barbara Waters (North Oyster Community Hall not available) on Thursday, September 23, 2010 at 7:30 p.m.

PRESENT: Chairperson Bruce Mason, Murray McNab, Mary Marcotte, Secretary Barbara Waters. Don Pigott participated via speaker phone.

ABSENT: Snuffy Ladret, Brad Uytterhagen

PK 4

Bruce Mason called the meeting to order.

**APPROVAL OF
AGENDA**

**Moved
Seconded**

That the agenda be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

The minutes of the regular meeting of August 26, 2010 were adopted.

**BUSINESS
ARISING FROM
THE MINUTES**

**B1 Heart Lake
Development**

The Heart Lake Development is awaiting third reading by the province. The developer has agreed to provide \$25,000 toward the building of a foot bridge across Bush Creek. Parks Commission members are confident that utilizing local resources a suitable bridge can be built for approximately that amount.

**B2 Hats and T-
shirts**

New CVRD hats and t-shirts are being ordered for parks commission members

**B3 Maintenance
Contract**

**Moved
Seconded**

That Director Marcotte submit to the CVRD Parks Department a copy of the Area H Parks Commission's draft maintenance contract requirements. The Parks Commission requests that the job description for each Park be dealt with separately and that Elliotts Beach not be included in the tender, but must be dealt with separately as it has been in the past. A separate job description has been prepared for Elliott's Beach.

And further, the CVRD is to be informed that the Area H Parks Commission prefers a 3-year rather than a 2-year contract; and the CVRD is to be reminded that the Parks Commission wishes to participate in drafting the tender document as stipulated in the memorandum to Warren Jones dated Oct. 8, 2009.

MOTION CARRIED

**B4 Memorial
Plaques**

The Oct. 8, 2009 memorandum was reviewed and it was determined that the CVRD has not adhered to items A, B, C or D in part 1, nor with item 2. The Parks Commission did not comply with items E or F in part 1. Items 3 and 5 are in process, and item 4 is not applicable at this time. (memorandum attached)

The new plaque has been installed on the one remaining picnic table at Elliott's Beach, and there are no remaining unlabelled benches or picnic tables. New requests for memorial benches will be considered if appropriate.

**Moved
Seconded**

B5 Wedding Policy

That the Area H Parks Commission draft a letter to be sent to applicants wishing to hold events in Area H parks, to include the information that exclusive use of a park is not an option; that event planners are responsible to ensure that the park is returned to its previous state following the event; and that parking is limited. No damage deposit is to be charged.

MOTION CARRIED**B6 Blue Heron
Park Survey**

Murray McNab has followed up with the surveyor but the job has not been done yet.

CORRESPONDENCE**C1 Wiggins**

Due consideration was given to the informal Wiggins Evening Cove Subdivision Proposal (attached to these minutes). Members of the Area H Parks Commission were unable to comment at this time.

**REPORTS:
R1 Yellow Point
Park**

Don Pigott has been in touch with Corrections regarding their providing a work party to remove broom from this park, and is awaiting their reply.

**R2 Blue Heron
Park**

No report.

R3 Raven Park

No report.

R4 Elliott's Beach

Himalayan blackberries are invading the flower beds and need to be uprooted. The grass near the parking lot has not been cut recently by the new contractor.

R5 Michael Lake No report.

R6 Trillium Park No report.

NEW BUSINESS

**NB1 Recreation
Taxation Issue** Director Marcotte brought to the attention of the parks commission the recent CVRD motion regarding the drafting of a consultation process on the proposal for revamping the recreational taxation formula for the CVRD region. This proposal if approved will result in a tax increase of \$50.18 per \$100,000 assessed property value for residents of Area H, with no increased access to recreational facilities.

NEXT MEETING Thursday, October 28, 2010, 6:30 p.m., North Oyster Community Hall

ADJOURNMENT Moved
Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 9:00 p.m.

Barbara Waters, Secretary
October 5, 2010



WIGGENS EVENING COVE SUBDIVISION PROPOSAL

WHAT THE CVRD/AREA H WOULD GAIN

1 acre(0.4ha)fronting onto Shell Beach Road would allow quick and easy access for fire fighting activities. Hydro supply is immediately adjacent to the 1 acre. This 1 acre would give enough room for both a fire fighting facility, a training area and water storage area.

Training would not include using hoses to spray large quantities of water onto the property. Consideration should be given to the system used in Errington. See "Fire Fighting in Canada September 2006,Regional District of Nanaimo Union of BC Municipalities July 24,2006 and Fire Underwriters Survey-Superior Shuttle Service."

Currently the nearest fire fighting facility (North Oyster Fire Hall) is 11.4 kilometers from this proposed parcel fronting onto Shell Beach Road.

A well would be supplied and due to the 1 acre being sited over an aquifer (see Lowen Hydrogeology report),a well drilled anywhere on the acre would supply as significant amount of water on a constant basis. Two adjacent wells have a combined daily output of over 43,000 gallons/day which would far exceed any housing requirements for two dwellings.

If the proposal is considered it would be necessary for the CVRD to sign a covenant that there would be only 1 well on the 1 acre parcel and that it would only be used as part of fire fighting services for the area.

As there does not appear to be a specific plan for septic disposal the following is proposed. A septic disposal area for a septic field would be made available adjacent to the 1 acre parcel. Any septic field permit is only good for 2 years and at a cost of \$1000 renewal could be expensive.

Future cost and construction would be the responsibility of the CVRD.

All other improvements/costs for the 1 acre parcel would be the sole responsibility of the CVRD.

The CVRD should consider the long term value of what they would obtain.

The value of the 1 acre,particularly with the guaranteed long term availability of a large quantity of water,together with a septic disposal area ,would exceed the 5% land or value required by the CVRD for rezoning.

As is it stands now with my current plan for the property the CVRD and area H will gain nothing and will lose a long term valuable community resource.

CONSIDERATIONS NECESSARY BY THE CVRD FOR ME TO RECONSIDER A REPEAT REZONING APPLICATION

Waterfront zoning to remain the same as the rest of Area H with docks permitted.

Housing bylaws to remain the same as designated in the Electoral Area "H" Zoning Bylaws.

There would be 4 waterfront lots and 2 non waterfront lots on the other side of the access road (see diagram) closest to the entrance to the property from Fern Way. Two of the waterfront and the additional 2 lots would be part of 1 of the 5 acre parcels.

As only 1 lot would be utilized for a single dwelling, the 5 acre parcel (minus the 1 acre for the CVRD) would need to be considered as 1 lot/parcel for taxation and other purposes, if and until when the other 3 lots were subdivided off.

Any new zoning would have to include the provision that the 4 lots could be separated at a future date without having to go through a repeat rezoning application. This rezoning would exclude the need to meet the 5% land or value regulation should the 4 lots be separated.

The other 5 acre parcel furthest from the entrance would only have 2 waterfront lots.

All future lots would be supplied with water from individual wells and each would have its own septic field.

If a satisfactory agreement can't be achieved between myself and the CVRD then Area H stands to lose a significant improvement in fire fighting capability with a minimal cost to the local residents. This is particularly so if the CVRD were to sell the parcel at the end of Fern Way that has no current value as park land and would not be suitable for a Fire Hall due to its small size and lack of water supply.

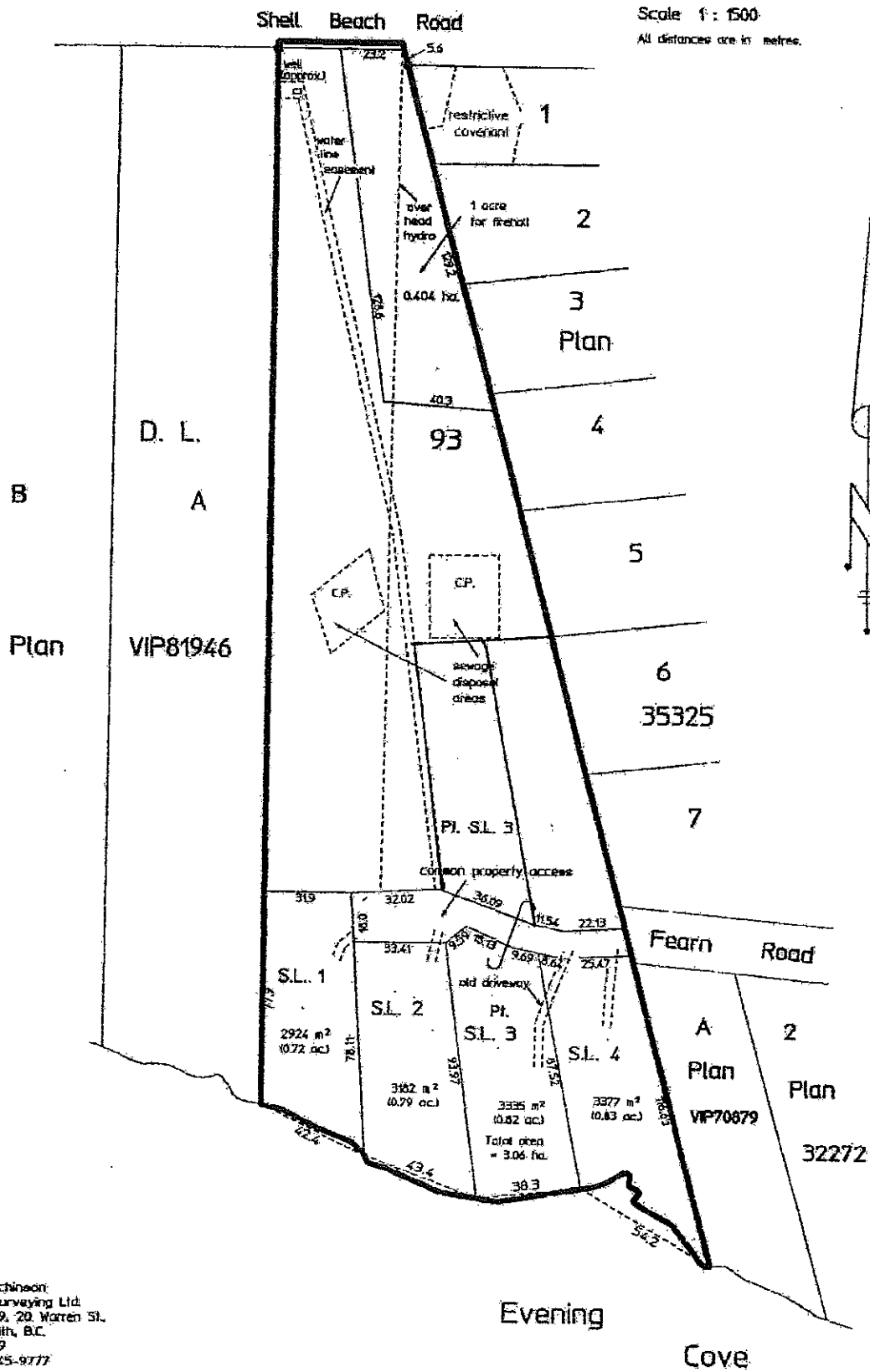
As the CVRD has all necessary documents to consider a rezoning application I would request that this would be completed within a year rather than the 2 plus years the previous application took to process.

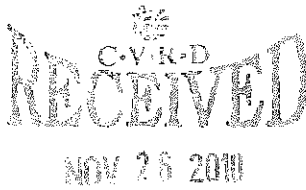
If I were to sell a 5 acre parcel within this time frame I would have to reconsider any rezoning process as the 1 acre would constitute 20% of the remaining 5 acres with the additional cost of a well and the legal costs to transfer 1 acre to the CVRD.

Before considering a repeat rezoning application I would request that this document is given to the APC, the CVRD Board and to the CVRD Planning Department for review.

If they collectively are of the opinion that what I propose is not something that they would consider and agree to, then I would not resubmit a rezoning application.

Plan of proposed Bare-Land Strata subdivision of Parcel B,
(DD EF76800) of District lot 93, Oyster District,
designed to conform to parcel averaging of C.V.R.D.
R-2 rural residential zone.





Minutes of the regular meeting of the Area H Parks Commission held at the North Oyster Community Centre on Saturday, November 6, 2010 at 10:00 a.m.

PRESENT: Chairperson Bruce Mason, Mary Marcotte, Don Pigott, Snuffy Ladret, Secretary Barbara Waters

ABSENT: Murray McNab, Murray McNabBrad Uytterhagen

Bruce Mason called the meeting to order.

**APPROVAL OF
AGENDA**

Moved
Seconded

That the agenda be approved.

MOTION CARRIED

PK5

**ADOPTION OF
MINUTES**

The minutes of the regular meeting of September 23, 2010 were adopted.

**BUSINESS
ARISING FROM
THE MINUTES**

**B1 Maintenance
Contract**

Mary Marcotte reported that she had a phone conference with Warren Jones and Ron Austin to talk about outstanding Area H Parks Commission issues, including the Area H Parks contract terms. She subsequently met with Brian Farquhar and Ryan Diaz to review and amend contract details. It was clarified that the contract is with the CVRD, not with the Area H Parks Commission. Agreement was reached to include the Area H Parks Commissions wording in the proposed contract, including having separate contract segments for each park.

Moved
Seconded

That the contract be put out to tender this year rather than using the option to renew, and that it be for a 3-year term.

MOTION CARRIED

**B2 Elliott's Beach
Maintenance
Contract**

Parks Commission members reviewed a recent memo from Ryan Diaz to Mary Marcotte regarding contract wording, and made a few further suggestions.

Mary Marcotte reported that issues regarding this contract were also reviewed in the above-mentioned meetings. It is understood that it will not be possible for the new maintenance person to be a "quasi" employee of the CVRD because of liability concerns. It was agreed that there can be a separate contract for maintenance of this park.

CORRESPONDENCE

None.

REPORTS:**R1 Yellow Point Park**

Don Pigott reported that the Corrections supervisor has still not arranged to have inmates clear broom at Yellow Point Park. If he is unable to set a date soon, perhaps parks commission members should organize their own work party for this purpose.

R2 Blue Heron Park

Still no action from the surveyor. Usage of this park continues to be high.

R3 Raven Park

Some recent usage has been noted.

R4 Elliott's Beach

See B2 above re: contract issue. Vandalism continues to be a problem in this park. Don Pigott knows someone in the community who would donate cedar to repair the damaged bench. Parks Commission members decided to go ahead with this project despite the current lack of a local caretaker who lives close to the park.

R5 Michael Lake

It was decided that there is no need for the new contractor to walk the trail monthly. Parks Commission members will undertake to do this.

R6 Trillium Park

Trillium Park is looking good and continues to be well used.

UNFINISHED BUSINESS**UB1 Wedding Policy**

Barbara Waters is to draft a standard letter regarding the parks policy for community members wishing to hold weddings and other public events at Area H parks, as per the motion passed at the September 23, 2010 meeting.

UB2 Heart Lake Development

The rezoning application is still under consideration by the provincial government. Application has been made to the ALC to create the acreages included in the plan. Don Pigott has determined that the distance across Bush Creek is 50 feet; should approval be obtained for building a bridge there, he may be able to obtain trusses at low cost.

UB3 CVRD Hats and T-shirts

These are on order.

UB4 Recreation Taxation Issue

Mary Marcotte gave an update and a discussion ensued.

NEXT MEETING **Thursday, January 27, 2011, 6:30 p.m., North Oyster Community Hall, or at the call of the Chair.**

ADJOURNMENT **Moved
Seconded**

That the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 11:48 a.m.

Barbara Waters, Secretary
November 16, 2010

INI



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HST not applicable.

