



## ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, DECEMBER 6, 2017  
BOARD ROOM  
175 INGRAM STREET, DUNCAN, BC

1:30 PM

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	<u>PAGE</u>
<b>1. <u>APPROVAL OF AGENDA</u></b>	
<b>2. <u>ADOPTION OF MINUTES</u></b>	
M1 Regular Electoral Area Services Committee meeting of November 15, 2017	1
<b>Recommendation</b> That the minutes of the regular Electoral Area Services Committee meeting of November 15, 2017 be adopted.	
<b>3. <u>BUSINESS ARISING FROM THE MINUTES</u></b>	
<b>4. <u>PUBLIC INPUT PERIOD</u></b>	
<b>5. <u>DELEGATIONS</u></b>	
D1 Daniel Kilpartick, Shawnigan Medicinals, Re: Proposal to Open a Medicinal Cannabis Dispensary Within the Region	7
<b>6. <u>CORRESPONDENCE</u></b>	
C1 Grant-in-Aid Request, Electoral Area A - Mill Bay/Malahat, Re: Red Willow Womyn's Society	9
<b>Recommendation</b> That it be recommended to the Board that a Grant-in-Aid, Electoral Area A - Mill Bay/Malahat, in the amount of \$500 be provided to the Red Willow Womyn's Society to support the opening of their office space.	
C2 Letter dated November 2, 2017, from Lucia Perry, Re: Covenant Letter Regarding Agreement to not Subdivide as a Pre-requisite to Obtaining a Building Permit for an Extra Dwelling	11



- R3 Development Permit Application No. 12-B-17DP (3650 Riverside Road and 3645 Rosedale Road - Report from Development Services Division 81

**Recommendation** That it be recommended to the Board:

1. That Development Permit Application No. 12-B-17DP (3650 Riverside Road and 3645 Rosedale Road) be approved; and
2. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

- R4 Development Permit with Variance Application No. 08-E-17DP/VAR (2725 Dingwall Road) - Report from Development Services Division 107

**Recommendation** That it be recommended to the Board:

1. That Development Permit with Variance Application No. 08-E-17DP/VAR (2725 Dingwall Road) be approved;
2. That Zoning Bylaw No. 1840, Section 5.18(a) (Setback from a Watercourse and a Streamside Protection and Enhancement Area) be varied by reducing the setback from the Koksilah River from 30 metres to 22 metres; and
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No.1490.

- R5 Elk Ridge (Paldi) Water and Sewer Systems - First Stage Approval - Report from Water Management Division 145

**Recommendation** That the Cowichan Valley Regional District (CVRD) grant first stage approval for takeover of the sewer and water systems for a proposed 500 unit development in Paldi, know as Elk Ridge Estates, as requested by the developers, Elk Ridge Estates Ltd., subject to the following conditions:

1. The previous Board resolution No. 06-691.2 approved in 2006, be rescinded;
2. The sewage and water systems' preliminary concepts, detailed design and installation must be approved by Engineering Services staff to ensure compliance with CVRD Design Standard, subdivision Bylaw 1215;
3. The water supply source must have

- adequate capacity and has received approval from the Vancouver Island Health Authority and a well licence must be obtained by Ministry of Forests, Lands, Natural Resource Operations & Rural Development
4. The developer must have a qualified professional prepare and submit the Registration of Discharge form, Operation Plan and Environmental Impact Study, and all other necessary documentation, to the Ministry of Environment for the sewage disposal system;
  5. The developer undertakes to provide a two-year warranty on the completed sewer and water systems, backed by suitable bonding;
  6. All lands on which infrastructure works are located be transferred to the CVRD; except where not practical, in which case will be placed within registered Statutory Rights-of-way using the CVRD's standard charge terms;
  7. All sewage disposal and water supply capacities must be confirmed by the developer, and further that a peer review be carried out by a suitably qualified hydrogeological professional reporting to the CVRD on the hydrogeology reports;
  8. The developer provide suitable reserve funds to start off the sewer and water functions;
  9. The developer is required to provide all water and sewer servicing infrastructure, including sewage treatment works disposal system, pumps, controls, gensets, water meters, SCADA system and mainlines for the proposed development;
  10. The developer shall pay all costs associated with monitoring and sampling requirements for the sewer system for the initial intensive monitoring period;
  11. A water and sewer utility transfer agreement must be executed between the CVRD and the owner/developer;
  12. A minimum of 30-year crown leases must be obtained for infrastructure located on any Crown Lands,
  13. That a comprehensive electronic groundwater monitoring system for the proposed Elk Ridge development, tied

into the CVRD's SCADA system, be provided that would enable continuous monitoring of the impact of the extraction on the aquifer.

14. Consultation with the community for groundwater extraction must be undertaken;
15. CVRD takeover must be undertaken and petitions completed and deemed sufficient; and
16. Subject to these conditions, the necessary bylaws to create a sewer and water service areas for these systems be completed.

R6 Malahat Water & Sewer System Utility Transfer Agreement - Report from Water Management Division 151

- Recommendation** That it be recommended to the Board:
1. That prior to adoption of CVRD Bylaw Nos. 4158 and 4159, (Elkington Forest Water and Sewer Service Amendment Bylaws – Name Change) a Utility Transfer Agreement between the CVRD and the owners of the Malahat Water and Sewer Systems be executed; and
  2. That following adoption of amendment bylaw Nos: 4158 and 4159 (Elkington Forest Water and Sewer Service Amendment Bylaws - Name Change), the Malahat Water and Sewer parcel tax roll, reserve fund and management bylaws be forwarded to the Board for consideration of three readings and adoption.

R7 Water and Wastewater System Acquisition Policy - Report from Water Management Division 153

**Recommendation** For direction.

R8 Water and Wastewater Commission Proposal - Report from Water Management Division 183

**Recommendation** For direction.

R9 Verbal Report from Brian Farquhar, Manager, Parks & Trails Division, Re: Ministry of Transportation & Infrastructure Roadside Pathways

R10 Mill Bay Age-Friendly Community - Report from Community Planning Division 187

9. **UNFINISHED BUSINESS**

UB1 CVRD Bylaw No. 4153 - Community Parks Advisory Commissions Establishment Bylaw, 2017 229

**Recommendation** That Community Parks Advisory Commissions Establishment Bylaw No. 4153 be forwarded to the Board for three readings and adoption.

10. **NEW BUSINESS**

11. **QUESTION PERIOD**

12. **CLOSED SESSION**

Motion that the Closed Session Agenda be approved, and that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, subsections as noted in accordance with each agenda item.

CS M1- Closed Session Electoral Area Services Committee meeting minutes of November 15, 2017

CS R1 - Report from Water Management Division, Re: Litigation {Sub (1)(g)}

13. **ADJOURNMENT**

The next Electoral Area Services Committee Meeting will be held Wednesday, December 20, 2017 at 1:30 PM, in the Board Room, 175 Ingram Street, Duncan, BC.

**Committee Members**

Director I. Morrison, Chairperson  
Director M. Marcotte, Vice-Chairperson  
Director S. Acton

Director M. Clement  
Director K. Davis  
Director M. Dorey

Director L. Iannidinaro  
Director K. Kuhn  
Director A. Nicholson

Minutes of the Electoral Area Services Committee Meeting held on Wednesday, November 15, 2017 in the Board Room, 175 Ingram Street, Duncan BC at 1:31 PM.

**PRESENT:** Director I. Morrison, Chair  
Director S. Acton  
Director M. Clement <until 5:00 PM>  
Director K. Davis  
Director K. Kuhn <until 6:19 PM>  
Director A. Nicholson  
Alternate Director A. Bomford  
Alternate Director S. Jonas

**ALSO PRESENT:** R. Blackwell, General Manager, Land Use Services  
M. Kueber, General Manager, Corporate Services  
M. Tippet, Manager, Community Planning  
R. Conway, Manager, Development Services  
B. Farquhar, Manager, Parks & Trails  
B. Dennison, Manager, Water Management  
C. Cowan, Manager, Public Safety  
L. Smith, Assistant Manager, Corporate Services Division  
I. MacDonald, Chief Building Inspector  
N. Morano, Bylaw Enforcement Officer  
R. Rondeau, Planner II  
J. Hughes, Recording Secretary

**ABSENT:** Director M. Dorey  
Director L. Iannidinardo  
Director M. Marcotte

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended with the deletion of Item R7 (Limited Licence of Access Agreement for Well Testing at 3170 Shawnigan Lake Road – Report from Water Management Division) and the addition of one New Business Item:**

**NB1 Grant-in-Aid – Electoral Area F – Cowichan Lake South/Skutz Falls  
Re: Honeymoon Bay Community Society; and**

**that the agenda, as amended, be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1** Regular Electoral Area Services Committee meeting of November 1, 2017

**It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of November 1, 2017 be adopted.**

**MOTION CARRIED**

**CORRESPONDENCE**

- C1** Grant-in-Aid Request, Electoral Area B - Shawnigan Lake, Re: Shawnigan Lake Community Association

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area B - Shawnigan Lake, in the amount of \$600 be provided to the Shawnigan Lake Community Association to support the Christmas light up in Elsie Miles Park.**

**MOTION CARRIED**

- C2** Grant-in-Aid Request, Electoral Area I - Youbou/Meade Creek, Re: Youbou Community Association

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area I - Youbou/Meade Creek, in the amount of \$1,000 be provided to the Youbou Community Association, to support the New Year's Dance.**

**MOTION CARRIED**

- C3** Grant-in-Aid Request, Electoral Area I - Youbou/Meade Creek, Re: Youbou Community Church Society

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area I - Youbou/Meade Creek, in the amount of \$4,000 be provided to the Youbou Community Church Society to support upgrades and repairs to the Youbou Community Church.**

**MOTION CARRIED**

**INFORMATION**

- IN1** Letter dated November 3, 2017, from Ministry of Forests, Lands, Natural Resource Operations and Rural Development, South Island Natural Resource, Re: Establishment of Protected Areas for the Purpose of Conservation of the Coastal Douglas-Fir Biogeoclimatic Zone, was received for information.

- IN2** Items 1 through 10 were received for information:
1. Area B - Shawnigan Lake Advisory Planning Commission Minutes - October 5, 2017;
  2. Area D - Cowichan Bay Advisory Planning Commission Minutes - October 19, 2017;
  3. Area E - Cowichan Station/Sahtlam/Glenora Advisory Planning Commission Minutes - October 10, 2017;
  4. Area A - Mill Bay/Malahat Parks Commission Minutes - September 14, 2017;
  5. Area C - Cobble Hill Parks Commission Minutes - October 2, 2017;
  6. Area D - Cowichan Bay Parks Commission Minutes - October 16, 2017;
  7. Area E - Cowichan Station/Sahtlam/Glenora Parks Commission Minutes - October 12, 2017;

8. Area F - Cowichan Lake South/Skutz Falls Parks Commission Minutes - October 4, 2017;
9. Area F - Cowichan Lake South/Skutz Falls Parks Commission Minutes - November 2, 2017; and
10. Area I - Youbou/Meade Creek Parks Commission Minutes - October 10, 2017.

## REPORTS

**R1** Application No. 02-H-16DVP - Report from Development Services Division

**It was moved and seconded that it be recommended to the Board that Development Variance Permit Application No. 02-H-16DVP (4821 Yellow Point Road) to vary Section 10.2(b)(3) of Zoning Bylaw No. 1020 be approved.**

**MOTION CARRIED**

**R2** Fireworks Discharge Permit - Ladysmith Harbour Christmas Lights - Report from Inspection & Enforcement Division

**It was moved and seconded that it be recommended to the Board that the Fireworks Discharge Permit for the Ladysmith Harbour Christmas Lights Cruise event located at/near Ladysmith Harbour on December 9, 2017, be approved.**

**MOTION CARRIED**

**R3** Draft Dog Regulation Bylaw - Report from Inspection & Enforcement Division

It was moved and seconded that it be recommended to the Board:

1. That Dog Regulation Bylaw No. 4065 be forwarded to the Board for consideration of three readings and adoption; and
2. That the Bylaw Enforcement Policy – Investigation and Enforcement Standards for Dog Regulation Bylaw Cases, attached to the Inspection & Enforcement Division's November 6, 2017 Staff Report, be approved.

**It was moved and seconded that it be recommended to the Board that Dog Regulation Bylaw No. 4065 be forwarded to the Board for consideration of three readings and adoption.**

**MOTION CARRIED**

*Voting resumed on the main motion, as amended:*

**It was moved and seconded that it be recommended to the Board that Dog Regulation Bylaw No. 4065 be forwarded to the Board for consideration of three readings and adoption.**

**MOTION CARRIED**

**R4** Draft Soil Deposit Bylaw - Report from Inspection & Enforcement Division

**It was moved and seconded that it be recommended to the Board:**

- 1. That Soil Deposit Bylaw No. 4147 be forwarded to the Board for consideration of first and second readings; and**
- 2. That Soil Deposit Bylaw No. 4147 be forwarded to the Province for review.**

**MOTION CARRIED**

**3:00 PM** The Committee took a recess at 3:00 PM

**3:11 PM** The meeting resumed at 3:11 PM

**R5** October 2017 Building Inspection Report - Verbal Report from Ian MacDonald, Chief Building Inspector, Inspections & Enforcement Division, was received for information.

**R6** October 2017 Bylaw Enforcement Report - Verbal Report from Ian MacDonald, Chief Building Inspector, Inspections & Enforcement Division, was received for information.

**R7** Item R7 (Limited Licence of Access Agreement for Well Testing at 3170 Shawnigan Lake Road - Report from Water Management Division) was deleted from the Agenda under Approval of Agenda.

**R8** Riparian Area Compliance Program - Report from Inspection & Enforcement Division

**It was moved and seconded that the 2018 Budget for Function 325 – Community Planning Requisition be increased \$15,000 and Signs be increased \$15,000, to develop a riparian area development plan.**

**MOTION CARRIED**

#### **UNFINISHED BUSINESS**

**UB1** 2018 Budget Review - Function 282 South Cowichan Parks - Report from Parks & Trails Division (referred from the November 1, 2017, Electoral Area Services Committee meeting)

**It was moved and seconded that the 2018 Budget for Function 282 – South Cowichan Parks be approved.**

**MOTION CARRIED**

**UB2** 2018 Budget Review - Function 352 Fire Protection Cowichan Lake - Report from Public Safety Division (referred from November 1, 2017, Electoral Area Services Committee meeting)

**It was moved and seconded that the 2018 Budget for Function 352 - Fire Protection Cowichan Lake be approved.**

Director Clement was absent during the vote

**MOTION CARRIED**

**UB3** 2018 Budget for Function 488 - (#19) Shawnigan Basin Society - Report from Finance Division (referred from November 1, 2017, Electoral Area Services Committee meeting)

**It was moved and seconded that the 2018 Budget for Function 488 – Shawnigan Basin Society be approved.**

Director Clement was absent during the vote

**MOTION CARRIED**

**UB4** 2018 Budget for Function 495 - (#22) South Cowichan Community Policing - Report from Finance Division (referred from November 1, 2017, Electoral Area Services Committee meeting)

**It was moved and seconded that the 2018 Budget for Function 495 – South Cowichan Community Policing be approved.**

Director Clement was absent during the vote

**MOTION CARRIED**

#### **NEW BUSINESS**

**NB1** Grant-in-Aid – Electoral Area F – Cowichan Lake South/Skutz Falls, Re: Honeymoon Bay Community Society

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$250 be provided to Honeymoon Bay Community Society to support the community's annual "Pot Lick Dimmer" and to defray the cost of providing a small gift to each child from Santa.**

Director Clement was absent during the vote

**MOTION CARRIED**

#### **CLOSED SESSION**

**4:46 PM** 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 Sub (1)(f) Law Enforcement, Sub (1)(g) Potential Litigation and adoption of the Closed Session Electoral Area Services Committee Minutes of November 1, 2017.

**MOTION CARRIED**

**RISE FROM CLOSED SESSION**

**6:30 PM** It was moved and seconded that the Committee rise, without report, and return to the open portion of the meeting.

**MOTION CARRIED**

**ADJOURNMENT**

**6:31 PM** It was moved and seconded that the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 6:31 PM.

\_\_\_\_\_  
Chair

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

Dated: \_\_\_\_\_

## Jennifer Hughes

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**From:** noreply@civicplus.com  
**Sent:** Tuesday, November 28, 2017 12:38 PM  
**To:** Jennifer Hughes; Kylie Madge; Mary Anne McAdam  
**Subject:** Online Form Submittal: Electoral Area Services Committee

### Electoral Area Services Committee

#### Request to Appear as a Delegation at the Electoral Area Services Committee

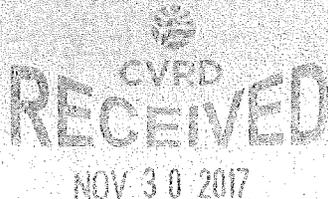
Electoral Area Services Committee meetings are held on the first and third Wednesdays of the month at 1:30 p.m.

Please Note: Contact information supplied by you and submitted with this form will become part of the public record and will be published in a meeting agenda that is posted online when this matter is before the Electoral Area Services Committee. If you do not wish this contact information disclosed, please contact the FOI Coordinator at 250.746.2507 or 1.800.665.3955 to advise.

Meeting Date	12/6/2017
Contact Information	
Contact Name	Daniel Kilpartick
Representing	Shawnigan Medicinals (Final Name TBD)
Number Attending	1
Address	7611 Sooke Road
City	Victoria
Province	British Columbia
Postal Code	V9B 2P4
Telephone Number	2505140639
Reply Email	<a href="mailto:dan@potentindustry.com">dan@potentindustry.com</a>
Presentation Topic and Nature of Request	Proposal to open a Medicinal cannabis dispensary within the region.
Do you have a PowerPoint presentation?	No

Email not displaying correctly? [View it in your browser.](#)





Finance Division COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Davis Area A

Grantee Red Willow Women's Society Grant Amount \$ 500.00

NAME Red Willow Women's Society

ADDRESS  
redwillowsociety@gmail.com

Contact Phone No Patricia Dawn : 250 929 1199

PURPOSE OF GRANT To help open office space.

REQUESTED BY: [Signature]  
Director's Signature

ACCOUNT NO	AMOUNT
<u>01-2-1950-0435-111</u>	<u>500.00</u>

FOR FINANCE USE ONLY  
 BUDGET APPROVAL A

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_



November 2, 2017

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

Re: Covenant letter regarding agreement to not subdivide as a pre-requisite to obtaining a building permit for an extra dwelling.

I am writing this letter to voice my displeasure at the process and requirement for this covenant. There was no apparent forethought or any prior involvement by those that created this stipulation. The experience of having to obtain this covenant was cumbersome, lengthy, and a great source of aggravation. This is the epitome of a bureaucratic nightmare. To have the CVRD officially requiring such a monstrous “red tape” mess is stupefying. In the CVRD, according to your own bylaw, Cowichan Valley Regional District Subdivision Bylaw No. 1215, 1989, “no land within the electoral areas of the Regional District shall be subdivided until the subdivision has received the approval of the Approving Officer and the approval procedure and all other subdivision requirements shall be those as enforced by the Ministry of Transportation and Highways, unless otherwise stated in this By-law” (p 3). To have to fulfill the request of a covenant prohibiting subdivision beforehand is an unnecessary duplication process that projects incompetence and bureaucratic absurdity to its utmost heights. To enlighten the CVRD a miniscule amount, I wish to acquaint you with the knowledge that most lenders or mortgagees have no concept of what this covenant is requiring; as their policies are of a national nature and not a municipal one. Because of this, the handling of obtaining signatures from these institutions was inexplicably ponderous and extremely time consuming (months, not days). The costs associated with obtaining signatures, requiring disbursements and filing fees were extremely high; all for a procedure that is wholly unnecessary. It seems as though there is a lack of understanding towards the absurdity of requesting this covenant to prevent any subdividing, when any subdivision must be applied and approved by the CVRD separately. This is an exercise to exasperate, annoy and deplete earnings from your constituents for a wholly unnecessary procedure.

A Very Unhappy Constituent,  
Lucia Perry





**Minutes**  
**Electoral Area A – Mill Bay/Malahat Parks & Recreation Commission**  
**November 9, 2017**

**Present:** April Tilson, Brook Adams, Sharon Arnold, David Keir, Bonnie Mills,  
 Director Kerry Davis

**Absent:** Libby Connor and Nancy Crichton

The meeting was called to order at 7:00 p.m. by April Tilson

Discussion of Draft Bylaw No. 4153-the establishment of Parks Commissions in CVRD:

No formal action has been taken to adopt the draft of Bylaw No. 4153 for 2018 as there is no clear wording on volunteer participation and coordination for parks to support this bylaw at this time.

There is wording to reflect the need for paid staff member to attend each meeting for purposes of communicating recommendations to the CVRD. This seems to obviate the loss of our Area Director to our membership and increase the CVRD budget with an additional salaried employee. Is the salaried staff member to be the Chair?

After a lengthy discussion regarding the function of our Area Director as it was recommended that the bylaw reflect the real mission of our advisory committee by continuing the membership of our Area Director so that he can continue to report our recommendations so as to control the growing bureaucracy of the CVRD.

Description of South Cowichan Parks Commission meeting October 23, 2017:

The Chair reviewed the survey regarding Cobble Hill/Quarry Nature Park. The parks are well used by a variety of age groups and for a variety of recreational activities. New signage is up to allow for trail difficulty (rabbit, hare and elk). However, there are 5 separate and adjoining parks in the Cobble Hill recreational area; each administered separately.

Discussion of Bright Angel Park Draft Management Plan:

It was noted that this is a 2017 to 2032 lease from the Provincial parks and the park is in need of significant capital improvements. Will this continue to provide recreational use for our communities? After the significant and costly improvements are made, will or could this property be sold to private group for development? No recommendations were made.

Budget addition:

In addition to the above planned agenda the Director informed the group of the \$20,000 added to the budget (estimated \$1.68/100,000 assessed property value with the average residential value being \$450,000 it would amount to \$8.00 tax increase) and transferred into capital reserves to be set aside for trail developments when we are allowed to pursue trail development. No motion was needed but the transfer of \$20,000 to the capital reserve funds for the purpose of future trail development was readily supported.

There is in the future a date to be set for "Volunteer Appreciation Dinner". The recommendation is that it be either February but preferably a January event, considering the increase of social activities we all have in the month of December.

It was moved that the meeting be adjourned at 8:20 p.m.

Bonnie Mills



## MINUTES

### Electoral Area E – Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Meeting

**DATE:** Thursday, November 9, 2017

**LOCATION:** Glenora Hall

**TIME:** 7:35 p.m.

**PRESENT:** Frank McCorkell (Chair), Gregg Shoop (V/Chair and Secretary), Irene Evans, Howard Heyd, Paul Slade and Gretchen Hartley.

**ABSENT:** Larry Whetstone, Patty John and Mike Lees.

**ALSO PRESENT:** Alison Nicholson (Area Director)

**AGENDA:** Approved as circulated.

**ACCEPTANCE OF PAST MINUTES:** Motion to adopt the Minutes of the Regular Meeting held on October 12, 2017. Moved and Seconded. Carried.

#### MATTERS ARISING:

1. Currie Park: The Chair indicated that the contract will be posted in January 2018.
2. Bylaw Review: Pending

#### UNFINISHED BUSINESS:

1. Jack Fleetwood Park: The Chair confirmed that the sand had been deposited and the dangerous step(s).
2. ElRon Park: The Chair confirmed that staff had dealt with the tree and that the Sathlam Volunteer Fire Department was in discussion with the CVRD about drawing water from Buddle Puddle.

**NEW BUSINESS:** None was identified.

**NEXT MEETING:** 7:30 p.m., Thursday, February 8, 2018, at Glenora Hall.

**ADJOURNMENT:** Motion to adjourn was made at 7:55 p.m. Carried.

*Certified correct:*

*Chair: Frank McCorkell*

*Secretary: Gregg Shoop*

*Date:*



**MINUTES**  
**ELECTORAL AREA –G – SALTAIR/GULF ISLANDS PARKS COMMISSION**  
**November 6, 2017**

**Present:** Tim Godau (Chair), Dave Key, Jason Wilson, Kelly Schellenberg and Mel Dorey (Director)

**Absent:** Jackie Rieck

**Guests:** Brian Farquhar, Manager, Parks & Trails Division  
Sean Jonas

**Call to Order:** 7:03 p.m.

1. **APPROVAL OF AGENDA** – *Motion: Move to approve the agenda. Carried*
2. **APPROVAL OF PREVIOUS MINUTES** -*Motion: Move to approve the Minutes from the meeting of October 2, 2017. Carried*

3. **OLD BUSINESS** – No report

4. **NEW BUSINESS** – No report

5. **REPORTS**

5.1 Director's Report – No report

5.2 CVRD Report – Brian Farquhar, CVRD, outlined the new process for the 2018 Budget Process

Action: Area “G” Parks Commission will consider a request to CVRD for a Centennial Park Plan to be considered in the Parks Workplan.

5.3 Centennial Park - *Motion: Move that the Area “G” Director consider a budget amendment for \$2,700 (\$500 in 2018 budget) for a total of \$3,200 towards the purchase of supplies for the 2018 Halloween and Easter events. Carried.*

*Motion: Move to investigate lighting options in Centennial Park Gazebo. Carried.*

*Action: Noted that both ball diamonds require leveling work around the bases to avoid water pooling and site degradation in these areas.*

*Action: Two (2) formal complaints have been received regarding the 2017 Halloween fireworks. The Commission will investigate how other jurisdictions notify residents of upcoming fireworks displays.*

5.4 Princess Diana Report – No report

5.5 Clifcoe Connector – No report

- 5.6 Stocking Creek Report – No report
- 5.7 Beach Accesses Report – No report
- 5.8 Saltair Ball League - No report
6. **NEXT MEETING** – TBA
7. **ADJOURNMENT** – Motion: *Move to adjourn meeting at 8:45 p.m.. Carried.*
8.  
Recorded and submitted by: K. Schellenberg, November 6, 2017



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 27, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Development Permit Application No. 04-A-17DP/VAR (2485 Holford Road, Mill Bay)

**FILE:** 04-A-17DP/VAR

## PURPOSE/INTRODUCTION

The purpose of this report is to present an application for a development permit with variance to allow stabilization works and the construction of a replacement seawall and stone staircase.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Development Permit 04-A-17DP/VAR be approved;
2. That Section 5.4.1(b) of Zoning Bylaw No. 3520 is varied from 15 metres to zero to allow the construction of a staircase and retaining wall;
3. That Section 10.9-2 of Zoning Bylaw No. 3520 is varied to allow a total impervious area of 44%;
4. That Section 10.9-3 of Zoning Bylaw No. 3520 is varied to allow rear and side setback reductions from 4.5 metres to 0 metres to allow the construction of a stone staircase; and
5. That the General Manager of Planning & Development be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

## BACKGROUND

### Background Information:

<u>Location:</u>	2485 Holford Road, Mill Bay
<u>Owner:</u>	Rory Carr
<u>Agent:</u>	Alex Glegg
<u>Size of Land Parcel:</u>	1017 square meters
<u>Use of Property:</u>	Single Family Residential
<u>Use of Surrounding Properties:</u>	North – Residential South – Residential East – Ocean (Public Land) West – Residential
<u>Road Access:</u>	Holford Road
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	No Community System
<u>Fire Protection:</u>	Mill Bay ID
<u>Wildfire Hazard Rating:</u>	Moderate 17

**Existing Zoning:** Village Residential 3 Zone (R-3)

**Property Context:**

The subject land is a 1000 square metre residential beachfront property that currently contains a single storey weatherboard dwelling with an ancillary carport and garage. The land is zoned R-3 and has a residential designation. The land is accessed from Holford Road, which also forms the western boundary of the land. From this point, the land slopes at a moderate gradient to the waterfront, which forms the eastern extremity of the subject land. Scattered vegetation is distributed throughout the western portion of the land, forming a visual buffer when viewed from Holford Road. The land is within the Mill Bay Village, with similarly sized residential parcels surrounding the subject site to the north, south and west. This application specifically focuses on the land to the rear of the existing dwelling, along the Saanich Inlet waterfront.

**LOCATION MAP**

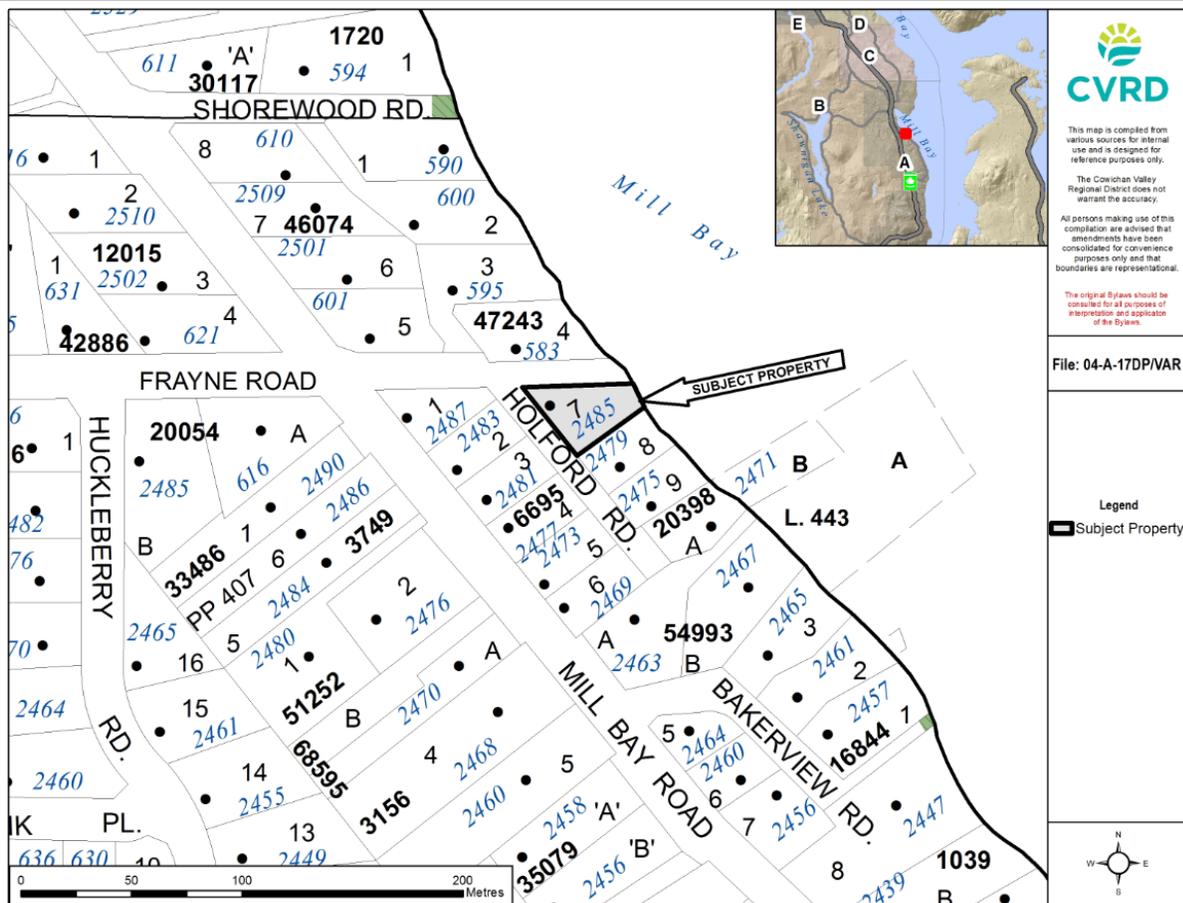


Figure 1: Location Map

**APPLICATION SUMMARY**

The application has been lodged in response to gradual erosion taking place along the shoreline of the subject land. Two large Douglas Fir trees currently stand on the steep gravel and sand embankment that forms a natural eastern border of the subject land, however these trees are slowly being undermined by consistent wave activity (refer to Attachment C: Arborist Report). The proposal is to remove these trees as part of a larger project to stabilize and rebuild the waterfront. The existing embankment is proposed to be reconstructed with a tiered retaining wall and interspersed garden beds, matching the layout and gradient of the natural embankment on the adjacent property to the south. A series of stone steps are proposed on the northernmost boundary

of the land, connecting the grassed rear lawn of the land to the beach (refer to Attachment B: Architectural Drawings).

The submitted arborist's report recommends removing the Fir trees prior to the restorative works taking place, as leaving the trees in place may lead to further damage occurring to the structural integrity of the embankment in the short term. A Geotechnical Report (Attachment D) has also been submitted as part of this application, supporting the proposal to redevelop the shoreline with a tiered rockwork design. The use of natural stone, along with the mortar and stone staircase proposed, would result in an increase of impervious surfaces on the land from 38% to a total of 44%, well over the permissible 35% for the zone. A variance from this zoning regulation is sought as part of the application. Construction of the retaining wall is proposed to extend into the undeveloped extension of Frayne Road, to ensure a uniform and consistent appearance and performance of the seawall.



Figure 2: Existing undermined shoreline.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

The application was not referred to any internal or external parties.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

Mill Bay Development Permit Area

The Marine Riparian Guidelines (Saltwater) of the Official Community Plan (No. 3510) for Mill Bay Village apply to all land within 15 meters upland of the highest tide mark of the ocean. Nine separate guidelines (Attachment E) need to be considered for applications of this nature, briefly discussed below:

1. Applications where development is proposed within 15 meters of the ocean shoreline must be accompanied by an environmental report prepared by a Qualified Environmental Professional (QEP). This report has been submitted and is attached for your consideration (Attachment F). The conclusions component of this report indicate that the proposed works will have impacts on the function of the backshore habitat and the relationship with to the adjacent marine foreshore, including but not limited to:
  - Loss of microsites for backshore vegetation and wildlife habitat;
  - Potential increase in localized beach scouring;
  - Change in the natural sediment transport dynamic on the foreshore leading to increased beach slope;
  - Loss of shade cover;
  - Potential increase in storm-water runoff to the foreshore;

It is supposed within this environmental report that with the implementation of '*General Construction Best Management Practices and Mitigation Measures*' and additional design features, that any detrimental Impacts stemming from the proposal can be mitigated to an acceptable level and that no harmful alteration, disruption or destruction of ecosystem components will occur.

The second component of this guideline is to ensure that stabilization works along the ocean foreshore do not simply re-direct any longshore drift or other tidal impacts to another location along the waterfront. To this front, a geotechnical report has been submitted, indicating that the proposed retaining system is an appropriate design response to ensure that there is no localized or off-site disturbance to the beach. Additionally, the proposed design ensures the structural integrity of the new wall, which will result in minimal erosion.

2. Point 2 relates to avoiding the placement and construction of impermeable surfaces such as driveways and roads near waterways and the ocean. The purpose of the guideline is to ensure any polluted runoff from newly created surfaces do not pose an environmental threat. There is no reason to suggest the proposal will result in any adverse impacts to the quality of storm water runoff from this land. Implementing temporary sediment control measures is likely to be a condition of any approval of this application.
3. The tiered design of the proposed retaining system allows for vegetated areas to be included, which will act as small raingardens. As the proposed development is small in area, minimal concern is raised at potential impacts caused by water storm water running from the development onto the beach and causing additional erosion. The use of natural materials, being stone, is also a preferable approach to having a non-permeable concrete or asphalt material.
4. The relevant zoning bylaw (No. 3520) caps permissible impervious surface coverage at 35%. The land currently has a total impervious surface area of 38%, which is proposed to be increased to 44% through this application. This is discussed further in the variance component of this report.
5. The proposed seawall will not protrude any further onto the Mill Bay shoreline than what currently exists. No construction activities are proposed to occur from the beach, but rather will occur from the top of the existing berm and working downwards. No disruption to recreational users of the shoreline will occur, nor will there be any heavy machinery present on the foreshore during construction.

6. The proposed design of the seawall, having 4 separate tiered inclines of maximum 1.2 metres separated by 1m wide raingardens, meets the minimum requirements of the guideline. The design has been endorsed by a practicing Geotechnical Engineer, and has been developed in a way that removes any excessive visual bulk and does not represent a stark, large built form.
7. The proposed natural stonework walls and staircase represent an organic construction material that will blend in well with the surrounding environment.
8. No hydrothermal or geo-exchange units are proposed as part of this development.
9. Detail on the plantings to be utilized in the intermittent rainwater gardens has been provided within the submitted Shoreline Biophysical Assessment. The report recommends using Salmonberry, Sword Fern and Pacific Ninebark among other native species within the garden beds between the individual stonewalls to create raingardens. To ensure the suggested landscaping is implemented, security will be required as part of any approval given for the proposal (As per CVRD Landscape Security Policy (Attachment H)).

In summary, it is considered that the proposal is largely in accordance with the Marine Riparian Guidelines of the Official Community Plan (Bylaw 3510) for the area. Conditions included on any approved permit will further ensure the recommendations of the submitted reports are implemented.

#### **Variance sought to South Cowichan Zoning Bylaw 3520 (Mill Bay/Malahat) (Attachment G)**

A structure is defined at Part 3 of this Zoning bylaw as:

*“Structure” means any construction fixed to, supported by, or sunk into land or water, but does not include concrete pavement or asphalt paving or similar surfacing of a parcel;*

The proposed rockwall and staircase development stretching along the rear boundary of the site will need to have its footing constructed approximately 0.6 metres into the soil at the high tide mark. As such, it meets this definition and is considered to be a structure.

A total of three (3) variances are, therefore, required to Zoning Bylaw 3520 to facilitate this development.

Section 5.4 of the bylaw states:

#### **5.4 Setbacks from a Watercourse – Flood Protection and Environmental Protection**

1. *Notwithstanding any other provision of this Bylaw, and except where a larger setback may be specified in an Assessment Report prepared under the Riparian Areas Regulation, no building or structure shall be located:*
  - a. *within 30 metres of the natural boundary of the Koksilah River;*
  - b. *within 15 metres of the natural boundary of any watercourse, lake or the sea;*

*And further, all buildings and structures shall be elevated at least:*

- a. *3 metres above the natural boundary of the Koksilah River;*
- b. *1.5 metres above the natural boundary of any watercourse, lake or the sea.*

As such, a variance to reduce the sea setback requirements of 15 metres horizontally and 1.5 metres vertically, both to 0 metres, is required.

### **Section 10.9 – R-3 (Village Residential Zone)**

Clause 2 of the relevant Zoning Section states:

*“Impervious Surfaces and Parcel Coverage Limit Impervious surface coverage of a parcel in the R-3 Zone shall not exceed 35%, of which not more than 30% may be parcel coverage.”*

As discussed earlier in this report, the proposed stone stairway connecting the shoreline with the grassed area at the top of the existing bank would increase impervious surfaces on the land to 44%. For this reason, a variance from the regulations of the zone is necessitated.

The purpose of limiting impervious surfaces is to ensure that there is not an unacceptable concentration of storm-water run-off coming from the land, which typically leads to erosion or other off-site impacts. In this case, the geo-technical information submitted with the application, coupled with the preventative measures outlined in the environmental report, give reasonable assurance that there will not be an unacceptable concentration of storm water leaving the site.

The definition of a fence (within Part 3 of the Zoning Bylaw) includes retaining walls and as such no variance is required for the southern boundary of the land and the portion of the retaining wall along the waterfront, however the proposed stone staircase along the northern boundary of the site is within 2 feet of the northern boundary and will be constructed to the rear boundary. As the staircase will be built into the soil to match the gradient of the slope, no applicable exemption exists for this work.

As such, a third variance will be required to reduce the (northern) side setback distance from 4.5 metres to 0.61 metres (2 feet), and the rear setback requirement from 4.5 metres to 0 metres.

The nature of the application, being a staircase and seawall stretching the length of the rear boundary of the land, logically concludes that the boundary setback and ocean setback variances sought through this application are largely unavoidable. It has been concluded through the submitted documentation that appropriate measures can be put in place to reduce the impacts occurring from the development. It is also considered to be acceptable in visual appearance and will not have any undue consequences on the ecology of the area. For these reasons, granting a variance for the purpose of reducing the necessary setbacks to the ocean and parcel boundaries in this case is considered to be an acceptable planning outcome.

## **PLANNING ANALYSIS**

### Public Notice Requirements:

In accordance with Section 8.2 of Bylaw 3275 (CVRD Development Application Procedures and Fees), notification of this application was sent to the owners and occupiers of properties within 60 metres of the subject site. No submissions were received by the CVRD within the allotted 10 day period.

### Frayne Road Intrusion

The submitted site plan (Attachment B) and accompanying written submission specifies that the;

*‘...revetment structure will extend past the property boundary to the northwest to improve the long-term integrity and performance of the structure.’*

The area to the immediate north is an unbuilt portion of Frayne Road. Comments were sought from the Ministry of Transport & Infrastructure (MOTI) to establish the appropriateness of this aspect of the proposal. The MOTI gave conditional approval for the proposal on the basis that prior to the works occurring:

- *The proposed design is signed off by a Professional Engineer registered in BC.*
- *All environmental approvals are in place – and as per the environmental report; a review by the DFO is completed.*

These conditions can be incorporated as part of an issued Development Permit.

#### Landscaping

In accordance with CVRD's Landscape Security Policy (Attachment H), in instances where landscaping is required as part of a development a deposit totaling 125% of the comprehensive cost estimate will be required. Whilst a finally detailed landscaping plan has not been submitted with the application, the Environmental Report submitted with the application specifies the types of vegetation that is to be planted within the tiered rainwater gardens.

#### Summary

In conclusion, the proposal presents as a visually non-intrusive solution to stabilize the long-term integrity of this waterfront. Supporting geo-technical documentation indicates that impacts off-site will be minimal, whilst the tiered design of the wall – incorporating interspersed rainwater gardens – ensures storm water runoff will be greatly reduced. The variances sought through the application are out of necessity due to the wording of the relevant zoning bylaw, and are unlikely to cause any demonstrable detriment to the adjoining property to the south or the Frayne Road right of way. For these reasons staff recommend an approval of the application.

#### **OPTIONS**

##### Option 1:

That it be recommended to the Board:

1. That Development Permit 04-A-17DP/VAR (2485 Holford Road, Mill Bay) be approved;
2. That Section 5.4.1(b) of Zoning Bylaw No. 3520 is varied from 15 metres to zero to allow the construction of a staircase and retaining wall;
3. That Section 10.9-2 of Zoning Bylaw No. 3520 is varied to allow a total impervious surface area of 44%;
4. That Section 10.9-3 of Zoning Bylaw No. 3520 is varied to allow rear and side setback reductions from 4.5 metres to 0 metres to allow the construction of a stone staircase; and
5. That the General Manager of Planning & Development be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

Option 2:

That it be recommended to the Board;

1. That Development Permit Application No.04-A-17DP/VAR (2485 Holford Road, Mill Bay) be denied based on stated inconsistency with Zoning Bylaw 3520 and/or Official Community Plan Bylaw No. 3510.

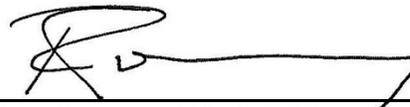
Prepared by:




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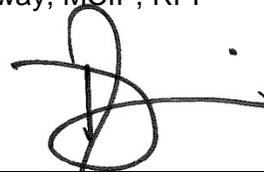
Alex Duncan  
Planner I

Reviewed by:




---

Rob Conway, MCIP, RPP  
Manager




---

Ross Blackwell, MCIP, RPP, A. Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Site Location Map
- Attachment B – Architectural Drawings
- Attachment C – Arborists Report
- Attachment D – Geotechnical Report
- Attachment E – Applicable Development Permit Guidelines
- Attachment F – Environmental Report
- Attachment G – R-3 Zone
- Attachment H – Landscape Security Policy



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

The Cowichan Valley Regional District does not warrant the accuracy.

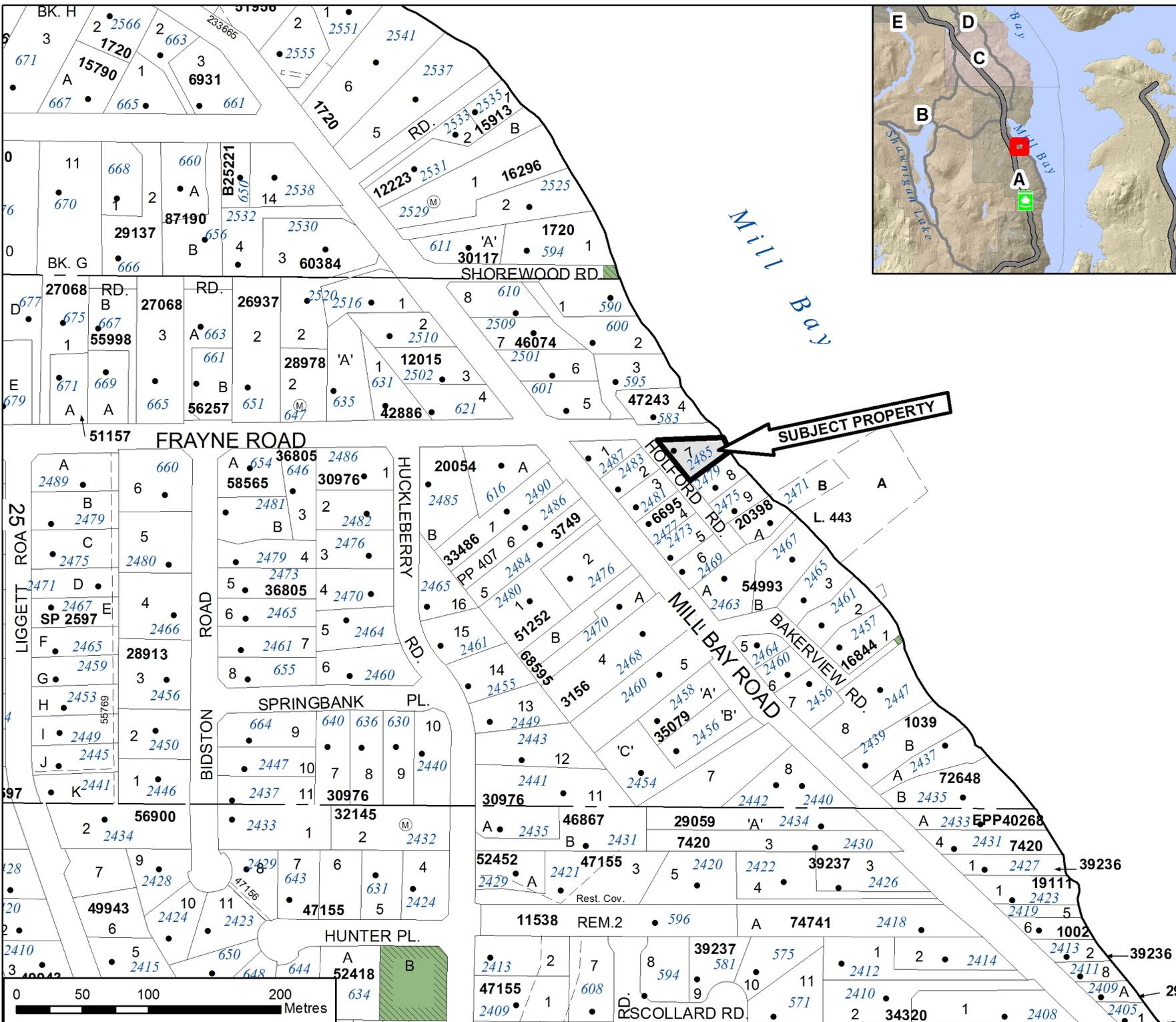
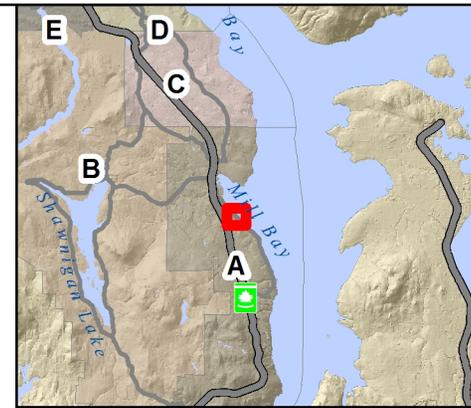
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

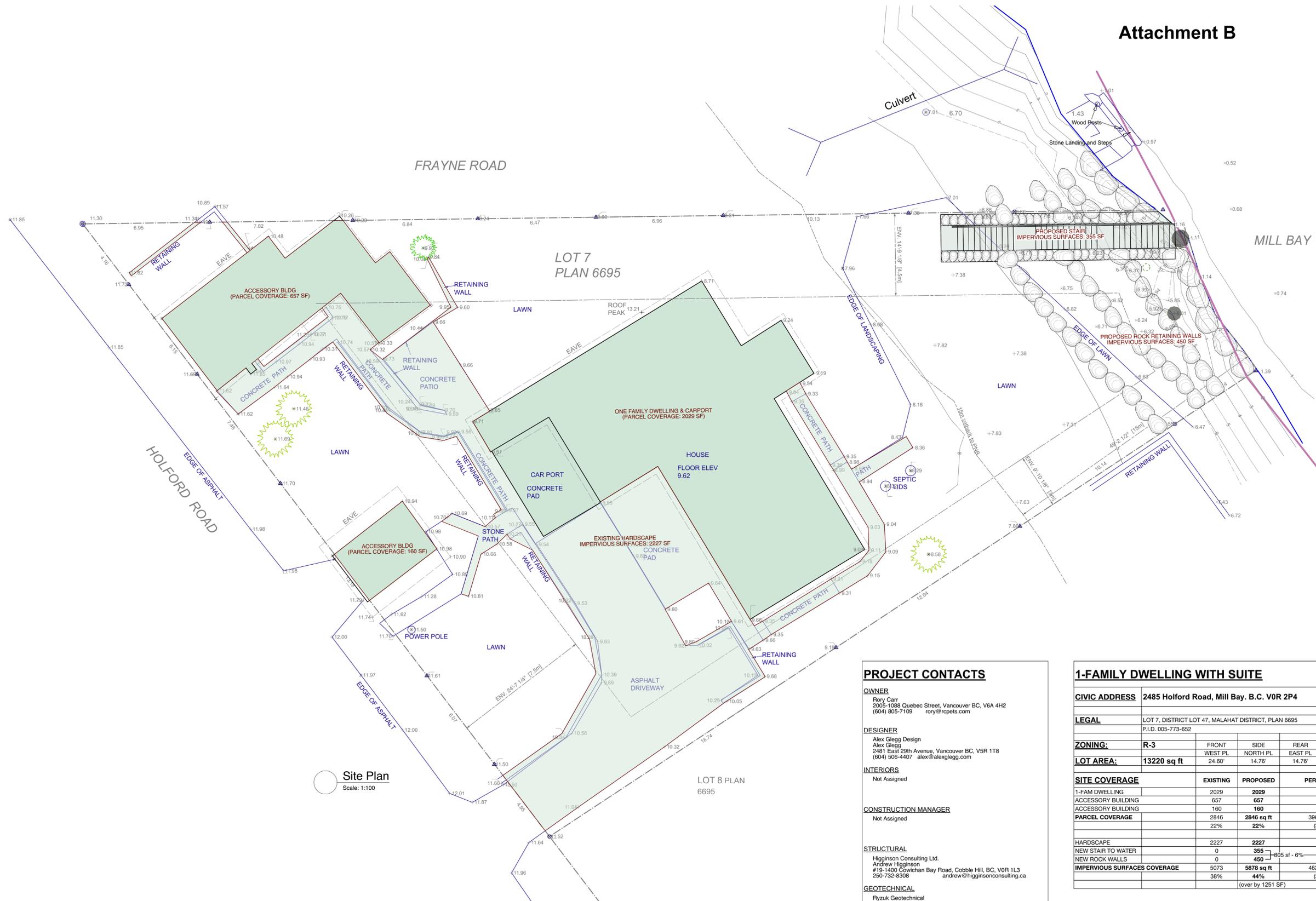
File: 04-A-17DP/VAR

Legend

Subject Property



R1



Site Plan  
Scale: 1:100

**PROJECT CONTACTS**

**OWNER**  
Rory Carr  
2005-1088 Quebec Street, Vancouver BC, V6A 4H2  
(604) 805-7109 rory@rcpets.com

**DESIGNER**  
Alex Glegg Design  
2481 East 29th Avenue, Vancouver BC, V5R 1T8  
(604) 506-4407 alex@alexglegg.com

**INTERIORS**  
Not Assigned

**CONSTRUCTION MANAGER**  
Not Assigned

**STRUCTURAL**  
Higginson Consulting Ltd.  
Andrew Higginson  
#19-1400 Cowichan Bay Road, Cobble Hill, BC, V0R 1L3  
250-732-8308 andrew@higginsonconsulting.ca

**GEOTECHNICAL**  
Ryzuk Geotechnical  
Andrew Jackson  
28 Crease Avenue, Victoria, BC, V8Z 1S3  
(250) 475-3131 andrew@ryzuk.com

**SURVEYOR**  
Polaris Land Surveying  
Jordan Libke  
PO Box 21005 Duncan Bc, V9L 0C2  
250-746-0775 jlibke@plsi.ca

**ARBORIST**  
Beechwood Tree Services  
Jens Barsballe  
4300 Riverside Road, Duncan BC, V9L 6M8  
250-746-9438 jens@beechwoodtrees.com

**ENVIRONMENTAL**  
Current Environmental  
Warren Fleenor  
Unit H-244, 4th Street, Courtenay, BC, V9N 1G8  
250-871-1944 wfleenor@shaw.ca

**1-FAMILY DWELLING WITH SUITE**

<b>CIVIC ADDRESS</b>	2485 Holford Road, Mill Bay, B.C. V0R 2P4				
<b>LEGAL</b>	LOT 7, DISTRICT LOT 47, MALAHAT DISTRICT, PLAN 6695 P.I.D. 005-773-652				
<b>ZONING:</b>	<b>R-3</b>	FRONT	SIDE	REAR	SIDE
<b>LOT AREA:</b>	<b>13220 sq ft</b>	WEST PL	NORTH PL	EAST PL	SOUTH PL
		24.60'	14.76'	14.76'	9.84'
<b>SITE COVERAGE</b>	EXISTING	PROPOSED	PERMITTED		
1-FAM DWELLING	2029	2029			
ACCESSORY BUILDING	657	657			
ACCESSORY BUILDING	160	160			
<b>PARCEL COVERAGE</b>	2846	2846 sq ft	3966 sq ft		
	22%	22%	(30%)		
<b>HARDSCAPE</b>	2227	2227			
NEW STAIR TO WATER	0	355	805 sf - 6%		
NEW ROCK WALLS	0	450			
<b>IMPERVIOUS SURFACES COVERAGE</b>	5073	5878 sq ft	4627 sq ft		
	38%	44%	(35%)		
		(over by 1251 SF)			

**SITE PLAN LEGEND**

B.O.W.	BOTTOM OF WALL
T.O.W.	TOP OF WALL
E.G.	EXISTING GRADE
F.G.	FINISHED GRADE
I.P.	INTERPOLATED POINT
MAX.	MAXIMUM HEIGHT PERMITTED
CLD.	FACE OF CLADDING
FDN.	FACE OF CONCRETE FOUNDATION
ENV.	ENVELOPE (REQUIRED SETBACKS)
CB	CATCH BASIN (EXISTING)
PP	POWER POLE (EXISTING)
LS	LAMP STANDARD (EXISTING)

2481 29th ave. east, vancouver bc V5R 1T8 t: 604-506-4407 e: alex@alexglegg.com

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**Carr Residence**

**2485 Holford Road**

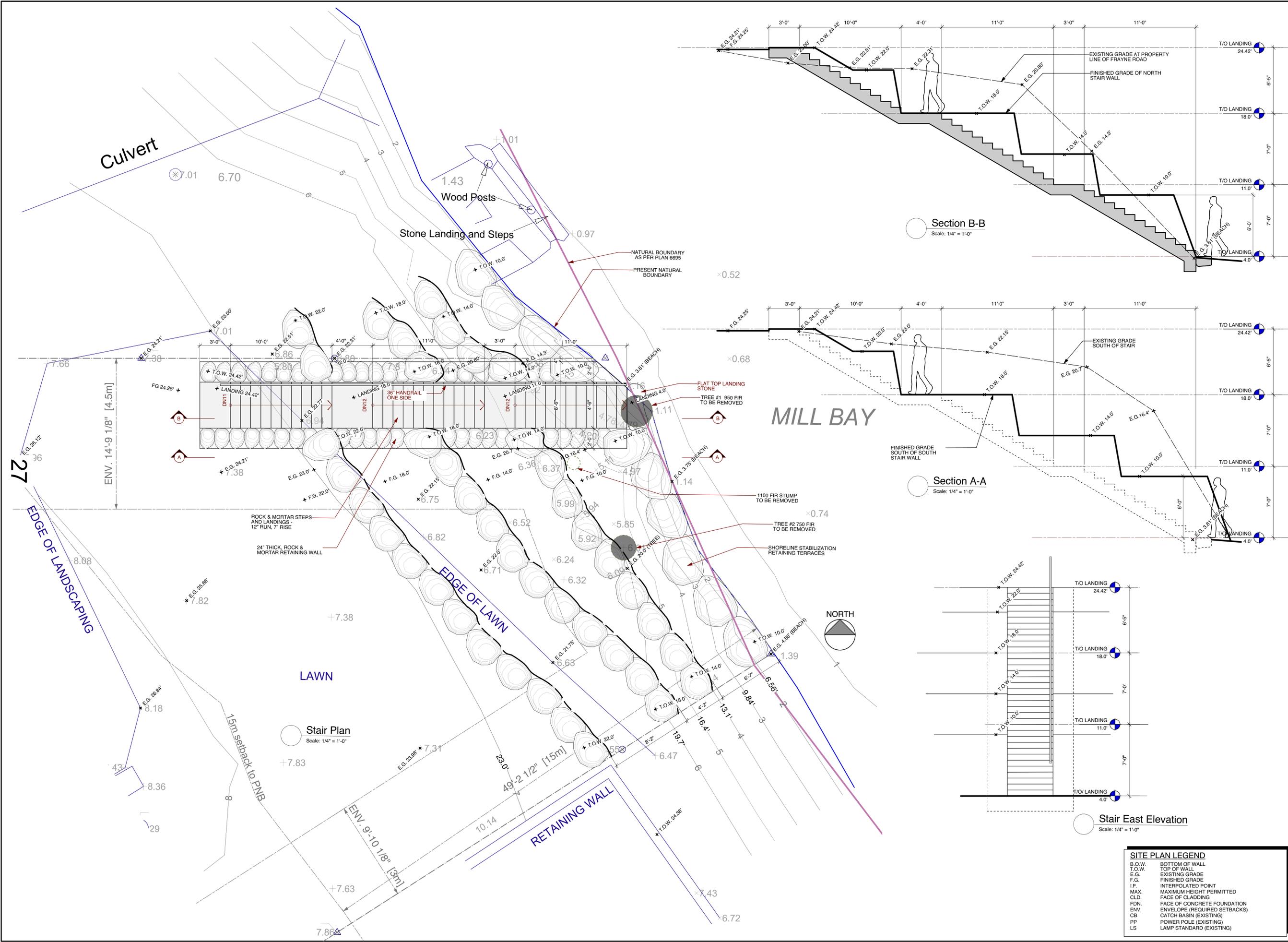
**Site Plan & Coverage**

Scale: As

Drawn by: AG

**A-1**

**R1**



**GLEGG**  
 2481 29th ave. east, Vancouver BC V5R 1T8  
 t: 604-506-4407 e: alex@alexlegg.com

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**Carr Residence**  
**2485 Holford Road**  
**Stair Plans**

Scale: As  
 Drawn by: AG  
**A-1**

**SITE PLAN LEGEND**

B.O.W.	BOTTOM OF WALL
T.O.W.	TOP OF WALL
E.G.	EXISTING GRADE
F.G.	FINISHED GRADE
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LS	LAMP STANDARD (EXISTING)

Beechwood Tree Service  
 4300 Riverside Road  
 Duncan BC V9L 6M8  
 Ph: 250-715-7910  
 Email: [jens@beechwoodtrees.com](mailto:jens@beechwoodtrees.com)



April 2<sup>nd</sup>, 2017

Rory Carr  
 2485 Holford Road  
 Mill Bay, BC

**Re:** Impact of proposed bank stabilization on two foreshore fir trees at 2485 Holford Rd.

Dear Mr. Rory Carr:

I have inspected and evaluated your two Douglas fir trees (*Pseudotsuga menziesii*) on the foreshore. You are concerned that continual wave action is undermining the trees and could cause them to fall over and make the bank unstable. You want to build terraced retaining walls to provide bank stabilization, preventing further erosion.

My assessment techniques are based on 15 years of education, experience, and training in arboriculture and urban forestry. The tools I use are limited to visual and external means and can include diameter tape, binoculars, and rubber mallet for sounding. I do not normally implement any invasive techniques such as drilling or coring, unless discussed with and agreed upon by the client.

## Trees

Both trees are situated on the steep foreshore bank. The picture on page three shows both trees as seen from the house. Below is a description of each tree

Tree #1: It is in average health with normal foliage color, size and density. Trunk diameter at breast height (DBH) is 95 centimeters; tree height is 31 meters. This tree has two tops originating two thirds up the tree, not certain if this is natural or if it was topped in the past. The tree shifted in the past; the lower trunk has a ten degree lean toward the ocean. It has self corrected for the lean; the upper part of the tree is vertical.

A large part of the tree's root system is suspended in midair, 10 to 40 centimeters, above the gravelly beach; overhanging part has a depth of 1.25 meters and breadth is 5.50 meters (see page four). The tree is anchored by roots that are growing in the bank. Continual wave action from the ocean is actively undermining the area below tree's root system; this will likely cause the tree to uproot from the bank and fall into the ocean. Failure of tree could cause erosion and instability of the bank; this could affect the stability of the adjacent tree (#2).

Tree #2: It is in fair health, with normal foliage size. Density is below normal and foliage color is slightly chlorotic with some dieback. Tree height is 21 meters with DBH of 76 centimeters. I found a past partial failure of the tree top; it is still attached and growing toward the west, minor issue at his point.

This tree is situated half way up the bank 3.50 metres to the south west of tree number one. I found no signs that its roots are being undermined yet or that it has shifted. The two main concerns for this tree are health and the possibility of failure if tree number one fell.

Tree health is negatively affected by a restricted root zone and competition for water and nutrients from the invasive plants that are growing on the bank and to some extent from tree number one. Failure of tree number one would likely damage and compromise part of the root system on this tree as the root systems of both trees are likely entwined and possibly grafted together.

## Retaining walls

The proposed development on the foreshore bank will be detrimental to tree safety and health. For details on the building and location of the proposed terraced retaining walls to provide bank stabilization and prevent erosion please refer to the “Shoreline Biophysical Assessment - 2485 Holford Road, Mill Bay, BC” dated March 20<sup>th</sup> 2017. Map on page five shows development area along with tree location.

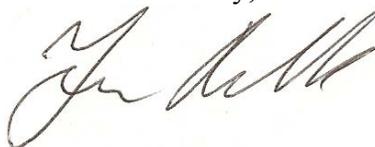
If the bank is left the way it currently is, the continual undermining by wave action of the root system on tree number one will likely cause this tree to fail (fall over). Failure would likely remove a large portion of the current bank and possibly make tree number two unstable. This would probably cause further erosion of the bank due to fewer if any trees roots left to help stabilize the bank.

The construction of the proposed terraced retaining walls will remove a large portion of the root systems on both trees, including anchoring roots. This would make both trees unstable and likely cause them to fail (fall over). If they don't fail, the loss of roots will likely cause the trees to decline in health and eventually die.

## Conclusion and recommendation

The proposed terraced retaining walls will stabilize the bank and prevent further erosion. The construction of it will be detrimental to the stability and health of both trees on the foreshore. I recommend removing both trees prior to construction.

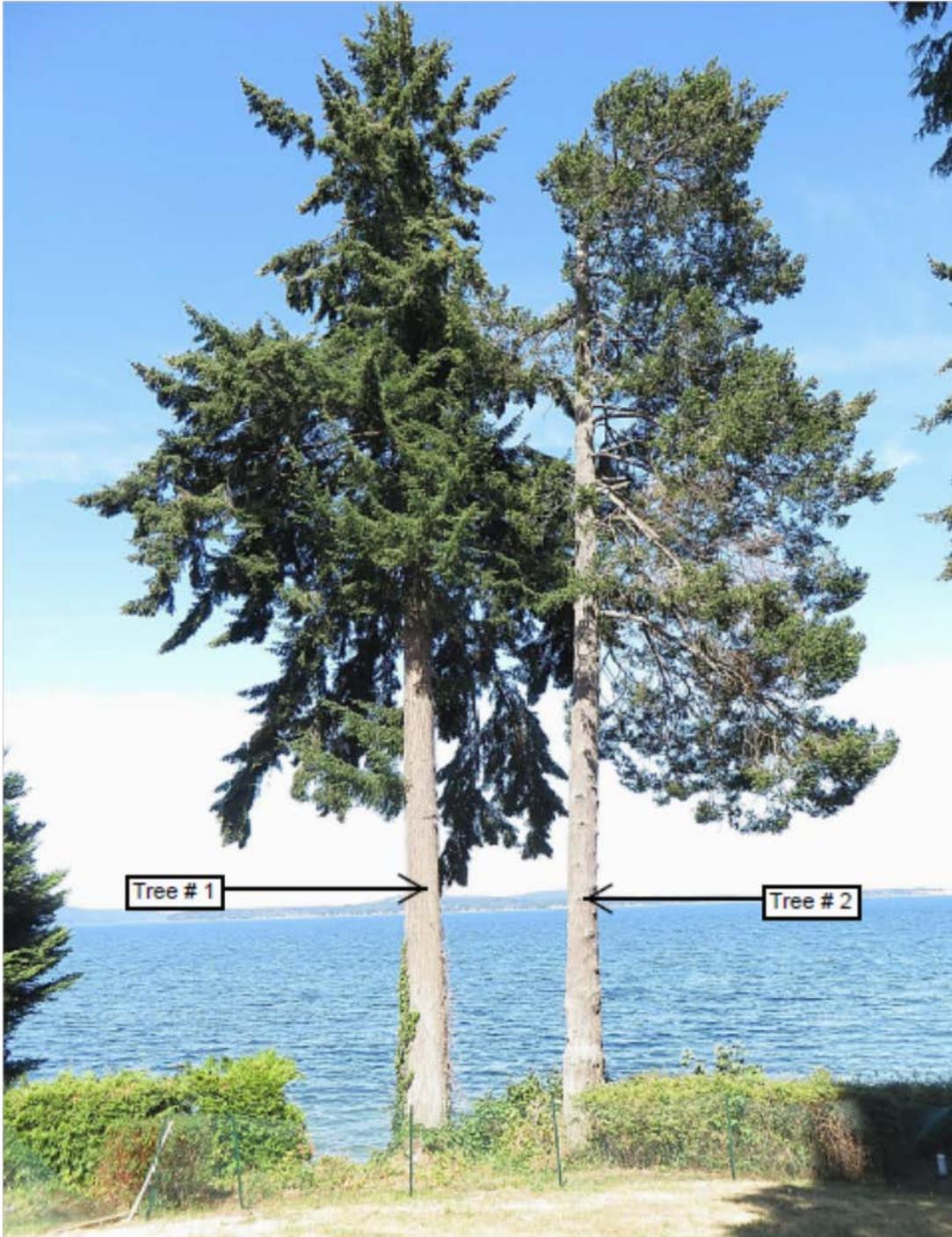
Sincerely,



Jens Barsballe

Registered Consulting Arborist #570  
ISA Board Certified Master Arborist PN-2741B  
ISA Tree Risk Assessment Qualified

Trees as seen from house



Picture of roots overhanging beach as seen from the south





## ASSUMPTIONS AND LIMITING CONDITIONS

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character.
2. All existing liens, encumbrances, and assessments, if any, have been disregarded (unless otherwise noted), and the tree(s) are evaluated as though free and clear, under responsible ownership and competent management. It is assumed that no violations of applicable governmental regulations have occurred.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible, however, Beechwood Tree Service can neither guarantee nor be responsible for the accuracy of information.
4. Beechwood Tree Service shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in our fee schedule and contract of engagement.
5. Loss or alteration of any part of this report invalidates the entire report.
6. This report shall be used for its intended purpose only and by the parties to whom it is addressed. Possession of this report does not include the right of publication.
7. Neither all or any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed written or verbal consent of Beechwood Tree Service.
8. This report and any values expressed herein represent the opinion of Beechwood Tree Service. Our fee is in no way contingent upon any specified value, a result or occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection, and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring.
11. There is no warranty or guarantee expressed or implied that problems or deficiencies of the tree or other plant or property in question may not arise in the future.
12. The right is reserved to adjust tree valuations, if additional relevant information is made available.

## Certificate of Performance

I, Jens Barsballe certify that:

- I have personally inspected the subject trees in this report and I have stated my findings accurately.
- I have no current or prospective interest in the trees or properties that is the subject of this report and have no personal interest or bias with the respect to the parties involved.
- That the analysis, opinions and conclusions stated herein are my own and based on current scientific procedures and facts.
- The analysis, opinions and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices and standards.
- No one provided significant professional assistance to the author unless specified herein.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the American Society of Consulting Arborists (ASCA) and International Society of Arboriculture (ISA) I have been an ISA Certified Arborist since 2002, an ISA Board Certified Master Arborist since 2012. A Registered Consulting Arborist since the beginning of 2015, and ISA Tree Risk Assessment Qualified since 2005. I have been involved in the practice of arboriculture and study of trees for over 15 years.



Jens Barsballe  
ISA Board Certified Master Arborist PN-2741B  
Registered Consulting Arborist #570  
ISA Tree Risk Assessment Qualified

April 2<sup>nd</sup>, 2017

**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

April 7, 2017  
File No: 7888-1

Rory Carr  
2485 Holford Road  
Mill Bay, BC  
V0R 2P4

Dear Mr. Carr,

Re: Proposed Shoreline Improvements  
2485 Holford Road – Mill Bay, BC

As requested, we visited the referenced site recently to carry out a visual geotechnical assessment of the property where you are considering access improvements and shoreline protection. The proposed work would be within 15 m of the Present Natural Boundary (PNB) and therefore would require a Development Permit, pursuant to the Cowichan Valley Regional District Official Community Plan (CVRD OCP Bylaw 3510, Schedule A, Appendix A). We have also reviewed the environmental assessment report produced by Current Environmental dated March 20, 2017. Our associated observations, comments, and recommendations for the proposed works are contained herein. Our work has been carried out in accordance with, and is subject to, the attached Terms of Engagement.

The site is located within the southern portion of the township of Mill Bay, generally bounded to the south by a similar developed residential property, to the west by Holford Road, to the north by a municipal road right of way, and to the east by the foreshore of Mill Bay. The western portions of the site are gently sloped, while a steep slope in the order of 5 m high is located along the eastern boundary adjacent to the PNB. The steep slope is inclined at approximately 75 degrees from horizontal and is vegetated with a few mature trees and ground cover/brush.

Soils within the slope were observed to consist of very dense silty gravelly sand within the lower portions, while very dense sandy gravel with a trace to some silt was noted within the upper portions and several large root networks were present. The beach soils generally consist of coarse gravel which extend from the toe of the slope and granitic bedrock was noted nearby.

Periodic erosion appears to be on-going along the toe of the soil slope. The long term erosion has resulted in significant undermining of the mature fir tree which is leaning seawards moderately. We expect that periodic erosion will continue in the long term during high tides and/or winter storm events, with the frequency and severity of such predicted to increase due to significant projected sea level rise over the coming decades. We also note that adjacent properties on both sides have various hard surface revetments, including concrete, rip-rap and natural bedrock

outcrops, which may be increasing the net wave energy impacting the frontage of the subject site. The predominant wind/wave front vector during the winter storms is from a southeasterly azimuth with an approximate fetch of 6 km. We note that the beach deposits suggest a moderate to moderately strong energy regime, and the source of sediment would be primarily from shoreline erosion given the distance to significant fluvial nourishment sources. Longshore drift would be seasonally variable, though net drift would be considered to follow the predominant wind/wave azimuth displacing to the northwest.

We understand that the desired beach access would involve local excavation of the northern portion of the shoreline frontage to establish an approximate 30 degree slope upon which mortared stone steps would be placed, being supported at grade. Construction of terraced stacked boulder landscape retaining walls within the sloped area would also be desired.

The environmental report recommends that no disturbance of the beach sediments would be the prescribed approach. However, we consider that the existing erosional conditions will result in future slope regression, inevitably leading to slope instability and future property loss. We therefore recommend that the proposed site work should include placement of a revetment structure along the backshore to protect the exposed native soils in order to significantly reduce the risk of long term slope instability and further property loss.

We consider that a revetment system along the PNB would consist of stacked boulders which could be placed from above such that no disturbance to the beach would occur. The revetment would require excavation to a depth of 0.6 m below the adjacent beach surface. The wall should extend up to 2 m above the beach level and the stacked boulders should be sound/durable, 1.2 m minimum diameter, well interlocked/keyed, and be battered subvertically or flatter, with the void space behind the boulders infilled with 75 mm to 150 mm clear angular rock. Heavy non-woven geotextile would be draped against the soil slope behind the wall. The revetment could also be extended northwards by a few meters to provide protection to the municipal shoreline frontage within locations where no revetment currently exists.

The terraced stacked boulder walls within the slope would be constructed in a similar fashion with marginally smaller boulders, however, the wall height would be kept at 1.2 m maximum to conform with the CVRD Bylaws. The proposed steepest configuration of slope section is shown on the attached sketch, as well as the conceptual drawing provided by Alex Glegg Design.

In summary, we consider that the construction of the proposed shoreline access and the above recommended shoreline revetment system and slope terracing would be feasible from a geotechnical perspective and that such would improve the stability conditions of the shoreline. The work would need to be carried out in accordance with the Best Management Practices and Mitigation Measures as detailed in the environmental report and in conformance with the Department of Fisheries (DFO) mandates.

Rory Carr  
2485 Holford Road – Mill Bay, BC

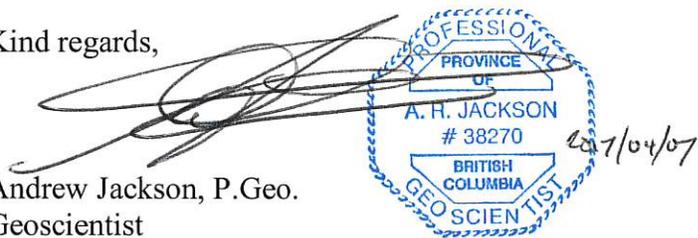
April 7, 2017

We recommend that the construction be carried out with periodic geotechnical and environmental consultant review for design conformance. As such, we consider that the work would be conformant with the Guidelines of the OCP.

We trust that the preceding is suitable for your purposes at present. Please don't hesitate to contact our office if we can be of further assistance.

Kind regards,

Andrew Jackson, P.Geo.  
Geoscientist



- Attachment
- Terms of Engagement
  - Section Sketch
  - Alex Glegg Design Concept Drawing

cc: Alex Glegg Design (alex@alexglegg.com)

## TERMS OF ENGAGEMENT

### GENERAL

Ryzuk Geotechnical (the Consultant) shall render the Services, as specified in the agreed Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage sub-consultants to perform all or any part of the Services.

Ryzuk Geotechnical is a wholly owned subsidiary of C. N. Ryzuk & Associates Ltd.

### COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

### REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

### TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

### ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

### PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

### INSURANCE

Ryzuk Geotechnical is covered by Professional Indemnity Insurance as follows:

1. \$ 2,000,000 each and every claim
2. \$ 4,000,000 aggregate
3. \$ 5,000,000 commercial/general liability coverage

### LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

1. the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
2. the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
3. any cross-contamination resulting from subsurface investigations;
4. any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
5. any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
6. the unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client
7. Subsurface structures and utilities

The Consultant will make all reasonable efforts prior to and during subsurface site investigations to minimize the risk of damaging any subsurface utilities/mains. If, in the unlikely event that damage is incurred where utilities were unmarked and/or undetected, the Consultant will not be held responsible for damages to the site or surrounding areas, utilities/mains or drilling equipment or the cost of any repairs.

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the date of discovery of such defect.

## DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant review and revise these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a miss-statement or receipt of fraudulent information.

## JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

## FIELD SERVICES

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work or a contractor retained by the Client is being carried out in general conformity with the intent of the Services. Any reduction from the level of services recommended will result in the Consultant providing qualified certifications for the work.

## DISPUTE RESOLUTION

If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the arbitrator appointed by agreement of the parties or by reference to a Judge of the British Columbia Court.

To:

File No:

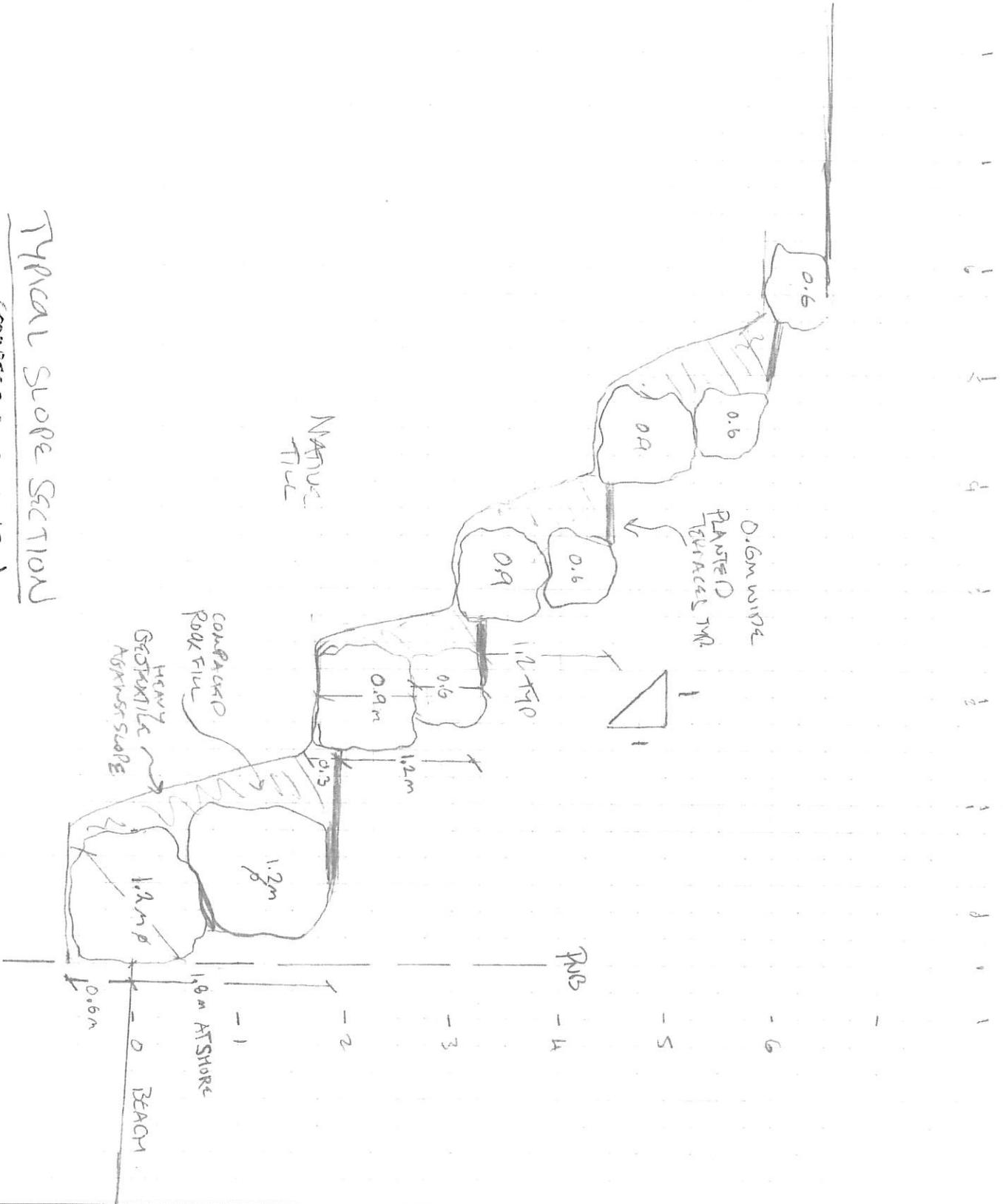
Cc:

Date:

Project:

From:

TYPICAL SLOPE SECTION  
 \* SHEEP'S FOOT CONSTRUCTION



# GLEGG

2017/06/01 11:00 AM  
2017/06/01 11:00 AM

RECORD OF ISSUE	
No.	Description
01	ISSUED FOR PERMIT
02	REVISED
03	REVISED

RECORD OF REVISION	
No.	Description

**CONTRACTOR'S NOTE**  
 This plan and all other plans and all other documents shall be read in conjunction with the contract documents and shall have precedence over any other documents.  
 Contractor shall verify and be responsible for all dimensions and conditions on the drawing. This drawing is not to be used for any other purpose without the written consent of the engineer.

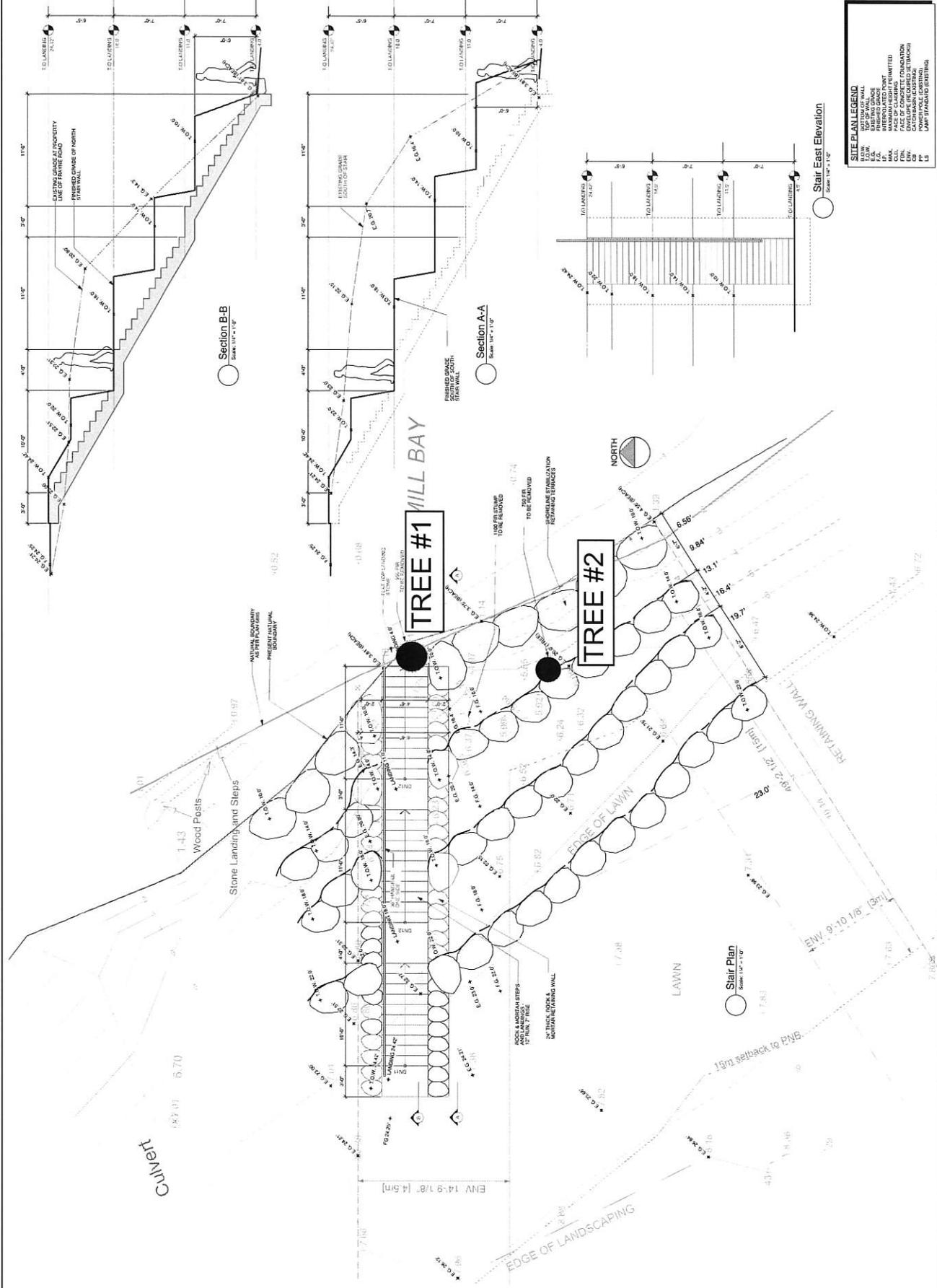
**Carr Residence**

2485 Holford Road

Stair Plans

Scale: As Noted  
Drawn by: AG Job No: 1530

## A-102



### 11.4.6 A Marine Riparian Guidelines (Saltwater)

The Marine Riparian Guidelines apply to all lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger.



1. Where development is proposed within 15 metres of the high tide mark of the ocean, a report must be prepared by a qualified environmental professional, to eliminate or mitigate impacts of the development on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to protect marine shores wherever possible.
2. Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope's gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals.
3. Recommendations in the Ministry of Environment's Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact the marine environment or surrounding lands, should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.
4. Figures for total imperviousness on sites within this development permit area will be calculated by the



proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit.

5. Public access along the marine waterfront is important to Mill Bay residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit.
6. Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure should be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls and enhance the stability of such works. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings.
7. Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted.
8. Proposals for the installation of hydrothermal and geo-exchange units will require a report by a registered professional engineer with experience in marine ecology, to determine the degree to which the technology may impact local marine life or inconvenience public users of the foreshore, the anchoring of vessels, First Nation shellfish harvesting, walkers, swimmers and boaters. If approved, mitigation strategies must be enacted to ensure such installations do not in any way reduce the public use of the foreshore and water surface.
9. Any marine riparian areas that are affected by development will be subject to a vegetation restoration



plan prepared by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive.

#### *11.4.6 B Marine Riparian Guideline Exemptions (Saltwater)*

The Marine Riparian Guidelines do not apply to:

- a. Interior renovations and minor exterior renovations to an existing building or structure;
- b. Minor alterations to areas of the parcel that have previously been disturbed for at least five years, such as the construction of a terraced pathway down to the ocean, provided that only hand tools and natural materials such as wood or stone are used in its construction;
- c. Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore;
- d. Construction of a trail, provided that:
  - i. The trail is a maximum of 1.5 metres in width;
  - ii. No structures or earthworks are required to construct the trail; and
  - iii. No trees are removed.
- e. Trimming of trees in the development permit area, provided that the trees are not eventually killed as a result of the trimming;
- f. Development of parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional;
- g. Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
  - i. Clearing of an obstruction from a bridge, culvert or drainage flow;
  - ii. Repairs to bridges and safety fences;
  - iii. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property.



## 1 INTRODUCTION

This report is intended to satisfy the requirements of the Cowichan Valley Regional District (CVRD) Mill Bay Village Plan - Bylaw No. 3510, Section 11.4.6, *Marine Riparian Guidelines*<sup>1</sup> where any development proposed within 15 m of the high tide mark must be preceded with a report completed by a Qualified Environmental Professional (QEP) to eliminate or mitigate impacts of the proposed development on the subject property, neighbouring properties, and the adjacent sensitive marine habitat.

Development being proposed on the subject property at 2485 Holford Road, Mill Bay, BC (PID: 005-773-652), includes shoreline terracing to protect the eroding bank on the property, installing a natural stone staircase down to the marine shoreline. All of this work will be within 15 m from the present natural boundary of the shoreline.

In accordance with Bylaw 3510, this assessment will describe the current biophysical state of the subject property and the adjacent marine shoreline, outline the potential environmental impacts of the proposed development, and provide the property owner with mitigation measures and actions that must be implemented to minimize the impacts of the proposed development on the aquatic environment.

### 1.1 DESCRIPTION OF THE SUBJECT PROPERTY

The property described in this report is a developed lot in Mill Bay (CVRD Area A) located at the legal description Lot 7, Plan 6695, District Lot 47, Malahat District and the civic address 2485 Holford Road. The latitude/longitude coordinates at the center of the property are 48°38'31.4"N and 123°32'38.4"W. Land use immediately surrounding the subject property is characterized by residential development, with Holford Road to the west, an undeveloped road right-of-way (extension of Frayne Road) to the north, the marine shoreline at Mill Bay/Saanich Inlet to the east and a developed residential property to the southeast (Figure 1).

The property at 2485 Holford Road is developed, with a house located in the center of the property (Photo 2), a carport adjacent to Holford Road, and a garage/storage area in the northwest corner. Near the marine shoreline, the property is landscaped up to the top of bank (Photos 3-5). There are remnants of an old concrete landing pad for a staircase in front of Frayne Road at the bottom of the slope just above the high tide mark (Photo 12). There is a steep bank along the shoreline of the subject property that has been eroding over time, which has likely been accelerated by the presence of a concrete retaining wall directly northwest of the subject property and various hard armouring structures located along the shoreline adjacent to the subject property on many neighbouring properties (Photos 6-11).

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<sup>1</sup> CVRD. (2014). CVRD South Cowichan OCP Bylaw No. 3510: *Schedule A, Appendix A, Mill Bay Village Plan - Section 11.4.6, Marine Riparian Guidelines*. pp. 53.



Figure 1. Subject property location showing the existing development surrounding the property. (Imagery source: Google maps 2016)

## 1.2 DESCRIPTION OF PROPOSED WORK

### 1.2.1 Bank Revetment to Protect Eroding Slope

The proposed development on the subject property within 15 m of the high water mark is to construct a bank revetment structure to protect the eroding bank with 3 terraces with vegetated platforms (as opposed to a straight wall). The terraces of this structure will be held in place with rip rap armouring, and the terraces will be backfilled with the existing native soil (See Photo 1 below for an example of this terracing technique). This structure will be designed so that it does not encroach towards the shoreline from the current natural boundary; there will be a small amount of work completed below the high water mark to place the toe of the lowermost revetment structure. Additionally, the excavator required for this work will be able to reach the work area from the bank above, so no encroachment onto shoreline substrates will be necessary during construction.

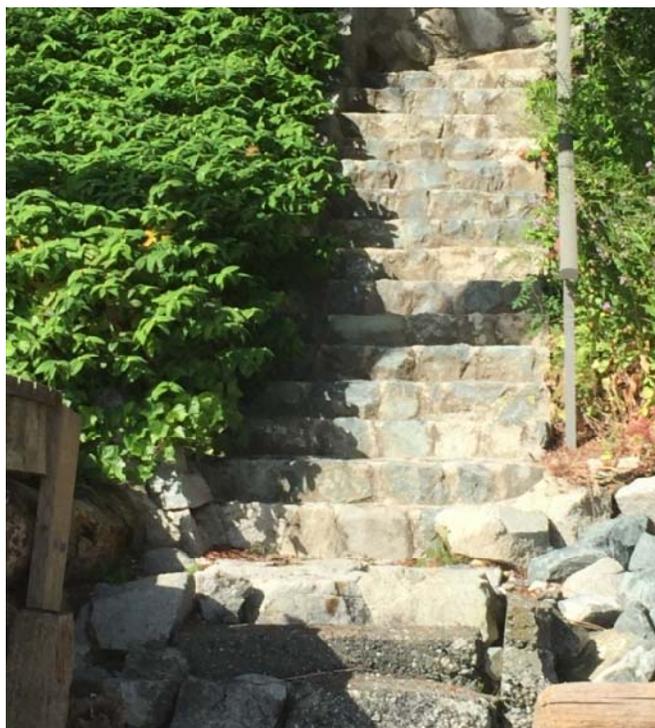
As per the *Mill Bay OCP*, this shoreline protection structure has been designed by a Professional Engineer; the height of any tier will be limited to a maximum of 2 meters. The horizontal surfaces between walls will then be replanted with native plants, including salmonberry, thimbleberry, sword fern, kinnickinnic, oceanspray, Pacific ninebark, Nootka rose, snowberry, and/or salal.

Note that the proposed revetment structure will extend past the property boundary to the northwest to improve the longterm integrity and performance of the structure.

### 1.2.2 Stone Staircase

The property owner would also like to construct a new shoreline access for the property by incorporating a natural stone staircase into the bank revetment plan. This staircase will be built approximately 5 m south of the existing staircase, and will consist of three segments that are built into the new terraces; the stairs will have sidewalls

constructed as well. Again, the staircase and terracing will not encroach any further towards the marine shoreline than the current natural boundary. If necessary, to obtain a more gradual slope, the terracing may need to encroach into the current lawn area at the top of the existing bank. The terrace platforms surrounding the staircase will then be planted with native vegetation as described in the section above so that some shade and nutrients are still supplied to the marine shoreline. Photo 1 provides an example of the type of stone staircase that the owner would like to incorporate into the terracing plan.



**Photo 1. Example of the type of stone staircase that the owner would like to incorporate into the terraced shoreline protection works.**

### 1.2.3 Site Plan

The following figures (Figures 2 and 3) represent the legal survey of the property completed by Polaris Surveying Inc. with the proposed work on the subject property and the approximate 15 m setback from top of bank.





## 2 METHODS

### 2.1 BACKGROUND RESEARCH

Background information on sensitive habitat features located within or in proximity to the subject property was obtained from the following sources:

- Conservation Data Center (CDC);
- Sensitive Ecosystem Inventory (SEI);
- Cowichan Valley Regional District Mapping Utility;
- Wildlife Tree Stewardship atlas (WiTS);
- Species at Risk Act (SARA) database;
- Species at Risk & Local Government database;
- Aerial photographs.

### 2.2 SITE VISIT

A ground-level reconnaissance assessment of aquatic/terrestrial habitats and species was conducted on May 27th, 2016. Field assessment methods are explained under the headings shown below.

#### 2.2.1 Aquatic Habitats and Species

The ground-level reconnaissance survey was completed during a mid-range tide in order to observe the beach sediment composition and dynamics at this location. Sampling for fish/egg presence was not completed as part of this assessment. Methodologies to complete the marine shoreline assessment were based primarily on those outlined in *Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia*<sup>2</sup>.

#### 2.2.2 Terrestrial Habitats and Species

Survey methods for terrestrial elements or sensitive habitat features were directed in part by those outlined in *Environmental Objectives, Best Management Practices and Requirements for Land Developments*<sup>3</sup>, *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia*<sup>4</sup>, and the *Field Manual for Describing Terrestrial Ecosystems*<sup>5</sup>.

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<sup>2</sup> BC Ministry of Environment. (2012). <<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2012/>>.

<sup>3</sup> BC Ministry of Environment Lands and Parks, 2001

<sup>4</sup> BC Ministry of Environment, Draft 2005

<sup>5</sup> BC Ministry of Environment Lands and Parks and BC Ministry of Forests - Research Branch, 2010

### 2.2.3 Species at Risk

An office-based assessment of Species at Risk occurrences on the subject property was completed using the *CDC BC Species and Ecosystems Explorer*<sup>6</sup> and the *Federal Species at Risk Public Registry*<sup>7</sup>. The on-site assessment of Species at Risk was completed concurrent with the other inventory efforts mentioned above and was based primarily on methods outlined in *Environmental Best Management Practices for Urban and Rural Land Development*<sup>8</sup>.

## 3 RESULTS

According to the background search, there were no known great blue heron colonies or bald eagle nests located within 200 m of the subject property. There were also no known occurrences of provincially or federally listed Species At Risk or watercourses on or near the subject property that may be impacted with the proposed development. The focus of the site visit and field inventory was therefore on two key biophysical categories of the marine shoreline: the physical shoreline characteristics (beach substrates and sediment transport), and the habitat value in the upper intertidal, supralittoral, and backshore areas on the subject property.

### 3.1 PHYSICAL SHORELINE CHARACTERISTICS

For the purposes of this assessment, the description of physical shoreline characteristics will be limited to include foreshore substrate classification; and evidence of sediment accretion, transport, or erosion.

#### 3.1.1 Foreshore Substrate Classification

Beach substrates at this location are comprised almost entirely of round gravel, with some cobble and sand (Photos 13-14). There are also some outcroppings of bedrock in some of the upper intertidal areas adjacent to the subject property. Overall, with a moderately steep beach profile, there is very little driftwood, seaweed, or debris accumulation at this location. Near the high water mark, the uniform gravel substrates and beach profile transition into a steep vegetated bank that rises approximately 5 meters before flattening out onto a landscaped lawn.

#### 3.1.2 Evidence of Sediment Accretion, Transport, or Erosion

Natural marine processes affecting the subject shoreline are the result of a number of factors including tidal cycles, wind generated waves from the east, and shoreline topography. The subject property is situated towards the centre of a 2 km long straight stretch of beach at the southern end of Mill Bay which faces northeast towards the tip of the Saanich Peninsula. Wind waves can hit this stretch of beach from the north, northeast, east and southeast, and the maximum fetch is limited at approximately 6 km.

There is no evidence of accretion at this location, however there is evidence of bank erosion near the high water mark where the steep bank is undercut from wave action at high tides. One of the two mature Douglas fir trees

<sup>6</sup> <http://www.env.gov.bc.ca/atrisk/ims.htm>

<sup>7</sup> [http://www.sararegistry.gc.ca/species/default\\_e.cfm](http://www.sararegistry.gc.ca/species/default_e.cfm)

<sup>8</sup> BC Ministry of Water, Land and Air Protection. (Draft 2004). Section 6. Special Wildlife and Species at Risk. Accessed from <<http://www.for.gov.bc.ca/hfd/library/documents/bib96812.pdf>>.

located on the steep bank is also leaning towards the shoreline, suggesting possible soil movement below the roots. There are also the remnants of past rock armouring at the subject property and in front of the road right-of-way which suggest these properties may have been dealing with bank erosion at this location for many years.

Almost every property along this stretch of shoreline has some kind of defensive shoreline armouring structure in place with varying footprints. These range from lock block wall that extends from the top of bank straight down to the high water mark (two properties up from the subject property), to more modest vegetated terracing. It is very likely that the subject property is experiencing increased erosion as a result of wave deflection from some of the hard armouring structures on neighbouring properties.

## 3.2 FORESHORE AND BACKSHORE HABITAT

For the purposes of this assessment, the habitat inventory affecting the subject property has been limited to the upper intertidal zone (from the mid-tide range to the high water mark) of the foreshore and the backshore (extending from the high water mark to outer edge of the 15 m shoreline setback area).

### 3.2.1 Foreshore Habitat

The upper intertidal area adjacent to the subject property, as described in section 3.1.1, is dominated by round beach gravel, with some cobble and sand. The beach profile at this location is relatively steep with a uniform gradient, and there is no accumulation of seaweed, driftwood, or debris at the high water mark. This upper intertidal area is therefore not suitable for shore spawning fish like pacific sand lance, herring, and surf smelt. The clean gravel substrates of the upper intertidal areas do, however, provide habitat for shore crabs and other beach invertebrates to seek refuge under the rocks.

### 3.2.2 Backshore Habitat

The backshore zone from the high water mark to the edge of the 15 m setback line on the subject property is vegetated, with both unmaintained naturalized vegetation and maintained lawn. The steep bank leading down to the beach is covered with various shrubs including Nootka rose, salal, thimbleberry, and oceanspray, as well as a cedar hedge and invasive English ivy cascading down the bank. There are two mature Douglas fir trees located on the steep bank, with the larger of the two leaning towards the shoreline (Photo 5). There is also a bigleaf maple and a grand fir located just outside of the property boundaries within the backshore of the road right-of-way.

Approximately 5 m from the top of bank (away from the shoreline) there is a transition from the more naturalized area described above to a lawn that extends up to the house. The 15 m shoreline setback (from the top of bank) is located approximately at the edge of the grass near the house where there are some landscaped gardens surrounding the house.

The backshore habitat on the subject property and on neighbouring properties along this stretch of beach plays several critical roles in maintaining ecological function along the subject shoreline which include the following:

- a) **Shade and Microclimate.** Backshore vegetation plays an important role in moderating temperatures and maintaining moisture of substrates in the high intertidal zone.

- b) **Food Production.** Shoreline vegetation provides habitat for a wide variety of invertebrate species that form a significant portion of the prey base for marine wildlife – particularly forage fish and salmonids.
- c) **Shoreline Stabilization.** Vegetation stabilizes and traps shoreline substrates and helps dissipate wave energy to maintain natural process functions along marine shorelines, especially in the case of a steep slope like on the subject property.
- d) **Pollutant Removal.** Backshore vegetation filters pollutants from surface flows originating on terrestrial lands. In the case of residential developments, this typically relates to driveway and roof runoff.
- e) **Organic Matter and LWD Recruitment.** Properly functioning backshore vegetation provides a continuous supply of organic matter to the shoreline system in the form of logs, smaller wood, and leaf litter. This material drives primary food production, provides microhabitats for numerous invertebrate species, helps maintain and regulate moist microhabitats, and dissipates wave energy.
- f) **Bird Perching Sites.** Taller trees along the shoreline provide critical perching sites for birds of prey including bald eagles and great blue herons that forage in marine coastal environments.

Opportunities exist to improve habitat in the backshore area while meeting the construction targets for the proposed development – habitat improvement opportunities are discussed in the following section. General mitigation measures to avoid the harmful alteration, disruption or destruction of ecosystem components within the shoreline setback are outlined for future work on the property in Appendix A.

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#### 4 DISCUSSION

The proposed development on the subject property will have some negative impact on the adjacent marine environment, including the loss of microsites for vegetation where the rock wall portion of the terracing will be situated, some loss of vegetation under the proposed deck, and a temporary loss of groundcover and overhanging shrubs during the construction of the terracing until newly planted vegetation has had a chance to grow back. However, there are ways in which these impacts can be offset by adapting the design of the proposed structures. Should permission to proceed with these proposed works be granted by the Cowichan Valley Regional District Planning Department, the following measures should be implemented to minimize the impact on the marine shoreline habitat:

- a) In designing the shoreline protection works, minimize the height of the walls (max. 2 m according to CVRD bylaws) and maximize the amount of surface area created on the top of the terraces to ensure that there is a sufficient amount of natural soil for vegetation to re-establish.
- b) Ensure that the terraces and stairs do not extend further into the shoreline area from the present natural boundary. If a more gradual gradient is desired, then extend the terraces towards the house from the present top of bank.
- c) Plant native vegetation on each plateau of the terrace that will shade the beach below, help stabilize the bank, and provide nutrients to the foreshore. Appropriate native plants include salmonberry, thimbleberry, sword fern, kinnickinnic, oceanspray, Pacific ninebark, Nootka rose, black twinberry, native Hawthorne, snowberry, and/or salal.

- d) During construction of the shoreline terracing, there shall be no work below high water mark, and machinery shall access the worksite from the top of bank as opposed to the beach. Excavation will be required to place the lowermost boulders below scour depth; as such, a Request for Review must be submitted to the Department of Fisheries and Oceans in order to get approval for the proposed work.

In addition to the specific considerations above, general mitigation measures to avoid the harmful alteration, disruption or destruction of ecosystem components within the shoreline setback are outlined for future work on the property in Appendix A.

## 5 CONCLUSION

Based on the May 27th, 2016 site assessment, the proposed work on the subject property will not impact any species at risk, great blue heron nests, or eagles nests on or near the subject property. However, the proposed development will impact the function of the backshore habitat on the subject property and its relationship to the adjacent marine foreshore environment in the following ways:

- a) Loss of microsites for backshore vegetation and wildlife habitat;
- b) Potential increase in erosive energy reflecting off the rip rap at high tides, leading to a localized increase in beach scouring and coarsening of beach substrates;
- c) Change in the natural sediment transport dynamic on the foreshore leading to an increased beach slope;
- d) Loss of shade cover, nutrient input, and large woody debris input onto the foreshore; and
- e) Potential increase in runoff rates to the foreshore.

In order to minimize these potential impacts, the measures provided in Section 4 and Appendix A of this report are to be considered when designing and constructing the proposed shoreline development. Additionally, a post-construction site-visit and report should be completed to ensure that these measures to protect and enhance the 15 m shoreline setback and marine foreshore made in this report are adhered to and that no harmful alteration, disruption, or destruction results from construction activities on the subject property.

## 6 CLOSURE

We trust this assessment has satisfied your requirements to complete a biophysical assessment of the subject property and determine the potential effects of the proposed development on the adjacent marine habitat.

Please contact the undersigned if you have any queries.

Sincerely,

Current Environmental Ltd.



*O'Neil*



Warren Fleenor, R.P.Bio., & Caitlin O'Neill, B.A.Sc.

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## 7 DISCLAIMER

This report was prepared exclusively for the client Rory Carr by Current Environmental Ltd. The quality of information, conclusions and estimates contained herein is consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by the authors and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in this report. This report is intended to be used by the current property owner only, subject to the terms and conditions of its contract or understanding with Current Environmental Ltd. Other use or reliance on this report by any third party is at that party's sole risk.

**8 PHOTOS**

Photo 2. Existing house on the subject property.



Photo 3. Top of bank on the subject property looking southeast towards the neighbour's property.



Photo 4. Top of bank looking northwest towards the road right-of-way.



Photo 5. Two mature Douglas fir trees looking directly out from the subject property.



Photo 6. Steep bank on the subject property where there is evidence of erosion.



Photo 7. Shoreline adjacent to the subject property.



Photo 8. Big leaf maple tree on the road right-of-way beside the subject property and the retaining wall that may contribute to increased erosion on neighbouring properties.



Photo 9. Shoreline looking southeast from the subject property.



Photo 10. Remnants of rock armouring at the road right-of-way and exposed tree roots from erosion.



Photo 11. Undercutting of the bank on the subject property showing a slight lean to the largest of the two Douglas fir trees.



Photo 12. Location of the old staircase and landing pad on the subject property.



Photo 13. Typical round gravel substrates on the foreshore at this location.



Photo 14. View of the foreshore looking out from the subject property.

## APPENDIX A: GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES

### Fuels and Hazardous Materials

The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze or other hazardous materials onto land surfaces or into waterbodies is an offence under the Federal Fisheries Act and may result in degradation of habitat quality and could be a threat to human health. Machinery required for the proposed development will likely include a generator to power hand tools, trucks delivering materials to the site, and an excavator for installing the shoreline terracing.

Environmental protection procedures for handling and storage of fuels and hazardous materials shall include the following items:

- a) A spill kit of appropriate capacity will be on hand at all times heavy machinery or gas powered tools are in use during construction.
- b) All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
- c) Refueling of equipment is to occur only at designated fuelling stations and located at least 15 m from all waterbodies and in an area where runoff towards the ocean will not occur.
- d) All fuel, chemicals, and hazardous materials will be clearly marked.
- e) Pumps and jerry cans are to be placed on poly sheeting and sorbent pads to contain spills.
- f) All equipment maintenance with the potential for accidental spills (e.g., oil changes, lubrications) will be done on a designated area at least 15 m from any waterbody. Tarps should be laid down prior to commencement of work to facilitate clean up.
- g) In the event of a spill, the following guidelines should be followed:
  - Spills to the receiving environment are to be reported to the BC Provincial Emergency Program (1-800-663-3456) if they exceed the reportable limits (e.g. 100 liters of fuel or oil).
  - Apply sorbent pads and booms as necessary.
  - Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.

**Sediment and Erosion Control**

Specific measures to control sediment during construction will include:

- a) No machinery is to go below the high water mark at any time.
- b) Where there is a potential for silt runoff in the proximity of the ocean, control devices will be installed prior to construction activities commencing.
- c) Filter fabric dams, rock check dams, and silt fencing will be used as needed to control erosion and sediment release. Filtration should be accomplished using filter fabric keyed into substrates and banks, and elevated using stakes or straw bales. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however it is useful for containing slumping areas and for use as baffles to slow water velocities.
- d) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting the ocean.
- e) Soil stockpiles will be placed a minimum of 15 m from any waterbody and in a location where erosion back into the marine environment cannot occur and will not impede any drainage.
- f) Soil stockpiles with the potential to erode into waterbodies are to be covered with poly sheeting. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes.
- g) Permanent exposed soil areas and erosion-prone slopes that may potentially erode into waterbodies are to be seeded or replanted immediately, or temporarily covered with erosion control blankets such as coco-matting.
- h) Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed.
- i) Site re-vegetation measures are required to stabilize disturbed soils and areas where invasive plants have been removed to reduce erosion.

**10.9 R-3 VILLAGE RESIDENTIAL 3 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 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;
- b. Horticulture;

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

- c. Accessory dwelling unit or secondary suite;
- d. Bed and breakfast accommodation;
- e. Farm gate sales, accessory to horticulture and limited agriculture;
- f. Home-based business;
- g. Limited agriculture, on parcels 0.4 ha or larger;
- h. Unlicensed daycare and group daycare;
- i. The keeping of chickens in Cobble Hill only, in association with a single-family dwelling, excluding roosters, subject to Section 10.9.7.

**2. Impervious Surfaces and Parcel Coverage Limit**

Impervious surface coverage of a parcel in the R-3 Zone shall not exceed 35%, of which not more than 30% may be parcel coverage.

**3. Setbacks**

The following minimum setbacks for buildings and structures apply as shown for in each electoral area in the R-3 Zone:

Type of Parcel Line	Electoral Area A – Mill Bay/Malahat		Electoral Area C – Cobble Hill	
	Residential Uses	Accessory Uses	Residential Uses	Accessory Uses
Front	7.5 m	7.5 m	7.5 m	7.5 m
Interior Side	3 m	3 m	3 m	3 m
Exterior Side	4.5 m	4.5 m	4.5 m	4.5 m
Rear	4.5 m	3 m	4.5 m	3 m
Line adjoining Agricultural Resource 1 Zone	10 m	10 m	10 m	10 m

## 4. Building Height

The maximum height of buildings and structures in the R-3 Zone shall not exceed the limits shown for each electoral area in the table below:

Maximum Height by Type of Building or Structure	Electoral Area A – Mill Bay/Malahat East of Trans-Canada Highway*	Electoral Area A – Mill Bay/Malahat West of Trans-Canada Highway	Electoral Area C Cobble Hill
Residential	7.5 m	10 m	10 m
Accessory	6 m	6 m	7.5 m

\* Except for that portion of District Lot 82, Malahat District which lies east of the Trans-Canada Highway, for which the principal building height limit is 10 metres.

## 5. Minimum Lake and Ocean Frontage Requirement

No parcel being created by subdivision in the R-3 Zone that fronts on a lake or ocean shall have a total water frontage along a lake or ocean of less than 22 metres or 12% of total lot perimeter, whichever is greater.

## 6. Minimum Parcel Size

The minimum parcel size for each electoral area in the R-3 Zone is shown in the table below:

Level of Service to the Parcel	Electoral Area A – Mill Bay/Malahat	Electoral Area C – Cobble Hill
Community water and community sewer	1675 m <sup>2</sup>	900 m <sup>2</sup>
Community water only	2000 m <sup>2</sup>	2000 m <sup>2</sup>
No community water or sewer	1 hectare	1 hectare

## 7. Keeping of Chickens

The keeping of chickens in the R-3 Zone under Section 10.9.1.i is subject to the following conditions:

- a. The keeping of chickens is permitted in Cobble Hill only;
- b. The parcel of land upon which the chicken keeping is occurring must not be less than 900 m<sup>2</sup> in area;
- c. Not more than 6 (six) female chickens (hens) shall be permitted on a single parcel of land at any one time;
- d. Roosters are prohibited;
- e. A roofed, enclosed coop shall be provided with a minimum floor area of 0.4 m<sup>2</sup> per hen;

- f. The enclosure for the chickens shall be at grade (on the ground) and have a minimum of 1 m<sup>2</sup> of enclosed run area per hen;
- g. The chickens shall be kept in the back yard of the parcel, in a clean and tidy fenced area, secured in such a fashion as to keep predators and vermin away from the chickens and their eggs;
- h. A chicken coop is subject to the setback regulations in Section 10.9.3, and a chicken enclosure shall be no closer than 3 metres to any parcel line.



## LANDSCAPE SECURITY POLICY

Applicability: Planning & Development

Effective Date: December 12, 2012

### **PURPOSE:**

This policy is intended to establish standards for the submission of landscape plans, and provide clarity with respect to the submission and release of securities, pursuant to Section 925 of the *Local Government Act* and relevant Official Community Plans and Zoning Bylaws.

### **POLICY:**

As a condition of issuing a development permit, the Cowichan Valley Regional District (CVRD) may require that certain works be completed respecting landscaping, resolution of unsafe conditions, or rehabilitation of the natural environment. Plans of proposed works must be submitted to and approved by the CVRD, and the applicant will be required to post a security to cover the costs of completing the works in the event of default. All works are to be completed in accordance with applicable development permits issued by the CVRD. Additionally, commitments made in other development applications may require the submission and approval of landscaping or other plans, and the posting of a security to ensure agreed upon works are completed.

### **Landscape Plan Submission/Approval Procedure**

1. Landscape plans must be submitted in compliance with relevant development permit area guidelines, zoning bylaw requirements, or commitments made in association with development applications.
2. Plans must be prepared by a member of the British Columbia Society of Landscape Architects (BCSLA) or British Columbia Landscape and Nursery Association (BCLNA), collectively referred to as “qualified professionals” within this policy.
3. The landscape plan(s) will indicate the following information, as applicable to the proposed development:
  - a. the location and extent of existing and proposed property lines, setback lines, structures, and vehicle and pedestrian circulation routes;
  - b. the extent of existing and proposed landscape areas;
  - c. details of proposed plantings showing the location, species, proposed planting size, quantities, and spacing of all introduced vegetation, and a separate planting list;
  - d. the extent of existing vegetation and soils to be retained, relocated, or removed including the location, size, and species of all trees, and the outline of natural shrub and ground cover;
  - e. where the retention of native trees and ground cover is proposed and accepted, a letter from a professional landscape architect or registered professional forester

shall be submitted, indicating the mitigation measures required during and after construction to ensure the health of the vegetation is maintained;

- f. details of watering provisions;
  - g. the location of site furniture, lighting, pedestrian areas and linkages, and signage;
  - h. the extent, location, elevations, materials, and finish of terracing and required retaining walls;
  - i. where onsite rainwater management measures are proposed, the location and extent of rainwater infrastructure (rain gardens, bioswales, etc.) and permeable surfaces must also be indicated; and
  - j. where rehabilitation of the natural environment or removal of invasive plant species is required as a condition of a permit, restoration plans are to be prepared by a qualified environmental professional, and must include the relevant information outlined above.
4. A comprehensive cost estimate of the proposed landscaping must be prepared by a qualified professional, and must include all materials and labour necessary to complete hard and soft landscape works.

#### **Posting of Security**

1. A security shall be provided upon receiving CVRD Board approval, and will be required prior to the issuance of the development permit.
2. The security may be in the form of an irrevocable letter of credit (LOC) or a certified cheque with documentation. The LOC or cheque will equal 125% of the comprehensive cost estimate. In no case will the amount of the security be less than \$2000.
3. The letter of credit or certified cheque with documentation must clearly indicate the following:
  - a. the amount of the security;
  - b. the name and mailing address of the property owner posting the security;
  - c. the name and mailing address of the issuing institution of the letter of credit;
  - d. the purpose for which the security is being established, including, if applicable, the legal description to which the security pertains;
  - e. the date and time of the security, and confirmation that the term of the security is automatically renewable; and
  - f. the Cowichan Valley Regional District as the holder of the security and confirmation that the security may be unilaterally drawn upon by the CVRD upon written notice.
4. Upon receipt of written confirmation by a qualified professional that the installed landscaping is in substantial compliance with recognized landscape industry standards and the approved landscape plans, the CVRD will release 70% of the security. Upon

completion of the two year maintenance period and confirmation by a qualified professional or CVRD staff that the landscaping is established and maintained in accordance with industry standards, the remaining security will be released.

### **Release of Security**

1. A written request from the applicant can be submitted for partial (70%) release of the security upon installation of the landscaping. Following a two year maintenance period from the date of installation, a full release request may be submitted. The request for release must be accompanied by a qualified professional's confirmation that the landscape works have been successfully completed in substantial conformity with the original plans. No security deposited shall be returned unless and until all requirements for which the security has been posted have been completed to the satisfaction of the CVRD.
2. In the event that substantial changes to the landscape plan are required, the applicant should submit revised landscape plans prior to undertaking any work, including the rationale for the revision, and obtain approval from the General Manager of the CVRD Planning & Development Department.
3. If the landscaping is not completed after two years of the posting of the security, or is not completed in accordance with the terms, conditions, timelines, and plans of the permit or zoning bylaw, the following steps may be taken:
  - a. The CVRD will provide the applicant with written notice that the works must be completed by a specified deadline and in accordance with the approved plans.
  - b. The applicant will be notified that if the works are not completed, the CVRD will draw on the funds posted in the security for the purpose of entering the property and completing the works.
  - c. In the event that the deadline passes without full compliance, the CVRD will provide a minimum 7 days' notice of the dates when the CVRD or contracted employees will undertake the landscaping works.
  - d. The CVRD will call for and receive the funds posted in the security, and will apply the funds to completing the landscape works. Any excess funds will be returned to the permit holder.

### **Bylaw and Legislation References**

1. *Local Government Act*, Section 925.
2. CVRD Development Applications and Procedures Bylaw No. 3725, as amended.
3. Official Community Plan Bylaw Nos. 3510, 925, 1490, 1945, 2500, 1497, and 2650, as amended.
4. Zoning Bylaw Nos. 2000, 985, 1405, 1015, 1840, 2600, 2524, 1020, and 2465, as amended.

Approved by: CVRD Board Approval date: December 12, 2012
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*CVRD Landscape Security Policy*



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 27, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Development Variance Permit Application No. 01-H-17DVP  
- (3925 Cove Road - PIDs 001-097-555 and 030-201-888)

**FILE:** 01-H-17DVP

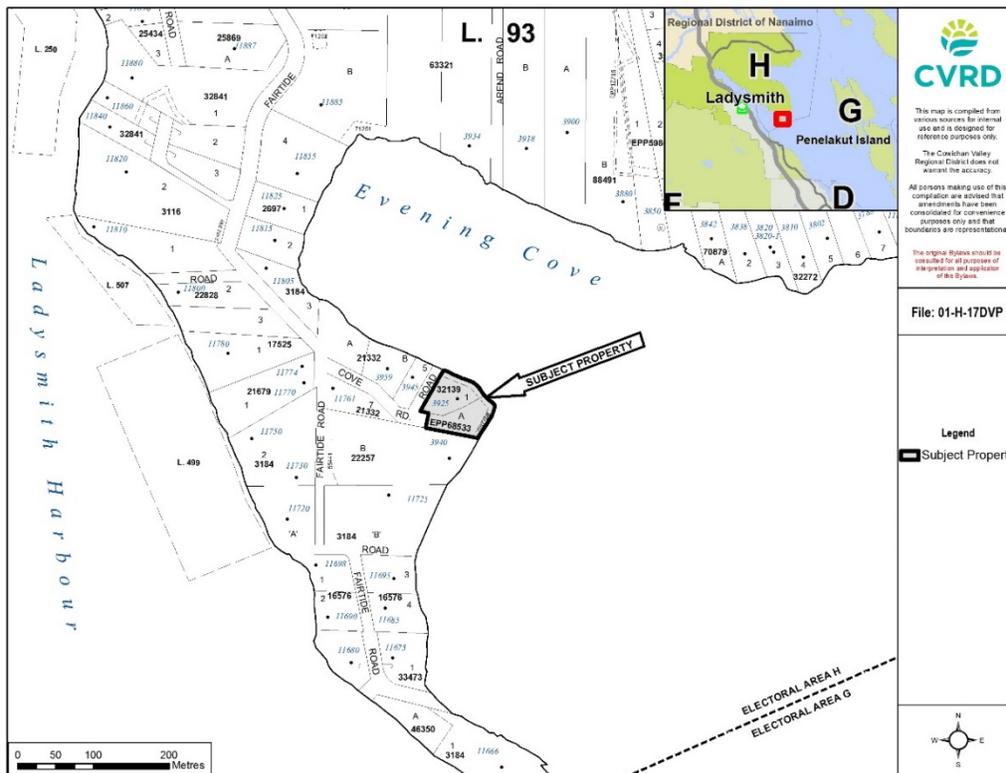
## PURPOSE/INTRODUCTION

The purpose of this report is to present a Development Variance Permit application that would reduce the area of one parcel subject to a proposed boundary adjustment subdivision application by more than 20% of its original size.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit Application No. 01-H-17DVP (3925 Cove Road - PIDs 001-097-555 and 030-201-888) be approved and that Section 13.3(c) of Zoning Bylaw No. 1020 be varied by reducing the size of a proposed parcel by 28%.

## LOCATION MAP



**BACKGROUND**

<u>Location:</u>	3925 Cove Road
<u>Legal Description:</u>	Lot A, District Lot 93, Oyster District, Plan EPP68533 (PID: 030-201-888) Lot 1, District Lot 93, Oyster District, Plan 32139 (PID: 001-097-555)
<u>Owner:</u>	Warren and Arlene Lance
<u>Applicant:</u>	C.A Design (John Larson)
<u>Size of Parcels:</u>	Lot 1 is 0.279 ha; Proposed 0.2 ha Lot A is 0.287 ha; Proposed 0.38 ha
<u>Existing Use of Property:</u>	Residence and Cottage
<u>Use of Surrounding Properties:</u>	<u>North:</u> Evening Cove <u>East:</u> Stuart Channel <u>South:</u> Stuart Channel <u>West:</u> Residential
<u>Road Access:</u>	Cove Road
<u>Existing Water:</u>	Well
<u>Existing Sewage Disposal:</u>	On site septic
<u>Environmentally Sensitive Areas:</u>	Oceanfront, however not subject to Development Permit Area
<u>Archaeological Site:</u>	Provincial information indicates possible presence along the waterfront.
<u>Official Community Plan Designation:</u>	Suburban Residential
<u>Zoning:</u>	Suburban Residential (R-2)

**APPLICATION SUMMARY**

This application proposes to alter the boundary between the two subject properties, and remove the existing dwellings (a dwelling and a smaller cottage) and build a new dwelling on each lot. The properties are zoned R-2 (Suburban Residential), which permits a single family dwelling and a small suite or secondary suite on parcels greater than 0.2 ha.

Section 13.3 of Zoning Bylaw No. 1020 authorizes boundary adjustments subject to the criteria specified in the Bylaw. One criterion is that the boundary change does not result in the reduction of either parcel by 20% or more of its original size.

The applicants are proposing to reduce the area of one parcel by 28%, which requires a variance to the above-noted section of Bylaw No. 1020.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS****Surrounding Property Owner Notification and Response:**

A total of five (5) letters were mailed-out or hand delivered as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended timeframe.

To date, no letters have been received resulting from the notification. However, the applicant provided letters of support from neighbours with their application (**Attachment D**).

#### OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

“Section 13.3 of Zoning Bylaw No. 1020 states the following in regards to boundary adjustment subdivisions:

*Notwithstanding the requirements of Section 13.1, existing parcels which are smaller than permitted in these regulations may be consolidated and re-subdivided into new parcels, provided that:*

- (a) all parts of all new parcels are contiguous;*
- (b) no additional lots are created;*
- (c) the boundary change does not result in the reduction of either parcel by 20% or more of its original size;*
- (d) the requirements of this bylaw respecting siting of buildings is complied with.”*

The proposed re-alignment of lot boundaries complies with the above, with the exception of reducing the area of Lot 1 by 28% of its original size.

#### PLANNING ANALYSIS

There is currently one dwelling on Lot 1 and a smaller cottage on Lot A both of which will be removed with the proposed boundary adjustment subdivision. Following approval of the proposed boundary adjustment subdivision, a new home is planned for Lot A – the proposed 0.38 ha parcel. There are no immediate plans to construct a new dwelling on Lot 1 – the proposed 0.2 ha parcel.

The new home proposed for Lot A has been planned in compliance with the zoning regulations governing dwellings including height, setbacks, and parcel coverage requirements. The existing dwelling does not currently comply with the 15 metre setback from the ocean, and re-construction in a new location that complies with the bylaw requirements is an improvement.

Island Health has reviewed the proposed boundary adjustment subdivision application, and has no concerns with regard to the proposal.

Despite the reduction in area of one of the proposed lots beyond the maximum of 20%, both lots continue to be viable for development of a single-family dwelling.

Staff recommend Option 1, approval of the application.

#### OPTIONS

Option 1:

That it be recommended to the Board that Development Variance Permit Application No. 01-H-17DVP (3925 Cove Road - PIDs 001-097-555 and 030-201-888) be approved and that Section 13.3(c) of Zoning Bylaw No. 1020 be varied by reducing the size of a proposed parcel by 28%.

Option 2:

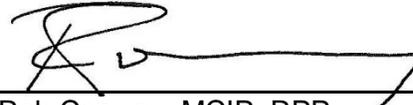
That it be recommended to the Board that Development Permit with Variance Application No. 01-H-17DVP (3925 Cove Road - PIDs 001-097-555 and 030-201-888) be denied.

Prepared by:

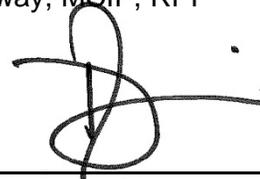
Reviewed by:



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Rachelle Rondeau, MCIP, RPP  
Planner II



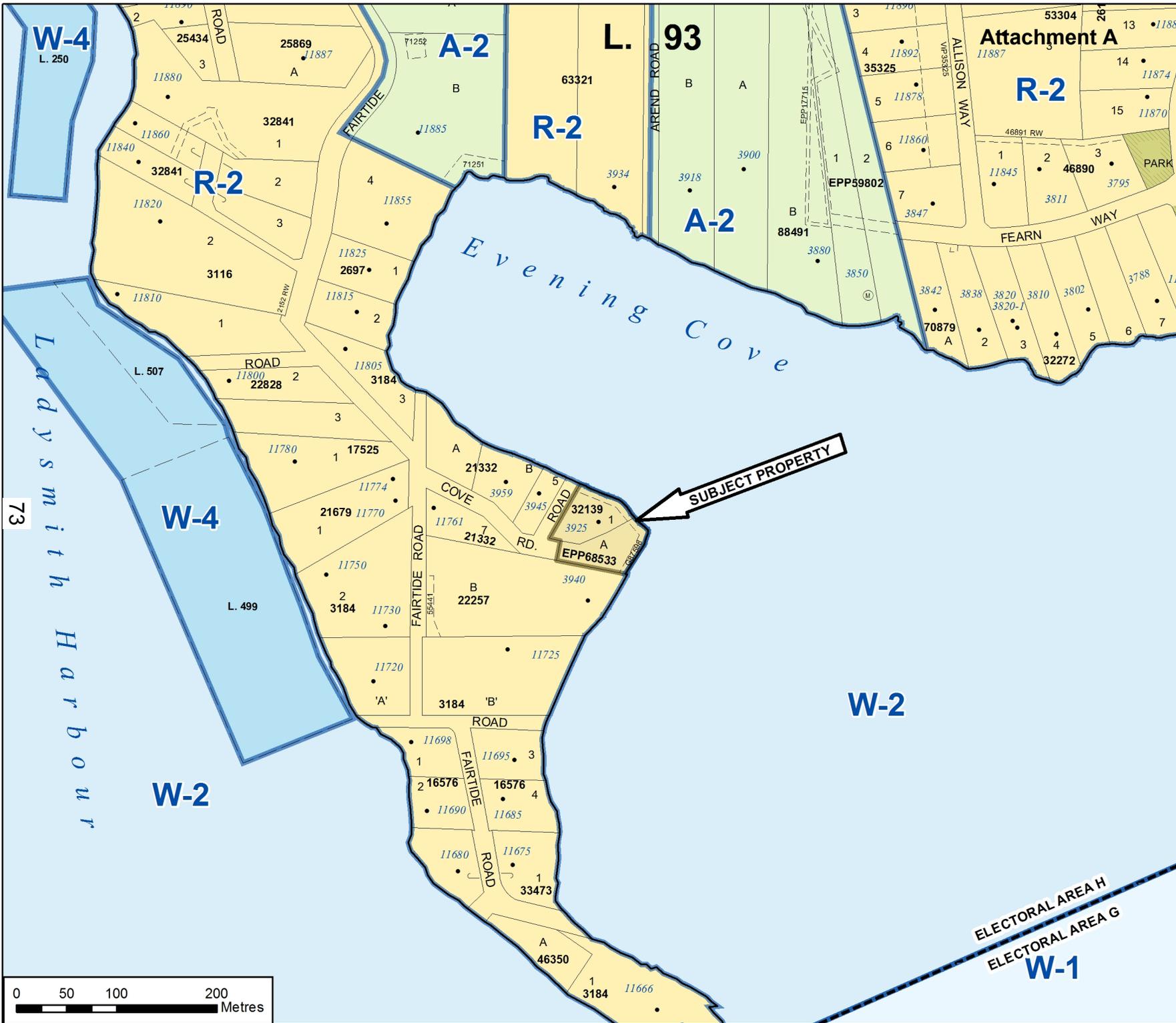
\_\_\_\_\_  
Rob Conway, MCIP, RPP  
Manager



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Ross Blackwell, MCIP, RPP, A. Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Zoning Map
- Attachment B – Orthophoto Map
- Attachment C – Site Plan
- Attachment D – Letters from Adjacent Property Owners
- Attachment E – Draft Development Variance Permit



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

The Cowichan Valley Regional District does not warrant the accuracy.

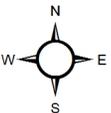
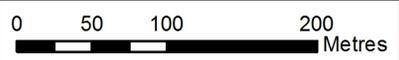
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-H-17DVP

# ZONING

- Legend**
-  Subject Property
  -  Zoning G
  -  Zoning H



**R2**

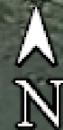
ELECTORAL AREA H  
ELECTORAL AREA G  
**W-1**



74

Google Earth

70 m



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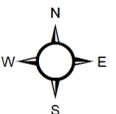
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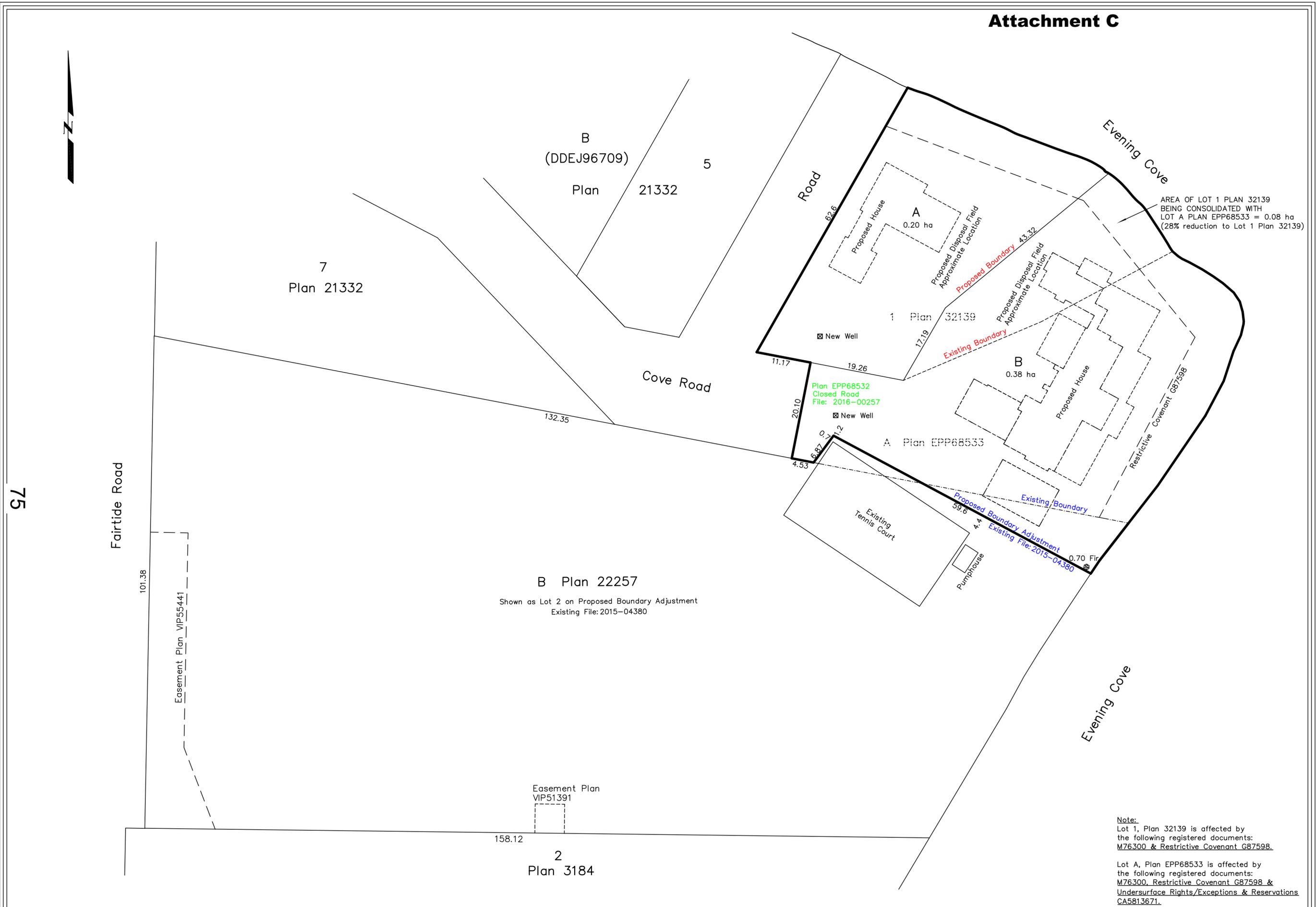
File: 01-H-17DVP

Google Earth  
Photo (2016)



R2

**Attachment C**



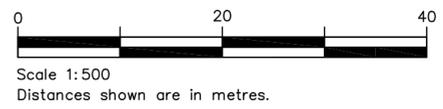
AREA OF LOT 1 PLAN 32139 BEING CONSOLIDATED WITH LOT A PLAN EPP68533 = 0.08 ha (28% reduction to Lot 1 Plan 32139)

**Note:**  
 Lot 1, Plan 32139 is affected by the following registered documents: M76300 & Restrictive Covenant G87598.

Lot A, Plan EPP68533 is affected by the following registered documents: M76300, Restrictive Covenant G87598 & Undersurface Rights/Exceptions & Reservations CA5813671.

Site Plan showing proposed boundary adjustment between:  
 Lot A, District Lot 93, Oyster District, Plan EPP68533,  
 Lot 1, District Lot 93, Oyster District, Plan 32139.

Client: Warren Lance	Civic Address: 3921 & 3925 Cove Road
File: 14-083	Scale: 1:500
Date: August 30th, 2017	Drawn by: DRW



Certified correct this 30th day of August, 2017.

*[Signature]*  
 \_\_\_\_\_ B.C.L.S.  
 (This document is not valid unless originally signed and sealed.)

**Turner land survey**

250.751  
 605 Comox  
 Nanaimo, BC V9

**R2**

June 14, 2017

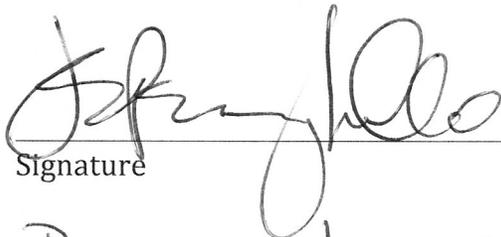
Cowichan Valley Regional District  
1745 Ingram Street  
Duncan, B.C.  
V9L 1N8

Re: Development Variance Permit for 3925 Cove Road, Ladysmith

To Whom It May Concern:

After review of the Development Variance Permit (DVP) application to allow the lot line adjustment for my neighbours Warren & Arlene Lance of 3925 Cove Road, I have no opposition to the proposed DVP.

Sincerely,

  
Signature

PENNY KILLAS  
Print Name

3940 Cove Road  
Address  
Ladysmith BC

June 14, 2017

Cowichan Valley Regional District  
1745 Ingram Street  
Duncan, B.C.  
V9L 1N8

Re: Development Variance Permit for 3925 Cove Road, Ladysmith

To Whom It May Concern:

After review of the Development Variance Permit (DVP) application to allow the lot line adjustment for my neighbours Warren & Arlene Lance of 3925 Cove Road, I have no opposition to the proposed DVP.

Sincerely,



\_\_\_\_\_  
Signature

MARK EDWARDS

Print Name

3945 COVE RD LADYSMITH, BC  
Address

June 14, 2017

Cowichan Valley Regional District  
1745 Ingram Street  
Duncan, B.C.  
V9L 1N8

Re: Development Variance Permit for 3925 Cove Road, Ladysmith

To Whom It May Concern:

After review of the Development Variance Permit (DVP) application to allow the lot line adjustment for my neighbours Warren & Arlene Lance of 3925 Cove Road, I have no opposition to the proposed DVP.

Sincerely,

  
\_\_\_\_\_  
Signature

Kent Dyer  
\_\_\_\_\_  
Print Name

11761 Fairtide Road  
\_\_\_\_\_  
Address



**COWICHAN VALLEY REGIONAL DISTRICT**  
**DEVELOPMENT VARIANCE PERMIT**

FILE NO: 01-H-17DVP

DATE: , 2017

**REGISTERED PROPERTY**

**OWNER(S):**

WARREN AND ARLENE LANCE

1370 IVOR ROAD

NANAIMO BC          V9X 1P7

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

*Lot A, District Lot 93, Oyster District, Plan EPP68533 (PID: 030-201-888)*

*Lot 1, District Lot 93, Oyster District, Plan 32139 (PID: 001-097-555)*

3. **Zoning Bylaw No. 1020, Section 13.3(c), is varied from 20% to 28% to enable a boundary adjustment subdivision in accordance with Schedule A.**
4. The following plan is attached to and forms a part of this permit.

Schedule A – Site Plan

5. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. **This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Land Use Services Department.**

**ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X<sup>TH</sup> DAY OF MONTH, 2017.**

**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 of the Development Variance 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 WARREN AND ARLENE LANCE (owners) other than those contained in this Permit.

\_\_\_\_\_  
Owner/Agent (signature)

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DRAFT



**BACKGROUND**

<u>Location of Subject Property:</u>	3650 Riverside Road and 3645 Rosedale Road
<u>Legal Description:</u>	Lot 8, District Lot 10, Shawnigan District, Plan 35146 (PID: 000-325-538) and Lot 9, District Lot 10, Shawnigan District, Plan 35146 (PID: 000-325-546)
<u>Applicant:</u>	Ryan Hourston, J.E Anderson and Associates
<u>Existing Zoning:</u>	A-2 (Secondary Agricultural)
<u>Minimum Lot Size of Zone:</u>	2 ha
<u>Existing Use of Property:</u>	Currently two residential/agricultural properties
<u>Existing Use of Surrounding Properties:</u>	
North:	Residential (A-2)
South:	Residential (F-1)
East:	Residential (A-2)
West:	Residential (A-2)
<u>Road Access:</u>	Riverside Road and Rosedale Road
<u>Fire Protection:</u>	Cowichan Bay Volunteer Fire Department
<u>Environmentally Sensitive Areas:</u>	Two large artificially created lakes
<u>Archaeological Site:</u>	None identified

**APPLICATION SUMMARY**

This application proposes to adjust the boundaries between two existing subject properties and to create one new lot resulting in three parcels. All of the resultant parcels will be greater than the minimum parcel size of 2.0 ha.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

This application was not referred to the Shawnigan Lake Advisory Planning Commission (APC), as the CVRD Fees and Procedures Bylaw does not require applications for fewer than three new lots to be referred to the APC.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS*****South Cowichan Rural Development Permit Area Guidelines***

The South Cowichan Rural Development Permit Area (Section 24.4 of the Official Community Plan) specifies guidelines within the following sections that apply to the development:

- General Guidelines
- Landscaping, Rainwater Management and Environmental Protection
- Riparian Protection Guidelines (Freshwater)
- Subdivision Guidelines

In support of the application, a Riparian Areas Regulation assessment report has been submitted describing the conditions of the site and making recommendations for development.

***Environmentally Sensitive Areas***

Located on the two subject properties are artificially created lakes:

- Lot 9 has the Ellison Lake Trout Ranch (private u-catch trout facility) consisting of three artificially created ponds, the largest of which is 1.17 ha stocked with Rainbow Trout. The ponds discharge to an unnamed watercourse, a tributary to the Koksilah River;
- Lot 8 contains an artificially created pond approximately 0.21 ha which connects to the above-mentioned unnamed tributary to the Koksilah River.

As these ponds have a connection to the Koksilah River, they are considered streams per the Riparian Areas Regulation (RAR). The RAR report has identified Streamside Protection and Enhancement Areas (SPEAs) for all ponds and ditches. Existing uses may remain and be maintained within the SPEAs, such as the fishing and picnic areas for the trout catching facility as well as agricultural (e.g. cattle grazing) activities.

As these ponds are both actively used, were artificially created, and construction of any nearby structures is unlikely, staff do not recommend registration of a restrictive covenant for protection of the riparian areas. The Development Permit includes registration of the RAR report, which has outlined the required SPEAs and itemized the current existing uses. No new buildings or removal of vegetation within the SPEA(s) is permitted.

### ***Invasive Plant Species***

There are no invasive plant species of significance on either property.

## **PLANNING ANALYSIS**

Both of the subject properties have dwellings and associated accessory or agricultural buildings. All buildings comply with the setbacks of the A-2 Zone. The proposed new lot is vacant and has ample building area located outside of any SPEAs.

The proposed 2 hectare lots are consistent with the Zoning Bylaw, and the application addresses the South Cowichan Rural Development Permit Area guidelines. Staff recommend approval of the application, subject to compliance with the recommendations of the RAR report and the conditions of the Development Permit.

Staff recommend Option 1, approval of the application.

## **OPTIONS**

Option 1:

1. That Development Permit Application No. 12-B-17DP (3650 Riverside Drive and 3645 Rosedale Road) be approved; and
2. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

Option 2:

That Development Permit Application No. 12-B-17DP (3650 Riverside Drive and 3645 Rosedale Road) be denied based on stated inconsistency with specific guidelines.

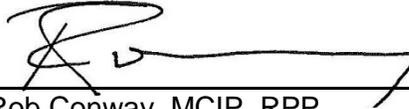
Prepared by:



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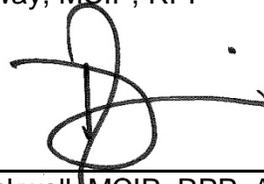
Rachelle Rondeau, MCIP, RPP  
Planner II

Reviewed by:



---

Rob Conway, MCIP, RPP  
Manager



---

Ross Blackwell, MCIP, RPP, A. Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Zoning Map
- Attachment B – Orthophoto Map
- Attachment C – Site Plan
- Attachment D – Riparian Areas Regulation Report
- Attachment E – Draft Development Permit



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

The Cowichan Valley 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.

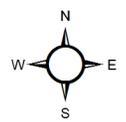
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 12-B-17DP

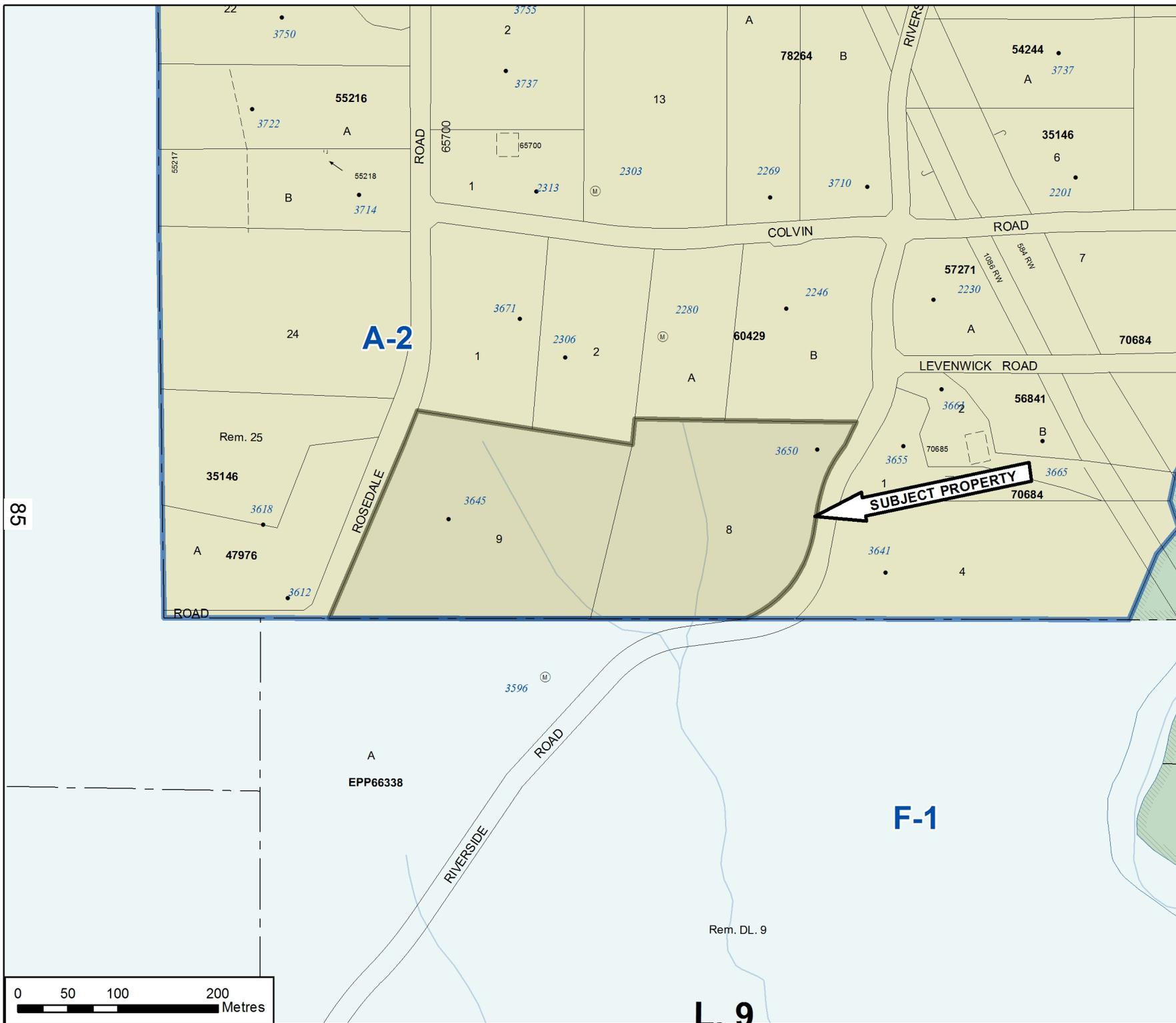
# ZONING

### Legend

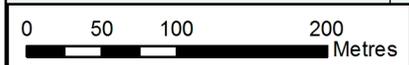
- Subject Property
- Zoning B



R3



85



L-9



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

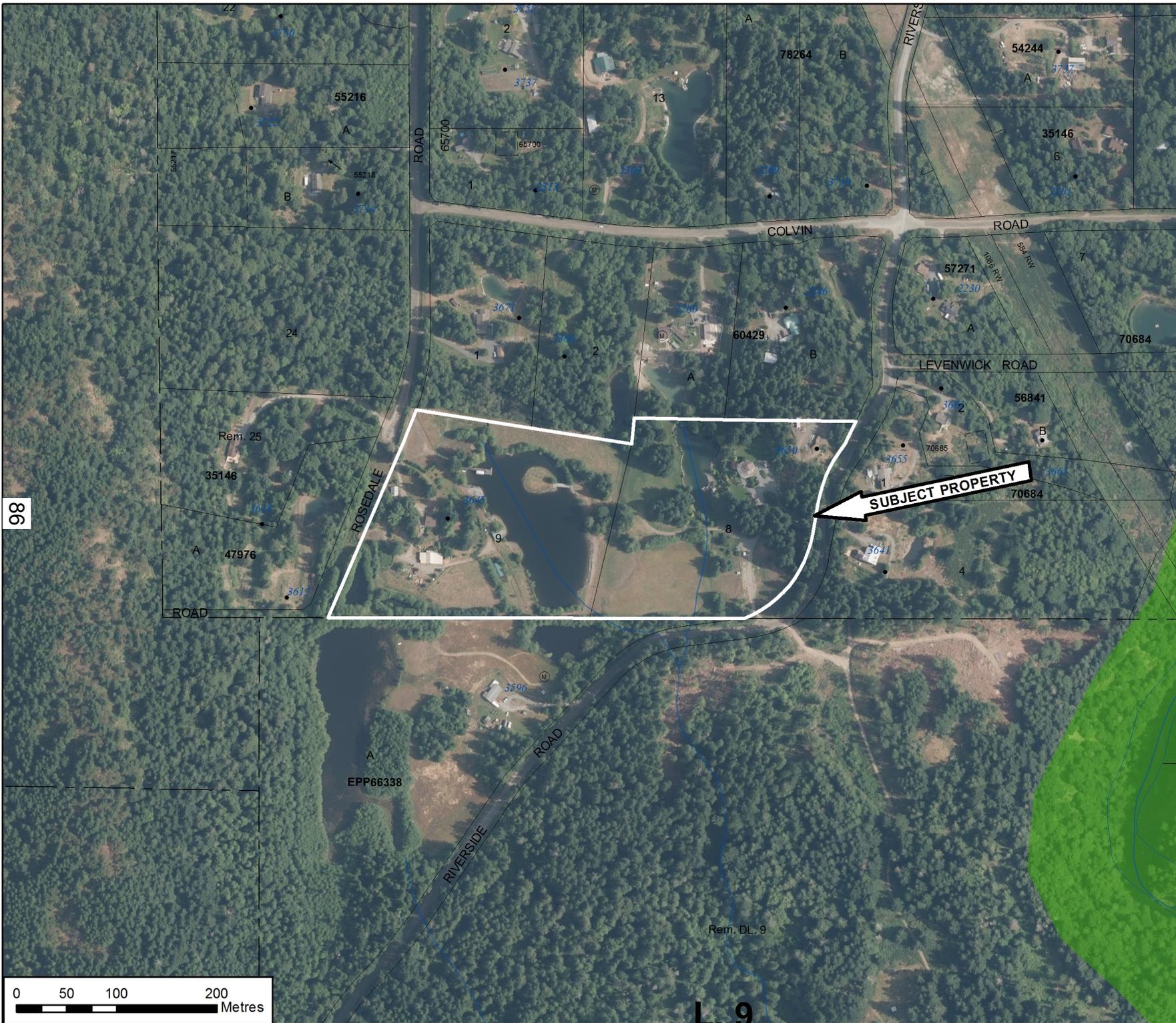
The Cowichan Valley Regional District does not warrant the accuracy.

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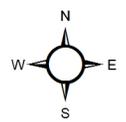
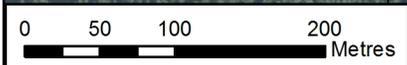
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 12-B-17DP

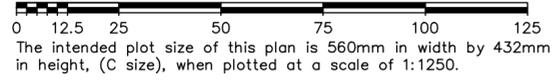
# TRIM Orthophoto (2014)



98



R3



This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any manner which would assume same.

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J.E. Anderson & Associates accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. EW139000 (P.I.D. 000-325-538) and Title No. CA1058658 (P.I.D. 000-325-546)

All information is subject to confirmation by field survey



**Tentative Subdivision**

**Barry & Brain Ellison**

Lot 8 & 9, District Lot 10,  
Shawnigan District,  
Plan 35146

ADDRESS : 3650 Riverside/3645 Rosedale

PROJECT SURVEYOR : RPH

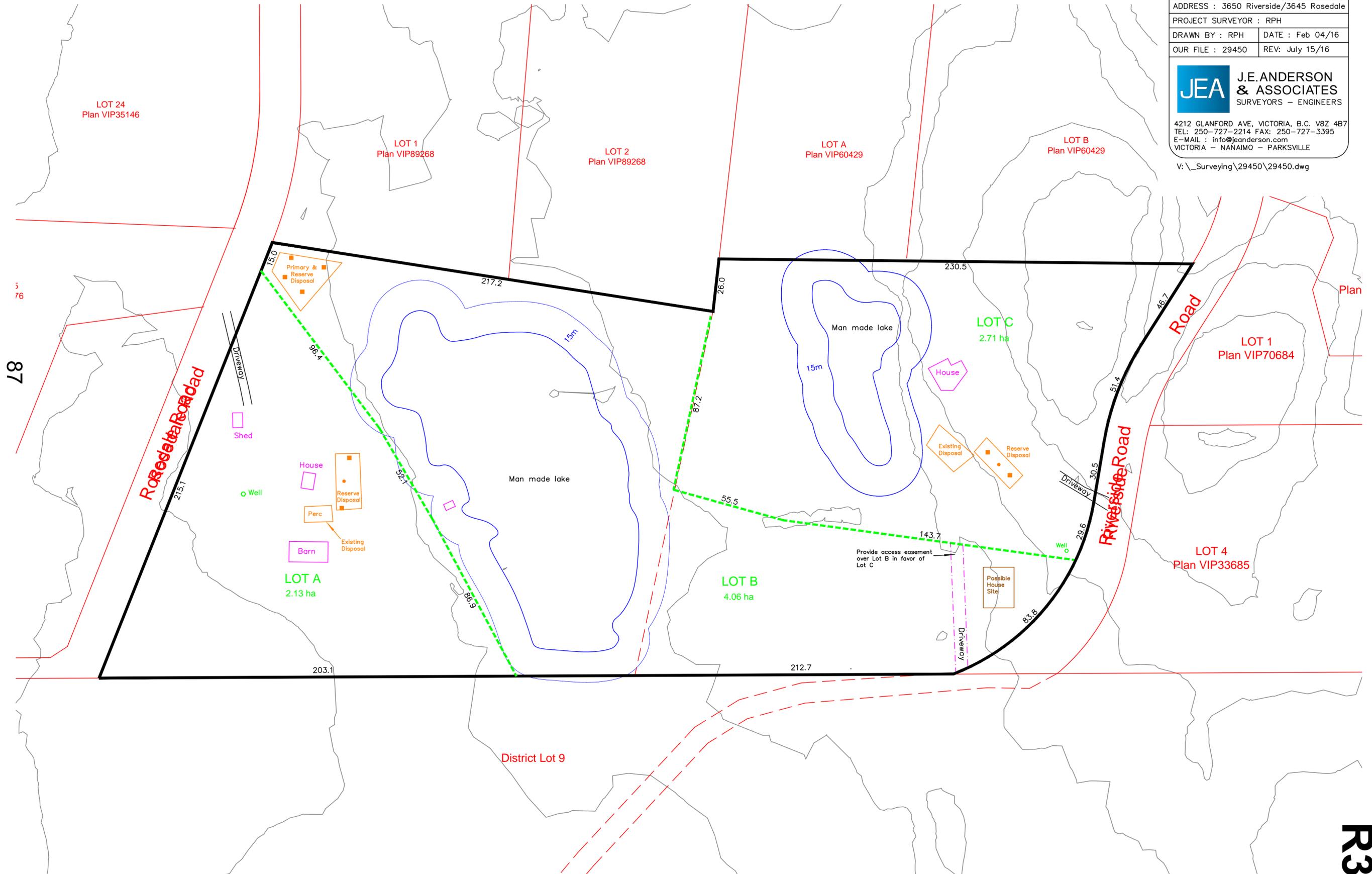
DRAWN BY : RPH      DATE : Feb 04/16

OUR FILE : 29450      REV: July 15/16



4212 GLANFORD AVE, VICTORIA, B.C. V8Z 4B7  
TEL: 250-727-2214 FAX: 250-727-3395  
E-MAIL : info@jeanderson.com  
VICTORIA - NANAIMO - PARKSVILLE

V:\\_Surveying\29450\29450.dwg



## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation: Assessment Report**

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

Date January 16, 2017

**I. Primary QEP Information**

First Name	Steve	Middle Name	
Last Name	Toth		
Designation	R.P.Bio	Company	Toth and Associates Environmental Services
Registration #	1788	Email	<a href="mailto:stoth@shaw.ca">stoth@shaw.ca</a>
Address	6821 Harwood Drive		
City	Lantzville	Postal/Zip	V0R 2H0
Prov/state	BC	Country	Canada
		Phone #	250-390-7602

**III. Developer Information**

First Name	Barry & Brian	Middle Name	
Last Name	Ellison		
Company			
Phone #	250-746-5432	Email	
Address	3645 Rosedale Road / 3650 Riverside Road		
City	Duncan	Postal/Zip	V9L 6N1
Prov/state	BC	Country	Canada

**IV. Development Information**

Development Type	Subdivision		
Area of Development (ha)	8.9	Riparian Length (m)	300
Lot Area (ha)	8.9	Nature of Development	New
Proposed Start Date	2017-12-01	Proposed End Date	2018-12-31

**V. Location of Proposed Development**

Street Address (or nearest town)	3645 Rosedale Road / 3650 Riverside Road						
Local Government	Cowichan Valley Regional District			City	Area B		
Stream Name	Unnamed						
Legal Description (PID)	000-325-546 / 000-325-538			Region	Vancouver Island		
Stream/River Type	Pond and Stream			DFO Area	South Coast		
Watershed Code	NA						
Latitude	48	41	32	Longitude	123	39	36

**Table of Contents for Assessment Report**

I. Primary QEP Information..... 1  
 III. Developer Information..... 1  
 IV. Development Information..... 1  
 V. Location of Proposed Development..... 1  
 Section 1. *Riparian Areas Regulation* Assessment of Proposed Subdivision of Lot 9, District Lot 10, Shawnigan District, Plan 35146, and Lot 8, District Lot 10, Shawnigan District, Plan 35146 - 3645 Rosedale Road N and 3650 Riverside Road N, Duncan, B.C. .... 3  
 Section 2. Results of Detailed Riparian Assessment ..... 5  
 Section 4. Measures to Protect and Maintain the SPEA ..... 12  
 Section 5. Environmental Monitoring..... 13  
 Section 6. Photos..... 13  
 Section 7. Professional Opinion..... 17

**Index of Figures**

Figure 1. Zones of Sensitivity and how they relate to SPEA setbacks .....4  
 Figure 2. Portion of JE Anderson & Associate’s Tentative Subdivision Plan to create new Lot B .....9  
 Figure 3. Location of the subject properties in Cobble Hill area .....10  
 Figure 4. 3645 Rosedale Road & 3650 Riverside Road setbacks and assessment area ..... 11

**Index of Photographs**

Photograph 1. January 26, 2016. View from northwest to southeast across Pond 1. .... 13  
 Photograph 2. January 26, 2016. View from west to east across Pond 1 with island feature in background. .... 14  
 Photograph 3. January 26, 2016. View from west shoreline to north end of Pond 1. .... 14  
 Photograph 4. January 26, 2016. View from north to south along west side of Pond 1. .... 15  
 Photograph 5. January 26, 2016. View from south to north through Pond 1 with ditch flows from Pond 4 in foreground. .... 15  
 Photograph 6. View from diving platform to Pond 4. .... 16  
 Photograph 7. View from building envelope area on proposed Lot B, west approximately 125 m to Pond 3. .... 16

## **Section 1. Riparian Areas Regulation Assessment of Proposed Subdivision of Lot 9, District Lot 10, Shawnigan District, Plan 35146, and Lot 8, District Lot 10, Shawnigan District, Plan 35146 - 3645 Rosedale Road N and 3650 Riverside Road N, Duncan, B.C.**

I, Steve Toth, R.P.Bio. (Toth and Associates Environmental Services) conducted a detailed *Riparian Areas Regulation* (RAR) assessment of water features on Lots 8 and 9, District Lot 10, Shawnigan District Plan 35146 (PID # 000-325-546 & # 000-325-538) located in the Cobble Hill area south of Duncan on January 26, 2016. Lot 9 is 4.7 ha and Lot 8 is 4.1 ha in size. The subject properties are located in Administration Area B of the Cowichan Valley Regional District. The objective of the assessment was to determine the applicability of the Provincial *Riparian Areas Regulation* (RAR) to man-made ponds on the property and the extent of watercourse setbacks associated with the water features on the property. The development proposal includes subdivision of the two subject properties to form a new third lot (Lot B, Figure 2). Proposed Lot B will be 4.06 ha in size.

Lot 9 (3645 Rosedale Road N) is the site of the Ellison Lake Trout Ranch; a private u-catch trout facility that has been in operation for many years, although operation has been scaled-back recently. The three ponds on the property are all man-made, with the largest of the ponds (approximately 1.17 ha) currently stocked with rainbow trout. The discharge from the ponds on the property forms an unnamed watercourse that runs approximately 570m to the Koksilah River. Fish access to the unnamed watercourse from the Koksilah River is prevented by steep gradients immediately upstream of the confluence with the Koksilah River. Gradient measurements made from mapped topographic contours over the lower 265m of the unnamed watercourse indicated stream gradients varying between 23 – 28% grade.

Lot 8 (3650 Riverside Road N) contains a single man-made pond approximately 0.21 ha in size. The pond discharges during winter months from the south end via a ditch that connects with the discharge from the pond on Lot 9 at the southern property boundary (Figure 4).

The definition provided in the *Riparian Areas Regulation* indicates that a stream “includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek, brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);”

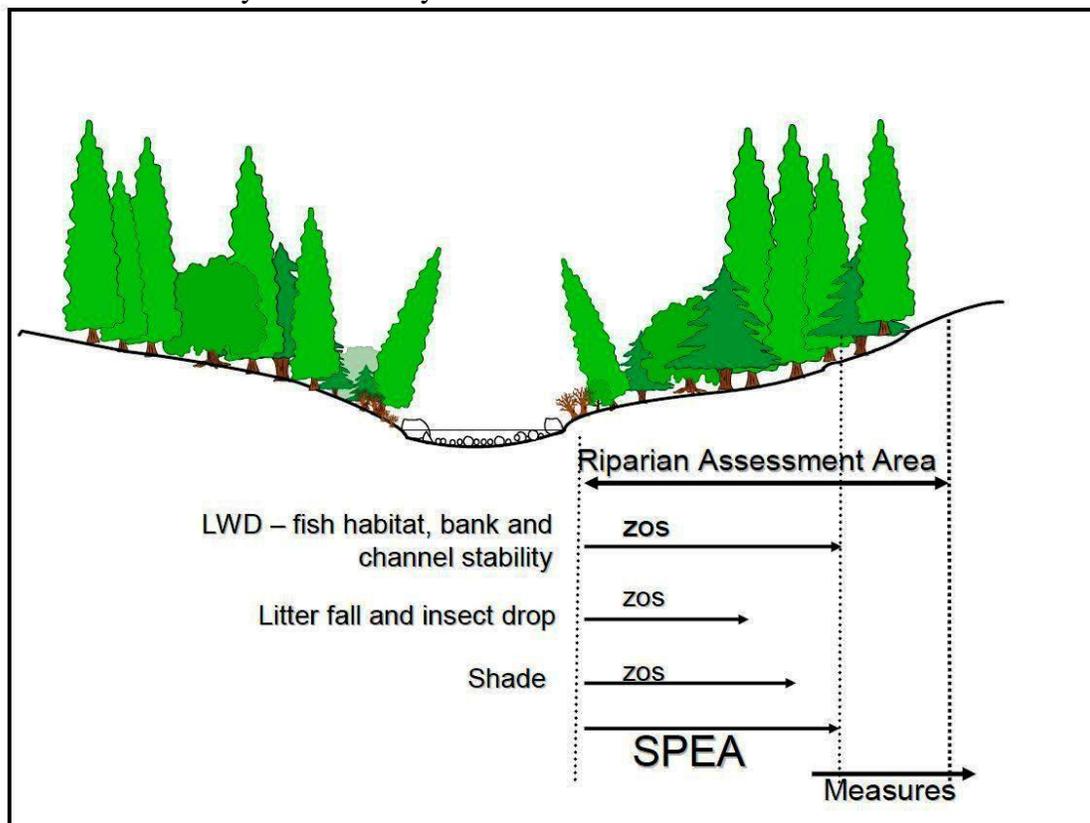
In simple terms, an assessable stream under the RAR is any freshwater watercourse that either provides fish habitat, or flows via surface flows to a watercourse that provides fish habitat. Therefore the ponds on the subject properties would be considered assessable “streams”, as they are connected by surface flows to the downstream fish bearing waters of the Koksilah River.

Under the RAR, the Detailed Assessment Methods rely upon determination of the “Zones of Sensitivity” by a Qualified Environmental Professional (QEP) for the features, functions and conditions that support fish life within the 30m Riparian Assessment Area. The SPEA width is the largest “Zone of Sensitivity” (ZOS) resulting from the assessment as shown on Figure 1. The QEP then provides “Measures” (Section 4.0 of the report) to protect the integrity of the SPEA setbacks. The five main features, functions and conditions that the assessment evaluates include:

1. Large Woody Debris (LWD) for fish habitat and the maintenance of channel morphology

2. Area for localized bank stability
3. Area for channel movement
4. Shade
5. Litter fall and insect drop

Figure 1. Zones of Sensitivity and how they relate to SPEA setbacks



The Streamside Protection and Enhancement Area (SPEA) setback requirements for the ponds on the property are 15.0m from high water mark on the east, north and west sides. The SPEA setback on the south side of the ponds will vary from 15m – 30m, due to the RAR's requirements for preservation of the Zone of Sensitivity (ZOS) for shade.

The increased setback for shade applies to the south side of watercourses and is intended to preserve the characteristics that create shade (i.e. trees) which in turn preserve low water temperatures. The 30m setback for shade is measured in a line running **due south of** the high water mark, which results in a setback length varying from 15m – 30m depending on the orientation of the lake / wetland high water mark. The other setbacks and the Riparian Assessment Area are measured **perpendicular from** the high water mark. The high water mark and 15m SPEA setbacks were surveyed by J.E. Anderson and Associates.

The location of the subject properties is shown on Figure 3. Features of the subject property, SPEA setback boundaries and configuration are shown on Figure 4.

The RAR allows limited disturbance of native vegetation within designated SPEAs. Permitted activities include hazard tree removal (as determined by a certified danger tree assessor) and hand removal of

introduced invasive species. However, Section 1.4.1 of the RAR Assessment Methods indicates that “existing permanent structures, roads and other development within riparian protection areas are “grand parented.” Landowners can continue to use their property as they always have even if a streamside protection and enhancement area is designated on it.”

**Section 2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date:

Description of Water bodies involved (number, type)

Pond   
 Number of reaches   
 Reach #

**Site Potential Vegetation Type (SPVT)**

Yes No

SPVT Polygons   Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, 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 Barry Ellison;  
 c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and  
 d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:  Method employed if other than TR  
 LC SH TR  
 SPVT Type

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment  If two sides of a stream involved, each side is a separate segment. For all water bodies  
 No:  multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)   
 Litter fall and insect drop ZOS (m)   
 Shade ZOS (m) max  South bank Yes  No

**SPEA maximum**  (For ditch use table3-7)

Pond   
 Number of reaches   
 Reach #

**Site Potential Vegetation Type (SPVT)**

Yes No

SPVT Polygons   Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:  
 e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;  
 f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Barry Ellison;  
 g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and  
 h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:  Method employed if other than TR  
 LC SH TR  
 SPVT Type

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment  If two sides of a stream involved, each side is a separate segment. For all water bodies  
 No:  multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel

Form 3 Detailed Assessment Form

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Stability ZOS (m)						
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	X	No	
<b>SPEA maximum</b>	<b>30</b>	(For ditch use table3-7)				

<b>Pond</b>	<b>3</b>
Number of reaches	1
Reach #	1

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
I, <u>Steve Toth</u> , hereby certify that: i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; j) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Barry Ellison</u> ; k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and l) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.			
Polygon No:	1	Method employed if other than TR	
SPVT Type	LC	SH	TR
			X

**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)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	X	No	
<b>SPEA maximum</b>	<b>30</b>	(For ditch use table3-7)				

I, <u>Steve Toth</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>Barry Ellison</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.					
--	--	--	--	--	--

<b>Pond</b>	<b>4</b>
Number of reaches	1
Reach #	1

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
I, <u>Steve Toth</u> , hereby certify that: m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; n) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Brian Ellison</u> ; o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and p) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.			
Polygon No:	1	Method employed if other than TR	
SPVT Type	LC	SH	TR
			X

**Zone of Sensitivity (ZOS) and resultant SPEA**

**Form 3 Detailed Assessment Form**  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	X	No	
<b>SPEA maximum</b>	<b>30</b>	(For ditch use table3-7)				

I, Steve Toth, hereby certify that:  
 e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;  
 f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Brian Ellison;  
 g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and  
 h) 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.

Description of Water bodies involved (number, type) 1 – Ditch between Pond 4 and Pond 3

Ditch

Number of reaches

Reach #

**Channel width and slope and Channel Type**

	Channel Width(m)	Gradient (%)	
starting point	0.4		I, <u>Steve Toth</u> ( <i>name of qualified environmental professional</i> ), 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>Brian Ellison</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.
	0.5		
	0.4	3.0	
	0.5		
	0.6		
	0.7		
	0.7		
	0.9		
	1.0	1.0	
	1.2		
	1.3		
Total: minus high /low mean	7.9	4	
	0.8	2.0	
	R/P	C/P	S/P
Channel Type	X		

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:  
 q) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;  
 r) I am qualified to carry out this part of the assessment of the development proposal made by the developer Brian Ellison;  
 s) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and  
 t) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:	<input type="text" value="1"/>	Method employed if other than TR						
SPVT Type	<table border="1"> <tr> <td>LC</td> <td>SH</td> <td>TR</td> </tr> <tr> <td></td> <td></td> <td>X</td> </tr> </table>	LC	SH	TR			X	
LC	SH	TR						
		X						

**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)	2					
Litter fall and insect drop ZOS (m)	2					

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 Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Shade ZOS (m) max	NA	South bank	Yes	No	X
-------------------	----	------------	-----	----	---

Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)	The ditch shown on Figure 4 runs between man-made Pond 4 and the outlet of Pond 3. The ditch was constructed to convey seasonal overflow run-off from Pond 4 and does not originate from natural headwaters or springs.
-------	---	---

Ditch Fish Bearing	Yes	No	X	If non-fish bearing insert no fish bearing status report
--------------------	-----	----	---	--

SPEA maximum 2 m

**Non-fish bearing status report**

The ditch does not provide fish habitat. There is no fish access to the ditch from Pond 4, or from the discharge outlet of Pond 3.

I, Steve Toth, hereby certify that:

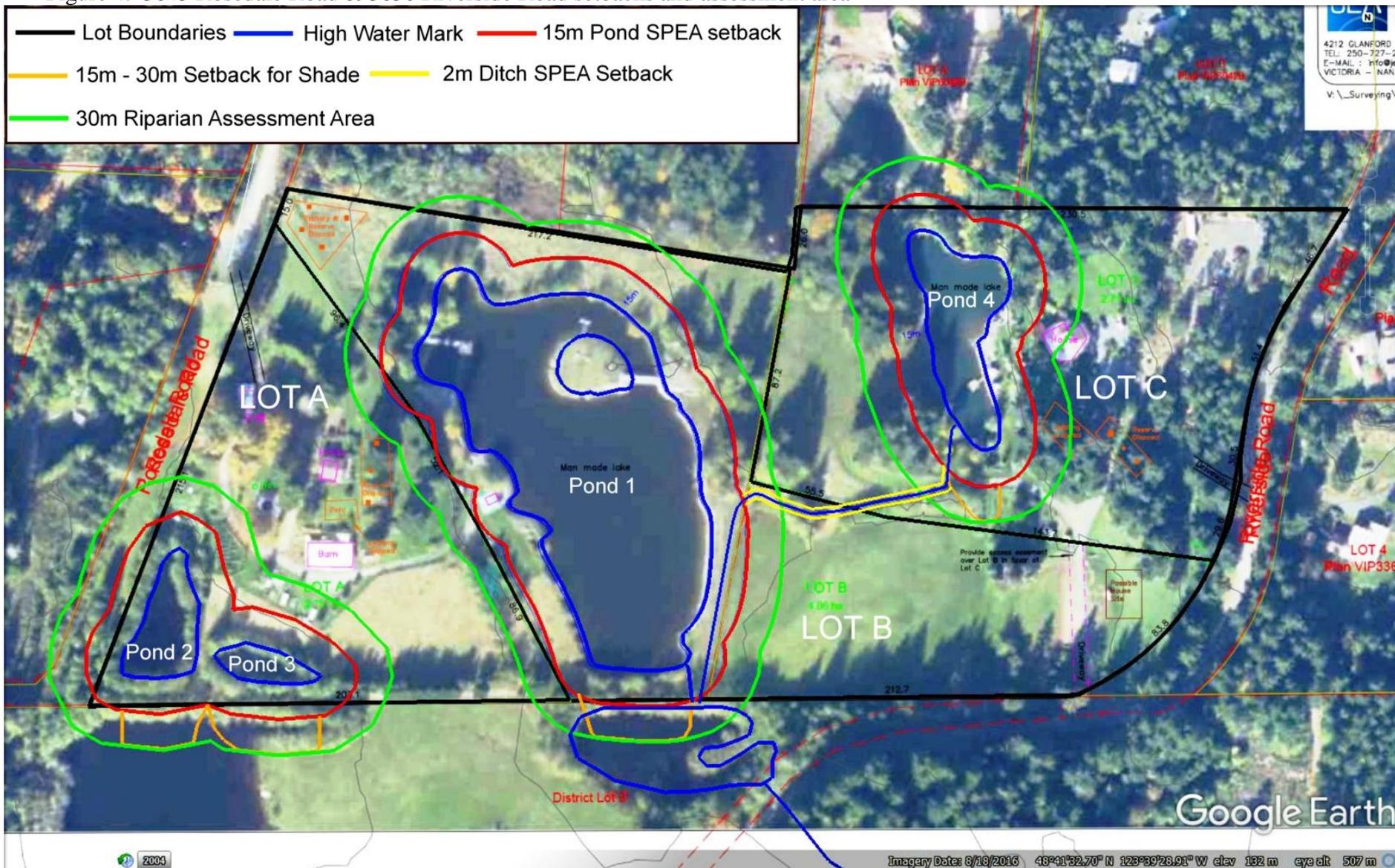
- i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Brian Ellison;
- k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- l) 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.



Figure 3. Location of the subject properties in Cobble Hill area



Figure 4. 3645 Rosedale Road & 3650 Riverside Road setbacks and assessment area



98

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

### Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No obvious danger trees were noted within the riparian assessment area. The RAR allows removal of danger trees, as designated by an inspection conducted by a certified hazard tree assessor, from within the SPEA. To be considered a danger tree, the tree must be within reach of a target (home, outbuilding, etc.).
<p>I, <u>Steve Toth</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>Barry Ellison</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>	
2. Windthrow	There was no evidence of windthrow noted on the property.
<p>I, <u>Steve Toth</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>Barry Ellison</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	There was no evidence of unstable slopes noted within the riparian assessment area.
<p>I, <u>Steve Toth</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>Barry Ellison</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>	
4. Protection of Trees	Care should be taken to ensure that any physical development occurring along the SPEA boundary avoid the cutting or damaging of root networks of trees located within the SPEA.
<p>I, <u>Steve Toth</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>Barry Ellison</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>	
5. Encroachment	The RAR requires that the SPEA boundaries be marked on the ground prior to any physical development occurring within the riparian assessment area adjacent to the SPEA. Given the size of the property and low density of development we recommend that hi-vis construction fencing be installed along the SPEA boundary adjacent to any future building envelope on proposed Lot B prior to commencement of any construction within the riparian assessment area and be removed upon completion of house construction.
<p>I, <u>Steve Toth</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>Barry Ellison</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>	
6. Sediment and Erosion Control	The ponds on the property do not support native fish populations, therefore the primary concern related to development of the property is the maintenance of water quality / quantity to downstream native fish bearing waters (i.e. Koksilah River). As the ponds themselves would act as effective settling ponds for any suspended sediments arising from development of the property it is unlikely that run-off from physical development would result in any appreciable increase in turbidity in outflow waters.
<p>I, <u>Steve Toth</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>Barry Ellison</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	All hard surface derived run-off (i.e. roof-top, driveway, parking area) should be directed to infiltration fields or rock chambers.
<p>I, <u>Steve Toth</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>Barry Ellison</u>;</p>	

Form 3 Detailed Assessment Form

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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	
8. Floodplain Concerns (highly mobile channel)	There are no flood-plain or potentially unstable channel sections on the property.
I, <u>Steve Toth</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>Barry Ellison</u> ;	
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	

**Section 5. Environmental Monitoring**

The current development plan includes subdivision with the intent of creating a new lot for future construction of a new home on proposed Lot B. Given that the ponds on the properties do not contain native fish populations and that there is no intrusion into the SPEA as a result of the development of the property we do not see a need to require environmental monitoring during future construction as long as the SPEA boundary is adequately marked on the ground (see Encroachment Measure, above) prior to construction. The province requires that a post-development assessment be conducted to assess whether physical development has negatively impacted upon, or intruded within the SPEA setbacks and that a post-development report be submitted within 60 days of project completion as an addendum to this report.

**Section 6. Photos**



Photograph 1. January 26, 2016. View from northwest to southeast across Pond 1.

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photograph 2. January 26, 2016. View from west to east across Pond 1 with island feature in background.



Photograph 3. January 26, 2016. View from west shoreline to north end of Pond 1.

Form 3 Detailed Assessment Form  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photograph 4. January 26, 2016. View from north to south along west side of Pond 1.



Photograph 5. January 26, 2016. View from south to north through Pond 1 with ditch flows from Pond 4 in foreground.



Photograph 6. View from diving platform to Pond 4.



Photograph 7. View from building envelope area on proposed Lot B, west approximately 125 m to Pond 3.

## Section 7. Professional Opinion

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

Date

1. I/We Steve Toth

*Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)*

hereby certify that:

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

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

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



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 12-B-17DP

DATE: \_\_\_\_\_

REGISTERED PROPERTY OWNER(S):

BRIAN AND FRANCES ELLISON

BARRY ELLISON

1. This Development Permit is issued and is 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 8, District Lot 10, Shawnigan District, Plan 35146 (PID: 000-325-538)  
Lot 9, District Lot 10, Shawnigan District, Plan 35146 (PID: 000-325-546)*

3. Authorization is hereby given for subdivision (creating one new lot) in accordance with the requirements listed in Section 4, below, and in accordance with the attached schedules.

4. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

5. The following Schedules are attached:

Schedule A – Plan of Proposed Subdivision

Schedule B – Riparian Areas Regulation Assessment No. 4877 prepared by Steve Toth and Associates

This Permit is not a building permit or subdivision approval. No certificate of final completion or recommendation of subdivision approval by the Cowichan Valley Regional District shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Land Use Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X<sup>TH</sup> DAY OF MONTH 2017.

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 requirements 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 J.E ANDERSON AND ASSOCIATES (agent), on behalf of BRIAN AND FRANCES ELLISON, AND BARRY ELLISON, other than those contained in this Permit.

\_\_\_\_\_  
Owner/Agent (signature)

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DRAFT



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 27, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Development Permit with Variance Application No. 08-E-17DP/VAR (2725 Dingwall Road)

**FILE:** 08-E-17DP/VAR

## PURPOSE/INTRODUCTION

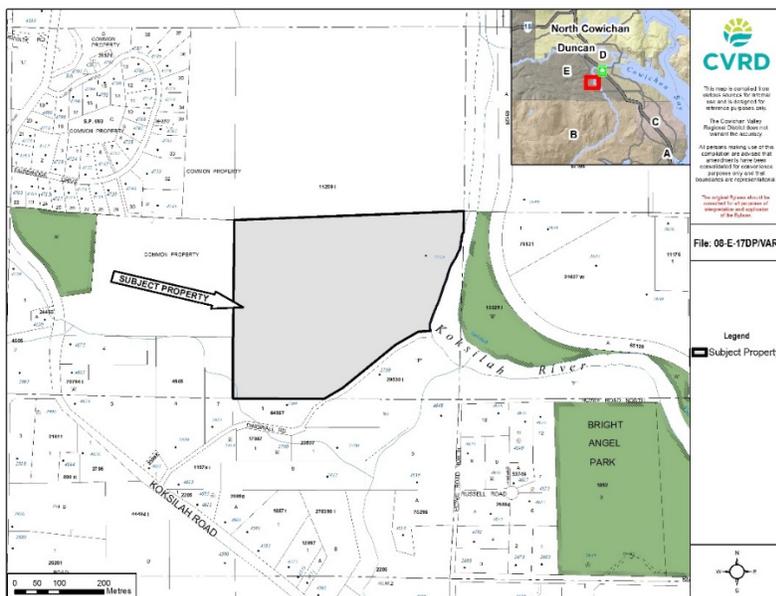
The purpose of this report is to present a Development Permit with Variance application for construction of a new dwelling.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Development Permit with Variance Application No. 08-E-17DP/VAR (2725 Dingwall Road) be approved;
2. That Zoning Bylaw No. 1840, Section 5.18(a) (Setback from a Watercourse and a Streamside Protection and Enhancement Area) be varied by reducing the setback from the Koksilah River from 30 metres to 22 metres; and
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No.1490.

## LOCATION MAP



**BACKGROUND**

<u>Location:</u>	2725 Dingwall Road
<u>Legal Description:</u>	That Part of the East ½ of Section 6, Range 7, Quamichan District, Shown Outlined in Red on Plan Deposited under DD 1129 <sup>1</sup> (PID: 009-715-037)
<u>Owner:</u>	Kevin Westwick
<u>Size of Parcel:</u>	18.07 ha (44.64 acres)
<u>Existing Use of Property:</u>	Residence and hay production
<u>Use of Surrounding Properties:</u>	<u>North:</u> A-1 (hay production) <u>East:</u> Koksilah River <u>South:</u> A-1 (residential) <u>West:</u> Fairbridge Common Property
<u>Road Access:</u>	Dingwall Road
<u>Existing Water:</u>	Well
<u>Existing Sewage Disposal:</u>	On site septic
<u>Environmentally Sensitive Areas:</u>	Koksilah River
<u>Archaeological Site:</u>	None identified
<u>Official Community Plan Designation:</u>	Agriculture
<u>Zoning:</u>	Primary Agricultural (A-1)

**APPLICATION SUMMARY**

The applicant is proposing to remove the existing dwelling and build a new one in its place on the subject property. The existing dwelling is located approximately 22.5 metres from the Koksilah River, and a variance has been requested to reduce the minimum setback from the river from 30 metres to 22 metres in order to permit the new home to be located where the existing dwelling currently is.

As noted in the Letter of Rationale provided by the applicant, by moving the dwelling further from the river, this would place the house closer to the existing driveway which is currently used by agricultural equipment accessing the barns and fields. West of the existing driveway is a forested bank, which is also not ideal for construction of a residence.

**(Attachment B, C and D)****COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS****Advisory Planning Commission (APC)**

In accordance with CVRD Fees and Procedures Bylaw No. 3275, applications pursuant to Riparian Areas Regulation Development Permit Area Guidelines and Agricultural Protection Guidelines are not referred to the Advisory Planning Commission for the area. In absence of the request for variance, the application for Development Permit would have been delegated to the General Manager of the Land Use Services Department.

**Surrounding Property Owner Notification and Response:**

Letters to adjacent property owners were mailed or hand delivered in accordance with Development Application and Procedures Bylaw No. 3275. The purpose was to notify residents and owners of property within 60 metres of the subject property of the application for variance. To date, one letter from the public has been received regarding the application. **(Attachment G)**

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

The subject land falls within the Riparian Areas Regulation and Agricultural Protection Development Permit Areas, which are discussed below:

**Riparian Areas Regulation Development Permit Area**

Clause 14.7 of the Official Community Plan for Electoral Area E (Cowichan/Koksilah Bylaw No.1490) states:

*“No person shall subdivide or alter land (including the removal of trees) or construct a building or structure on land that is in the Riparian Areas Regulation Development Permit Area, prior to the owner receiving a development permit from the CVRD”.*

The Guidelines associated with the Development Permit Area require a Qualified Environment Professional (QEP) to prepare a report prepared pursuant to Section 4 of the Riparian Areas regulation.

A Riparian Assessment Report (**Attachment F**) has been prepared by Trystan Wilmot and submitted as part of this application. The report notes the following:

- Streamside Protection and Enhancement Area (SPEA) of 15 metres;
- Proposed house location is approximately 10 m from the edge of the SPEA;
- The existing house is at the top of a low and stable slope from the river, which presents no concerns with regards to slope stability for the new house;
- No trees will be removed for construction of the new dwelling;
- No floodplain concerns;
- Encourages restoration and re-vegetation in areas within the SPEA that are currently lawn.

The applicant also notes that an existing veranda on the river side of the dwelling, will not be replaced thereby increasing the setback from that currently. There is a discrepancy between the riparian areas regulation report which notes the dwelling is 25 metres from the Koksilah River, and the requested variance on the site plan. The application proposes that the dwelling will be no closer to the river than that currently, and if approved, a survey will be required to confirm compliance with the Development Variance Permit.

**Agricultural Protection Development Permit Area**

Dwellings and residential accessory buildings are subject to the Agricultural Protection Development Permit Area (DPA) guidelines of the Electoral Area E Cowichan/Koksilah OCP. The objectives of this DPA are to protect agricultural land for farming, and to mitigate any negative impacts from development to adjacent agricultural operations.

There are no exemptions for re-construction on an existing footprint. The guidelines encourage new construction to be generally located close to the fronting public road with minimal driveway intrusion onto the property. The development should also be located on lands with poorer soil capability.

The proposed site of the new dwelling is located on an existing footprint which intends to use existing driveway infrastructure. Although this is not located immediately adjacent to a public road, it appears to be in a location, along the perimeter of the parcel that does not detract from the agricultural capability of the land and leaves the majority of the land available for farming.

**PLANNING ANALYSIS**

The application complies satisfactorily with the Riparian Areas Regulation and Agricultural Protection Development Permit Area Guidelines. Although the property is large, there are existing features: forested bank, hay fields, agricultural buildings that make the current footprint most desirable for new construction. The new construction is not expected to have any negative impact on the river, is setback from the minimum 15 metre SPEA, and the applicants intend to improve the SPEA through planting and natural succession.

It is typical with applications requesting a variance to watercourse setbacks for the approval to be contingent on an overall net improvement, in this case being the identified restoration opportunities. Prior to issuance of the Development Permit with Variance, a restoration plan will be required by a professional accompanied by an estimated cost of the works. In accordance with CVRD Landscape Security Policy, a security of 125% of the anticipated cost is required to ensure the plantings are installed and successful over two years.

Staff recommend Option1, approval of the variance subject to conditions of the above and the draft development permit (Attachment H).

**OPTIONS**

Option 1:

That it be recommended to the Board:

1. That Development Permit with Variance Application No. 08-E-17DP/VAR (2725 Dingwall Road) be approved;
2. That Zoning Bylaw No. 1840, Section 5.18(a) (Setback from a Watercourse and a Streamside Protection and Enhancement Area) be varied by reducing the setback from the Koksilah River from 30 metres to 22 metres; and
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No.1490.

Option 2:

That it be recommended to the Board that Development Permit with Variance Application No. 08-E-17DP/VAR (2725 Dingwall Road) be denied.

Prepared by:

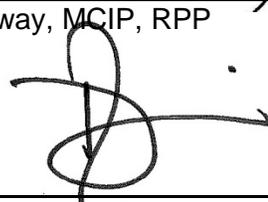
Reviewed by:



Rachelle Rondeau, MCIP, RPP  
Planner II



Rob Conway, MCIP, RPP  
Manager



Ross Blackwell, MCIP, RPP, A. Ag.  
General Manager

**ATTACHMENTS:**

Attachment A – Zoning Map

Attachment B – Orthophoto Map

Attachment C – Site Plan

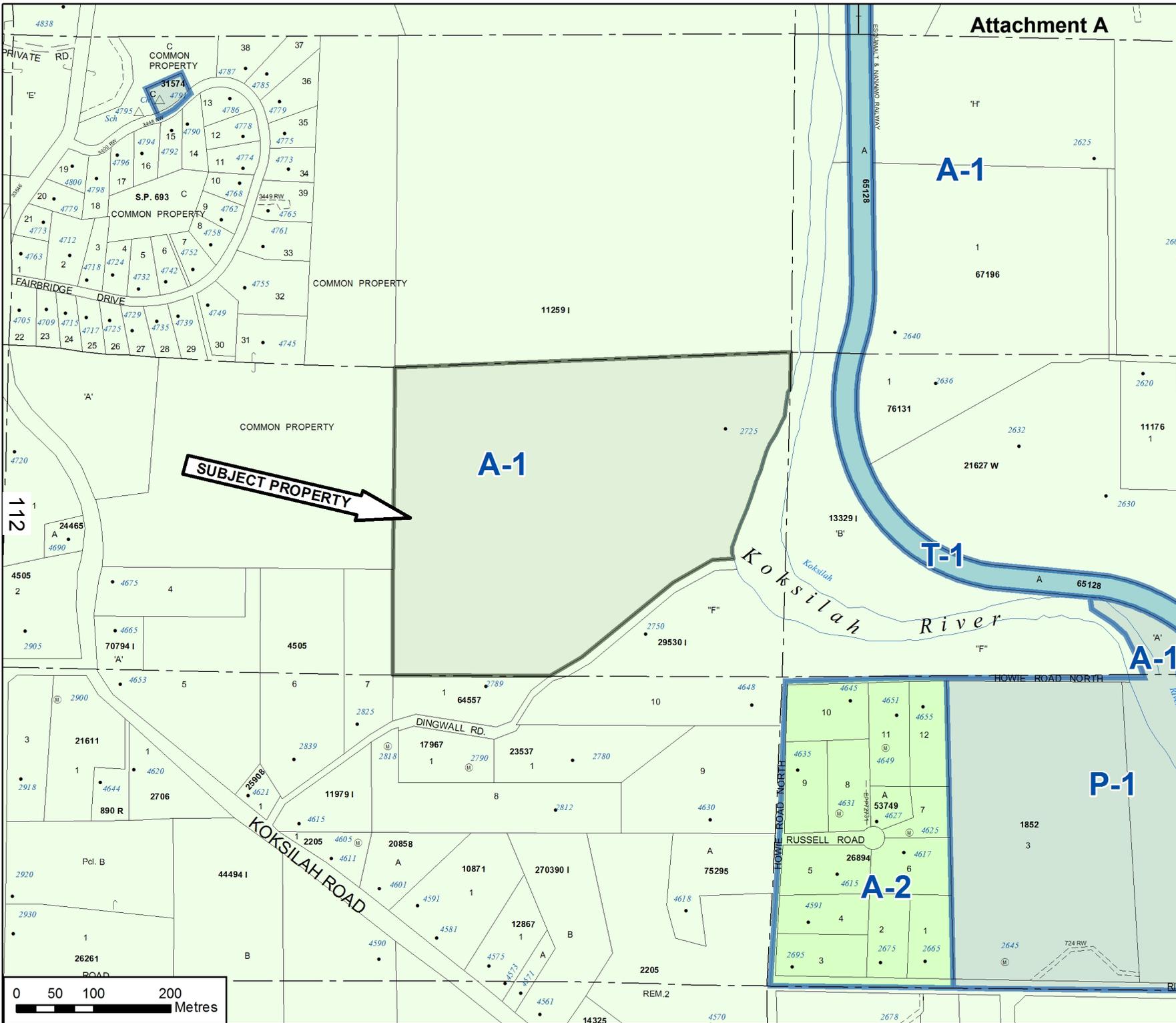
Attachment D – Letter of Rationale

Attachment E - Restoration Intention

Attachment F – Riparian Areas Regulation Assessment Report

Attachment G – Adjacent Property Owner Response Letters

Attachment H – Draft Development Permit with Variance



Attachment A



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

The Cowichan Valley 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.

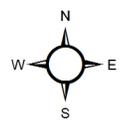
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 08-E-17DP/VAR

ZONING

Legend

-  Subject Property
-  Zoning E

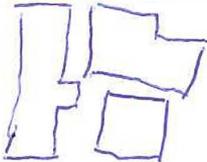


R4



11259 I

114



Barns



Existing House

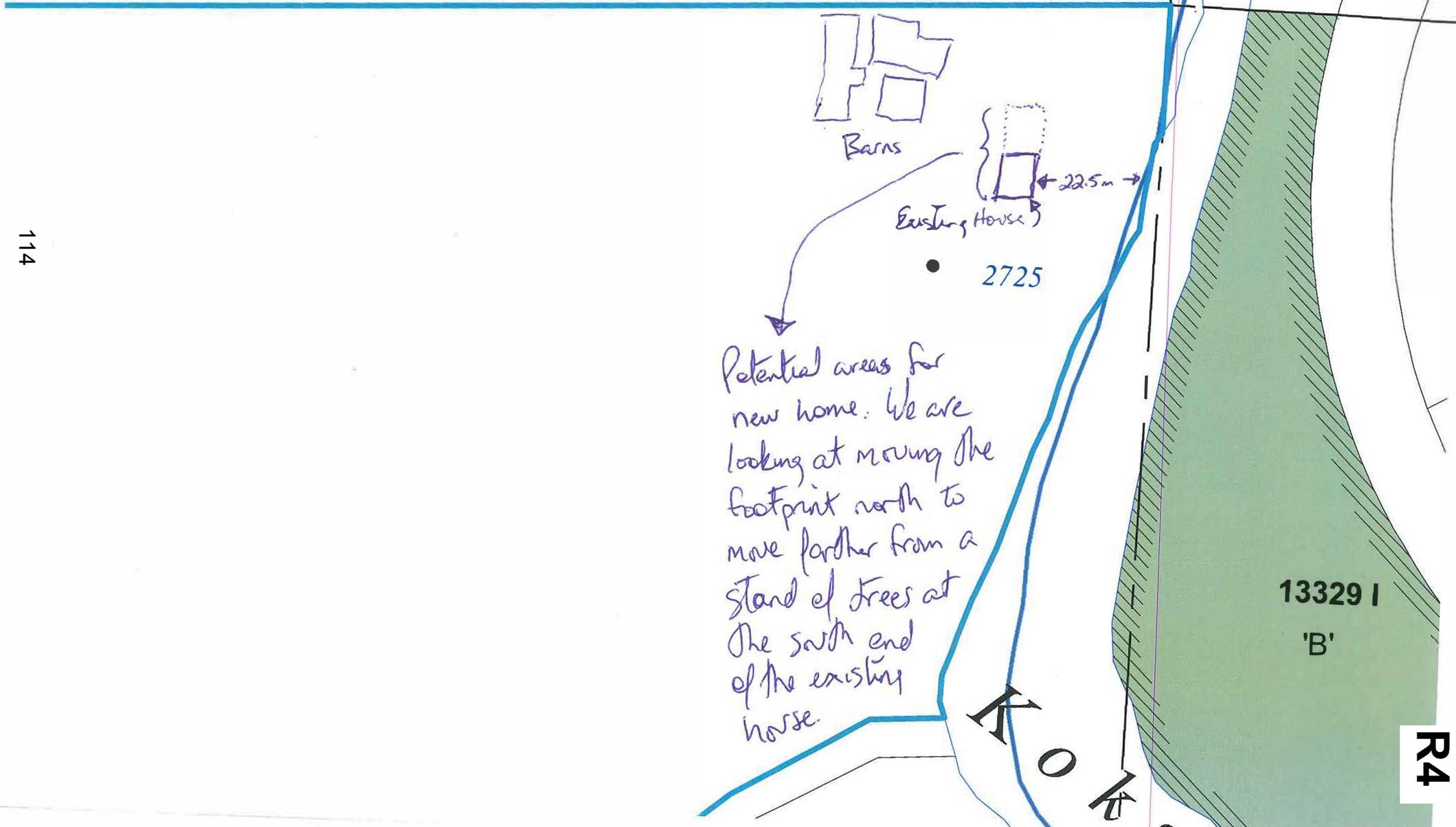
← 22.5m →

• 2725

Potential areas for new home. We are looking at moving the footprint north to move farther from a stand of trees at the south end of the existing house.

13329 I  
'B'

R4



## Development Permit Application – Kevin Westwick

## Section 16

We are requesting this variance so we can either renovate or rebuild our house, which is very old, in its current relative proximity to the river. The current house is set back approximately 22.5 metres from the high water mark of the Koksilah River, placing it inside the extra 15 metres from the 15 metre SPEA required under the above-mentioned bylaw. The extent of the variance we are requesting is simply to allow us to rebuild no closer to the river than the existing setback, with a footprint no larger than the current house, while doing everything possible during and after the build to ensure that there is absolutely no impact whatsoever on the river or the SPEA.

Our reasons for requesting this variance are both practical and sentimental. On the practical side, moving the footprint another 7.5 metres from the SPEA would put us 7.5 metres closer to Dingwall Road, which carries all the farm traffic to and from the fields and barns, a change that isn't ideal from either a safety or an aesthetic point of view. Perhaps more importantly, rebuilding the house in its current relative location will have absolutely no impact of any kind on the river, the SPEA, the current or future use of the land or any neighbours (the closest of which is over half a kilometer away.) In fact, it could be argued that the only impact of building a new home in the same spot would be positive, by virtue of replacing an energy-wasting, questionably-built structure with a new, up-to-code and infinitely more efficient home.

On the sentimental side, the current house location is very beautiful and perfectly fits the farmyard. It has been my family's home for almost 70 years, and I and my daughter represent generations three and four of our family to live there. We are proposing to rebuild for no reason other than to replace an aging, terribly energy inefficient and possibly unsafe home with a newer, far more efficient and safer one, but are very eager to retain the beauty, character and history of our family farm.

We understand the necessity of protecting our rivers and riparian areas, possibly better than most as we have lived next to the river a very long time, and what we propose to do will have absolutely no current or future impact on either. Being forced to move the home, however, particularly as it would have to be pushed nearer the road, would have a significant impact on the comfort of the home and the beauty of the farmyard while achieving nothing, for the simple reason that the rebuilding of the home will have no impact to try to lessen.



Footprint of rebuilt home would be inside dotted line and smaller than the footprint of existing house. We'd like the option to move the footprint north in the dotted line area to move it away from the mature trees beside the bottom right of the existing house (as pictured).

## Riparian Plan – 2725 Dingwall Road

In this document I will formally lay out the ongoing plan we have to care for the riparian area of the Koksilah river as it borders our property. In general terms, for the almost 70 years my family has cared for this stretch of the river we have always tried to maintain the riparian area in as natural a state as is possible. In the years we have been there we have never once removed a tree from the riparian area and have never expanded the lawn or garden area between the house and the river from the state it was in when we came to the property. In fact, over the past few years, we have been trying to return the relatively small section of the riparian area that had been turned into garden by the previous owners back to a more natural state. We had particular trouble with ivy, which had spread from the garden down toward the river and choked out virtually all of the native plants. We have removed that ivy and are working to return the area to a more natural state by leaving some deadfall and other natural debris and trying to encourage the snowberries and other native plants to spread in the riparian area. Once that can happen, and we are already seeing evidence of its success, the hope is that some of the maples that seed themselves each year will be sheltered by the snowberries and other plants from the deer for long enough to take hold. There are mature maples in the riparian area, which we do everything we can to try to preserve, but they are old and covered in ivy, so need to be replaced by new ones as soon as possible.

The only other problem we have is some scouring at the base of our lawn. We have been hoping that, given time, the combination of the scouring causing the level of the lawn to drop a bit, the river bank being built up (as it is each year), and the spreading of the snowberries and other native plants will enable the river would find an equilibrium without any drastic intervention from us. It is certainly happening, but it is a slow process.

With these facts in mind, here is an overview of what we are doing to care for the riparian area.

1. Maintain the existing maple trees and keep them alive as long as possible.
2. Encourage the spreading of native plant species, such as snowberry.
3. Encourage the growth of new maples and cottonwoods as quickly as possible.
4. Always leave the area in as natural a state we possible.

If these measures aren't enough we will need to take more invasive action. If that is necessary we will need guidance from experts. When we had our RAR assessment done I had discussions with Trystan Willmott from Madrone Environmental Services, who performed the assessment, about options for caring for the riparian area and he provided a number of suggestions, which he included in his report. I have also reached out to the BC Conservation Foundation in order to ask for their guidance. Here are a couple of ideas that have been proposed.

1. Plant new species of plants to help populate the riparian area with effective vegetation.
2. Employ anchored root balls to help break up the flow in the area being scoured.
3. Employ anchored logs in the area being scoured.

New planting is something that I think we will look at starting as early as next spring. Unfortunately, we have no root balls of sufficient size on our property to be of any help, but could certainly use anchored logs to break up the flow. The problem there, however, is I don't have equipment large enough or properly rated to be used next to the river so the actual installation of the logs would be a challenge. This is one of the items on which I hope to enlist the help of others more experienced in these matters, if required.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation: Assessment Report**

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

Date 2017-03-20

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

**III. Developer Information**

First Name	Kevin	Middle Name	
Last Name	Westwick		
Company	N/A		
Phone #	250 715 0077	Email	<a href="mailto:kevin@westwick.ca">kevin@westwick.ca</a>
Address	2725 Dingwall Road		
City	Duncan	Postal/Zip	V9L 6N6
Prov/state	BC	Country	Canada

**IV. Development Information**

Development Type	Construction: single family residential		
Area of Development (ha)	0.032	Riparian Length (m)	120
Lot Area (ha)	17.3	Nature of Development	Re-development
Proposed Start Date	2017-04-01	Proposed End Date	2018-09-30

**V. Location of Proposed Development**

Street Address (or nearest town)	2725 Dingwall Road, Duncan, BC, V9L 6N6		
Local Government	Cowichan Valley Regional District	City	Duncan
Stream Name	Koksilah River		
Legal Description (PID)	009-715-037	Region	Region 1 – Vancouver Island
Stream/River Type	Stream	DFO Area	South Island
Watershed Code	920-257700-02300		
Latitude	48	44	24
Longitude	123	41	8

**Table of Contents for Assessment Report**

	<b>Page Number</b>
1. Description of Fisheries Resources Values .....	3
2. Results of Riparian Assessment (SPEA width) .....	6
3. Site Plan .....	9
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	10
2. Windthrow.....	10
3. Slope Stability.....	11
4. Protection of Trees.....	11
5. Encroachment .....	12
6. Sediment and Erosion Control.....	12
7. Stormwater Management.....	14
8. Floodplain.....	15
5. Environmental Monitoring .....	16
6. Photos .....	17
7. Assessment Report Professional Opinion .....	23

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

The proposed re-construction of a residence within the Riparian Assessment Area (RAA) of the Koksilah River requires the completion of a Detailed Assessment under the Riparian Area Regulations (RAR). The existing residence occurs 25 m from the high water mark of the river, and the new structure will occupy approximately the same footprint. As the existing residence will be removed and a new structure (including foundation) constructed with a slightly modified footprint, the new development is required to be built in accordance with the RAR. Based on the location of the development footprint, there would be a 10 m buffer extending from the edge of the Streamside Protection and Enhancement Area (SPEA) to the edge of the construction.

Local bylaws enacted through the local government (Cowichan Valley Regional District – CVRD) affect the development proposal in this case. As per Section 5.18 of the Electoral Area E Zoning Bylaw, a 30 m Watercourse Setback applies, which restricts the construction of buildings, structures, driveways and roads. As such, the property owner is seeking a Variance to the bylaw to allow construction within 25 m of the river.

The focus property consists of a 17.3 ha parcel (2725 Dingwall Road, Duncan, BC) consisting mainly of agricultural pasture (the property is within the Agricultural Land Reserve), with the development affecting a relatively small segment of the entire property (the development footprint is only 0.032 ha). In the focus development area, the SPEA has been impacted over the years by human disturbance activities. Immediately in front of the residence, vegetation in the SPEA is limited to a lawn extending from the front of the residence down to the high water mark. A fringe of snowberry (*Symphoricarpos albus*) does occur between the river and the lawn to the north, with a treed riparian zone (approximately 15 m wide) extending further to the north through the pasture land on the adjacent property and a treed riparian zone also extending to the south (between 15-20 m wide).

The high water mark was distinguished easily on site, as it is marked by a well-defined bank, with a gentle slope leading up from the bank. The remains of an old retaining wall were noted close to the high water mark, with recent erosion of the bank where the river flows adjacent to the lawn. The failure of the retaining wall in addition to a lack of functioning riparian vegetation in this particular area has likely led to the scour of the bank material (see photos). During the assessment, the landowner was advised that the placement of root wads and/or lengths of anchored timber, in addition to planting native vegetation, would likely ameliorate the erosion. The landowner was also advised that the placement of wood to address the erosion would trigger an application under Section 11 of the Water Sustainability Act. A replanting plan has been provided as part of this assessment (see below) to allow the landowner to enhance the function of the riparian area where the erosion is taking place.

Tree cover is limited in the SPEA in the focal development area, with a clump of dead and dying bigleaf maples (*Acer macrophyllum*) heavily infested by English ivy (*Helix hedera*) occurring close to the high water mark to the north in the patch of snowberry. These trees have been topped in the past, due to concerns associated with overhanging dead limbs. The landowner would like to leave the remaining stems, in order to maintain the function of the roots with regard to bank stability. Based on the extent of the ivy growth and the status of the trees, removing the ivy infestation will not help these trees. Ivy removal is recommended, however, where it occurs on viable trees (see enhancement recommendations below).

Tree cover extends through the SPEA to the south of the lawn, with a mature cedar (species unknown) occurring close to the south eastern corner of the residence (located beyond the edge of the SPEA). A singular copper beech (*Fagus sylvatica*) occurs beyond the SPEA close to the north eastern corner of the property. English ivy forms a common ground cover throughout this

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

part of the SPEA, and it is beginning to infest some of the trees. English holly (*Ilex aquifolium*) – an introduced species - also occurs.

The Koksilah River represents important fishery resource values, and is known to support Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Chum Salmon (*O. keta*), Steelhead (*O. mykiss*), Coastal Cutthroat Trout (*O. clarkii clarkii*) – including anadromous form and Rainbow Trout (*O. mykiss*).

#### Enhancement Recommendations

##### **Invasive plant species removal**

English ivy occurs in the treed SPEA to the south of the lawn and also as ground cover in the lawn portion of the SPEA close to the high water mark. It has also infested bigleaf maple trees (likely leading to their demise) in the SPEA in front of the house. Where the ivy grows as vines along the ground, the plant should be pulled out. Pulling the vines in this manner will need to be repeated to be effective.

Ivy stems that are climbing up trees should be cut above the ground surface. This will kill the plant and prevent further spread throughout the tree being affected.

Where English holly occurs, it should be cut at the ground surface and monitored for re-sprouting.

##### **Riparian Planting**

Planting over the lawn area along the upper edge of the bank is recommended, to help reduce erosion from scour. The planting would best be carried out in conjunction with the placement of anchored woody debris in the gaps created by erosion from the river during high flow events in the affected area. Coniferous root wads and/or large diameter coniferous stems (preferably western redcedar – *Thuja plicata*) anchored in place by cables are recommended. Any placement of wood should be done as part of a Section 11 Water Sustainability Act submission to the provincial government and would need to be completed during low flows in the summer months.

To be effective, planting should comprise a zone between 2-5 m wide, extending back from the high water mark in the area that currently consists of lawn (between the snowberry fringe to the north and treed area to the south). One-gallon container pots, using the following mix of shrubs planted at an interval of 1 m are recommended: tall Oregon grape (*Mahonia aquifolium*), Indian plum (*Oemleria cerasiformis*), blue elderberry (*Sambucus cerulea*) and snowberry. Trees should be interspersed throughout, using the following species: Douglas fir (*Pseudotsuga menziesii*), Douglas maple (*Acer glabrum*) and western red cedar.

With regard to planting specifics, proper plant handling techniques should be employed to increase the effectiveness of the enhancement:

- The roots of plant stock must not be exposed to sunlight, must be kept moist and must be disturbed as little as possible;
- Planting holes must be dug at least 1.5 times wider than the diameter of the root-ball and several cm deeper;
- Holes must be backfilled with loose soil that covers the top of the root-ball with several cm of soil;
- Plants (especially the root-ball) must be fully supported when removing them from containers;
- Plants should be firmed gently into place, with care taken not to crush or damage the roots by compressing the soil too much;

**FORM 1**

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

- Each plant must be planted in a way that creates a slight depression around the plant to collect and retain moisture; and
- Each plant must be watered in thoroughly.

In order to ensure survival of the planted area, planting would need to be completed during a time when soil moisture and temperature are adequate. Planting should, therefore, occur during the early spring (early March through April) or early fall months (late September throughout October), depending on specific soil moisture levels.

Based on the current trend towards hotter, longer, drier summers, watering would likely be required during the first summer after planting. The specific frequency of watering would be weather-dependent, but watering would likely be required at least twice per week during hot, dry weather. Following the establishment of the planted vegetation, watering would likely not be required during the second summer.

**2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date:

Description of Water bodies involved (number, type)

Stream	<input checked="" type="checkbox"/>
Wetland	<input type="checkbox"/>
Lake	<input type="checkbox"/>
Ditch	<input type="checkbox"/>
Number of reaches	<input type="text" value="1"/>
Reach #	<input type="text" value="1"/>

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

*Channel	Width(m)	Gradient (%)
starting point	<input type="text" value="31"/>	
upstream	<input type="text" value="31"/>	<input type="text" value="1.25"/>
	<input type="text" value="29"/>	
	<input type="text" value="30"/>	
	<input type="text" value="27"/>	
	<input type="text" value="29"/>	
downstream	<input type="text" value="25"/>	<input type="text" value="1.0"/>
	<input type="text" value="21"/>	
	<input type="text" value="18"/>	
	<input type="text" value="15"/>	
	<input type="text" value="24"/>	
Total: minus high /low	<input type="text" value="234"/>	
mean	<input type="text" value="26"/>	<input type="text" value="1.1"/>
Channel Type	<input type="text" value="R/P"/> <input type="text" value="C/P"/> <input checked="" type="text" value="S/P"/>	

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 Kevin Westwick;

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.

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
Polygon No:	<input type="text"/>		Method employed if other than TR
SPVT Type	<input type="text" value="LC"/> <input type="text" value="SH"/> <input checked="" type="text" value="TR"/>		
Polygon No:	<input type="text"/>		Method employed if other than TR
SPVT Type	<input type="text" value="LC"/> <input type="text" value="SH"/> <input type="text" value="TR"/>		
Polygon No:	<input type="text"/>		Method employed if other than TR
SPVT Type	<input type="text" value="LC"/> <input type="text" value="SH"/> <input type="text" value="TR"/>		

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>15</b>	(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
<b>SPEA maximum</b>		(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
<b>SPEA maximum</b>		(For ditch use table3-7)				

I, Trystan Willmott, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Kevin Westwick;
- 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.

**Comments**

\*Based on the magnitude of the river, and the high, deep flows encountered during the assessment, it was not possible to physically measure bankfull width. A Google Earth image was used to measure the channel width instead, with care taken to only measure the visible channel width, to ensure the application of a conservative approach with regard to the SPEA calculation. In this case, if the measurements erred on the side of a wider as opposed to a narrower bankfull width, it could have resulted in the classification of a "cascade pool" channel type where a "riffle pool" would have resulted otherwise. Based on a conservative approach to the channel width measurements on Google Earth and the channel gradient (measured in the field), the river is classified as a "cascade pool" system throughout the subject reach, as per the channel morphology model in the RAR assessment methodology. The maximum SPEA, therefore, is 15 m, based on the default maximum Zones of Sensitivity associated with LWD, Bank and Channel Stability and Litter Fall and Insect Drop. The Zone of Sensitivity for Shade does not apply in this case, based on the fact that the subject reach flows from south to north (the development is on the west side of the river). While not physically verified by field measurements, the bankfull widths arrived at using Google Earth appeared to be accurate based on visual observations of the span of the river.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

The SPEA (horizontal distance perpendicular to the high water mark) was clearly identified in the area of the development proposal during the field assessment with orange flagging tape attached to long metal nails inserted into the ground and also by orange spray paint (see photos). The high water mark was also identified during the field assessment with blue and white flagging tape. The landowner and developer are aware that the identified SPEA needs to be further marked with high visibility fencing (e.g. snow fencing) during the development process. The SPEA was not identified anywhere else on the subject property, as there are no other development proposals.



**PROJECT:**  
Riparian Areas Regulation Assessment: 2725 Dingwall Road

**LOCATION:**  
Duncan, BC

**CLIENT:**  
Kevin Westwick

**DOSSIER NO:**  
17.0032



**ASSESSED BY:**  
Trystan Willmott, B.Sc., A.Sc.T.

**FIELD VISIT:**  
February 1, 2017

**MAP SCALE:**  
1:1,500

**MAPPING DATE:**  
February 20, 2017

**DRAWN BY:**  
Anna Jeffries



126

**LEGEND**

- Property Boundary
- Parcel Boundary
- Building (Existing/Proposed)
- High Water Mark (HWM)
- Riparian Assessment Area (30m)
- Maximum SPEA (15m)

**Zones of Sensitivity**

- Shade (N/A)
- Large Woody Debris (15m)
- Insect Drop / Litterfall (15m)

0 20 40 60

\*All features on this map are approximate. Features measured in the field located using a handheld GPS and accuracy can only be guaranteed!

**R4**

**Section 4. Measures to Protect and Maintain the SPEA**

This section is required for detailed assessments. Attach text or document files, as needed, 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.

<p><b>1. Danger Trees</b></p>	
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ul style="list-style-type: none"> <li>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Kevin Westwick</u>;</li> <li>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</li> </ul>	
	<p>As noted in Section 1, the SPEA generally consists of lawn cover in the focus development area. There are, however, coppices of dead or dying bigleaf maple trees infested with English ivy. As discussed, these trees have been historically topped/limbed, based on potential hazards from large diameter dead overhanging branches (refer to photos). Based on the current characteristics of the trees, there are no targets that would be affected should the remaining stems fall. As noted, the landowner would like to keep the remaining stems in place, to help stabilize the bank and has no plans to complete any further tree management on these particular trees (at least at the current time). There is the risk, however, that if the remaining stems fall, the roots will be heaved out of the ground, which may lead to increased bank instability. Any future work on the dead/dying bigleaf maple trees must be carried out by a professional arborist and any removed stems or limbs must be left inside the SPEA. This type of coarse wood provides habitat values for wildlife (e.g. amphibians and small mammals). The stems must only be removed to a height where failure would not result in the loss of the root wad and cause impacts to the bank.</p> <p>Any trees in the SPEA anywhere on the property that are deemed to be "hazards", or require any kind of modification in the future, must first be assessed by an appropriately qualified professional. An arborist with QEP designation or an arborist working under the direction of a suitably qualified QEP would represent appropriate professional involvement. Options that do not require the complete removal of a hazard tree are preferred (e.g. topping or limbing), as the remaining stem would continue to provide benefits to the riparian area (e.g. through bank stability) and also provide benefits to wildlife. Coarse Woody Debris from tree removal work must be left in the SPEA, in recognition of the benefits that can be afforded to wildlife.</p>
<p><b>2. Windthrow</b></p>	
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Kevin Westwick</u>;</li> <li>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</li> </ul>	
	<p>Windthrow is usually caused by clearing extensive treed areas and creating exposed edges that are not "windfirm". No trees will be removed with regard to the proposed development proposal, as development will involve the construction of a new residence over the approximate footprint of an existing residence.</p>

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<p><b>3. Slope Stability</b></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>Kevin Westwick</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>As previously noted, the river bank along the high water mark is showing signs of erosion in the form of scour during high flow events. Recommendations have been provided (refer to Section 1) to address this localized erosion. The construction footprint will occur on a flat, stable area at the top of a very gentle slope leading up from the high water mark.</p> <p>Based on the low slope angle throughout the SPEA and the fact that the construction will be occurring on a flat area supporting an existing residence, the proposed construction will not lead to any slope stability concerns that would compromise the integrity of the SPEA.</p>	
<p><b>4. Protection of Trees</b></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>Kevin Westwick</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>Construction-related activities can lead to direct and inadvertent damage to trees. Excavating (e.g. for foundations) can lead to direct damage to tree roots, which tend to extend well beyond the “drip line” of a tree. Drainage alterations such as soil compaction (even from parked machinery), modifications to the ground level, or paving over the rooting zone of a tree can all cause negative impacts. Tree stems that become buried with excavated material and/or fill often become compromised and direct damage to trees from moving machinery can also occur.</p> <p>As noted, the majority of the SPEA consists of lawn in and around the focal development area. The closest treed portion of the SPEA is to the south of the proposed construction area, but there is approximately 10 m between the edge of the construction area and the SPEA. This area represents a substantial additional SPEA buffer, which will help prevent potential inadvertent impacts to trees growing in the SPEA during construction activities. To benefit from this buffer, the temporary fencing that is recommended for identification of the SPEA during the construction phase (refer to the following section) must extend past the edge of the SPEA and run parallel to the edge of the trees located beyond the SPEA. The fencing should extend along the edge of the trees for at least 30 m to the south of the south eastern corner of the construction footprint. This fencing will prevent any encroachment into the tree protection buffer.</p>	

FORM 1

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<p><b>5. Encroachment</b></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>Kevin Westwick</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
	<p>The natural vegetation on the subject property (including the RAA and SPEA) has been historically modified and currently consists of limited riparian vegetation, especially in front of the existing residence (the area dominated by lawn). A lack of functioning riparian vegetation in this particular area has likely contributed to the localized scour along the river bank. To the north and south of the residence, however, a fringe of functioning riparian vegetation remains and the bank is much more stable.</p> <p>While existing land uses inside the SPEA are considered “legally non-conforming” and the SPEA can continue to be used as a lawn in front of the house, the landowner is strongly encouraged to implement the recommended restoration plan. This will help in the long term stabilization of the river bank. Enhancing the riparian zone will help restore biological function and help re-establish ecosystem services that are often neglected. Functioning riparian zones, for example, can help offset financial costs associated with property loss (e.g. from erosion) and prevent the requirement for more expensive “engineered” solutions.</p> <p>It is important to note that any new “development” activities within 30 m of the Koksilah River anywhere on the subject property that are beyond the scope of the existing proposal (minimal footprint) would be subject to a separate assessment procedure. It should be noted that the following activities are considered “development” under the Riparian Areas Regulation:</p> <ul style="list-style-type: none"> <li>- Removal, alteration, disruption or destruction of vegetation;</li> <li>- Disturbance of soils;</li> <li>- Construction of temporary or permanent structures;</li> <li>- Creation of non-structural impervious or semi impervious surfaces;</li> <li>- Flood protection works;</li> <li>- Construction of roads and trails;</li> <li>- Provision and maintenance of sewer/water services;</li> <li>- Development of drainage systems; and</li> <li>- Development of utility corridors.</li> </ul> <p>As discussed, the SPEA was identified on site during the assessment in the vicinity of the development proposal with orange spray paint and orange flagging tape. Prior to any development activities occurring, the SPEA must be further identified with orange snow fencing. As noted in the tree protection measure, this snow fencing must extend beyond the SPEA edge to incorporate the tree protection buffer by paralleling the upper edge of the treed zone to the south of the development area.</p>
<p><b>6. Sediment and Erosion Control</b></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>Kevin Westwick</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>As the proposed development area is flat and already comprises a building footprint, the risks involved with erosion and sediment movement are low. There is also a</p>

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

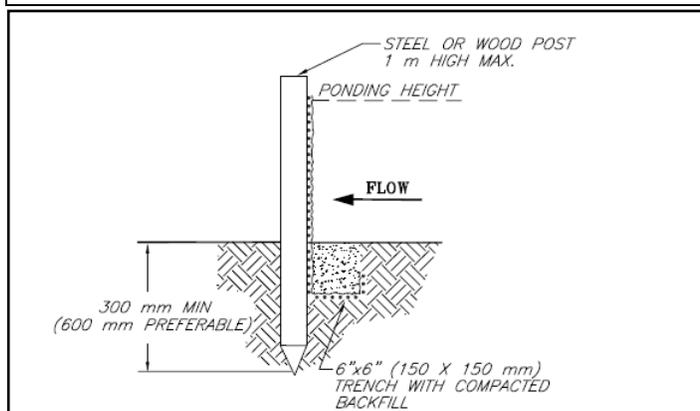
considerable buffer area between the edge of the construction area and the SPEA. It should be noted, however, that excavation activities associated with the proposed construction (e.g. excavating for the new foundation) have the potential of creating areas that are prone to erosion and subsequent sediment transportation. Despite the low risks, appropriate measures must be implemented prior to any site disturbance to ensure that sediment does not enter into the SPEA.

Effective Erosion and Sediment Control (ESC) deals with the control of sediment at the source (using techniques such as mulching) rather than trying to intercept turbid run-off (e.g. relying on sediment fencing). Therefore, the following measures must be employed during the construction process:

- Applying straw mulch (not hay, which often contains seeds of unwanted invasive weeds) to exposed ground and piles of fill and/or covering these areas with tarps or non-woven geotextile material. Covering exposed ground will help to decrease the mobilization of sediment from rainfall and surface run-off; and
- Seeding, then mulching any exposed areas beyond the construction footprint.

Although erosion and associated sediment transportation are very unlikely, the installation of sediment fencing is recommended prior to construction activities occurring. The sediment fence should be located along the edge of the SPEA (in association with the orange snow fencing), extending up to and paralleling the additional tree-protection buffer along the edge of the trees to the south of the construction footprint. The sediment fencing should curve to the west on either side of the construction zone, effectively enclosing the construction zone.

To be effective, the sediment fence must be properly installed. The lower edge of the fence fabric must be dug into the ground and back-filled to prevent turbid water from potentially flowing underneath the fence. The fence must also be securely fixed to strong wooden stakes. The diagram below illustrates the proper installation of a sediment fence:



<p><b>7. Stormwater Management</b></p>	
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ol style="list-style-type: none"> <li>I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Kevin Westwick</u>;</li> <li>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</li> </ol>	
	<p>Stormwater management refers to controlling water from short-lived peak flow events emanating from impermeable surfaces such as concrete, asphalt or rooftop surfaces. Development activities tend to increase the volume of stormwater leaving a site in comparison to pre-development conditions. For example, naturally vegetated areas have a relatively high natural absorbency; construction of impermeable surfaces (e.g. rooftops) changes this natural absorbency. Infiltration capacity is reduced, and short-term surface run-off associated with rain events increases. Elevated stormwater run-off can have negative impacts on watercourses and groundwater resources, including a potential increase in short-lived peak flow events and a decrease in the long-term supply of water to a system, which can result in lower water levels (both surface and ground) in the summer months.</p> <p>The goal of stormwater management is to capture storm flow and return it to natural hydrological pathways. Ideally, any development should aim towards a “no net gain” in stormwater leaving the site. In this case, post-development stormwater will not necessarily change significantly, based on the fact that the development will be occurring over an almost identical footprint. The new development proposal does, however, present an opportunity to install appropriate stormwater management techniques.</p> <p>Based on the size of the development footprint, the following techniques are recommended (either using a combination of measures or implementing one main technique):</p> <ul style="list-style-type: none"> <li>- Capturing and storing run off from impermeable surfaces (e.g. the rooftop) in retention areas (e.g. constructed rain- gardens), allowing for slow release into the ground;</li> <li>- Directing run off from impermeable surfaces into rock drains, allowing for the infiltration of stormwater into the ground;</li> <li>- Using permeable material or paving slabs for any related landscaping work. When using paving slabs, water is encouraged to infiltrate through the cracks between the slabs; drain rock placed below the slabs further encourages the infiltration of stormwater into the ground;</li> <li>- Implementing a “green roof” design on the new residence to capture and store rainfall through infiltration into the soil and uptake of water by vegetation. It should be noted that green rooftops have a relatively high insulation level and can, therefore, reduce costs associated with heating and cooling; and</li> <li>- Collecting rainwater from the rooftop in rain barrels, or using larger cisterns to capture and store rainwater for potential irrigation use. Rain barrels should not be used as a “stand alone” stormwater management method, but could perhaps be combined with the use of rock drains or rain gardens. For example, any overflow water from rain barrels could be directed into rock drains or a rain-garden.</li> </ul>

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<p>8. Floodplain Concerns (highly mobile channel)</p>	
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Kevin Westwick</u>;</li> <li>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</li> </ul>	
	<p>Based on the fact that the construction footprint is located on a flat area beyond the break of a gentle slope, there are no floodplain concerns associated with the development proposal.</p>

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**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 document 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:**

- Ensuring that the edge of the SPEA, which includes the additional tree protection buffer to the south of the construction footprint has been clearly identified with orange snow fencing prior to any site disturbance occurring;
- Making sure that sediment fencing has also been installed parallel to the snow fencing and is enclosing the construction footprint;
- Ensuring that tarps and/or straw mulch are available to cover exposed organic materials/piles of fill that may be susceptible to erosion;
- Completion of an on-site inspection prior to construction activities commencing to ensure that the measures noted above have been implemented; and
- Completion of a final site visit to ensure that all measures were implemented as recommended.

**Monitoring Schedule:**

- An initial inspection is to be completed to review the site and ensure the pre-construction measures have been implemented; and
- A final site visit is to be completed at the end of the development to ensure that all measures were adhered to.

**Communication Plan:**

It is expected that an open dialogue will be maintained between the Qualified Environmental Professional (QEP) and the developer or landowner prior to the beginning of site disturbance to arrange the initial site monitoring inspection. The developer (or landowner) will also contact the QEP at the end of the development process to allow for the final site inspection to be carried out.

**Post Construction Report:**

As part of the monitoring process, a report that documents the construction activities is required. The report will contain site photos of development activities and describe compliance to the various measures. Once complete, the post construction report will be uploaded using the RAR on-line submission process.

**Section 6. Photos**



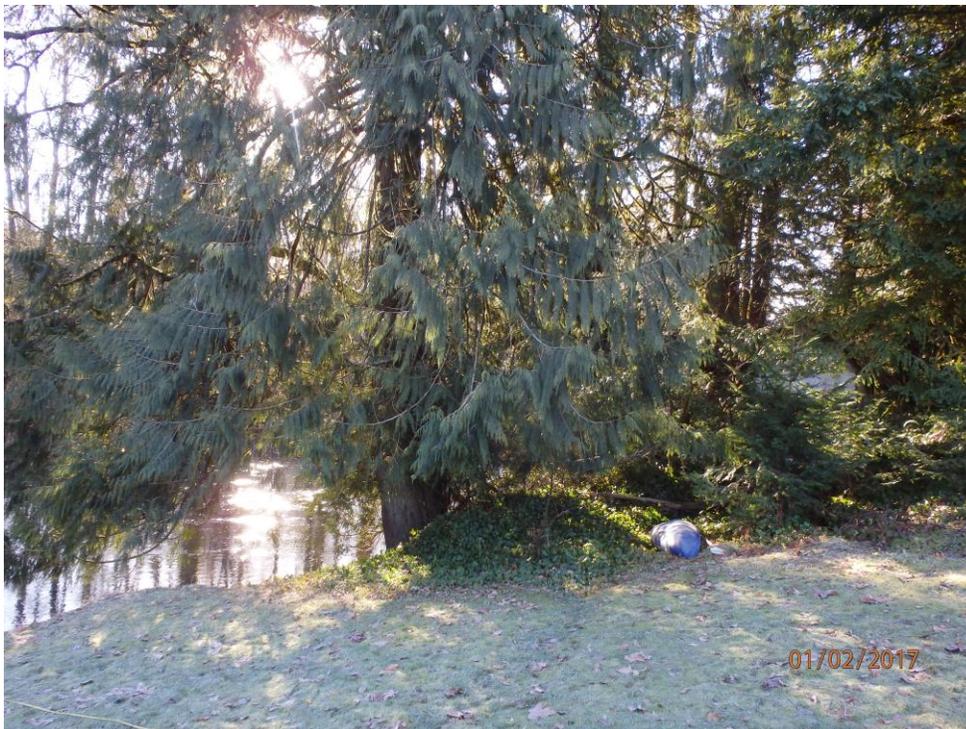
Looking west from a point close to the left bank of the Koksilah River towards the residence (proposed development footprint in this case). The mature exotic cedar close to the southern edge of the house is located beyond the SPEA.



Looking along the immediate SPEA, showing the fringe of snowberry that occurs to the immediate north of the lawn area. Note ivy-infested bigleaf maple trees beyond.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking through the SPEA to the immediate south of the lawn area.



Looking north from the lawn area in front of the residence through the upper SPEA towards the pasture land located on the neighbouring property. Again, note English ivy infestation of coppiced bigleaf maple trees located in the SPEA.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking south from the lawn in front of the residence, showing the greater depth of functioning riparian vegetation in the SPEA.



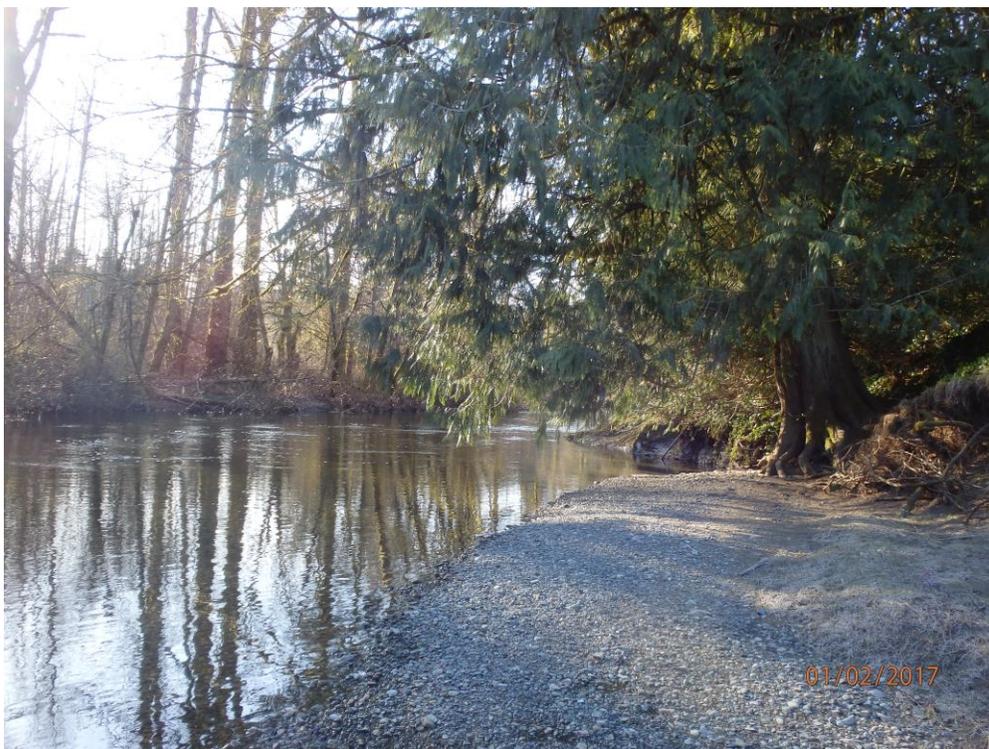
Looking east over the lawn area in front of the residence towards the Koksilah River. Note dead/dying limbs and stems associated with English ivy infestation of bigleaf maple trees in the SPEA.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking east towards the south eastern corner of the residence. The mature exotic cedar is located beyond the SPEA boundary.



Looking south along the Koksilah River where it flows in front of the lawn area.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking north along the Koksilah River where it flows in front of the lawn area.



Remains of concrete retaining wall (highlighted) and localized erosion of the bank along the edge of the lawn area.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking north along the upper edge of the SPEA, showing preliminary identification with orange flagging and spray paint.

**Section 7. Professional Opinion****Assessment Report Professional Opinion on the Development Proposal's riparian area.**Date 1. I, Trystan Willmott, B.Sc.,  
A.Sc.T.

*(Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)*

hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
  - b) I am qualified to carry out the assessment of the proposal made by the developer Kevin Westwick, which proposal is described in section 3 of this Assessment Report (the "development proposal");
  - c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
  - d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND
2. As a qualified environmental professional, I hereby provide my professional opinion that:
- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**  
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
  - b)  if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

**From:** Yvonne Hourigan [<mailto:whyhourigan@gmail.com>]  
**Sent:** October-24-17 3:17 PM  
**To:** Planning and Development <[ds@cverd.bc.ca](mailto:ds@cverd.bc.ca)>  
**Subject:** Requested Development Permit with Variance

Hello,

I am responding to file #08-E-17DP/VAR. I have received correspondence from your department. Thank you for the notification. I have a problem with this variance for three reasons.

1. These rules were put in place for a reason. We all have an obligation to protect our waterways.
2. The reasons cited for requesting this variance is simply not good enough. Because someone wants to do something, is hardly a criteria to allow a variance.
3. My main concern is the potential for future development on this large piece of property, and the precedence this variance could set. If one house is permitted closer to the river, how will you stop the other houses in the future from being built also too close to the river?

Sincerely,

Yvonne Hourigan  
Fairbridge Drive



**COWICHAN VALLEY REGIONAL DISTRICT**  
**DEVELOPMENT PERMIT WITH VARIANCE**

FILE NO: 08-E-17DP/VAR  
 DATE: \_\_\_\_\_, 2017

**REGISTERED PROPERTY OWNER(S):**

**KEVIN WESTWICK**

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1. This Development Permit with Variance is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below:  

*That Part of the East ½ of Section 6, Range 7, Quamichan District Shown on Outlined in Red on Plan Deposited Under DD 11259I (PID: 009-715-037)*
3. Authorization is hereby given for construction of a dwelling in accordance with the requirements listed in Section 4, below, and in accordance with the attached schedules.
4. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
  - Prior to issuance of the permit, deposit of security in the amount of 125% of the cost of the restoration;
  - Zoning Bylaw No. 1840 is varied by reducing the setback from the Koksilah River from 30 metres to 22 metres;
  - A final survey is required confirming compliance with approved setback.
5. The following plan is attached to and forms a part of this permit.

Schedule A – Site Plan

Schedule B – Riparian Areas Regulation Assessment Report No. 4502

Schedule C – Restoration Plan

- 6. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
- 7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Land Use Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X<sup>TH</sup> DAY OF MONTH, 2017.

**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 of the Development Variance Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with KEVIN WESTWICK other than those contained in this Permit.

\_\_\_\_\_  
Owner/Agent (signature)

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 3, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Elk Ridge (Paldi) Water and Sewer Systems – First Stage Approval

**FILE:** 0540-20-EAS/05

## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward the Elk Ridge Development proposal for first stage approval for staff to continue working with a new owner.

## RECOMMENDED RESOLUTION

That the Cowichan Valley Regional District (CVRD) grant first stage approval for takeover of the sewer and water systems for a proposed 500 unit development in Paldi, know as Elk Ridge Estates, as requested by the developers, Elk Ridge Estates Ltd., subject to the following conditions:

1. The previous Board resolution No. 06-691.2 approved in 2006, be rescinded;
2. The sewage and water systems' preliminary concepts, detailed design and installation must be approved by Engineering Services staff to ensure compliance with CVRD Design Standard, subdivision Bylaw 1215;
3. The water supply source must have adequate capacity and has received approval from the Vancouver Island Health Authority and a well licence must be obtained by Ministry of Forests, Lands, Natural Resource Operations & Rural Development
4. The developer must have a qualified professional prepare and submit the Registration of Discharge form, Operation Plan and Environmental Impact Study, and all other necessary documentation, to the Ministry of Environment for the sewage disposal system;
5. The developer undertakes to provide a two-year warranty on the completed sewer and water systems, backed by suitable bonding;
6. All lands on which infrastructure works are located be transferred to the CVRD; except where not practical, in which case will be placed within registered Statutory Rights-of-way using the CVRD's standard charge terms;
7. All sewage disposal and water supply capacities must be confirmed by the developer, and further that a peer review be carried out by a suitably qualified hydrogeological professional reporting to the CVRD on the hydrogeology reports;
8. The developer provide suitable reserve funds to start off the sewer and water functions;
9. The developer is required to provide all water and sewer servicing infrastructure, including sewage treatment works disposal system, pumps, controls, gensets, water meters, SCADA system and mainlines for the proposed development;
10. The developer shall pay all costs associated with monitoring and sampling requirements for the sewer system for the initial intensive monitoring period;
11. A water and sewer utility transfer agreement must be executed between the CVRD and the owner/developer;
12. A minimum of 30-year crown leases must be obtained for infrastructure located on any

- Crown Lands,
13. That a comprehensive electronic groundwater monitoring system for the proposed Elk Ridge development, tied into the CVRD's SCADA system, be provided that would enable continuous monitoring of the impact of the extraction on the aquifer.
  14. Consultation with the community for groundwater extraction must be undertaken;
  15. CVRD takeover must be undertaken and petitions completed and deemed sufficient; and
  16. Subject to these conditions, the necessary bylaws to create a sewer and water service areas for these systems be completed.

## BACKGROUND

At their regular meeting of November 22, 2006, the CVRD Board ratified the following resolution No. 06-691.2:

"That the CVRD grant approval in principle for takeover of the sewer and water systems for a proposed 500 unit development in Paldi, as requested by the developers, The Village at Paldi and Cherokee Land Investments, in a letter dated October 26, 2006, subject to the following conditions and without prejudice to the rezoning process:

1. Proper rezoning of the lands must be complete;
2. The sewage and water systems' preliminary concepts, detailed design and installation must be approved by Engineering Services staff to ensure compliance with CVRD Design Standards, Subdivision Bylaw 1215;
3. The water supply source must have adequate capacity and has received approval from the Vancouver Island Health Authority;
4. The developer must have a qualified professional prepare and submit the Registration of Discharge form, Operation Plan and Environmental Impact Study, and all other necessary documentation, to the Ministry of Environment for the sewage disposal system;
5. The developer undertakes to provide a two-year warranty on the completed sewer and water systems, backed by suitable bonding;
6. All infrastructure works, located on private property, are placed within registered Statutory Rights-of-way using the CVRD's standard charge terms;
7. All sewage disposal and water supply capacities must be confirmed by the developer;
8. The developer provide suitable reserve funds to start off the sewer and water functions;
9. The developer is required to provide all water and sewer servicing infrastructure, including sewage treatment works disposal system, pumps, controls, gensets, water meters, SCADA system and mainlines for the proposed development;
10. The developer shall pay all costs associated with monitoring and sampling requirements for the sewer system for the initial intensive monitoring period;
11. A water and sewer utility transfer agreement must be executed between the CVRD and the owner/developer;
12. A minimum of 30-year crown leases must be obtained for infrastructure located on Crown Lands.

and, subject to the Board granting 3<sup>rd</sup> reading to the zoning amendment, that the necessary bylaws to create a sewer and water service for this water system and sewer system."

At the CVRD Board meeting of February 28, 2007, it was further resolved:

"That a comprehensive electronic groundwater monitoring system for the proposed Paldi development, tied into the CVRD's SCADA system, be provided by Cherokee Land Investments that would enable continuous monitoring of the impact of the extraction on the aquifer."

The CVRD has since been approached by new owner, who wishes to proceed with the development. As the previous approvals were obtained 10 years ago and to a different developer, it was deemed necessary to obtain new first stage approvals.

As this is a new development, it does not fall under the current utility moratorium for takeover of existing water and sewer services.

**ANALYSIS**

Elk Ridge Estates will bring the number of utilities owned and operated by the CVRD to 20 water systems and 17 sewer systems respectively. As this infrastructure will be new, the property lies between existing CVRD systems in the area and will built to CVRD standards, staff is confident that operation of these facilities is feasible.

**FINANCIAL CONSIDERATIONS**

A budget has been developed for both the water and sewer systems, and petitions have been prepared for the new owners.

**COMMUNICATION CONSIDERATIONS**

Consultation with the community for groundwater extraction must be undertaken.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The recommended resolution provide a reliable essential service.

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:

Louise Knodel-Joy  
Senior Engineering Technologist

Reviewed by:

Not Applicable  
Not Applicable

Brian Dennison, P.Eng.  
General Manager

**ATTACHMENTS:**

Attachment A – Plan of service areas



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.

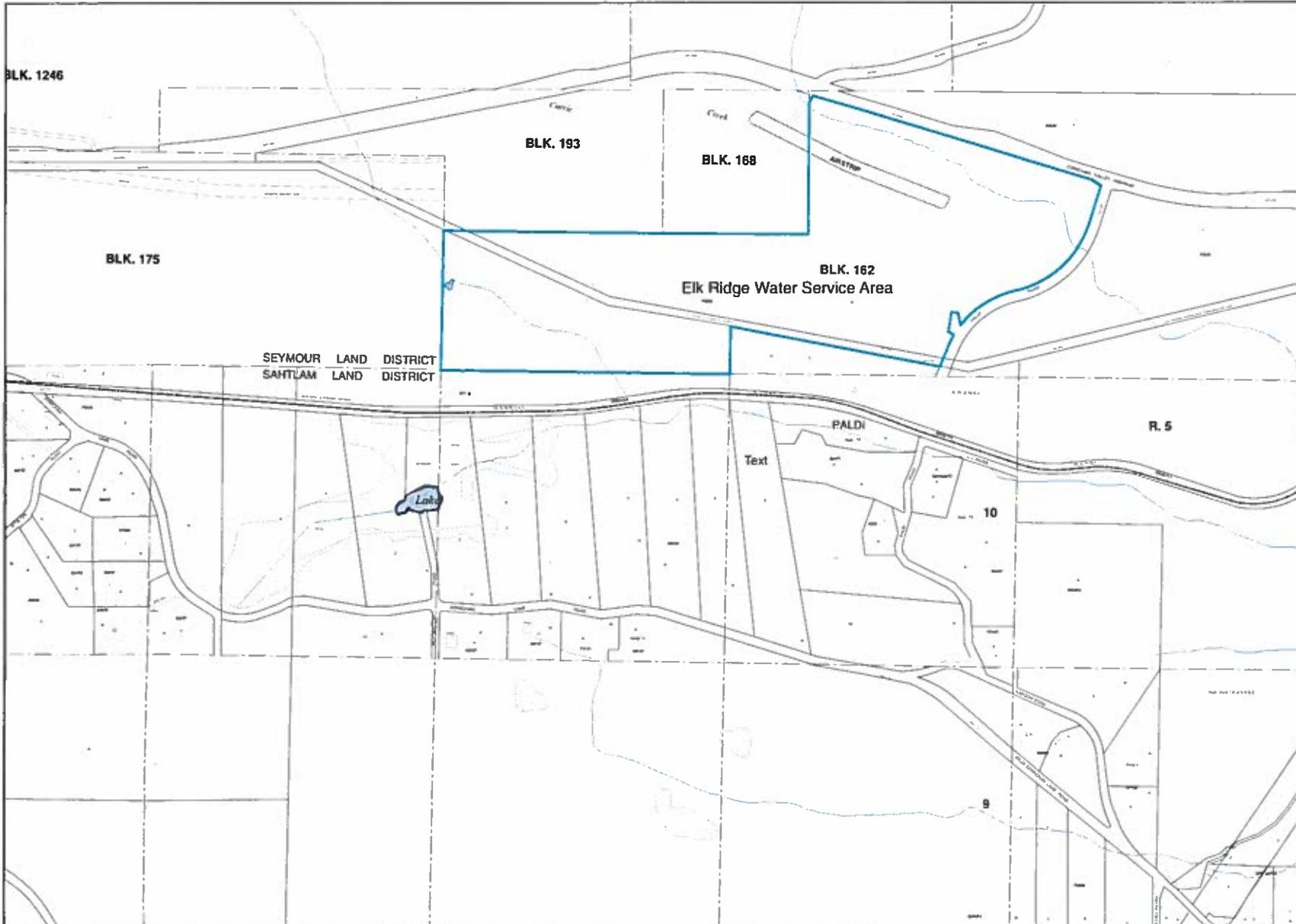
All persons making use of this compilation are advised that amendments have been considered for convenience purposes only and that boundaries are representational.

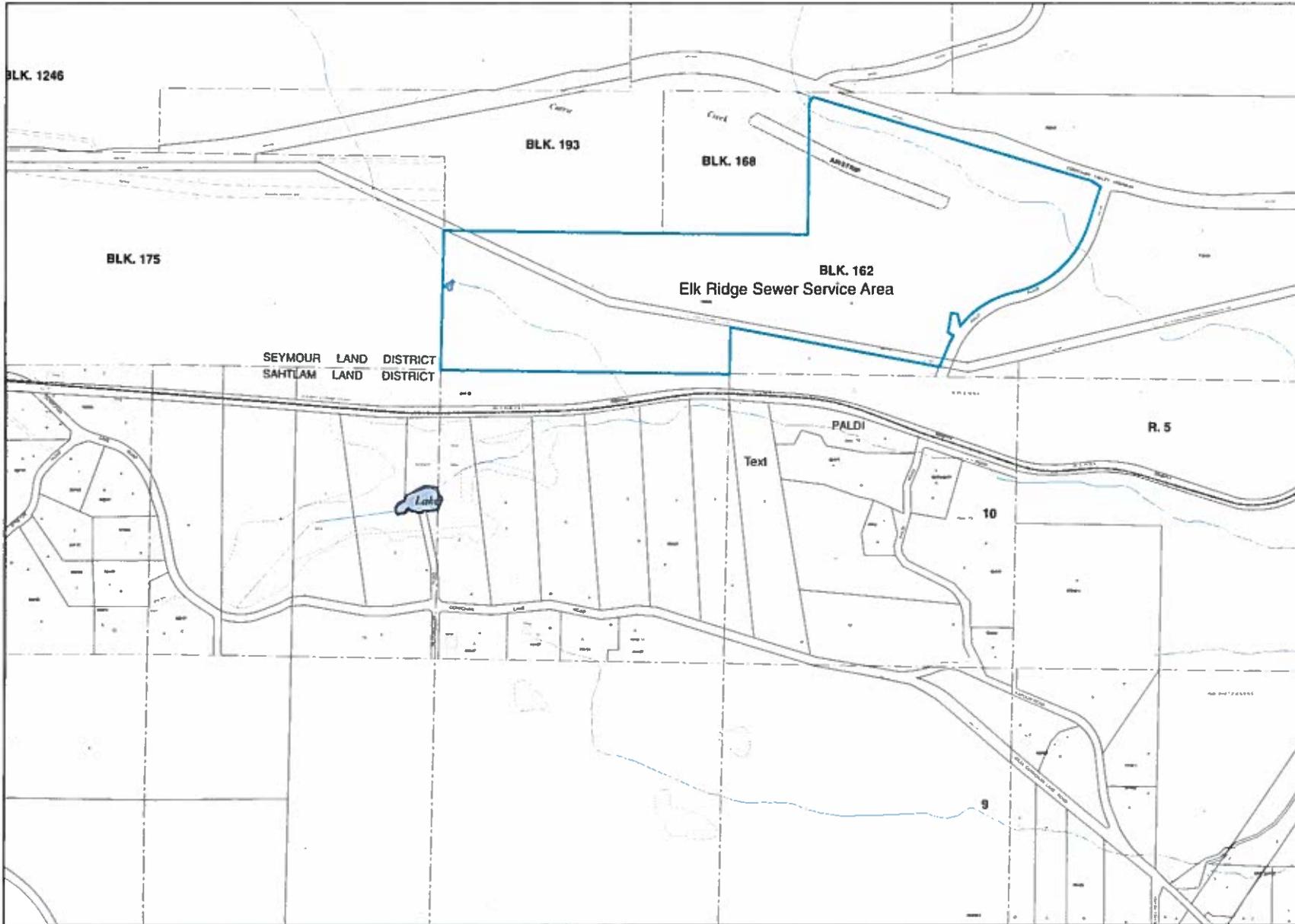
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: November 2, 2017



Scale: 1:10,000





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 2, 2017



Scale: 1:10,000



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 22, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Malahat Water & Sewer System Utility Transfer Agreement

**FILE:** 0540-20-EAS/05

## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward a request to enter into a utility transfer agreement between the Cowichan Valley Regional District (CVRD) and the owners of the Malahat Water and Sewer Systems (formally known as Elkington Forest).

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That prior to adoption of CVRD Bylaw Nos. 4158 and 4159, (Elkington Forest Water and Sewer Service Amendment Bylaws – Name Change) a Utility Transfer Agreement between the CVRD and the owners of the Malahat Water and Sewer Systems be executed; and
2. That following adoption of amendment bylaw Nos: 4158 and 4159 (Elkington Forest Water and Sewer Service Amendment Bylaws - Name Change), the Malahat Water and Sewer parcel tax roll, reserve fund and management bylaws be forwarded to the Board for consideration of three readings and adoption.

## BACKGROUND

At its May 14, 2014 meeting, the Board authorized phasing of the Elkington project with an initial phase of less than 50 units with resolutions approving:

- A minimum initial phase of 18 lots;
- A requisition limit for the initial phase that is sufficient to fund the utilities on an on-going basis;
- Developer disclosure to the perspective purchasers regarding requisition limits;

Further concessions requested by owners include payment of reserve funds of later phases of the development.

Subdivision of 18 lots was completed with a no-build covenant established on the 14 of the lots. It is understood that ownership has been re-configured and the plan now is to move forward to complete phase one, by completing water and sewer infrastructure to service those 18 lots and to transfer it to the CVRD. Therefore a utility transfer agreement must be executed.

In 2016, establishment bylaws were created for the Elkington Water and Sewer System Service Areas. In 2017, the name was requested to be changed by the new owners to Malahat Water and Sewer System Services (Bylaw Nos: 4158 and 4159). Upon adoption of these bylaws, the remaining parcel tax roll, reserve fund and management bylaws must also be adopted.

## ANALYSIS

The new owners of these utilities have now notified the CVRD that construction of these utilities are nearing completion and that transfer is expected in the near future. Therefore preparation of the necessary Utility Transfer Agreement and operating bylaws are now required.

**FINANCIAL CONSIDERATIONS**

Service costs for the water service area, estimated to be \$29,100 annually, are to be recovered through a combination of parcel taxes and user fees on the parcels within the participating service area. The service area consists of 18 properties, including 1 property that will be further subdivided to an eventual build-out of approximately 90 homes. A breakdown of total annual revenue at 18 lot build out is: \$5,700 in user fees and \$28,000 in parcel taxes.

Annual costs per property will be: \$300 User Fees and \$1,555 Parcel Tax.

Service costs for the sewer service area, estimated to be \$31,600 annually, are to be recovered through a combination of parcel taxes and user fees on the parcels within the participating service area. The service area consists of 18 properties, including 1 property that will be further subdivided to an eventual build-out of approximately 90 homes. A breakdown of total annual revenue at 18 lot build out is: \$5,700 in user fees and \$30,500 in parcel taxes.

Annual costs per property will be: \$300 User Fees and \$1,694 Parcel Tax.

**COMMUNICATION CONSIDERATIONS**

Not applicable.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The recommended resolution provides a reliable essential service.

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:

Reviewed by:

  
 \_\_\_\_\_  
 Louise Knodel-Joy  
 Senior Engineering Technologist

Not Applicable  
 Not Applicable  
  
 \_\_\_\_\_  
 Brian Dennison, P.Eng.  
 A/General Manager



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 21, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Water and Wastewater System Acquisition Policy

**FILE:** 0540-20-EAS/02

## PURPOSE/INTRODUCTION

The purpose of this report is to present a draft Water and Wastewater System Acquisition Policy for review and consideration by the directors.

## RECOMMENDED RESOLUTION

For direction.

## BACKGROUND

The Cowichan Valley Regional District (CVRD) established a moratorium for takeover of existing systems in 2016 in order to provide time for staff to address the many outstanding issues and liabilities assumed with the utilities taken over by that point, and to establish a more comprehensive utility takeover approach that would make the utility services provided by the CVRD more sustainable.

As one step in that process, in the fall of 2016, the Cowichan Valley Regional District (CVRD) hired Innova Strategy Group (Innova) to conduct a Water & Wastewater Utilities Review and Assessment. The review included an assessment and detailed examination of the challenge of managing and operating 35 water and wastewater utilities within a regional district context. The report provided recommendations for the management and operations of the utilities, changes to the relationships with utility users/residents, and provided options for changes to the overall governance of existing and potential future utilities.

One recommendation arising out of this resulting report was that a utility acquisition policy be established. This report outlines policies and practices proposed to form the Water and Wastewater System Acquisition Policy, which will guide future decisions related to utility system acquisition, assessment, and operations.

As part of the acquisition policy, it is critical that details of the requirements for adding utilities to the CVRD are clearly laid out. This will ensure fairness for both CVRD and the utility owners and will ensure that expectations are clear to all.

## ANALYSIS

Key components of the policy are:

### Objectives

- All costs associated with the utility review and feasibility study shall be borne by the private utility owners or developers; and
- Detailed criteria for acceptance.

**Utility Ownership**

- Transfer of utility; and
- Governance of utility.

**Engineering Requirements**

- Immediate improvements required to bring to standard/regulation;
- Long-range condition and replacement schedule;
- Comparison to all existing and/or contemplated standards/regulations; and
- Detailed review of options to amalgamate with adjacent/nearby utilities.

**Detailed Financial Analysis**

- Determination of full costs to bring utility up to standards;
- Determination of expected asset replacement costs for long-term;
- Detailed long term cost schedule; and
- Detailed operations and maintenance costs.

**Final Decision**

- Mechanism for approval by utility owners; and
- Mechanism for approval by the Board.

**FINANCIAL CONSIDERATIONS**

This policy is intended to result in a utility takeover process that sets utilities taken over by the CVRD on a financially sustainable basis at the offset.

**COMMUNICATION CONSIDERATIONS**

Not applicable.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The matter under consideration provides a reliable essential service.

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

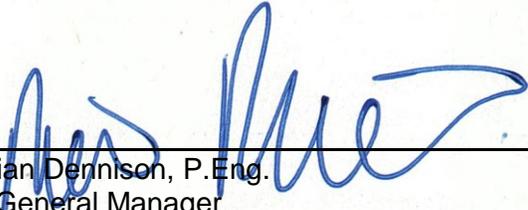
Prepared by:



Louise Knodel-Joy  
Senior Engineering Technologist

Reviewed by:

Not Applicable  
Not Applicable



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Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS:**

Attachment A: Draft Water and Wastewater System Acquisition Policy



**Cowichan Valley Regional District**

**Draft Water and Wastewater System Acquisition Strategy**

**2017**

DRAFT



**Cowichan Valley Regional District  
Utility System Acquisition Strategy**

**TABLE OF CONTENTS**

<b>INTRODUCTION AND BACKGROUND .....</b>	<b>1</b>
<b>Acquiring Systems Policies.....</b>	<b>1</b>
<i>Policy No. 1: Acquisition of Existing Utility Systems.....</i>	<i>2</i>
<i>Policy No. 2: Acquisition of New Utility Systems.....</i>	<i>2</i>
<i>Policy No. 3: Developments Joining CVRD Utility Systems .....</i>	<i>2</i>
<b>Prioritizing Systems for Acquisition .....</b>	<b>2</b>
<i>Policy No. 4: Prioritizing Systems for Acquisition .....</i>	<i>2</i>
<b>Acquisition of Multiple Systems.....</b>	<b>3</b>
<i>Policy No. 5: Acquisition of Systems .....</i>	<i>3</i>
<b>Financial Viability of Utility Systems.....</b>	<b>3</b>
<i>Policy No. 6: Financial Viability of Utility Systems .....</i>	<i>3</i>
<b>Engineering Assessments .....</b>	<b>3</b>
<i>Policy No. 7: Engineering Assessments.....</i>	<i>3</i>
<b>Limit to Number of Assessments.....</b>	<b>3</b>
<i>Policy No. 8: Number of Engineering Assessments .....</i>	<i>4</i>
<b>Transfer of Financial Assets .....</b>	<b>4</b>
<i>Policy No. 9: Transfer of Financial Assets.....</i>	<i>4</i>
<b>Payment for Utility Systems .....</b>	<b>4</b>
<i>Policy No. 10: Payment for Utility Systems .....</i>	<i>4</i>
<b>Public Assent Process for Acquiring Existing Utilities .....</b>	<b>4</b>
<i>Policy No. 11: Public Assent Process for Acquiring Existing Utilities.....</i>	<i>5</i>
<b>Acquisition Timing .....</b>	<b>5</b>
<i>Policy No. 12: Timing.....</i>	<i>5</i>
<b>RISK MITIGATION.....</b>	<b>5</b>
<b>Transfer of System and Legal Risk .....</b>	<b>5</b>
<i>Policy No. 13: Legal Risk.....</i>	<i>5</i>
<b>Transfer of System Without Valid Permits or Licences .....</b>	<b>5</b>
<i>Policy No. 14: Systems without Valid Permits.....</i>	<i>5</i>
<b>Constructed Works Protection by RoW, Easements, Leases or Fee Simple .....</b>	<b>5</b>
<i>Policy No. 15: Rights-of-way, Easements, Ownership of Lands .....</i>	<i>6</i>
<b>SERVICE DELIVERY.....</b>	<b>6</b>
<i>Policy No. 16: Service Delivery.....</i>	<i>6</i>
<b>Supervisory Control and Data Acquisition System .....</b>	<b>6</b>
<i>Policy No. 17: Supervisory Control and Data Acquisition Systems (SCADA).....</i>	<i>6</i>

<b>STANDARDS</b> .....	<b>6</b>
<b>Compliance with Provincial Legislation and Directives</b> .....	<b>6</b>
<i>Policy No. 18: Compliance with Provincial Legislation</i> .....	<i>6</i>
<b>Servicing Standards for New Systems</b> .....	<b>6</b>
<i>Policy No. 19: Servicing Standards for New Systems</i> .....	<i>7</i>
<b>Servicing Standards for Existing Systems</b> .....	<b>7</b>
<i>Policy No. 20: Servicing Standards for Existing Systems</i> .....	<i>7</i>
<b>Emergency Plans</b> .....	<b>7</b>
<i>Policy No. 21: Emergency Plans</i> .....	<i>7</i>
<b>Water Conservation</b> .....	<b>7</b>
<i>Policy No. 22: Conservation Plans</i> .....	<i>7</i>
<b>Water Metering</b> .....	<b>7</b>
<i>Policy No. 23: Water Metering</i> .....	<i>8</i>
<b>GOVERNANCE</b> .....	<b>8</b>
<b>Consistency with Land Use Planning Regulations and Policies</b> .....	<b>8</b>
<i>Policy No. 24: Land Use Planning</i> .....	<i>8</i>
<b>FINANCIAL SUSTAINABILITY</b> .....	<b>8</b>
<b>Cost of Conversion</b> .....	<b>8</b>
<i>Policy No. 25: Cost of Conversion</i> .....	<i>8</i>
<b>Rates</b> .....	<b>8</b>
<i>Policy No. 26: Rates</i> .....	<i>9</i>
<b>Loan Authorization</b> .....	<b>9</b>
<i>Policy No. 27: Loan Authorization</i> .....	<i>9</i>
<b>Tangible Capital Assets, Capital Reserve Funds &amp; Infrastructure Renewal</b> .....	<b>9</b>
<i>Policy No. 28: Tangible Capital Asset Information &amp; Long Term Capital Replacement</i> ....	<i>9</i>
<b>APPENDICES</b>	
Appendix A – Utility Summary Assessment Matrix (draft provided)	
Appendix B – Sample Terms of Reference for Assessments (to be developed)	
Appendix C – Sample Utility Transfer Agreement (draft provided)	

## **Introduction and Background**

In the fall of 2016, the Cowichan Valley Regional District (CVRD) hired Innova Strategy Group (Innova) to conduct a Water & Wastewater Utilities Review and Assessment. The review included an assessment and detailed examination of the challenge of managing and operating 35 water and wastewater utilities within a regional district context. The report provided recommendations for the management and operations of the utilities, changes to the relationships with utility customers/residents, and provided options for changes to the overall governance of existing and potential future utilities.

The CVRD has a moratorium for takeover of existing systems due to the inability to properly fund and operate them at a municipal standard. As part of this comprehensive utility review, a recommendation for utility acquisition was recommended. This report outlines policies and practices proposed to form the CVRD's Utility System Acquisition Strategy, which will guide future decisions related to utility system acquisition, assessment, and operations.

As part of the acquisition policy, it is critical that detail for the requirements for adding utilities to the CVRD are clearly laid out. This will ensure fairness for both CVRD and the utility owners and will ensure that expectations are clear to all.

To minimize risk, these policies and assessment procedures must ensure:

- The CVRD has as complete an understanding of the condition of the utility system as possible prior to acquiring that system;
- The CVRD has the necessary resources (e.g., financial resources, organizational capacity, technology) to own and operate additional systems; and
- The utility system will be financially viable over the long-term under CVRD ownership.

To communicate effectively and provide benefit for the customers, these policies and assessment procedures have been developed to ensure that:

- Expectations are understood and met by both CVRD and its customers;
- Detailed criteria for acceptance is provided; and
- Utility customers are fairly represented within the governance system.

## **Acquiring Systems Policies**

Historically the methods of acquiring existing utility systems come in the form of requests from customers, from utility owners or improvement districts, or from escheatment from the provincial government. The inability to provide knowledgeable operational staff, keep up with higher modern standards, replace ageing infrastructure or fully recover costs to provide these services on a sustainable basis have led existing utility providers to seek CVRD acquisition.

As part of the Innova report, a recommendation to amalgamate and combine utilities in the region was suggested as larger systems are more viable financially and operationally. Acquisition and amalgamation proposals for this purpose may come from the CVRD directly.

Following an initial meeting with CVRD staff to discuss the expression of interest in becoming a regional district service, applicants must host a public meeting or alternative consultative process to share information with the customers about the application. Following this meeting, proof must be provided to the CVRD that a clear majority of users within the service area support the application for the acquisition process to continue.

**Policy No. 1: Acquisition of Existing Utility Systems**

**(a) The CVRD will entertain requests to assume ownership of existing utility systems from:**

- **utility customers, utility system owners, improvement districts or provincial authorities;**
- **provided that the Electoral Area Director concludes that there is sufficient local support for the potential acquisition, which is often provided by a letter requesting that the CVRD investigate the feasibility of acquiring a utility system. If utility customers approach the CVRD directly to request acquisition, the CVRD will consult with the utility system owner to obtain the owner's consent prior to initiating the acquisition process.**

**(b) Alternatively, the CVRD will initiate a utility system acquisition process itself if the owner of the utility system agrees and such an acquisition would:**

- **result in measurable improvements to utility service provision (i.e., quality and reliability, as well as compliance with federal or provincial regulations and the CVRD's Subdivision Servicing Bylaw);**
- **be supported by the utility customers of that system;**
- **enable the CVRD to realize economies of scope or scale, which would result in cost savings relative to the utility systems meeting the same standards on their own; and**
- **support broader CVRD objectives of amalgamation.**

**Policy No. 2: Acquisition of New Utility Systems**

**The CVRD will entertain requests to assume ownership of new utility systems from:**

- **Owners and developers; and**
- **Provided that the Electoral Area Director supports the potential acquisition, the new infrastructure is built to CVRD and provincial standards and the development meets planning objectives.**

**Policy No. 3. Developments Joining CVRD Utility Systems**

**The CVRD will entertain requests from properties to join existing CVRD utilities from:**

- **Owners and developers; and**
- **Provided that the Electoral Area Director supports the inclusion, the system has capacity for growth, the new infrastructure is built to the CVRD and provincial standards and the development meets planning objectives.**

**Prioritizing Systems for Acquisition**

As several utilities can approach the CVRD for service provision at one time, the CVRD must prioritize the possible acquisitions. A major priority will be the systems with significant risk to health and the environment. Past experience has shown that systems in escheatment or in significant mechanical disrepair are at most risk. The CVRD will help to ensure that its resources are allotted to the systems in the greatest need. Further, systems which are able to connect to a compliant system stand a greater chance of success.

**Policy No. 4: Prioritizing Systems for Acquisition**

- a) The CVRD will prioritize the acquisition of utility systems to those that pose significant health risks to utility customers and the environment; and**
- b) Utility systems able to connect to an adjacent system will have higher priority than those which cannot.**

### **Acquisition of Multiple Systems**

As existing utility systems pose the largest risks and effort to bring into compliance, the CVRD could face several requests in a given year. It is recommended that the CVRD first assess its ability to manage another system prior to initiating the transfer and consider acquisition of one existing system per year. If the system already is up to a municipal standard, consideration may be given for a second system.

#### ***Policy No. 5: Acquisition of Systems***

***The CVRD will assess its capacity to acquire additional systems prior to the initiation of the acquisition process and will limit stand-alone utility system takeover to one per year.***

***The CVRD will acquire additional utility systems only if***

- a) The majority of CVRD operated systems are in compliance with municipal standards including completion of: Asset Management, Emergency Plans, Fire Underwriter Surveys, long term financial plans, and capital upgrade programs***

### **Financial Viability of Utility Systems**

The CVRD will not consider acquiring utility systems that are not expected to be financially viable to operate under CVRD ownership. It is recommended that the CVRD limit acquisition of new utilities to systems with at least 50 connections. Existing systems of less than 50 that are capable of expansion or amalgamation may be accepted.

#### ***Policy No. 6: Financial Viability of Utility Systems***

- a) The CVRD will consider acquiring utility systems that have at least 50 connections and are expected to be financially viable to own and operate; and***
- b) The Board may waive this size requirement if expansion or amalgamation is possible.***

### **Engineering Assessments**

In order to make informed decisions about utility acquisitions, the CVRD must complete a comprehensive assessment of a system requesting takeover. This should include engineering assessment, financial viability, full cost accounting for replacement of existing infrastructure and operations, safety and asset management in a format acceptable to the CVRD.

#### ***Policy No. 7: Engineering Assessments***

- a) The CVRD will not acquire an existing utility system until a comprehensive assessment has been carried out by a qualified professional consistent with the requirements established by the CVRD in its Terms of Reference for Utility System Assessments.***
- b) Upon receipt of an expression of interest, the Electoral Area Director can request access to the Electoral Feasibility Study Function Fund. If approved, these funds will be used to engage an engineering firm to examine the history legal status, and condition of the water system. If the system is taken over by the CVRD, this amount is to be repaid by the new function.***
- c) In the case of a development joining a utility service area, an engineering assessment will be required to determine the impact of this development on the existing CVRD utility service. This study will be funded entirely by the developer and carried out by the CVRD.***

### **Limit to Number of Assessments**

As part of the Utility System Acquisition Strategy and the Engineering Assessment required prior to takeover, the Electoral Area Feasibility Study Function is in place to provide a mechanism for owners of private water and sewer systems to access funds for the assessment. The process to access this fund is by request from a utility provider or from the Area Director. If the utility transfer

takes place, the feasibility fund is repaid in its first year of CVRD ownership. If the transfer does not take place, these costs are not recovered. Therefore the number of assessments must be limited to what may be reasonably accommodated by the Feasibility Study Function.

***Policy No. 8: Number of Engineering Assessments***

***The CVRD will limit the number of completed engineering assessments for existing utility systems to two per year.***

**Utility Transfer Agreement and Transfer of Financial Assets**

As part of the acquisition process, a utility transfer agreement must be completed between the owner of the utility and the CVRD. In order to ensure financial viability, as part of the transfer of private utility systems, any funds held as performance reserves or capital reserves by the owners of the system or by provincial Comptroller of Water Rights (water) or Ministry of Environment (sewer) must be transferred to the CVRD. In extenuating circumstances, the Board may choose to waive this policy in order to fulfill the intent of the acquisition policy.

***Policy No. 9: Utility Transfer agreement and Transfer of Financial Assets***

- a) A utility transfer agreement must be completed between the owner of the utility and the CVRD***
- b) The transfer of a utility system to the CVRD will be conditional on the transfer of all the financial assets related to the system including all pertinent reserve and trust funds, performance reserve funds in place as requirements of the Provincial Regulatory body, as well as any pre-servicing or other prepaid commitments.***
- c) In extenuating circumstances, the Board may waive this requirement.***

**Payment for Utility Systems**

It is possible that owners of private utility systems wish to recover costs for the construction or improvement of their systems. Considering that these costs are typically recovered through lot sales, it is recommended that the CVRD may pay no more than \$10 to acquire any system. In extenuating circumstances, the Board may waive this requirement.

***Policy No. 10: Payment for Utility Systems***

- a) It is the policy of the CVRD not to pay more than consideration of \$10 for the acquisition of any utility system.***
- b) In extenuating circumstances, the Board may waive this requirement.***

**Public Assent Process for Acquiring Existing Systems**

Once the contents of the engineering report and the overall financial picture have been discussed, residents will be asked if they wish to go to the next step, a formal public assent process. A public assent process is a legally binding procedure where the prospective service customers give their formal consent for the CVRD to provide a charge for that service. A draft budget is prepared and presented to the potential customers as part of the assent process.

Assent can be accomplished by referendum, formal petition, or through an alternative approval process (i.e., counter petition where fewer than 10% of the electors petition against the proposal). As the process of acquisition is lengthy and costly, strong support by the customers at the outset is critical. Referenda are quite costly (\$5,000 plus) and require a majority vote (50% plus one) in favour to pass. Petitions are relatively inexpensive, but require a time commitment from the local residents to ensure that petitions are circulated, completed correctly and returned to the CVRD by a given deadline. A passing petition requires greater than 50% of the total assessment and number of landowners be in favour.

If the public assent process is successful, the CVRD will prepare the necessary bylaws and paperwork to establish a service area and legally transfer ownership of the utility, and will develop operational criteria. A public assent process should be completed before the end of July (in order to enable appropriate coding by the BC Assessment Authority) to ensure that a CVRD takeover is possible for the following year. If this timeline is not possible, a one-time parcel tax equivalent will be charged directly to the customers.

***Policy No. 11: Public Assent Process for Acquiring Existing Utilities***

***The CVRD will assume ownership of an existing utility system only upon a successful public assent process.***

**Acquisition Timing**

The assessment and acquisition process is time consuming to complete properly due to the legal and regulatory requirements. In general, the total time frame from the expression of interest to a successful acquisition is expected to be in excess of 12 months.

***Policy No. 12: Timing***

***The CVRD will work with relevant regulatory agencies to promote the timely completion of the required assessment and regulatory process related to the acquisition process.***

**RISK MITIGATION**

**Transfer of System and Legal Risk**

On some occasions, unacceptable risks associated with the provision of a utility service are a motivator for a utility owner to seek takeover by the CVRD. Risk plays an important role within these systems. Therefore, the CVRD must assess legal risk on a case-by-case basis prior to accepting systems.

***Policy No. 13: Legal Risk***

***The CVRD will not acquire or assume responsibility for a utility system if it is determined there is undue legal risk associated with doing so.***

**Transfer of System Without Valid Permits or Licences**

To be consistent with overall objective of managing risk, it is recommended that utility systems not be acquired if there is substantial risk that required permits or licences are not capable of being obtained.

***Policy No. 14: Systems without Valid Permits***

***The CVRD will not acquire or assume responsibility for utility systems that area at substantial risk to not meet required permits, licences or registrations.***

**Constructed Works Protected by Right-of-way, Easements, Leases or Fee Simple Ownership**

Many existing utility systems do not have the necessary Rights-of-way, easements, leases or other tenures to protect the systems infrastructure. There is risk that the CVRD may not be able to acquire the necessary land tenure which may prevent it from properly operating the system. The CVRD may want to reduce its risk by requiring the easements and Rights-of-way are in place prior to acquisition.

Further with acceptance of new systems it is recommended that major infrastructure is located on lands to be transferred to the Regional District where possible.

**Policy No. 15: Rights-of-way, Easements, Ownership of Lands**

- a) *The CVRD will not assume ownership of utility systems where major facilities, mains, and other constructed works are not located within registered Rights-of-way or easements held by the owners of the system or within a legal parcel owned or leased by the owner.*
- b) *For new utility systems, all major infrastructure must be located on lands to be transferred to the Regional District.*
- c) *For developments joining existing utility services areas and Rights-of-way are required, all costs for obtaining these Rights-of-way will be borne by the developer.*

**SERVICE DELIVERY**

Due to liability in operation and maintenance of its utility systems, it is required that the CVRD carries out these tasks with its own forces or its contractors.

**Policy No. 16: Service Delivery**

*All activities related to the management, operation and maintenance of the utility systems be carried out by CVRD staff or its contactors.*

**Supervisory Control and Data Acquisition Systems**

Due to large distances between CVRD-owned utility systems and limited human resources available, it is not practical to conduct site visits to every system on a daily basis. To ensure all CVRD utility systems receive the required municipal level of service in a cost effective manner, a SCADA system is required for monitoring and operation. SCADA must be acknowledged and planned at the onset of acquisition as it is an integral part of the operation.

**Policy No. 17: Supervisory Control and Data Acquisition Systems (SCADA)**

- a) *The CVRD will prioritize the development and installation of a SCADA system to ensure efficient and effective service delivery for all of its utility systems.*
- b) *All upgrades to existing and new utility system must include a SCADA system components or accommodate the future installation of SCADA systems.*

**STANDARDS****Compliance with Provincial Legislation and Directives**

While it is clear that utility systems must be operated in a manner consistent with pertinent legislation, there are situations where these regulations have not been met. New regulations and standards also have been implemented since the development of the existing systems. A clear statement of policy must be included to communicate this requirement of compliancy with provincial regulation with customers of utility systems.

**Policy No 18: Compliance with Provincial Legislation**

- a) *The CVRD may discuss recommendations from the assessment report with regulatory officials in order to ensure their requirements will be satisfied following implementation of the recommendations.*
- b) *The CVRD will operate, maintain and upgrade its utility system to be consistent with pertinent provincial legislation, directives and best practices.*

**Servicing Standards for New Systems**

The CVRD is currently in the process of updating its Subdivision Service Bylaw to include up-to-date design standards and specifications. Once adopted, construction of all new utility systems must meet these standards to serve fee simple developments. The Local Government Act does

not allow local governments to impose these requirements within a strata development, however, where the CVRD is acquiring the new strata system it must also meet these standards as a condition of acquisition.

***Policy No. 19: Servicing Standards for New Systems***

- a) ***As a condition of acquisition all new utility systems, including strata developments, meet design standards and construction specifications outlined in the CVRD Subdivision Servicing Bylaw.***
- b) ***As a condition of acquisition, the CVRD may engage a third party (chosen by the CVRD) to review any document, report, or analysis related to the utility system that the developer has submitted to the CVRD. The developer will be responsible for the full cost of any required third party review.***
- c) ***All design works must be carried out by a suitably qualified engineer and CVRD must have access to the preliminary and detailed design information for direction prior to construction of works.***

**Servicing Standards for Existing Systems**

The CVRD has found that many existing systems were not built or maintained to specific standards or were built to lower standards of the time. Costs and ability to upgrade these systems can be prohibitive or not possible without major infrastructure funding. However in the long term, in order to achieve a sustainable service, existing utility systems must be brought up to an acceptable standard. Therefore prior to takeover, customers of the system must accept a long term upgrade program as determined by the CVRD and furthermore provision can be made in the budget for the system to achieve the required upgrades. A CVRD communication strategy must be in place to advise these existing or potential customers of these shortfalls and potential costs.

***Policy No. 20: Servicing Standards for Existing Systems***

- a) ***The CVRD will prepare a long term upgrade plan for all acquired systems.***
- b) ***The CVRD will work to bring all existing utility systems to required standards and will communicate these policies to customers in systems that are not compliant.***

**Emergency Plans**

As part of water system operating permits, emergency plans must be in place.

***Policy No. 21: Emergency Plans***

- a) ***The CVRD will prepare emergency plans for all CVRD owned utility systems.***
- b) ***For acquisition of a new system, an emergency plan must be provided to the CVRD and will be incorporated into the system.***

**Water Conservation**

The CVRD supports long term sustainability of water supplies. Therefore all new and existing water utilities being considered for takeover must include a water conservation plan.

***Policy No. 22: Conservation Plans***

***The CVRD will develop and implement water conservation plans for all of its water systems.***

**Water Metering**

Water metering is one of the most effective ways to encourage water conservation and to recover costs fairly. Water conservation plans for existing utilities must therefore include a commitment to

metering of the system. For new water systems, infrastructure for meters must be installed and meters or funds for them must be provided.

***Policy No. 23: Water Metering***

- a) All new water systems must be metered or funding for metering must be provided;***
- b) For existing unmetered water systems conservation plans will be prepared that include metering commitment.***
- c) The CVRD will establish water user rates based on water metering and an inclined block overage policy.***

**GOVERNANCE**

**Consistency with Land Use Planning Regulations and Policies**

To aid in orderly and sustainable growth within the Regional District, it is recommended that the Water Management Division continues to coordinate with Land Use Planning (Official Community Plans, and Zoning Regulations) with service delivery objectives.

***Policy No. 24: Land Use Planning***

***The CVRD will coordinate its land use planning regulations and policies with utility services for CVRD service delivery objectives.***

**FINANCIAL SUSTAINABILITY**

As per the Innova study, financial sustainability is a core principle for ensuring safe water and wastewater treatment and distribution to ensure continued protection of public health and the environment. Financial sustainability includes providing appropriate funding for operating and maintaining water and wastewater utilities as well as proactively planning to ensure there will be funds to renew and replace utilities as they come to the end of their useful life.

Existing utility systems customers requesting acquisition by CVRD must also be made aware of the real cost of service and must be prepared to pay for it. The following components will be critical to achieving financial sustainability:

**Cost of Conversion**

Cost of conversion of a private or improvement district utility system can be costly and are normally recovered in the first year of operation. These costs include legal, registration and transfer fees. The CVRD will not recover outstanding customer charges owed or pay debts by the utility system.

***Policy No. 25: Cost of Conversion***

- a) All costs accrued throughout the utility acquisition process will be repaid by the new function its first fiscal year.***
- b) All outstanding water or wastewater charges must be collected by the applicant prior to system acquisition.***
- c) All outstanding water or wastewater debts owed by the applicant must be paid prior to system acquisition.***

**Rates**

Based on individual system asset condition assessments, rates must reflect the actual cost of the service and infrastructure replacement. Ensuring customers understand the precise allocations including separation of operations and asset replacement funding required. In order to minimize any substantial increases in user rates, the CVRD may consider phasing in increases over time.

**Policy No. 26: Rates**

- a) *The CVRD will introduce utility user rates to recover the full cost of providing the utility service.*
- b) *The CVRD will consider phasing in rate increases due to long term asset management over multiple years to help mitigate the impact on customers.*

**Loan Authorization**

It is expected that many existing utility systems requesting acquisition will require capital improvement to comply with standards. Borrowing on behalf of the existing water systems is anticipated for capital upgrades and can be included with elector assent process.

**Policy No. 27: Loan Authorization**

*If borrowing is required for capital upgrades, the CVRD will advance the loan authorization for elector assent at the same time as the establishing bylaw.*

**Tangible Capital Assets, Capital Reserve Funds and Infrastructure Renewal**

As accounting practices require local governments to evaluate and report their tangible capital assets, the most up to date information must be included with the acquisition process.

For existing systems, this information can be included within the Engineering Assessment. For new utility systems, the developers must provide the information as part of the acquisition process. New developments must provide funding for capital reserves and for two year deficiency warranty bonds.

**Policy No 28: Tangible Capital Asset Information and Long-Term Capital Replacement.**

- a) *Developers must provide the information on tangible capital assets in a form acceptable to the CVRD for all new utility systems infrastructure they construct/install. This information will be provided to the CVRD as a condition of acquisition;*
- b) *For existing utility systems, collecting information on the system's tangible capital assets will be part of the required comprehensive assessment;*
- c) *As a condition of acquisition of a new utility system, the CVRD will require the developer to provide 5% of the value of the tangible capital assets to build up the into a reserve fund for long term capital replacement; and*
- d) *As a condition a 10% deficiency bond is required for a two year warranty term for all new capital assets.*

Utility System Assessment Matrix	
System Stats	Comments/ Details
Type of System - water, sewer, drainage, street lighting	
Number of parcels served	
Number of parcels at build out	
Number of connections	
<b>Water Systems</b>	
Water Source	
Number of wells	
Is the well licence registration process complete	
Alternative water source	
Treatment type	
Treatment compliant with:	
Regulations	
Best Practices	
Secondary disinfection	
Other treatment	
Iron &/or Manganese	
Arsenic	
Other	
Has there been a water advisory or boil order in place in the past	
Is a source water protection plan in place	
Does licence meet source capacity	
Current health risks - Documented waterborne outbreak / illnesses	
Are upgrades required to the water source	
Are upgrades required to the water treatment system	
Are upgrades required to the water distribution system	
Potential to bring about water service provision improvements	
Water meters in place	
Risk of waterborne illness	
<b>Sewer system</b>	
Type of treatment system	
Permit or Registrations	
Class of effluent disposal	
Back up disposal in place	
Treatment compliant with:	
Regulations	
Best Practices	
Other treatment requirements	
Has there been a compliance advisory in place in the past	
Does permit / registration meet compliance	
Does system have capacity	
Are upgrades required to the collection system	
Are upgrades required to the sewer treatment system	
Are upgrades required to the disposal system	
Potential to bring about sewer service provision improvements	
<b>Conservation / Governance</b>	
Conservations measures in place	
Current Governance - Private / Improvement District / Strata	
Community sentiment towards and acceptance of demand style management	
General sentiment for transfer - no interest /supportive/ desperate	

<b>Potential to Realize Economies of Scale</b>	
Location - proximity to another town or village	
Location - proximity to another CVRD water system	
Location - proximity to another potential water system	
Does the infrastructure meet CVRD requirements and best practices	
Is there potential to integrate amalgamate/operate/manage with other CVRD systems	
Current system EOCP rating	
Water system EOCP rating - after upgrades	
Estimated peak week operation hours required	
Estimated annual operation hours required	
Does CVRD currently have staff, skills, training and time to operate system	
<b>Financial Implications</b>	
Value of physical assets including infrastructure, real estate, equipment, supplies	
Current annual system budget	
Value of reserves, trusts and other financial assets	
Annual rates	
Existing debt	
Estimated rates with CVRD ownership	
Estimated annual revenue from cost recovery - taxes, charges, fees	
Is a capital plan in place	
is the system escheated	
Likelihood of receiving finding for recommended upgrades	
<b>Risk Exposure</b>	
Age of distribution system	
Condition of distribution system	
System assessment completed by an industry professional	
Are legal easements / Rights of way in place to protect infrastructure	
System records provide adequate information for assessment and operation	
Sufficient background information available for design of system	
Emergency response plan in place	
Area all required permits and licenses in place	
Pending lawsuits, legal claims or other legal action related to the system	
Does system have redundancy for mechanical / electrical equipment	
Stand by power	
Does system have sufficient equipment for operator protection and safety	
Measures in place to protect from vandalism & tampering	
Will new infrastructure require Ministry approval which may delay upgrades	
Exposure to risk	
Overall applicant system ranking	



personal property or other property and any interest or right in or with respect to that property;

- D. The Owner has agreed to allow the Regional District to take over the Water Utility and the Regional District desires to do so on the terms and conditions hereinafter appearing;
- E. The Owner has agreed to transfer its rights in one or more Statutory Rights of Way to the Regional District for the effective operation of the Water Utility on the terms and conditions of the Agreements attached hereto and forming part of this Agreement as Schedule "A".

**NOW THIS AGREEMENT WITNESSES** that in consideration of the covenants hereinafter provided, the parties covenant and agree each with the other as follows:

### **1.0 INTERPRETATION**

1.1 In this Agreement,

**2.0 "Utility Lands"** (no utility lands - all works on right of way and crown land.)

"**Water Utility**" includes all of the water system Works as more particularly described in Schedule "B" to this Agreement

"**Works**" means a system of operative waterworks and all appurtenant pipes, pumps, fittings, valves, meters, wells, treatment works and storage reservoirs installed and constructed by The Owner and employed by or in connection with the Water Utility, and more particularly described in Schedule "B" to this Agreement.

### **3.0 PURCHASE PRICE**

3.1 The purchase price for the Water Utility shall be the sum of Ten Dollars (\$10.00), payable by the Regional District to The Owner on the Completion Date as hereinafter defined.

### **4.0 COMPLETION DATE**

4.1 The Completion Date shall be on or before ("The Completion Date").

### **5.0 TRANSFER OF INTEREST**

- 5.1 As of the Completion Date, the Owner hereby sells, assigns and transfers to the Regional District all of its right, title and interest in the Water Utility, including:
- (a) The "Utility Lands";
  - (b) the Works;
  - (c) the Water Utility; and
  - (d) Reserve Funds in the amount of approximately \$\_\_\_\_\_ from The Owner's Replacement Trust Reserve Fund and Deferred Capacity Trust Fund; and
  - (d) The Owner agrees to enter into, prior to the Completion Date, a Contract of Sale with respect to the Works and Utility Lands in the form attached hereto as Schedule "C" and to execute and deliver to the Regional District the Statutory Right of Way agreements in the form attached hereto as Schedule "A" (the "**Statutory Rights of Way**"); and
  - (e) the Regional District shall be responsible for the payment of any costs incurred with respect to the transfer of these assets.
- 5.2 The Owner further agrees that, on or before the Completion Date, it shall make arrangements for release of the Reserve Funds as referred to in section 4.1(c) to the Regional District.
- 5.3 The Owner further agrees that it is a condition precedent to the obligations of the Regional District under this Agreement that the Vancouver Island Health Authority Permit to Operate a Drinking Water System be transferred to the Regional District, which condition may be waived by the Regional District in its sole discretion.
- 5.4 The parties acknowledge and agree that the Regional District is purchasing the Water Utility and its Works on an "as is where is" basis and the Owner makes no warranties or representations with respect to the fitness or condition of the assets being transferred pursuant to this Agreement.
- 6.0 REPRESENTATIONS AND WARRANTIES**
- 6.1 The Owner represents and warrants to the Regional District as follows, with the intent that the Regional District shall rely on the representations and warranties in entering into this Agreement and in concluding the purchase and sale contemplated by this Agreement:
- (a) The Owner has the power and capacity to own and dispose of the Works, and to transfer the Statutory Rights of Way and to carry on the Water Utility

now being conducted by it and to enter into this Agreement and carry out its terms to the full extent;

- (b) The execution and delivery of this Agreement and the completion of the transaction contemplated by this Agreement has been duly and validly authorized by all necessary corporate action on the part of The Owner, and this Agreement constitutes a legal, valid and binding obligation of The Owner enforceable against The Owner in accordance with its terms;
- (c) Neither the execution and delivery of this Agreement, nor the completion of the purchase and sale contemplated by this Agreement will give any person the right to remove the Works, or any part thereof;
- (d) The Owner owns and possesses and has a good marketable title to the Works free and clear of all mortgages, liens, charges, pledges, security interests, encumbrances or other claims;
- (e) The Owner has no indebtedness to any person, firm or corporation which might by operation of law or otherwise now or hereafter constitute a lien, charge or encumbrance upon any of the Works;
- (f) There is no litigation or administrative or governmental proceeding or inquiry pending, or to the knowledge of The Owner, threatened against or relating to the Water Utility, the Works or any part thereof, nor does The Owner know of or have reasonable grounds that there is any basis for such action, proceeding or inquiry;
- (g) All governmental licenses, permits and certificates required for the use to which the Works have been put have been obtained and are in good standing and such uses are not in breach of any statute, bylaw, regulation, covenant, restriction, plan or permit.

## **7.0 INDEMNITY**

7.1 The Owner covenants to save harmless and indemnify the Regional District from and against:

- (a) any indebtedness or liability arising before the Completion Date to any person, firm or corporation which might by operation of law or otherwise now or hereafter constitute a lien, charge, mortgage, security interest or encumbrance upon any of the Works, save and except any such indebtedness or liability created or caused by the Regional District; and
- (b) any and all actions, suits, proceedings, demands, assessments, judgments, costs and legal and other expenses arising out of or from its Ownership or operation of the Water Utility before the Completion Date.

**8.0 SURVIVAL OF WARRANTIES**

8.1 All representations, warranties, covenants and agreements made by The Owner in this Agreement or under this Agreement shall, unless otherwise expressly stated, survive closing and any investigation at any time made by or on behalf of the Regional District shall continue in full force and effect for the benefit of the Regional District.

**FURTHER ASSURANCES**

8.2 The parties shall execute such further and other documents and do such further and other things as may be necessary to carry out and give effect to the intent of this Agreement.

**9.0 TERMINOLOGY**

9.1 Wherever the singular or the masculine are used in this Agreement, they shall be construed as meaning the plural or the feminine or body corporate or politic where the context or the parties require.

**10.0 BINDING AGREEMENT**

10.1 This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.

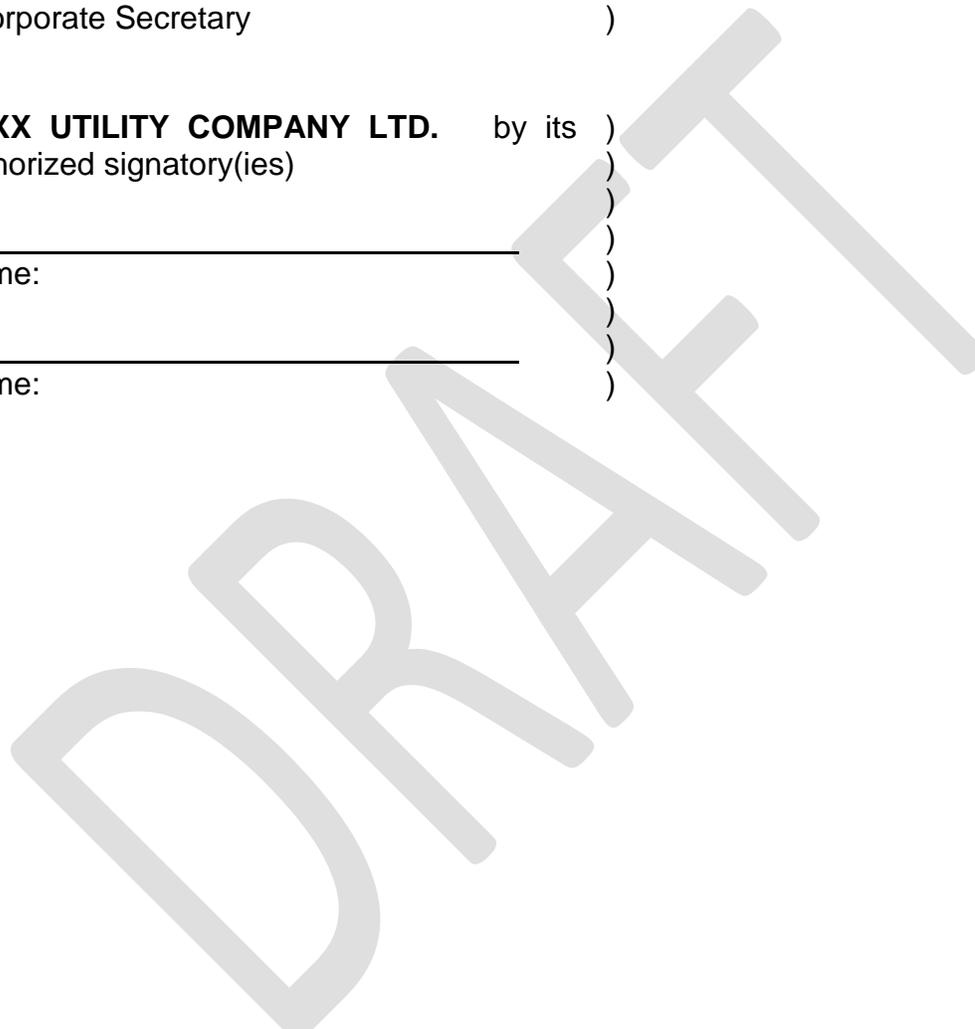
**11.0 HEADINGS**

11.1 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year first above written.

**Cowichan Valley Regional District** )  
 by its authorized signatories )  
 )  
 \_\_\_\_\_ )  
 , Chair )  
 )  
 \_\_\_\_\_ )  
 , Corporate Secretary )

**XXXX UTILITY COMPANY LTD.** by its )  
 authorized signatory(ies) )  
 )  
 \_\_\_\_\_ )  
 Name: )  
 )  
 \_\_\_\_\_ )  
 Name: )



**SCHEDULE "A"**  
**STATUTORY RIGHTS OF WAY**

DRAFT

**SCHEDULE "B"**

**The Works**

**WATER SYSTEM**

Wells

Pump houses

Concrete Reservoir

Distribution System

DRAFT



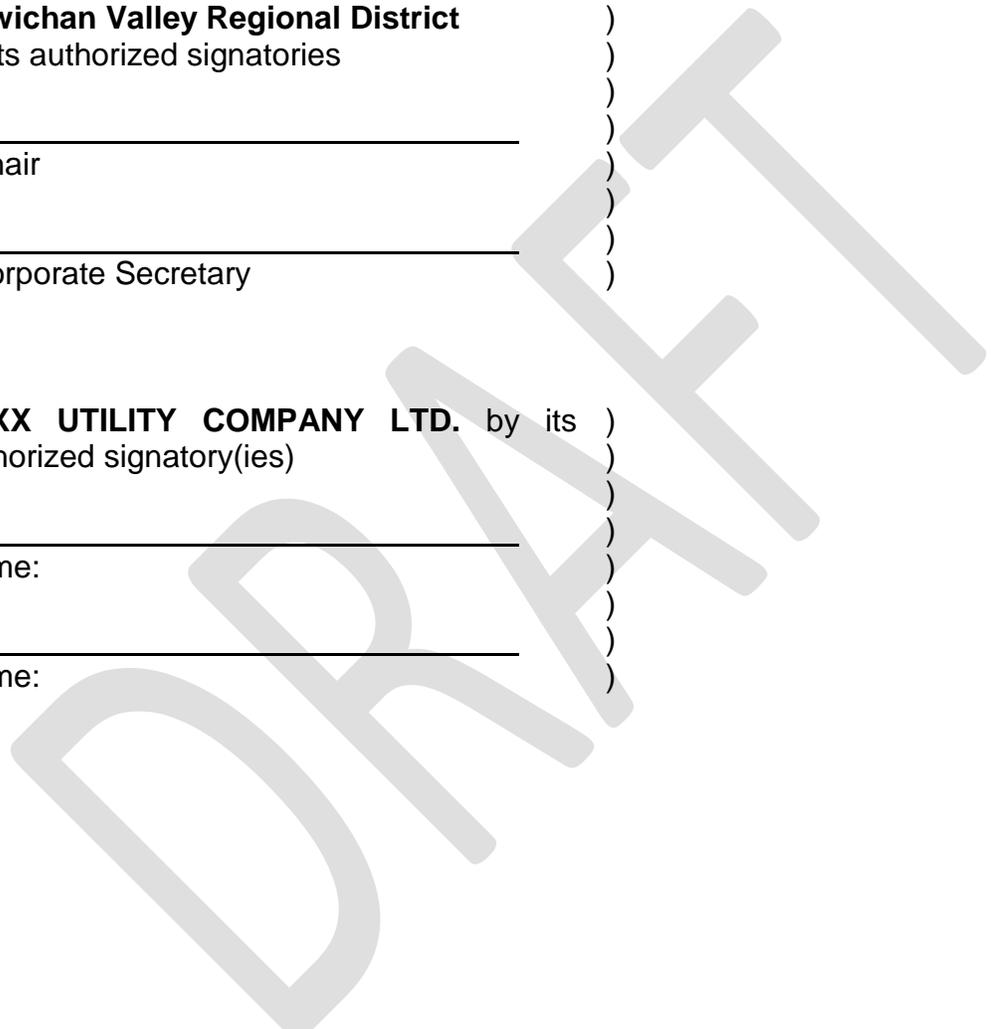
1. The Seller hereby covenants, promises and agrees to and with the Buyer:
  - (a) that all of the said goods are now in the possession of the Seller as defined in the *Sale of Goods Act*;
  - (b) that the Seller is now rightfully and absolutely possessed of and entitled to the said goods hereby sold and assigned, and to all and every part of them;
  - (c) that the Seller now has good right to sell and assign the said goods unto the Buyer in the manner aforesaid and according to the true intent and meaning of this Contract;
  - (d) that the goods are free and clear of all charges and encumbrances of every nature and kind whatsoever;
  - (e) that the Seller will indemnify and save harmless the Buyer from any and all charges and encumbrances not so set forth and described in Schedule "A" attached hereto;
  - (f) that the Buyer shall and may from time to time, and at all times hereafter, peaceably and quietly have, hold, possess and enjoy the said goods hereby sold and assigned, and all and every part of them, to and for its own use and benefit without any manner of hindrance, interruption, molestation, claim or demand whatsoever of, from or by the Seller, or any person whomsoever;
  - (g) that the Seller shall and will from time to time, and at all times hereafter, upon every reasonable request of the Buyer, but at the expense of the Buyer, make, do and execute, or cause or procure to be made, done and executed, all such further acts, deeds and assurances for the more effectual assignment and assurance of the said hereby sold and assigned goods unto the Buyer, in the manner aforesaid, and according to the true intent and meaning of this Contract, as shall be reasonably required by the Buyer.
2. The parties to this agreement hereby covenant and agree as follows:
  - (a) that the said goods hereby sold are sold on an as is, where is basis and that the Seller makes no representations or warranties to the Buyer of any nature whatsoever regarding the condition of the said goods;
  - (b) that the Buyer shall pay any and all taxes, duties, rates and charges that may be imposed by any federal, provincial, state or local government as a result of this sale, and that they Buyer will indemnify and save the Seller harmless from any liability for any such tax, duty, rate or charge.

3. This contract shall be governed by the laws of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hand and seal as of the day and year first above written.

**Cowichan Valley Regional District** )  
 by its authorized signatories )  
 )  
 \_\_\_\_\_ )  
 , Chair )  
 )  
 \_\_\_\_\_ )  
 , Corporate Secretary )

**XXXX UTILITY COMPANY LTD.** by its )  
 authorized signatory(ies) )  
 )  
 \_\_\_\_\_ )  
 Name: )  
 )  
 \_\_\_\_\_ )  
 Name: )



Schedule A

**The Works**

**WATER SYSTEM**

Wells

Pump house

Reservoir

Distribution System

DRAFT





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 23, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Water and Wastewater Commission Proposal

**FILE:** 0540-20-EAS/02

## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward a proposed framework for a Water and Wastewater Commission.

## RECOMMENDED RESOLUTION

For direction

## BACKGROUND

In 2017, a Water & Wastewater Utilities Review and Assessment report was completed by the Innova Strategy Group (Innova). The review included an assessment and detailed examination of the challenge of managing and operating 35 water and wastewater utilities within a Regional District context. This report provided recommendations on the management and operations of the utilities, changes to the relationships with utility users/residents, and provided options for changes to the overall governance of existing and potential future utilities.

Innova determined that the current Cowichan Valley Regional District (CVRD) utility governance model and subdivision approving authorities do not support the goals and objectives of elected officials, staff, and, most importantly, the utility users. Innova noted that it is difficult to effectively manage the expectations of utility users through the current model that essentially provides authority and leadership through the Electoral Area Services Committee. One of the recommendations for changes to governance in the CVRD was to establish a Water and Wastewater Commission.

“There should be strong consideration given to the creation of a water commission, a wastewater commission or a utilities commission to govern water and wastewater issues in the region. The commission should have clear terms of reference to ensure that any recommendations presented to the CVRD Board consider the best interest of the utility as a public service, not of individual users or individual user groups. Terms of reference should also include a commission candidate profile supporting professional industry experts, not specific community advocates. This would support the long-term goals of amalgamating water and wastewater utilities and ensuring that all new utilities are acceptable to overarching plans and objectives.”

## ANALYSIS

Responsibilities of a Water and Wastewater Commission will be to provide advice regarding utility service provision. The commission will be advisory only, to the Board and will not have decision-making authority. It will support the long-term goals of amalgamating water and wastewater utilities and ensuring that all new utilities are acceptable to overarching plans and objectives. The structure will ensure frequent and ongoing consultation between the commission and staff, committees and the Board.

Establishment and membership shall include:

- Nine residents who reside in the CVRD but not necessarily limited to the nine electoral areas;
- Profile supporting professional industry experts, including engineering, accountants, organizational backgrounds, but not customers of CVRD utilities;
- Directors, Alternate Directors and CVRD employees are not eligible for appointment; and
- Applications will be sought from the public for consideration of appointment to the commission whenever a vacancy occurs.

Term of office:

- The term of office for a member of the commission shall be for two years;
- Commission members may be re-appointed for a further term or terms;
- In the event of vacancy of office, a replacement appointee shall hold office for the otherwise unexpired term of office;
- The Board may, at any time, terminate the appointment of a member; and
- The Board may remove from membership any member appointed who has failed to attend three consecutive commission meetings without good cause.

Procedure:

- At the first meeting of the year, the commission shall elect from its own members, a Chairperson and Vice-Chairperson who shall hold office until a successor is elected;
- In the absence of the Chairperson or Vice Chairperson, a temporary chairperson shall be elected from those members present, for that meeting;
- A quorum is five members;
- All resolutions of the commission shall be made by a majority of the members present at the meeting, with each member having one vote;
- Rules of procedure governing commission meetings shall be those of current committee and commissions Procedures Bylaw of the CVRD.

Referrals to the commission:

- The Board and staff may refer matters respecting utilities to the commission for review and recommendations.
- It is anticipated that staff reports which currently are presented at Electoral Area Services will be presented to the commission.

The commission's initial term of office will be under review for a two year period so that the Board can review and assess the effectiveness of this body.

#### Bylaw Preparation

If the Committee wishes to proceed with establishing a Water and Wastewater Commission, the following motion would be required:

That it be recommended to the Board that a bylaw be prepared to establish a Water and Wastewater Commission based on the items identified in the December 6, 2017 staff report from the Water Management Division.

#### **FINANCIAL CONSIDERATIONS**

Not applicable.

**COMMUNICATION CONSIDERATIONS**

Not applicable.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The matter under consideration provides a reliable essential service.

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:

Reviewed by:

Louise Knodel-Joy  
Senior Engineering Technologist

Not Applicable  
Not Applicable

Brian Dennison, P.Eng.  
A/General Manager





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 22, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 6, 2017

**FROM:** Community Planning Division  
Land Use Services Department

**SUBJECT:** Mill Bay Age-Friendly Community

**FILE:** 6500-20-MBAF

## PURPOSE/INTRODUCTION

The purpose of this report is to present the Mill Bay Age-Friendly Action Plan, supported by a presentation by the Project Consultant Sarah Ravlic of Barefoot Planning.

## RECOMMENDED RESOLUTION

For information.

## BACKGROUND

In November 2016, the CVRD was awarded funding by UBCM to complete a Mill Bay Age-Friendly Community Assessment. A Request for Proposals was released and this project was awarded to Barefoot Planning, a consulting firm based in Victoria, BC with significant experience in undertaking age-friendly community projects. It was hoped that the Mill Bay study would achieve similar community development results as the one conducted for Cobble Hill, which resulted in a community-driven lunch service for seniors that is now routinely providing social supports for over 200 seniors in the South Cowichan region.

The project started in March 2017 and finished in November 2017 with completion of the attached Mill Bay Age-Friendly Action Plan. The report is based on the eight pillars of an age-friendly community, a framework which emerged from the World Health Organization's Age-Friendly Community initiative (2006).

One of the key challenges of this project was the tension between whether it should be a study of the Mill Bay community, as delineated in the South Cowichan Official Community Plan, or whether it should be an age-friendly study of the entire South Cowichan region. Many of the seniors who access facilities and resources in Mill Bay are, in fact, from the South Cowichan region more generally, rather than specifically from Mill Bay. Because Mill Bay is a shopping and a medical destination for South Cowichan, this was not a surprise. In the end, a compromise was struck, with certain aspects of the study being focused on Mill Bay, such as "Outdoor Spaces and Buildings" and "Housing", while other aspects of the study utilized a more sub-regional approach, such as "Social Participation" and "Civic Participation and Employment."

## ANALYSIS

The study determined that many of the CVRD's initiatives are on the right track for making the South Cowichan more age-friendly. For example, the CVRD's Electoral Area A Community Parks and Trails Master Plan has a goal of making a number of the existing trails more accessible, which supports age-friendly objectives. Another CVRD goal is to establish or enhance a number of roadside multi-purpose pathways, which provides a more age-friendly environment. CVRD's support for transit, including the handyDART option, was also seen as positive.

There is also room for improvement in the provision of services within the community, such as enhancing the number of public washrooms available in the community, adding street furniture to provide resting places for seniors on the trails or streets. A number of these tasks are not the responsibility of the CVRD, because they take place on private property, for example, or because another jurisdiction has responsibility for that particular aspect of making the community more age-friendly. The MOTI has responsibility for roads within Mill Bay.

However, there are certain objectives and tasks that may be best considered by the CVRD, such as working with and encouraging MOTI to upgrade safety provisions along South Cowichan roads, in particular the pedestrian crossing at the intersection of Deloume Road and the Trans Canada Highway. This is anticipated to become vitally important given that all current and proposed seniors housing is on the west side of the highway, while almost all of the services are located on the east side of the highway. Such improvements might also enhance the safety of students who cross the highway from Mill Bay to get to Frances Kelsey high school, or students from Brentwood College who cross the highway to access the fast food restaurants on the other side. There are several ways in which this objective or task can be addressed:

1. Referral of the report to the MOTI for their review and action;
2. Inclusion of relevant policy within the South Cowichan OCP, and the Mill Bay Village Local Areas Plan;
3. Addressing these types of transportation improvements through the Cowichan 2050 regional integrated planning strategy, through a comprehensive set of principles related to community design for population nodes;
4. Providing support from the CVRD Board to the MOTI; and
5. Negotiating community amenity contributions to assist with highway upgrades.

Housing was another area where gaps were identified, particularly in terms of affordable housing for seniors in the area, as well as affordable assisted living options. The CVRD's Affordable Housing Needs Assessment (2014) identified seniors housing as a particular gap within the region. Again, there are multiple ways of addressing this objective:

1. Referral of the report to Social Planning Cowichan and the Cowichan Housing Association for their review and action. NOTE: These groups are also recommending through a separate process, that the CVRD undertake an Attainable Housing Policy or Strategy;
2. Inclusion of relevant policy within the South Cowichan OCP;
3. Working closely with Cowichan Housing Association to identify a suitable partner to receive a community amenity contribution, when it comes in the form of a contribution to affordable housing through development applications;
4. Addressing the need for affordable housing through the Cowichan 2050 regional integrated planning strategy.

Other objectives and tasks will be most effectively addressed if an "issue facilitator" is identified. The CVRD can be viewed as being a logical home for an age-friendly coordinator for the region, although whether such a position would be best established within Community Services or elsewhere within or outside of the organization remains an open question. It might be possible for a senior-serving organization within the South Cowichan region to assume this role, and work together with other community organizations to address the needs of seniors within Mill Bay, and the South Cowichan region more generally. Some work along these lines is already starting to take place, with South Cowichan Community Policing stepping out to exercise leadership in this area.

The CVRD has established a placeholder for a Seniors Centre or Hub in the South Cowichan region (Shawnigan Lake), through the development of the Elsie Miles Park Concept Plan that was adopted by the Board in 2016. This Plan was created in collaboration with the Shawnigan Lake Community Centre Commission. Given the strength of the community organizations within South Cowichan which are offering programming for 188 hrs, such as the Young Seniors Action Group

(YSAG), combined with the commitment of the recreation centres within the South Cowichan region to make programming available for seniors, it may be possible for a partnership to be established that works to the benefit of all within the South Cowichan Sub-region.

While the CVRD, may be supportive of the recommendations of the Mill Bay Age Friendly Community Action Plan, it does not have the capacity to take on all of the recommendations as presented in this report. For example, transit services are cost shared between the CVRD and the Province and the current 3 year expansion initiative plan (2018/19- 2020/21) request to the Province does not include any additional funding. The CVRD first needs to confirm their share of the cost of the new CVRD Transit maintenance facility that BC Transit is building, before any service expansion or infrastructure improvements could be considered. It is important to note that CVRD and Provincial funding availability and priorities, and the willingness of taxpayers to fund the local share of improvements, need to be considered when any transit improvements are suggested.

There would need to be shared responsibility and leadership between the senior-serving organizations within the South Cowichan, various elements of the regional district government, and various Provincial ministries to support implementation of the entire suite of recommendations. Accordingly, the CVRD will distribute this report internally, to the Recreation, Parks, Transit, Community Planning divisions, Shawnigan Lake Community Centre Commission, and the South Cowichan Recreation Commission, and to the following organizations and will encourage community collaboration to achieve the goals identified in the Plan:

1. Ministry of Transportation and Infrastructure
2. Island Health
3. BC Transit
4. Social Planning Cowichan
5. Cowichan Housing Association
6. Mill Bay Community League
7. Mill Bay-Malahat Historical Society
8. Cowichan Seniors Community Foundation
9. OUR Cowichan Health Network
10. Volunteer Cowichan
11. Young Seniors Action Group
12. South Cowichan Community Policing
13. South End Seniors Social Club.

The CVRD will also post this report on its website to make it accessible for all members of the community.

#### **FINANCIAL CONSIDERATIONS**

To receive the remainder of the funding for this project, the final report will have to be submitted to UBCM no later than January 31, 2018.

#### **COMMUNICATION CONSIDERATIONS**

Dependent on the types of action the CVRD chooses to undertake. At a minimum, a media release will be sent out to inform the public that the Mill Bay Age-Friendly Action Plan has been completed.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The CVRD’s vision is that “Cowichan communities will be the most livable and healthy in Canada.”

Referred to (upon completion):

- Community Services** (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services** (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services** (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services** (*Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services**

Prepared by:

Reviewed by:

Beverly Suderman, MCIP, RPP  
Senior Planner

Mike Tippett, MCIP, RPP  
Manager

Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

Attachment A – Mill Bay Age-Friendly Action Plan, Dated November 2017

November 2017



Cowichan Valley Regional District – Mill Bay

# Age-Friendly Action Plan





Prepared for:  
Cowichan Valley Regional District  
175 Ingram St,  
Duncan, BC V9L 1N8  
[www.cvr.bc.ca](http://www.cvr.bc.ca)

Prepared by:  
Barefoot Planning  
Victoria, BC  
[barefootplanning.com](http://barefootplanning.com)



## Contents

<b>INTRODUCTION</b>	<b>4</b>
A1. Chapter Overview	4
A2. Project Context	5
A3. The Global Context	5
A4. What is an Age-friendly Community?	6
A5. The Mill Bay Context	7
A6. Age-friendly Planning Process	8
A7. An Age-friendly Culture	10
A8. The CVRD's Role	10
<b>AN AGE-FRIENDLY MILL BAY</b>	<b>12</b>
B1. Chapter Overview	12
B2. The 8 Pillars – A Framework	13
B3. Summary of the 8 Pillars	14
B4. Outdoor Spaces & Buildings	16
B5. Transportation	18
B6. Housing	20
B7. Respect & Social Inclusion	22
B8. Social Participation	24
B9. Communication & Information	26
B10. Civic Participation & Employment	28
B11. Community Support & Health Services	30
<b>ACTION PLANNING</b>	<b>32</b>
C1. Chapter Overview	32
C2. Recommended Actions	33
C3. Common Objectives	33
C4. Action Plans	34
C5. Making it Happen – Action planning	35
C6. Age-friendly Culture	36
<b>ACKNOWLEDGMENTS</b>	<b>37</b>

Note: This document is best viewed in “two-page” mode, as facing pages tend to correspond to each other.



# INTRODUCTION

## A1. Chapter Overview

This chapter provides an overview of the project, the context, and the process. Inside, you will find...

- » A summary of the project context, as well as the local community context and the wider global age-friendly context;
- » An introduction to age-friendly community planning;
- » An overview of the project process, including key phases and the project timeline;
- » An introduction to establishing an age-friendly culture within the Cowichan Valley Regional District (CVRD) and the local community; and,
- » An overview of the CVRD's role in the age-friendly community context.



24% of residents are 65+ according to the 2016 census

## A2. Project Context

In early 2017, the Cowichan Valley Regional District (CVRD) received an Age-friendly Community Planning grant from the Union of BC Municipalities. The CVRD then set out to create an action plan for the community of Mill Bay that would build on the existing strengths of the community and provide a road-map into the future.

The CVRD engaged Barefoot Planning, a Victoria-based planning consultancy, to lead this community-driven process –

which involved baseline research, a public survey, and two stakeholder workshops – and develop a set of recommendations that would act as a catalyst for action in the coming years.

This plan provides an overview of the process and public input, and is primarily intended to present a relevant and actionable list of strategies for the CVRD to pursue, alone and in collaboration with community partners.

## A3. The Global Context

In 2006, the World Health Organization (WHO) launched the Age-friendly Community Initiative, with the goal of adapting structures and services to be more inclusive to the needs and abilities of people from all age groups. Through the subsequent Global Age-friendly Cities Project,

the WHO established eight pillars for assessing and developing strategies to create age-friendly communities.

These eight pillars (see sidebar on facing page) provide a framework from which this project was carried out and this plan was structured.



6

## A4. What is an Age-friendly Community?

In an age-friendly community, the physical, social, and political environments support people of all ages in meeting their daily needs. Accessible infrastructure, housing, transportation, programming, policies, and services enable independence in seniors and people with disabilities – allowing them to enjoy autonomy in their lives. Moreover, age-friendly communities promote a high quality of life, comfort and security, and meaningful participation by accommodating the physical, behavioural, economic, and social changes a person experiences over time.

While this project focuses on adults over the age of 65, an age-friendly community benefits residents of all ages. For example, safe, accessible, and pedestrian-friendly infrastructure provides security and comfort to children, parents pushing strollers, and those with mobility challenges. Senior services relieve families of stress and provide a higher quality of life for older adults. And, intergenerational programs build mutual respect, strengthen community bonds, and provide learning opportunities for all ages.

### The WHO 8 Pillars of Age-friendly Communities

- » Outdoor Spaces & Buildings
- » Transportation
- » Housing
- » Respect & Social Inclusion
- » Social Participation
- » Communication & Information
- » Civic Participation & Employment
- » Community Support & Health Services



## A5. The Mill Bay Context

With a median age of 46, compared to 41 in British Columbia, Mill Bay is aging and growing. The total population of Mill Bay saw 7.3% growth between 2011 and 2016, after years of minimal growth. As a result, 51% of the population is now over the age of 45, and 24% is over the age of 65 – both higher than provincial averages. It is anticipated that these older age cohorts will continue to experience significant growth and change, placing increasing demands on the physical and social infrastructure of the community.

However, as with most rural communities, the CVRD struggles with some key issues that affect seniors, their quality

of life, and their ability to age-in-place. Such issues include transportation and mobility, housing, healthcare, and the large geographical areas of the CVRD. These factors play a particularly key role in the lives of older seniors (70 and older) and influences their likelihood of staying in Mill Bay.

That said, Mill Bay has a number of existing strengths. The local medical centre provides access to much needed services in the core of the community; Kerry Park Recreation Centre provides opportunities for individuals to remain active; and many local interest and volunteer groups present opportunities for socialization.

## Project Advisory Committee

This age-friendly planning process was anchored in a robust community and stakeholder engagement process. The heart of this consultative approach was the establishment of an Advisory Committee, consisting of key stakeholders in the local seniors community – service providers, decision-makers, and other

organizational representatives.

The project team facilitated a working session with the advisory committee in each of the three project phases, helping to either set the stage for or refine the process and outcomes of the wider community engagement process.



8

## A6. Age-friendly Planning Process

The process for this age-friendly action plan consisted of three primary phases: Context Research, Public Engagement, and Action Planning, each informed by meetings with an Advisory Committee made up of key stakeholders of the seniors community in Mill Bay and South Cowichan.

### Context Research – Policy Assessment & Best Practices

Initially, using the 8 Pillars as a framework, the consultant team conducted an in-depth assessment of the local policy context, reviewing relevant policies and regulations. This research was supplemented by a review of best practices from other communities, in which relevant actions were identified to inform this plan.

The first Advisory Committee meeting was used to finalize the workplan and develop an inventory of community assets, which acted to inform the development of a public survey and the beginnings of a Community Needs Assessment.

### Public Engagement – Community Needs Assessment

The public engagement phase consisted of a public survey, 'pop-up' consultation, and an action planning workshop with stakeholders.

The public survey consulted a broad

range of local residents about key age-friendly issues and ideas in Mill Bay. The reach of the survey was extended with 'pop up' events, in which the project team engaged with local seniors at key locations and events (e.g., Mill Bay Centre, Cobble Hill Seniors Luncheon), facilitating survey uptake and dialogue about age-friendly issues. Through these events, it became clear that local seniors saw themselves as part of a wider South Cowichan context, rather than a narrower Mill Bay context. This idea informed the rest of the project process, including the development of recommended actions.

From the survey and context research, and with the aid of the Advisory Committee, a Community Needs Assessment was developed, which informed the second half of the project, in which the focus shifted from identifying issues to generating potential actions and next steps.

### Action Planning – Next Steps & Putting It All Together

An action planning workshop was held to tap the expertise of key stakeholders. The session was based on the World Café format, in which rounds of dialogue build on each other, addressing key themes in order to connect ideas and generate solutions. The result was a series of potential action items and ideas.

110+  
public survey  
respondents

The workshop outcomes were further refined at a third Advisory Committee meeting, where the most relevant, meaningful, and actionable ideas were identified, before an iterative process led to the development of the Objectives and Recommended Strategies that form the core of this plan.

With the support of BC Healthy Communities, a final action planning workshop, was then held to help prioritize these strategies and focus on the development of an implementable plan.

The final Action Plan was then developed with support from CVRD staff.

## Project Timeline

The project was completed between March and December of 2017, based on the requirements of UBCM Age-friendly Communities Grant.

The following represents the key components of the project timeline.

MAR 2017	Assessment of local policy and review of relevant best practices.
APR-MAY 2017	Survey development, public lecture, survey pop-up.
JUN-JUL 2017	Stakeholder workshop to generate potential next steps.
JUN 2017	Iterative development of draft recommendations informed by Advisory Committee.
NOV 2017	Action planning workshop to inform implementation plan.
AUG-DEC 2017	Final Action Plan development and submission.



## A7. An Age-friendly Culture

In becoming an age-friendly community, the CVRD, local stakeholders, and residents need to develop a culture of age-friendliness. In other words, these partners need to collectively foster a community where residents can age in place, feel respected, be independent, and achieve a high quality of life.

Internally, the CVRD can catalyze this evolution by making a commitment to an age-friendly future and by reinforcing a corporate culture that facilitates this.

To successfully implement the strategies recommended in this plan and move this

initiative forward, the CVRD will need to:

- » Take an age-friendly perspective to all community issues;
- » Ensure an integrated, inter-departmental, cross-agency approach to key issues;
- » Build civic advocacy and advisory capacity;
- » Strengthen internal and external connections; and,
- » Engage on-going support from provincial and federal agencies.

## A8. The CVRD's Role

For Mill Bay to become an age-friendly community, the CVRD must play a key role in the implementation of this plan, including but not limited to:

- » Being (or identifying) a local champion to advocate for and carry initiatives forward;
- » Communicating information and raising community awareness about planning initiatives;
- » Leading or providing support services on key initiatives;
- » Providing space and funding where appropriate;
- » Developing relevant policies and regulations to support action items;
- » Initiating and developing partnerships with service providers, businesses, community organizations, and public agencies;
- » Supporting or leading communication efforts and supporting the provision of information; and,
- » Initiating action planning on an annual basis and monitoring its progress.



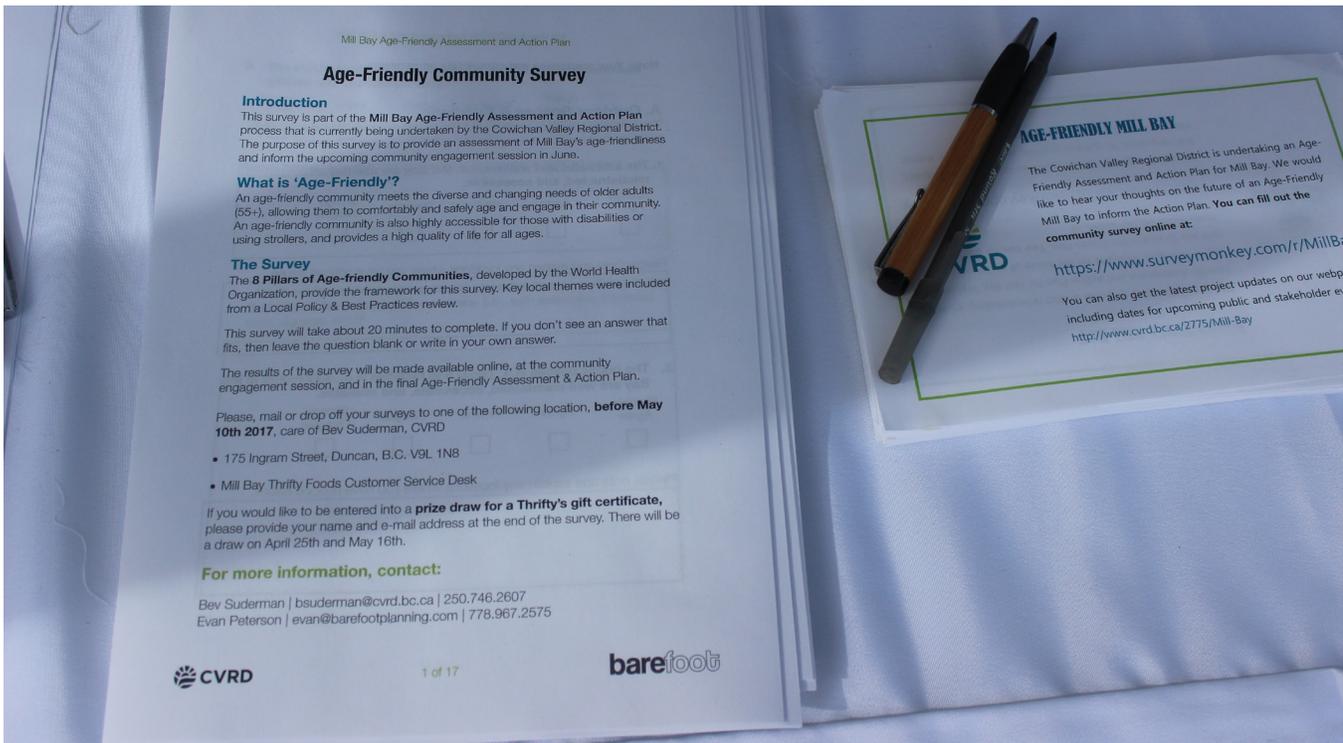


# AN AGE-FRIENDLY MILL BAY

## B1. Chapter Overview

This chapter presents the overall Assessment and Action Plan for Mill Bay, identifying each of the 8 Pillars of an age-friendly community individually. Inside, you will find:

- » The 8 Pillars – A Framework
- » Outdoor Spaces & Buildings
- » Transportation
- » Housing
- » Respect & Social Inclusion
- » Social Participation
- » Communication & Information
- » Civic Participation & Employment
- » Community Support & Health Services



## B2. The 8 Pillars – A Framework

Throughout the process of developing this action plan, the World Health Organization's (WHO) 8 Pillars of age-friendly communities acted as a guiding framework – for research, survey development, workshop format, and the content of this report. While very broad in scope, these pillars necessarily guide us to reflect on all aspects of community that affect older adults and those with mobility challenges.

This section is the core of the Age-friendly Action Plan. For each pillar, a complete synthesis of the project findings has been provided:

- » **Common Barriers** are community issues identified in the context

research, public survey, and workshops.

- » **Key Voices** are notable findings from the survey along with quotes from residents via the survey and workshops.
- » **Current Practices** indicate initiatives and assets that presently benefit older adults in Mill Bay.
- » **Next Steps** are local age-friendly objectives and the recommended strategies to begin achieving those objectives.

The next section (C. Implementation) will further refine these detailed recommendations into a short list of strategies for the CVRD to initially consider and undertake.

## B3. Summary of the 8 Pillars

14

The World Health Organization established 8 Pillars of age-friendly communities, which acted as a guiding framework throughout the project process.



### Outdoor Spaces & Buildings

The natural and built environments support the access and active involvement of seniors and those with mobility challenges in the community.



### Transportation

Older adults are able to get around their community conveniently and safely using public, private, and active forms of transportation.



### Housing

Seniors have access to safe, accessible, affordable housing that is well-located and allows them to age-in-place.



### Respect & Social Inclusion

The community is respectful of and dignifies older adults and welcomes their active involvement in all aspects of society.



### Social Participation

Older adults have opportunities to build meaningful social connections and participate in leisure and cultural activities.



### Communication & Information

Older adults are aware of the programming and services available to them and have ready access to relevant, up-to-date community information.



### Civic Participation & Employment

Seniors have the opportunity to participate in civic decision-making and have sufficient opportunity to contribute to the community via paid or unpaid work.



### Community Support & Health Services

Seniors have access to the support and services they need to remain healthy and independent.





16

## B4. Outdoor Spaces & Buildings

### Current Conditions

#### Identified Barriers

- » Key walking routes, specifically Mill Bay Road, lack infrastructure to support a popular walking route. Seating, garbage cans, access to the ocean, and washrooms are much needed facilities.
- » Shoulders of roads are often not wide enough or difficult to navigate due to mud and potholes.
- » Public washrooms are lacking in the

community.

- » Better wayfinding signage in the Centre and along walking trails and roads is needed.
- » Connections and safe crossing from one side of the highway to the other is an issue for seniors, children and youth alike.

#### Key Voices

- » "It would be a lovely walk along Mill Bay Road by the waterfront if there were sidewalks."
- » "Mill Bay Road is not good as there is no where for pedestrians. I support a teen with autism and it is a challenge to walk from his house to Mill Bay"

- » "Senior or child, Mill Bay roads are dangerous with more and more people speeding well above the speed limit."
- » "Access to the ocean is the key feature of Mill Bay and currently it is invisible and inaccessible"

#### Current Practices

- » Many existing trails and walking routes exist in the community; however, limited age-friendly features have been implemented.
- » Young Seniors Action Group (YSAG) regularly hosts walks.
- » Included in the community vision of

the 2016 Mill Bay/Malahat Community Parks and Trails Master Plan is the community's desire to initiate improved ease of access to most community parks and trails, including public beach accesses, specifically for the needs of an aging population.



## B4. Outdoor Spaces & Buildings

### Objectives & Strategies

#### Obj #1

Improve the accessibility of pathways and trails.

#### Recommended Strategies

- » Support recommendations made in the Electoral Area A (Mill Bay/ Malahat) Community Parks and Trails Master Plan and host an event to present these recommendations, and any additional CVRD plans which support the Age-friendly Action Plan, to the public.
- » Establish a roadside, multi-use pathway along Mill Bay Rd. and explore the potential for similar pathways along other roads in the community.
- » Work with property owners to improve way finding signage throughout the village area; additionally, consider signage for age-friendly trails that indicates difficulty level and length of trail.

17

#### Obj #2

Increase the number of age-friendly amenities located on pathways & trails.

#### Recommended Strategies

- » Acquire new street furniture in key locations throughout the community for seniors.
- » Explore internal and external funding opportunities for pedestrian upgrades that benefit seniors directly, including increased lighting.

#### Obj #3

Improve access to public washroom facilities.

#### Recommended Strategies

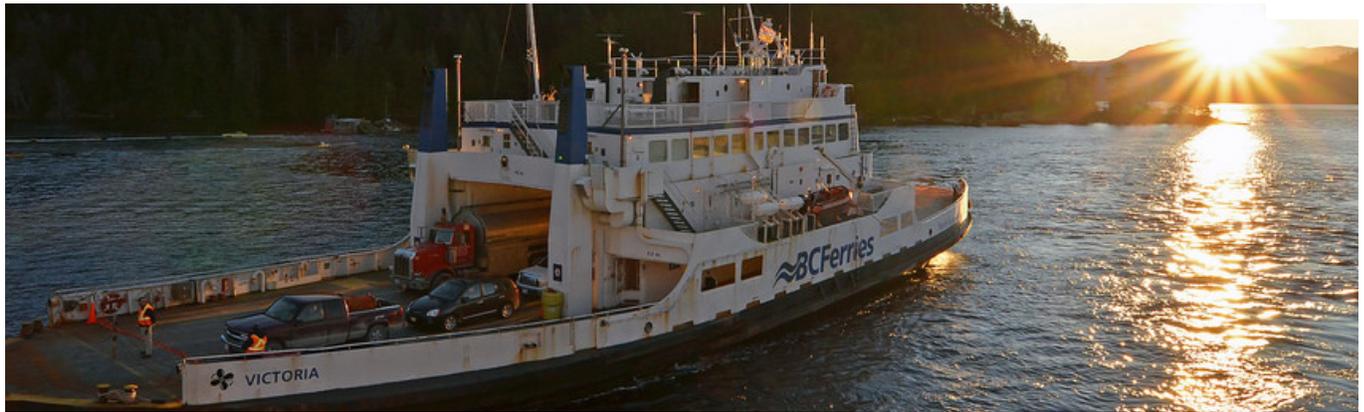
- » Seek ways to extend access hours (e.g., at the Mill Bay Centre).
- » Improve signage for public washrooms.
- » Explore ways to add additional public washrooms and determine appropriate locations for new public washrooms along key walking routes.

#### Obj #4

Calm traffic and improve safety for pedestrians at high priority areas.

#### Recommended Strategies

- » Share this report with MOTI - continue to lobby for pedestrian and safety improvements at, in particular, the highway crossing at Deloume Road and along Mill Bay Road.
- » Work with MOTI to assess the feasibility of traffic calming mechanisms along the highway (e.g., landscaped medians).
- » Work with MOTI to extend the pedestrian crossing time at the intersection of Highway 1 and Deloume Road.
- » Explore the adaptability of the current highway underpass to be made more accessible, safe and visible.



## B5. Transportation

### Current Conditions

#### Identified Barriers

- » The current level of bus service does not adequately support an independent senior. Many bus drop-off and pick-up locations are hard to find, or unsafe and inaccessible.
- » Taxi's are too expensive to use as a viable mode of transportation.
- » Traveling at night is very difficult; many do not feel safe driving in the dark, especially in winter conditions.
- » Many rely on the help of family, friends and volunteers for transportation needs; this leaves them feeling vulnerable and limited in the amount of support they can receive.

#### Key Voices

- » "People are hesitant to take buses as they don't feel comfortable about the confusing schedule."
- » "If I need to get to an appointment by bus, then I need to plan hours of time around the appointment to get there and back, and I can't afford a taxi."
- » "The bus takes forever to get to the shopping areas around Mill Bay. And taxis? I can't take a taxi anywhere - I'm not rich enough."
- » "The use of a vehicle is almost mandatory."

#### Current Practices

- » Cowichan Seniors Community Foundation offers volunteer run door-to-door transportation to people 65+ for medical and health appointments, hospital visits to family and friends, and attendance at support groups and meetings.
- » Wheels for Wellness Society provides medical rides to Victoria with pick-up in Duncan or home pick-up for the Nanaimo hospital.
- » HandyDART does have a scheduled route.
- » Cowichan Valley Regional Transit operates in the area, with route 8 Mill Bay via Telegraph Rd/Duncan via Shawnigan Lake Rd and route 9 Mill Bay via Shawnigan Lake Rd/Duncan via Telegraph Rd serving Mill Bay.



## B5. Transportation

19

### Objectives & Strategies

#### Obj #1

Support the development of convenient and affordable transportation options for medical and non-medical trips for older adults.

#### Recommended Strategies

- » Lobby local businesses and other groups to sponsor a local seniors shuttle that can be used to bring seniors to meetings, gatherings, activities and community events.
- » Work with BC Transit to improve community routes (e.g. smaller buses, more buses, increase frequency, access on weekends, middle of day and evenings) encouraging the proposed service improvements in the Transit Future Plan: Cowichan Valley Region, including the implementation of a seniors' oriented transit service.
- » Better communicate and provide information regarding handyDART services to seniors.
- » Explore ways to improve and expand handyDART to be more convenient for seniors in need, allowing for more spontaneity in day-to-day activities.
- » Create opportunity for a 2-way dialogue and feedback on current and needed transportation services between BC Transit, CVRD, and local citizens.
- » Review existing transit service, ridership and potential options for service improvements in the South Cowichan area."

#### Obj #2

Improve the accessibility of transit stops, making them more age-friendly.

#### Recommended Strategies

- » Work with the Mill Bay Centre and BC Transit to improve the accessibility of the existing transit stop in the Centre (focusing on signage, grading, lighting, seating, and weather protection).
- » Conduct an accessibility assessment of key transit stops throughout Mill Bay and work with BC Transit to improve key locations.



## B6. Housing

### Current Conditions

#### Identified Barriers

- » A multi-level system of housing is needed, from condo living to palliative care.
- » There is a lack of awareness of in-home care and assistance options available in the community.
- » There are inadequate housing options that support aging in place – seniors housing, cooperative housing, cohousing, and smaller units are all unavailable.

#### Key Voices

- » "I want to stay in the area, close to the library, groceries etc., but still have a shared extensive ornamental and optional veggie garden. Some sort of gradual care facility is needed."
- » "As many of my neighbours have done, I will need to move to Victoria or another area where there are townhouses and condos that I can downsize to, good transportation for when I give up my car, and close medical facilities for illness. I plan on moving in about 5 to 10 years."

#### Current Practices

- » The Cove is currently the only older adult focused living space in Mill Bay, though an additional development, Stonebridge, is anticipated.
- » The 2014 CVRD Affordable Housing Needs Assessment identified the need for more appropriate and affordable housing stock for a range of demographics, including accessible and adaptable housing, senior-friendly rental housing in the private market, and housing suitable for senior women living independently.
- » The Mill Bay OCP has some policy direction to provide additional affordable housing, by permitting secondary suites in the Village Residential Designation (R).
- » Cowichan Regional Better at Home services are available through Volunteer Cowichan.



## B6. Housing

21

### Objectives & Strategies

#### Obj #1

Support the development of more attainable (affordable), diverse, flexible and accessible housing for seniors in Mill Bay.

#### Recommended Strategies

- » Evaluate additional regulatory and policy levers for the development of affordable seniors housing (e.g., OCP objectives and policies, density bonusing, pre-zoning, permitted uses).
- » Consider developing an Attainable Housing Policy for the CVRD which includes provisions for lower income seniors, building on the work of the Regional Affordable Housing Needs Assessment.
- » Advocate for the recommendations made in the CVRD Regional Affordable Housing Needs Assessment, such as the Golden Girls concept.
- » As part of on-going community engagement, consult seniors on housing needs and opportunities.

#### Obj #2

Improve the accessibility standards of housing in Mill Bay.

#### Recommended Strategies

- » Advocate for the development of adaptable housing standards and/or guidelines to guide future development in Mill Bay.
- ✘ Incorporate related policies into upcoming OCP update.



## B7. Respect & Social Inclusion

### Current Conditions

#### Identified Barriers

- » Seniors who cannot drive in the dark are unable to attend many of the community events in their area. Thus, there is a need for more daytime activities in Mill Bay for seniors.
- » Targeted communications, specifically for seniors, regarding activities and available resources in the community are needed.
- » Activities aimed at inter-generational mingling are lacking and would help to improve the resiliency of the community as a whole.

#### Key Voices

- » "I'm lucky. I have a home business, can still drive, and am still mobile. But I will have to move when I can't do these things as then I would be isolated"
- » "There are not adequate activities for seniors. We do not have a senior centre where these things would be going on. I guess this is a young bedroom community for Victoria and the elderly are caught somewhere in the middle."
- » "Seniors don't seem to know about activities in the community. We need to look at the whole South Cowichan, not just individual villages. No village can afford to have its own facilities, we must get better at sharing facilities and services."

#### Current Practices

- » The Cowichan Seniors Community Foundation, Cowichan Region Better at Home, Friendly Visitors program of Volunteer Cowichan, and the Friendly Phones initiative of South Cowichan Community Policing are all excellent resource for older adults living in the community. The advertisement and dissemination of information regarding these resource could be increased.



## B7. Respect & Social Inclusion

23

### Objectives & Strategies

#### Obj #1

Find more ways to actively celebrate older adults in the community.

#### Recommended Strategies

- » Appoint a CVRD staff member to champion existing and future Age-friendly plans and initiatives.
- » Explore opportunities for new seniors and intergenerational programming, such as a storytelling event or youth providing technology training to seniors.
- » Establishing an online directory for seniors to share their knowledge and talents with one another, i.e. a skill share database.
- » Support more cultural inclusion within the community and begin a dialogue with Malahat First Nation regarding seniors initiatives and possible win-win initiatives.

#### Obj #2

Welcome, encourage, and celebrate the inclusion of seniors in community events.

#### Recommended Strategies

- » Establish simple but meaningful accessibility guidelines for community events, with consideration given to communicating with seniors as well as provision of accessible transportation, seating, washrooms, and other facilities.

#### Obj #3

Help local community groups and businesses become more aware of the needs and interests of seniors.

#### Recommended Strategies

- » Connect with local businesses to share simple improvements that they could do, as well as educate them on the service requirements of seniors for targeted advertising.
- » Consider developing an age-friendly business certification process throughout the CVRD to assess and recognize local businesses that embrace age-friendly practices.



## B8. Social Participation

### Current Conditions

#### Identified Barriers

- » There is a lack of affordable and reliable transportation to events and activities, leaving many to rely on family or friends, which contributes to feelings of social isolation, particularly for seniors who do not have family in the area.
- » It is not commonly known which

seniors social groups are operating in Mill Bay, and efforts need to be made to better advertise these available groups to seniors in the community.

- » Mill Bay lacks a seniors centre, or central gathering place, which makes it difficult for individuals to know where to go for support and engagement.

#### Key Voices

- » "People here don't mingle. The youngest go to school, the adults go to work, and the seniors go to ... well, if there was something to go to I guess seniors would go. There are no opportunities, activities, events, etc. to encourage these groups to mingle and

show respect to each other."

- » "Too many seniors are invisible, have no voice and don't participate, volunteer for activities, or contribute their skills."
- » "You see the same (old) faces, most seniors are invisible and unheard."

#### Current Practices

- » There are fantastic examples of senior engagement and participation from other communities in the region, such as Cobble Hill's South Cowichan Seniors Luncheon, that could be built upon and supported in the Mill Bay area with organized rides for example.

- » The Young Seniors Action Group (YSAG), Mill Bay Community League, Mill Bay-Malahat Historical Society, South End Seniors Social Club, and others all offer fantastic opportunities for seniors to socialize and engage with their community.



## B8. Social Participation

25

### Objectives & Strategies

#### Obj #1

Explore new seniors and intergenerational programming.

#### Recommended Strategies

- » Evaluate the program needs of seniors and consider adding additional programming – e.g., wellness, arts, technology, skills training.
- ✘ Consider the timing of programming and related transportation challenges for some seniors.
- ✘ Look for ways to provide opportunities to learn and share – lecture series, technology classes, and skill swap events.
- » Explore alternative, socially-oriented programming.
- ✘ Give consideration to drop-in style activities, like daytime lectures or 'Do it with Others' (e.g., knitting, painting, drawing, other arts and crafts, music).

#### Obj #2

Improve the accessibility of existing and new programming for seniors.

#### Recommended Strategies

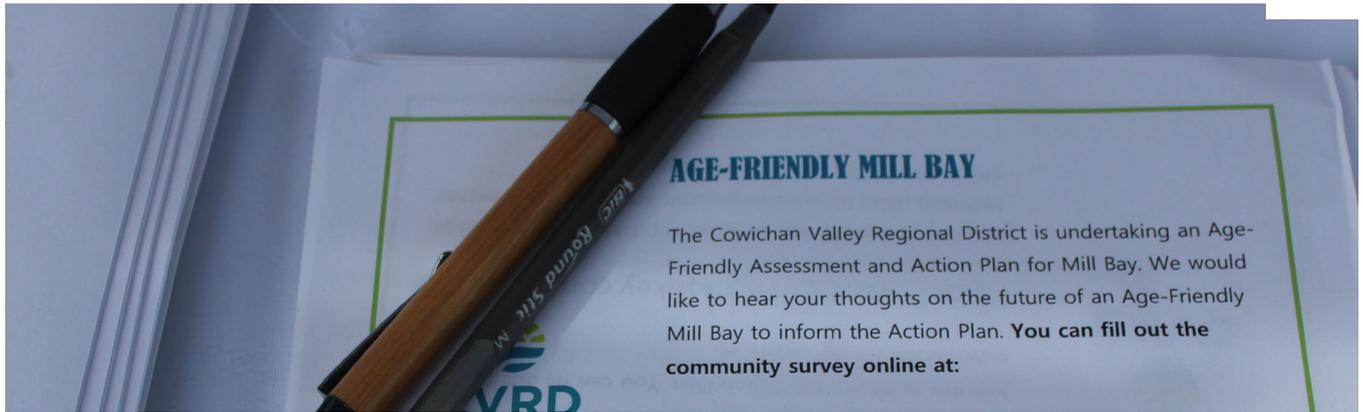
- » Explore ways to offer 'low barrier' program rates and drop-in fees for lower-income seniors, in order to encourage participation and support active living in all older adults.
- » Give consideration to drop-in formats with no commitment and convenient hours for seniors.
- » Improve related communication with seniors and consider involving seniors in the development of program ideas.

#### Obj #3

Establish a Seniors Centre/Hub within the South Cowichan Area.

#### Recommended Strategies

- » Work with partners to evaluate funding and location options for a Seniors Centre within the South Cowichan area.
- » Identify surplus building space within the South Cowichan and assess the appropriateness as a Hub facility, taking into consideration accessibility, access to transportation, size, location, cost, etc.
- » Work with local community organizations to fund a Seniors Hub Coordinator to oversee services, manage volunteers, etc.



## B9. Communication & Information

### Current Conditions

#### Identified Barriers

- » Not everyone has access to a computer, nor the skills needed, to attain online information for seniors. Many seniors rely on word-of-mouth, newspapers or posters to find out about activities in their community.
- » CVRD and community websites could be improved to better serve older adults.
- » There is a lack of local print information available in the community. A central location such as the Library should be considered to address this gap.

#### Key Voices

- » "You need computer skills and access to a computer to find most information, and the location of pamphlets outlining services are not well known"
- » "Many seniors organizations have no web presence. Just about all seniors have access to technology, but organizations don't use it. There is no single source I can go to find out what's going on in the South Cowichan this week!"
- » "How many seniors are good at working on a computer? How many seniors have a computer? Not many. Most information is found online and that means seniors don't have access"

#### Current Practices

- » Kerry Davis, Electoral Area Director of Mill Bay, sends out a weekly e-mail with upcoming events and other important information.
- » For Everything That's Cowichan Healthy (FETCH) and the Cowichan Seniors Community Foundation both have useful online resources for seniors.
- » South End Community Policing is well supplied with many different types of resources, electronic and paper.
- » Message boards at the Mill Bay Shopping Centre are well used.



## B9. Communication & Information

27

### Objectives & Strategies

#### Obj #1

Improve the coordination of seniors oriented information between all South Cowichan communities.

#### Recommended Strategies

- » Improve the distribution of the Seniors Directory throughout Mill Bay, utilizing such resources as Community Policing and the local Library.
- » Use the CVRD webpage AND/OR Seniors Hub to communicate information about seniors health services, housing, transportation, volunteer, programming etc. in an accessible and easy to navigate format.
- » Identify one or more locations in public spaces and buildings to create a senior-specific bulletin board or kiosk (e.g. Mill Bay Shopping Centre or new Seniors Hub location) for news and resources. Ensure materials are regularly updated.
- » Develop and broadcast weekly community events (e.g., via new Seniors Hub, message boards and specialized e-news).
- » Review CVRD communications protocol and ensure that information relevant to seniors is broadcast through appropriate media channels, such as newspaper, radio, and activity guides.

#### Obj #2

Strengthen bonds with local stakeholders, partners, and First Nation communities.

#### Recommended Strategies

- » Explore ways to reach out to local First Nations, particularly Elders, to identify needs as well as areas of mutual support and interest.
- » Consider hosting a semi-annual or quarterly Seniors Forum, with local stakeholders, businesses, and community groups.
- » Consider hosting a community-to-community dialogue that connects stakeholders across the South Cowichan and local First Nation communities to seek win-win partnerships and initiatives.

#### Obj #3

Enhance the level of dialogue and coordination among agencies that support seniors.

#### Recommended Strategies

- » Continually evaluate the progress of the age-friendly action plan and communicate this progress to seniors.
- » Direct the Seniors Hub Coordinator to facilitate communication and build connections between agencies, organizations and residents.



## B10. Civic Participation & Employment

### Current Conditions

#### Identified Barriers

- » Need to overcome the barriers to volunteering - awareness, mobility and health issues, motivation and incentives.
- » Need to provide seniors with more information regarding volunteer opportunities in the community.
- » More targeted outreach is needed to isolated seniors, as well as those who are new to the community.
- » There is an untapped opportunity to connect with local schools and many seniors are keen to share their knowledge with younger generations.

#### Key Voices

- » "As long as I can drive and walk, I can volunteer."
- » "I have volunteered for many, many years. But now, volunteer groups appear less eager to encourage seniors to join them."
- » "I participate and see just the same few faces; we are failing to connect and engage with the majority of seniors."

#### Current Practices

- » It is important to know that Cowichan Valley has one of the highest percentages of volunteerism nationally!
- » South Cowichan Community Policing and the Tourism Centre desk both provide excellent volunteer opportunities in the community.
- » The 2011, Cowichan Sustainable Economic Development Strategy acknowledges that more needs to be done in order to support the aging population - however no actions are identified.



## B10. Civic Participation & Employment

29

### Objectives & Strategies

#### Obj #1

Increase the civic participation and active engagement of seniors in Mill Bay.

#### Recommended Strategies

- » Establish a South Cowichan Area Seniors Advisory Committee (including local citizens and a CVRD Board representative) to help better coordinate and address issues facing seniors in the area and link this with the Cowichan Seniors Network to support their work.
- » Host a yearly volunteer fair – invite all local volunteer organizations to recruit and share information about their services. Investigate supporting transportation to and from this event.
- » Establish CVRD communication standards with regard to effective engagement of seniors, including utilization of media channels most used by seniors.
- » Explore intergenerational volunteer opportunities.
  - ✘ For example, school partnerships in which seniors mentor students, or students support seniors with technology.

#### Obj #2

Provide opportunities for seniors to better support one another where possible.

#### Recommended Strategies

- » Explore the necessary tools for establishing a seniors sharing service where peer-to-peer support can take place.
- » Work with local seniors groups and support the establishment of a regular repair cafe event for seniors where volunteers can exchange and trade services and skills.



## B11. Community Support & Health Services

### Current Conditions

#### Identified Barriers

- » Many residents feel that services available in the community, such as in-home care, are not affordable.
- » A critical element of seniors care, nurse practitioners and physicians for home visits, are limited or lacking.
- » Improved transportation options to hospitals and specialists as well as

clinics are needed.

- » There is a need for dedicated space for 55+ recreation and other activities, close to transportation options. A Seniors Centre is greatly desired. Mill Bay seniors need a place to meet, to do things, to learn new skills, and to make friends!

#### Key Voices

- » "It is so expensive that one has to balance what one can afford and what one lets go. I had to cut down on my exercise classes to use the money to pay for yard work."
- » "It's great to have doctors clinics, x-ray, lab, eyes & teeth care available at the Mill Bay Medical Centre."
- » "We need a much more vibrant 55+

recreation program with interesting, changing courses in a dedicated building on a bus line."

- » "If I want to attend really worthwhile classes I go to Victoria. And of course, I will be able to continue to go to these classes after I am forced to move to Victoria to find all the services and opportunities lacking here in Mill Bay."

#### Current Practices

- » Our Cowichan Health Network works to facilitate connections for increased health and wellness within the community.
- » There are two pharmacy's and a Medical Centre located within Mill Bay. However, specialists and extended

care options are not available in the community.

- » A variety of private care providers are present.
- » There is grocery delivery available from Thrifty Foods.



## B11. Community Support & Health Services

31

### Objectives & Strategies

\*Many of these initiatives are beyond the capacity of the CVRD. However, political support and advocacy from the local government remains vital to achieving these objectives.

#### Obj #1

Support the improvement of health care services available to seniors in Mill Bay.

#### Recommended Strategies

- » Investigate ways to increase local visits from medical specialists.
- » Facilitate the establishment of a continuous care facility in South Cowichan.
- » Actively explore bringing more nurse practitioners and innovative care models to the community.

#### Obj #2

Support improved transportation options for in and out-of-town appointments and services.

#### Recommended Strategies

- » Support the establishment of, and work with, existing local organizations to expand the volunteer patient support program that accompanies seniors to out-of-town appointments.
- » Lobby for increased handyDART services in the South Cowichan area.

#### Obj #3

Establish a Seniors Centre/Hub within the South Cowichan Area.

#### Recommended Strategies

- » Work with partners to evaluate funding and location options for a Seniors Centre within the South Cowichan area.
- » Identify surplus building space within South Cowichan and assess its appropriateness as a seniors hub facility, taking into consideration accessibility, access to transportation, size, location, cost, etc.
- » Work with local community organizations to fund a Seniors Hub Coordinator to oversee services, manage volunteers, etc.

# C

## ACTION PLANNING

### C1. Chapter Overview

This chapter identifies priority actions for the community to undertake in order to become more age-friendly. These actions were identified and refined collaboratively with key stakeholders who will be working collectively to implement each action. Inside, you will find...

- » 11 key Recommended Actions that emerged from the action planning Stakeholder Workshops and Advisory Committee meetings; and,
- » Several recommendations for Making It Happen – facilitating the implementation of this plan beyond the completion of this project.



**10** prioritized actions identified for implementation

## C2. Recommended Actions

This community-driven action plan is founded on the meaningful involvement of the residents and organizations that make up the Mill Bay community. The project process was anchored in four collaborative advisory committee meetings and two solution-oriented workshops, each contributing to the development of an

actionable (i.e., containing practical steps able to be implemented) age-friendly plan.

The action list on page 34 features a refined set of 10 recommended strategies for the CVRD to consider in an initial phase of implementation.

### Common Objectives

- » Several key objectives emerged that reflect the common barriers in the community and the unique local context for this age-friendly action plan:
- » Communication of information for older adults;
- » Coordination of resources, including volunteerism and support services;
- » Meaningful social, recreational, and wellness activities for seniors;
- » Accessible planning, engineering, and design standards;
- » Identification of small changes that may make a big difference;
- » Strengthening partnerships and relationships; and,
- » Fostering social connectedness and reaching isolated seniors.

## Priority Actions

The table below details the 10 action items that emerged as key priorities for the implementation of this plan. Additional action items and next steps can be found through Section B of this plan.

ACTION NAME	FIRST STEPS	NEXT STEPS	LEADS
<b>1 Champion</b>	» Appoint CVRD champion to help facilitate and establish a South Cowichan Area Seniors Advisory committee.	» Engage community leads to take charge of actions	» CVRD
<b>2 Age-friendly Coordinator</b>	» Work with partners to evaluate funding options and define scope of Age-Friendly Coordinator position	» Apply for July 2018 New Horizons Grant to fund position.	» South Cowichan Seniors Advisory Committee & CVRD
<b>3 South Cowichan Seniors Advisory Committee</b>	» Bring together South Cowichan Seniors Groups to discuss common issues, assets and establishment of Advisory Committee.	» Engage with Advisory Committee regularly to implement Action Plan.	» South Cowichan Seniors Groups, Our Cowichan, Seniors Coordinator, CVRD
<b>4 Seniors Hub</b>	» Work with partners to evaluate funding and location options for a Seniors Hub.	» Pilot a “pop-up” drop-in Hub at appropriate locations.	» South Cowichan Seniors Advisory Committee, CVRD, Local Seniors Serving Organizations
<b>5 Communicate Information</b>	» Establish a resource where volunteer opportunities are coordinated and promoted to seniors.	» (a) Develop a communication strategy for older adults; and » (b) start a seniors bulletin board in one or more locations.	» South End Community Policing and CVRD
<b>6 Housing</b>	» Support the development of more attainable, diverse, flexible and accessible housing for seniors in Mill Bay.	» Ongoing engagement and consultation of seniors regarding housing needs.	» CVRD
<b>7 Sidewalks, Crossing, and Pathways</b>	» Share this report with MOTI and lobby for pedestrian safety implementation in Mill Bay, including highway crossing.	» Establish an off-road multi-use trail along Mill Bay Rd and improve accessibility of pathways and trails.	» MOTI, Malahat Nation, CVRD
<b>8 Transportation</b>	» Age-friendly Coordinator to identify local transportation option including available buses and potential for locally funded routes and event based service.	» Work with BC Transit, CVRD and local transit operating companies, to review improvements to community bus routes and implement Transit Future Plan for South Cowichan.	» Age-friendly Coordinator, CVRD, Local Businesses & Schools
<b>9 Guidelines for Inclusion</b>	» Establish simple meaningful age-friendly guidelines for business and events.	» Publish and distribute guidelines, providing educational opportunities for business owners and event coordinators.	» CVRD, Age-friendly Coordinator
<b>10 Seniors Forum</b>	» Evaluate the feasibility of a Seniors Forum and develop a format and list of possible attendees.	» Host an annual or semi-annual Seniors Forum with local stakeholders.	» Age-friendly Coordinator and South Cowichan Seniors Advisory Committee



## C5. Making it Happen – Action planning

Beyond the specific action items recommended on page 34, there are several overarching, strategic “next steps” to help make this plan ‘happen’.

### Annual Action Planning

To make real progress, this Age-friendly Action Plan must be a living document that is annually revisited to review completed or on-going actions, evaluate outcomes, assess current conditions and opportunities, and re-establish a prioritized list of actions for the following year.

This action planning process could be employed in conjunction with a Seniors Forum that brings together relevant stakeholders on a semi-annual or, at least, an annual basis.

The CVRD needs to find ways to initiate and catalyze such improved partnerships. Doing so will broaden the ownership of this plan and so improve the likelihood of its on-the-ground implementation.

There are three key ways that the CVRD can do this:

- » Develop a Seniors Forum that brings stakeholders together to discuss seniors issues in Mill Bay and other communities within the CVRD, to engage them in an annual action planning process;

- » Engage local partners to take ownership of recommended strategies where their organization is the lead; and,
- » Engage local partners to make a commitment to supporting the objectives and strategies of this plan and to helping raise awareness about on-going age-friendly initiatives and issues.

### Seek Funding and Explore Sub-Strategies

Provincial grants, federal grants, partnerships, and other funding options should be pursued as a means to support or jump-start priority strategies in years to come. Some funding streams include:

- » The Provincial Seniors’ Housing and Support Initiative provides Age-friendly Community Planning and Project Grants;
- » Employment and Social Development Canada funds a New Horizons for Seniors Program, which funds seniors initiatives across the country; and
- » PlanH (BC) offers Healthy Communities Capacity Building Grants for small, rural, and remote communities.

Moreover, as funding programs and partnerships are identified, the CVRD should be opportunistic in seeking smaller scale sub-strategies that

complement those strategies identified in this action plan.

### Monitor and Adapt

Two levels of monitoring should be used to strengthen the implementation of this plan,

- » Strategies undertaken could be monitored and evaluated over time. This would inform decision-making, allow initiatives to be adapted and improved, and provide transparency

regarding implementation success. A special emphasis should be placed on funded projects.

- » The CVRD could monitor age-friendly indicators (like those in the public survey), or those outlined by the Public Health Agency of Canada, over time, in order to identify trends and track progress in the community as a whole. This monitoring would help inform annual action planning and could be used to raise awareness and build enthusiasm for age-friendly initiatives.

## C6. Age-friendly Culture

As already addressed in Section 1 of this report, to truly become age-friendly, the Mill Bay community must embrace a culture of age-friendliness. This means business are inclusive of all ages and abilities; local service providers build partnerships to achieve age-friendly objectives; and public

agencies understand and work to meet the different needs of all residents.

The Cowichan Valley Regional District can take the first – and perhaps most important – step in 'making it happen' by committing to an age-friendly corporate culture.

## ACKNOWLEDGMENTS

The CVRD would like to recognize the important contributions made by the following groups and individuals in developing this plan.

### From the Cowichan Valley Regional District...

- » Kerry Davis  
Director, Electoral Area A
- » Bev Suderman  
Senior Planner, Community Planning Division

### Age-friendly Advisory Committee...

- » Maureen Alexander
- » Jennifer Lazenby
- » Shirley Carter
- » Cindy Lise
- » Sarah Davidge
- » David Person
- » Elaine Hanson
- » Linda Roseneck
- » Gerry Harrison
- » Angela Wheeler
- » Vicki Holman
- » Ed Wiebe
- » Jade Yehia

### Consultant team...

- » Evan Peterson  
Barefoot Planning
- » Sarah Ravlic  
Barefoot Planning
- » Elaine Gallagher  
Gerotech Research Associates

### Additional Supports...

Thank you to BC Healthy Communities for workshop support, and the Union of BC Municipalities for funding support through the Age-friendly Community Grant program.

CVRD - MILL BAY

# AGE-FRIENDLY ACTION PLAN





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4153

#### A Bylaw to Establish Community Parks Advisory Commissions Within the Cowichan Valley Regional District

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**WHEREAS** the Board of Directors of the Cowichan Valley Regional District wishes to establish Community Parks Advisory Commissions to provide advice on issues referred and pertaining to park and trail development, park amenities, parks volunteer engagement, parkland acquisition opportunities and community park events specific to the electoral area or sub-regional parks function each commission represents;

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

#### 1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4153 – Community Parks Advisory Commissions Establishment Bylaw, 2017**".

#### 2. DEFINITIONS

"**Board**" means the Board of Directors of the Cowichan Valley Regional District;

"**Commission**" means a Community Parks Advisory Commission established pursuant to this bylaw;

"**Community Park**" means a park located solely in one electoral area and funded by that electoral area or a sub-regional park funded by two or more electoral areas.

"**Quorum**" means a majority of Commission members.

#### 3. ESTABLISHMENT AND MEMBERSHIP

- a) An Electoral Area A – Mill Bay/Malahat Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- b) An Electoral Area B – Shawnigan Lake Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- c) An Electoral Area C – Cobble Hill Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- d) An Electoral Area D – Cowichan Bay Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.

- e) An Electoral Area E – Cowichan Station/Sahtlam/Glenora Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- f) An Electoral Area F – Cowichan Lake South/Skutz Falls Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- g) An Electoral Area G – Saltair/Gulf Islands Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- h) An Electoral Area H – North Oyster/Diamond Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- i) An Electoral Area I – Youbou/Meade Creek Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- j) A South Cowichan Community Parks Advisory Commission is established consisting of seven members who reside in the following geographical area area.
  - Electoral Area A – Mill Bay/Malahat
  - Electoral Area B – Shawnigan Lake
  - Electoral Area C – Cobble Hill
  - Electoral Area D – Cowichan Bay
  - Electoral Area E – Cowichan Station/Sahtlam/Glenora
- k) The Board may suspend, cease or replace a Community Parks Advisory Commission established under this bylaw.
- l) Directors, Alternate Directors, and CVRD employees are not eligible for appointment to a Community Parks Advisory Commission. The applicable electoral area Director(s) may attend Commission meetings in a non-voting advisory capacity.
- m) Applications will be sought from the public for consideration of appointment to the Commission whenever a vacancy occurs or is about to occur.

#### 4. **TERM OF OFFICE**

- a) The term of office for Commission members shall be for a two year term expiring on December 31. For 2018, the Board may appoint some members for a one year term so as to create overlapping terms for the purpose of continuity.
- b) Commission members may be re-appointed for a further term or terms.
- c) In the event of vacancy of office, a replacement appointee shall hold office for the otherwise unexpired term of office.
- d) The Board may, at any time, terminate the appointment of a member.
- e) The Board may remove from membership any member appointed who has failed to attend three consecutive Commission meetings without good cause.

#### 5. **PROCEDURE**

- a) At the first meeting in each calendar year, the Commission shall elect from amongst its own members, a Chairperson and a Vice-Chairperson of the Commission who shall hold office until a successor is elected.

- b) In the absence of the Chairperson or Vice-Chairperson, the Commission shall elect, from the members present, a temporary Chairperson for the purpose of that meeting only.
- c) All resolutions of the Commission shall be made by a majority of the members present at the meeting, with each member having one vote.
- d) If there is no quorum of the Commission present within fifteen (15) minutes of the scheduled time for a Commission meeting, the Recording Secretary must record the names of the members present, and those absent, and the Commission shall stand adjourned until the next meeting date.
- e) Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Committee and Commissions Procedures Bylaw of the Cowichan Valley Regional District.

## 6. **RESPONSIBILITIES**

The responsibilities of the Commission shall be to provide advice on issues referred and pertaining to park and trail development, park amenities, parks volunteer engagement, parkland acquisition opportunities and community park events specific to the electoral area or sub-regional parks function each commission represents.

## 7. **REFERRALS TO THE COMMISSION**

The Board and staff may refer matters respecting community parks to the appropriate Community Parks Advisory Commission(s) in order that the Commission may provide advice on those matters.

## 8. **GENERAL**

All members of the Commission shall serve without remuneration, except for such "out of pocket" expenditures as may have received prior authorization by the Board.

## 9. **REPEAL**

The following bylaws, and amendments thereto, are hereby repealed:

- a) "Electoral Area "F" Parks and Recreation Commission" Bylaw No. 565, 1980";
- b) "CVRD Bylaw 696 - Electoral Area A Parks & Recreation Commission Establishment Bylaw, 1982";
- c) "CVRD Bylaw No. 1009 – Electoral Area C – Cobble Hill Parks and Recreation Commission Establishment Bylaw, 1986";
- d) "CVRD Bylaw No. 1238 - Electoral Area D Parks & Recreation Commission Establishment Bylaw, 1989";
- e) "CVRD - Electoral Area "H" Parks and Recreation Commission Establishment Bylaw No. 1342, 1991";
- f) "CVRD Bylaw No. 2057 - Electoral Area B – Shawnigan Lake Parks and Recreation Commission Establishment Bylaw, 2000";
- g) "CVRD Bylaw No. 2117 - Electoral Area <sup>231</sup>F – Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Establish <sup>231</sup> Bylaw, 2000";

- h) CVRD Bylaw No. 2315 – Bright Angel Park Commission Bylaw, 2002";
- i) "CVRD Bylaw No. 2473 – South Cowichan Parks Commission Establishment Bylaw, 2004";
- j) "CVRD Bylaw No. 2484 – Electoral Area I – Youbou/Meade Creek Parks Commission Establishment Bylaw, 2003";
- k) "CVRD Bylaw No. 2494 – Electoral Area G – Saltair/Gulf Islands Parks Commission Establishment Bylaw, 2004";
- l) "CVRD Bylaw No. 2495 – Electoral Area G – Saltair/Gulf Islands Recreation Commission Establishment Bylaw, 2004".

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary