



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
April 5, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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8. NEW BUSINESS**9. PUBLIC/PRESS QUESTIONS****10. CLOSED SESSION**

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

CSR1 Land Acquisition (Section 90(1)(e) – Verbal Update

CSR2 Legal Opinion (Section 90(1)(i) – Verbal Update

11. ADJOURNMENT

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

Director L. Iannidinardo
Director K. Cossey
Director I. Morrison

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

Director B. Harrison
Director L. Duncan
Director M. Dorey

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, March 15, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom R. Anderson, General Manager
 Brian Farquhar, Manager
 Mike Tippett, Manager
 Rob Conway, Manager
 Carla Schuk, Planning Technician
 Catherine Tompkins, Senior Planner
 Ryan Dias, Parks Operations Superintendent
 Warren Jones, Administrator
 Cathy Allen, Recording Secretary

Mindful Thoughts

The Chair noted that she has lit a candle to be mindful and show awareness for the crisis and suffering that is occurring in Japan.

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding four items of listed new business plus one additional item of new business.

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

MOTION CARRIED

MINUTES

M1 - Minutes

It was Moved and Seconded
 That the minutes of the March 1, 2011 EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

It was noted that a motion is required to approve the term for Fire Department Appointments made on Page 5 of the March 1, 2011 EASC minutes, agenda item R11.

It was Moved and Seconded
 That the appointments to the Mesachie Lake and Youbou Volunteer Fire Departments be approved for a term to expire December 31, 2012.

MOTION CARRIED

STAFF REPORTS

R1 - Dix

Rob Conway presented Staff Report dated March 8, 2011, regarding Application No. 3-I-10DP/VAR (Michael Dix) for a single family dwelling and associated development at Billy Goat Island #4, Cowichan Lake.

The Committee directed questions to staff and the applicant.

Michael Dix, applicant, was present and provided further information to the application.

It was Moved and Seconded

That Application No. 3-I-10DP/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) not be approved in its current form and that the applicant be requested to revise the proposal to substantially reduce the foot print of the proposed dwelling and encroachment into the SPEA, and further, that any approval include the following conditions:

1. Authorization of the proposed SPEA encroachment by Department of Fisheries and Oceans and Ministry of Environment;
2. Compliance with RAR Assessment Report #1910, as amended based on the reduced development footprint;
3. On-site monitoring of construction by a Qualified Environmental Professional and submission of a post development report confirming compliance with the recommendations of RAR Assessment Report #1910 and any conditions of approval specified by the Ministry of Environment and Department of Fisheries and Oceans;
4. Determination of the high water mark by legal survey and confirmation that the proposed building location is a minimum of 15 metres from the high water mark of Cowichan Lake;
5. Installation of a "Type 3" or better sewage disposal system authorized by the Vancouver Island Health Authority.

MOTION CARRIED

R2 - Carbonneau

Carla Schuk, Planning Technician, presented staff report dated March 9, 2011, regarding Application No. 8-I-10DP (Ken Carbonneau) to construct a single family dwelling at 10171 Youbou Road, in accordance with the provisions of the Watercourse Protection DPA.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 8-I-10DP be approved, and that a development permit be issued to Ken Carbonneau for Parcel A (DD.27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651), subject to the following:

- Strict compliance with the recommendations in Riparian Assessment Report No. 1777, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 9, 2010;
- That the 10 metre SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities.

MOTION CARRIED

R3 - Young

Rob Conway, Manager, presented Application No. 2-E-10RS (Young/Pywell) to rezone property located at 3275 Glenora Road to a new residential zone and permit a three lot subdivision.

Michelle Young, applicant, provided further information to the application.

There were no questions from Committee members.

It was Moved and Seconded

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

MOTION CARRIED

R4 - Makaroff

Rob Conway, Manager, presented staff report dated March 7, 2011, regarding Application No. 14-B-10DP (Elkington Forest – Phase 1) to create 18 residential lots in south Shawnigan Lake, including a community hall, fire hall, utility facilities, public park, strata-owned common property and eco-forestry lands.

Doug Makaroff, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

1. That application No. 14-B-10DP (Elkington Forest – Phase 1) be approved, and that a development permit be issued to Living Forest GP Ltd. for an 18 lot subdivision and associated development subject to:
 - a. Compliance with RAR report #1850;
 - b. Demarcation of SPEA boundaries with fencing and signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision;
 - c. Submission and approval by the CVRD Planning and Development Department of a drainage design plan that incorporates the rain management concepts described Schedule 7, prior to subdivision of lots in the Trail Head Hamlet;
 - d. Registration of a restrictive covenant to preclude multiple family use and further subdivision;
 - e. Registration of a restrictive covenant to preclude development of the identified Streamside Protection and Enhancement Areas and the protective zones identified in RAR Assessment Report #1850 and on Schedule 2;

- f. Demonstration that proposed buildings comply with criteria listed on Schedule11 prior to issuance of a building permit for any residential or commercial building;
 - g. Compliance with Covenants CA1648147 and CA1648148 (Fire Protection);
 - h. Compliance with Covenants CA1648144 and CA1648145 (Parks);
 - i. Compliance with Covenant CA1648146 (Servicing);
 - j. Installation of all wiring underground excluding the three northern lots.
2. That Area "B" Zoning Bylaw No. 985 be amended to adjust the sub-zones in CL-1 Zone to comply with lot boundaries described in Development Permit Application No. 14-B-10DP.

MOTION CARRIED

R5 – Soil Class Mapping

Carla Schuk, Planning Technician, presented staff report dated March 9, 2011, regarding Soil Classification Mapping for Gordon Bay in Electoral Area F.

It was Moved and Seconded

That Staff Report dated March 9, 2011, from Carla Schuk, Planning Technician, regarding Soil Classification Mapping for Gordon Bay in Electoral Area F, be received for information.

MOTION CARRIED

R6 – Half IronMan

Ryan Dias, Parks Operations Superintendent, presented staff report dated February 22, 2011, regarding Half IronMan Triathlon Special Event Request (referred from March 1, 2011, EASC).

It was Moved and Seconded

That the request from Lifesport Coaching to host a two day Half Ironman Triathlon event at Shawnigan Lake Provincial Park from May 27th to 29, 2011, be approved; and further, that the organizers be advised that the CVRD can provide the requested Parks and Trails staff and movement of rocks to the CVT entrance, at a cost to the event estimated at \$2,500.

MOTION CARRIED

R7 – Capital Projects Schedule

Ryan Dias, Parks Operations Superintendent, presented staff report dated March 9, 2011, regarding 2011 Capital projects schedule for community and sub-regional Parks.

It was Moved and Seconded

That the 2011 Major and Minor Capital Work Program Schedule be endorsed for Community and Sub-Regional Parks as the order and priority list for undertaking completion of capital project work approved in the 2011 budget.

MOTION CARRIED

- R8 – Year end Report** It was Moved and Seconded
That staff report dated March 9, 2011, from Katy Tompkins, Senior Planner, regarding the 2010 Year End Report, be received for information.

MOTION CARRIED

- R9 – SC OCP** Katy Tompkins, Senior Planner, presented Staff Report dated March 8, 2011, regarding the South Cowichan Official Community Plan.

Directors thanked staff for work done on the OCP process.

It was Moved and Seconded
That the draft South Cowichan Official Community Plan be referred to Fisheries and Oceans Canada; Transport Canada; Cowichan Tribes; Malahat First Nation; Tsawout First Nation; Tsartlip First Nation; Chemainus First Nation; Pauquachin First Nation; Agricultural Land Commission; Ministry of Forests and Range – Integrated Land Management Bureau; Ministry of Agriculture; Ministry of Energy and Mines; Ministry of Transportation and Infrastructure; Vancouver Island Health Authority; Ministry of Environment; Ministry of Community, Sport and Cultural Development – Intergovernmental Relations and Planning Division; Land Title and Survey Authority of BC; Capital Regional District; School District 79; Mill Bay Water Improvement District; Braithwaite Improvement District; Cobble Hill Improvement District; Lidstech Holdings; Cowichan Bay Volunteer Fire Department; Malahat Volunteer Fire Department; Mill Bay Volunteer Fire Department; CWAV Safer Futures; and Social Planning Cowichan; Shawnigan Lake Fire Improvement District; Areas A, B and C Parks Commissions; and RCMP, Shawnigan Detachment.

MOTION CARRIED

- R10 – File 2-C-10DVP** Mike Tippet, Manager, presented staff report dated March 4, 2011, regarding Proposed change to covenant language concerning a vegetative screen (South Cowichan Mini Storage).

It was Moved and Seconded
That the September 8, 2010, Regional Board minutes, Resolution No. 10-487.22, be amended regarding Application for a Development Variance Permit No. 2-C-10DVP (South Cowichan Storage Ltd.) by rescinding the second bullet "subject to" and replacing it with the following:

- Receipt of a Certified Cheque in the amount of \$1200 as a security to ensure that the planted vegetative screen along the perimeter of the subject property survives, to be submitted by the applicant prior to the issuance of the Permit.

MOTION CARRIED

CORRESPONDENCE

C1 - C6

It was Moved and Seconded

That the following grant in aid requests be approved:

- Electoral Area C – Cobble Hill, in the amount of \$350 to Bard@Brentwood, to assist with their 2011 production.
- Electoral Area A – Mill Bay/Malahat, in the amount of \$10,000 to Mill Bay/Malahat Historical Society, to assist with their efforts to preserve and present the history and heritage of Mill Bay/Malahat.
- Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 to Harvest House Society (food bank), to assist with costs to provide basic food requirements to the needy.
- Electoral Area B – Shawnigan Lake, in the amount of \$500 to Cowichan Seniors Community Foundation, to assist with their fund raising event.
- Electoral Area B – Shawnigan Lake, in the amount of \$750 to Bard@Brentwood, to assist with their 2011 production.
- Electoral Area C – Cobble Hill, in the amount of \$1,000 to South Cowichan Chamber of Commerce, to assist with their on-going projects to strengthen business and community in the South Cowichan Valley.
- Electoral Area A – Mill Bay/Malahat, in the amount or \$1,000 to South Cowichan Chamber of Commerce, to assist with their on-going projects to strengthen business and community in the South Cowichan Valley.
- Electoral Area B – Shawnigan Lake, in the amount of \$1,000 to South Cowichan Chamber of Commerce, to assist with their on-going projects to strengthen business and community in the South Cowichan Valley.

MOTION CARRIED

INFORMATION

IN1-IN7

It was Moved and Seconded

That the following APC minutes be received and filed:

- Minutes of Area E APC meeting of January 13, 2011
- Minutes of Area A APC meeting of March 8, 2011
- Minutes of Area C APC meeting of January 27, 2011
- Minutes of Area H APC meeting of August 12, 2010
- Minutes of Area H APC meeting of August 14, 2010
- Minutes of Area H APC meeting of October 14, 2010
- Minutes of Area I APC meeting of March 1, 2011

MOTION CARRIED

IN8 – Energy Incentive Program

It was Moved and Seconded

That the information from BC Hydro PowerSmart, regarding District Energy capital incentive program, be received as information.

MOTION CARRIED

IN9 – 4975 Koksilah Road

It was Moved and Seconded

That the Board Chair forward a letter to the Ministry of Environment expressing the CVRD's grave concerns respecting relocation of contaminated soils to 4975 Koksilah Road (Evans Redi-Mix).

MOTION CARRIED

It was Moved and Seconded

That the letter dated February 17, 2011, from the Ministry of Environment, regarding relocation of soil from various locations to 4975 Koksilah Road, be included in the Regional Board agenda package for information at the April 13th Board meeting.

MOTION CARRIED

IN10 – Building Report

It was Moved and Seconded

That the February 2011 building report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Notice of Motion

Director Duncan requested that a motion be passed to create two Engineering Services Committees, one to deal with Regional issues and one to deal with Electoral Area issues.

Discussion ensued.

It was Moved and Seconded

That the Board Chair separate the present Engineering & Environmental Services Committee into two separate committees, one to deal with Regional issues and one to deal with Electoral Area issues.

MOTION DEFEATED

NB2 – 1-I-10DVP

It was Moved and Seconded

That Application No. 1-I-10DVP, by Rick Brubaker for Tonn, respecting Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS be approved, to increase the height of an accessory building from 6 metres to 7 metres, subject to a survey confirming compliance with the approved height variance prior to issuance of the building permit.

MOTION CARRIED

NB3 – Parks Minutes

It was Moved and Seconded

That the minutes of the Area B Parks Commission meeting of February 17, 2011, be received and filed.

MOTION CARRIED

It was Moved and Seconded

That Parks staff be directed to monitor the volunteer cleanup project at the entrance island to Shawnigan Beach Estates and purchase plants and shrubs for the project; and further, that staff follow up with Doug Makaroff of Elkington Estates, regarding his offer to assist with two parks projects, one being the donation of plants for Shawnigan Hills redevelopment park, and the second being the donation of \$2,000 towards the Shawnigan Hills Athletic Park media event.

MOTION CARRIED

Director Cossey announced that a new Shawnigan Lake community newspaper, the Shawnigan Focus, will begin production on April 1st, and will be in a newsletter format.

NB4 – Grant in Aid Requests

It was Moved and Seconded

That the following grant in aid requests for Electoral Area I – Youbou/Meade Creek be approved:

- Grant in aid to Cowichan Lake District Chamber of Commerce in the amount of \$5,000 to assist with the Town's Info Centre.
- Grant in aid to Cowichan Lake Salmonid Enhancement Society in the amount of \$1,500 to assist with funding for fry salvage.
- Grant in aid to Cowichan Therapeutic Riding Association in the amount of \$1,000 to assist with their riding program.
- Grant in aid to Cowichan Lake Lady of the Lake Society in the amount of \$500 to assist with funding candidates.
- Grant in aid to Lake Cowichan Secondary School in the amount of \$400 to assist with scholarship bursaries.
- Grant in aid to Lake Cowichan Secondary School Dry Grad 2011 to assist with dry grad expenses.
- Grant in aid to Cowichan Lake District Senior's Association to assist with cost recovery.
- Grant in aid to CICV Radio in the amount of \$3,000 to assist with costs to acquire a Class A radio license.

MOTION CARRIED

NB5 – APC resignation

It was Moved and Seconded

That the resignation of Dola Boas from the Area A Advisory Planning Commission be accepted and that a letter of appreciation be forwarded to Ms. Boas.

MOTION CARRIED

**NB6 – Density
increase, Walton Rd.**

Director Morrison advised that Area F is considering increasing fire protection service in the Walton Road and surrounding area, and requested that staff look into what the potential increase in density would be if community water was made available.

It was Moved and Seconded

That staff be directed to investigate the potential increase in density in the Walton Road and surrounding area should community water be made available to increase fire protection service, and report back findings to the EASC.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:10 pm.

Chair

Recording Secretary

D1

----- Original Message -----

From: Brandy Gallagher

To: Ken Cossey

Cc: T Heensaw ; kschrader@cvrld.bc.ca

Sent: Saturday, March 05, 2011 9:56 AM

Subject: Leave of Committee Application

Dear Ken

Further to the recent conversations between OUR ECOVILLAGE and the CVRD - please accept this letter of application to the Electoral Area Services Committee to be allowed a special allowance for fundraising events much like the allowance which has been provided for the Cowichan Bay event.

On July 13-18th, 2011 we are sponsoring an annual event titled Nheema North. This is a multicultural music and community development event. Two local music schools come together, with a wide variety of East African music teachers, to provide a community forum. On the Saturday evening the music students of the program request an open night whereas they can open the top field at O.U.R. ECOVILLAGE up to the public and folks can come and listen to them perform, along with a variety of teachers from Zimbabwe....

This event creates good will and reciprocation between teachers all up and down the coast of North America and across the world to Africa. We have hosted this event already for 3 years and have experienced the most respectful, caring, and responsible people coming to participate. The music of Africa is considered part of the religion and is therefore very much about community, hope, and spirituality (it is certainly not a 'party' type situation). This event benefits people from near and far and has brought a wide number of new visitors to the Cowichan and has linked new students with the schools which participate in hosting this event. Art and Culture is highly important to the residents of Shawnigan Lake (as per recent community dialogue) and the unique innovative 'village' setting of OUR ECOVILLAGE lends itself highly to this type of event. In

fact.....there is really not anywhere else in the Cowichan that offers this type of integrated space and warm connection.

Given the ongoing value and success of this program we would like to make application to open up the Saturday evening event to have a sound system respectfully played until 1:00 am. We would ask that we could remain plugged in until midnight and then move to light singing and thumb pianos for the last hour. This music is a gentle xylophone type of sound which mostly delights the neighbours and lifts its way up the mountain for others to appreciate (and we have lots of feedback of the same). For anyone in the neighbourhood who finds the time of evening a challenge we would like to offer a full nights pass to a local event/B&B/hotel/dinner of whatever type of entertainment would be preferable. We look forward to feedback on this matter.

In community,

Brandy Gallagher BSW, MA

Sustainable Community Solutions Consulting - SC2

Exec. Director - O.U.R. Community Association

O.U.R. ECOVILLAGE

www.ourecovillage.org



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 5, 2011

DATE: March 18, 2011 **FILE No:** 8-I-10DP/RAR/VAR

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

SUBJECT: Development Permit Application No. 8-I-10 DP/RAR/VAR (Carbonneau)

Recommendation/Action:

That Application No. 8-I-10DP be approved, and that a development permit be issued to Ken Carbonneau for Parcel A (DD 27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651), with a variance to Section 3.20 of Zoning Bylaw No. 2465 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a new single family dwelling, subject to the following:

- Strict compliance with the recommendations in Riparian Assessment Report No. 1777, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 9, 2010;
- That the 10 metre SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
- The applicant providing a survey confirming compliance with approved setbacks;

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

Location of Subject Property: 10171 Youbou Road, Youbou

Legal Description: Parcel A (DD 27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651)

Date Application and Complete Documentation Received: December 4, 2010

Owner: Sharon Moon

Applicant: Ken Carbonneau

Size of Parcel: ± 0.26 hectares (± 0.64 acres)

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

Minimum Lot Size Under Existing Zoning: 0.2 hectares if connected to a community water system

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

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

Services:

<u>Road Access:</u>	Youbou Road
<u>Water:</u>	Youbou Water System
<u>Sewage Disposal:</u>	Septic system

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

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies a Trim Stream running through the property.

Archaeological Site: No archaeological sites have been identified.

The Proposal:

An application has been made to: An application has been made to the Regional Board to issue a Development Permit with Variance in accordance with the requirements of the Watercourse Protection Development Permit policies contained within Official Community Plan (OCP) Bylaw No. 2650 and CVRD Zoning Bylaw No. 2465. The purpose of the application is to allow replacement of an existing dwelling with a new single-family dwelling.

Policy Context:

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

“(b) To identify, protect and enhance natural areas, including stream corridors, for the long term benefit of natural ecosystems, including fish, wildlife and plant habitat;

“(c) To support the preservation of natural resources of the area for resource development, including forestry, fish and wildlife habitat, and tourism;

“(d) To limit or prohibit development within hazardous or environmentally sensitive areas so as to protect area residents from personal injury or loss of property and to safeguard the natural environment;

- (g) To support the retention of a greenway of adequate width adjacent to all watercourses;*
- (i) To maintain the water quality of Cowichan Lake and the Cowichan River.”*

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

Planning Division Comments:

This application was originally presented to the Electoral Area Services Committee on March 15, 2011, and received a recommendation to the Board to approve the development permit application. Staff subsequently determined that a variance would be required for the proposed development and so the application is being brought to the Committee again with a variance request added.

The subject property is located at 10171 Youbou Road in Electoral Area I – Youbou/Meade Creek. The property has an existing single family dwelling, which the applicant is proposing to replace with a new, smaller single family dwelling. The subject property is located within the Watercourse Protection Development Permit Area (DPA). As such, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction, in accordance with Youbou/Meade Creek Official Community Plan Bylaw No. 2650. In compliance with the Watercourse Protection DPA guidelines, the applicant has retained the services of Trystan Willmott, a Qualified Environmental Professional (QEP), to conduct a Riparian Areas Regulation (RAR) Assessment.

The applicant is proposing to construct a 111.5 m² (1200 ft²) house in the south eastern corner of the property outside of the Streamside Protection and Enhancement Area (SPEA). The existing driveway and an existing rockwall and stairs are within the SPEA boundaries. Because the above developments are existing uses and alterations are not being proposed as part of this application, they are not subject to the RAR assessment.

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

- (a) **Retention of natural vegetation** – The proposed dwelling will be built within the footprint of the existing dwelling, therefore no further vegetation removal is being proposed. The upper reaches of the property are largely forested and will not be disturbed by the proposed development.
- (b) **Coverage of entire area** – The proposed new house will be built within the existing footprint of the house that currently exists on the property. The new house will be smaller than the existing house and will therefore reduce the coverage of the entire property.
- (c) **Riparian area protection** – this guideline has been largely superseded by the *Riparian Areas Regulation* guidelines.
- (d) **BMP implementation** – the role of the QEP is to examine all BMPs and integrate these into the Riparian Assessment Report. Report No. 1777 indicates the proponent could

use rain gardens in order to moderate the impacts of roof run-off during peak rain events.

- (e) **Silt and sediment control** – Report No. 1777 states that construction will follow a number of sediment and erosion control measures. The QEP reports that building within an existing building footprint minimizes the generation of sediments during the construction phase. The QEP recommends that the majority of site preparations be carried out during periods of drier weather, covering stockpiled soil with tarps, covering exposed areas with straw mulch and seeded to prevent sediment mobilization, and installing a silt fence around the western perimeter of the construction area.
- (f) **Imperviousness figures** – The R-3 Zone permits 25% parcel coverage for all buildings and structures on a lot. However, the development proposal will result in far less parcel coverage than that permitted by the zoning, as well as less than what currently exists. The total house footprint including outdoor living area will be 111.5 m² on a 0.28 ha lot, which results in approximately 4% parcel coverage.
- (g) **Floodplain** – The QEP assessed the drainage of the property and confirmed that there was no evidence of drainage overtopping its banks and that there appeared to be no potential flooding concerns on the property. The property is also located above the 200 year floodplain (167m contour) for Cowichan Lake.
- (h) **Driveway design** – The driveway of the property is already existing and changes to it are not being proposed.
- (i) **Footpaths** – There are no footpaths being proposed as part of this development permit application
- (j) **Retaining walls** – No retaining walls are being proposed as part of this development permit.
- (k) **Retaining wall appearance** – see above.
- (l) **Retaining wall with fence** – see above.
- (m) **Cultural/heritage sites** – no such sites were identified.
- (n) **Pilings/floats** – No new such construction is proposed.
- (o) **Applicable only to subdivision**
- (p) **Develop with care** – the RAR Assessment Report will cover this within the Riparian Assessment Area.
- (q) **Wetlands** – there are no wetlands located on the property.
- (r) **Harmful Alteration/Destruction or Disruption of fish habitat** – compliance with the RAR Assessment Report will by definition prevent a HADD.

Riparian Areas Regulation Assessment Report:

RAR Assessment Report No. 1777 by Trystan Willmott identifies a 10 metre Streamside Protection and Enhancement Area (SPEA) on the both sides of the unnamed creek located on the subject property. The SPEA is measured from the high water mark of the creek. All proposed development will be located outside the designated SPEAs as shown in the site plan included within the RAR report. The existing driveway that is within the SPEA is a grandfathered use and will not be altered as part of this development proposal. The RAR report states that there are no danger trees located within the vicinity of the proposed development and that there will be no increase in the potential for windthrow. The report states that slope stability is not an issue for the proposed development due to the limited slope of the SPEA in the lower portion of the property. The SPEA has been flagged on the property to prevent inadvertent encroachment during construction activity. The QEP's report states that the proposed development will reduce the amount of impermeable surfaces on the property and will not negatively impact the assessed SPEA if the recommendations from RAR Assessment Report No. 1777 are followed.

Variance: Although the proposed new dwelling will be located completely outside the 10 metre SPEA, section 3.20 of CVRD Bylaw No. 2465 stipulates a 15 metre setback from a watercourse. The applicant is seeking a 5 metre reduction to the setback from a watercourse in order to locate the dwelling 10 metres from the watercourse on the property. The applicant measured the proposed new dwelling site to be approximately 11.2 metres from the watercourse at its closest location in the northwest corner and therefore the 5 metre reduction would allow for slight errors in measurement. The applicant prefers to locate the dwelling as far from the watercourse as possible while still respecting the side parcel line setback. Due to a slope existing on the eastern property line, it would be difficult to locate the dwelling closer to the eastern property line than what is being proposed.

Surrounding Property Owner Notification and Response:

A total of twelve (12) letters were mailed out or delivered, as required pursuant to CVRD Development Application Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments on this variance within a recommended time frame. Staff have received 1 correspondence in favour of the variance and no correspondences against it.

Advisory Planning Commission:

Members of the Area I Advisory Planning Commission reviewed this application at a meeting held March 1, 2011, and made the following recommendations:

"It was Moved and Seconded by Area I (Youbou/Meade Creek) APC, to support Development Permit Application No 8-I-10DP (Carbonneau) as presented."

Final Staff Comments:

Because the proposed development location, as originally presented, has not changed, the application was not referred back to the Advisory Planning Commission.

This application is being referred back to the Committee due to the addition of a variance request to reduce the 15 metre setback from a watercourse to 10 metres. Staff realized that this was an omitted element to the application when it was first presented to Committee. The QEP's Riparian Assessment Report states that the creek on the subject property is not considered to be fish habitat and therefore only requires the minimum 10 metre SPEA. The proposed development is attempting to be located as far away from the SPEA as possible considering the lot configuration. The dwelling cannot be located closer to the front parcel line because the remaining flat area will be utilized for the proposed new septic system. Only the northwest corner of the dwelling would be located approximately 10 metres from watercourse, with all other sides and corners of the house being further away. The QEP has provided a professional opinion that the proposed development will have no negative impacts on the health of the SPEA or the creek.

Options:

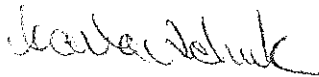
1. That Application No. 8-I-10DP be approved, and that a development permit be issued to Ken Carbonneau for Parcel A (DD 27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651), with a variance to Section 3.20 of Zoning Bylaw No. 2465 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a new single family dwelling, subject to the following:
 - Strict compliance with the recommendations in Riparian Assessment Report No. 1777, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 9, 2010;

- That the 10 metre SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
- The applicant providing a survey confirming compliance with approved setbacks;

2. That application No. 6-I-10 DP ***be revised***.

Option 1 is recommended.

Submitted by,



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

<p>Reviewed by: Division Manager:</p> <hr/> <p>Approved by: General Manager:</p> <hr/>
--

CS/ca
Attachments



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT with VARIANCE

NO: 8-I-10DP/RAR/VAR

DATE: April XX, 2011

TO: Sharon Moon

ADDRESS: 10171 Youbou Road

Youbou, BC

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Parcel A (DD 27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651)
3. Authorization is hereby given for construction of a single family dwelling in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - *Strict compliance with RAR Report No. 1777, dated September 9, 2010 and written by Trystan Willmott of Madrone Environmental Services Ltd.*
 - *Demarcation of the 10 metre SPEA with the use of flagging materials prior to commencement of development activities*
 - *Section 3.20 of Zoning Bylaw No. 2465 is varied from 15 metres to 10 metres to permit construction of a new 1200ft² single family dwelling.*
 - *Submission of a survey confirming compliance with the approved setbacks.*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:

Schedule A – RAR Report No. 1777, written by Trystan Willmott, of Madrone Environmental Services Ltd., dated September 9, 2010

Schedule B – Site Plan

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. [fill in Board Resolution No.] PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE [day] DAY OF [month] 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature) _____

Witness _____

Print Name _____

Occupation _____

Date _____

Date _____



To Whom It May Concern Re: file # 8-10DP/RAR/VAR (Carbonneau)

Congratulations to our neighbors on their projected new home.
We are very supported of people achieving new goals.

Verna Howe / Joseph Glenn
10175 Youbou Rd., Youbou ,B.C VOR 3E1



Cowichan
Valley
Regional
District

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

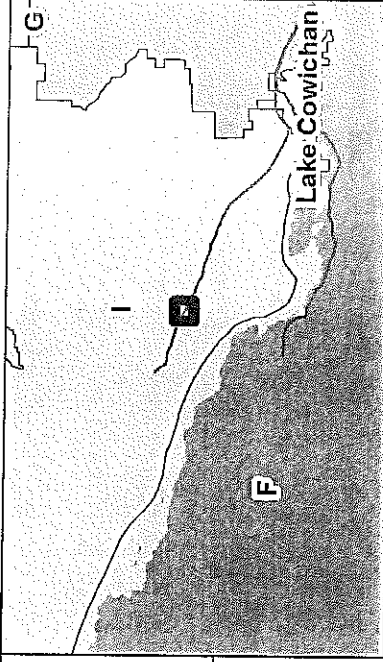
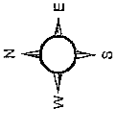
The Regional District does not
warrant the accuracy.

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

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

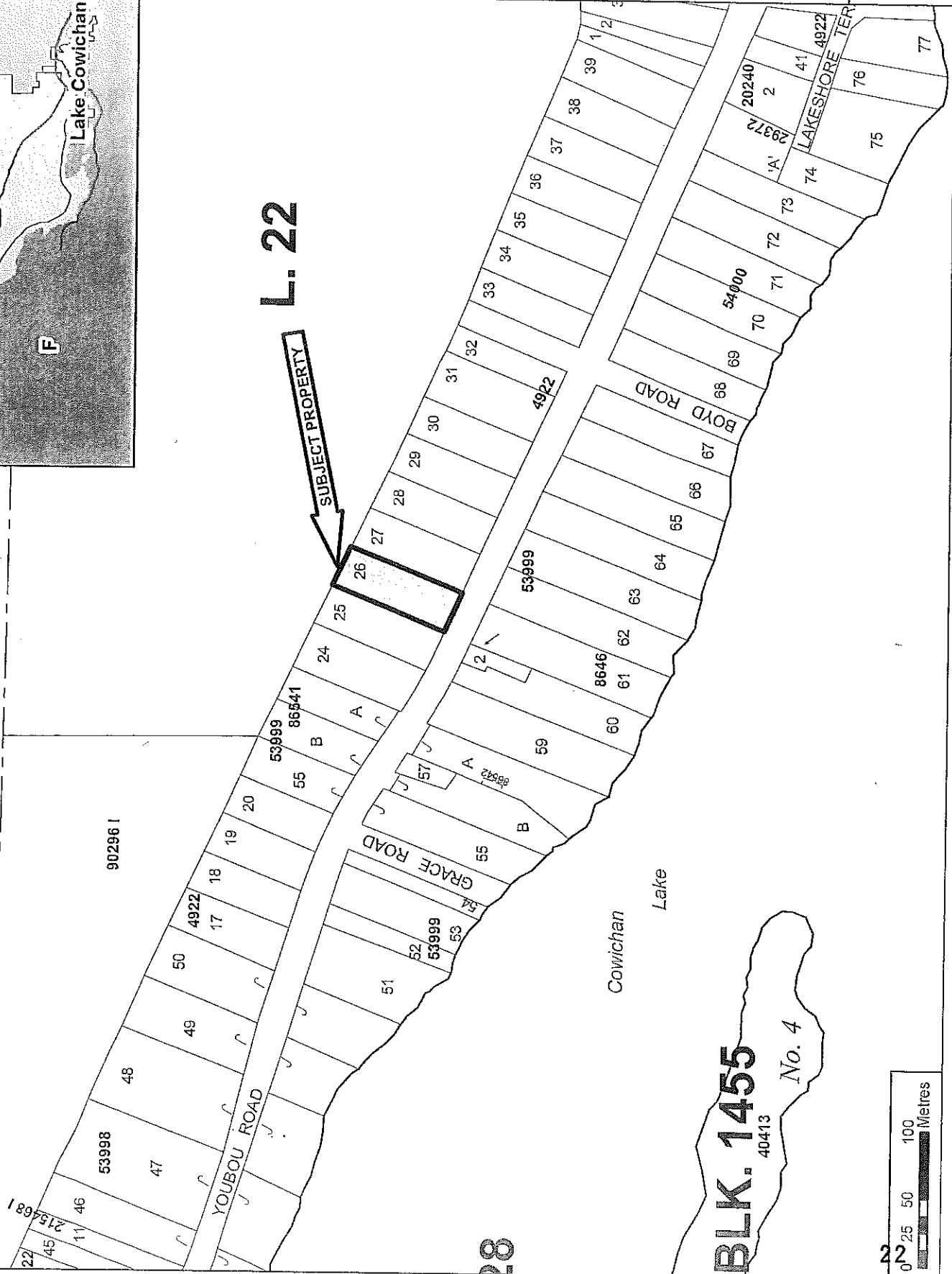
FILE:
08-I-10-DP-RAR

Legend
 Subject Property



L. 22

SUBJECT PROPERTY





Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.

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

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

FILE:

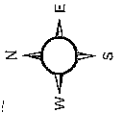
08-I-10-DP-RAR

ZONING

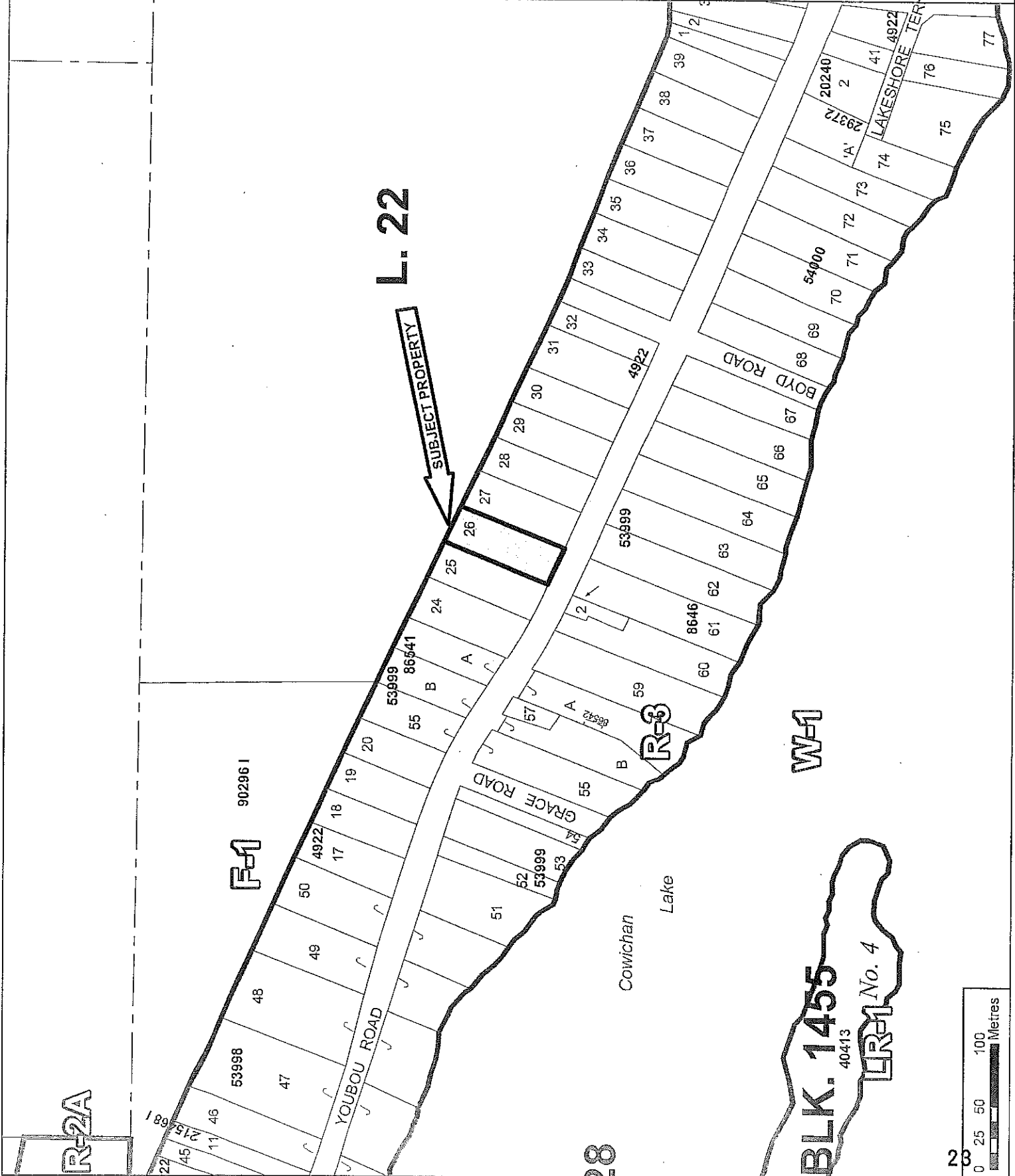
Legend



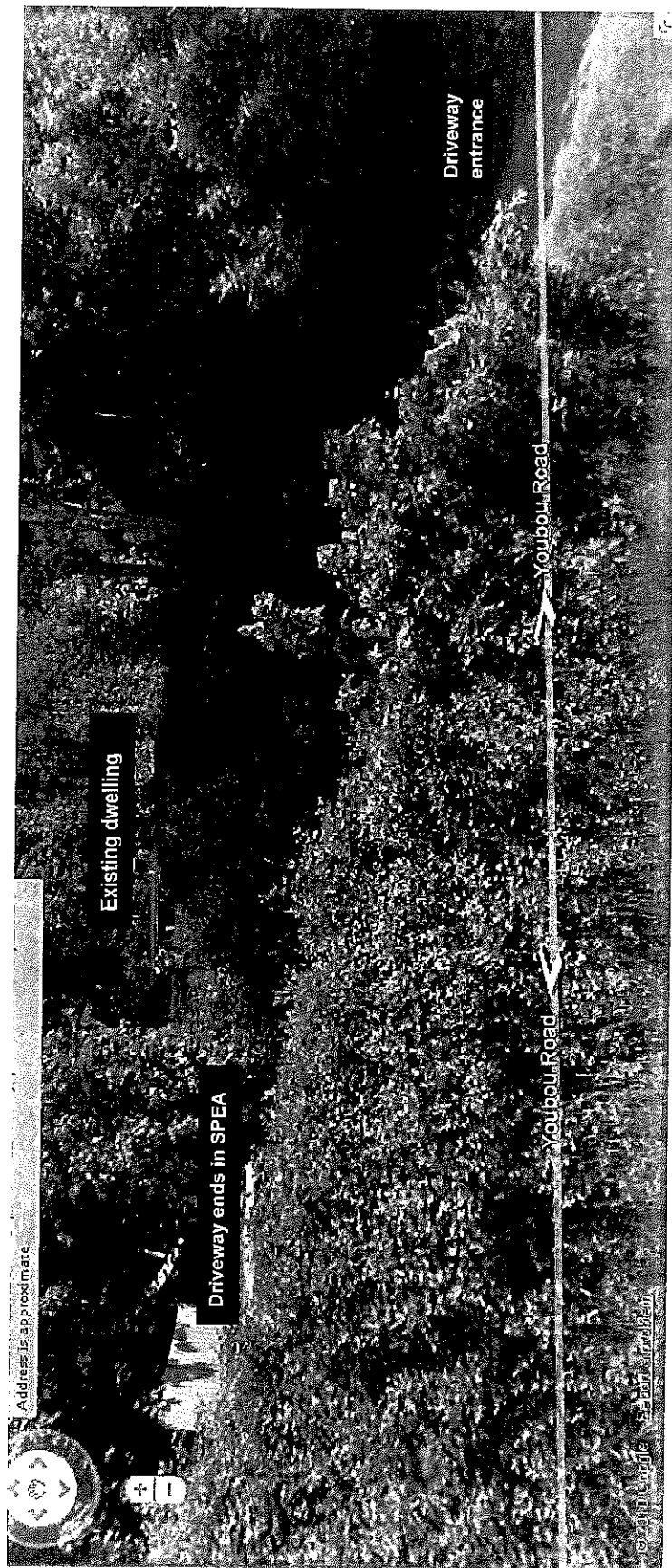
Subject Property
Zoning Electoral Area I



23



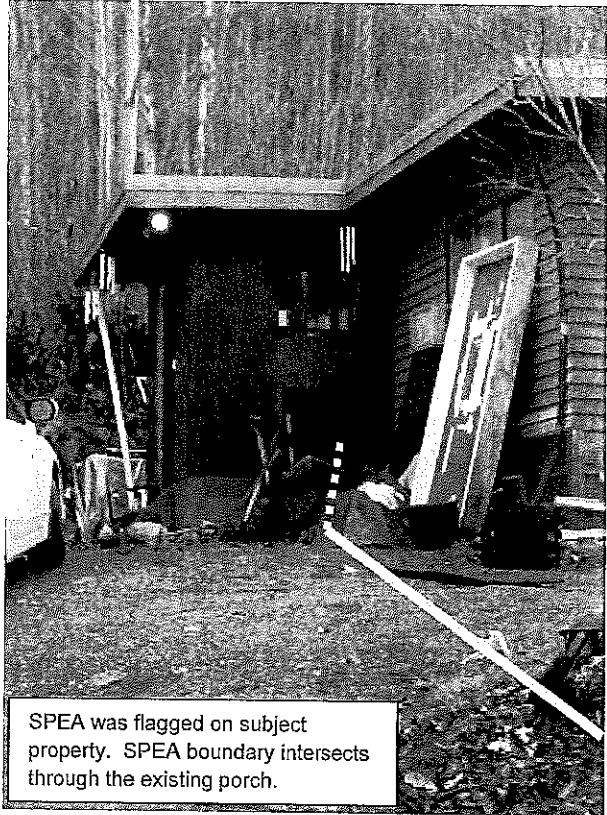
Site Visit Photos – 10171 Youbou Road



A view of the subject property from Youbou Road.



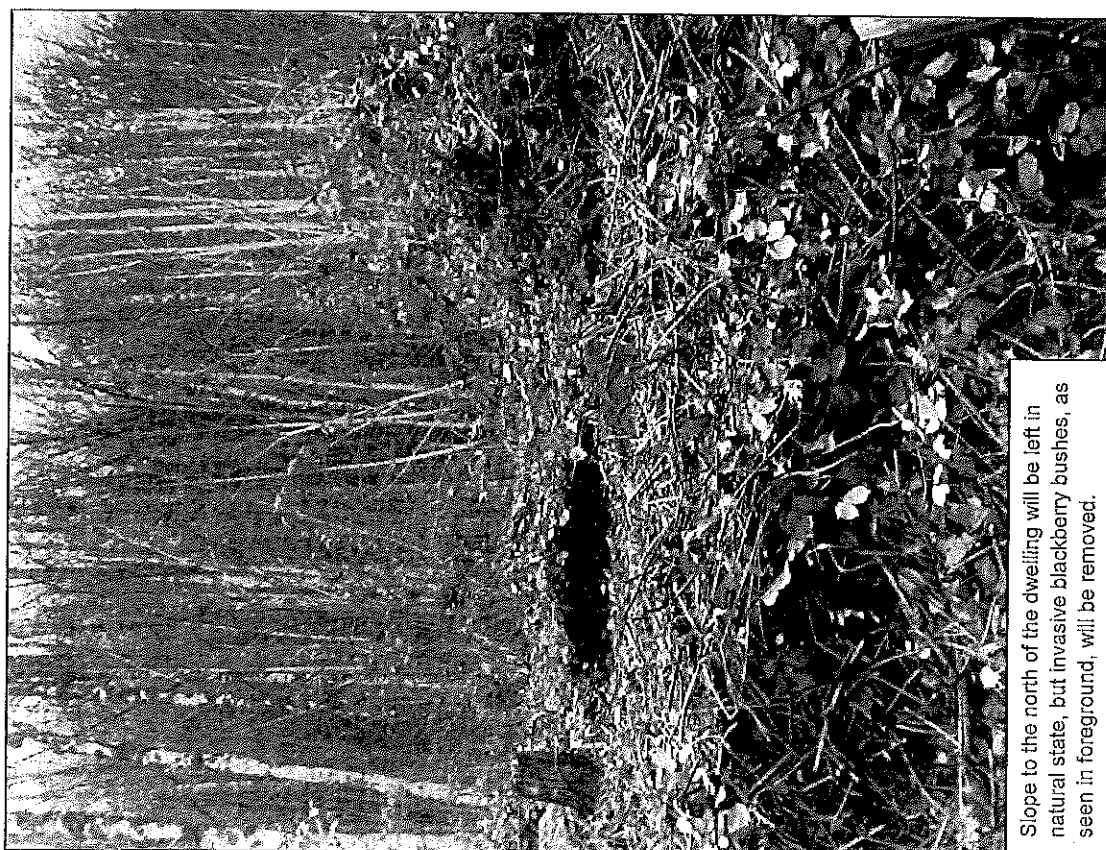
View of creek looking south. The creek runs along western property line west of the top of the driveway.



SPEA was flagged on subject property. SPEA boundary intersects through the existing porch.



Existing rockwall located within the SPEA. Blackberry branches cover most of the wall.



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 2010-09-09

I. Primary QEP Information

First Name	Trystan	Middle Name	
Last Name	Willmott		
Designation	A.Sc.T.	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	Ken	Middle Name	
Last Name	Carbonneau		
Company	N/A		
Phone #	(250) 710 2516	Email:	kenandtanya@shaw.ca
Address	10171 Youbou Road		
City	Youbou	Postal/Zip	VOR 3E1
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Single family residential		
Area of Development (ha)	0.01	Riparian Length (m)	68
Lot Area (ha)	0.25	Nature of Development	New
Proposed Start Date	2010-09-14	Proposed End Date	2011-09-14

V. Location of Proposed Development

Street Address (or nearest town)	10171 Youbou Road		
Local Government	Cowichan Valley Regional District	City	Youbou
Stream Name	Un-named		
Legal Description (PID)	006-016-651	Region	1
Stream/River Type	Stream	DFO Area	South Island
Watershed Code	N/A		
Latitude	48	52	7.8
Longitude	124	10	56.8

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed. Insert that form immediately after this page.

Table of Contents for Assessment Report

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4. Protection of Trees.....	9
5. Encroachment	9
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5. Environmental Monitoring	12
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7. Assessment Report Professional Opinion	18

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

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

Nature of Development/Specific Activities:

The proposed construction of a new residence at 10171 Youbou Road, Youbou, has triggered the requirement for a Riparian Areas Regulation Assessment. The focus lot currently has a dwelling located on the southern portion of the property, with an associated gravel driveway and parking area. A small drainage flows along the western edge of the property, which originates on the steeper forested slopes to the north of the existing residence.

The proposed construction would involve removing the existing house and building a smaller structure on the current disturbed footprint. The proposed residence would consist of a living area of 928 square feet, with a screened porch adding another 230 square feet, resulting in a total proposed footprint of 1158 square feet (refer to Site Plan). The existing house footprint is 1250 square feet. The porch of the current house extends partially into the SPEA of the drainage, although the new structure would be built further to the east, beyond the SPEA boundaries, as indicated on the site plan.

Fish Habitat Attributes, Connected Habitat Values and Existing Riparian Vegetation Condition

The focus drainage is an un-named first order system, which originates on steep slopes located along the northern portion of the property. The drainage does not contain habitat attributes necessary for fish life processes, but it does meet the definition of a "stream" under the RAR methodology. The stream is classified as a default "Step-Pool" system, due to the gradient and width, but the general lack of channel morphology attributes in the drainage do not represent a typical "Step-Pool" system. The stream is relatively well defined, with continuous alluvial deposits, consisting mainly of large gravel and cobble. The stream was flowing during the assessment, which was likely in response to a rainfall event immediately prior to the field visit.

After it leaves the southern property boundary, the stream enters a vegetated swale/ditch that parallels the northern edge of Youbou Road. This ditch flows to the west before meeting a well defined stream flowing from north to south. This drainage enters a culvert underneath Youbou Road, and continues to flow to the south through private property before joining with Cowichan Lake. Despite the lack of fish habitat attributes in the subject drainage, connectivity to confirmed fish habitat (Cowichan Lake) by surface flow does occur via the roadside ditch and neighbouring stream.

Riparian vegetation is serving limited biological function in the developed area situated in the southern portion of the property. The SPEA in the developed zone consists mainly of a gravel driveway and parking area, with a narrow fringe of ornamental cedar (*Thuja* sp.), which forms a hedge. Young bigleaf maple (*Acer macrophyllum*) are also

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

interspersed throughout the immediate riparian area. The majority of the property, however, remains undisturbed. Upslope of the existing development footprint, the property consists of continuous young forest, with bigleaf maple (*Acer macrophyllum*) and red alder (*Alnus rubra*) dominating. The shrub vegetation consists of salmonberry (*Rubus spectabilis*), red huckleberry (*Vaccinium parvifolium*) and salal (*Gaultheria shallon*). Himalayan blackberry (*Rubus discolor*) is also common. The herb layer in the forested portion of the SPEA consists of horsetail (*Equisetum arvense*), bracken fern (*Pteridium aquilinum*), maidenhair fern (*Ophioglossum pedatum*), sword fern (*Polystichum munitum*) and foamflower (*Tiarella trifoliata*).

The property owners intend to maintain the area upslope of the development footprint as undisturbed forest. The proposed development would be limited to the existing building footprint.

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 2010-09-09

Description of Water bodies involved (number, type)

1 Stream

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

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

Channel Width(m)		Gradient (%)	I, <u>Trystan Willmott</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Ken Carbonneau; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point	1.3		
upstream	0.9	22	
	0.6		
	0.7		
	0.8		
downstream	0.5		
	1.2	10	
	0.8		
	0.6		
	0.8		
	0.7		
Total: minus high /low	7.1		
mean	0.8	16	
	R/P	C/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, <u>Trystan Willmott</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Ken Carbonneau; 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
SPVT Type	LC	SH	
		X	
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	

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

Polygon No:
SPVT Type

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	2.4	South bank	Yes	X	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
SPEA maximum	10	(For ditch use table3-7)				

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	N/A	South bank	Yes		No	X
SPEA maximum	10	(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	
SPEA maximum		(For ditch use table3-7)				

I, Trystan Wilmott, hereby certify that:

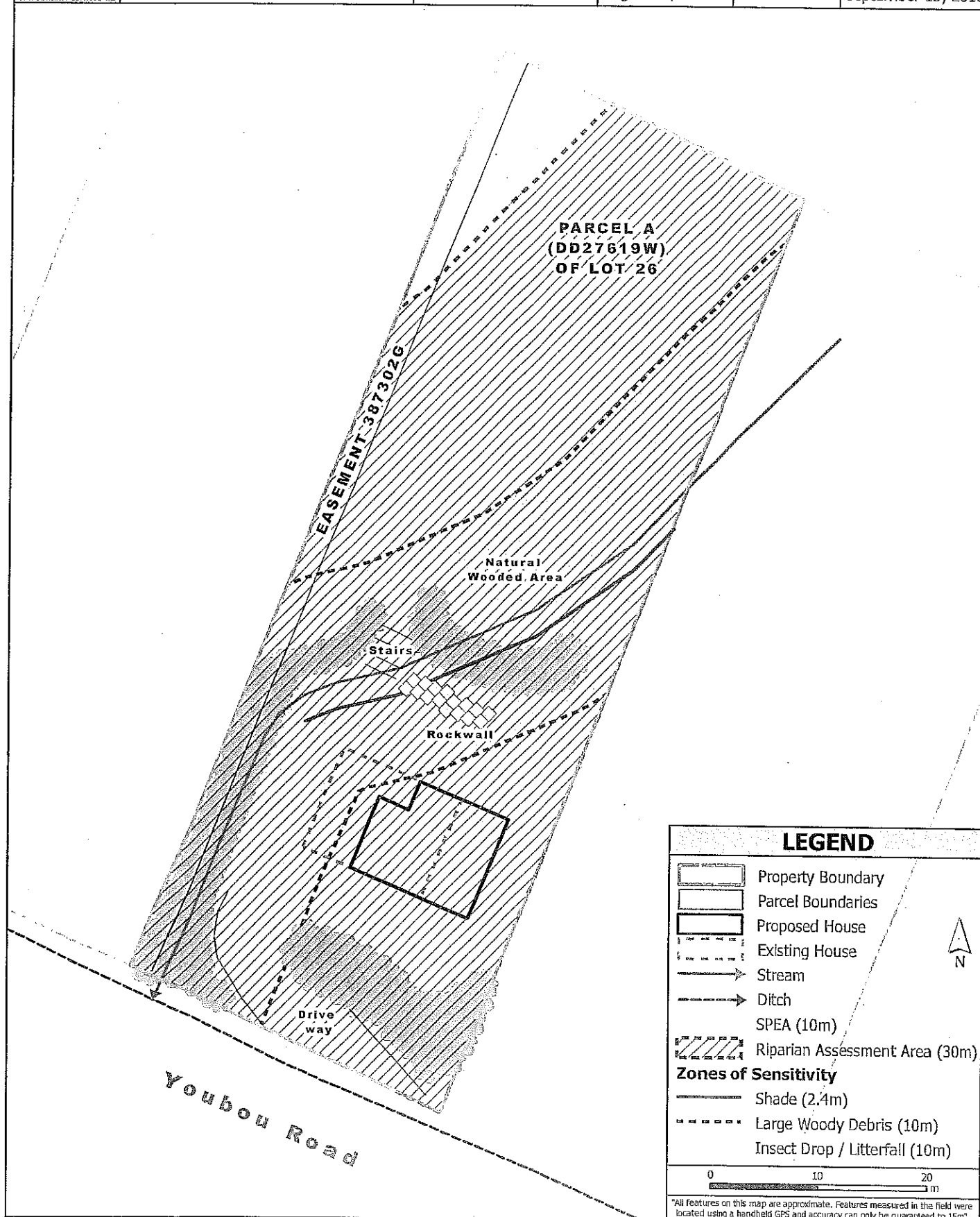
- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Ken Carboneau;
- c) I have carried out an assessment of the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

Comments

Due to the flat site conditions at the proposed construction site and ease of measurement, the 10m SPEA was measured out and demarcated during the field assessment.



PROJECT: RAR Assessment: 10171 Youbou Road		CLIENT: Ken Carboneau	DOSSIER: 10.0231	DRAWN BY: Anna Jeffries
ASSESSED BY: Trystan Willmott, B.Sc., A.Sc.T.	LOCATION: Youbou, BC	FIELD VISIT: August 11, 2010	MAP SCALE: 1:450	MAPPING DATE: September 13, 2010



Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	<p>The development proposal involves building over an existing footprint, with the adjacent SPEA consisting mainly of a gravel parking area. No development is proposed in the forested portion of the property upslope of the existing developed footprint.</p> <p>No danger trees exist in the SPEA in relation to the current development proposal.</p>
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Ken Carbonneau;</p> <p>g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
2. Windthrow	<p>Damage from windthrow typically occurs as a result of removing large areas of trees and creating new exposed forest "edges" that become exposed to increased wind velocities. The proposed construction site consists of a cleared area with an existing house footprint. No trees will be removed during the development, meaning that risk from windthrow on the property as a whole will not be increased as a result of the construction. There are no development plans for the forested portion of the property upslope of the existing developed area.</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 Ken Carbonneau;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
3. Slope Stability	<p>The proposed development area consists of a flat pad with an existing residence. The slope of the SPEA is minimal adjacent to the proposed building footprint. Due to the existing flat building pad and lack of indicators of slope instability, the SPEA will not be negatively impacted by the proposed construction.</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 Ken Carbonneau;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in</p>	

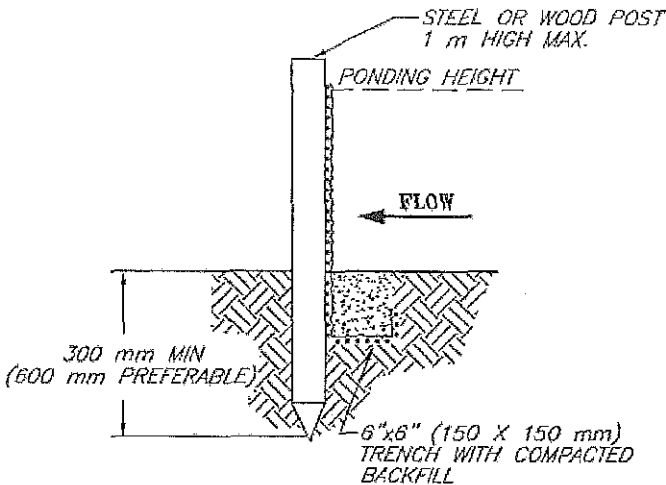
FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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	
4. Protection of Trees	Adjacent to the proposed development area, the SPEA consists of a gravel parking area. The proposed construction will involve building on an existing footprint and there is, therefore, no potential for damage to trees located upslope of the footprint.
<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 Ken Carbonneau;</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	<p>Currently, the proposed building area consists of an established residence, with a gravel driveway and parking area. In addition, part of the existing porch extends into the SPEA. Immediately adjacent to the house, the SPEA is represented by the gravel parking area.</p> <p>Current land uses and structures are considered legally non-conforming, but any new "developments" are not permitted inside the SPEA. It should be noted that the proposed residence will be smaller than the existing footprint and will be located further back from the stream in comparison with the current building configuration.</p> <p>The upper portion of the property has been maintained as undisturbed young forest by the current landowners. There are no plans to develop any portion of the forested area.</p> <p>It would be impractical to demarcate the edge of the SPEA during the construction process with temporary fencing, as it would be partly located across the existing parking area and property access. The SPEA has been flagged on site, and this flagged representation should remain during the construction process to prevent any inadvertent encroachment from the construction footprint.</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 Ken Carbonneau;</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	<p>The potential for sediment generation will be partly mitigated by the fact that the construction will be occurring on an existing footprint. As a result, site excavations will be minimized. However, any excavations (even if minimal) have the potential to introduce sediment into the adjacent drainage.</p> <p>The following measures must be implemented during the construction process:</p> <ul style="list-style-type: none"> - if possible, the majority of site preparation operations should be carried out during periods of drier weather; - any soil/fill stockpiles should be covered (e.g. with tarps) to prevent the

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	<p>mobilization of unconsolidated material by rain-splash; - exposed areas should be covered with straw mulch and seeded to prevent the mobilization and transportation of sediment; and - a silt fence should be constructed at the western perimeter of the construction area, effectively containing the work area. The silt fence should be dug in properly, to ensure that it works effectively (refer to diagram).</p> 
	<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ol style="list-style-type: none"> I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; I am qualified to carry out this part of the assessment of the development proposal made by the developer Ken Carbonneau; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
<p>7. Stormwater Management</p>	<p>Increases in stormwater flow are generally caused by an increase in the surface coverage of impermeable materials (e.g. rooftops and driveways) following construction activities. In this particular case, the proposed development will lead to a reduction in the coverage of impermeable materials on site, as the footprint will be smaller than the existing structure. Despite the reduction in the coverage of impermeable materials, constructing a new residence allows for the opportunity to implement measures to manage stormwater.</p> <p>An aesthetically-pleasing option for the site would be to install a rain garden, which represents a cost-effective long-term solution to collecting stormwater and allowing it to infiltrate slowly. A rain garden can be added to over time, allowing for the establishment of an attractive feature.</p> <p>The surface area of a rain-garden should be approximately 20% of the impermeable surface area feeding into it. Rain-gardens should be in the form of a shallow depression and be approximately 10-15cm deep (after soil amendments have been added). The surface of a rain-garden should be kept as level as possible, with a slight depression in the centre. Run-off from roof tops</p>

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

	<p>can be directed into a rain-garden via flexible plastic pipes running from the downspouts. To prevent erosion, small gravel (e.g. pea gravel) should be placed around the pipe inflow.</p> <p>After the rain-garden has been dug out, an adequate soil mix should be added, consisting of washed, coarse sand (approximately 50% by volume), hardwood mulch (15% by volume), weed free topsoil with a high organic content (30% by volume) and compost (5% by volume). It is important that the soil is not compacted (e.g. by foot traffic or machinery) after being spread. Minimal foot trampling will be unavoidable during the planting stage.</p> <p>There are numerous options regarding potential plants to use in a rain-garden, but the following species are recommended: red osier dogwood (<i>Cornus stolonifera</i>), salmonberry, red elderberry (<i>Sambucus racemosa</i>) and slough sedge (<i>Carex obnupta</i>).</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 Ken Carbonneau;</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>8. Floodplain Concerns (highly mobile channel)</p>	<p>The drainage is relatively steep where it flows through the focus property. No indications of the drainage overtopping its banks were noted and there appear to be no potential flooding concerns on the property.</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 Ken Carbonneau;</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>	

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.

The proposed development represents a low-impact proposal over an existing footprint adjacent to a SPEA that consists of a gravel parking area. The monitoring regime, therefore, should not be an in-depth, detailed operation.

Actions Required:

A pre-construction meeting should be held between the developer and monitor to discuss potential construction-related impacts (e.g. sediment mobilization). Details regarding the proper implementation of the sediment and erosion control plan would be discussed, to ensure that measures are properly implemented and are site-specific. Stormwater management and potential location of the rain-garden would also be determined.

Schedule/Communications Plan:

The developer is responsible for contacting a qualified environmental professional (QEP) to arrange for a pre-construction site meeting. The meeting should be held at least two days prior to the anticipated start-up of construction activities. A site visit mid-way through the construction process is recommended to ensure that the construction is occurring as per the development proposal and to determine whether the sediment and erosion control measures are being properly implemented. At this point, the QEP has the opportunity to modify measures, or make further recommendations to ensure that the development is occurring in an appropriate manner. A final site visit should also occur following the cessation of construction activities to check on the final configuration of the development. This final visit can occur prior to the completion of finishing work inside the house. The developer must contact the QEP to arrange for the recommended on-site visits.

Post Development Report:

A post construction report is required, which details, in chronological order, the construction process and highlights the level of conformance to the stipulated measures. The report should contain site photographs to ensure the accurate portrayal of the development period.

Section 6. Photos

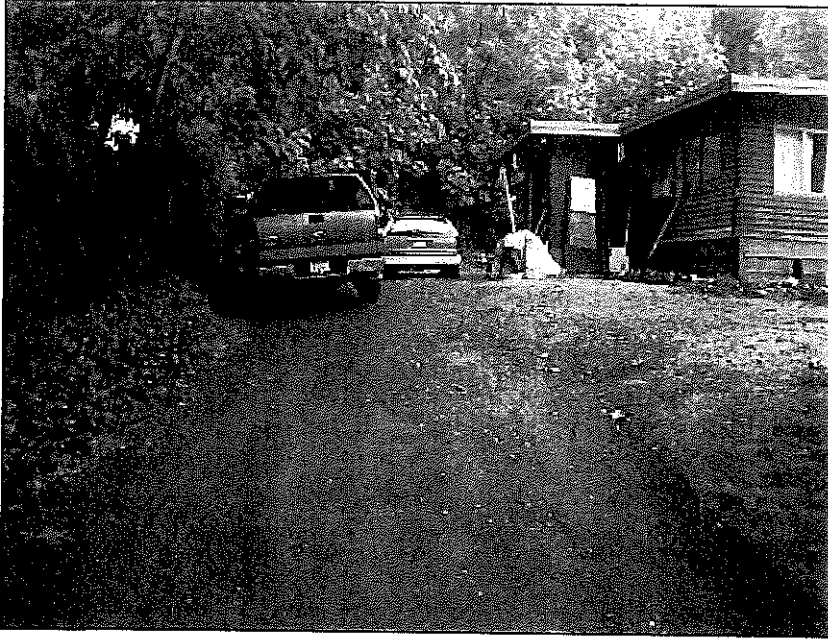


Photo 1. Looking north-east from the property access driveway towards the existing house and parking area. The drainage parallels the cedar hedge on the left of the photo (flows on the western side of the hedge).

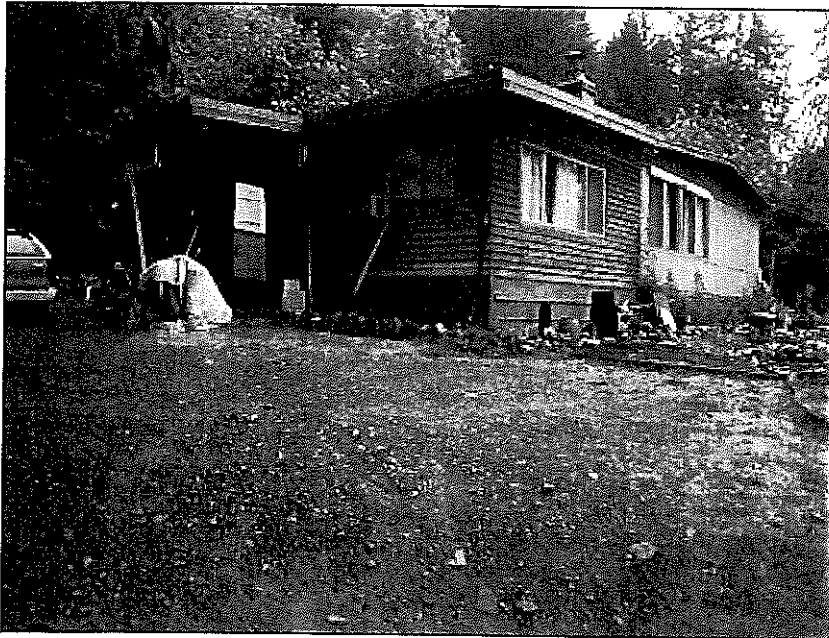


Photo 2. Looking east through the SPEA over the gravel parking area towards the existing house. The porch extends into the SPEA.

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



Photo 3. Looking north through the SPEA, which extends from the back of the porch and extends towards the west.



Photo 4. Looking south-west (downstream) along the drainage as it flows adjacent to the gravel parking area.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo 5. Looking downstream (south-west) along the drainage (highlighted) where it flows through the young forest upslope of the developed portion of the property.



Photo 6. Looking downstream (south) along the drainage immediately upstream of Youbou Road.



Photo 7. Typical characteristics of the young forest located along the length of the drainage upslope of the existing development footprint.

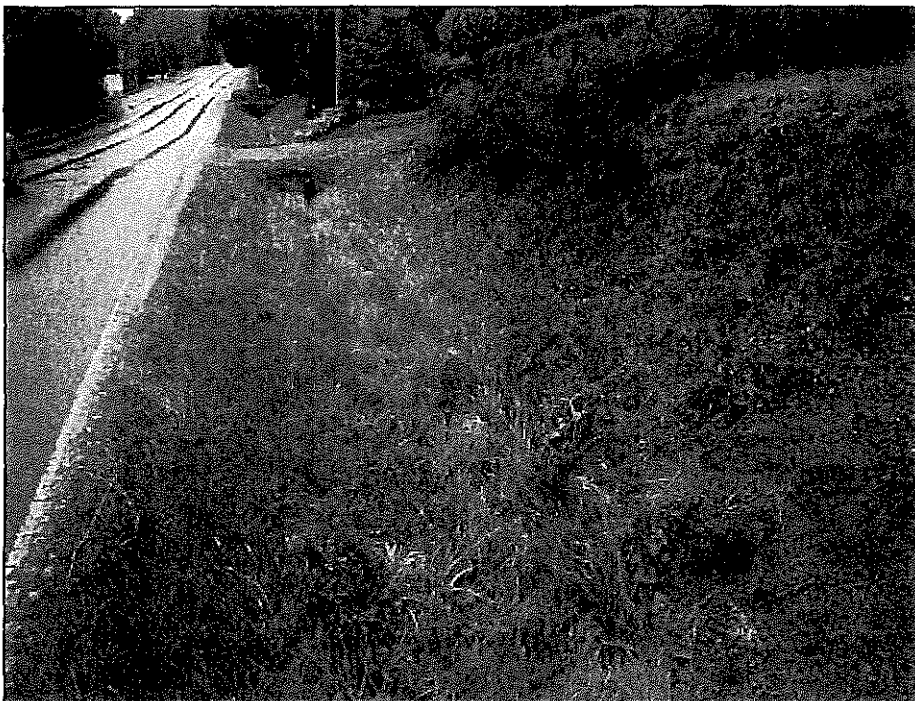


Photo 8. Looking downstream (west) along the vegetated ditch/swale that parallels Youbou Road. The subject drainage enters this ditch from the north, at the point where the photo was taken.



Photo 9. Looking down at the more obvious drainage located to the west of the subject property at the inflow of the culvert under Youbou Road. The course of the ditch shown in the previous photo is highlighted, which joins the larger drainage at the culvert inflow.

Section 7. Professional Opinion

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

Date 2010-09-09

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 Ken Carbonneau, 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.]



CVRD

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF APRIL 5, 2011

DATE: March 28, 2011 FILE NO: 7-A-10DP/RAR/VAR
FROM: Carla Schuk, Planning Technician BYLAW No: 2000
SUBJECT: Development Variance Permit Application No. 7-A-10DP/VAR
(Kerravala)

Recommendation/Action:

That application No. 7-A-10 DP/RAR/VAR **be approved**, and that a development permit with variance, be issued to Rohinton Kerravala for the construction of an accessory building 1.25 metres from the side interior parcel line on Lot A, District Lot 101, Malahat District, Plan 29059 (PID 000-182-141), subject to :

- compliance with the measures and recommendations outlined in RAR assessment report No. 1927 by Dave Munday, Golder Associates, including
 - Erection of temporary fencing along the top of bank of the ravine across the width of the property during construction activity
 - Construction of a permanent split rail fence along the top of bank once construction of the accessory building is complete to prevent future encroachment into the SPEA
- the applicant providing a survey confirming compliance with approved setbacks

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

Location of Subject Property: 2434 Mill Bay Road

Legal Description: Lot A, District Lot 101, Malahat District, Plan 29059 (PID 000-182-141)

Date Application and Complete Documentation Received: September 29, 2010

Owner: Rohinton Kerravala and Masae Kerravala

Applicant: Rohinton Kerravala

Size of Parcel: ±0.26 ha. (0.64 acre)

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

Setback permitted by zoning: 3.0 m setback to the side interior parcel line

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential (R3-A Urban Residential Limited Height)
South:	Residential (R3-A Urban Residential Limited Height)
East:	Residential (R3-A Urban Residential Limited Height)
West:	Residential (R3-A Urban Residential Limited Height)

Services:

<u>Road Access:</u>	Mill Bay Road
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	On-site septic System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies a TRIM stream (Possible Fish Presence) and a Stream Planning Area on the subject property.

Archaeological Site: None Identified

Proposal

An application has been made to the Regional Board to issue a Development Permit with variance, pursuant to Electoral Area A – Mill Bay Official Community Plan Bylaw No. 1890 and CVRD Bylaw No. 2000, for the purpose of constructing a detached garage within the Riparian Areas Regulation Development Permit Area and 1.25 metres from the side interior parcel line.

Surrounding Property Owner Notification and Response:

A total of 25 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no correspondences for or against the proposed development have been received.

Planning Division Comments:

The subject property is located at 2434 Mill Bay Road in Mill Bay. This 0.26 hectare property slopes upwards from east to west, is fenced on two sides and is relatively narrow. Roughly the western third of the property, furthest from Mill Bay Road, is a steep ravine. The subject property is located within the Mill Bay Development Permit Area, but because single family residential development is exempt from the development permit regulations, the proposed development is exempt. However, because of the presence of a stream on the subject property, the proposed development is subject to the Riparian Areas Regulation Development Permit guidelines.

Currently there is a single family dwelling, a detached workshop with carport, and a small storage shed located on the subject property. The applicants are proposing to construct a ± 375 sq.ft garage/storage unit, in the north-central portion of their lot.

The applicant contracted the services of Qualified Environmental Professional (QEP), Dave Munday of Golder Associates, to carry out an assessment of the stream and the proposed development. Riparian Assessment Report (RAR) No. 1927 designates a minimum 10 metre Streamside Protection and Enhancement Area (SPEA) for the stream. However, the QEP recommends that the SPEA follow the terrain of the ravine, and therefore the width of the SPEA varies from 10 metres to 11.94 metres. The QEP measured the proposed garage to be approximately 25 metres from the watercourse. The QEP did not identify any danger trees, or danger of windthrow, within the Riparian Assessment Area (RAA). The RAR report stated that slope stability issues are not anticipated with the proposed development. The QEP noted that the proposed development was occurring close to several mature trees and notified the applicant of the need to refrain from damaging the root systems during development in order to prevent having to remove the trees due to damage. However, all noted trees are located outside of the SPEA. The QEP recommends the erection of a temporary barrier, such as snow fencing, along the top of bank during construction activities and then the erection of a permanent fence restricting access to the ravine once construction is complete.

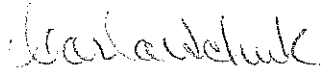
A Development Permit with Variance is required as the applicant is requesting to vary the setback to the interior side parcel line from 3.0 metres to 1.25 metres, a reduction of 1.75 metres. Due to the lot configuration and presence of the ravine, there are limited alternative locations for the proposed garage. To allow for greater turning ability for vehicles, the applicant wishes to build the garage/storage area closer to the northern property line than allowed by the 3.0 metre setback. The proposed garage will be visible from a dwelling located on the adjacent property to the north of the subject property, but would not be directly adjacent to that dwelling. Because of the constraints existing on the property and the location of the proposed development being outside the SPEA, staff recommends that the development permit with variance be approved.

Options:

1. That application No. 7-A-10 DP/RAR/VAR **be approved**, and that a development permit with variance, be issued to Rohinton Kerravala for the construction of an accessory building 1.25 metres from the side interior parcel line on Lot A, District Lot 101, Malahat District, Plan 29059 (*PID 000-182-141*), subject to :
 - compliance with the measures and recommendations outlined in RAR assessment report No. 1927 by Dave Munday, Golder Associates, including
 - Erection of temporary fencing along the top of bank of the ravine across the width of the property during construction activity
 - Construction of a permanent split rail fence 0.5 metres back from top of bank once construction of the accessory building is complete to prevent future encroachment into the SPEA
 - the applicant providing a survey confirming compliance with approved setbacks
2. That the application 7-A-10 DP/RAR/VAR **be revised**.

Option 1 is recommended.

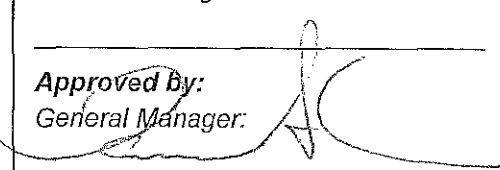
Submitted by,



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

CS/ca
Attachments

Reviewed by: Division Manager:
Approved by: General Manager:





COWICHAN VALLEY REGIONAL DISTRICT
DEVELOPMENT PERMIT WITH VARIANCE

NO: 7-A-10DP/RAR/VAR

DATE: April X, 2011

TO: Rohinton Kerravala

ADDRESS: 2434 Mill Bay Road

MILL BAY BC V0R 2P4

1. This Development Permit with a Variance is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with a Variance applies to and only to those lands within the Regional District described below (legal description):
Lot A, District Lot 101, Malahat District, Plan 29059 (PID 000-182-141)
3. Authorization is hereby given for the construction of an accessory building on the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - *Section 8.4.A(b)(3) of Zoning Bylaw No. 2000 is varied from 3.0 metres to 1.25 metres to permit construction of a ± 375 ft² accessory building.*
 - *Submission of a survey confirming compliance with the approved setbacks*
 - *Strict compliance with the recommendations of Riparian Areas Regulation Assessment Report No. 1927, by Dave Munday, Golder Associates, dated February 3, 2011*
 - *Erection of temporary fencing along the top of bank of the ravine across the width of the property during construction activity*
 - *Construction of a permanent split rail fence 0.5 metres back from top of bank once construction of the accessory building is complete to prevent future encroachment into the SPEA*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedule is attached:

- Schedule A- *Site Plan*

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit with a Variance have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO.XX-xx
PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE
XXTH DAY OF APRIL, 2011.

Tom Anderson, MCIP
Manager, Planning and Development Department

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date

8.4.A R-3A ZONE – URBAN RESIDENTIAL (LIMITED HEIGHT)

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

(a) Permitted Uses

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

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

(b) Conditions of Use

For and parcel in an R-3A Zone:

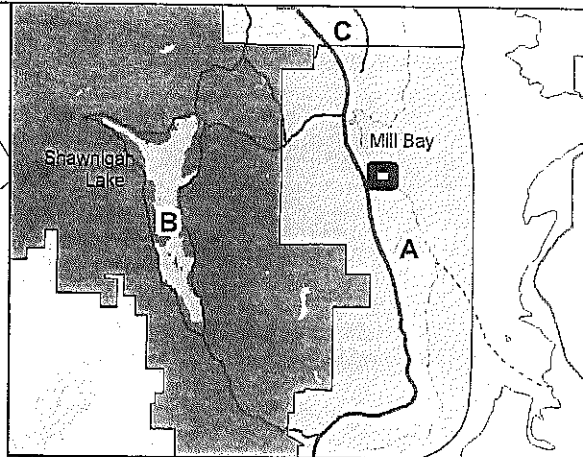
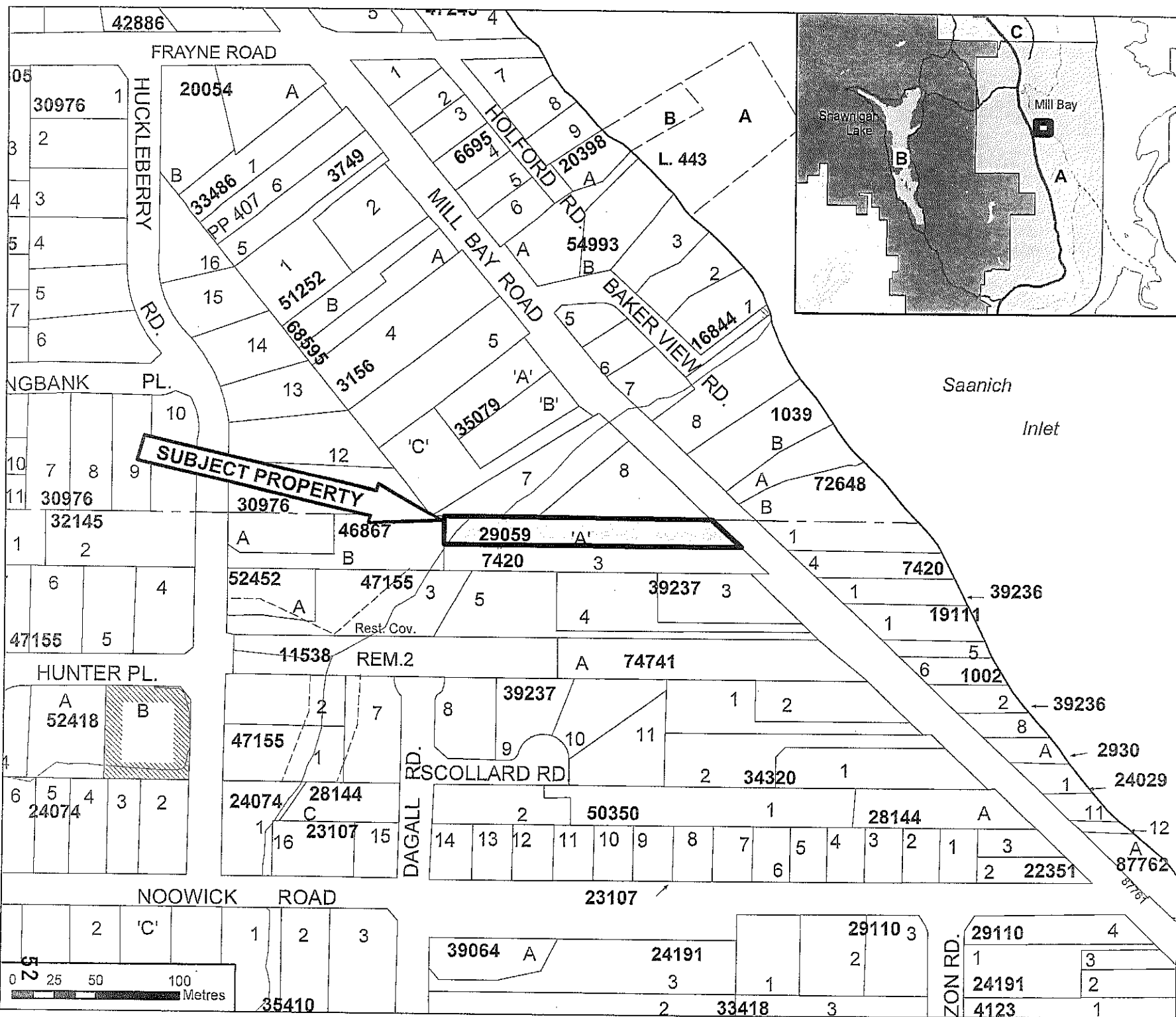
- (1) The parcel coverage shall not exceed 25 percent for all buildings and structures;
- (2) The height of all buildings and structures shall not exceed 7.5 m, except accessory buildings, which shall not exceed a height of 6 m;
- (3) The following minimum setbacks apply:

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

(c) Minimum Parcel Size

Subject to Part 13, the minimum parcel size in the R-3 Zone is:

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



Cowichan Valley Regional District

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

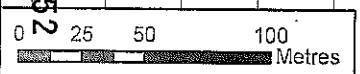
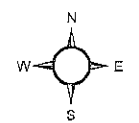
The Regional District does not warrant the accuracy.

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

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

FILE:
07-A-10-DP-RAR-VAR

Legend
 Subject Property





Cowichan
Valley
Regional
District

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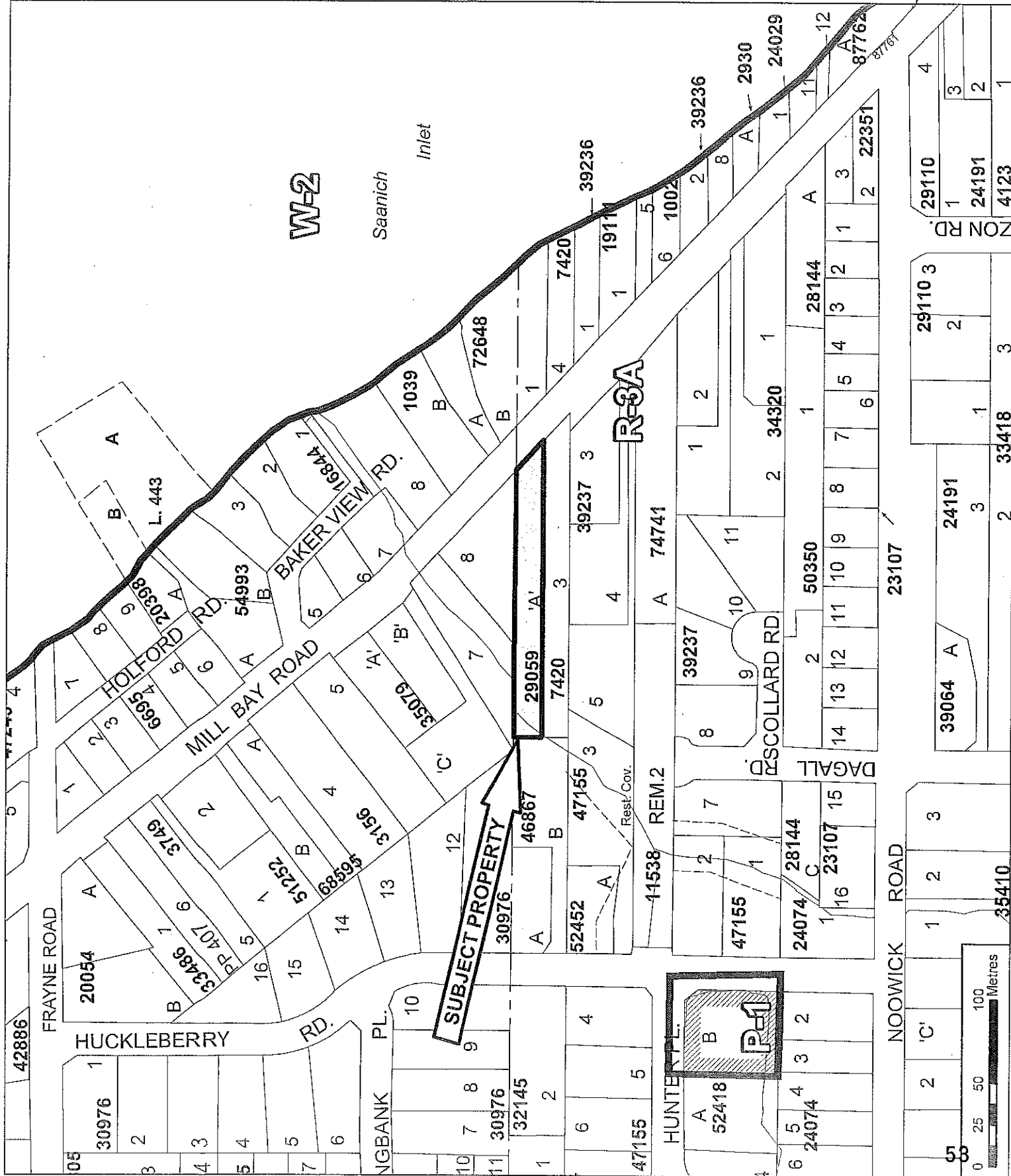
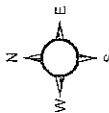
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ZONING

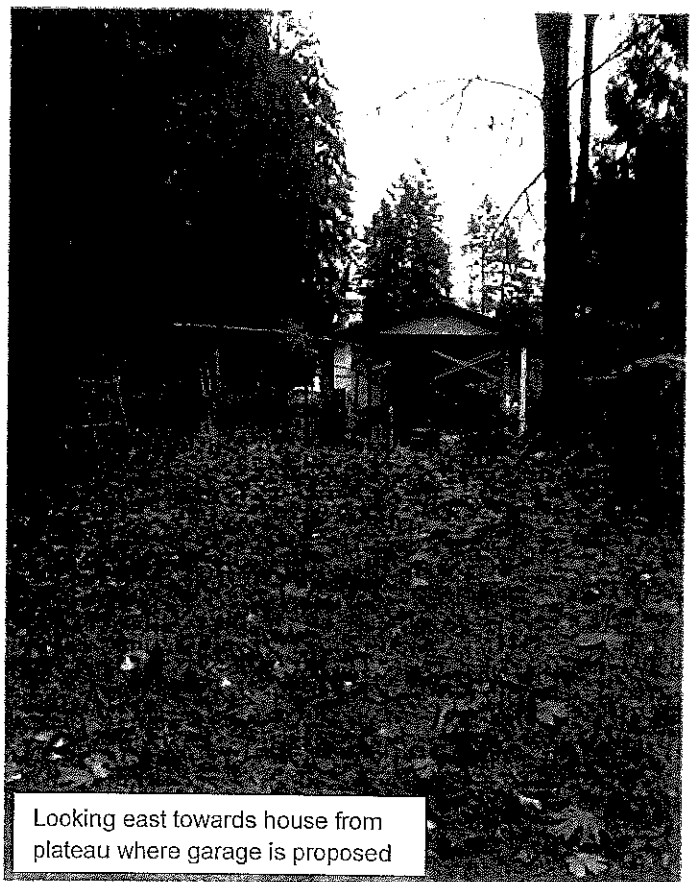
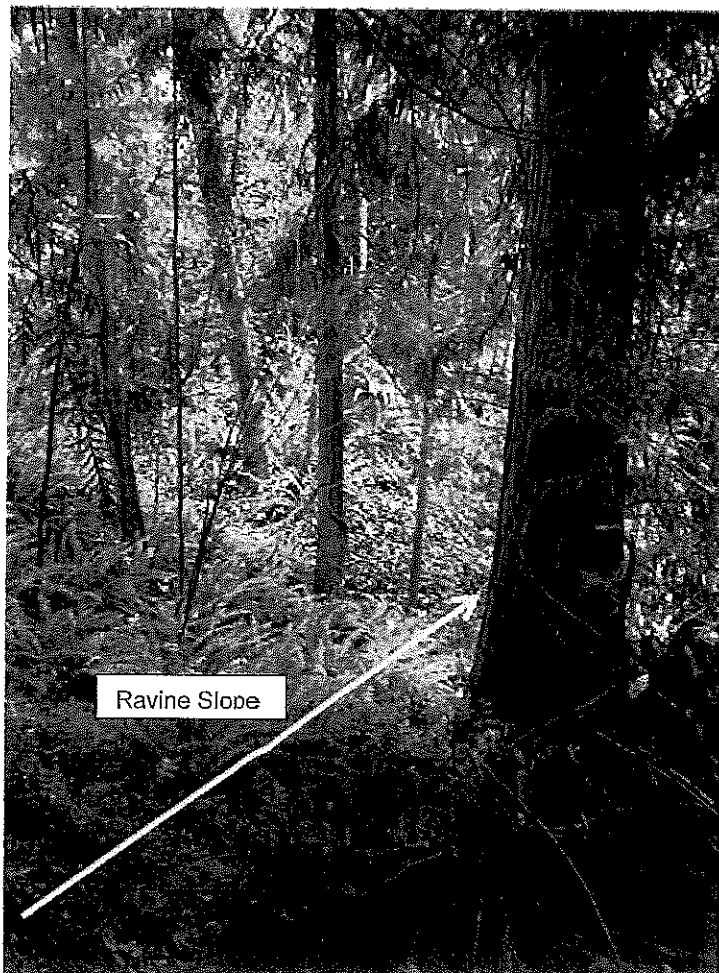
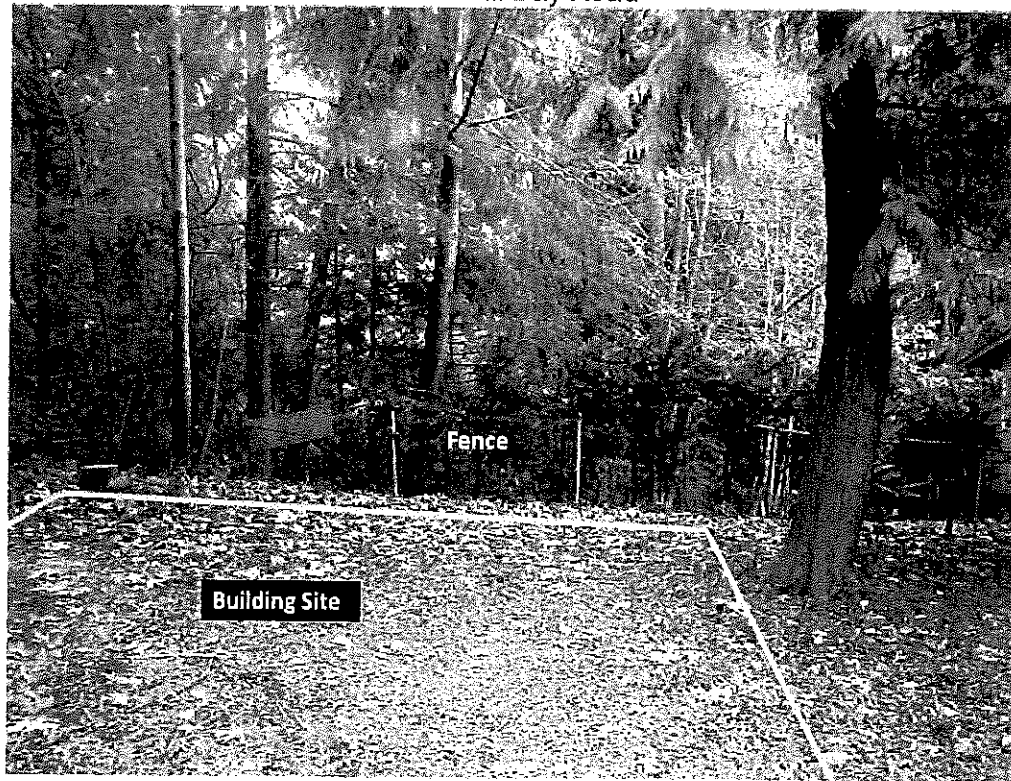
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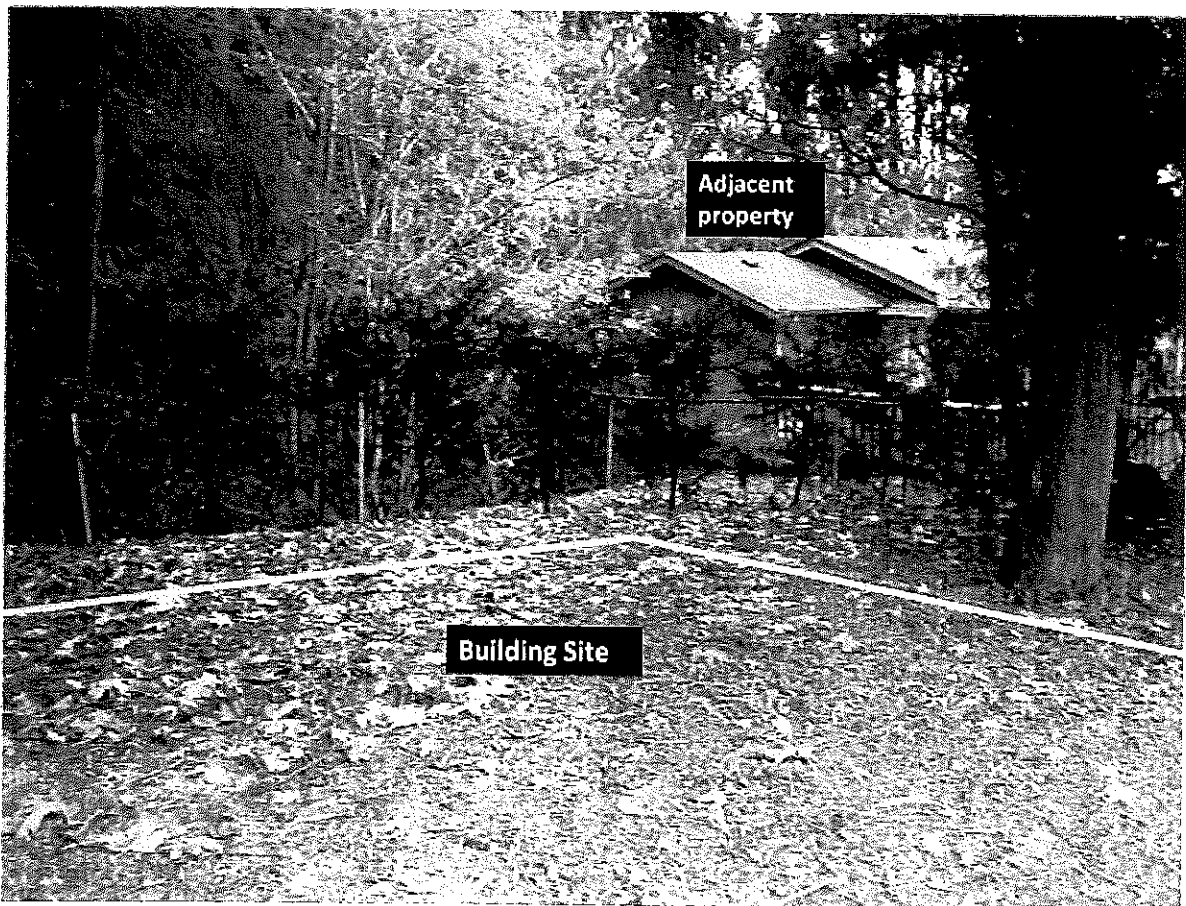
Subject Property
Zoning Electoral Area A



Application No. 7-A-10DP/RAR/VAR
2434 Mill Bay Road



Looking east towards house from
plateau where garage is proposed



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 February 3, 2011

I. Primary QEP Information

First Name	Dave	Middle Name	
Last Name	Munday		
Designation	RP Bio	Company:	Golder
Registration #	174	Email	dmunday@golder.com
Address	3795 Carey Road		
City	Victoria	Postal/Zip	V8Z 6T8
Prov/state	BC	Country	Canada
		Phone #	250.881.7372

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

First Name	Michael	Middle Name	
Last Name	Achuff		
Designation	AScT	Company	Golder
Registration #	22260	Email	machuff@golder.com
Address	3795 Carey Road		
City	Victoria	Postal/Zip	V8Z 6T8
Prov/state	BC	Country	Canada
		Phone #	250.881.7372

III. Developer Information

First Name	Roni	Middle Name	
Last Name	Kerravala		
Company	Property Owner		
Phone #	250 743 5693	Email	rohinton@shaw.ca
Address	2434 Mill Bay Road		
City	Mill Bay	Postal/Zip	V0R 2P0
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Outbuilding construction		
Area of Development (ha)	0.00355	Riparian Length (m)	27.6 m
Lot Area (ha)	0.30	Nature of Development	Outbuilding construction
Proposed Start Date	January 2011	Proposed End Date	June 2011

V. Location of Proposed Development

Street Address (or nearest town)	2434 Mill Bay Road		
Local Government	Cowichan Valley Regional District	City	Mill Bay
Stream Name	Unnamed		
Legal Description (PID)	000 182 141	Region	1
Stream/River Type	2 nd order seasonal stream	DFO Area	South Coast
Watershed Code	WA2 Vancouver Island (East) Rivers		
Latitude	48	38	22.3
Longitude	123	32	37.8

Table of Contents for Assessment Report

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2. Windthrow.....	8
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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

The proposed development is located ~25 metres from an unnamed stream that is connected downstream to Mill Bay. Figure 1 shows the general location of the subject property, and Figure 2 is a detailed site plan showing the planned development and surrounding area.

Species Present in Unnamed Stream

No fish presence has been identified for this stream in either the BC MOE habitat Wizard or DFO online database. Based on field observations of flow conditions, existing downstream barriers to fish passage and no identified upstream connectivity to fish bearing waters, the unnamed stream was assessed as non-fish bearing.

Type of Fish Habitat

The unnamed stream is a 2nd order seasonal stream with a total length of 460m and cascade-pool morphology. The stream is located at the bottom of a gully (~20% slope) that traverses the property for ~30m. Bank and bottom substrate is predominantly fines and coarse gravel (to 75mm). The stream is seasonal, with water flowing at surface approximately 6 months of the year. Average residual pool depth was measured as 15cm.

Current Riparian Vegetation

Within the riparian assessment area, the canopy is predominantly Red Cedar (*Thuja plicata*) and Western Hemlock (*Tsuga heterophylla*) with Douglas Fir (*Pseudotsuga menziesii*) also observed (Photograph 1). The shrub layer consists primarily of swordfern (*Polystichum munitum*), salal (*Gaultheria shallon*) and salmon berry (*Rubus spectabilis*). Herbaceous ground cover adjacent to the riparian area consists primarily of mosses (*Kindbergia sp.*).

Connectivity to Downstream Habitats

The unnamed stream flows into Mill bay, approximately 200 metres downstream. Three barriers to fish passage were observed during the site assessment. A 1.5m concrete weir is located at the approximate centre of the stream reach within the subject property (Photograph 2). Where the stream crosses under Mill Bay Road, it is directed into a vertical 60cm diameter culvert with an estimated vertical drop to the downstream outlet of 2.0 metres (Photographs 3 and 4). A second 1.0m high concrete weir is located approximately 15m upstream of where the stream flows into Mill Bay (Photograph 5). The stream empties into Mill Bay after a series of cascades (Photograph 6).

Nature of Development/Specific Activities Proposed

The property is located within the Riparian Areas Regulation development permit area of Electoral Area A, Cowichan Valley Regional District and is currently zoned as Residential.

The property owners are proposing to build one outbuilding (shed), approximately 35.5 m² in total area, the location of which is shown on Figure 2. The building will be approximately 7.7 m by 4.6 m, and will be built on a concrete slab-on-grade foundation and 0.6 m high poured concrete walls. A concrete floor will be poured after the foundations and walls have been established. The outbuilding will not have heating, plumbing or electrical service. The outbuilding is proposed to be sited a minimum of 25 metres from the high water mark of the stream and 1.8 metres outside of the required SPEA, 1.3 metres from the top of the adjacent slope (Figure 2). Access to the outbuilding will be via existing roads and paths outside of the SPEA.

Timelines

Construction of the proposed outbuilding is expected to commence in February 2011 and be completed by the end of June 2011.

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: January 14, 2011

Description of Water bodies involved (number, type)

One unnamed second order stream

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

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

	Channel Width(m)	Gradient (%)
starting point	1.8	5.0
upstream	1.4	
	1.7	
	1.2	
	1.9	
downstream	1.4	6.5
	1.3	
	1.9	
	1.5	
	1.8	
	1.6	
Total: minus high /low	14.4	
mean	1.6	5.75
	R/P	C/P
Channel Type		X

I, Michael Achuff, 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 Roni Kerravala;

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		X

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

I, Michael Achuff, 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 Roni Kerravala;

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: 1

LC	SH	TR
----	----	----

SPVT Type

		X
--	--	---

Method employed if other than TR

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

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	East bank of stream.					
LWD, Bank and Channel Stability ZOS (m)	10.0						
Litter fall and insect drop ZOS (m)	10.0						
Shade ZOS (m) max	4.8	South bank	Yes		No	X	
Ditch	N/A						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		N/A
SPEA minimum	10.0						

Segment No:	2	West bank of stream					
LWD, Bank and Channel Stability ZOS (m)	10.0						
Litter fall and insect drop ZOS (m)	10.0						
Shade ZOS (m) max	4.8	South bank	Yes		No	X	
SPEA minimum	10.0						

I, Michael Achuff, 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 Roni Kerravala;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

LWD, Bank and channel stability ZOS for stream class of CP and vegetation class of TR is 2x mean channel width (3.2 m) or a minimum of 10.0 metres.

Litter fall and insect drop ZOS for stream class of CP and vegetation class of TR is 2x mean channel width (3.2 m) or a minimum of 10.0 metres.

Shade ZOS for streams and vegetation class of TR is 3x mean channel width (4.8m).

Section 3. Site Plan (See following 2 pages)





Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	<p>Trees located within the SPEA and Riparian Assessment Area were inspected; no danger trees were identified. If any trees are identified as being of concern in the future, a qualified environmental professional (e.g., an arborist) needs to be retained to confirm that they are danger trees prior to any tree removal within the SPEA.</p> <p>I, <u>Dave Munday</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Roni Kerravala</u>;</p> <p>g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>
2. Windthrow	<p>Windthrow is not an issue on the property as no trees will be removed as part of the property redevelopment; therefore, windfirmness of the trees adjacent to the assessed riparian area will not be impacted as a result of the proposed redevelopment.</p> <p>I, <u>Dave Munday</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>Roni Kerravala</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>
3. Slope Stability	<p>The steepness of the adjacent slopes below the top of the bank were measured. They varied from 9% (15 degrees) in the first 5 meters above the high water mark to 29% (55 degrees) in the upper part of the gully from 5 meters to 15 meters above the high water mark. Although the gully walls were relatively steep, the slopes appeared to be relatively stable with no observed failure areas or creep as noted by tree growth. The proposed shed is set back from the top of the bank, and does not represent a high degree of additional loading. No slope stability issues are anticipated.</p> <p>I, <u>Dave Munday</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>Roni Kerravala</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	<p>The proposed outbuilding foundation will be relatively close to several mature trees. The Owner has been advised that excavation close to these trees must be done carefully to avoid any root damage. The Owner has indicated that the proposed location for the outbuilding was the site of prior fill activities, and that fill was placed around trees to the depth of approximately 1.0 meter. This should result in the major root systems being deeper in the soil than might otherwise be expected. The Owner has been advised to avoid cutting any major tree roots during excavation for foundations. If damage to tree roots cannot be avoided, then the trees in question should be removed. In all cases the trees in question are outside of the SPEA as shown in Figure 2.</p> <p>I, <u>Dave Munday</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>Roni Kerravala</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>

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

5. Encroachment	
<p>The SPEA is relatively undisturbed other than some minor pathways and deposits of garden refuse below the top-of-bank. Given the SPEA as calculated is some distance below the top of bank, we are recommending that the SPEA be increased to include all the property below the top-of-bank, as any development below the top-of-bank would likely result in damage to the SPEA due to the slope of the gulley walls.</p> <p>Goldier recommends the following during development and occupation of the Site in order to avoid a HADD of fish habitat under the federal Fisheries Act:</p> <ul style="list-style-type: none"> • Removal or further modification (landscaping) of existing native riparian vegetation located within the SPEA is not permitted under RAR, and vegetation within the SPEA should be maintain in the current natural condition over time; • Any planting within the SPEA must be native riparian species and should be selected in consultation with a QEP; and, • We further recommend that a fence be established just back from the top-of-bank to limit access to the SPEA. 	
<p>I, <u>Dave Munday</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>Roni Kerravala</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	
<p>Please refer to Section 5 for the detailed Sediment and Erosion Control Plan, along with an Emergency Response and Spill Prevention Plan.</p>	
<p>I, <u>Dave Munday</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>Roni Kerravala</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
7. Stormwater Management	
<p>The planned redevelopment is sited a minimum of 25m from the high water mark and is limited in total area (~0.00355Ha). The development as planned does not constitute a substantial change in the impermeable surface area within the local catchment that drains toward the unnamed stream (<1% of total property area). Stormwater generated from the roof of the proposed outbuilding is not considered to be a concern for this redevelopment.</p>	
<p>I, <u>Dave Munday</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>Roni Kerravala</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
8. Floodplain Concerns (highly mobile channel)	
<p>The 10m SPEA is the maximum required for non fish bearing streams under the RAR. No concerns related to seasonal inundation or rapid channel migration were identified within the Riparian Assessment Area.</p>	
<p>I, <u>Dave Munday</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>Roni Kerravala</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>	

Section 5. Environmental Monitoring

All phases of construction should follow the environmental monitoring regimen outlined on the following pages.

Environmental Mitigation Measures

The Ministry of Environment (MoE) guidebook entitled "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" (available on the internet at http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/develop_with_care_intro.html) is an excellent source of general Best Management Practices (BMPs) that may be applicable to redevelopment on this site. In addition, the following BMPs should be implemented during construction to reduce potential adverse effects to the environment.

Protection of SPEA

Prior to any works commencing on the site, a visible barrier (e.g., snow fencing) should be installed along the SPEA boundary, to ensure that accidental encroachments into the SPEA do not occur. This barrier can be removed once construction is complete on the site, and the prescribed fencing for the SPEA can be installed.

Monitoring of Works

An independent environmental monitor is not required as long as all construction activities are well back from the top-of-bank. Do not operate heavy equipment immediately adjacent to the top-of-bank.

Communications Plan

A communications plan to deal with any potential environmental issues shall be established that provides clear instructions on the response and notification procedure in the event of an accident or mishap that may.

Emergency Response and Spill Prevention Plan

The *Fisheries Act* Section 36 (3) states: "Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water." In addition the *BC Environmental Management Act* also lists substances that may not be discharged into the environment.

To ensure that all works meet the requirement of applicable legislation the following operational or construction-related best practices should be implemented:

- Prevent the release of silt, sediment or sediment-laden water, raw concrete or concrete leachate, or any other deleterious substances into any ditch, watercourse, ravine, or storm sewer system;
- Ensure equipment and machinery is in good operating condition, free of leaks or excess oil and grease;
- Equipment refuelling or servicing should be undertaken a minimum 30 metres from the high water mark of any watercourse or surface drainage leading to a watercourse or waterbody;
- Keep a spill response and containment kit readily accessible onsite in the event of a release of

a deleterious substance to the environment. Instructions should be provided that identify spill notification and alerting procedures, containment recovery, and clean up procedures, names and telephone numbers of persons and organizations that may be contacted in the event of a potential environmental incident; and,

- Immediately report any spill of a substance toxic to aquatic life of reportable quantities to the **Provincial Emergency Program** 24 hour phone line at **1-800-663-3456**.

Sediment and Erosion Control Plan

Any construction project can indirectly generate impacts to the aquatic environment through erosion and subsequent introduction of sediment into nearby watercourses. It is important to adhere to proper management practices during construction to minimize the potential for impacts to the environment. Measures to consider to ensure that the project construction meets the requirements of applicable legislation include the following:

- Ensure fill or other materials used for this project are inert, free of contaminants and will be placed so that they will not gain entry into any watercourses or surface drainages;
- Install sediment, runoff, and erosion control measures between the construction area and the SPEA before starting any works;
- Construct any ditches or water diversions within the work areas so they do not directly discharge sediment-laden surface flows to nearby water bodies. Divert such flows to a vegetated area where flows can slowly infiltrate to ground;
- Place excavated material and debris removed from the site in a stable area and protect it from erosion by using mitigative measures including, but not limited to covering the material or seeding/planting with native vegetation; and,
- If such material is moved offsite, handle and dispose of it in such a manner as to prevent its entry into any watercourse, floodplain, ravine, or storm sewer system.

Concrete Materials Use

Concrete, cement, mortars, grouts and other Portland cement or lime-containing construction materials are basic or alkaline and are highly toxic to fish. The following BMPs should be followed to ensure that the possibility of accidental introduction of these substances into the nearby lake and wetland is minimized:

- Use pre-cast concrete structures whenever possible;
- Ensure that concrete, cement, mortars and other Portland cement or lime-containing construction materials (*i.e.*, uncured concrete, concrete fines) will not enter, directly or indirectly into any watercourse or water body;
- Provide containment facilities for the wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment. These facilities shall be sited outside the SPEA, preferably a minimum of 30m from any watercourse, waterbody or surface drainage features;
- Report immediately any spills of sediments, debris, and concrete fines, wash or contact water to a water course or water body at **1-800-663-3456**. If possible, immediately remove the materials from the water and implement emergency mitigation and clean-up measures;
- Completely isolate all concrete work from **any** water until it is fully cured; and,

- Prevent any water that contacts uncured or partly cured concrete during activities like exposed aggregate wash-off, wet curing, or equipment washing from directly or indirectly entering any watercourse or storm sewer system.

Site Restoration

Upon completion of the project the work area is to be restored to a stable state resembling the site's original characteristics. The following operational or construction-related best practices should be implemented:

- Grade disturbed areas to a stable angle of repose after work is completed. As well, revegetate these areas to prevent surface erosion and subsequent siltation of the nearby lake; and,
- Remove any remaining sediment and erosion control measures (*i.e.*, silt fence). Ensure all equipment, supplies, and non-biodegradable materials have been removed from the site.

Post Construction Report

A post construction report is required to be posted to the Ministry of Environment website within 6 months of completion of the project.

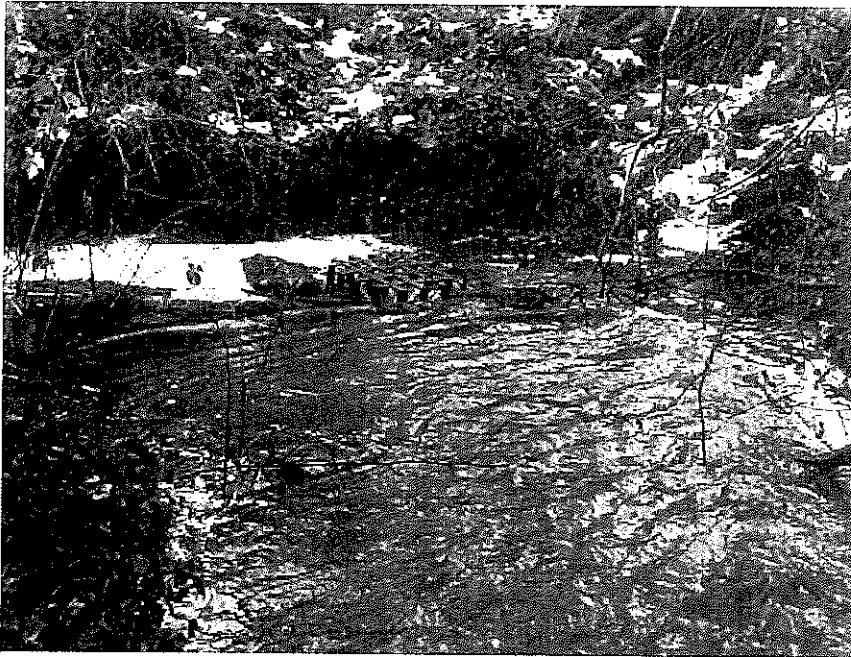
Section 6. Photos



Photograph 1: Canopy cover typical of the SPEA



Photograph 2: Concrete weir (1.5 m height) in stream reach on subject property



Photograph 3: Culvert under Mill Bay Road – Culvert drops vertically for 2.0 m, then runs under the roadway.



Photograph 4: Outlet of culvert under Mill Bay Road



Photograph 5: Concrete weir (1.0 m height) approximately 15 m upstream of stream mouth at Mill Bay



Photograph 6: Unnamed stream near mouth at Mill Bay.

Section 7. Professional Opinion

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

Date 2011-02-03

1. We Dave Munday, B.Sc., M.B.A., R.P.Bio. and Michael Achuff, A.Sc.T.

ORIGINAL SIGNED

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 Roni Kerravala (*name of developer*), 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**
(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.]



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF APRIL 5, 2011

DATE: March 30, 2011 FILE NO: 1-D-11ALR
FROM: Alison Garnett Planner II BYLAW NO: 1015
SUBJECT: ALR application 1-D-11ALR (Dwight Milford for Tanner Elton)

Recommendation/Action:

That Application No. 1-D-11ALR, submitted by Dwight Milford for Tanner Elton, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an additional residence for farm help on the second story of an agricultural building be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Location of Subject Property: 5155 Samuel Road
Legal Description: Lot 1, Section 11, Ranges 2 and 3, Cowichan District, Plan 24449 except that part in plan 49795

Application Received: January 21, 2011

Owner: Tanner Elton
Applicant: Dwight Milford

Size of Parcel: ± 9 hectares (22 acres)

Existing Zoning: A-1 (Primary Agricultural)
Existing Plan Designation: A (Agriculture)

Use of Property: Agriculture, residential, bed and breakfast

Use of Surrounding Properties:
North Cowichan First Nation Reserve No.1
South Koksilah River
East Cowichan Estuary (W-1 zone)
West Residential use (A-1 zone)

Services:
Road Access: Samuel Road
Water: Well
Sewage Disposal: On-site septic

Fire Protection:

Cowichan Bay Fire Service Area

Archaeological Sites:

No record of any sites in CVRD mapping

Environmentally Sensitive Areas (Environmental Planning Atlas 2000):

The subject property is located adjacent to the Cowichan River Delta, and is identified as a Stream Planning Area. It is also located below the 200 year floodplain elevation.

Sensitive Ecosystem polygon V1574 is located to the east of the lot, which identifies a wetland ecosystem with marsh and shallow water features.

Sensitive Ecosystem polygon V1576 is located south of the lot, which identifies a seasonally flooded agricultural field.

Staff note that the proposed agricultural building and residence would be located roughly 140 metres from the river and seasonally flooded ecosystem polygon, and over 300 metres from the wetland ecosystem polygon.

The Proposal: An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act* for the purpose of constructing an additional residence for farm help, on the second story of a new agricultural building.

Soil Classification:

Canada Land Inventory Maps:

100% 3A (1⁶-3A²-2A²)

W

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	60
2	-	20
3	100	20
4	-	-
5	-	-
6	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "C" thermal limitations
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness, improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations, not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

Soil classifications for this property is Class 3. With mediation they can be improved to a combination of Class 1,2 &3

Policy Context

The Official Settlement Plan (OSP) designation for this property is Agricultural. Part 2 of Official Settlement Plan Bylaw No. 925 objectives with respect to Agricultural lands state:

To preserve all lands presently within the British Columbia Agricultural Land Reserve for agricultural use

To ensure the preservation and enhancement of agricultural lands and to encourage greater agricultural productivity in the area

For development applications taking place in the Agricultural Land Reserve, it is CVRD Board Policy to forward the applications to the Agricultural Land Commission (ALC) if the proposed development complies with CVRD bylaws.

Agricultural Capabilities:

The subject property is presently composed of 100% Class 3 soil. The agricultural capability of the soil is mostly limited by soil moisture deficiency. By taking improvement measures such as irrigation, the soil quality could be improved to 60% Class 1 soil, 20% Class 2 and another 20% Class 3.

Planning Division Comments:

The subject property is ± 9 hectares in size, zoned A-1 (Primary Agricultural) and located at 5155 Samuel Road. It is a unique property, as it is located adjacent to the Koksilah/Cowichan River delta. Sensitive wetlands and seasonally flooded agricultural fields are identified on adjacent properties, according to the Environmental Planning Atlas. A restrictive covenant in the name of Nature Trust BC and Ducks Unlimited protects a significant portion of the property.

Currently there is a single family home, in which the applicants operate the Affinity Guesthouse bed and breakfast. There are a number of agricultural buildings, plus a second residence on the property. The second residence is less than 74 m² in size, which meets the criteria of a "small suite". Approximately 3 acres of the property is used for growing agricultural products, and the land has been assessed as farm class since 2009. A letter describing plans to expand farm operation and production on the property is attached to this report.

The applicant is proposing to remove a dilapidated building, which is currently being used for tools and equipment storage. They intend to replace it with a more useful agricultural building for secure storage of equipment and food. On the second floor of this building they are proposing to construct a 2 bedroom residence, to be used to accommodate farm staff. Their proposal complies with zoning, as the A-1 zone permits a single family home, a small suite, and an additional residence accessory to agricultural use of the land; however the Agricultural Land Commission's approval is required.

Plans of the proposed building are attached to this report, which illustrate a proposed building footprint of 120 m² (1300 ft²). From staff's perspective, the location of the proposed residence would have a minimal impact on agricultural potential, as it will be replacing an existing building, will make use of the existing driveway, is located in close proximity to the main residence and not on any agricultural fields.

Advisory Planning Commission Comments:

This application was not referred to the Area D APC. Development Applications and Procedures Bylaw No. 3275 states that ALR applications will not be sent to an APC unless the Director of the area specifically requests it.

Options:

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

1. That Application No. 1-D-11ALR, submitted by Dwight Milford for Tanner Elton, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an additional residence for farm help on the second story of an agricultural building be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application.
2. That Application No. 1-D-10ALR, submitted by Dwight Milford for Tanner Elton, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an additional residence for farm help on the second story of an agricultural building be forwarded to the Agricultural Land Commission with **no recommendation**.

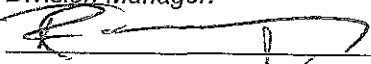
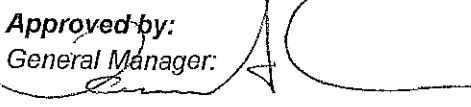
Staff recommends Option 1.

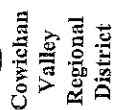
Submitted by,



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

AG/ca
Attachments

Reviewed by: Division Manager: 
Approved by: General Manager: 



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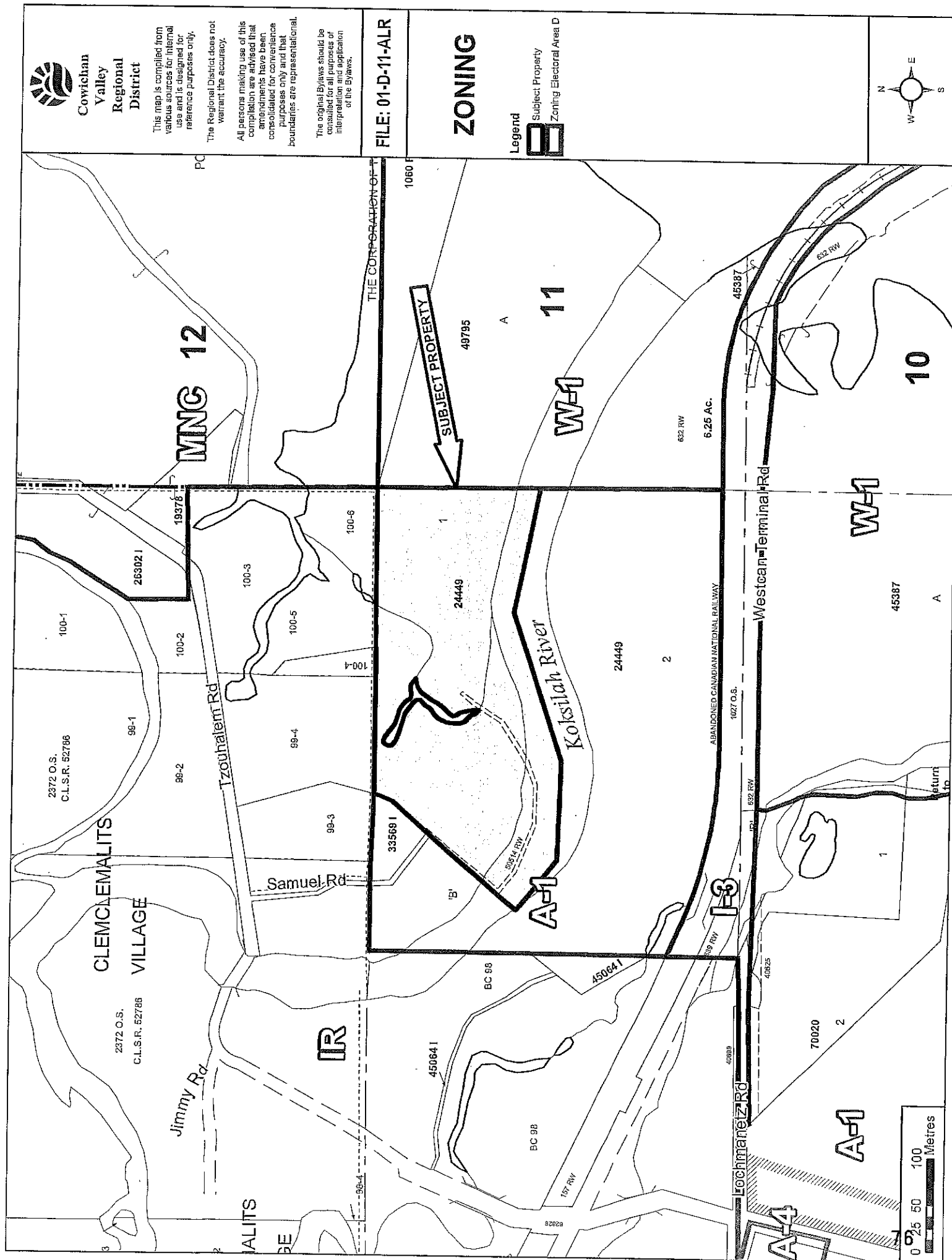
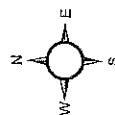
FILE: 01-D-11-ALR

ZONING

Legend



Subject Property
Zoning Electoral Area D





Cowichan
Valley
Regional
District

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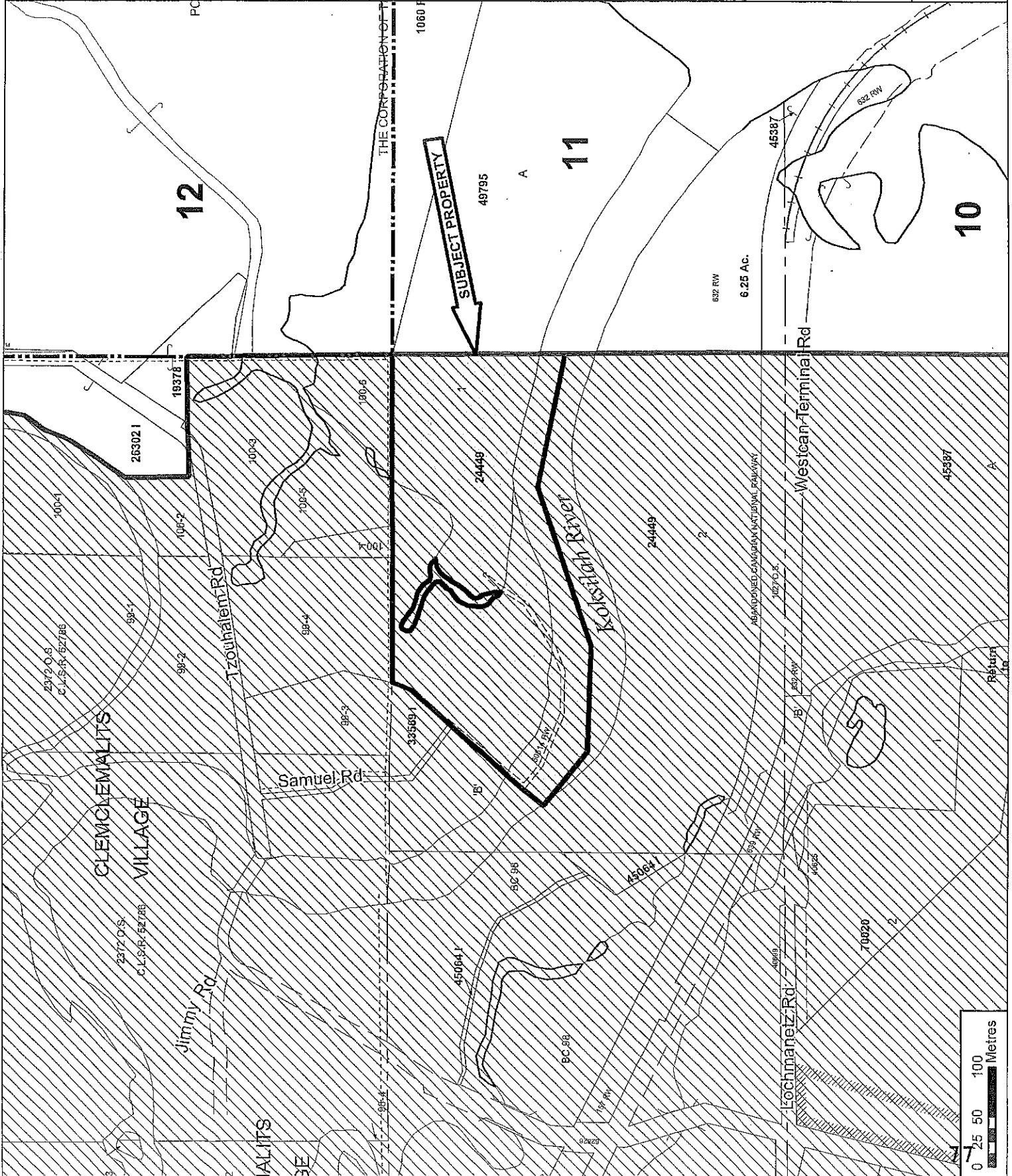
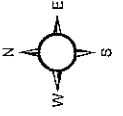
FILE: 01-D-11-ALR

ALR

Legend



Subject Property
D_ALR





Cowichan
Valley
Regional
District

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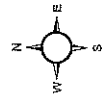
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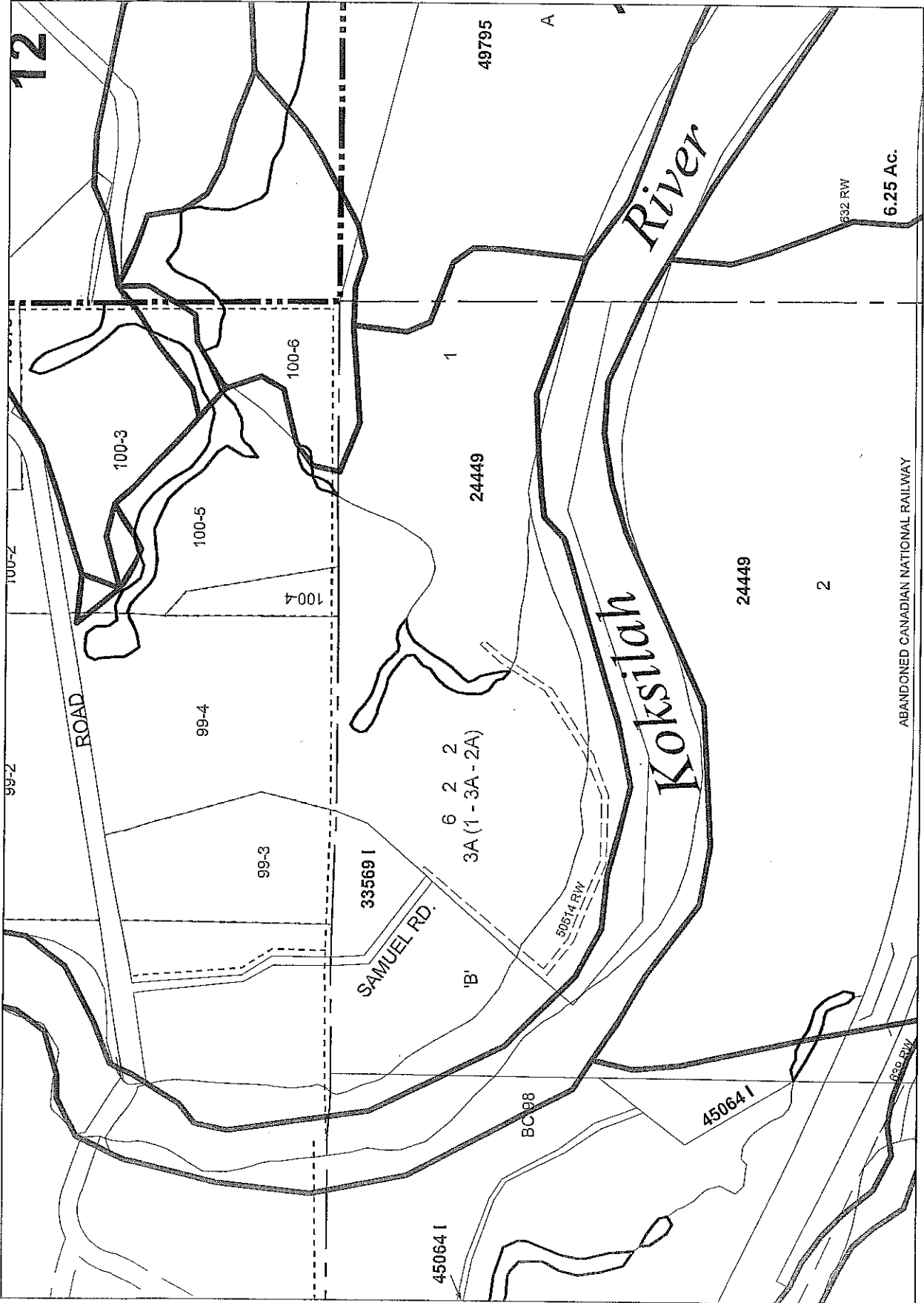
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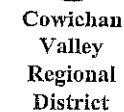
Printed: March 25, 2011

Soil Capability Map



Scale: 1:2,232





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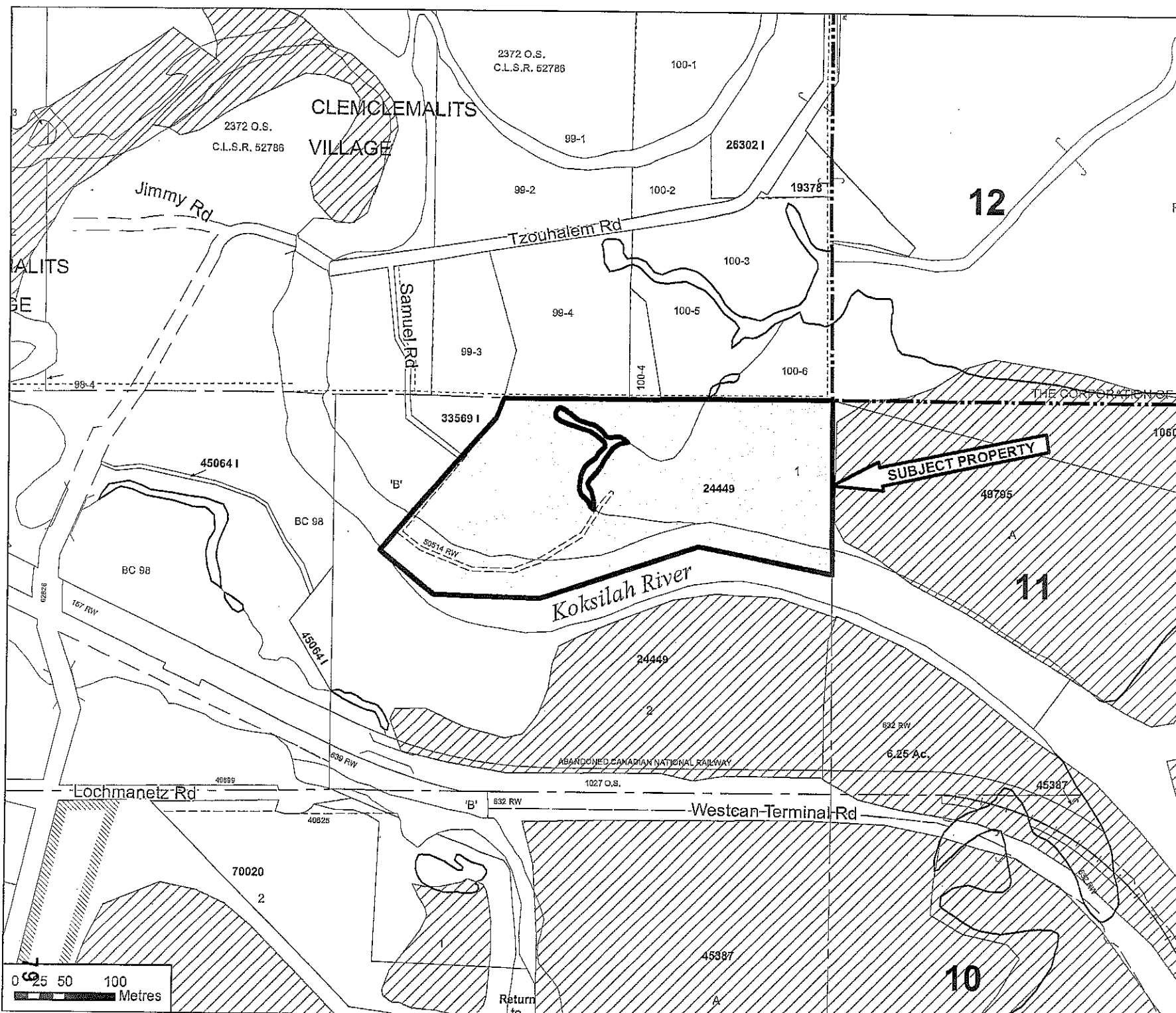
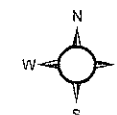
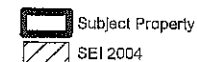
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FILE: 01-D-11-ALR

**Sensitive
Ecosystem
Inventory**

Legend



Proposed Building Location

EXTENDED DRIVEWAY IR #1

EXISTING BUILDING

5175 HOUSE

5163 HOUSE

5155 HOUSE

POND

EXISTING FARMED AREA
BERRIES, MIXED VEGGIES.

PASTURE / FARM EXPANSION POTENTIAL

5144 600 SQ. FT. GREEN HOUSE
BARN

POND

R DIKE,

LOT 1 PLAN 24449
SECTION 21, RANGE 2
CUMICHAN LAND DISTRICT
PORTION RGE 2 & 3
EXCEPT PLAN 49795

07 PHOTO LOCATION

PROTECTED ESTUARY AREA WITH COVENANT

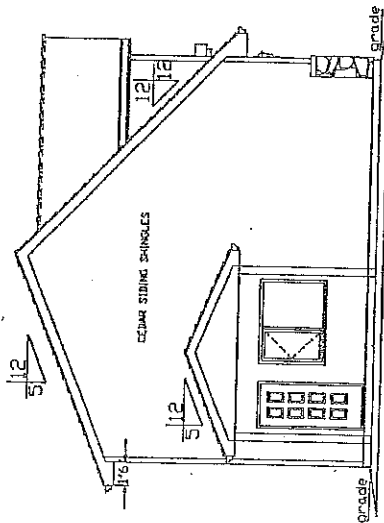
KOKSILAH RIVER

SITE PLAN

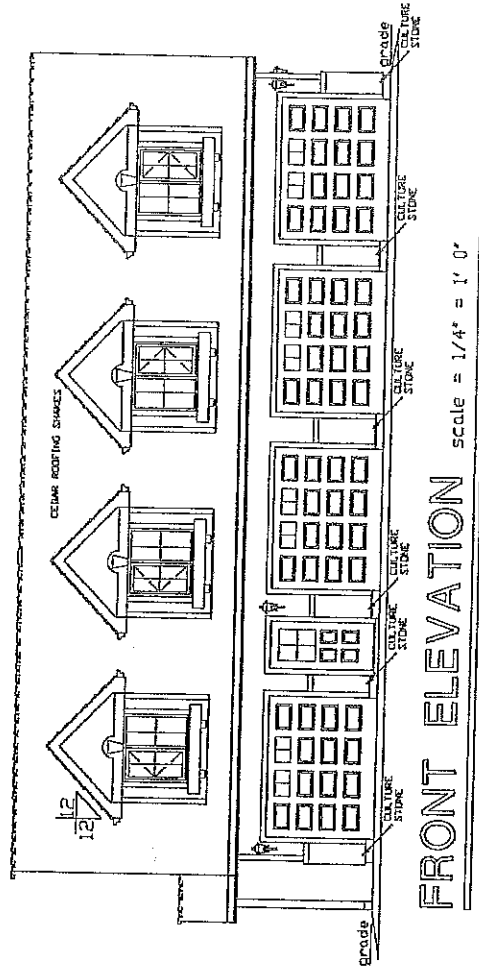
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DRAFT - 2

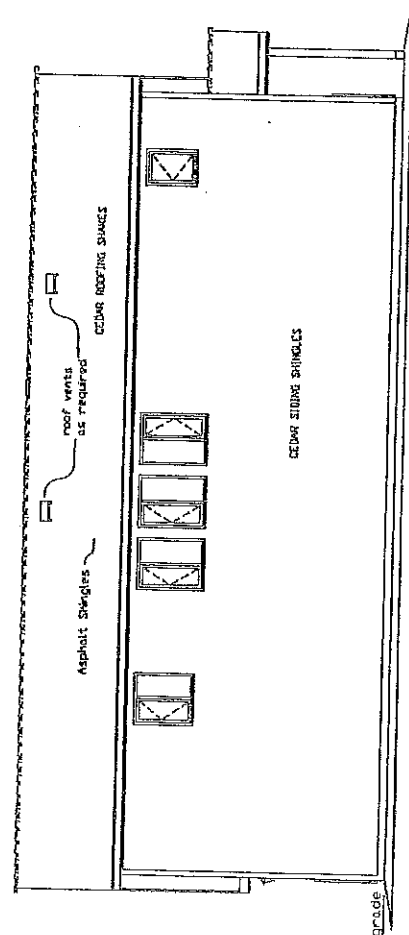
DRAFT - 1



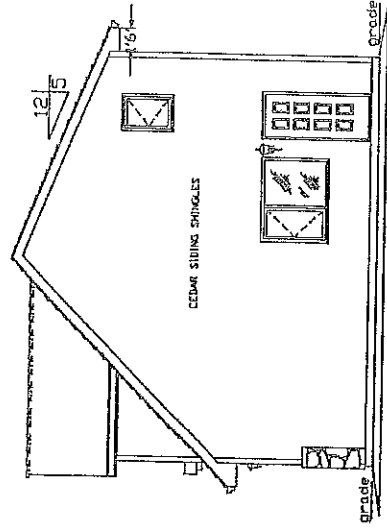
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FRONT ELEVATION scale = 1/4" = 1' 0"



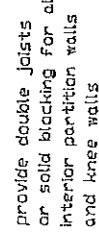
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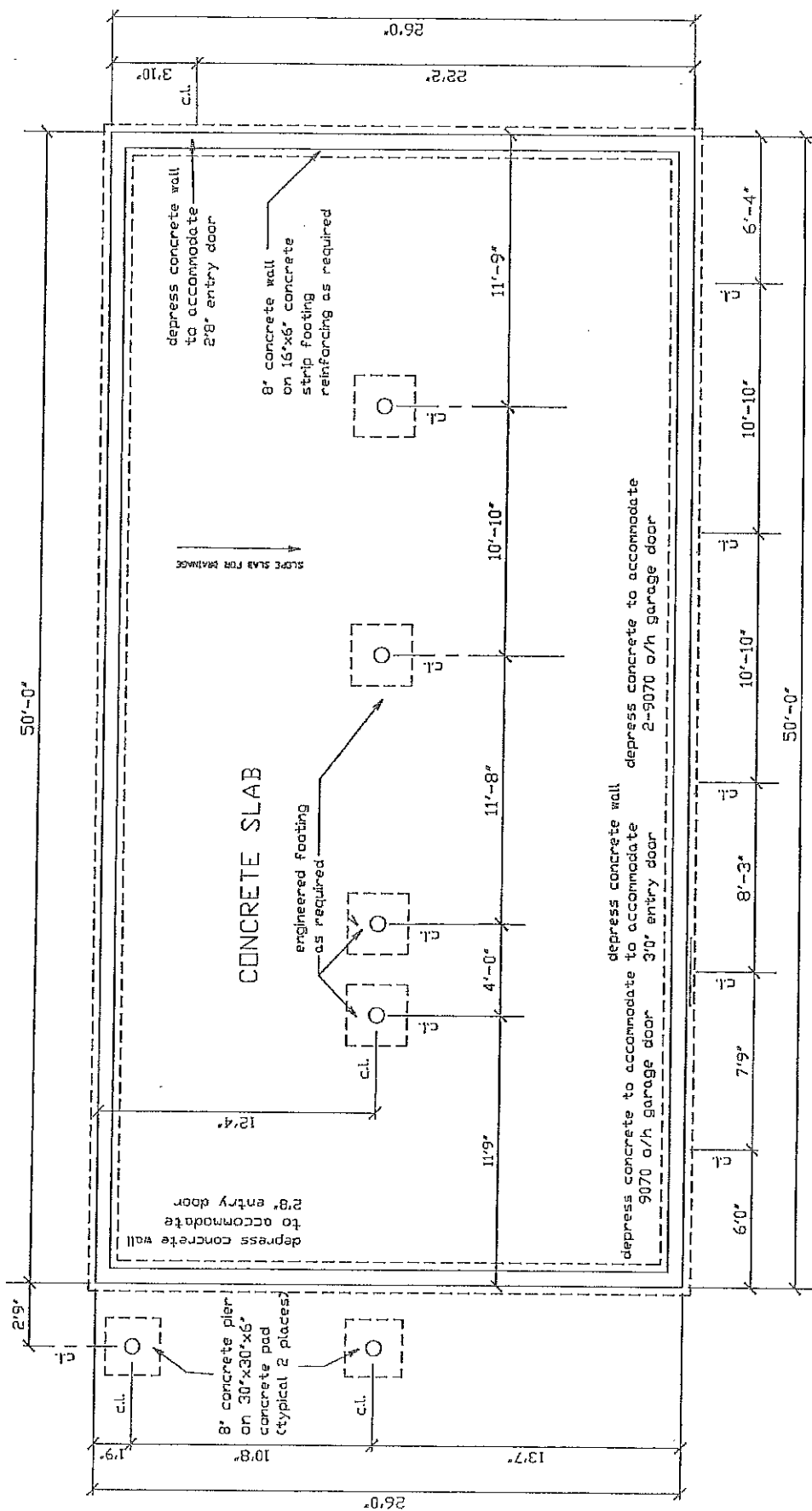
RIGHT ELEVATION scale = 1/4" = 1' 0"



TRIPLE GARAGE



DRAFT - 2



ECI INIZIATIVE DI ANI

RE: Application 01-D-11ALR

We re-established this property as a farm in 2009 with raspberries, blueberries, garlic and mixed vegetables. For the 2011 farming year, we will be intensifying our mixed vegetable production, and we hope to triple our food production from the property in the existing farmed area.

In the 2012 growing season, we will continue to increase production of our mixed vegetable, berry and greenhouse products, and we will expand into the pasture area with additional agricultural use. The preliminary research for hops production has been done, the business concept is completed and the start up is manageable.

One of the hurdles to small scale farming is affordable, reliable farm help. Increasing our accommodation on the property to allow additional onsite help is essential to continued expansion of our food and crop production.

If you have any further questions, please contact Tanner Elton 604 812 7447

PART SEVEN AGRICULTURAL ZONES

7.0 AGRICULTURAL ZONES

7.1 A-1 ZONE – PRIMARY AGRICULTURAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an A-1 Zone:

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

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

- (4) Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;
- (5) A slaughterhouse, abattoir or stockyard shall be specifically prohibited;
- (6) Maintenance and repair of any materials offered for sale shall be specifically prohibited;



R 4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 5, 2011

DATE: March 30, 2011 FILE NO: 3-E-10 RS
FROM: Rachelle Moreau, Planner I BYLAW NO: 1840
SUBJECT: Application No. 3-E-10RS
(Wandering U Inc.)

Recommendation/Action:

1. That CVRD Bylaw No. 3465 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Wandering U Inc.), 2011 be granted First and Second reading;
2. That a Public Hearing be held with Directors Duncan, Iannidinaro, and Giles named as delegates of the Board.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Location of Subject Property: 4650 Trans Canada Highway

Legal Description: Lot 1, Section 5, Range 2, Cowichan District, Plan 5078 (PID: 000-107-441)

Date Application and Complete Documentation Received: September 29, 2010

Owner: Wandering U Inc.

Applicant: Roger Morgan

Size of Parcel: 0.89 ha (2.2 acres)

Existing Zoning: Restricted Light Industrial (I-5)

Minimum Lot Size Under Existing Zoning: 0.8 ha for parcels not served by community water or sewer

Existing Plan Designation: Industrial

Existing Use of Property: Agricultural equipment dealership

Existing Use of Surrounding Properties:

North:	Agricultural Market (A-5 Zone), Dinter's Nursery
South:	Primary Agricultural (A-1 Zone), Agricultural Land
East:	Trans Canada Highway and A-1, Agricultural Land
West:	A-1 Zone, Agricultural Land

Services:

<u>Road Access:</u>	Phipps Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic System

Agricultural Land Reserve Status: Property is not within the ALR

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* has not identified any environmentally sensitive areas.

Archaeological Site: None have been identified.

Property Context:

The subject property is an approximately 0.89 ha (2.2 acres) lot located off the Trans Canada Highway near Phipps Road and is used primarily for an agricultural equipment dealership.

The subject property is zoned Restricted Light Industrial (I-5) and is designated Industrial within Official Community Plan (OCP) Bylaw No. 1840. The land use surrounding the property is primarily agricultural within the Agricultural Land Reserve (ALR), with the exception of Dinter's Nursery (zoned A-5 Agricultural Market) and Whippletree Junction within Electoral Area D - Cowichan Bay across the Trans Canada Highway, zoned Local Commercial (C-2).

Currently on the property is an approximately 815 m² (8,800 sq. ft) showroom and workshop building with the majority of the lot used for the storage and sale of agricultural equipment.

Proposal:

The applicant is requesting that the current I-5 Zone be amended to include "*Equipment repair, sales, and rental*", which is currently a permitted use within the Light Industrial (I-1) zone. This would enable the sale of a broader range of products beyond agricultural equipment, agricultural supplies and lawn and garden equipment.

For example, the applicant is suggesting that the sale of products targeted to a "rural lifestyle" including, for example, all-terrain vehicles, or small construction equipment like backhoes, may be complementary to the sale of agricultural equipment and supplies. Examples of other equipment include exercise equipment, and any items that are sold by the same dealership line.

Currently, within the I-5 zone, when a new product is considered for sale it must be found to be *accessory* to the sale of agricultural equipment or lawn and garden equipment, which are both principal permitted uses on the property. This causes some difficulty for the dealer when considering the sale of items from the same dealership that are not necessarily directly related to agriculture or lawn and garden equipment (see attached summary proposal).

Policy Context:

Zoning

As noted above, the property is zoned I-5 Zone, which permits the following:

1. *agricultural equipment manufacture, repair, storage and accessory retail and wholesale sales;*
2. *bulk sale of agricultural supplies, feed and seed;*
3. *lawn and garden equipment manufacture, sales, repair and storage;*
4. *light industrial manufacture, repair and storage and accessory retail and wholesale sales;*
5. *one office and one single family dwelling per parcel accessory to a permitted use.*

The proposed addition of “equipment repair, sales, and rental” would broaden the type of products that can be sold from the site.

Official Community Plan

The subject property is already designated Industrial within Official Community Plan Bylaw No. 1490, and the proposal would only amend the permitted uses within the zoning. Many of the industrial policies within the plan are intended for the designation of new industrial land, which is not the case in this instance. The Plan identifies the following policies in regards to land within the light industrial designation:

Policy 10.2.3: As already established industrial parks in the central portion of the Cowichan Valley have become occupied, land identified in the OCP Plan Map as Industrial in the area may be considered for rezoning to Light Industrial purposes.

Policy 10.2.5: The dedication of a natural state buffer or “greenway” of sufficient width shall be required as a condition of land being zoned for light industrial uses where the parcel in question abuts land in some other land use designation (i.e. residential, institutional).

Also for consideration are the Industrial Objectives (Section 2.2) specified within the Official Community Plan:

Discourage intensive industrial development that would erode the present rural residential, agricultural and recreational characteristics of the plan area;

Recognize industrially zoned land uses and encourage small scale light industrial activities in locations which do not impact on the rural character of the community or natural environment, in particular ground water resources.

This property is already within the Trans-Canada Highway Development Permit Area (DPA), which was established to guide the form and character of industrial, commercial, and multi-family development along the highway corridor. This DPA specifies guidelines related to vehicular access and parking, building appearance and landscaping, as well as signage. There currently are no plans to expand the existing dealership building; however the CVRD is in receipt of a development permit application for a second pylon sign on the property, which is being requested in order to advertise other equipment product lines.

Referral Agency Comments:

This proposed amendment has been referred to the following external agencies, who have provided the following comments:

- Vancouver Island Health Authority:
 - *Interests unaffected*
- Ministry of Transportation and Infrastructure:
 - *No objections to the proposed bylaw amendment;*
- Agricultural Land Commission:
 - *No comments received.*

This application has also been referred to the following CVRD Departments:

- CVRD Parks Recreation and Culture Department:
 - *No parks interests;*
- Engineering and Environmental Services Department:
 - *Interests unaffected, not within any water or sewer service areas;*
- Public Safety Department:
 - *Water provision to the property must be compliant with "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" to ensure necessary firefighting water flows;*
 - *Sufficient access/egress space is required for emergency services equipment to provide citizenry and emergency services personnel secondary evacuation route.*

Advisory Planning Commission Comments:

APC members support agricultural business, but were concerned that permitting "*equipment repair, sales, and rental*" would allow an undesirable amount of retail activity, and were concerned about the types of products that would be for sale. Form and character of the business is also very important because of the location along the Trans Canada Highway.

Recommendation: *That the application be approved with the revised wording, "equipment, repair, sales and rental accessory to the prime tenant." The prime tenant, or principle use, would still remain as "agricultural equipment manufacture, repair, storage and accessory retail and wholesale sales".*

This would appear to satisfy the intent of the applicants in expanding the potential items for sale, however the *Local Government Act* does not provide an opportunity to regulate the tenants of buildings or to link a type of use or activity to a tenant. Emphasis of a zoning regulation must be on the use and density of land, and siting of buildings or structures. As such, a different approach is recommended below, which introduces principal and secondary uses.

Planning Division Comments:

Expanding the use to include the sale of general equipment is not a significant departure from what is currently permitted on the site. However, maintaining the agricultural element as the principal permitted use is desirable in maintaining the agricultural character of the area, and to service the local agricultural industry. Therefore, it is recommended that any new bylaw continues to highlight agricultural equipment sales as the principal permitted use. The applicant has advised that he has entered into a long-term lease agreement with the current tenant, and that there is no intention of using the property for retail sale of items from multiple tenants.

A draft bylaw has been prepared that separates the uses into principal and secondary uses. Principal permitted uses include the existing permitted uses, and secondary permitted uses include "*equipment sales, rental and repair*" and "*household equipment sales, rental and repair*".

A new definition of "Equipment" is introduced, which would capture larger mechanical equipment, and "household equipment" is introduced in order to capture things like exercise equipment and tools. Storage of equipment is not included in the draft bylaw, although in the I-1 Light Industrial zone, storage is included with equipment repair, sales and rental.

As "equipment repair, sales, storage and rental" is already a permitted use in the I-1 Light Industrial Zone, the new terminology would affect any properties currently used for "equipment repair, sales, storage and rental". However, there is no material change to the definition, and adding the proposed definition is meant to provide clarification on the term.

Lastly, the minimum lot size for parcels not served by community water or sewer is proposed to be changed from 0.8 ha to 1.0 in order to be consistent with the Vancouver Island Health Authority standards for parcels served by on-site sewage disposal and a well. This is consistent with the other light industrial zones, which have a 1 ha minimum when not served by community sewer or water. The size of the property is currently 0.89 ha (2.2 acres), which is not subdividable under the current 0.8 ha minimum lot size or the proposed 1 ha minimum.

The intention of this bylaw is to increase the likelihood of a primary or main tenant being associated with agricultural equipment, while allowing the dealership to diversify their product line without being contrary to the zoning. In the future, if the property is to be re-developed to focus primarily on retail sales, a re-designation and rezoning of the property to commercial would be required.

In instances where an Official Community Plan is in effect for the area, and the proposed bylaw is consistent with the plan, local government may waive the requirement for a public hearing in place of a public notice. However, given that a new definition is being proposed, which affects other zones, staff recommend holding a public hearing.

Options:

Option A:

1. That CVRD Bylaw No. 3465 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Wandering U Inc.), 2011 be granted First and Second reading;
2. That a Public Hearing be held with Directors Duncan, Iannidinardo, and Giles named as delegates of the Board.

Option B:

1. That Application No. 3-E-10RS (Wandering U Inc.) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option C:

1. That CVRD Bylaw No. 3465 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Wandering U Inc.), 2011 be granted First and Second reading;
2. That a Public Hearing be waived due to the proposed zoning amendment being consistent with the Official Community Plan, and that public notice in lieu of a hearing be given in accordance with the *Local Government Act*.

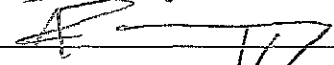
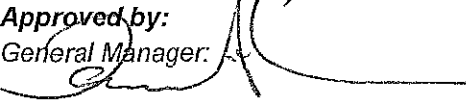
Option A is recommended.

Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

RM/ca

Reviewed by: Division Manager: 
Approved by: General Manager: 



Cowichan
Valley
Regional
District

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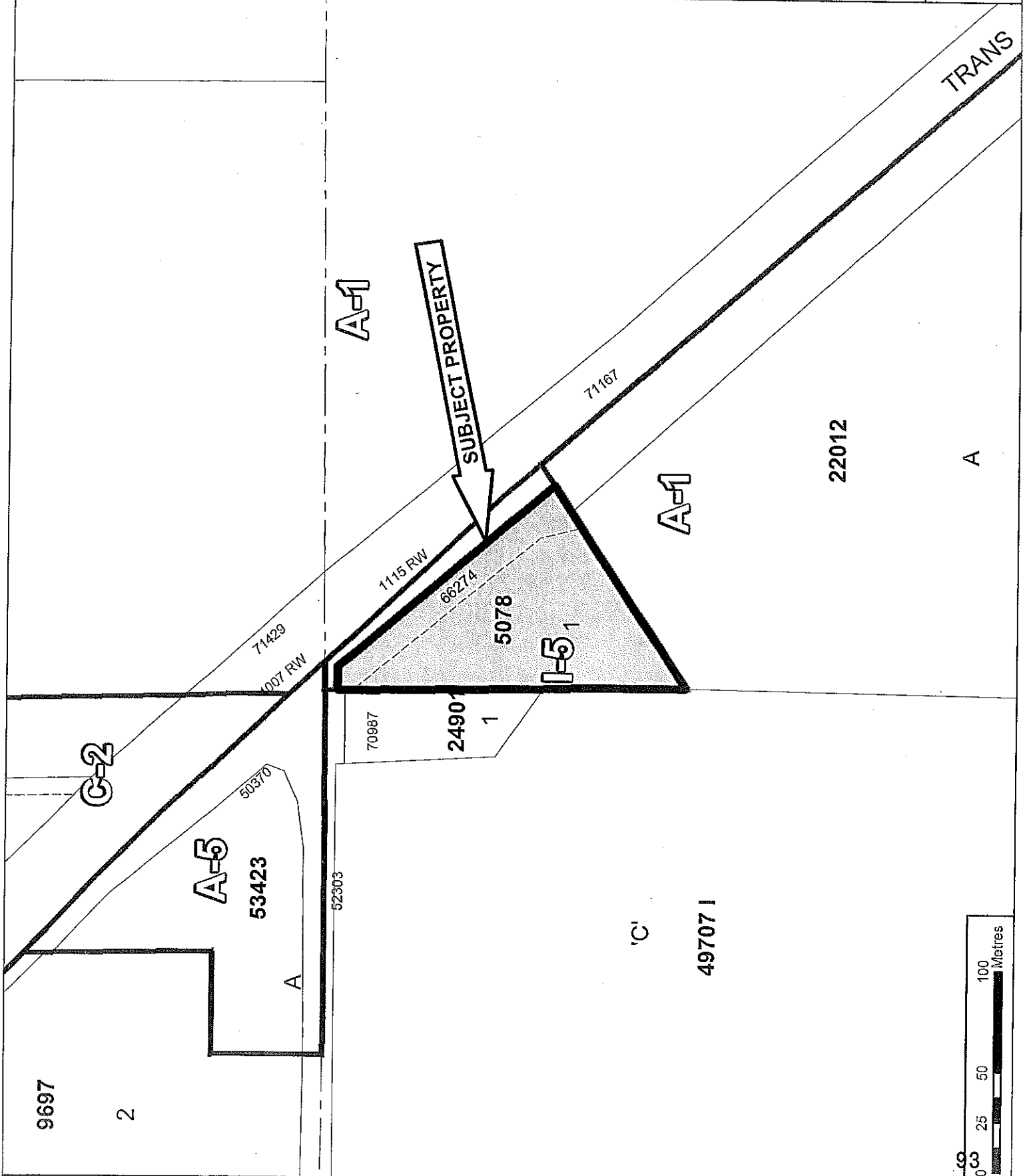
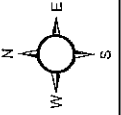
FILE: 03-E-10-RS

ZONING

Legend



Subject property
Zoning Electoral Area





Cowichan
Valley
Regional
District

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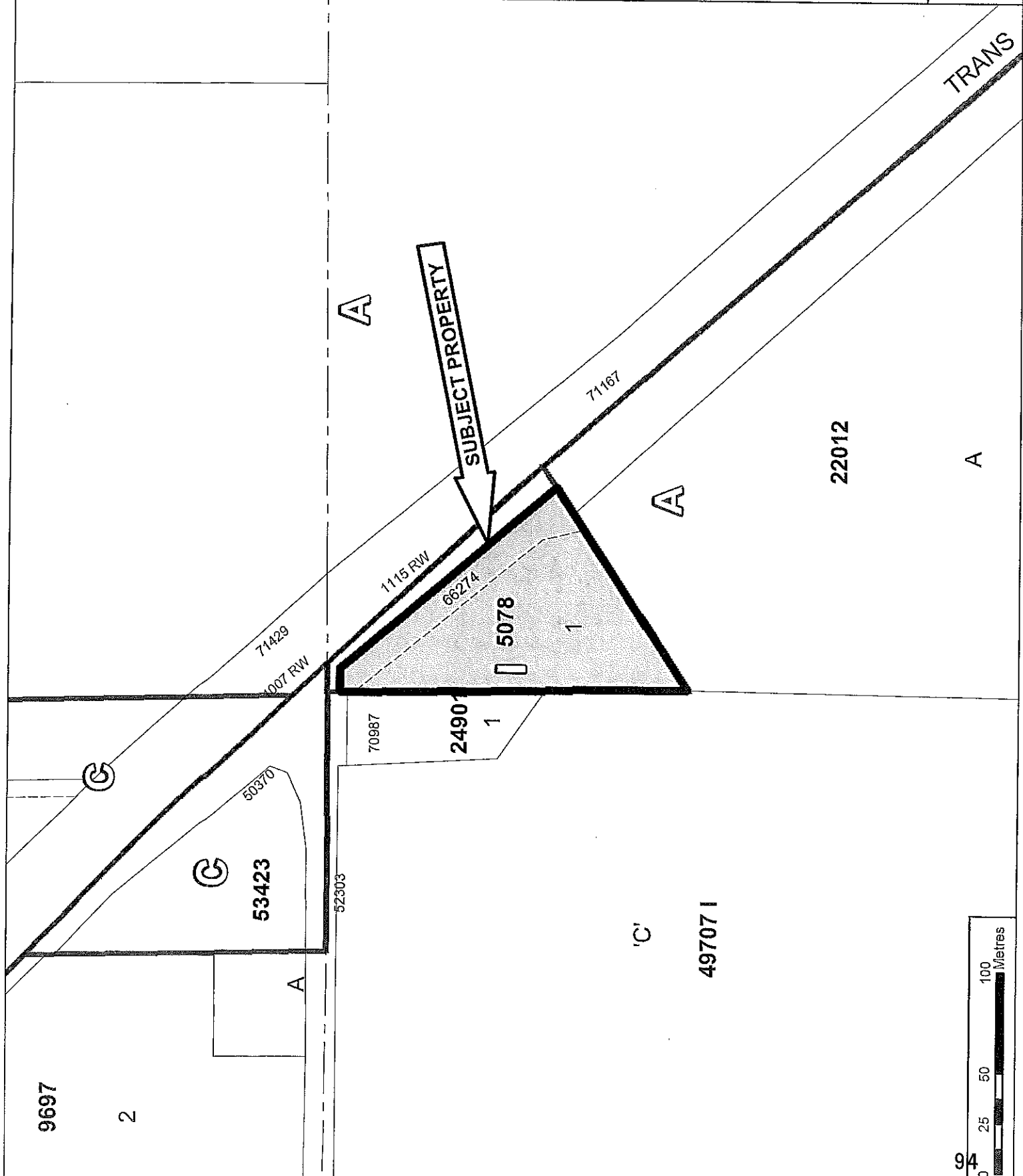
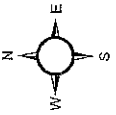
FILE: 03-E-10-RS

OCP

Legend



Subject property
OCP Electoral Area E





Cowichan
Valley
Regional
District

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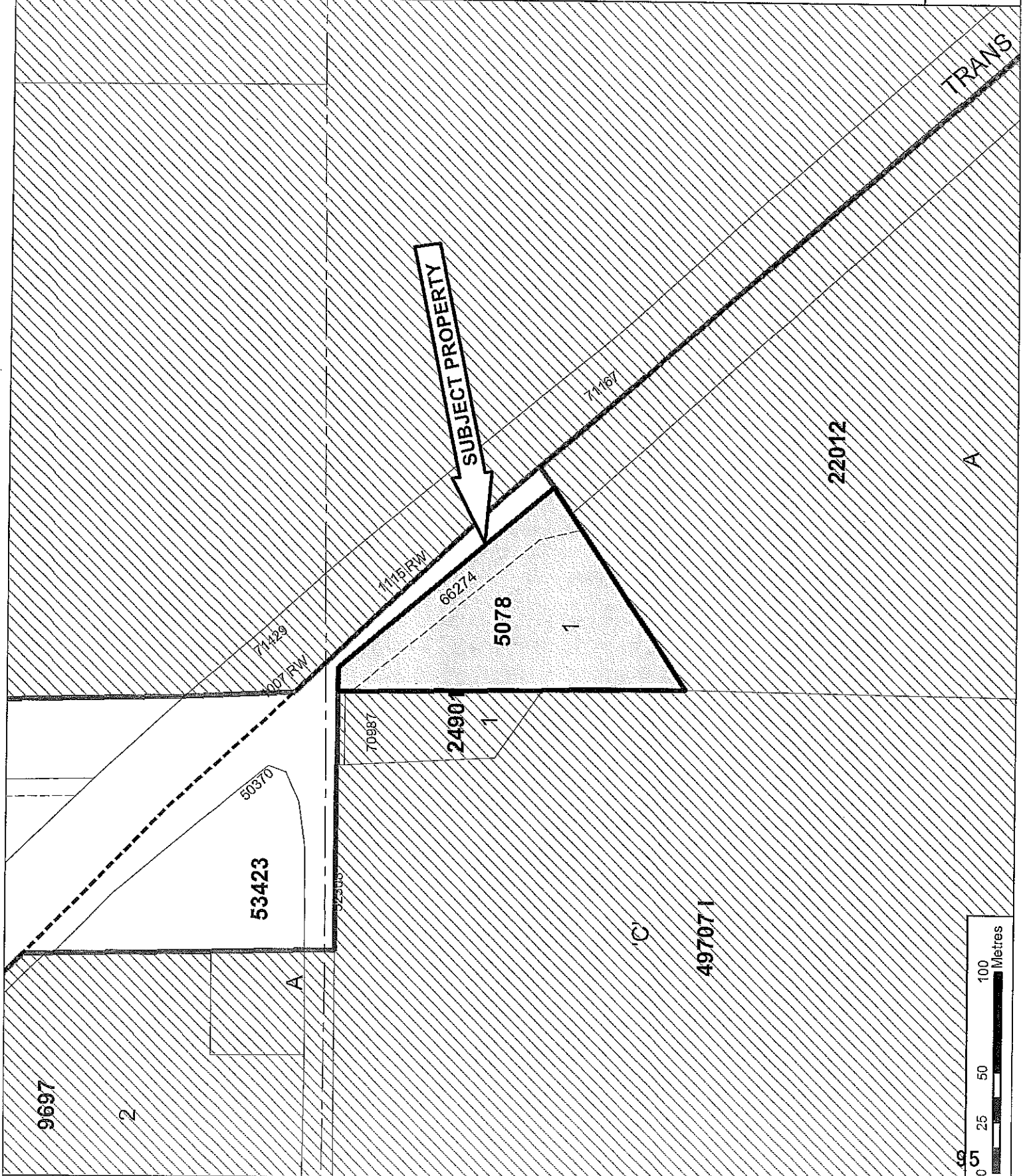
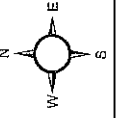
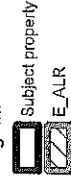
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FILE: 03-E-10-RS

ALR

Legend



March 8 2011

Rationale for Zoning Amendment

Let us review agriculture and its decline on Vancouver Island in the last many years.

Apparently in 1960 when the total population of the Island was about 282,000 local farmers were able to produce about 85% of the food. Today with our population standing around 757,000 local farmers can only produce 10% of the required food. A huge drop in production which has had drastic affect upon the whole of the agricultural industry and with it their suppliers.

I have no idea how many agricultural equipment dealers there where on the Island in 1960 but I can speak for 1999 forward. At the end of 1999 there were John Deere agricultural dealers in Saanich, Duncan and Courtenay. There was a Ford New Holland and a Case IH Kubotta dealer in Duncan and a Kubotta dealer in Courtenay. All independently owned.

Today there is one John Deere dealership in Duncan and a New Holland, Kubotta dealership. The same multi line dealer owns the Kubotta store in Courtenay. There is a Kiotti dealer in Metchosin with a sales lot in Mill Bay, but he is not in the agricultural equipment business he is in the lifestyle equipment business

A drastic drop has occurred in the number of dealerships in the last 10 years. In that time 3 of these dealerships have gone bankrupt, John Deere in Saanich in 1999, John Deere in Duncan in 2005 and the independent Kubotta store in Courtenay in 04 or 05. The New Holland, Kubotta dealer with stores in Duncan and Courtenay has been trying to sell his stores since 09 with no apparent takers.

The same story applies to feed mills and auction yards, there were many now there are none or one. The agricultural business on Vancouver Island is changing and shrinking, farmers are no longer local shoppers they purchase globally, certainly from all over North America and the agricultural hub of southern BC has become Abbotsford.

Equipment has become much bigger and far more reliable and the shrinking number of farmers on the Island have become larger, specialist operators.. Fixing their own equipment, sourcing their equipment where they get the best price, frequently the US and even sourcing their parts from the US.

It may not be long before Agricultural Equipment dealerships are a thing of the past on the Island. Equipment and parts will be purchased from dealers in the US or Abbotsford and service will be done by local mechanics or by the farmers themselves. There will no longer be an economic model that includes the local full service dealership.

It is therefore imperative that the CVRD recognizes this sea change that has and continues to happen in the agricultural economy that is the result of global economic forces way beyond our control. This means that change is inevitable and it is critical that the organization work with business people to try and maintain viable, vigorous, high paying employment in the Valley.

Modifying the zoning on the subject site to allow for a non agricultural principal use will permit the property to continue to be occupied and utilized to the best advantage, allowing taxes, wages and services to be provided.

The writing is on the wall and it is surely not the purpose of planning legislation to try and hold an industry in a location once the community it served has ceased to exist in sufficient volume for it to be economically viable.

We trust the CVRD will understand the situation the owner finds himself in, which is not of his doing. However like any good business person he is merely trying to make provisions to continue to operate a viable business from this location, in the event that the changes referred to earlier continue to happen closer to home.

RATIONALE FOR ZONING AMENDMENT

FILE COPY

Current Situation

When we purchased the site in 2001 we were also the principal owners of the tenants, a John Deere dealership called All Island Deer. In 2002 that company was purchased by new principals All Island Deer (2002) Ltd. They became our new tenants until closing in December 2005.

Friesen Equipment Ltd leased the property from us and opened their John Deere dealership in January 2006. They hired me as their Island Branch manager. Late last year Friesen Equipment Ltd merged with three other John Deere dealers to form PrairieCoast Equipment the third largest John Deere dealer group in Canada. This company operates 10 stores across all of BC and northern Alberta.

PrairieCoast Equipment is proud of the quality product lines they represent and of their contributions to the area and the economy. Their 20 full time local employees are a valued asset and fundamental to their ability to service the Vancouver Island farming community. PrairieCoast Equipment is in the process of finalizing a long-term lease with Wandering U Inc and expect to continue to operate a John Deere dealership from this site for many years to come.

Looking to the Future

PrairieCoast Equipment is a large dealer group and has access to a broader range of product lines through their diverse corporate interests. While their primary intent is to continue to operate a Gold Star John Deere dealership from our site, they have expressed an interest in looking at opportunities to add a few select product lines to their current offerings. This is not uncommon within the agricultural equipment industry today, as good operators constantly adjust to the changing market and economic conditions they find themselves in. Remaining stationary in today's market is not a healthy situation and can lead to serious problems for the business, its success and continued viability.

Accordingly the interest in securing some degree of flexibility to enable our sole tenant to offer an expanded line of products. As there is only one tenant it is not the intent to establish a retail commercial strip mall or other such entity. Rather the goal is to allow the current John Deere dealer to offer complimentary products and services to their current customer base.

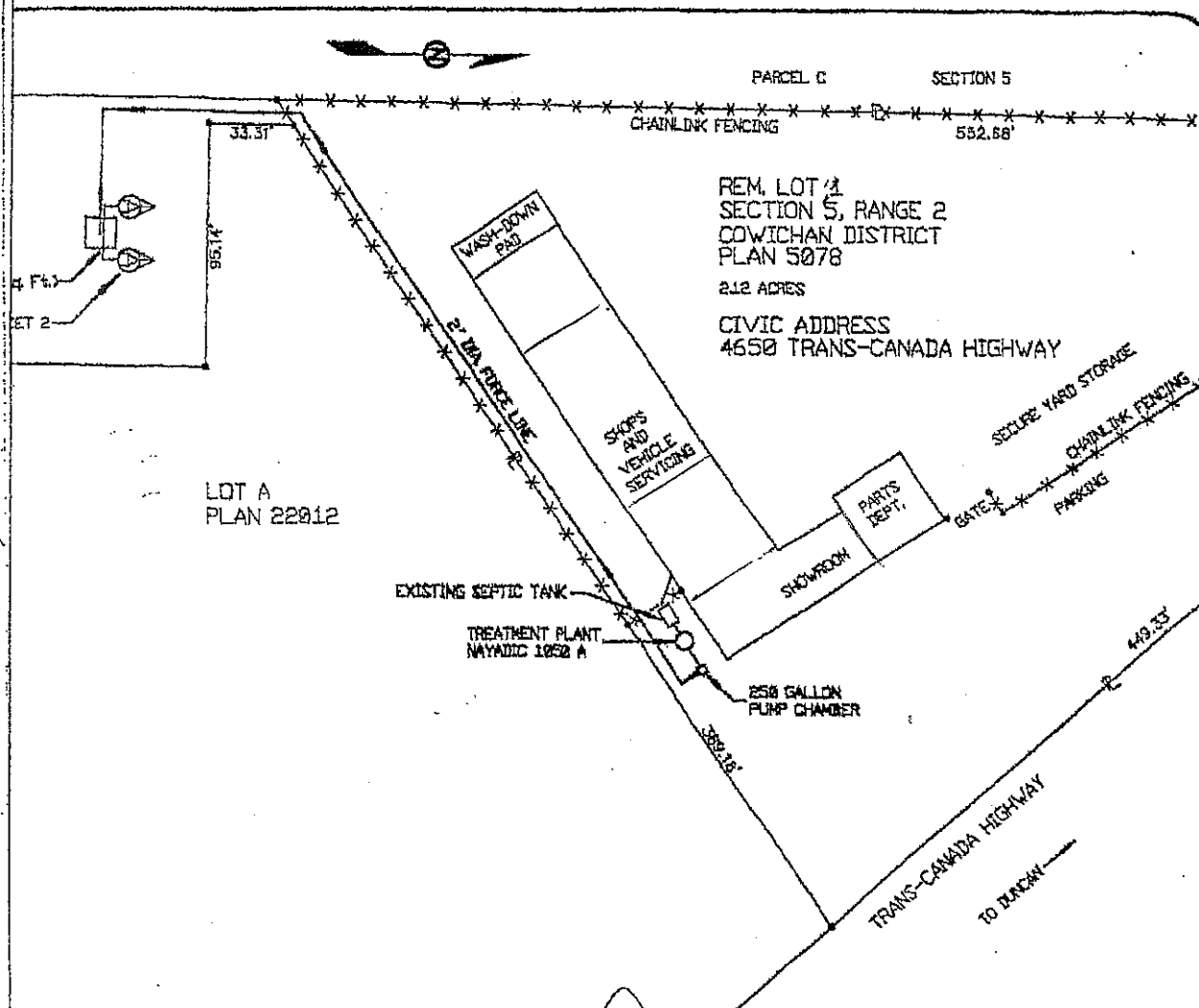
BLUE COPY - FOR POSTING

PINK COPY - TO BUILDING AUTHORITY

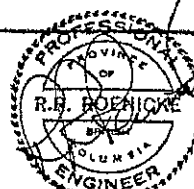
YELLOW COPY - TO OWNER

WHITE COPY - FILE

HLTH 135 Rev. 9/12



DESIGN BY: D. A.
DATE: JULY 25, 2003
DRAWN BY: P. J. J.
DATE: JULY 30, 2003
CHECKED BY: R. R. R.
DATE: JULY 31, 2003
APPROVED BY: R. R. R.
DATE: JULY 31, 2003



SEAL 1 Aug 2003

CLIENT:
WANDERING 'U' INC.

PROJECT:
APPLICATION FOR DOMESTIC
SEWAGE DISPOSAL PERMIT

SCALE:
1 inch = 60 Ft.

DRAWING NO.
1

REVISION:
1



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3465

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840 Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3465 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Wandering U Inc.), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

- a) Part 3, Definitions, is amended by adding
 - equipment* means large mechanical equipment including farm machinery and implements, construction and industrial machinery.
 - household equipment* means small equipment commonly used in a residence including appliances, power tools, and exercise equipment
- b) Section 11.4 (a) is amended by deleting the heading "Permitted Uses" and replacing it with "Principal Permitted Uses".
- c) Section 11.4 (b) "Conditions of Use" is replaced by "Secondary Permitted Uses", and "The following uses are considered secondary permitted uses, and are permitted only in

.../2

- conjunction with a Principal Permitted Use.”
- d) “Conditions of Use” are renumbered 11.4 (c) and subsequent sections are renumbered accordingly.
 - e) The following uses are added to Section 11.4 (b) “Secondary Permitted Uses” (1) Equipment sales, rental and repair; (2) Household equipment sales, rental and repair.
 - f) Section 11.4(d)(3) (Minimum Parcel Size) is amended by replacing 0.8 hectares with 1.0 hectares.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary

Definitions:

Equipment means large mechanical equipment including farm machinery and implements, construction and industrial machinery.

Household equipment means small equipment commonly used in a residence including appliances, power tools, and exercise equipment.

11.4 I-5 - RESTRICTED LIGHT INDUSTRIAL

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

(a) **Principal Permitted Uses**

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an I-5 zone:

- (1) agricultural equipment manufacture, repair, storage and *accessory retail* and wholesale sales;
- (2) bulk sale of agricultural supplies, feed and seed;
- (3) lawn and garden equipment manufacture, sales, repair and storage;
- (4) light industrial manufacture, repair and storage and *accessory retail* and wholesale sales;
- (5) one *office* and one single *family dwelling* per *parcel* *accessory* to the *uses* permitted in Section 11.4(a)(1) to 11.4(a)(4).

(b) **Secondary Permitted Uses**

The following *uses* are considered secondary permitted uses, and are permitted only in conjunction with a Principal Permitted Use:

- (1) *Equipment* sales, rental and repair;
- (2) *Household equipment* sales, rental and repair.

(c) **Conditions of Use**

For any *parcel* in an I-5 zone:

- (1) the *parcel* coverage shall not exceed 50 percent for all *buildings* and *structures*;
- (2) the *height* of all *buildings* and *structures* shall not exceed 10 metres;
- (3) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for all *buildings* and *structures* in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	9.0 metres
Interior & Exterior Side	9.0 metres
Rear	9.0 metres

(d) Minimum Parcel Size

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

- (1) 0.2 Ha. for *parcels* served by a *community water and sewer system*;
- (2) 0.4 Ha. for *parcels* served by a *community water system* only;
- (3) **1.0 hectares** for *parcels* served neither by a *community water* or *sewer system*.



R 5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF APRIL 5, 2011

DATE: March 29, 2011 **FILE NO:** 1-H-10 DVP
FROM: Rob Conway, MCIP **BYLAW NO:**
Manager, Development Services Division
SUBJECT: Development Variance Permit Application No. 01-H-10DVP (McCullough)

Recommendation/Action:

That Application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 be approved, subject to:

1. Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associates Environmental Services, dated February 21, 2011;
2. Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associates Ltd, dated February 4, 2011;
3. Compliance with the recommendation of the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;
4. Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than as recommended in the Environmental Assessment and Tree Risk Assessment reports;
5. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Location of Subject Property: 4991 Reiber Road

Legal Description: Lot 1, District Lot 23, Oyster District, Plan 18300 (PID: 003-902-641)

Date Application and Complete Documentation Received:

- Initial application received February, 2010
- Updated application information received March, 2010

Owner: Nanaimo Ladysmith Schools Foundation

Applicant: Brian McCullough

Size of Parcel: ± 0.31 hectares (0.76 acres)

OCP Designation: Suburban Residential

Zoning: R-2 (Suburban Residential)

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Agricultural and Residential (A-1 and R-2)
South:	Ladysmith Harbour and Residential (R-2)
East:	Agricultural (A-1)
West:	Ladysmith Harbour

Services:

<u>Road Access:</u>	Reiber Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On-site

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies the subject property as being within the Shoreline Sensitive Area.

Archaeological Site: None Identified.

Proposal

The subject property is located at 4991 Reiber Road in Electoral Area H - North Oyster/Diamond. It borders Ladysmith Harbour to the southwest and Brenton Page Road to the northeast. Public road access ends at the subject property's northern parcel line and an easement (143369G) allows access to the waterfront parcels of land immediately south of the subject property. This easement divides the 0.76 acre lot roughly in half. The portion of the subject property northeast of the easement, extending to Brenton Page Road, is a steep, heavily vegetated bank that is too steep to be practically used for a home site. The portion of the subject property southwest of the easement has narrow benched area with a steep rocky cliff dropping off towards Ladysmith Harbour. The only part of the lot where a dwelling can be practically located is on the bench, between the easement and top of bank.

A well-house, deck/platform and beach access stairs with a small lookout area are currently located on the property. There are also two existing retaining walls with the smaller of the two underneath a hedge along the boundary with the easement, and the other atop of the waterfront bank providing support for the existing deck/platform area. The subject property was subdivided in 1965. Since that time it has been used for camping, but has never had a permanent dwelling located on it.

The applicant is proposing to construct a single family dwelling, with attached garage, in the southern corner of the lot. The dwelling is proposed to be situated 9.1 metres from the high watermark of Ladysmith Harbour. A Development Variance Permit is required in order to do this, as Section 5.13(a) of Zoning Bylaw 1020 requires a 15 metre setback from the high water mark of the ocean.

The proposed dwelling is a two storey structure with approximately 2100 square feet of floor area on the main floor and 770 square feet on the upper level. Floor plans of the proposed structure are attached to this report. As the subject property is not near community water or sewer systems, the dwelling would be serviced with on-site sewage disposal and a well. The location of the sewage disposal area has not been finalized, but it is expected to be on the bank between the easement road and Brenton Page Road. The design of the system would be determined by a waste water practitioner in accordance with VIHA regulations.

Surrounding Property Owner Notification and Response:

A total of six letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. During the period provided for a written reply, we have received three letters – a supporting letter from an immediate neighbour, and two letters in opposition to the variance request. A letter from the Nanaimo-Ladysmith Schools Foundation, which owns the subject property, was also submitted.

Advisory Planning Commission Comments:

At the request of the Area H Director, the development variance permit application was referred to the Area H Advisory Planning Commission. The APC conducted site visits to the subject property on July 18 and August 14, 2010. The application was also reviewed and discussed at APC meetings on August 12 and October 14, 2010. Minutes from the site visits and APC meetings are attached. At the October 14, 2010 meeting, the Committee passed the following resolution:

That approval be recommended, of the variance per option 1 of the application from staff, 15 metres to 9.1 metres from the high tide with a covenant that a geotechnical report be prepared.

Note: Option 1 referred to in the APC recommendation stated,

*That the application 1-H-10 DVP, made by **Brian McCullough**, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, decreasing the setback from a watercourse from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 **be approved**, subject to a survey confirming approved setback of 9.1 metres, registration of a restrictive covenant 9 metres from the natural boundary of Ladysmith Harbour, erection of silt fencing along top of bank during building construction, and a geotechnical engineers report to be completed prior to obtaining building permit.*

Planning Division Comments:

The Area H Advisory Planning Commission spent considerable time with this application. Although the APC ultimately recommended approval, there were concerns expressed about the potential environmental impact on the marine riparian slope and the stability of the foreshore bank and building site.

Since the APC reviewed the application the proponent has had an environmental assessment, a geotechnical assessment and a hazard tree assessment completed. Copies of the three reports are attached to this report and recommendations of the reports are summarized as follows.

Environmental Assessment Recommendations:

1. That a Hazard tree and Geotechnical Assessment be completed for the proposed development.
2. That a covenant (be registered) on the property to allow a single beach access trail. We would also recommend that the beach access trail be constructed from long-lasting materials such as natural rock, paving stones or concrete (or a combination of materials).
3. That the thirteen garry oak trees identified on the property be preserved, where possible and where no hazard has been deemed by a certified hazard tree assessor.
4. That the accumulation of yard waste extending over the top of the bank in the north west corner of the property be removed.
5. That care be taken when excavating/constructing in the top of bank area to minimize disturbance and vegetation removal and to ensure that no excavated material or fresh concrete runs down slope.

Geotechnical Assessment – Conclusions and Recommendations:

1. That the envisioned development is geotechnically safe and suitable for the intended purpose, provided recommendations in this report are followed.
2. [The proposed] method of house design is considered suitable from a geotechnical aspect, and would alleviate potential geotechnical impact on the house from the rock slope between the driveway and lower terrace.
3. Based on observations of the overall site, it appears that the north-eastern side of the lower terrace, within the proposed building site, is in an area of bedrock excavation. Therefore, following stripping of any loose material and fill, we expect that bearing conditions would be favourable.
4. The building site shall be provided with a minimum setback from the outer edge of the lower terrace level of at least five metres. This setback is required to provide a buffer against possible slope degradation from both natural weathering processes, as well as from the loss of the slope face due to seismic activity. This setback distance takes into account a 2 percent in 50 year level of risk in accordance with the 2006 B.C. Building Code.
5. The risk of damage to the house from rock fall is considered to be adequate.
6. We do not expect impact by the potential for liquefaction, groundwater flows, erosion beyond typical levels or underground mining. The potential for wave erosion at the foreshore is expected to be very low because of the presence of bedrock.
7. Standard excavation equipment should be suitable; Fill to be used for structural support purposes should be freely draining granular soil; Fill should be placed and compacted in lifts suitable for the size and type of compaction equipment used; Fill compaction in general where supporting development elements should include the zone defined by a plane extending down and outward from the outer edge of the foundation at an angle of 45 degrees from horizontal.
8. Fill supporting the house should be inorganic material with a fines content limited to 5% passing the 75um sieve; we do not generally expect on-site soils to be re-used as structural fill.
9. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density or equivalent in floor and slab areas.
10. Foundation loads may be suitably supported on competent natural soil and bedrock deposits or structural fill adequately compacted – subject to engineer's approval.
11. Conventional recommendations from the B.C. Building Code pertaining to building drainage are considered suitable at this site.

Tree Risk Assessment Recommendation:

Remove trees 5 through 9. This should reduce the risk sufficiently to allow road reconstruction in relative safety. The risk to the house is lowered as well by removing trees 1 through 4.

The topography and shape of the subject property are such that the only practical location for a dwelling on the property is where the applicant has proposed it. Although the zoning requires a 15 metre setback from the ocean, it does not appear to be possible for the applicant to comply with the setback requirement and still achieve a practical building site. The variance request therefore appears to be a hardship situation, as compliance with the setback requirements of the bylaw would essentially preclude residential use on the property.

The applicant has submitted reports to confirm that the building site is stable and safe for the intended use, and that bank between the proposed building site would not be negatively impacted by the proposed construction. Although nine trees on the property are proposed to be removed for safety reasons, the majority of the existing vegetation on the ocean side bank would be left undisturbed and would be protected with a restrictive covenant.

As compliance with the setback requirements does not appear to be possible and the applicant has taken steps to confirm the proposed dwelling will have minimal environmental impact, staff recommend a development variance permit be issued, subject to the conditions in Option 1.

Options:

Option 1:

That application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 be approved, subject to:

1. Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associates Environmental Services, dated February 21, 2011;
2. Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associates Ltd, dated February 4, 2011;
3. Compliance with the recommendation of the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;
4. Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than as recommended in the Environmental Assessment and Tree Risk Assessment reports;
5. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean.

Option 2:

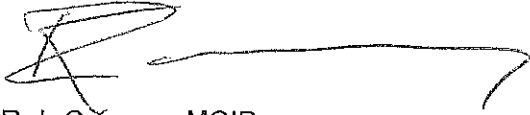
That application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 not be approved in its current form and the applicant be requested to revise the proposal.

Option 3:

That application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 be denied.

Option 1 is recommended.

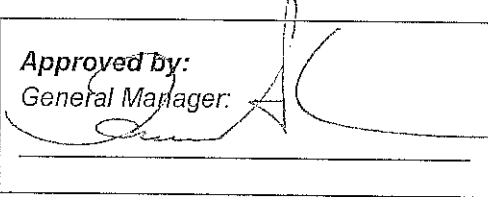
Submitted by,

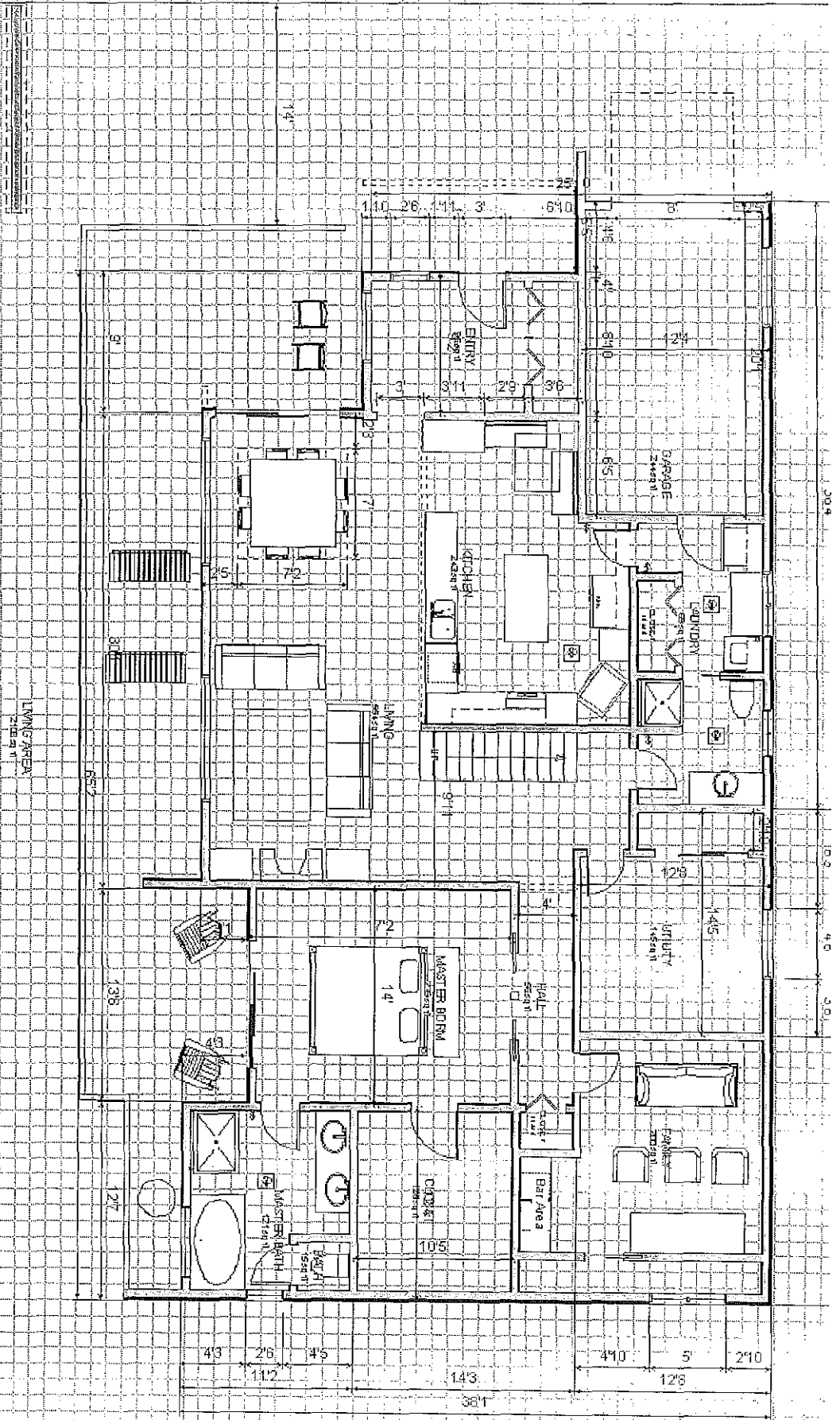


Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department

RC/ca

Approved by:
General Manager:









Lewkowich Engineering Associates Ltd.
geotechnical • health, safety & environmental • materials testing

File: G8841.01
February 4, 2011

Mr. Brian McCullough
4200 Island Highway North
Nanaimo, B.C.
V9T 1W6

PROJECT: PROPOSED RESIDENCE
LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT
LADYSMITH, B.C.

SUBJECT: GEOTECHNICAL EVALUATION

Dear Mr. McCullough:

1. Introduction

- a. As you requested, Lewkowich Engineering Associates Ltd. evaluated geotechnical conditions at the referenced site. The purpose of this work was to determine whether the site was geotechnically safe and suitable for the intended purpose of support for your proposed single family residence.
- b. Our work was based on commonly accepted guidelines for geotechnical evaluations within the Vancouver Island area of B.C. Briefly, these guidelines typically require that the report is to identify natural hazards that may affect the safe development of the land, and to provide recommendations to reduce the risk of damage to proposed buildings. Specifically, this report is intended to meet the following stated objectives:
 - i. Acknowledge that the Approving Officer and Building Inspectors may rely on this report when making a decision on applications for the development of the land;



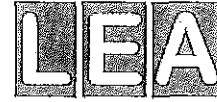
- ii. Determine whether the land is geotechnically safe and suitable for the intended purpose (defined for the purposes of this report as support for a proposed single family residence, where "safe" is defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years, except for seismic risk where we have taken into account a level of risk of 2 percent in 50 years;
 - iii. Prescribe the geotechnical works and any changes in the standards of the design of the development that are required to ensure that the building is developed safely for the use intended.
- d. Our evaluation was based on a site reconnaissance, review of available published geological literature, and experience within the vicinity of the subject property..
- e. We understand that you propose to build a two storey single family residential structure within the south-eastern end of the property. A layout plan showing the proposed house site was provided to our office, and is appended for ease of reference.
- g. The legal description of the property is Lot 1, Plan 18300, District Lot 23, Oyster District. The property is located on Brenton Page Road, but is accessed off a private driveway.

2. Site Conditions

- a. The property is an irregularly shaped parcel that lies between Oyster Harbour and Brenton Page Road. A driveway is present west of Brenton Page Road within the property.



- b. Topography includes a moderately steep slope down from Breton Page Road down to the driveway cited in the previous paragraph. A nearly vertical slope is present below this driveway, abutting an essentially smooth and level terrace. A moderately inclined slope is below and south-west of this terrace, down to the foreshore area. Therefore, the property essentially consists of moderately inclined slopes alternating with relatively smooth and level benches. The upper and lower slopes are vegetated with a light to moderately dense forest cover with light underbrush. The lower terrace level - which will include the proposed house site - is vegetated with grasses and low shrubs.
- c. The site is essentially undeveloped, except for local landscaping concrete works (slab work and low retaining walls) and steps from the lower terrace level to the foreshore. It is apparent, by soil exposures, that both the driveway and lower terrace were levelled by cut/fill excavation techniques. The nearly vertical slope above the lower terrace level includes an area of exposed bedrock, while the driveway exposes naturally deposited sand and gravel soils. The amount of fill comprising the south-western edges of both the driveway and lower terrace level has been visually estimated to have a typical depth ranging from 1.0 to 1.5 metres, but typically within one metre.
- d. Exposed bedrock in the area is a medium hard sandstone formation of Upper Cretaceous geologic age. Natural fissures or "joints" observed in the rock include a series having a nearly vertical orientation. These joints are readily observed in an essentially vertical rock face between the driveway and Breton Page Road, north of the proposed building site.
- e. Bedrock is exposed along the foreshore area. The slope lying between the foreshore and the lower terrace level did not show any observed evidence of slope failures. However, a large boulder lying at the edge of the driveway, north-west of the proposed building site, is evidence of old rock fall hazard of the near-vertical rock face below Breton Page Road.



3. Conclusions & Recommendations

- a. It is our opinion that the envisioned development is geotechnically safe and suitable for the intended purpose, provided recommendations in this report are followed. We have assumed that house design and construction will follow current (2006) B.C. Building Code requirements.
- b. We understand that you intend to build a two storey house, founded at the level of the lower terrace described in the preceding report section. The house is to be set up against a near-vertical rock face, such that access will also be provided from the existing driveway. This method of house design is considered suitable from the geotechnical aspect, and would alleviate potential geotechnical impact on the house from the rock slope between the driveway and lower terrace.
- c. The lower terrace level is expected to include a thin veneer of loose soil or rock, and localized fill material. The fill is expected to increase towards the south-western edge of the lower terrace level, but is generally expected to be less than one metre overall. Based on observations of the overall site, it appears that the north-eastern side of the lower terrace, within the proposed building site, is in an area of bedrock excavation. Therefore, following stripping of any loose material and fill, we expect that bearing conditions would be favorable.
- d. The building site shall be provided with a minimum setback from the outer (south-western) edge of the lower terrace level of at least five metres. This setback is required to provide a buffer against possible slope degradation both from natural weathering processes, as well as from loss of the slope face due to seismic (earthquake) activity. This setback distance takes into account a 2 percent in 50 year level of risk in accordance with the 2006 B.C. Building Code.



- e. Portions of the slope lying between the existing driveway and Brenton Page Road includes a rock escarpment that has undergone failure resulting in rock fall, most likely due to previous very severe earthquake activity. A large boulder at the edge of the driveway is a testimony to this potential. However, the proposed house site is somewhat south-east of the area most likely to generate rock fall. In addition, it is our opinion that the presence of the driveway - representing a level area that would mitigate further downward rock fall movement - will provide protection of the house. Therefore, the risk of damage to the house from rock fall is considered to be adequate.
- f. Based on the results of our site evaluation, we do not expect impact by the potential for liquefaction (such as from seismic action), ground water flows that would be considered unusual for the Ladysmith/Cedar area, erosion beyond typical levels, or underground mining. In addition, the potential for wave erosion at the foreshore level is considered to be very low because of the presence of bedrock.
- g. Standard excavation equipment should be suitable for use within the development area to achieve excavation for installing building foundations. Fill to be used for structural support purposes should be freely draining granular soil. Such fill should be placed and compacted in lifts suitable for the size and type of compaction equipment used. Fill compaction in general where supporting development elements should include the zone defined by a plane extending down and outward from the outer edge of the foundation at an angle of 45 degrees from horizontal.
- h. Fill supporting the house should be inorganic material with a fines content limited to 5% passing the 75 µm sieve, to mitigate sensitivity to moisture, allowing compaction during rainy weather. We do not generally expect on-site soils to be re-used as structural fill.



- i. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) - or equivalent - in foundation and floor slab areas. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a 'jumping-jack', 150mm for a small roller, 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac, and 450mm for a large excavator mounted hoe-pac, as measured loose.
- j. Foundations loads may be suitably supported on competent natural soil and bedrock deposits - subject to approval by our office - or on structural fill adequately compacted with confirmation by compaction testing.
- k. Conventional recommendations from the B.C. Building Code pertaining to building drainage are considered suitable at this site.

4. Limitations

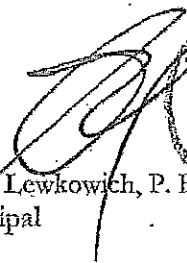
- a. The conclusions and recommendations submitted in this report are based upon surface observations augmented by other available data obtained through our project experience in this area of Brenton Page Road, Ladysmith. The nature and extent of undiscovered conditions, or variations between the explorations, may not become evident until construction or further investigation.
- b. At the time of our assessment, details of site layout, grading, and development were not finalized, and may be subject to change as detailed design progresses. Lewkowich Geotechnical Engineering Ltd. can provide more specific recommendations for the geotechnical aspects of the project, once these project specifics are developed.

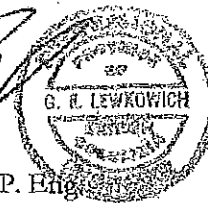


5. Closure

- a. Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector as a precondition to the issuance of a building permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant and filed against the title to the subject property.
- b. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.


G. F. Lewkowich, P. Eng.
Principal



Attachment: site plan

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON:
LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT.

SCALE 1:300
 0 5 10 15 metres
 DISTANCES ARE IN METRES.

NOTES:

CIVIC ADDRESS: 4991 BRENTON PAGE ROAD

LOT DIMENSIONS ARE DERIVED FROM PLAN VIP07229.

HOUSE DESIGN FROM BRIAN McCULLOUGH
 DRAWINGS RECEIVED NOV. 3/09.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN
 RETAINED BY BRIAN McCULLOUGH TO PROVIDE
 FOUNDATION LAYOUT IN ACCORDANCE WITH THE
 FOUNDATION LOCATION SHOWN ON THIS PLAN.

• STANDARD IRON POST FOUND.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES
 & PERMITS.

• EASEMENT 143369G.
 THIS PLAN DOES NOT PURPORT TO VERIFY
 COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL
 AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE
 TO ONLY THE BOUNDARIES SHOWN OF THE APPURTENANT
 TO THE ABOVE DESCRIBED PARCEL(S).
 THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION
 WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY
 OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE
 TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE
 DESCRIBED PARCEL(S).
 THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH
 BOUNDARY LINES.

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2010
 3088 BARDNS ROAD NANAIMO B.C. V9T 6B5
 PHONE: 250-756-7723 FAX: 250-756-7724
 EMAIL: WAPS@TELUS.NET
 FILE: 09086-4

OYSTER HARBOUR

BRENTON PAGE ROAD

North

LOT 1
 PLAN 18300

SEE POSTING PLAN VIP07229

LOT 2
 PLAN 18300

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR
 LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED
 BY A THIRD PARTY AS A RESULT OF ANY DECISIONS
 MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN
 PREPARED IN ACCORDANCE WITH THE MANUAL OF
 STANDARD PRACTICE AND IS CERTIFIED CORRECT
 THIS DATE OF: FEBRUARY 2, 2010.

Breck E.J. Williamson B.C.L.S.
 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

March 22, 2011

B. Furneaux
290 East Fern Rd
Qualicum Beach, BC
V9K 1R1

Brian McCullough
211 Ferntree Place
Nanaimo, BC
V9T 5M1

**Re: Tree risk assessment of proposed residential development at
4991 Brenton Page Road in the CVRD**

INTRODUCTION:

Toth and Associates Environmental Services, during their survey, identified several trees in poor condition. They recommended a hazard tree (tree risk) assessment. I met with the owner on site March 21, 2011. His areas of concern were the proposed house site and the existing driveway. I do not know where the services are going or what other site disturbances may take place. This tree risk survey concerns the building site and the driveway which is partially held up by wood cribbing which is rotten. The road will need to be upgraded to accommodate construction traffic. This will directly impact trees numbered 5-9. Trees 1-4 affect the building site. There may be other trees which during the course of construction, may be impacted and become "at risk".

PROCEDURES:

My exposure to the trees which would impact the building site and the road confirmed Toth's observations. Trees 1 through 9 were found to be infested by bracket fungi (conk). I core tested several trees which confirmed the presence of white rot (cellulose decay). All nine trees showed evidence of infestation; some more than others. In addition trees 5, 6, 7 and 9 have been topped and have multiple sucker tops (7 to 10 meters long approximately) which are an additional risk. Some are dripping pitch and show signs of earlier injury. Trees 8 & 9 have crooks and leans varying from 10 degrees to 30 degrees. All trees were measured (diameters and heights), located on the site plan and visually examined using binoculars. Photographs of the trees are included. A tree risk assessment form has been completed and forms part of this report along with my disclaimer.

CONCLUSIONS:

1. Trees 1-4 could fall and put the proposed house at risk
2. Trees 5 - 9 along the existing driveway have multiple defects. The reconstruction of the driveway may impact the roots as all 5 trees have roots under the road. The increase in activity which comes with the proposed development also increases the risk. If any of the leaning trees fall they would tear out a part of the driveway.

TREATMENT RECOMMENDED:

Remove trees 5 through 9. This should reduce the risk sufficiently to allow road reconstruction in relative safety. The risk to the house is lowered as well by removing trees 1 through 4.

Please contact the writer if you require any additional information.

Yours truly,

Barry T. Fumaux

Barry T. Fumaux
Certified Arborist PN 0384
Tree Risk Assessor 0036

LIMITATIONS OF THIS ASSESSMENT

It is our Company's policy to attach the following clause regarding limitations. We do this to ensure that developers or owners are clearly aware of what is technically and professionally realistic in retaining trees.

The assessment of the trees presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground parts of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted in the report, none of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Notwithstanding the recommendations and conclusions made in this report, it must be realised that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather conditions.

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or any parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or group of trees or their component parts in all circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of the inspection.

MARCH 22/11 4991 BRENTON PAGE ROAD.

B. Faurneau Certified Arborist PNO384A

Tree Risk Assessor 0036



Tree Risk Assessment Form

Location: 4991 BRENTON-PACE ROAD Date: MAR 22/11 Assessor Name: B. F. VIRMHEUX										Page 1			
Tree #	Species	DBH (CM)	Location Details	Describe defects	Probability of failure				Describe other risk factors	Risk rating (sum of columns 1-4)	Treatment recommended	Action completed	
					1-4 points	1-3 points	1-3 points	1-3 points				3-12 points	Date
1	FIR	49	ON BANK NEAR PROPOSED BLDG. SITE	CONK	2	2	3	3		7	REMOVE BEFORE CONSTRUCTION		
2	FIR	52	AS ABOVE	CONK	2	3	3	3		8	AS ABOVE		
3	FIR	57	AS ABOVE	CONK	2	3	3	3		8	AS ABOVE		
4	FIR	44	AS ABOVE	CONK	2	2	3	3		7	AS ABOVE		
5	FIR	77	EDGE OF ROAD	CONK	2	3	2	1	TOPPED LONG SUCKERS	8	REMOVE BEFORE ROAD RETAIN		
6	FIR	79	AS ABOVE	CONK	2	3	2	1	AS ABOVE	8	AS ABOVE		
7	FIR	98	AS ABOVE	CONK	2	3	2	1	AS ABOVE	8	AS ABOVE		
8	FIR	90	AS ABOVE	CONK	2	3	3	1	CROOK 10° LEAN	9	AS ABOVE		
9	FIR	89	AS ABOVE	CONK	3	3	3	1	TOPPED LONG SUCKERS	10	AS ABOVE		
									30° LEAN, CROOK				

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON:
LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT.

SCALE 1:300
 0 5 10 15 metres
 DISTANCES ARE IN METRES.

NOTES:

CIVIC ADDRESS: 4991 BRENTON PAGE ROAD

LOT DIMENSIONS ARE DERIVED FROM PLAN VIP87229.

HOUSE DESIGN FROM BRIAN McCULLOUGH
 DRAWINGS RECEIVED NOV. 3/09.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN
 RETAINED BY BRIAN McCULLOUGH TO PROVIDE
 FOUNDATION LAYOUT IN ACCORDANCE WITH THE
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 PHONE: 250-756-7723 FAX: 250-756-7724
 EMAIL: WAP@TELUS.NET
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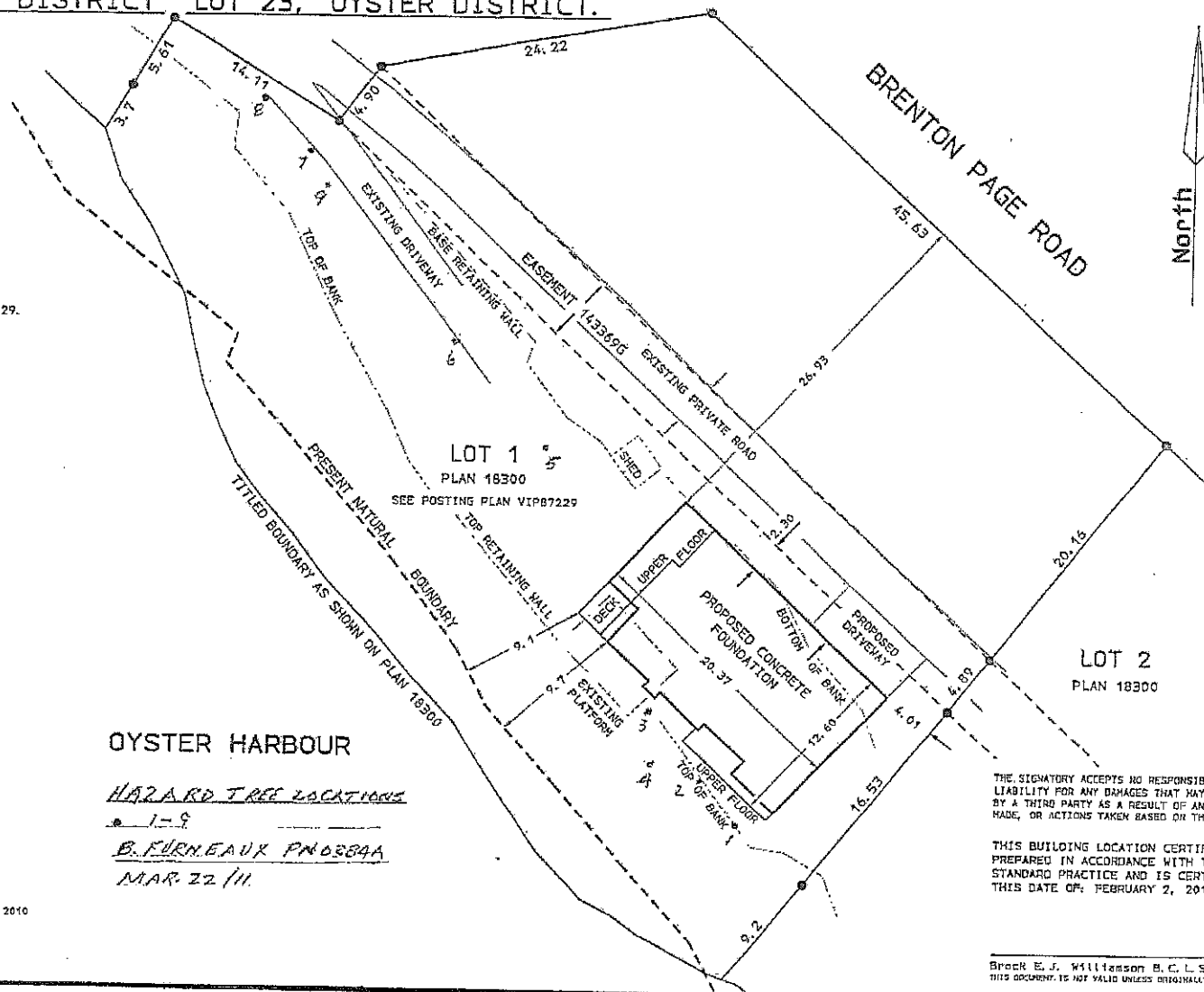
OYSTER HARBOUR

HAZARD TREE LOCATIONS

1-9

B. FURNEAUX PNO384A

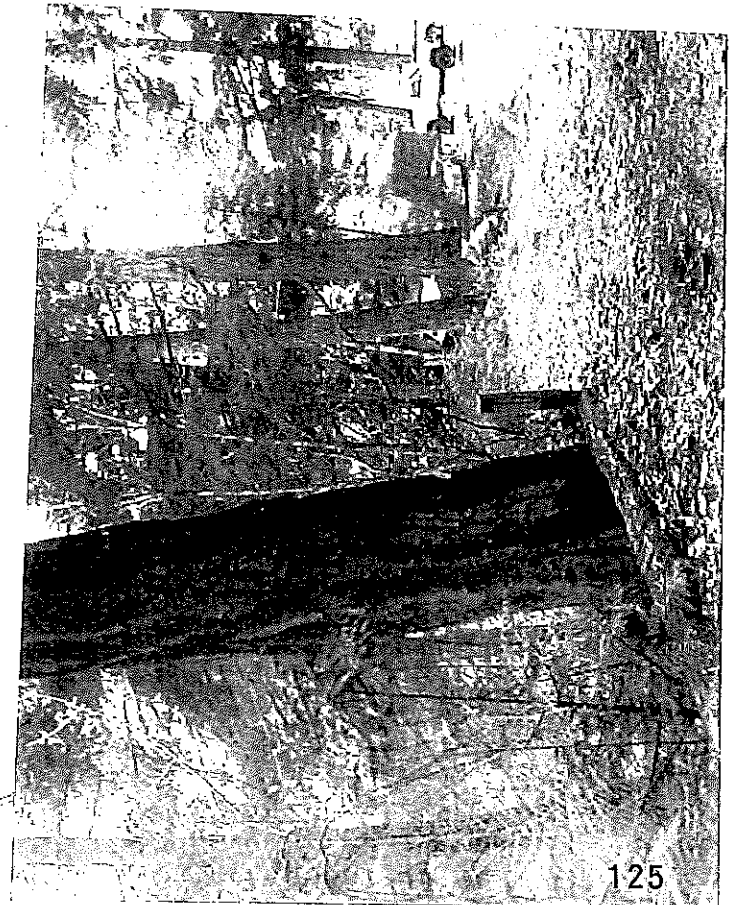
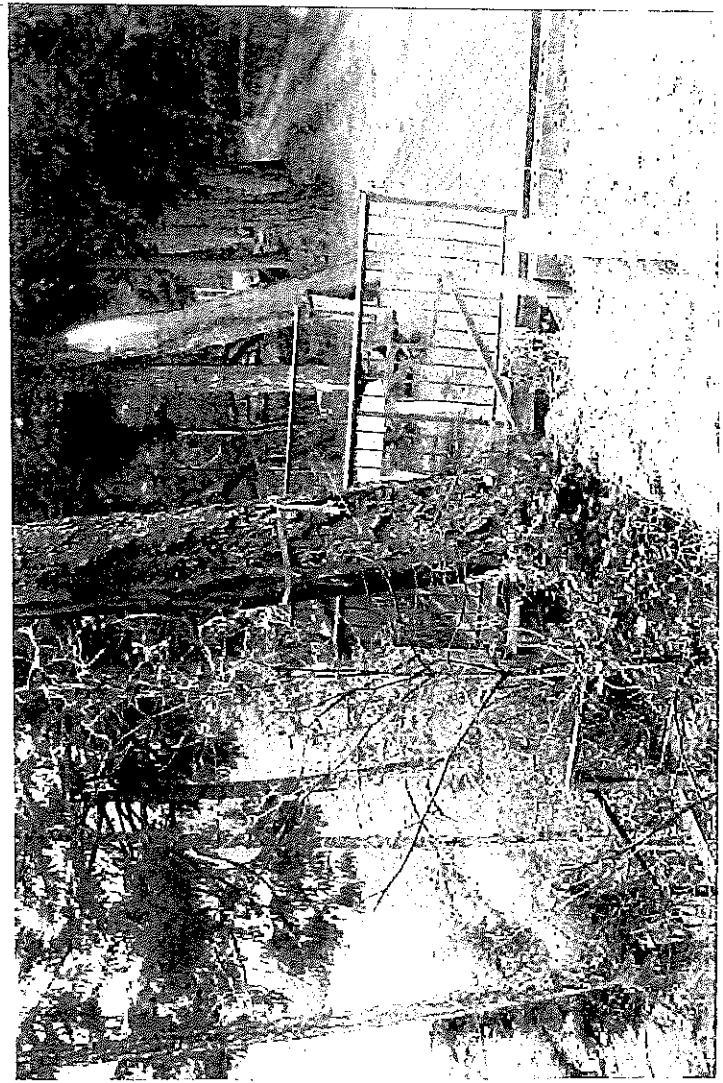
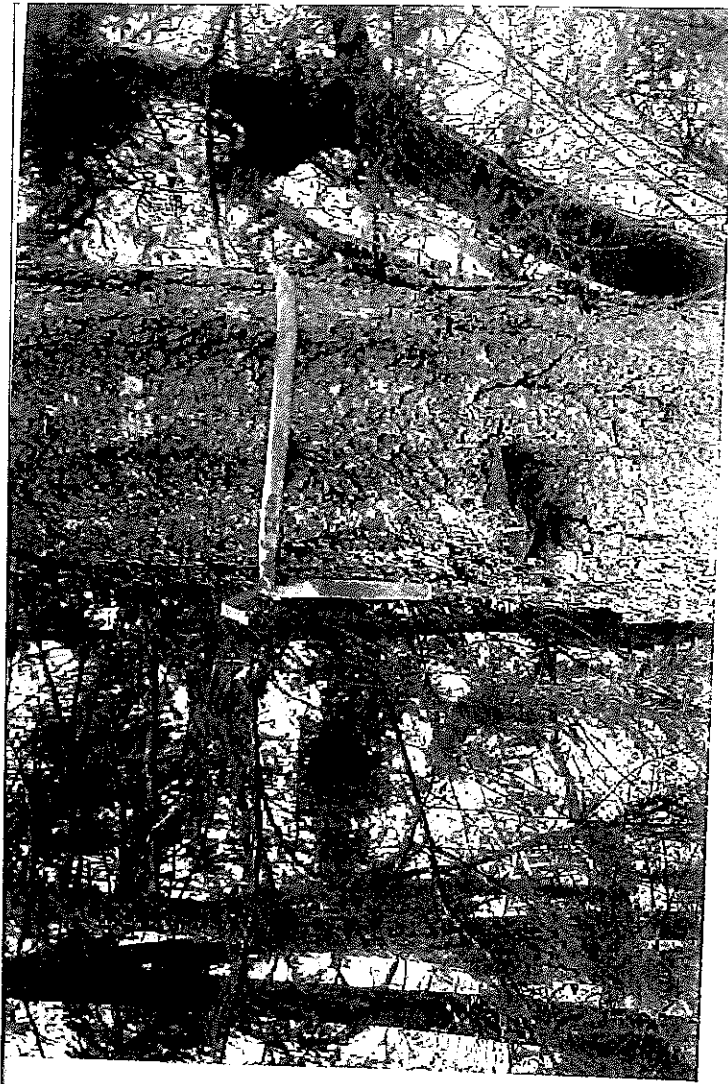
MAR. 22/11.

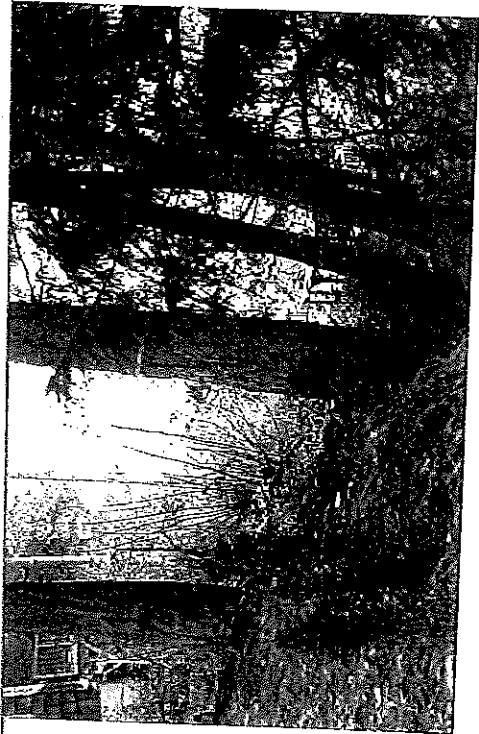
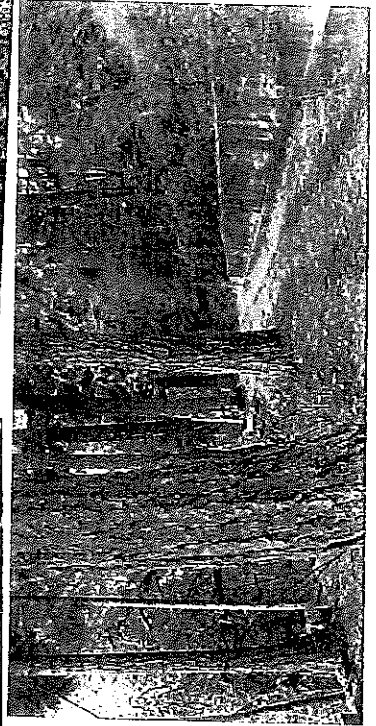


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Brock E.J. Williamson B.C.L.S.
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COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 1-H-10DVP

DATE: APRIL 13, 2011

TO: NANAIMO LADYSMITH SCHOOLS
FOUNDATION

ADDRESS: 550-7th STREET

NANAIMO, BC V9R 3Z2

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

Lot 1, District Lot 23, Oyster District, Plan 18300 (PID 003-902-641)

3. Section 5.13(a) of Zoning Bylaw No. 1020 is varied as follows:

The setback from the ocean is decreased from 15 metres to 9.1 metres, subject to:

- a. Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associates Environmental Services, dated February 21, 2011;*
- b. Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associates Ltd, dated February 4, 2011;*
- c. Compliance with the recommendation of the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;*
- d. Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than as recommended in the Environmental Assessment and Tree Risk Assessment reports;*
- e. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean.*

4. The following plans and specifications are attached to and form a part of this permit.
- Schedule A – Site Plan
 - Schedule B – Environmental Assessment Report, Toth and Associates, February 21, 2011
 - Schedule C – Geotechnical Assessment Report, Lewkowich Engineering Associates Ltd., February 4, 2011
 - Schedule D – Tree Risk Assessment Report, B. Furneaux, March 22, 2011
5. The land described herein shall be developed in substantial compliance with the terms, conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
- This Permit is NOT a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.
6. AUTHORIZING RESOLUTION NO. 11-XXX (XX) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 13RD DAY OF APRIL 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

NOTE:

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

Signature (owner/agent)

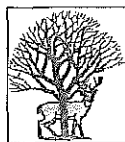
Witness

Print Name

Occupation

Date

Date



Toth and Associates Environmental Services

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602 Fax: (250) 390-7603

E-mail: stoth@shaw.ca

February 21, 2011

Brian McCullough
211 Ferntree Place
Nanaimo, B.C. V9T 5M1

Re: Environmental Assessment of proposed residential development on 4991 Brenton Page Road (PID 003-902-641) Ladysmith, B.C.

Introduction

Toth and Associates Environmental Services conducted a survey of the environmental features and potential environmental impacts posed by the proposed development of a single family residence and variance of the 15m setback from the sea to 9.1m on 4991 Brenton Page Road located on the north side of Ladysmith Harbour. The survey was conducted on January 26, 2011. The survey was conducted to address the requirements of the Cowichan Valley Regional District's (CVRD) Electoral Area H (North-Oyster / Diamond) *Draft Marine Riparian Development Permit Area (DPA)*.

The *Draft Marine Riparian DPA* as proposed will apply to all lands within 30m of the high tide mark of the ocean in Electoral Area H. No development is to occur within the DPA without a Development Permit (DP) from the CVRD.

To summarize, the proposed *Draft Marine Riparian DP* application requirements include providing a written description of the proposed development, detailed mapping, a geotechnical report, and environmental impact assessment including a vegetation management plan. Activities listed under *Exemptions* within the *Draft Marine Riparian DPA* requirements include invasive introduced plant species and hazard tree removal.

Physical Characteristics

The subject property is an approximately 0.76 acre, steep, irregular shaped oceanfront parcel. The property is bounded by Brenton Page Road on the northeast side and by Ladysmith Harbour on the southwest side. Reiber Road runs roughly northeast to southwest through the center of the property and provides the existing driveway access to the proposed building site (Figure 1, Photograph 1).

Topography on the subject property varies from approximate sea level to 30m at Brenton Page Road. Average slope gradient on the property is approximately 52% with an overall southwest aspect.

The slope from the outer edge of the yard / building site to the marine natural boundary is approximately 70% grade, while the slope above the road bench of Reiber Road is approximately 80% grade. The yard, building site and road bench of Reiber Road are relatively level. The developable portion of the property consists of the historically benched and graded area of the building envelope, yard and driveway (Photograph 2). A partial concrete retaining wall on the north side of the developable area holds the steep side slope of Reiber Road. Log cribbing contains portions of the outer edge of the leveled area of the driveway and building envelope (Photograph 3). A concrete retaining wall contains the outer edge of the slope below the existing deck on the property (Photograph 4). Two wooden stairways run from the yard to the ocean (Photograph 5).

Vegetation Characteristics

Forest cover on the property is typical of the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone. The relatively undisturbed portion of the property located on the steep slope between the road grade of Reiber Road and Brenton Page Road consists of Young Forest stage Douglas-fir (*Pseudotsuga menziesii*), big leaf maple (*Acer macrophyllum*), with occasional grand fir (*Abies grandis*), western redcedar (*Thuja plicata*) and pacific dogwood (*Cornus nutallii*). The understory is comprised of ocean spray (*Holodiscus discolor*), dull Oregon-grape (*Mahonia nervosa*), salal (*Gaultheria shallon*), hairy honeysuckle (*Lonicera hispidula*), trailing blackberry (*Rubus ursinus*), and sword fern (*Polystichum munitum*).

The graded and benched area of the yard, driveway and building site consist of lawn and mature Douglas-fir, western redcedar and arbutus (*Arbutus menziesii*) trees. Diameter-at-breast-height (DBH) measurements indicated that Douglas-fir measured up to 84 cm and arbutus up to 65 cm. Most of the larger Douglas-fir specimens in this area exhibited signs of disease and decay including bracket fungi (Photograph 6), insects, or extensive areas of pitch on the trunk indicative of injury (Photograph 7). Several trees lean significantly (Photograph 8).

Forest cover in the area of the property located between the graded / benched area of the yard / building site and the marine natural boundary consisted of low densities of Young Forest stage Douglas-fir, arbutus and garry oak (*Quercus garryana*). Understory species included ocean spray, hairy honeysuckle, trailing blackberry, tall Oregon-grape (*Mahonia aquifolium*), dull Oregon-grape, salal, licorice fern (*Polypodium glycyrrhiza*) and yerba buena (*Satureja douglasii*). Introduced invasive plant species were common on the property and included English ivy, daphne, Himalayan blackberry and scotch broom.

Thirteen garry oak trees were flagged for preservation and geo-referenced with a Garmin Map60CSx GPS (Figure 2). Several of the garry oaks were in relatively poor condition, possibly due to lack of sunlight from increasing Douglas-fir and arbutus canopy closure. The locations of significant sized Douglas-fir and arbutus trees and all garry oak trees are indicated on Table 1.

Table 1. Tree locations

Waypoint	Coordinates (Datum WGS 84)			(Elev. (m))	Comment
474	10U	438725	5429997	17.4	65cm DBH arbutus

475	10U	438720	5430010	15.8	Mature Douglas-fir
476	10U	438715	5430023	16.5	Mature Douglas-fir
477	10U	438706	5430033	18	Mature Douglas-fir
478	10U	438715	5430003	11.3	Garry oak
479	10U	438722	5429994	10.1	Garry oak
480	10U	438723	5429998	12.5	Clump of 5 garry oak
481	10U	438719	5429988	8.2	Two garry oak
482	10U	438705	5430014	6.1	Garry oak
483	10U	438697	5430022	7	Garry oak
484	10U	438701	5430022	6.1	Two garry oak

Sensitive Features

A search of the Conservation Data Centre's (CDC) endangered species and ecosystems data on iMapBC identified two rare species occurrence records east of the subject property from the Woodley Range Ecological Reserve. The records include the endangered (red-listed) green-sheathed sedge (*Carex feta*) and threatened (blue-listed) slimleaf onion (*Allium amplexans*). Neither of the occurrence record polygon boundaries extends to the subject property. Green-sheathed sedge is a wetland plant species. There are no wetland habitats on the subject property. The habitat type listed for slimleaf onion includes vernal moist rocky bluffs and meadows in the lowland zone. Based on this description the subject property is unlikely to support slimleaf onion.

A search of the Wildlife Tree Stewardship Atlas did not indicate any heron or raptor nest sites in the vicinity of the subject property and none were found during the field survey.

No rare species or sensitive wildlife features were identified on the property.

Regulation

The Provincial Ministry of Environment and Department of Fisheries and Oceans Canada do not have any regulations requiring marine foreshore setbacks.

Most of the ecological communities representing the CDFmm biogeoclimatic zone are provincially listed as threatened or endangered, however there is currently no legislation requiring the protection of rare ecological communities on private lands.

The Electoral Area H Zoning Bylaw (No. 1020, 1986) Section 5.13 indicates that "no habitable building shall be located within 15m of the high water mark of a watercourse, lake, or the sea". The zoning bylaw does not appear to identify whether the 15m setback distance is a horizontal or slope distance measurement.

Discussion

The subject property has a relatively small developable area presumably created from historic grading / benching. We would consider the portion of the developable area located within the 15m setback a grand-parented footprint. Based on the proposed Development Plan prepared by Williamson and Associates Professional Surveyors, the proposed house location

will be located entirely within the existing area of the historically graded / benched yard above the top of bank and will not result in a new development footprint within the naturally vegetated portion of the marine setback located below the top of bank.

Based on our survey, it appears that two important aspects of the proposed development will result in potential for disturbance within the marine setback; these include the hazard tree and geotechnical assessments. As indicated previously, many of the mature Douglas-fir trees within the developable area of the property had signs of disease, injury or were leaning significantly. It is likely that a hazard tree assessment will indicate that several trees will require removal. Areas on the property have slopes held in place by decaying log cribbing. It is likely that a geotechnical assessment will require replacement of this log cribbing with appropriate engineered retaining structures at or near the top of existing bank.

Any concrete retaining walls constructed along the top of bank as part of the proposed development will have minimal impact on the natural vegetation in the top of bank area. Visual quality from the water will be unaffected due to the tall growth of vegetation on the slope between the top of bank and the natural boundary of the ocean.

Existing structures within the 15m setback include a wooden deck, concrete retaining wall and two sets of wooden stairs running down to the shore. The footprint created from two stairways providing beach access in our opinion is unnecessary. Wooden stair cases in our coastal climate tend to degrade quickly and present slipping hazards during the wetter months due to algae growth.

Prior land use has resulted in the deposition of several cubic metres of yard waste (primarily branches, sticks, etc.) over the top of bank area near the northwest end of the property. This accumulation of material inhibits plant growth and presents a potential fire hazard.

Recommendations

We recommend that a Hazard Tree and Geotechnical Assessment be completed for the proposed development.

We recommend a covenant on the property to allow for a single beach access trail. We would also recommend that the beach access trail be constructed from long-lasting materials such as natural rock, paving stones or concrete (or a combination of materials).

We recommend that the thirteen garry oak trees identified on the property be preserved, where possible and where no hazard has been deemed by a certified hazard tree assessor.

We recommend that the accumulation of yard waste extending over the top of bank in the northwest corner of the property be removed.

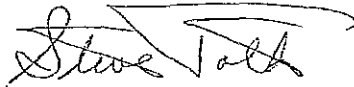
Care should be taken when excavating / constructing in the top of bank area to minimize disturbance and vegetation removal and to ensure that no excavated material or fresh concrete runs down slope.

Conclusion

Toth and Associates have conducted environmental assessments of hundreds of properties on Vancouver Island in our 18 years of consulting. Based on our assessment results and the proposed development plan it is our opinion that the proposed development of 4991 Brenton Page Road and variance of the marine setback from 15m to 9.1m is unlikely to compromise the ecological function of the marine foreshore setback area or the existing vegetation community. Any removal of hazard conifer trees at or near the top of bank area that may be required as a result of a hazard tree assessment will likely result in the long term improvement and renewed vigor of the existing sea side garry oak ecological community.

Please contact us if you require any additional information.

Sincerely,
Steve Toth, ASCT, R.P.Bio.



Toth and Associates Environmental Services

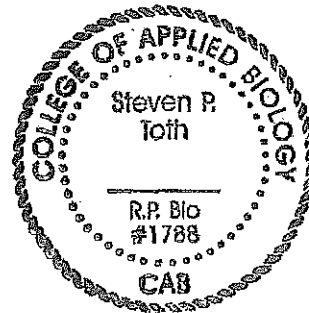


Figure 1. Proposed Development Plan

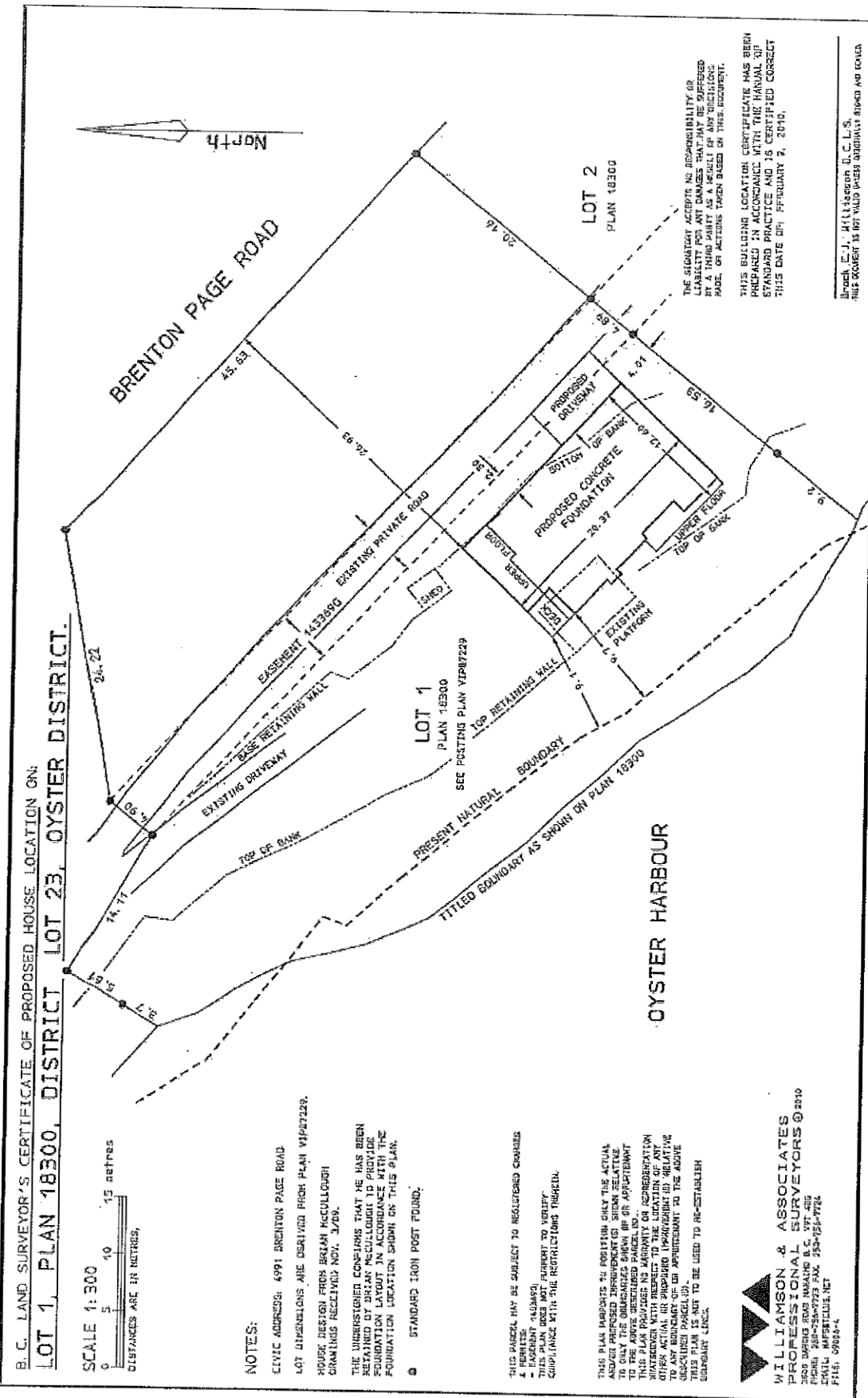


Figure 2. Survey waypoints





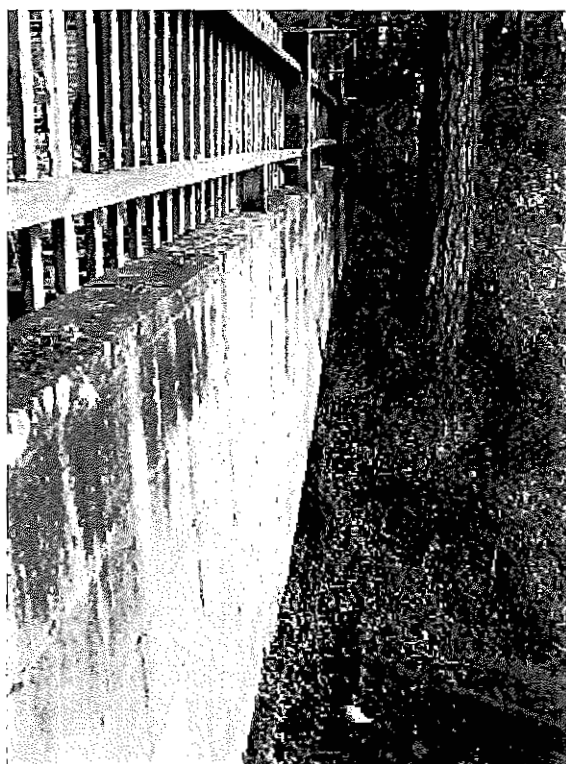
Photograph 1. View southeast to existing driveway access from Reiber Road.



Photograph 2. View northwest from the building site with the concrete retaining wall along the base of Reiber Road on the right.



Photograph 3. View of old log cribbing containing the fill slope of the driveway.



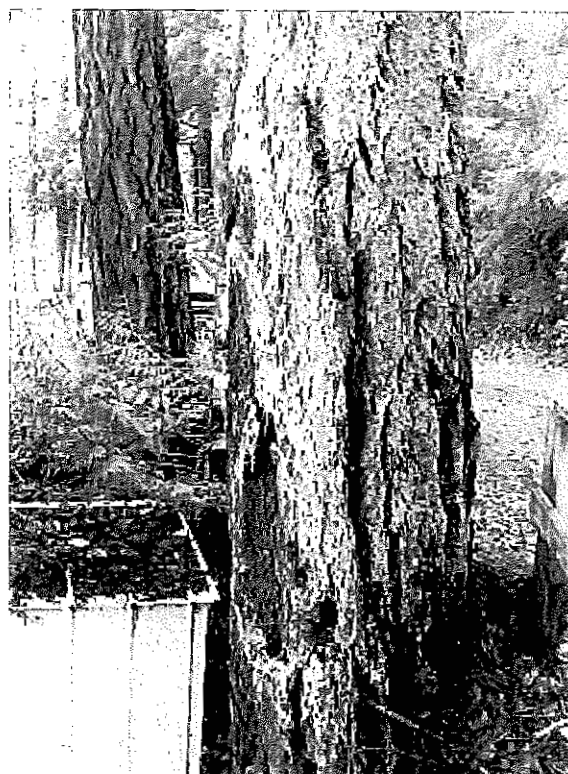
Photograph 4. View of concrete retaining wall below deck.



Photograph 5. View of one of two wooden stairways to the beach.



Photograph 6. View of bracket fungi (conk) on Douglas-fir adjacent to the proposed building envelope.



Photograph 7. View of mature Douglas-fir with extensive pitch and woodpecker forage holes indicative of insect infestation.



Photograph 8. View of leaning Douglas-fir and arbutus below driveway entrance at Reiber Road.

Area "H" Advisory Planning Commission Minutes

Date: August 12, 2010

Time: 7:02PM

Location: North Oyster Community Center

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, Ben Cuthbert, Alison Heikes, John Hawthorn

Also Present: Director Marcotte

Absent: APC member – Jody Shupe

Members of the Public Present: 6

Potential Advisory Planning Commission member ; attending as a guest.

Mike Fall introduced Gord Wyndlow

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of the May 13, 2010 workshop and the July 18, 2010 site visits minutes of the Advisory Planning Commission, be accepted as presented. Seconded.

Motion: Carried

Old Business arising from the regular meeting, May 13, 2010 and the site visits of July 18, 2010.

A. Request for a set back variance: Lot 1, District Lot 223, Oyster District, Plan 18300 (PID 003-902-641).

The applicant and proposed new owner, Bryan McCulloch was present . Mr. McCulloch made a presentation. Included in his presentation was the size of the proposed home, and the setbacks that he needs to have to fit this home. He stated that he has decreased the size of this home as much as possible it is now 2809 square feet. He stated that there was some resistance from the neighbourhood and that 2 neighbours support this. There is limited water supply 1 gallon / minute. The septic system would be above the road easement.

A discussion ensued, from this discussion the following comments were made by the APC; a) That if the APC were to agree with this, they could be setting themselves up for setting a precedence. b) This could remain as a recreational property c) a much smaller home could be built. c) The older home on the property next door is within this new setback area, the APC was advised that this home was legally non-conforming. Question directed to Director Marcotte, can this go to a public hearing?

Motion: That we approve the variance as per option 1 of the application from staff, 15 meters to 9.1 meters from the high tide with a covenant that a geotechnical report be prepared. Seconded. *Motion: Tied* A tie vote is a vote of defeat.

The Chairman of the APC asked that the Director please ask the CVRD planner, Jill why the CVRD recommended this? Please have the answer put in writing to the APC.

Motion: To table this until the September meeting providing that the applicant be in attendance at another site visit. Seconded. *Motion: Carried*

Another site visit was scheduled for August 14, 2010 @ 9:00am at 4991 Reiber Road, Ladysmith, and B. C.

B. Proposed subdivision of : Lot 1, District Lots 64 & 65, Oyster District, Plan 23935, except part in Plan 39835 and VIP85702. 12290 Chandler Road, Ladysmith.

The proponent was not present at the meeting. Kate Millar, CVRD environmentalist is willing to attend a site visit during CVRD hours. Mike will contact her with regards to this.

New Business:

A discussion was had regarding the CVRD Agricultural Plan. The APC has been encouraged to read this report.

A discussion was had regarding the Subdivision Servicing Bylaw. The APC has been encouraged to read this report.

Director's Report:

Director Marcotte updated the APC on the various applications before the board.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held:

Thursday, September 9, 2010 @ Diamond Hall

Adjournment: Moved and seconded. @ 8:29 PM

Motion: Carried

Jan Tukham, Secretary

AREA "H" ADVISORY PLANNING COMMISSION SITE VISIT MINUTES

Date: August 14, 2010

Time: 9:00 AM

Location: 4991 Reiber Road

Applicant Present: Bryan McCulloch

Members Present: Mike Fall, Chris Gerrand, Jan Tukham, Alison Heikes, Jody Shupe, John Hawthorn and Gord Wyndlow

Also Present: Director: Marcotte

Public Member Present: Dave Hammond, President of the Nanaimo/Ladysmith School Society

The Advisory Planning Commission toured the subject property; Lot 1, District Lot 23, Oyster District, Plan 18300 (*PID 003-902-641*)

After this tour the Advisory Planning Commission made the following motion:

Motion: To refer this to the next appropriate meeting. Seconded. *Motion: Carried*

Adjourned: 9:38 AM

Jan Tukham - Secretary

AREA "H" ADVISORY PLANNING COMMISSION SITE VISIT MINUTES

Date: July 18, 2010

Time: 9:00 AM

Location: 4991 Reiber Road

Applicant Present: Not available

Owner Present: Not available

Members Present: Mike Fall, Chris Gerrand, Jan Tukham, Jody Shupe, and John Hawthorn

Also Present: Director: Mary Marcotte

The Advisory Planning Commission toured the subject property; Lot 1, District Lot 23, Oyster District, Plan 18300 (*PID 003-902-641*)

After this tour the Advisory Planning Commission decided to hold off on any recommendation(s) until the next APC meeting.

Adjournment: This site visit was completed @ 9:30 AM.

Jan Tukham - Secretary

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: October 14, 2010

Time: 7:00 PM

Location: North Oyster Community Hall

Members Present: Chairperson – Mike Fall, Chris Gerrand, John Hawthorn,
Ben Cuthbert, Alison Heikes, Gord Wyndlow

Members Absent: Secretary Jan Tukham, Jody Shupe,

Also Present: Director Marcotte, alt dir Rob Waters

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of ;
July 18, 2010 site visits to Reiber Rd. and Chandler Rd, and
August 12 2010 Regular Meeting (with change to Page 2 item C), and
August 14 2010 Reiber Road second site visit.
Of the Advisory Planning Commission, be accepted as presented.

Motion: Carried

Old Business

A: Request for a setback variance: Lot 1, District Lot 223, Oyster District, Plan 18300 (PID 003-902-641). (1-H10– DVP) - Reiber Road (2-H10-SA)

It was moved that approval be recommended, of the variance as per option 1 of the application from staff, 15 meters to 9.1 meters from the high tide with a covenant that a geotechnical report be prepared. Seconded.

Motion: Carried

B: Proposed Subdivision - Chandler Road,
It was moved and seconded that the Application be held in abeyance until Mr. Rob Conway contacts the applicant regarding a Riparian Area Study. Also that the CVRD is to be made aware of the fact that this stream is designated to be fish bearing.

New Business

Discussion Items

Directors Report

Adjournment: Moved and Seconded @ 8:15 PM

Motion: Carried

Jan Tukham – Secretary
(Minutes prepared by C Gerrand)

[Faint, illegible handwritten notes or stamps in the top right corner]

April 13, 2010

Cowichan Valley Regional District
1 Ingram Street
Duncan, BC V9L 1N8

Attention: Jill Collinson

Dear Jill:

**Re: 4991 Reiber Road
Lot 1, District Lot 23, Oyster District, Plan 18300 (PID 003-902-641)**

File Number 1-H-10DVP (McCullough)

As per our conversation this afternoon we the owners of 5014 and 5020 Reiber Road would like to object to the proposed variance.

We are opposed to the applicant constructing a single family dwelling on the subject property 9.1 metres (29.86 feet) from the high water mark in Ladysmith Harbour. Also the proposal to locate a septic system above the existing easement will jeopardize his water system and his adjacent neighbours including ours.

Thank you for bring this proposal to our attention.

Yours truly

Muriel Reiber for Jim Reiber

Muriel Reiber

Jim and Muriel Reiber



LIMBERIS SEAFOOD PROCESSING LTD.

Where you'll find the best Pacific Oysters and Purified Manila Clams!

Jill Collinson, Planning Technician
CVRD Planning and Development Dept.
175 Ingram St
Duncan BC
V9L 1N8

RECEIVED
APR 12 2010

April 6, 2010

RE: File Number 1-H-10DVP (McCullough)

Dear Jill

After reading the application put forth by Brian McCullough, I am curious as to why this variance needs to be granted in the first place. Is the lot, as it currently stands, too small to fit a house? If it is simply to get closer to the water, then please note that I do NOT agree. As a shellfish farmer in the immediate area any potential impact on any of my farms would be a concern.

I am not against sound development, but I do not want this variance to set a precedent. I would not like to see houses being built that close to the high water mark – the existing setback was put in place for a reason.

In addition, my concern is soil erosion during and after construction. I am also concerned with runoff from the house – I can only assume that the authorities have granted permission for a septic system.

I would also be curious as to what the comments from DFO would be concerning the requested changes to the setbacks.

Regards

Leo P. Limberis, President / General Manager
Limberis Seafood Processing Ltd

Deb Bumphrey

From: CVRD Development Services
Sent: Tuesday, March 30, 2010 2:43 PM
To: Deb Bumphrey
Subject: FW: file No 1-H-10DVP (McCullough)

From: jack mckinley [mailto:piperjack@shaw.ca]
Sent: Tuesday, March 30, 2010 1:53 AM
To: CVRD Development Services
Subject: file No 1-H-10DVP (McCullough)

Re: 4991 Brenton Page Rd, Lot 1, District Lot 23, Oyster District, Plan 18300, (PID 003-902-641)

Please be advised as the owner of lot 2, the property adjacent to the subject variance application, we support Mr McCullough's application to decrease the setback to 9.1 meters from the R-2 zoning require of 15 meters.

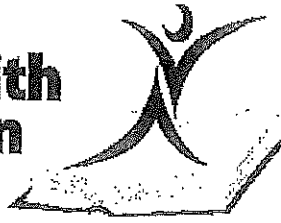
Please be advised, also, that the address that you show for our property, Lot 2, District Lot 23, Plan 18300, is incorrect. The correct address is 4990 **Brenton Page Road**. Rieber road terminates at the entrance to Lot 1. The access road through lots 1 to 4 is a legal easement through these properties and is not a continuation of Reiber Road as indicated on the drawing you have provided to us. Street address and postal addresses are taken from Brenton Page Road as all properties border on this road and not Reiber Road. We are not sure of why or when the change occurred, however, it would be most helpful to myself and the other residents on this easement if you could initiate steps to correct this deficiency.
Thankyou.

Yours Truly

Jack McKinley
250-245-2877

Nanaimo - Ladysmith Schools Foundation

"Helping our Students Reach for Tomorrow"



May 17, 2010

Cowichan Valley Region District
Planning and Development
175 Ingram Street
Duncan, BC
V9L 1N8
ATTN: Jill Collinson

Dear Ms. Collinson

Re: File # 1-H-10DVP (McCullough)

I am writing this letter on behalf of the Board of Directors of the Nanaimo-Ladysmith Schools Foundation to support the above variance application for Mr. Brian McCullough.

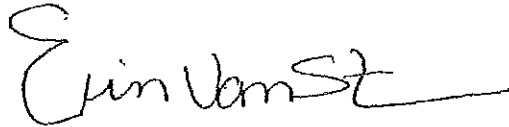
Our Foundation inherited the property located at 4991 Brenton Page Road just prior to the death of Dr. Tom Wickham. The intent was for us to put the property up for sale with the hopes of it being sold quickly in order to create a long term family endowment on behalf of Dr. and Mrs. Wickham. The endowment is to provide the graduating students of Ladysmith Secondary with scholarships and bursaries and to also assist the Foundation with other programs that support vulnerable students in School District #68 (Nanaimo-Ladysmith).

One of our programs in particular is the Student Support Fund. Through this fund, we are able to assist schools in implementing breakfast and lunch programs for students who come to school without adequate nutrition; the purchase of shoes or jackets for students whose families cannot afford them; bus tickets for students that have no way to get to school; rental of band equipment or assistance with sports fees for students who cannot afford them and otherwise would not be able to participate; diapers and baby food for the young mothers who are struggling to live on their own; and many other items that keep our vulnerable students coming to school and working towards their graduation certificates. With the high poverty rate in the Nanaimo-Ladysmith area, this program and similar programs the Foundation implements has become a key to the success of many students throughout the School District by meeting some of the basic needs for needy students.

We have a pending contract of purchase and sale from Mr. McCullough to purchase the property. Since all of the proceeds of the sale of the property will assist the vulnerable students within our community, we fully support his variance application and hope that it can be resolved quickly. The sooner the Foundation sells the property, the sooner we can invest the funds and assist students in working towards a better future for themselves.

Thank you in advance for any support you can give us and please do not hesitate to call me if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Erin van Steen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Erin van Steen, Executive Director
Nanaimo-Ladysmith Schools Foundation

/evs



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 5, 2011

DATE: March 29, 2011 FILE NO: Town of Lake Cowichan
FROM: Mike Tippett, Manager Community & Regional Planning BYLAW No: N/A
SUBJECT: Referral of the Town of Lake Cowichan draft Official Community Plan

Recommendation/Action:

That the CVRD congratulates the Town of Lake Cowichan on its new draft Official Plan and supports it overall, but that the CVRD respectfully requests that the reference in the plan to the possible annexation of industrial lands in the Meade Creek area be deleted from the text.

Relation to the Corporate Strategic Plan:

This draft Plan enhances regional sustainability by updating and improving Lake Cowichan's planning policies.

Financial Impact: *(Reviewed by Finance Division: N/A)*

Background:

Municipalities, like Regional Districts, are supposed to periodically update their Official Community Plans in order to ensure that they remain reflective of the community whose interests they are designed to serve. The Town of Lake Cowichan began a review of its current plan in 2002 and they have now produced a draft plan document and related maps.

Because both Electoral Areas F and I border on the municipality, the CVRD is a referral agency for this proposed Plan. Being a referral agency means that we are able to review the draft plan and provide comment to the Town, through the Board of Directors of the CVRD.

Brief Review of OCP

This Official Community Plan follows a fairly standard format and is relatively easy to read, despite its length. The Plan seems to be aiming to move towards greater density of residential use in the core area, and aims to make improvements to Town infrastructure, including streets, parks, sewer services and other community elements. It is well written and clearly sets out a series of policies for the future of the Town.

Of particular note from the CVRD perspective:

- On Page 35, Point 5, it states that “Council recognizes the shortage of light industry within the Town and may consider extending corporate boundaries to include currently zoned industrial lands”. This is probably a reference to the land area at Meade Creek in Electoral Area I, 2 km from the western Town boundary, which is presently zoned as Light Industrial 1. About 10 hectares is zoned as I-1 in this location in Electoral Area I. This proposed Plan policy may also be indirectly referring to the much larger area of Heavy Industrial I-2 zoning that is immediately to the west of the above-mentioned site. These lands are largely undeveloped at the moment (mainly it is a gravel pit area). The total land area zoned as I-2 is about 65 hectares in area. Policy 9.4 indicates that such areas would necessarily be connected to municipal sewer and water services, which would mean a major extension of service lines through part of Area I and the Cowichan Lake First Nations Reserve.

This call for potential annexation is not something that representatives of Electoral Area I support. Any industrial activity that may be occurring there would still potentially offer jobs to Town residents; no municipal services other than fire protection are offered there, and that is on a fee-for-service contract basis. The only reason the Town may wish to consider annexing that area would be to derive tax revenues that would otherwise be directed to the Province and CVRD. No other areas are likely to be subject to this policy since the only industrial land within 3 km of the Town is the site referred to above. For example, the nearest Industrial zoning in Electoral Area F is nearly 10 km from the Town’s boundary.

Section 13.4.2 mentions that there are considerable undeveloped areas inside the Town’s boundary and until these are developed, further boundary extensions will generally not be sought. This may collide with Point 5 on Page 35.

- The “Parks” heading under Section 10.1 indicates that some private lands are designated as parks, which would be unusual, unless the Town has plans to buy them.
- The forestry ranger station is not mentioned in the Parks/Recreation/Institutions section, which may not be intentional.
- It would be worth adding a note to the effect that the CVRD manages the Regional Cowichan Valley Trail within the former CP and CNR railway corridors and recognizing that the CVRD and Town need to coordinate their approach to pathways and trails, to ensure connectivity.
- Section 10.3 – Parks and Recreation Objectives – is well written and contains good objectives.
- Again, Section 10.4.2(iv) could mention that the “linkages to adjacent Electoral Areas” includes the Cowichan Valley Trail.

- In Sections 12.3 and 12.4 there is reference made to the use of greenways as “active transportation routes to reduce greenhouse gases”, which should be clarified as being non-motorized transportation, other than for persons with limited mobility, for example, exempting motorized wheelchairs. Also, under Section 12.4(2), the greenways plan should mention as a key element developing and maintaining the linkage to the Cowichan Valley Trail.
- Section 13.1 on Page 49 indicates that it is important to consider development potential both within and outside of Town boundaries, yet the table on the following page does not really delve into the question of how much development potential may exist outside of the “current” Town boundaries. There is considerable development potential in Electoral Area I (Youbou Lands and Woodland Shores), and the same may soon be true in Electoral Area F (the Mesachie Lake-Honeymoon Bay corridor).
- In a number of the Development Permit Areas, there are “exemptions as may be granted by Council”. This seems to indicate that Council is proposing to grant immunity from the provisions of the development permit areas on an *ad-hoc* basis. Particularly for the technically-based development permit areas, for example, natural hazards mitigation, it would be inadvisable to have Council grant exemption from a development permit area of this type due to the specialized nature of the training necessary needed to inform such a decision. It is also unlikely that such exemption clauses would be *intra vires*, or within the bounds of the law.
- On Page 87 and in other later portions of the Plan, the importance of communication with the CVRD is highlighted. This is a very good idea and is something that we should endeavor ourselves to put into future CVRD plans. We ought to act on such statements as well, with regular meetings between the various officials of the municipalities and CVRD, to discuss matters of mutual concern.
- On the Land Use Map, it was noted that the Highway 18 corridor mainly has residential and some industrial designations to the north of 18. The Area F APC wondered whether the industrial use would be the best use for this gateway into the Town and Lake communities generally, although redesignating it as Commercial would not necessarily be an improvement and could undermine the Town’s aim of enhancing the downtown core.
- Section 14.4 contains Point 7 which refers to a possible second crossing of the Cowichan River. It is worth noting that one side of the River in this area is in Electoral Area F, so this effort to convince senior government to fund a second crossing ought to be a joint Town and CVRD undertaking.

- A final comment from the Area F APC was that there wasn't a clear design theme described for the revitalization of the downtown area, and while it is not the CVRD's role to suggest a specific theme, it would be worthwhile for Council to put its mind to examining whether any particular design theme should be proposed.

Overall the Plan appears to be very well drafted and organized, and aside from the concern about the policy proposing the annexation of part of Electoral Area I, the Plan deserves CVRD support.

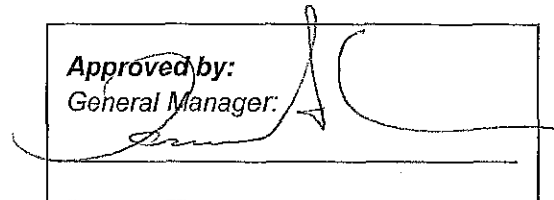
Submitted by,



Mike Tippett, MCIP
Manager
Community and Regional Planning Division

MT/ca

Approved by:
General Manager:





R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 5, 2011

DATE: March 29, 2011 **FILE NO:** Nanaimo Regional District OCP (Area A)

FROM: Mike Tippett, Manager **BYLAW NO:** N/A
Community & Regional Planning

SUBJECT: Nanaimo Regional District draft Official Community Plan for Electoral Area A

Recommendation/Action:

The direction of the Committee is requested.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Nanaimo Regional District has updated their Official Plan for their southernmost electoral area, which is adjacent to North Oyster/Diamond. Although NRD staff indicate that the draft was likely referred to the CVRD some time ago for comment, we have been unable to find a formal referral. Unfortunately, the process is well advanced in this project, to the point where the formal public hearing for the OCP was held on March 28th. Nevertheless, there may be some matters in the draft Plan that are worthy of comment, and these could be provided to NRD staff as well as the Ministry of Community, Sport and Cultural Development. NRD is not among the regional districts who are participating in the Ministerial exemption program.

Brief Review of OCP

Director Marcotte has had an opportunity to review the text and land use map, as well as having attended the hearing. As of the time this report was written, staff has not reviewed the plan, but this will be done before the EASC meeting date of April 5th. The Plan and associated maps may be viewed online at: <http://www.rdn.bc.ca/cms.asp?wpID=2055>

It would be appropriate for the Electoral Area Services Committee to make a resolution concerning this NRD plan at the meeting.

Submitted by,

A handwritten signature in black ink, appearing to read "Mike Tippett", is written over a horizontal line.

Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department

Approved by:
General Manager:

A handwritten signature in black ink is written over a horizontal line within a rectangular box.



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director B. Harrison Area A

Grantee:	Grant Amount \$ <u>300.00</u>
NAME: <u>Shawonigan Cobble Hill Farmers Institute</u>	
ADDRESS: <u>P.O. Box 148</u>	
<u>Cobble Hill Bc</u>	<u>VOR 140</u>
Contact Phone No: <u>George Baird</u>	<u>743-4377</u>
PURPOSE OF GRANT: <u>Assist with advertising the 102nd</u>	
<u>Annual Cobble Hill Fall Fair</u>	
REQUESTED BY:	
	Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0325-111	300.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Sharon Moss

From: Brian and Gerry Harrison [briger@shaw.ca]
Sent: Monday, March 28, 2011 11:19 AM
To: Sharon Moss
Subject: Fwd: Cobble Hill Fall Fair

Sharon,

Please process a \$300 grant from Mill Bay / Malahat for the Cobble Hill Fair.

Brian Harrison

Begin forwarded message:

From: Gerry Giles <ggiles12@shaw.ca>
Date: March 28, 2011 10:30:44 AM PDT
To: Brian Harrison <briger@shaw.ca>, Lori Iannidinardo <lianni@shaw.ca>
Subject: FW: Cobble Hill Fall Fair

Could you please confirm with Sharon your intent to assist with the ad for the fair. Thanks.
Gerry

From: Sharon Moss [mailto:smoss@cvrd.bc.ca]
Sent: March-28-11 10:27 AM
To: Gerry Giles
Subject: RE: Cobble Hill Fall Fair

Great Gerry, we will wait to for the emails from Lori and Brian. I will process your request for \$300, to go to the April 5th meeting.

Thanks,
Sharon

From: Gerry Giles [mailto:ggiles12@shaw.ca]
Sent: Monday, March 28, 2011 9:32 AM
To: Sharon Moss
Subject: RE: Cobble Hill Fall Fair

Hi Sharon,
Both Lori and Brian have also agreed.
Cheers
Gerry

From: Sharon Moss [mailto:smoss@cvrd.bc.ca]
Sent: March-28-11 8:37 AM
To: Gerry Giles
Subject: RE: Cobble Hill Fall Fair

Hi Gerry,

No problem, the grant-in-aid could be going to the April 5th EAS meeting, just not sure of the amount. Did you want us to wait until we hear from Lori and Brian (since Ken is in for \$300) or would you like to specify the amount you would like to grant, not dependant on the others participation? Looks like we have time, back to you.

Sharon

From: Gerry Giles [<mailto:ggiles12@shaw.ca>]
Sent: Sunday, March 27, 2011 9:40 PM
To: Sharon Moss
Cc: Ken Cossey; Brian Harrison; Lori Iannidinardo
Subject: Cobble Hill Fall Fair

Hello Sharon,

Could staff please process a grant in aid request from Area 'C' to the Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd Annual Cobble Hill Fall Fair. An ad from the South Cowichan directors is to be placed on the back page of the Fall Fair Exhibition Catalogue and the Fall Fair Guide.

Cheque is payable to the

Shawnigan Cobble Hill Farmers Institute
P. O. Box 148
Cobble Hill, B. C.
V0R 1L0

Attention: George Baird

The phone number for George Baird is 250-743-4377

Thank you

Gerry

COWICHAN VALLEY REGIONAL DISTRICT

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

C2

Submitted by Director BRIAN HARRISON Area A (Mill Bay / Malahat)

MAR 25 2011

Grantee:	Grant Amount \$ <u>1500.00</u>
NAME: <u>FRANCES KELSEY SECONDARY</u>	
ADDRESS: <u>P.O. BOX 279</u>	
<u>Mill Bay, B.C. V0R 2P0</u>	
<u>ATTENTION NARMA WHEELER</u>	
Contact Phone No:	<u>743-6916 ext. 230</u>
PURPOSE OF GRANT: <u>FINANCIAL ASSISTANCE - 3 (500.00)</u>	
<u>FOR POST SECONDARY ED. INCLUDING TRADES</u>	
REQUESTED BY:	<u>B. Harrison</u> Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0103 -111	1500.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL ✓

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

Grantee:

Grant Amount \$ 300.00

NAME: Shawnigan Cobble Hill Farmers Institute

ADDRESS: P.O. Box 148

Cobble Hill BC V0R1L0

Contact Phone No: George Baird 743-4377

PURPOSE OF GRANT: assist with advertising the 102nd
Annual Cobble Hill Fall Fair

REQUESTED BY: _____

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0325 -113</u>	<u>300.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Sharon Moss

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Sunday, March 27, 2011 9:40 PM
To: Sharon Moss
Cc: Ken Cossey; Brian Harrison; Lori Iannidinardo
Subject: Cobble Hill Fall Fair

Hello Sharon,

Could staff please process a grant in aid request from Area 'C' to the Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd Annual Cobble Hill Fall Fair. An ad from the South Cowichan directors is to be placed on the back page of the Fall Fair Exhibition Catalogue and the Fall Fair Guide.

Cheque is payable to the

Shawnigan Cobble Hill Farmers Institute
P. O. Box 148
Cobble Hill, B. C.
V0R 1L0

Attention: George Baird

The phone number for George Baird is 250-743-4377

Thank you

Gerry

C4



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

Grantee:	Grant Amount \$ <u>500.00</u>
NAME: <u>Cowichan Wooden Boat Society</u>	
ADDRESS: <u>PO Box 22</u>	
<u>Cowichan Bay BC V0R 1N0</u>	
Contact Phone No: <u>Hylton McAllister 250 709-5971</u>	
PURPOSE OF GRANT: <u>Support 3rd Annual Prawn Festival</u>	
REQUESTED BY: _____	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0289-113	500.00	10.0

FOR FINANCE USE ONLY
BUDGET APPROVAL <u>[Signature]</u>
VENDOR NO. _____

Disposition of Cheque:
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Sharon Moss

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Sunday, March 27, 2011 2:40 PM
To: Sharon Moss
Subject: FW: Get ready here it comes The 3rd Annual Spot Prawn Festival

Hi Sharon,
Would this request please be processed for a \$500 grant in aid from Cobble Hill. Thank you.
Gerry

From: Hylton McAlister [mailto:dhmcalister@shaw.ca]
Sent: March-13-11 2:45 PM
To: loren_duncan@telus.net; ggiles12@shaw.ca; kcossey@seaside.net; briger@shaw.ca
Cc: Iannidinardo Lori
Subject: Get ready here it comes The 3rd Annual Spot Prawn Festival

Hi Folks

Sunday, May 15 is the date of the 3rd Annual Spot Prawn Festival in Cowichan Bay.

The 1st festival was GREAT! The 2nd festival was FANTASTIC! The 3rd festival will be EXCEPTIONAL!!

Let me give you a few highlights from 2010 with comparisons for 2011

In 2010, we estimate there were 3,000 attendees and the fishermen sold 2,000 lbs of prawns. The weather was great and merchants in the bay were stunned at the success. It was the Rock Cod's best day of the year and many merchants have confirmed their sales were over the top. The budget was \$5,000 and it was all spent (save \$222.75). Last year we did not ask the merchants for a contribution to the festival. Hours of operation were 11:00 - 4:00 pm. The event was organized by 4 people and the volunteers numbered fewer than 20.

This year we are planning for 4500 people; the hours are 11: 00 - 6:00; the merchants to date have contributed \$2250; the budget is \$16,000; a dozen people are organizing the event and volunteers will number over 50 .

Our objectives:

1. more people
2. stay longer
3. spend more money
4. better mobility; easier parking
5. come back again
6. have a really, really, really good time

New for 2011:

1. Free shuttle service from Bench School to the Village
2. No parking on north (water) side of the road to facilitate safer and easier pedestrian traffic
3. More finger food , more seafood at more locations on the street

4. More music in more locations, buskers, face painting, kids colouring contest, information booths, 20 - 25 craft vendors, popcorn, balloons etc.
5. Feast of Prawns sponsored by the Maritime Centre
6. 24 local school kids to assist in parking, traffic control and other activities
7. Hats and T-shirts with custom-designed logo depicting "THE ORIGINAL SPOT PRAWN FESTIVAL"
8. Scottish pipe band to pipe in the prawns with 6 foot giant prawn leading the parade through the Village
9. Broader reach (Victoria to Nanaimo) and broader advertising depth which includes 10X30 foot billboard on TCH south of town, local paper wrap etc
10. This is the first community event organized by all stakeholder groups in the Bay - specifically, CBIA, Cowichan Wooden Boat Society, Fishermen's Wharf Assoc., Citta Slow and the Village merchants.

Our Vision is that Cowichan Bay and the Cowichan Valley will eventually be recognized as the Epicurean capital of the universe, the Culinary capital of Canada or the Gastronomic capital of Vancouver Island. This festival is a major step in that direction!!!

We have raised \$8250 towards our objective of \$16,000. We would like YOUR support to help us achieve this objective. SPOT PRAWNS ARE A LOCAL AND SUSTAINABLE RESOURCE.

If you could see yourself donating \$400 (X each of 5 areas), \$2,000 would go a long way to helping us put on a first class event. Please remember that this is of benefit to the entire community especially the south end. We would accept individual commitments by responding directly to this email or if you wish to discuss collectively and respond as a group, that would be fine. If you choose the latter approach, I would request Lori to coordinate. **Regardless, we would appreciate your response by March 25th.**

Thanking you in advance

Hylton McAlister
Volunteer Event Coordinator



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director L. Iannidinardo Area D

Grantee:	Grant Amount \$ <u>300.00</u>
NAME: <u>Shawnigan Cobble Hill Farmers Institute</u>	
ADDRESS: <u>PO. Box 148</u>	
<u>Cobble Hill BC V0R1L0</u>	
Contact Phone No: <u>George Baird</u>	<u>743-4377</u>
PURPOSE OF GRANT: <u>Assist with advertising the 102nd</u>	
<u>Annual Cobble Hill Fall Fair</u>	
REQUESTED BY: _____	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0325-114	300.00	10.0

FOR FINANCE USE ONLY
BUDGET APPROVAL _____
VENDOR NO. _____

Disposition of Cheque:
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Sharon Moss

From: lori iannidinardo [lianni@shaw.ca]
Sent: Monday, March 28, 2011 2:57 PM
To: Sharon Moss
Cc: 'Gerry Giles'
Subject: FW: Cobble Hill Fall Fair

Hi Sharon,
Please include Area D in this Grant-in-aid for \$300.00. Lori

-----Original Message-----

From: Gerry Giles [mailto:ggiles12@shaw.ca]
Sent: Monday, March 28, 2011 10:31 AM
To: Brian Harrison; Lori Iannidinardo
Subject: FW: Cobble Hill Fall Fair

Could you please confirm with Sharon your intent to assist with the ad for the fair. Thanks.
Gerry

From: Sharon Moss [mailto:smoss@cprd.bc.ca]
Sent: March-28-11 10:27 AM
To: Gerry Giles
Subject: RE: Cobble Hill Fall Fair

Great Gerry, we will wait to for the emails from Lori and Brian. I will process your request for \$300, to go to the April 5th meeting.
Thanks,
Sharon

From: Gerry Giles [mailto:ggiles12@shaw.ca]
Sent: Monday, March 28, 2011 9:32 AM
To: Sharon Moss
Subject: RE: Cobble Hill Fall Fair

Hi Sharon,
Both Lori and Brian have also agreed.
Cheers
Gerry

From: Sharon Moss [mailto:smoss@cprd.bc.ca]
Sent: March-28-11 8:37 AM
To: Gerry Giles
Subject: RE: Cobble Hill Fall Fair

Hi Gerry,

No problem, the grant-in-aid could be going to the April 5th EAS meeting, just not sure of the amount. Did you want us to wait until we hear from Lori and Brian (since Ken is in for \$300) or would you like to specify the amount you would like to grant, not dependant on the others participation? Looks like we have time, back to you.

Sharon

From: Gerry Giles [<mailto:ggiles12@shaw.ca>]
Sent: Sunday, March 27, 2011 9:40 PM
To: Sharon Moss
Cc: Ken Cossey; Brian Harrison; Lori Iannidinardo
Subject: Cobble Hill Fall Fair

Hello Sharon,

Could staff please process a grant in aid request from Area 'C' to the Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd Annual Cobble Hill Fall Fair. An ad from the South Cowichan directors is to be placed on the back page of the Fall Fair Exhibition Catalogue and the Fall Fair Guide.

Cheque is payable to the

Shawnigan Cobble Hill Farmers Institute
P. O. Box 148
Cobble Hill, B. C.
V0R 1L0

Attention: George Baird

The phone number for George Baird is 250-743-4377

Thank you

Gerry

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1204 / Virus Database: 1498/3535 - Release Date: 03/28/11



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director K. Cossey Area B

Grantee:	Grant Amount \$ <u>300.00</u>
NAME: <u>Shawnigan Cobble Hill Farmers Institute</u>	
ADDRESS: <u>P.O. Box 148</u>	
<u>Cobble Hill Bc VOR 140</u>	
Contact Phone No: <u>George Baird 743-4371</u>	
PURPOSE OF GRANT: <u>assist with advertising the 102nd Annual Cobble Hill Fall Fair</u>	
REQUESTED BY: _____	Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0325-112	300.00	10.0

FOR FINANCE USE ONLY
BUDGET APPROVAL: <u>[Signature]</u>
VENDOR NO. _____

Disposition of Cheque:
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Tammy Knowles

Subject: FW: Cobble Hill Fall Fair

From: Sharon Moss
Sent: Monday, March 28, 2011 8:27 AM
To: Tammy Knowles
Subject: FW: Cobble Hill Fall Fair

Hi Tammy,

Please process Ken Cossey's grant-in-aid request as follows for the Cobble Hill Fair Catalogue, using the same details as Gerry Giles grant.

Thank you,

Sharon

From: Ken Cossey [<mailto:kcossey@seaside.net>]
Sent: Sunday, March 27, 2011 6:15 PM
To: Lori Iannidinardo; Brian Harrison; Gerry Giles
Cc: Sharon Moss
Subject: Re: Cobble Hill Fall Fair

I am in.

Sharon- please set up a grant-in-aid for \$300

Cheers

Ken

Sharon Moss

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Sunday, March 27, 2011 9:40 PM
To: Sharon Moss
Cc: Ken Cossey; Brian Harrison; Lori Iannidinardo
Subject: Cobble Hill Fall Fair

Hello Sharon,

Could staff please process a grant in aid request from Area 'C' to the Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd Annual Cobble Hill Fall Fair. An ad from the South Cowichan directors is to be placed on the back page of the Fall Fair Exhibition Catalogue and the Fall Fair Guide.

Cheque is payable to the

Shawnigan Cobble Hill Farmers Institute
P. O. Box 148
Cobble Hill, B. C.
V0R 1L0

Attention: George Baird

The phone number for George Baird is 250-743-4377

Thank you

Gerry

IN 2

Area A Advisory Planning Commission Minutes

8 March 2011 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, David Gall, Ted Stevens, Margo Johnston, Cliff Braaten, Brian Harrison (Director, Area A), and Rachelle Moreau (CVRD Planner)

Regrets: Dola Boas, Archie Staats, Geoff Johnson, and Roger Burgess (Alternate Director, Area A)

Audience: 1 public representative

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 8 February 2010 meeting be adopted.
MOTION CARRIED

New Business:

Ocean Terrace Development Permit Application No. 6-A-10DP/RAR (Wyatt)

Purpose: To consider the issuance of a development permit that would allow subdivision for 201 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision.

Mark Wyatt, the applicant presented an overview of the development. Presentation started with original plan to explain why the plan has changed.

New plan:

Site:

- Site fixed at 438 residences.
- Has cleared the area for first phase.
- Smart Growth" principles - close proximity to amenities.
- Building scheme for phase 1 – 64 lots. CVRD has a copy.
- Commercial will be 2 stories – low profile. Furthest residence from retail 250m.
- Phase 2 – small lots/multi-family residences – near hwy.
- Commercial tucked away within development, as this is what community wanted.
- Topography changed road layout, which changed development layout.

Roads:

- Old road system will be used for natural trails – needs some upgrading for trails.
- Traffic circle in centre on Butterfield Rd.
- Sidewalks will be provided if approved by MoT
- Roads in place for phase 1 in Nov. – construct homes Dec/Jan.
- Rozen Rd not punched through due to ravine.

Parks:

- Park dedication increased to 28%.
- Expanded central park similar to Huckleberry with tot lot.
- Small tot lot in first phase.
- Phase in parks.

Rachelle Moreau, CVRD Planner, explained the project which was rezoned in 2007.

APC Discussion and Questions to Mark Wyatt or Rachelle Moreau:

1. Why is the school site where it is on the hwy?
 - Smart growth supports location.
 - School Board noncommittal.
 - Commercial not on hwy.
2. Population and parking?
 - 900-1,000 residents.
 - Vehicle parking - single homes - 2 cars, 1.5 multi-family.
 - 8,000-sq. ft. lot size can have a secondary suite – allowed. Approx. 136 secondary suites - - on street parking for secondary suites.
 - Small lots have a separate garage?
 - No, only attached garages.
3. Affordability?
 - Phase 1 - Market driven – \$375,000 range - \$120/sq. ft. includes small lot about 45 ft. x 100-ft. (4,500-sq. ft.). Value of lot approximately \$140,000.
4. Why is the Commercial not until Phase 8?
 - Need people to use facility – 1,000 homes
 - Concept like “Mattick Farm” in Cordova Bay, Victoria.
 - Could start some Commercial with Phase 1.
5. Why is Commercial not near hwy with a buffer?
 - In 2007 public wanted it tucked away.
 - Public feedback based on open houses done by developer.
6. Butterfield intersection developed on both sides of hwy?
 - Only changed on east side of hwy – other side not required to be upgraded until Phase 1 of development on west side of hwy.
 - Will be a left turn lane on east side.
 - Developer needs to fill so grade is no greater than 4%.
7. Secondary access?
 - Who responsible to build Sangster Road?
Various builders, Sentinel Ridge, Baranti, Sangha, and Ocean Terrace – nothing needs to happen until each of the developer phases are near Sangster Road. The portion of Sangster Road for Ocean Terrace doesn't need to be completed until the final phase of development.
 - Rozon Road – steep ravine – needs a bridge – \$2 million + to build

Appears there is no secondary access or collector road until Ocean Terrace build out and maybe later as there are other developers also involved.

There could be 5,400 vehicles daily in and out of Ocean Terrace at Butterfield Road.
8. Will walking / bicycle paths connect this project to other areas of Mill Bay e.g. Mill Bay Centre?
 - No, only paths throughout the Ocean Terrace development.
9. “Smart Growth” incentives? “Smart Growth BC” project is no longer in exists.
 - Heat pumps other developer is looking into geothermal.
 - Can LEED construction standards be applied instead of “Smart Growth” – developer looking at builders who meet this standard.

10. Are sidewalks allowed?
 - CVRD can have sidewalks – Area A will be included in the sidewalk zone – allows sidewalks – bylaws need to be drawn up.
 - Developer plans to do sidewalks assuming approval from MoT.
11. How many tot lots?
 - Two, developer will build one tot lot; the other is a land donation only.
12. Will the building scheme be enforced by the developer? An approving sheriff for enforce?
 - Building scheme will be tight but not too restrictive.
 - Retain form and character of the development.
 - Landscape scheme needs to be controlled by developer.
 - A few selected builders for phase 1 with controls in place.
13. Why strata?
 - 71 units single family strata.
 - To shrink road width to 6-8 metres.
14. Where is well for water supply?
 - By highway located near school site.
15. Who will pay for the Central Park, which is a feature of this community, not all residents of Mill Bay?
 - Paid by the tax payers of Mill Bay not developer.
16. Will there be a road way near by for the Strata – multi-family – last phase residence to get go in and out? Multi-family doubles the residential size and has no road way out except Butterfield Road.
 - Roads controlled by MoT.
17. Why not chip waste instead of curtain burning?
 - Less expensive to burn and allowed in Area A.
18. How will the drainage be managed?
 - Porous ground lets water drain through
19. Where are the wildlife corridors? Mitigation – Page 6 “Retention of significant numbers of trees and area of forest as park will mitigate loss of wildlife by establishing wildlife habitat corridors and protecting sensitive riparian areas.”
 - Only wildlife corridor is an area in the centre of the project – stretching to call this a wildlife area.
 - Most of the trees if similar to phase 1 will be removed by the developer. APC did a walk through the site a few days before the meeting.
 - Area of natural forest to remain on residential lot? Best effort by developer to retain trees – he'll try.
 - No really natural areas left except the riparian area with park land on the outer edges of the development.
 - How much park and how much riparian? – Developer doesn't know.
 - Lots of park with riparian areas - Developer stated he could have cut back on riparian setbacks.
 - There are many unanswered questions around the proposed mitigation plan. Consideration should be given to referring the development permit back to the APC PRC for review.

20. Timing of Development? Page 6 "Development permit may impose conditions for the sequence of timing of development on land described in the permit." Why not consider doing the commercial area sooner as it would lessen the need for traffic within the complex and other nearby developments to drive to Mill Bay Centre for such things as groceries?

- May impose different phasing.

APC Recommendations:

The Area A APC have concerns about the **Ocean Terrace Development Permit Application No. 6-A-10DP/RAR (Wyatt)** in its current form and recommends to the CVRD the following changes be implemented:

1. Multi-family and commercial locations should be switched with adequate buffering and height restriction or sighting from the Hwy.
2. To more aggressively work with MoT to ensure a secondary road location happens sooner than later. Very important for emergency vehicle access.
3. Consider an accessory storage area for residents.
4. Height restriction of 7.5 metres for single family homes. This development is on the east side of Hwy and the restriction exists for other structures within Mill Bay.
5. Recommend sidewalks be encouraged.
6. Recommend adequate parking for secondary suites.
7. Trails in place starting with first phase.

Other:

SCOCP open house events start next week. Information should be on the area signs 9 March 2011.

The dates are as follows:

Tuesday 4 to 7 PM

22 March Shawnigan Lake Community Centre Gym

Thursday 4 to 7 PM

17 March Mill Bay Community League Hall

24 March Mill Bay Community League Hall

31 March Cobble Hill Hall

Saturday 10 to 2 PM

19 March Mill Bay Community League Hall

26 March Mill Bay Community League Hall

2 April Shawnigan Lake Community Centre Gym

Director Update:

- Mill Bay Marina Public Hearing Report and Minutes presented at the CVRD Board Meeting, Wednesday 9 March 2011 p.108-126
<http://www.cvrld.bc.ca/archives/30/Board%20Agenda%20March%209%202011.pdf>
- CVRD recently signed up for the province's "regional district land use bylaw exemption" pilot program. This means the CVRD will no longer need provincial permissions for changes to official community plan bylaws as well as four other types of land use management bylaws.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 9:10 pm.

The next regular meeting will be at 6:30 pm, **12 April 2011** at Mill Bay Fire Hall.

IN 3

MINUTES OF ELECTORAL AREA "G" (SALT AIR/GULF ISLANDS)
PARKS COMMISSION MEETING

DATE: February 14,th 2011

TIME: 7:00 pm

MINUTES of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the Water Board Building, Saltair, BC. Meeting called to order by Chair at 7:05 pm.

PRESENT:

Chairperson: Harry Brunt

Secretary: Jackie Rieck

Members: Tim Godau, Paul Bottomley, Glen Hammond, Kelly Schellenberg.

ABSENT:

Members: Dave Key and Norm Flinton

Director: Mel Dorey

ALSO PRESENT:

Saltair Slo-Pitch Executive Members: Kathy Desaulniers and Allen Willsie

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the Minutes of the Area G Parks Commission Meeting of January 10th, 2011 be accepted.

MOTION CARRIED

APPROVAL OF AGENDA:

Motion to approve Agenda as submitted.

MOTION CARRIED

SALTAIR SLO-PITCH:

Reviewed and discussed “Saltair Centennial Park Ball Field” E-Mail Memo from Ryan Dias (CVRD) dated February 04, 2011 with Saltair Slo-Pitch Executive Members Kathy Desaulniers and Allen Willsie.

It was determined that:

- Ball League will perform their regular pre-season clean-up with a Work Party scheduled for Sunday, April 10th, 2011 at 10:00 am. Paul Bottomley mentioned a problem of numerous cigarette butts scattered throughout fields and dug-outs and it was suggested by the Ball League that Parks provide buckets of sand and appropriate signage regarding the use of the buckets for the disposal of cigarette butts. Harry Brunt to follow up.
- Ball League requested Parks arrange a Sod Cutter for infield edging, spiking of the fields and that field No. 1 required complete loosening of infield soil and a top coat of fresh gravel.
- Field No. 2 needs foul poles.
- Ball League also requested soap dispensers be installed in all bathrooms and to repair door locks of the stalls in the Ladies Washrooms. They also requested a Port-o-Pottie be moved to Field No. 1 and “waste” be removed once a week.
- A suggestion was made for Parks to provide recycling bins for soda cans at each field.
- Harry Brunt is to follow-up on the above requests.
- Concession stand will be used again this year. Last season's damage deposit was not returned and will be carried over to season 2011.
- Park Members reminded League to provide adult supervision for children playing at the Centennial Park Playground.
- Ball League provided info of Executive Contact Person to be: Kathy Desaulniers (RCMP Cruisers Team) Phone: 250-729-5616 or 250-245-5649 and to view League Schedules at “Saltair Slo-Pitch League” on Facebook.

Members thanked Ball League for attending our meeting and for their valuable input.

STANDING REPORTS:

CVRD UPDATE:

Total cost for Centennial Park Beautification Project was \$15,353.00. It was noted from Minutes of Parks Commission Meeting dated September 3rd, 2010 that reported cost of project would amount to approximately \$10,000 to \$12,000 dollars! In the future, members would like to first be consulted if a project is going to run over budget.

CENTENNIAL PARK:

It was noted that "Doggie Waste Bags are being used. Garbage can from the South Parking Lot is to be removed.

PRINCESS DIANA PARK:

No report.

STOCKING CREEK PARK:

Closed Session.

BEACH ACCESS:

No report.

LADYSMITH PARKS & REC:

Glen Hammond attended meeting in place of Norm Flinton. Geocaching event "Trash In and Out" will take place March 12th 9:30am at the Royal Legion in Ladysmith.

DIRECTOR'S REPORT:

Mel Dorey absent

SPECIAL EVENTS:

Easter Egg Hunt April 24th 2011

TREE PLANTING:

Update: Kelly Schellenberg proposed that we choose planting sites prior to obtaining seedlings so she can determine the amount of trees required ahead of time.

NEXT MEETING:

Next meeting is scheduled for Monday, March 7th, 2011 at 7:00 pm Water Board Building Chemainus Rd.

ADJOURNMENT:

Meeting was adjourned at 8:40 pm.

IN 4

Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7 p.m. on Wednesday, March 16th 2011 in the Arbutus Ridge Golf & Country Club boardroom.

Those present: John Krug – Chair; Alan Seal – Vice Chair, Gord Dickenson, Ruth Koehn, Dennis Cage, Ian Sparshu, Bill Turner and Area 'C' Director Gerry Giles.

Apologies: Lynn Wilson

The meeting was called to order at 7:00 p.m. with adoption of the agenda as amended to include washroom at Quarry Nature Park under Business Arising.

Moved/seconded

that the Minutes of February 2, 2011 be adopted as circulated. MOTION CARRIED

Business Arising from the Minutes:

1. An update on the dog park and the program and activities planned was outlined. Ian Sparshu will also place this item on the South Cowichan Parks agenda with an emphasis on the educational component of the program. A Dog Park work party has been scheduled for 10:00 a.m. on Saturday, April 2nd 2011.
2. The beach access on Whitecap and Satellite Park Roads was discussed and the commission was asked whether it wanted to approve expenditures to upgrade this beach access.

Moved/seconded

that the Whitecap Road beach access be decommissioned by the summer students and that better signage be installed on Whitecap and Satellite Park Drive directing people to the connection between Whitecap and Satellite Park Drive. MOTION CARRIED

Note: Ruth and John to explore the access route along the beach between Satellite Park Drive and Manley Creek Park with a report back on their findings.

3. The Evergreen Sport Court project was reviewed. Ruth indicated that there may be a possibility of utilizing the Timber Framers Guild on this project and that if so the community would also be invited to participate in a number of ways. She briefly described what this project might look like and distributed the drawings of the timber structure that would support the roof. She indicated there would be about 6 timber trusses to span the 80' structure and that an engineer was examining the design now. Four or five instructors from the Timber Framers Guild would be utilized on the project and the build would provide an educational opportunity for those learning the trade. Further details to follow.
4. An update on the Cobble Hill Common work was provided by Dennis and Ruth. Heritage Ridge and Island Irrigation have removed the asphalt and GT has hauled this material away. GT will shape and grade the surface once the weather clears a bit. The concept drawings will be ready for the Parks AGM scheduled for March 24, 2011 at the Cobble Hill Hall. Ruth explained the concept drawing and indicated the un-built Fairfield Road connection should be utilized as a lane only with no thru traffic.

5. The washroom project at Quarry Nature Park was discussed at length after which it was

Moved/Second

that the Cobble Hill Parks Commission approve proceeding with the construction of a full service washroom at Quarry Nature Park in the location described and as per the drawing presented in the plan provided by Ryan Dias of the CVRD Parks Department with the washroom designed at an appropriate size to fill the needs of park patrons.

MOTION CARRIED

New Business:

1. The request from Bench School PAC for financial support for their new playground equipment was discussed.

Moved/Second

that the Cobble Hill Parks & Recreation Commission approve in principle providing a grant in the amount of \$6,000 from the 2011 budget to assist the Bench School PAC in building a new playground at Bench; and further, that all funding required for the project be secured prior to disbursement of these funds; and finally, that should the school be closed/sold within 5 years that this amount be repaid to the Cobble Hill Parks Commission.

MOTION CARRIED

2. City of Duncan smoking bylaw sparked a heated debate which generated considerable smoke amongst the commission members. However, after due consideration of the proposed bylaw and in view of the fact that this bylaw is intended to reduce the potential harm of second-hand smoke and not to aggravate people, it was

Moved/second

that the Cobble Hill Parks and Recreation Commission endorse the proposed Public Health Smoking Protection Bylaw.

MOTION CARRIED

Director's Report:

Director Giles reported the Capital Works Program as established by the Commission had been accepted. She indicated she would send out this list at the end of the meeting.

The Power Point presentation for the Parks AGM was reviewed and several suggestions made, which will be incorporation.

Meeting Adjourned at 9:00 p.m.

John Krug, Chair

IN 5

MINUTES OF ELECTORAL AREA "G" (SALTAIR/GULF ISLANDS)
PARKS COMMISSION MEETING

DATE: March 8, 2011

TIME: 7:00 PM

MINUTES of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the Water Board Building, Saltair, BC.

PRESENT:

Chairperson: Harry Brunt

Secretary: Glen Hammond (filling in for Jackie Rieck)

Members: Tim Godau, Paul Bottomley, Kelly Schellenberg

ABSENT:

Members: Dave Key, Jackie Rieck and Norm Flinton

ALSO PRESENT:

Director: Mel Dorey

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the Minutes of the Area G Parks Commission Meeting of February 14th, 2011 be accepted.

MOTION CARRIED

APPROVAL OF AGENDA:

Approved as submitted with addition re: Trans Canada Trail Update

MOTION CARRIED

STANDING REPORTS:

CVRD UPDATE:

Brief update regarding Ruxton Island for info only.

CENTENNIAL PARK:

Need identified for more trees to be planted. Suggested that Kelly be requested to provide input regarding varieties of native trees and or others that should be planted. Need to organize a committee for the planting of the trees, it's timing and locations. Suggestion that some consideration be given to also plant some suitable fruit trees in support of the "Food Security" issues.

PRINCESS DIANA PARK:

Reported that people continue to walk over the logs placed to close off the section of old trail that is on private property, rather than taking the new trail section. Suggested that more trees be planted in the closed area or resort to planting blackberries as a deterrent to continued traffic.

STOCKING CREEK:

Mel advised that Ron Maddin would like to plant some rhodos and cherry trees at the entrance to the Trans Canada Trail near the location of the proposed water fountain at Finch Place. He is also willing to do the watering and maintenance of the plants. It was mentioned that approval is still needed from the Island Corridor Rail for the overall project.

BEACH ACCESS:

Need for improved access at the Lagoon Bridge location of the Stocking Creek due to car traffic. Mel advised that Ryan Dias needs to contact DFO for permission of location proposed access improvement. Discussion of the issues of need to clear willows that have fallen onto the beach at bottom Bezan Rd Access and of the recently built retaining walls.

LADYSMITH PARKS & REC:

No new report. Not sure whether Norm Flinton was contacted regarding their March meeting. Brief discussion of Geo Caching and the events planned for April regarding cleanup of garbage at end of Davis Rd and in September for Transfer Beach.

BASEBALL:

Work Party scheduled for April 10th, 2011 at 10:00 am.

DIRECTOR'S REPORT:

An over view of the Hal Laird rezoning property was provided by Mel Dorey, and the request to increase density (R-3 to R-2) on that part of the property that is not zoned commercial. This will allow for 7 building lots. Approximately 55% of the total property will be donated to the CVRD for addition to the Stocking Creek Park.

MOTION:

It was proposed by Tim Godau and seconded by Paul Bottomley to accept the rezoning proposal on the Laird property with 55 % of total property be deemed "parkland" be donated to the CVRD.

MOTION CARRIED

NEXT MEETING:

Next meeting is scheduled for April 4th, 2011 at 7:00 pm Water Board Building Chemainus Rd.

ADJOURNMENT:

Meeting was adjourned at 8:20 pm.