



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
May 31 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

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R10 Ryan Dias, Parks Operations Superintendent, regarding Reserve Fund Bylaw for Electoral Area C Community Park Project	151

- R11** Catherine Tompkins, Senior Planner, regarding Proposed South Cowichan Official Community Plan (please bring attached South Cowichan Official Community Plan to meeting) 152-173

6. INFORMATION

- IN1** Email from Director Ian Morrison regarding Resignation of Carolyn LeBlanc from Area F Parks Commission and Resignation of David Lowther from Area F APC 174
- IN2** Minutes of Area A APC meeting of May 10, 2011 175-180
- IN3** Minutes of Area I APC meeting of May 3, 2011 181-182
- IN4** Minutes of Area F Parks meeting of May 12, 2011 183

7. NEW BUSINESS

8. QUESTION PERIOD

9. CLOSED SESSION

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

- CSM1** Minutes of Closed Session EASC meeting of May 17, 2011 184-185
- CSR1** Potential Litigation [Section 90(1)(g)] 186-195
- CSR2** Law Enforcement [(Section 90(1)(f)] VERBAL UPDATE

10. ADJOURNMENT

NOTE: A copy of the full agenda package and South Cowichan Official Community Plan are 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 Thursday, February 24, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom R. Anderson, General Manager
 Brian Farquhar, Parks and Trails Manager
 Rob Conway, Manager
 Sybille Sanderson, Acting General Manager
 Warren Jones, Administrator
 Mark Kueber, General Manager
 Jacob Ellis, Manager
 Brian Duncan, Chief Building Inspector
 Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding one item of new business.

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

MOTION CARRIED

STAFF REPORTS

R1 - Parks Budgets

231

It was Moved and Seconded
 That the 2011 Area A Community Parks Budget 231 be amended to increase the requisition by \$9,600.

MOTION CARRIED

232

It was Moved and Seconded
 That the 2011 Area B Community Parks Budget 232 be amended to reduce the short term debt by \$20,000 and increase the capital by \$20,000.

MOTION CARRIED

- 233** It was Moved and Seconded
That the 2011 Area C Community Parks Budget 233 be amended to increase the requisition by \$20,000 and transfer from reserve by \$150,000; and include \$150,000 in short term borrowing.

MOTION CARRIED

- 236** It was Moved and Seconded
That the 2011 Area F Community Parks Budget 236 be amended to decrease the requisition by \$7,958.

MOTION CARRIED

- 239** It was Moved and Seconded
That the 2011 Area I Community Parks Budget 239 be amended to increase minor capital by \$14,505 and decrease grass maintenance by \$14,505.

MOTION CARRIED

- 456** It was Moved and Seconded
That the 2011 Saltair Recreation Budget 456 be amended to decrease the requisition by \$15,148.

MOTION CARRIED

It was Moved and Seconded
That the 2011 Community Parks and Trails Budget Nos. 231, 232, 233, 234, 235, 236, 237, 238, 239, 281, 282, 456 and 279, as amended, be recommended for approval.

MOTION CARRIED

- R2 – P&D Budgets** It was Moved and Seconded
That the 2011 Planning and Development Department Budget Nos. 310, 320, 325, 328, 490 and 491, be recommended for approval.

MOTION CARRIED

NB1 – Misc. Budgets

- 102** It was Moved and Seconded
That the 2011 Vancouver Island Regional Library Budget No. 102 be recommended for approval.

MOTION CARRIED

- 111 - 118** It was Moved and Seconded
That the 2011 Grant in Aid Budget Nos. 111 to 118 be recommended for approval.

MOTION CARRIED

130

It was Moved and Seconded

That 2011 Electoral Feasibility Study Budget 130 be amended to increase the requisition by \$10,000 and that it be recommended for approval as amended.

MOTION CARRIED

250

It was Moved and Seconded

That the 2011 Electoral Area Services Budget 250 be amended by adding \$7,000 to provide Blackberries for electoral area directors, and that it be recommended for approval as amended.

MOTION CARRIED

350-358

It was Moved and Seconded

That the 2011 Fire Protection Budgets 350, 351, 352, 353, 354, 355, 356, 357 and 358 be recommended for approval.

MOTION CARRIED

450-492

It was Moved and Seconded

That the 2011 Budget 450 (Mill Bay Recreation), 451 (Glenora Recreation), 460 (North Oyster Recreation), 463 (Cowichan Wooden Boat Society), 465 (Cobble Hill Historical Society), 466 (Cobble Hill Community Hall), 467 (Shawnigan Historical Society), 469 (Cowichan Station Association), 470 (Frank Jameson Community Hall), 489 (Nature and Habitat, Area I), and 492 (Cowichan Lake Water Protection) be recommended for approval.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:55 pm.

Chair

Secretary

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, May 17, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom R. Anderson, General Manager
 Brian Farquhar, Manager
 Mike Tippet, Manager
 Rob Conway, Manager
 Brian Duncan, Manager
 Nino Morano, Bylaw Enforcement Officer
 Rachelle Moreau, Planner I
 Warren Jones, Administrator
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding six items of listed new business, and one additional item of New Business, cancel agenda item R3, move agenda item NB3 to R3, and add one listed new closed session business item.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the minutes of the May 3, 2011 EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

STAFF REPORTS

R1 - Robson

Rachelle Moreau, Planner I, presented staff report dated May 11, 2011, regarding Application No. 3-E-11DP (Greg Robson) to construct a new building to service recreational vehicles for Greg's RV business located at 5285 Polkey Road.

Will Noble was present on behalf of the applicants and provided further information to the application.

The Committee directed questions to the applicant.

It was Moved and Seconded

That application No. 3-E-11DP submitted by Greg Robson on behalf of 553227 BC Ltd. (Greg's RV) for construction of a new building on Lot A, Section 13, Range 7, Quamichan District, Plan VIP59929 Except That Part in Plan VIP87500 (PID: 018-970-095) be approved, subject to :

- a) Building constructed in accordance with the plans dated May 5, 2011 including installation of the lattice screens on the south side of the building;
- b) Installation of underground wiring;
- c) Oil/water separator be installed in the parking area;
- d) Fencing along the south property boundary will be black or green;
- e) Landscaping is installed in accordance with the plans dated May 5, 2011 to BCSLA standards, including an underground irrigation system; and
- f) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the May 5, 2011 landscape plan.

MOTION CARRIED

R2 - Thorne

Rachelle Moreau, Planner I, presented staff report dated May 11, 2011, regarding Application No. 3-B-10DVP (Mary Jane Thorne) to extend the existing deck at 2676 Decca Road.

Mary Jane Thorne, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 3-B-10DVP submitted by Mary Jane Thorne for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 1.1 metres on Lot 10, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 22349 (PID: 003-302-580) be approved, subject to receipt of a post construction survey confirming compliance with the approved variance.

MOTION CARRIED

NB3 – Rock of the Woods

Nino Morano, Bylaw Enforcement Officer, presented staff report dated May 17, 2011, regarding Rock of the Woods music event at Bamberton.

David Bain and Neil Cook were present regarding request to hold a music festival event at 1451 Trowsse Road (Bamberton) August 26 and 27.

The Committee directed questions to the applicant.

It was Moved and Seconded

That the request by David Bain to hold a music festival event (Rock of the Woods) August 27-28, 2011, at 1451 Trowsse Road (Bamberton), be approved.

MOTION CARRIED

**R4 – Mail Ballot
Bylaw**

Joe Barry, Corporate Secretary, presented staff report dated May 10, 2011, regarding CVRD Bylaw No. 3496, Mail Ballot Authorization and Procedure Amendment Bylaw.

The committee directed questions to staff.

It was Moved and Seconded

That CVRD Bylaw No. 3496 – Mail Ballot Authorization and Procedure Amendment Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.

MOTION CARRIED

**R5 – Ticketing
Amendments**

Nino Morano, Bylaw Enforcement Officer, presented staff report dated May 11, 2011, regarding MTI ticketing amendments.

Committee members directed questions to staff.

It was Moved and Seconded

That CVRD Bylaw No. 3209 – Ticketing Information Authorization Bylaw, 2008, be amended as per staff report dated May 11, 2011, from Nino Morano, Bylaw Enforcement Officer, and that the appropriate amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**R6 – Thetis Island
Wharf Bylaw**

Tom Anderson, General Manager, presented staff report dated May 10, 2011, regarding a bylaw to regulate wharf services on Thetis Island.

It was Moved and Seconded

That the CVRD proceed with establishing a bylaw to regulate wharf services on Thetis Island.

MOTION NOT PROCEEDED WITH

It was Moved and Seconded

That staff report dated May 10, 2011, from Tom R. Anderson, General Manager, regarding a Bylaw to Regulate Wharf Services on Thetis Island, be referred back to staff for clarification on financing, and that the matter be brought back to the next EASC.

MOTION CARRIED

INFORMATION

IN1 – Building Report Brian Duncan, Manager, presented verbal update on the April 2011 building report.

It was Moved and Seconded
That the April 2011 building report be received and filed.

MOTION CARRIED

IN2 – Rural BC Project It was Moved and Seconded
That the Rural BC Project Background Paper be received for information.

MOTION CARRIED

IN3 – Cycle Cowichan It was Moved and Seconded
That a letter be sent to Cycle Cowichan in response to their letter dated May 5, 2011, advising that the CVRD does not have the capacity to undertake a bicycle network plan at this time, and indicate that the Regional District will attempt to undertake the transportation component when they do their Sustainability Plan.

MOTION CARRIED

IN4 – APC resignation It was Moved and Seconded
That the resignation of Colleen MacGregor from the Area E Advisory Planning Commission be accepted and that a letter of appreciation be forwarded to Ms. MacGregor.

MOTION CARRIED

IN5 to IN13 It was Moved and Seconded
That the following minutes be received and filed:

- Minutes of Area D APC meeting of April 20, 2011
- Minutes of Area E APC meeting of May 5, 2011
- Minutes of Area I Parks meeting of April 12, 2011
- Minutes of Area B Parks AGM of April 28, 2011
- Minutes of Area C Parks meeting of April 28, 2011
- Minutes of Area D Parks meeting of April 18, 2011
- Minutes of Area D Parks meeting of March 21, 2011
- Minutes of Area A Parks meeting of March 17, 2011
- Minutes of Area G parks meeting of March 8, 2011

MOTION CARRIED

NEW BUSINESS

NB1 – Legacy Grant

Brian Farquhar, Manager, presented staff report dated May 17, 2011, from Tanya Saroka, Parks and Trails Planner, regarding Community Legacy Program Grant Funding.

It was Moved and Seconded

That the CVRD submit a \$20,000 grant application to BC Parks for Community Legacy Program funding for a new playground at Bright Angel Park with matching funds provided from the 2011 Bright Angel Park Capital Budget.

MOTION CARRIED

NB2 – R/W Inwood Creek

Brian Farquhar, Manager, presented staff report dated May 17, 2011, from Tanya Soroka, Parks and Trails Planner, regarding Easement for BC Hydro services through proposed parkland (3L Developments, Inwood Creek).

It was Moved and Seconded

That a statutory right of way be granted in favour of BC Hydro on the existing fire access road on lands to be dedicated to the Regional District as Fee Simple Parkland as part of the 3L Developments in Inwood Creek.

MOTION CARRIED

NB4 - NB7 – Grants in Aid

It was Moved and Seconded

That a grant in aid, Area D – Cowichan Bay, be given to Koksilah School Historical Society, in the amount of \$1,500 to assist with completing the fence around the school yard.

That a grant in aid, Area F – Cowichan Lake South/Skutz Falls, be given to Honeymoon Bay Volunteer Firefighter's Association, in the amount of \$2,500 to assist with costs for the Honeymoon Bay Days fireworks display.

That a grant in aid, Area F – Cowichan lake South/Skutz Falls, be given to Cowichan Lake and District Chamber of Commerce, in the amount of \$6,000 to assist with 2011 Info-Centre initiatives.

That a grant in aid, Area A – Mill Bay/Malahat, be given to Ecole Mill Bay PAC in the amount of \$500 to assist with their Ecostravaganza event on June 4, 2011.

MOTION CARRIED

RECESS

The Committee adjourned for a five minutes recess.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 4:30 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:50 pm.

Chair

Recording Secretary



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011

FILE NO:

FROM: Nino Morano, Bylaw Enforcement Officer

BYLAW NO:

SUBJECT: 5963 Heger Crescent – Notice Against Land Title

Recommendation/Action:

On recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Carla Boe located at 5963 Heger Crescent legally described as: PID 000-148-652, Lot 7, Plan 32436, Block 675, Cowichan Lake Land District.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Purpose:

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

Note against land title that building regulations contravened

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

- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.

Interdepartmental/Agency Implications:

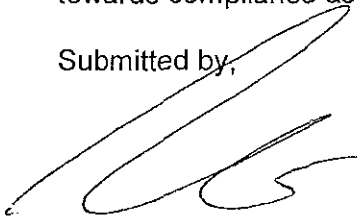
Corporate Officer

Background:

On March 30, 2010 a complaint was forwarded to this office regarding non-permitted development on 5963 Heger Crescent. Upon inspection it was discovered that an approximately 720 square foot two storey permitted accessory building was converted without permit to a secondary dwelling unit with a renter living in it as well as a newly constructed residential accessory building/shop built without permit. The land owner, Carla Boe, who purchased the property in 2008, alleges that the secondary suite existed at the time of purchase and assumed it was legal on her five (5) acre parcel.

This property is located within the R-2 Suburban Residential Zone in Area "F" and as such a secondary dwelling unit is permitted. There appears to be potential to legalize the converted structure as a secondary dwelling unit although due to health and financial reasons Mrs. Boe cannot comply within a reasonable timeframe. Mrs. Boe has hired a private contractor to work towards compliance as finances allow.

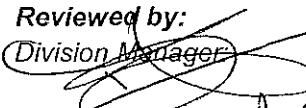
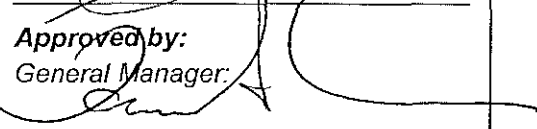
Submitted by,



Nino Morano,
Bylaw Enforcement Officer
Inspections and Enforcement Division
Planning and Development Department

NM/jah

Attachments

Reviewed by:  Division Manager
Approved by:  General Manager



NOTICE ON TITLE RECOMMENDATION

Section 57 Community Charter

DATE: April 14, 2011

BUILDING INSPECTOR: Ian MacDonald

SUBJECT PROPERTY: 5963 Heger Crescent

LAND OWNER: Carla Louise Boe

LOCATION AND DIMENSIONS OF OFFENDING STRUCTURE: approx. 24' x 30'

PERMITTED USE: Accessory Building

CURRENT/INTENDED USE: Secondary Dwelling Unit

BACKGROUND (timeline of events, attempts at compliance, stop work order, safety concerns, etc):
Accessory building was converted to a Secondary dwelling without any permits or inspections and is being used as a rental cottage. I contacted the owner and talked about the process to legalize the structure as a dwelling. The owner claimed she would comply but doesn't have the funds to complete the process in a timely manner.

RECOMMENDATION: Although the owner claims she will comply, I do not believe that it will happen in the near (or possibly distant) future therefore I recommend placing a notice on title.

Submitted by,

Ian MacDonald
Building Inspector

Planning and Development Department
Building Inspection Division



Cowichan
Valley
Regional
District

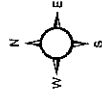
This map is compiled from various
sources for internal use and is
designed for reference purposes only.

The Regional District does not
warrant its accuracy.

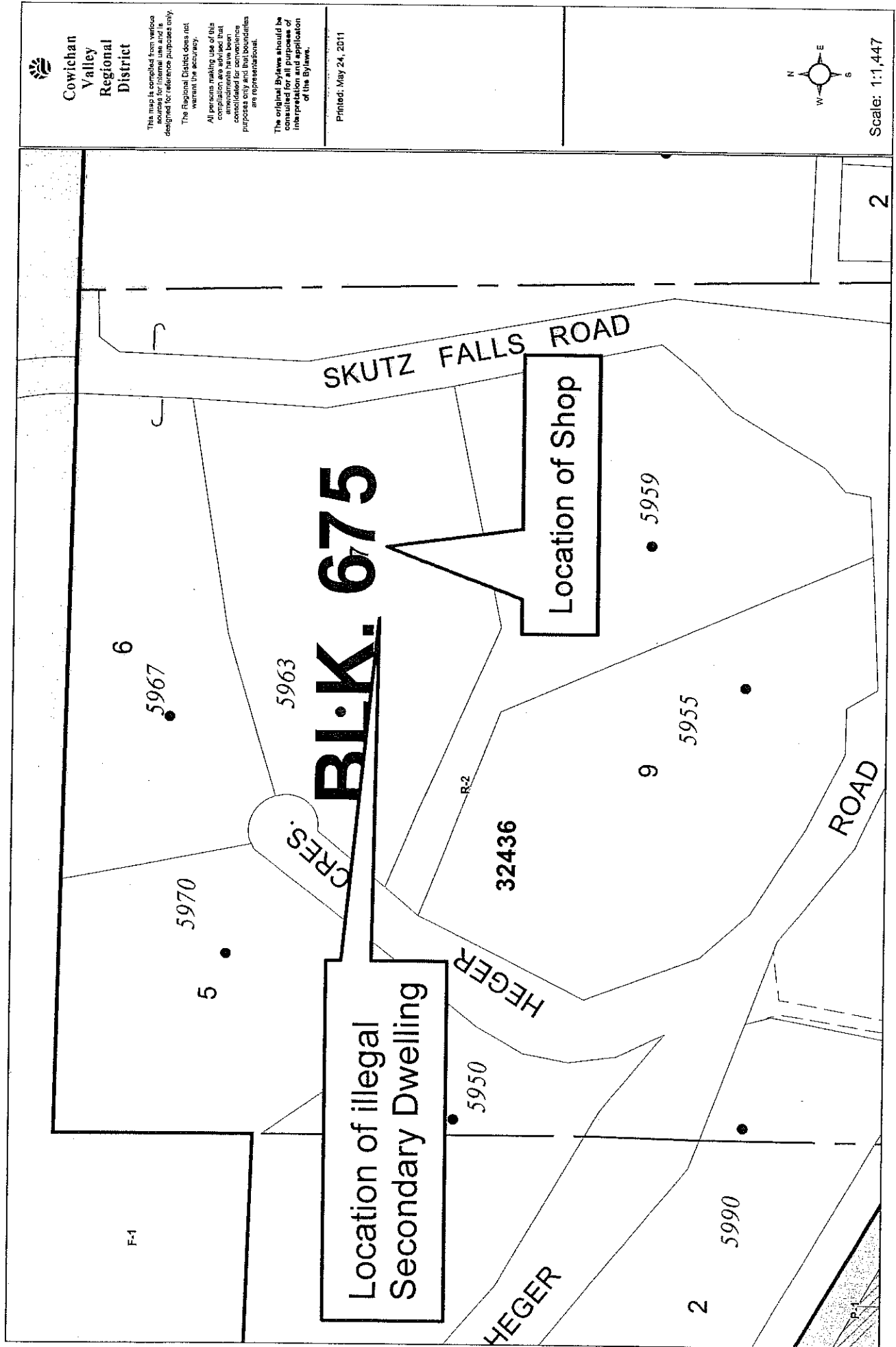
All persons making use of this
compilation are advised that
the Regional District is not
consolidated for convenience
purposes only and that boundaries
are representational.

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

Printed: May 24, 2011



Scale: 1:1,447







R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011 FILE NO: 2-I-11 DVP
FROM: Rachelle Moreau, Planner I BYLAW NO: 2465
SUBJECT: Application No. 2-I-11DVP
(Dardengo)

Recommendation/Action:

That Application No. 2-I-11 DVP by Roger Dardengo on behalf of Arturo and Maria Dardengo for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required side setback from 3.0 metres down to 1.8 metres on Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511) **be approved.**

Relation to the Corporate Strategic Plan: N/A

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

Background:

To consider an application to reduce the minimum interior side yard setback from 3.0 metres (9.8 ft) down to 1.8 metres (5.6 ft).

Location of Subject Property: 11608 Cowan Road

Legal Description: Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511)

Date Application and Complete Documentation Received: March 18, 2011

Owner: Arturo and Maria Dardengo

Applicant: Roger Dardengo

Size of Parcel: \pm 0.2 ha (\pm 0.5 acres)

Zoning: F-1 (Forest Resource 1)

Existing Plan Designation: Forestry

Existing Use of Property: Seasonal cabin

Existing Use of Surrounding Properties:

North: Seasonal cabin

South: Cowichan Lake

East: Seasonal cabin

West: Seasonal cabin

Services:

<u>Road Access:</u>	Cowan Road
<u>Water:</u>	Domestic water license from stream serves subdivision
<u>Sewage Disposal:</u>	On-site septic System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The property borders Cowichan Lake. However, no new development is proposed within the 30 metre Riparian Areas Regulation assessment area.

Archaeological Site: None Identified

Proposal

The subject property is located at 11608 Cowan Road on Cowichan Lake. Currently, on the property is a small summer cabin.

The applicant is proposing to build a second-storey addition on this cabin, which is located 1.8 metres (6 ft) from the western parcel boundary. A variance to the setback was originally granted in 1989 to permit construction of a main floor addition, and now the applicant would like to construct a second storey above. There will be no change to the footprint of the existing cabin in this location, 1.8 metres (6 feet) from the property line.

A Development Variance Permit is required, as Zoning Bylaw No. 2465 specifies a minimum setback of 3.0 metres (9.8 ft.) from the interior side parcel line to a dwelling.

Surrounding Property Owner Notification and Response:

A total of 19 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

Planning Division Comments:

The existing cabin is located 27.6 metres from the 164 metre high water mark established for Cowichan Lake. As noted above, the footprint of the building will not change, and no land alteration will occur within the 30 metre riparian assessment area.

There is an existing hedge of trees along the western property line where the variance is proposed. Based on a site visit, the addition of a second storey does not appear to negatively affect neighbouring views or present any other negative impact.

Typically when a variance request is approved, a post construction survey is required to ensure compliance with the approved variance. However, in this instance a survey has already been supplied indicating the building is 1.8 metres from the west parcel line (see attached site plan). As the requested variance involves an aerial intrusion into the setback directly above the existing dwelling, staff are recommending a survey not be required.

Options:

1. That Application No. 2-I-11 DVP by Roger Dardengo on behalf of Arturo and Maria Dardengo for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required side setback from 3.0 metres down to 1.8 metres on Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511) **be approved.**
2. That Application No. 2-I-11 DVP by Roger Dardengo on behalf of Arturo and Maria Dardengo for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required side setback from 3.0 metres down to 1.8 metres on Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511) **be denied.**

Option 1 is recommended.

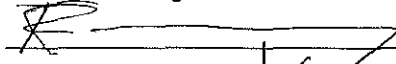
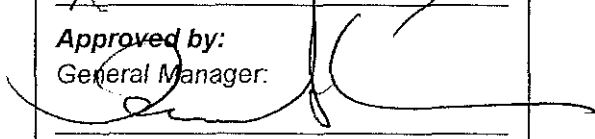
Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

RM/jah

Attachments

<p>Reviewed by: Division Manager: </p> <p>Approved by: General Manager: </p>
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Cowichan
Valley
Regional
District


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

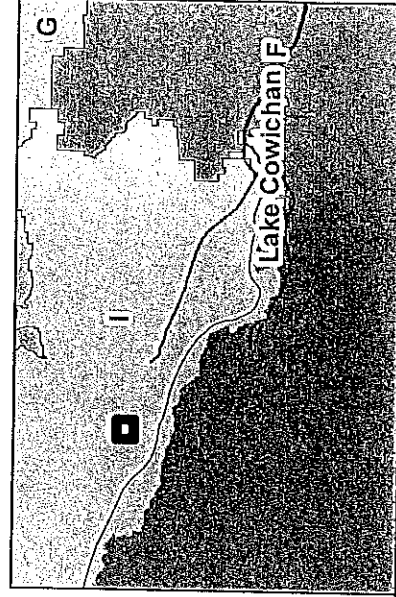
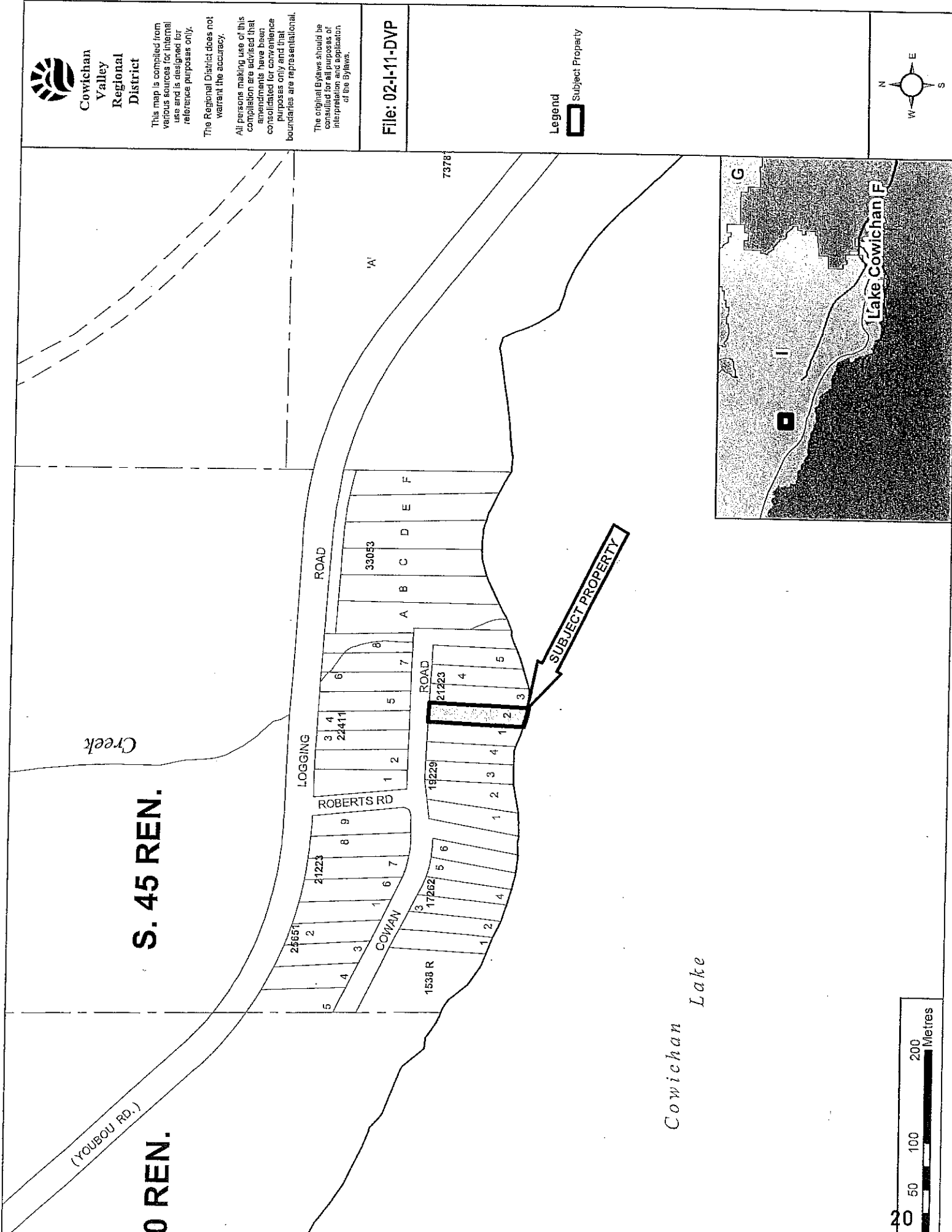
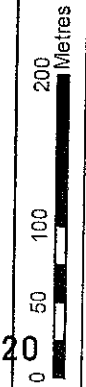
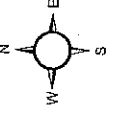
The Regional District does not
warrant the accuracy.

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: 02-1-11-DVP

Legend
 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.

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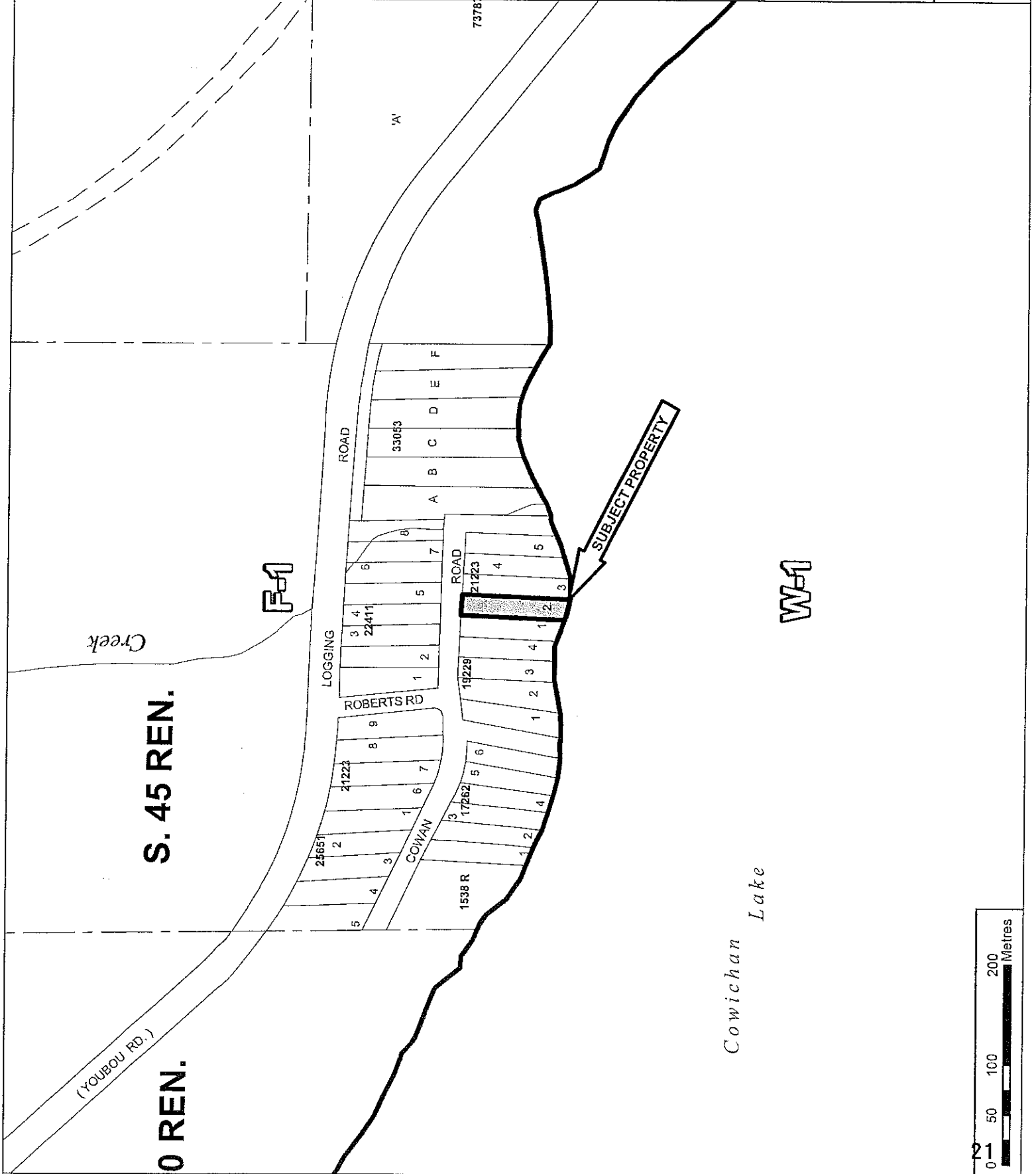
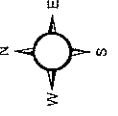
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ZONING

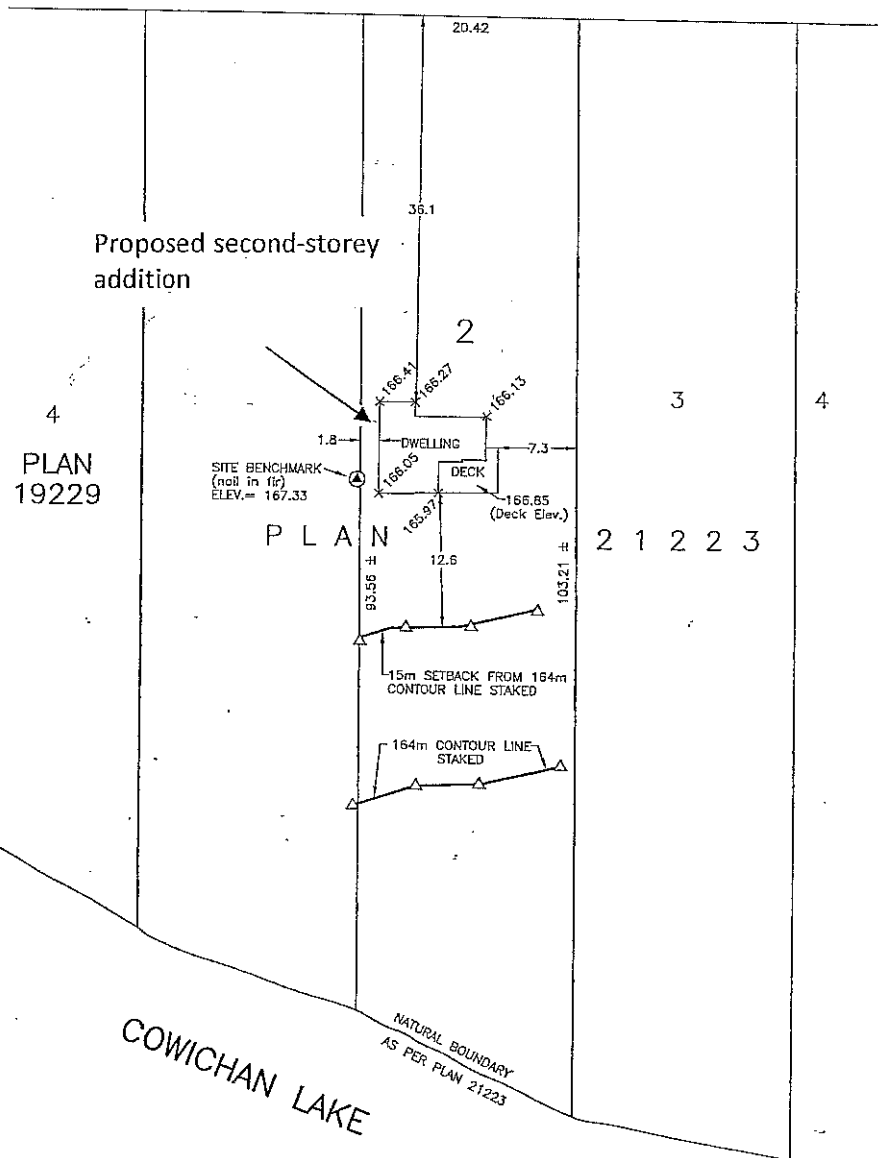
Legend



Subject Property
Zoning Electoral Area I



COWAN ROAD



SKETCH PLAN OF LOT 2,
SECTION 45, RENFREW DISTRICT,
PLAN 21223.

SCALE : 1:400




(ALL DIMENSIONS ARE IN METRES)

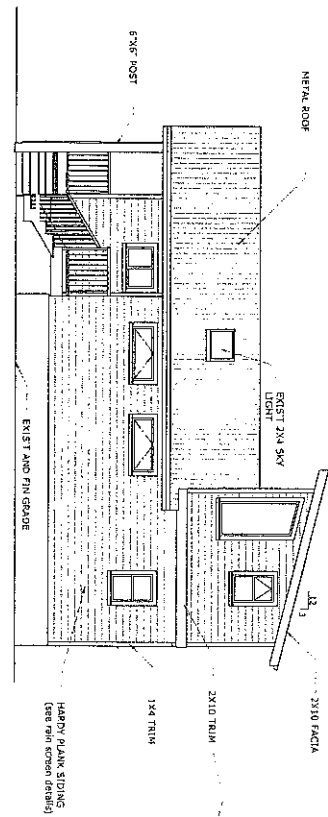
LEGEND:

LOT DIMENSIONS ARE DERIVED FROM EXISTING LAND TITLE OFFICE RECORDS, BEING
PLAN 21223.
ELEVATIONS ARE GEODETIC DERIVED FROM WATER RESOURCES BENCH MARK NO. 760,
ELEV. = 167.033 METRES.

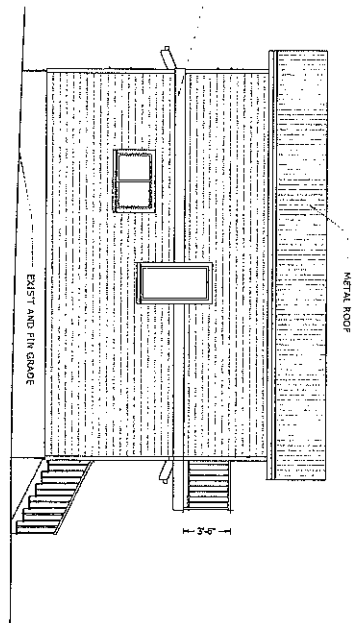
- △ DENOTES BENCHMARK SET.
- + DENOTES STAKE SET.
- + 166.81 DENOTES GROUND SPOT ELEVATION.

FIELD SURVEY WAS PERFORMED ON MARCH 11, 2011 BY JT AND WK.

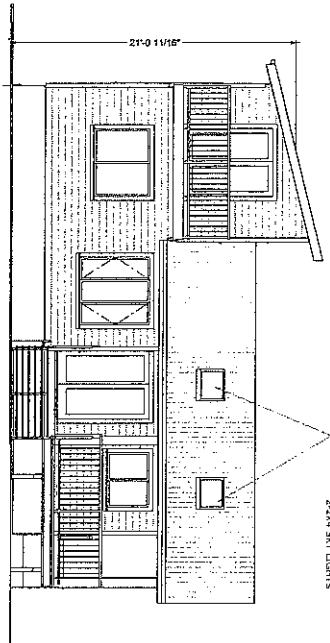
 McElhanney McElhanney Consulting Services Ltd. <small>#202 - 6855 YORK ROAD DUNCAN, BC V9L 3S3</small>		<small>PH (250) 748-3335 FAX (250) 748-8279</small>
ROGER DARDENGO Client		
SKETCH PLAN 11608 COWAN ROAD, LAKE COWICHAN, BC Title		
Date:	MAR 18, 2011	MCSL Project No.
Scale:	1:400	2232-00002-0
Drawn:	VS	Drawing No.
Checked:	RH	00002-0-SK1



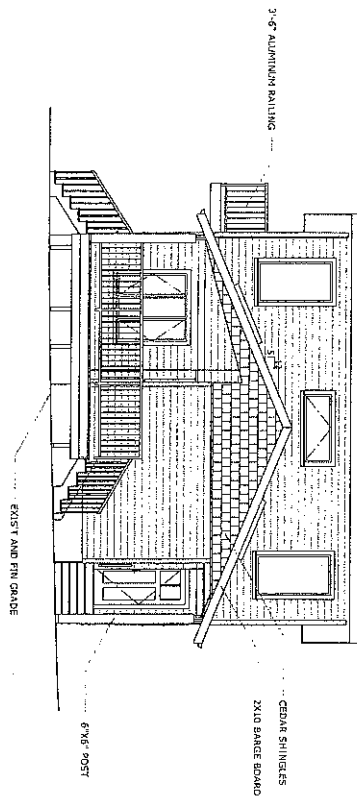
FRONT ELEVATION SCALE 1/4"=1'-0"



RIGHT ELEVATION SCALE 1/4"=1'-0"



BACK ELEVATION SCALE 1/4"=1'-0"



LEFT ELEVATION SCALE 1/4"=1'-0"

A-3

SHEET:

AS NOTED

SCALE:

5/9/2011

DATE:

DRAWINGS PROVIDED:
H. RADOS-HOME DESIGN
1297 ALAN ROAD
VICTORIA, B.C. V8Z 3A3
CELL: 250-714-0772 FAX: 250-479-4359
EMAIL: DESIGN@H2V @SHAW.CA

OWNER/AGENT:
MR. RYKER DARDENGO
1643 PEMBRIDGE STREET
VICTORIA, B.C. V8R 1W4
250-883-3663
rsdardengo@stltdesigning.com

SHEET TITLE:
ELEVATIONS

NO.	DESCRIPTION	BY	DATE
1	stairs and elevations		



5.1 F-1 FOREST RESOURCE 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the F-1 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the F-1 Zone:

- a. Agriculture;
- b. Silviculture;
- c. Single-family dwelling;

The following accessory uses are permitted in the F-1 Zone:

- d. Bed and breakfast accommodation;
- e. Buildings and structures accessory to a principal permitted use;
- f. Home occupation.

2. Minimum Parcel Size

The minimum parcel size in the F-1 Zone is 80 hectares.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel that is zoned as F-1.

4. Setbacks

The following minimum setbacks apply in the F-1 Zone:

Type of Parcel Line	Forestry and Agricultural Buildings and Structures	Residential Buildings and Structures
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	7.5 metres

5. Height

In the F-1 Zone, the height of all buildings and structures must not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the F-1 Zone must not exceed 20 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the F-1 Zone must be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 2-I-11DVP

DATE: MARCH 15, 2011

TO: ROGER DARDENGO ON BEHALF of
ARTURO AND MARIA DARDENGO

ADDRESS: _____

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 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511)
3. Zoning Bylaw No. 2465, applicable to Section 5.1(4), is varied as follows:
The interior side setback for construction of a second-storey addition on the existing cabin is reduced from 3.0 metres down to 1.8 metres.
4. The following plans and specifications are attached to and form a part of this permit:
Schedule A – Site plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE TH DAY OF 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011 FILE NO: 18-B-10DP/RAR/VAR
FROM: Rachelle Moreau, Planner I BYLAW NO: 985
SUBJECT: Application No. 18-B-10DP/RAR/VAR (Dowell)

Recommendation/Action:

That Development Permit Application No. 18-B-10DP/RAR/VAR (Dowell) be revised to locate development within the RAR compliant area of the property as shown in draft Riparian Areas Assessment Report No. 1819 REV3 by Qualified Environmental Professional Craig Barlow and that the previously disturbed areas within the SPEA be restored.

Relation to the Corporate Strategic Plan: N/A

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

Purpose:

To consider a request for variance to the Riparian Areas Regulation to locate a single family dwelling and boat shed wholly within the Streamside Protection and Enhancement Area (SPEA).

Background:

Location of Subject Property: Lot A, Cliffside Road

Legal Description: Lot A, Shawnigan Suburban Lots, Malahat District, Plan 36358 (PID: 000-387-151)

Date Application and Complete Documentation Received: October 28, 2010

Owner: Greg Dowell

Applicant: As above

Size of Parcels: 0.813 ha (2.0 acres)

Existing Zoning: R-2 (Suburban Residential)

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

Existing Plan Designation: Residential

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North: Residential
South: Residential
East: Residential
West: Shawnigan Lake (W-2 Water Recreation)

Services:

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

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies this property as having a TRIM stream with confirmed fish presence (Shawnigan Lake) along its western boundary and a stream planning area on it.

Archaeological Site: CVRD has no record of any archaeological sites on the subject property.

The Proposal:

An application has been made to the Regional Board for a development permit that would permit construction of a 1200 sq. ft single family dwelling and a 600 sq. ft boat shed within the Streamside Protection and Enhancement Area (SPEA) of the Riparian Areas Regulation (RAR) Development Permit Area.

As this application involves construction wholly within the SPEA, RAR protocol requires the local government to review the request and determine whether "undue hardship" exists. If it does, a letter of support from the CVRD is required, and the applicant will forward their request to the Department of Fisheries and Oceans (DFO).

Property Context:

The subject property is located on the waterfront of Shawnigan Lake at Cliffside Road in Electoral Area B – Shawnigan Lake. In the spring of 2010, the applicant commenced work on the property to clear a building site and construct a driveway towards the waterfront on Shawnigan Lake within the 30 metre RAR assessment area. This work was undertaken without a development permit, and once apprised of the situation, the Building Inspector informed the applicant that a development permit was required.

The applicant stopped further work on the property and hired a Qualified Environmental Professional (QEP), Craig Barlow, to carry out an RAR assessment of the property. However, this report identified that all of the area cleared for the building site and most of the driveway is within the SPEA.

A 30 metre SPEA has been identified on the south side of Shawnigan Lake and the area noted on the map as Lake floodplain. A 15 metre SPEA has been established on the north side. Additionally, there is an ephemeral creek on the property which has a 10 metre SPEA applied to it. The combination of these two SPEAs comprises the majority of the property.

The RAR assessment did identify one potential building site that would be outside of both SPEAs. However, this is not the applicant's or QEP's preferred building location as the clearing and driveway construction have already been completed for the proposed building site, it is further from the lake, and would need to cross an ephemeral stream.

The Electoral Area Services Committee is being requested to provide direction on whether the CVRD would support, as proposed, construction of a dwelling and boat shed and associated services (driveway, septic) entirely within the SPEA. If this approval is granted, the applicant will then work with DFO to obtain their approval.

Policy Context:

The Shawnigan Lake Official Community Plan, Bylaw No. 1010, supports the protection of the natural environment. The following policies are derived from the Specific Plan Objectives section of the OCP.

"4. To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas."

5. To ensure that Shawnigan Lake is maintained as a dependable bulk source of potable water by strictly regulating all development within its watershed through regulatory bylaws.

10. To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake."

The following policy is from the Environmental Policies section of the OCP.

"Policy 4.4 Shawnigan Creek and other watercourses should be protected against activities which may reduce their fish bearing potential or suitability as domestic water supplies.

Policy 4.9 When reviewing development proposals for lands within the Shawnigan Lake watershed, consideration shall be given to the following

- a) Preservation of the quality of lake water for drinking and bathing*
- c) Protection of environmentally sensitive areas in or adjacent to the lake;"*

Further to these, CVRD Bylaw No. 1010 has established guidelines for the protection of the natural environment through the RAR Development Permit Area (DPA) in accordance with the provincial RAR.

Guideline 13.8.6(b) states the following:

"Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit..."

As noted above, the applicant is requesting a "variance" to the Riparian Areas Regulation to allow construction wholly within the SPEA. In these cases, the local government is first asked to evaluate whether the SPEA will create undue hardship for the property owner. If a letter of support is provided from the local government, permission will then be required from DFO.

The document "Variances to the BC Riparian Areas Regulation" (attached) specifies the conditions to be considered in determining whether undue hardship exists on the lot:

"A determination of undue hardship can be made where the project is a single, legal lot which:

- a) Was created in accordance with the fish habitat legislation guidelines of the day; and*
- b) Cannot be developed at all with current zoning and the SPEA; and*
- c) The Local Government has relaxed other development restrictions as much as reasonably possible"*

In the proposed location, relaxation of other setbacks would not materially affect the location of the proposed buildings within the SPEA.

The reference document further states that *"Situations where application of the SPEA still allows some uses of the land, even if those uses are unsatisfactory or less economical to the landowner will not be considered to have undue hardship."*

For reference, CVRD policy with respect to modifications of the SPEA is as follows (CVRD Board Resolution No. 07-126.12):

"That the CVRD only provide support to a modification of the Streamside Protection and Enhancement Area (SPEA) in situations in which use of the lot would otherwise be extinguished, with the exception of a pathway to provide waterfront access of up to 1.5m in width or development which was in process prior to implementation of RAR."

In accordance with the above policy and reference guide to variances within the SPEA, staff do not see the proposed development to be an example of undue hardship because an alternative RAR compliant development area has been identified by a QEP.

Planning Division Comments:

The draft RAR report submitted by QEP, Craig Barlow, determined a 30 metre SPEA for the lakefront, including a floodplain depression that extends inland approximately ½ of the length of the property. The SPEA is measured from the high water mark of Shawnigan Lake and the floodplain and covers a large portion of the subject property. A seasonal stream was also located on the property and assessed to have a 10 metre SPEA. This SPEA width covers the eastern most part of the subject property, leaving a small RAR compliant area. The QEP has discouraged using this compliant area for the proposed development due to the need to clear more trees than were already taken out of the proposed building location within the SPEA closer to the lake.

However, the Ministry of Natural Resource Operations (MNRO) confirmed that the RAR compliant area is the preferable location for the proposed development from a biological standpoint because it would most likely require minimal encroachment into the SPEA and would allow previously disturbed areas to be restored.

A site visit was conducted with CVRD and Ministry of Forests, Lands, and Natural Resource Operations (formerly Ministry of Environment) staff, the QEP and property owner.

Detailed discussions of the lake boundary, stream and resulting SPEAs ensued, with the Ministry requiring revisions to the RAR report. The attached report is the third revision, and the Ministry cannot accept the report with the proposed development in the SPEA until the local government and DFO have authorized it.

Adjacent Property Owner Notification

If the applicant were to receive local government and DFO support for the proposed location, more detailed work on the exact location and extent of any setback variance being requested (from the high water mark or other parcel line) would be required. At that time, the usual development permit with variance process, including notification of adjacent property owners would be undertaken.

Summary

- The property is 0.8130 ha (2 acres) with the lake floodplain extending about ½ way through, and an 845 m² panhandle to access Cliffside Road;
- The site is almost entirely within one form of SPEA or another (either for the lake or for the ephemeral stream) – there is an approximately 200 m² (2152 sq. ft) area that is compliant with the RAR (i.e. development would not be within a SPEA);
- A 30 metre SPEA encompasses the area south of the lake, and 15 metres north of the lake with a 10 metre SPEA along the creek

- The QEP feels that the existing location is preferable as the disturbance has already occurred and the new, RAR compliant, building site would require new tree clearing, and driveway construction as well as installation of a culvert through the stream.
- MOE prefers the RAR compliant area indicating that they do not support development within the SPEA when an alternative location exists, and that over time the existing disturbance could be restored. Establishment of a dwelling, boat house and associated infrastructure (septic system, driveway) will create disturbance in the SPEA and which will enable future disturbance to the area e.g outdoor living space/lawns, future additions to the dwelling etc. They also see the installation of a culvert through an ephemeral stream as preferable to development within the SPEA.

Conclusion

None of the above-referenced policies support building wholly within the SPEA when there is another available building site, despite it being less desirable to the land owner. As such, staff is recommending that the CVRD not provide a letter of support to legitimize previous construction of a driveway and clearing within the SPEA and to not support construction of a single family dwelling and boat shed within the SPEA.

Options:

1. That a letter of support for the proposed development be prepared, and that development permit application No. 18-B-10DP/RAR/VAR be approved to legitimize previous construction of a driveway and clearing within the SPEA, and to allow construction of a single family dwelling and boat shed, subject to:

- Approval of the SPEA encroachment request by the Department of Fisheries and Oceans;
- Approval of Riparian Areas Assessment Report No. 1819 by the Ministry of Forests, Lands and Natural Resource Operations;
- That development be conducted in accordance with the conditions specified in RAR report No. 1819;
- Covenant specifying no vegetation removal/alteration of land within the SPEA outside of the current footprint;

And further that if a variance to any setbacks specified in Zoning Bylaw No. 985 are required, that this application be processed in accordance with CVRD Procedures Bylaw No. 3275 which includes notification of adjacent property owners.

2. That development permit application No. 18-B-10DP/RAR/VAR be revised to locate development within the RAR compliant area of the property as shown in draft Riparian Areas Assessment Report No. 1819 REV3 by Qualified Environmental Professional Craig Barlow and that the previously disturbed areas within the SPEA be restored.

Staff recommends Option 2.


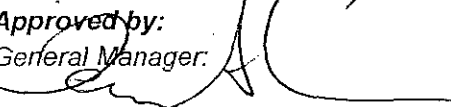
Submitted by,

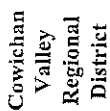


Rachelle Moreau, Planner I
Development Services Division
Planning and Development Department

RM/jah

Attachments

Reviewed by: <i>Division Manager:</i> 
Approved by: <i>General Manager:</i> 



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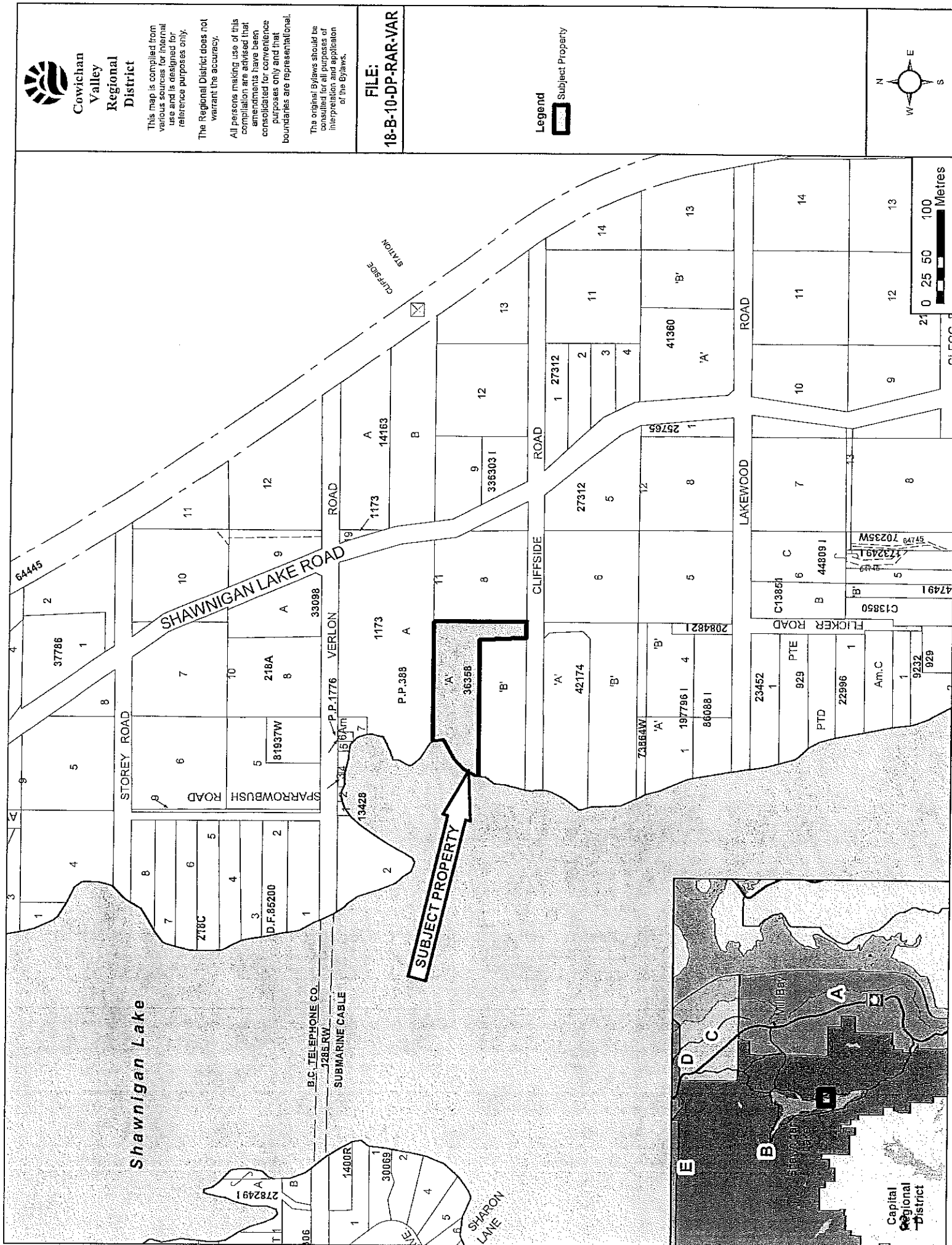
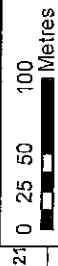
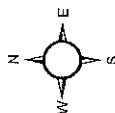
31

18-B-10-DP-RAR-VAR

Legend



Subject Property





Cowichan
Valley
Regional
District

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FILE:

18-B-10-DP-RAR-VAR

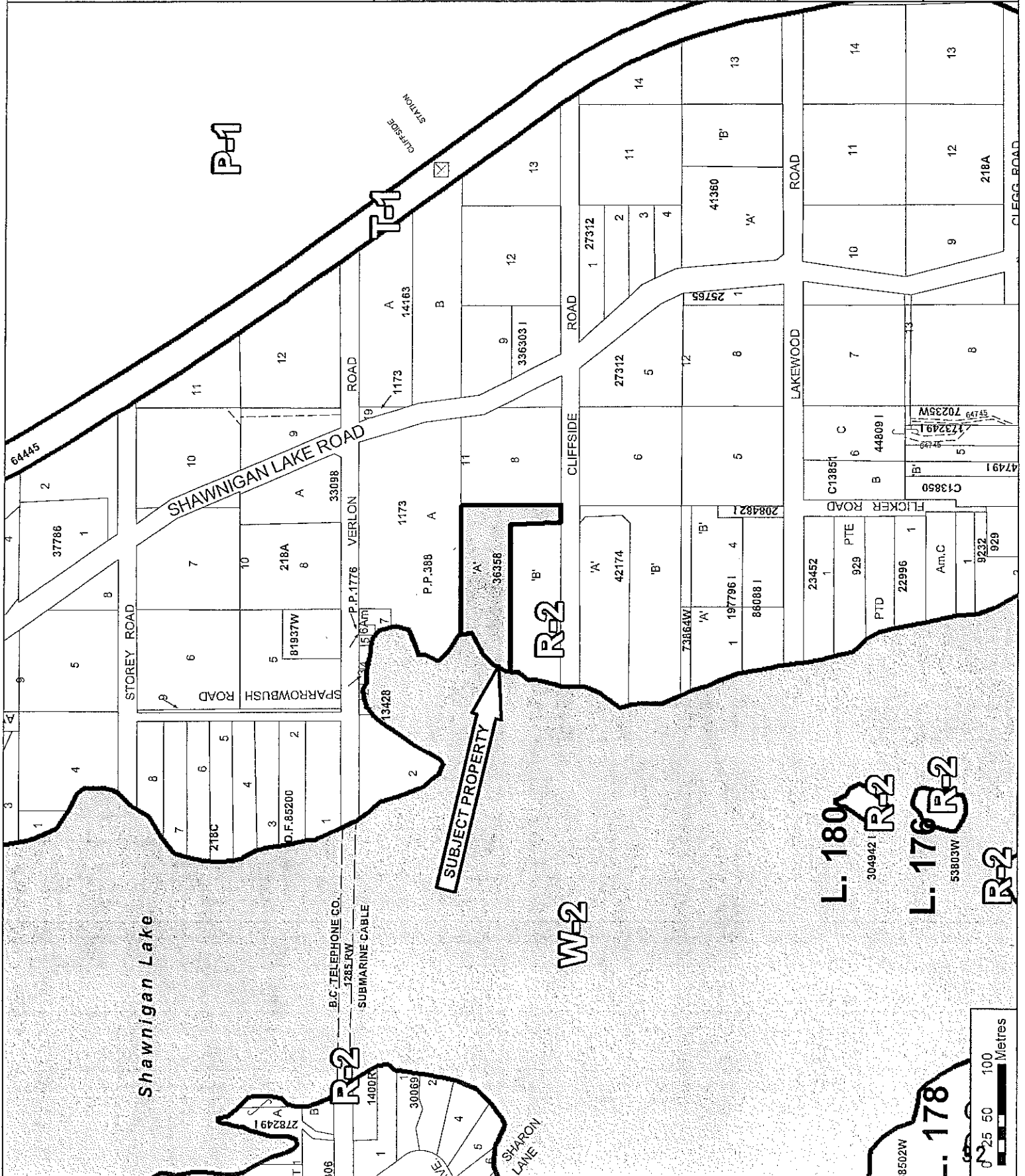
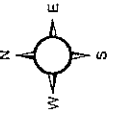
ZONING

Legend



Subject Property

Zoning Electoral Area B





Cowichan
Valley
Regional
District

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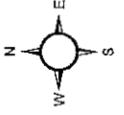
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FILE:

18-B-10-DP-RAR-VAR

Google Earth
Photo (2005)



SUBJECT PROPERTY

Google

Image © 2011 IMTCAN

48°37'09.41" N 123°37'52.40" W elev 421 ft

Eye alt 3714 ft

Image Date: Jul 17, 2005

correspondence

1878 Flicker Road
Shawnigan Lake, B.C.
VOR 2W5

April 20th, 2011

To: Rachelle Moreau, CVRD Development Services

Regarding Lot A, Cliffside Road:

Here the owner wishes to build his home close to the lake.

However, we are quite familiar with this particular property, and know that the site selected by the owner is highly inappropriate as **it is well within the flood plain**. In addition, the flow from the creek located on the north side of the property, is surprisingly strong. Although ephemeral in nature [drying up in June and returning in fall], the **range of this watercourse should not be discounted**.

After **severe rain events**, such as those experienced during the previous winter, water actually flows over the area presently selected for the home site.

We have spoken with biologist Marlene Caskey, at Nanaimo MOE, who shares our concern.

The opinion of the QEP solicited by the owner is of dubious merit, and **ignores the potential threat posed by building in a flood zone**.

As with the Worthington land, we would recommend **the 50 metre lake shore buffer be instituted, and a setback of 20 metres be ordered for the creek**. The DPA should also include protection for the **trees on site**, several of which are reasonably mature.

The only location suitable for a home is the **sloping land just beneath Cliffside Road**.

We note further that no perc test site has been identified, and would request that one be selected by the CVRD staff in accordance with the present regulations, and **monitored over the next winter**. Similarly, the property owner should be advised of the provincial restrictions pertaining to **retention of lakeshore vegetation**.

Sincerely,

Mary Desmond
Shawnigan Lake Watershed Watch

Cc: Ken Cossey, Area B

Variances to the BC Riparian Areas Regulation

In most cases, compliance with the Streamside Protection and Enhancement Areas (SPEA) determined by the BC Riparian Areas Regulation (RAR) will not deprive a landowner of all uses of their land¹. However, there will be some instances where application of the SPEA causes the property owner undue hardship and in these instances the property owner may seek a variance to the SPEA. As set out in the RAR, SPEA variances require approval from DFO (Fisheries and Oceans Canada).

This document is intended to provide land owners, Qualified Environmental Professionals (QEPs) and Local Governments with guidance on what constitutes undue hardship in this context and the process to apply for a variance to the SPEA when those criteria are met.

Criteria for Undue Hardship with respect to the RAR

A determination of undue hardship will be made where no private uses remain available to the landowner and the land has essentially been converted to a public use (for a more complete explanation see footnoted document).

For example, a determination of undue hardship can be made where the project is a single, legal lot which:

- a) was created in accordance with the fish habitat legislation and guidelines of the day; and
- b) cannot be developed at all with current zoning and the SPEA; and
- c) the Local government has relaxed other development restrictions as much as reasonably possible.

Situations where application of the SPEA still allows some uses of the land, even if those uses are unsatisfactory or less economical to the landowner will not be considered to have undue hardship. At the subdivision stage or rezoning stage a loss of development potential will not be considered undue hardship.

A SPEA is an ecologically important area so all developments that meet undue hardship criteria must be designed to minimize their intrusion into the SPEA and to compensate for their encroachment.

Step 1: Contact your Local Government

The first step towards obtaining a SPEA variance is asking the Local Government to evaluate whether the SPEA will create undue hardship for the property owner. Property owners should contact their Local Government to discover the specific information that is needed to allow the Local Government to make this evaluation. Local Governments should consider options to relax other requirements or restrictions (e.g., front yard setbacks) which could avoid or reduce the proposed encroachment into the SPEA. If the Local Government determines the property owner meets the criteria they should provide their support for the variance request in writing to the land owner,

¹ Riparian Protection and Compensation – Fish Protection Act – prepared by Linda Nowlan, West Coast Environmental Law Research Foundation for the BC Ministry of Environment, Lands and Parks, January 1999.

Variances to the BC Riparian Areas Regulation

including any changes they recommend to the original proposal and describing their efforts to relax other development requirements. Local Governments are advised not to include their opinion on whether the proposal will protect fish habitats as this could expose them to unnecessary liability.

Step 2: Applying to DFO

The land owner or their QEP will forward their application to DFO along with supporting letter from the Local Government. While a land owner may forward an application for a variance directly to DFO, DFO will contact the Local Government to discuss their interests and will consider their lack of support for the variance when evaluating the application. Variance requests should be sent directly to local DFO Area offices except where Environmental Review Committees (ERC) between DFO and the Local Government exist to manage them. If it appears significant design revisions will be required, the Local Government will be included in the discussions with DFO to ensure they remain supportive of the project.

Support for variances does not create precedents. Each application will be evaluated on its own merits. Applicants may refer to previous variance decisions if they wish but are not guaranteed the same outcome. In making decisions on RAR variances, DFO seeks to prevent the harmful alteration, disruption or destruction of fish habitat (as per the Federal *Fisheries Act*) and to meet the spirit of the RAR by maintaining adequate riparian widths to maximize the potential for natural, self-sustaining riparian functions to establish. DFO strives to be fair, coherent and transparent in making these decisions.

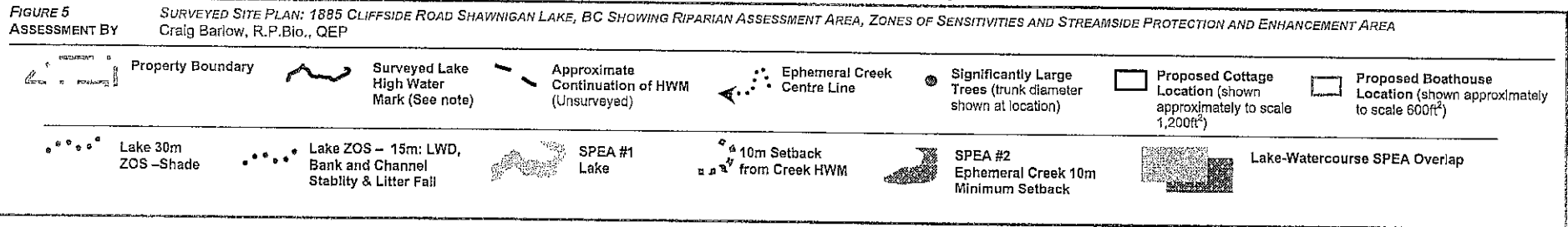
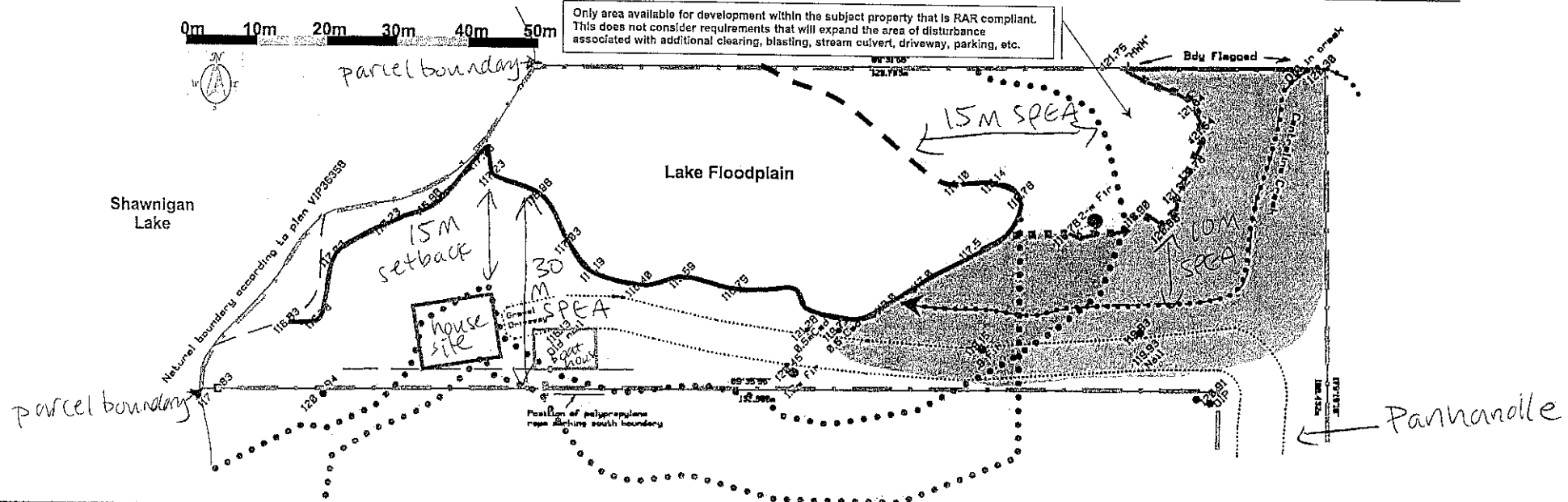
Where a number of existing properties face a similar level of hardship they may, if deemed appropriate, be considered as a group with one evaluation being made to apply to each of the properties individually but this does not mean each property will receive the same variance to the SPEA.

Information that should be provided to DFO

1. A description of why the proposed variance is needed (why property cannot be developed consistent with its' zoning).
2. A listing of what relaxations were considered by the Local Government and an explanation of those which were not employed.
3. Confirmation that creation of the property and its zoning complied with fish habitat legislation and guidelines of the day.
4. A copy of the RAR report prepared by the QEP following the RAR Assessment Methods.
5. A description of the proposed mitigation and compensation for the impact to fish habitat related with the proposed encroachment.
6. A site plan showing the RAR outcome(s) and the proposed variance using accurate dimensions. Include complete footprints of proposed structures.

Variances requests may result in:

- a) *a Letter of Advice permitting the variance* - the QEP includes this and the letter from the Local Government in their Assessment Report and submits it to the provincial RAR notification system. DFO will provide a copy of this letter to the Local Government.
- b) *an authorization under s.35(2) of the Fisheries Act for the harmful alteration, disruption or destruction of fish habitat that permits the variance* - DFO will provide a copy to the local government for use in their approval process.; OR
- c) *a letter objecting to the proposed variance*



NOTES

1. This figure illustrates the constraints of this site as they relate to the inability to comply with RAR. Based on this information, there is no location within the developable area of the property with sufficient area where the house and boat shed can be relocated to be RAR compliant. Any building location would require support from CVRD through bylaw, support of a Variance under RAR or other Local Government accommodation.
2. Surveyed lake High Water Mark elevation on September 14, 2010, at the direction of the attending QEP. Additional survey of lake floodplain HWM, 10m creek setback, creek centreline and trees co and February 24, 2011) utilizing flagging placed by the QEP and based on visual estimation of HWM location. Survey point average elevation = 117.17m.

Form 3 Detailed Assessment Form
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.

Survey Date	August 6, 2010		
REV 1 Report Date	October 28, 2010		
REV 2 Report Date	November 1, 2010		
REV 3 Report Date	March 2, 2011		
I. Primary QEP Information			
First Name	Craig	Middle Name	Terrence
Last Name	Barlow		
Designation	R.P.Bio.	Company: Applied Ecological Solutions Corp.	
Registration #	563	Email: aescbarlow@shaw.ca	
Address	4189 Happy Valley Road		
City	Victoria	Postal/Zip	V9C 3X8 Phone # (250) 478-9918
Prov/state	BC	Country	Canada
II. Secondary QEP Information (use Form 2 for other QEPs)			
First Name	N/A	Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	Phone #
Prov/state		Country	
III. Developer Information			
First Name	Greg	Middle Name	
Last Name	Dowell		
Company	Private Landowner		
Phone #	(250) 858-7356 (cellular)	Email: gregdowell@shaw.ca	
Address	2265 Harlow Drive		
City	Victoria	Postal/Zip	V8R 3H9
Province	BC	Country	Canada
IV. Development Information			
Development Type	Construction: Single Family Residential		
Area of Development (ha)	House: ~0.013 (1200ft ²) Boatshed: ~0.006 (600ft ²)	Riparian Length (m) (within development site)	~60
Lot Area (ha)	0.8310 (2.05ac)	Nature of Development	New
Proposed Start Date (see Comment – Page 4)	January 1, 2011	Proposed End Date	December 31, 2011
V. Location of Proposed Development			
Street Address (or nearest town)	Lot A – 1885 Cliffside Road, Shawnigan Lake		
Local Government	Cowichan Valley Regional District (CVRD)	City	Shawnigan Lake, BC
Stream Names	Shawnigan Lake		
Legal Description	Electoral Area B; PID 000-387-151 – Lot A; Plan No. 36358; Malahat District	MOE Region	Region 1; Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	920-235800		
Latitude [see Note 1]	48° 37' 10.0" N	Longitude	123° 37' 55.8" W

RIPARIAN AREAS REGULATIONS DETAILED ASSESSMENT (REV 3) – 1885 CLIFFSIDE ROAD, SHAWNIGAN LAKE BC

PREPARED FOR: GREG DOWELL

MARCH 2, 2011

PREPARED BY: APPLIED ECOLOGICAL SOLUTIONS CORPORATION

PAGE 1 OF 18

Note 1: Latitude/longitude at the property lake foreshore.

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1. Site Location, Description of Fisheries Resources Values, Existing Conditions and Proposed Development
2. Results of Detailed Riparian Assessments (SPEA width determination)
3. Measures to Protect and Maintain SPEA
4. Figures
5. Environmental Monitoring
6. Post Development Reporting
7. Assessment Report Professional Opinion
8. Photos

SECTION 1. SITE LOCATION, DESCRIPTION OF FISHERIES RESOURCE VALUE, EXISTING CONDITIONS AND PROPOSED DEVELOPMENT

SITE LOCATION

The subject property is located on the east shore of the south arm of Shawnigan lake (Figures 1 & 2). The 0.831ha (2.05ac) property is currently zoned R2 ('suburban residential') as per *Electoral Area B - Zoning - MAP SHEET 2 (CENTRAL)* provided on the CVRD website (Figure 3). The property has approximately 60m of lake frontage.

FISHERIES RESOURCE VALUES

Shawnigan Lake

Shawnigan Lake is approximately 537 hectares in size with a shoreline of approximately 25km. It has a maximum depth of 50m and a mean depth of 12m¹. A primary contributor of source water to the lake is upper Shawnigan Creek. It is drained by Shawnigan Creek (also known as Mill Bay Creek) which discharges directly to the marine environment at Mill Bay approximately 17km downstream.

The lake provides habitat for several fish species as reported in FishWizard², HabitatWizard³ and Ministry of Environment's Fisheries Inventory Summary System⁴ (FISS) online databases. These species include: coho salmon, cutthroat trout (hatchery stock), rainbow trout (hatchery stock), Dolly Varden trout (hatchery stock), kokanee trout (wild), brook trout (hatchery stock), Atlantic salmon (hatchery stock), lake whitefish, brown catfish (formerly known as brown bullhead), prickly sculpin, pumpkinseed and smallmouth bass. Since 1903, the lake has been stocked with trout and salmon species including rainbow trout and cutthroat trout. Other unauthorized introductions of non-native fish species have occurred³.

Unnamed Tributary Stream Through Property

A small, ephemeral watercourse flows through the property and discharges to the floodplain area (Figures 2, 4, 5 & 6). This watercourse was dry during the initial site assessment and was observed to be flowing in a subsequent site visit on February 3, 2011. The channel flows along the new driveway and extends along the back (east property boundary) before passing across the neighboring property. It appears to originate from wet depressions along Shawnigan Lake Road, flowing through a culvert at Cliffside Drive.

Immediately upstream of Cliffside Drive, a shallow pond exists that does not have fish habitat characteristics. Depth on February 3, 2011 appeared to be no greater than 30cm with a heavy growth of filamentous green algae. Downstream of Cliffside Drive the watercourse is low gradient, open channel that appears to have been

¹ *Water Quality Assessment and Objectives for Shawnigan Lake*. Prepared by the Science and Information Branch, Water Stewardship Division – Ministry of Environment. January 23, 2007.

² <http://www.fishwizard.com/>

³ http://maps.gov.bc.ca/imf50/imf.jsp?site=libc_habwiz

⁴ <http://srmapps.gov.bc.ca/apps/fidq/fishDistributionsQuery.do>

excavated. Similarly, through the subject property, the channel is generally confined in an incised shallow gully, with minimal water depth. In the authors opinion, this watercourse is not fishbearing for the following reasons:

- i) The lack of pool-riffle sequencing sufficient to provide stable habitat for adult fish, the lack of spawning habitat in the lower reaches. The reach upstream of the subject property is low gradient and appears to be a deposition area for fine sediments as indicated by the meander deposition area at the upstream limit of the creek within the subject property.
- ii) Unreliable flows as it appears that this watercourse is supplied primarily from storm runoff water and groundwater saturation, making it vulnerable to abrupt dewatering as upstream storage in small ponds diminishes.
- iii) The poor access from the lake. At the discharge point to the lake floodplain zone, the channel is diffuse and shallow making fish access from the lake unlikely.
- iv) The lack of stable rearing habitat.

Property Biophysical Characteristics

The lake foreshore and upland areas have the following characteristics:

- lake banks:** The foreshore area of the property has varied characteristics. The southern edge consists of a bedrock bank on which a cabin on the adjoining property is situated. This bedrock horizon falls as the bank extends to the north forming shallow sloping bank heavily vegetated with (primarily) conifer tree species.
- riparian vegetation:** The existing riparian zone throughout the subject property is comprised of a mixed distribution of coniferous and deciduous tree species (Photos 1 & 5). A small shallow embayment that appears to seasonally flood consists of a dense thicket of willow (Photo 3). This includes the following observed plant species:

Canopy Species

- > Douglas fir (up to ~1.2m diameter)
- > Western redcedar (up to 1.5m in diameter)
- > Red alder
- > Bigleaf maple
- > Grand fir (i.e. balsam)
- > Western white pine

Understory and Shrub Species

- > Oceanspray
- > Salal
- > Red huckleberry
- > Bracken fern
- > Sword fern
- > Oregon grape
- > Willow
- > Skunk cabbage
- > Grasses and mosses
- > European holly (introduced)

EXISTING DEVELOPED CONDITIONS

Much of the Shawnigan Lake foreshore has been developed with lakefront residential and recreational homes. This includes the construction of private docks that commonly occur along the lakefront.

A driveway access has been previously constructed to the proposed house site (Photos 1, 2 & 6). This work was undertaken prior to the landowner being made aware of RAR and its obligations. On being informed of this process by the CVRD Building Inspector, the landowner urgently retained the author to address this process in an effort to be RAR compliant.

PROPOSED DEVELOPMENT

The property owner proposes to redevelop this property to include a single-family residential cottage and boat shed at the location shown in Photos 4 and 6. The septic field for the home will extend towards the back of the property immediately south of the driveway.

Comments

HIGH WATER MARK DETERMINATION

The following text has been excerpted from *Water Quality Assessment and Objectives for Shawnigan Lake*⁵.

Water levels are controlled on Shawnigan Lake by a dam on Shawnigan Creek located 450m downstream from the lake outlet. In 1983, there was general agreement that the lake level should be maintained at elevations between 116.3 m GSC and 115.75' GSC between March 15 and October 1 to provide storage and prevent flooding (Bryden and Barr, 2002).

⁵ Footnote 1 – Section 2.1, page 3.

The report further states "a "flood construction level" was established at 119.2 m GSC⁶". However, these elevations are not accurately depicted on any CVRD base mapping. Based on visual determination by the QEP, the lake HWM was surveyed to be 117.17m (using average of 20 spot elevations as flagged by the QEP).

MEASUREMENT EQUIPMENT

Distance measurements taken with a Bushnell Yardage Pro Sport 500 digital Rangefinder (accurate to +/- 0.5m) or tape measure.

PROPOSED START DATE AND PROPOSED END DATE

This site development is in the early planning stages and is subject to compliance with local government approval and permitting. As such, accurate start and end dates cannot be provided. The dates provided on page 1 are flexible.

BCMOE AND CVRD SITE REVIEW (FEB. 2, 2011)

In response to BCMOE queries regarding the proposed location of the house and boat shed, a site review was held by their representatives and included the author and landowner. REV2 of this assessment report presented rationale for maintaining the originally proposed location through a SPEA 'bending' option or other bylaw understanding that site preparation for the proposed location (including constructing the driveway access without prior knowledge by the landowner of RAR or its assessment obligations). At that time, the author considered the requirement for a *Fisheries Act* Authorization given compliance with RAR would not be possible without offsetting the existing encroachments. 'Bending' of the SPEA through RAR typically applies prior to any development or disturbance. In this case, disturbance had already occurred. On review of the site by the author, it was concluded that a Detailed Assessment of the lakefront was required to determine the SPEA and prepare an option to develop the property while providing offsetting expansion to the SPEA at another location within the property. Essentially, this proposal would be to 'bend' the SPEA.

BCMOE queried whether other sites within the property would be suitable building sites such that the existing disturbance could be rehabilitated. Because of the configuration of the house, the existing floodplain area and stream, it was argued there is no other area where the desired development could occur without encroaching into the SPEA of the lake or the unnamed tributary to the lake. To confirm this, additional site topographic survey has been completed to accurately plot the following:

1. Extent of the lake high water mark around the floodplain area (flagged by the QEP),
2. Watercourse centreline,
3. North property boundary,
4. 10m minimum SPEA offset from the watercourse high water mark (flagged by the QEP), and
5. Significantly large trees that may be impacted should the building site be relocated.

This information is shown unaltered in Figure 4. Figure 5 provides the RAR assessment layers on the site survey.

PROPOSAL TO BEND THE SPEA

Based on this setback determined from this assessment and in consideration of the property configuration, it is not possible to develop this property in any way that would be compliant with the terms of RAR without encroaching into the SPEA. Further, there are no opportunities to consider alternate development sites in consideration of the ephemeral drainage passing through the property as shown on Figure 2. The QEP advised that application for a variance under RAR due to 'undue hardship' might be required.

The CVRD had been notified of this constraint (including being shown a draft Figure 5 illustrating the constraint). In discussion with the CVRD planning department by the owner, the report proposes to 'bend' the SPEA. In this regard, an expansion to the 15m setback is proposed as shown on Figures 2 and 6 to offset encroachment of the boatshed and house into the 15m setback and the SPEA. The expansion area is approximately 300m² to offset 38m² of encroachment, nearly 10x the area of encroachment. Regardless, the CVRD will ultimately determine if development of this site will require a variance to the SPEA (see email Figure 6).

While it is possible to locate most of the house outside the 15m setback, it is not possible to situate the boat shed outside this limit because of the backwater area of the lake. Most of the boatshed footprint will encroach into the

⁶ ibid, page 6.

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15m setback.

IMPORTANT NOTE

If utilizing the proposed area within the property is acceptable, The area proposed to offset the encroachment is remaining area outside the lake and creek SPEA shown on Figure 4. The owner has indicated that he has no intention to alter developable area in this zone, committing to protecting the existing condition in this area. This will result in a greater addition to the SPEA protected area than is required as part of the bending option.

A copy of an email confirming the CVRD requirements for bending the SPEA is provided in Figure 6.

SECTION 2. RESULTS OF DETAILED RIPARIAN ASSESSMENTS

Refer to Chapter 3 of Assessment Methodology

Field Assessment Date:

August 6, 2010

Stream	Unnamed tributary stream
Wetland	Not Applicable
Lake	Not Applicable
Number of reaches	Not Applicable
Reach #	Not Applicable

Channel width and slope and Channel Type (see Note below)

Channel Width(m)	Location	Gradient (%)	<p>I, <u>Craig T. Barlow, R.P.Bio.</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 property owner <u>Greg Dowell</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</p> <p>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.</p>
starting point	0m		
	+10m		
	+20m		
Upstream of starting point	+30m		
	+40m		
	+50m		
	-10m		
Downstream of starting point	-20m		
	-30m		
	-40m		
	-50m		
Total: minus high /low mean			
Channel Type	R/P	C/P	
		S/P	

Note:

There is insufficient ephemeral channel length (i.e. 100m) within the subject property to complete Detailed Assessment measurements. The author was not prepared to trespass onto adjacent private property to complete this work. Regardless, the average (HWM) channel width within the subject property is less than two metres. Visual observation of the channel through the adjacent property from Cliffside Drive suggests this channel dimension is consistent to Cliffside Drive. Based on the SPEA calculation of 3X the channel width for LWD, litter fall and insect drop, and shade, it is likely that the SPEA setback would be the minimum 10m. This 10m minimum setback has been used to demonstrate the site constraints shown in Figure 6. Any increase in average channel width would likely result in a larger SPEA and consequently greater constraint on developing the property.

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Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I, Craig T. Barlow, R.P.Bio., 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 property owner Greg Dowell;

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: N/A

LC SH TR

SPVT Type ☐ ☐ ☒

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	Unnamed tributary stream				
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	10				
Shade ZOS (m) maximum		South bank	Yes	No	
SPEA maximum	10				

Segment No:	Lake				
LWD, Bank and Channel Stability ZOS (m)	15.0				
Litter fall and insect drop ZOS (m)	15.0				
Shade ZOS (m) maximum	30.0	South bank	Yes	No ^{Note}	<input checked="" type="checkbox"/>
SPEA maximum	30m				

Note Lakefront northwest exposure (southeast bank).

I, Craig T. Barlow, R.P.Bio., 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 property owner Greg Dowell;

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.

SECTION 3. MEASURES TO PROTECT AND MAINTAIN SPEA

This section is required for detailed assessments. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	DOES NOT APPLY – SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 not qualified to carry out <u>this part</u> of the assessment of the development proposal made by the property owner <u>Greg Dowell</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>	

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2. Windthrow	DOES NOT APPLY – SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 not qualified to carry out this part of the assessment of the development proposal made by the property owner <u>Greg Dowell</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	DOES NOT APPLY – SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 property owner <u>Greg Dowell</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	SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 property owner <u>Greg Dowell</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>	
5. Encroachment	SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 property owner <u>Greg Dowell</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	SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 property owner <u>Greg Dowell</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	SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 property owner <u>Greg Dowell</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)	SEE BELOW
<p>I, <u>Craig T. Barlow, QEP, R.P.Bio.</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 property owner <u>Greg Dowell</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>	

The following measures (or justifications why a measure is not recommended, as determined by the site assessment) are recommended to protect the integrity of the SPEA.

DANGER TREES

The subject property consists of a mixed stand of primarily conifer trees. Larger older growth trees are situated near the center of the property (Photo 1). There were no trees observed that were thought to be danger trees. That is, all trees appear to be healthy. There are no snags or other unstable trees (e.g. leaners) exhibiting characteristics of a danger tree within the area assessed that would suggest a requirement for further assessment by a specialist in this area. No additional measure is recommended.

WINDTHROW

Development of the subject property has been initiated that does not conflict with the RAA process. This work includes the construction of a stable roadway. While some selective tree removal was required, the work does not expose the remaining trees to additional prevailing storm winds (i.e. northerly or northwesterly) beyond what is already occurring. Those existing and remaining trees are already windfirm against these periodic winds. As such, no measure is recommended.

SLOPE STABILITY

The development site is characterised as flat upland area approximately 2.5m above the lake level. The foreshore area is partially comprised of bedrock. The northeastern lakefront area is comprised of floodplain that is well vegetated with willows. There are no slopes that are vulnerable to instability. As such, no measure is recommended.

PROTECTION OF TREES WITHIN SPEA

Private use of the property lakefront area for recreational purposes is fully anticipated to continue as has been occurring at this and all other lakefront properties at Shawnigan Lake. This includes access to a small wharf that is affixed to the bedrock foreshore area. The owner is committed to protecting the existing trees within the SPEA.

PREVENTING ENCROACHMENT INTO THE SPEA

See commentary above (Protection of Trees Within SPEA). Encroachment into the lakefront riparian area is pervasive along Shawnigan Lake's foreshore where residential and recreational properties exist. Regardless, further encroachment beyond what has historically occurred will be minimized by the desire of the landowner to maintain the semi-natural condition of the property. To ensure no additional encroachment into either the lake or ephemeral watercourse SPEA's occur during site development, the highwater mark was flagged as part of the RAA. This flagging will represent the offset measurement to the SPEA. If additional survey is undertaken, the SPEA will be identified on subsequent site plan drawings.

SEDIMENT AND EROSION CONTROL DURING CONSTRUCTION

The minor nature of this project will not result in generation of significant quantities of sediment. Any excavation required to facilitate construction of the foundation of the addition will not result in significant quantities of erodable organic or mineral soils. However, if erodable materials that are at risk of washing to the lake or other drainage connected to the lake are exposed to the elements for extended periods of time, the property owner commits to covering these areas with secured polyethylene plastic sheeting or other similar material.

Access to the site will be by way of an existing (well compacted and capped with crush) private access road such that there will not be sediment generated by equipment and materials delivery to the site.

STORMWATER MANAGEMENT

Stormwater management is a term that is typically used to describe larger water management initiatives associated with infrastructure and widescale development. At this site, the only change to the overall drainage regime of the property will be the new building that creates an impervious surface. Stormwater management off this surface (i.e. roof) will be primarily by way of infiltration to groundwater. Regardless, runoff from the impervious roof will be directed to underground drainage to infiltrate. As such, there are no stormwater management issues associated with this development.

FLOODPLAIN CONCERNS

The home site is within the influence zone of the 200-year lake flood elevation of 119.2m (as shown on the survey site plan and as identified in Section 12.1 a) of the Shawnigan Lake Official Community Plan Bylaw 1010). Consequently, the proposed residence may be within this zone. Section 12.1 c) of the Shawnigan Lake OCP states that:

Construction below the 1:200 year floodplain should not take place unless the proposed uses are not expected to be impacted by flooding or the structures are designed to withstand the effects of floodwaters.

As municipal bylaw already prescribe building elevation requirements related to construction within the 200-year flood zone, no further measure is recommended.

SECTION 4. FIGURES (MAPPING AND ORTHOPHOTO BASE IMAGES TAKEN FROM THE GOOGLE EARTH AND CVRD MAPPING)

FIGURE 1 ORIENTATION ORTHOPHOTO SHOWING SUBJECT PROPERTY LOCATION

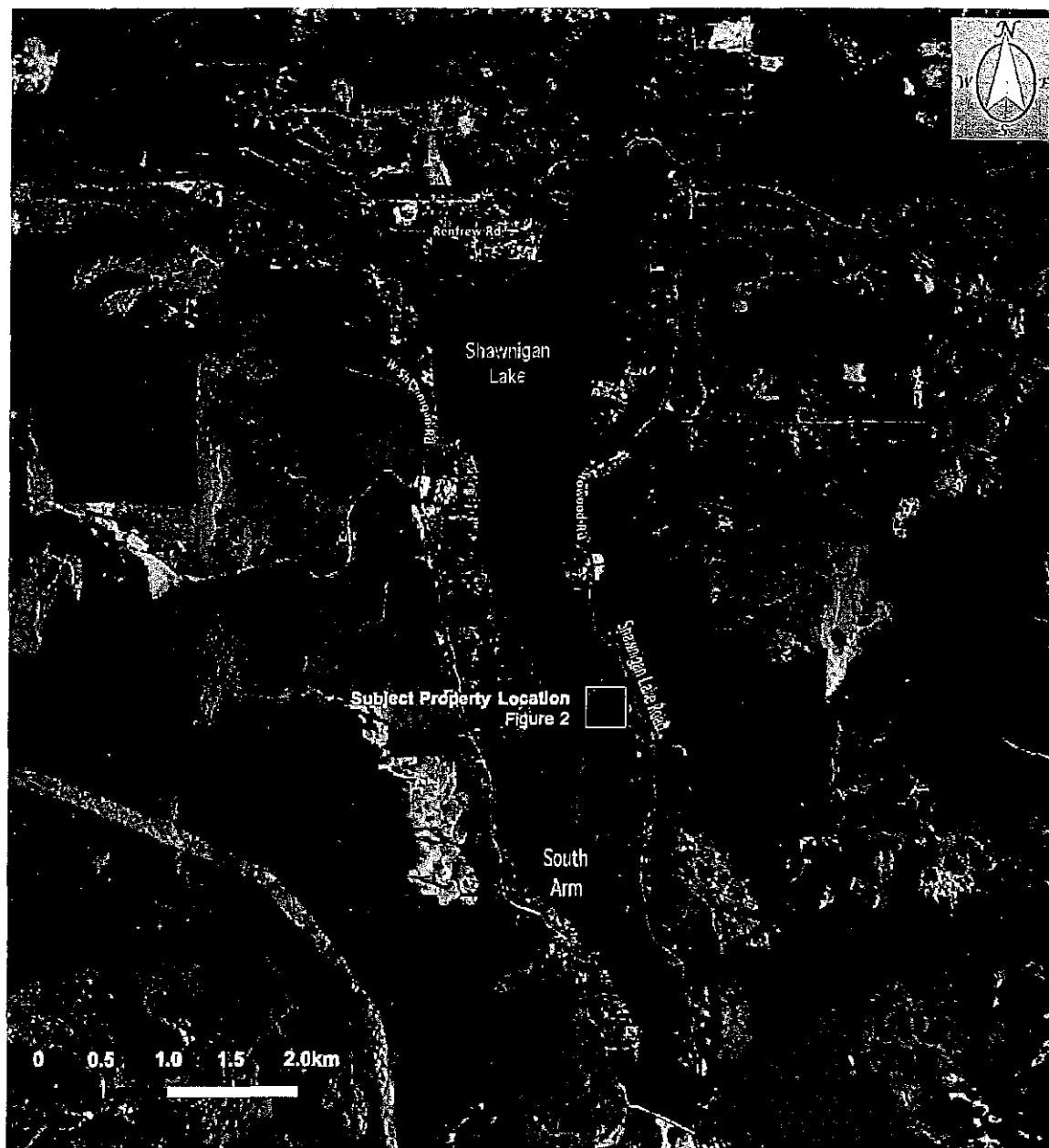


FIGURE 2 SUBJECT PROPERTY LOCATION ORTHOPHOTO SHOWING SITE FEATURES

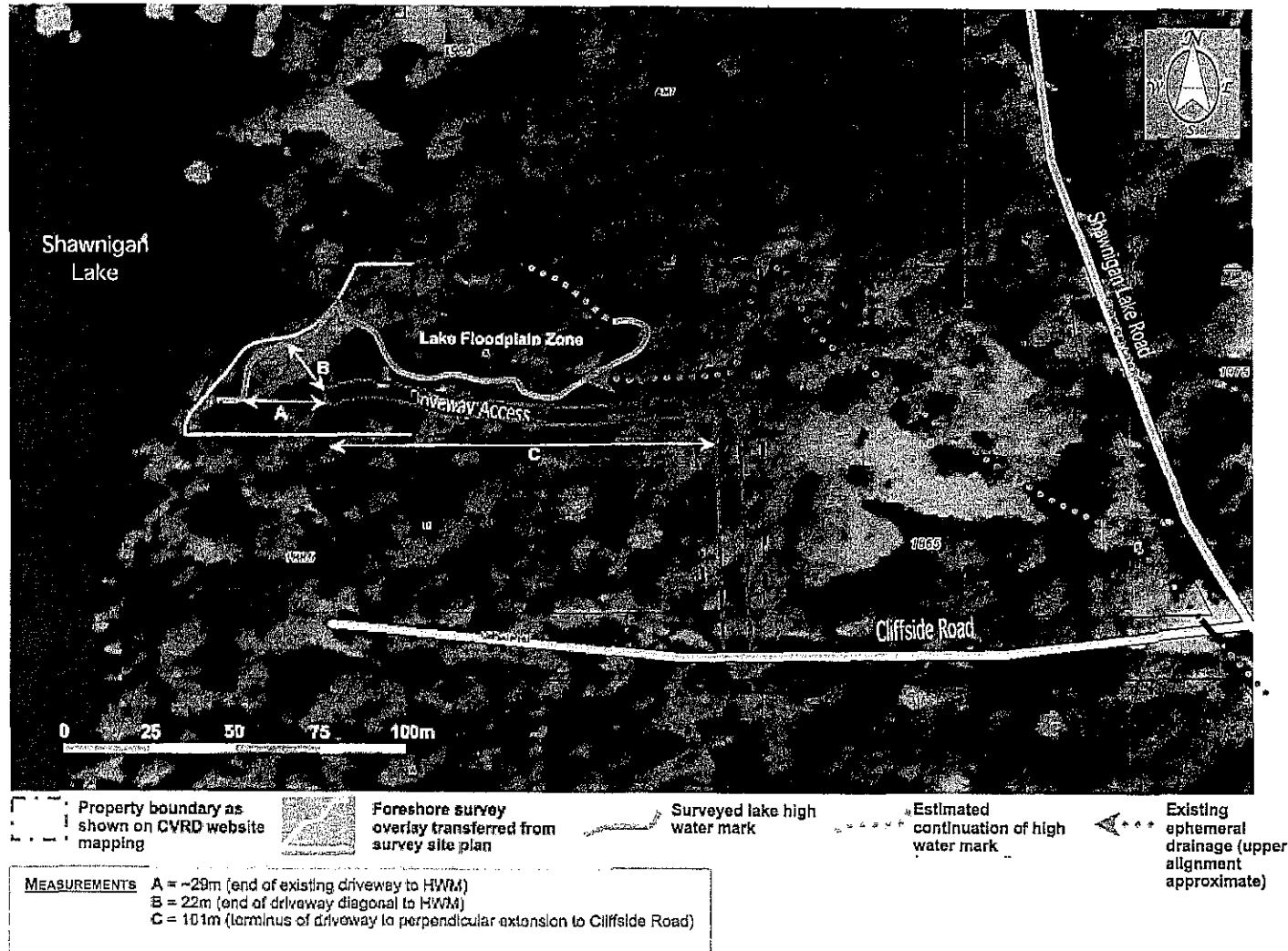


FIGURE 3 CVRD SHAWNIGAN LAKE ZONING MAP SHOWING SUBJECT PROPERTY AND RELEVANT PORTION OF MAP LEGEND

[From CVRD Electoral Area B - Zoning - MAP SHEET 2 (CENTRAL)]

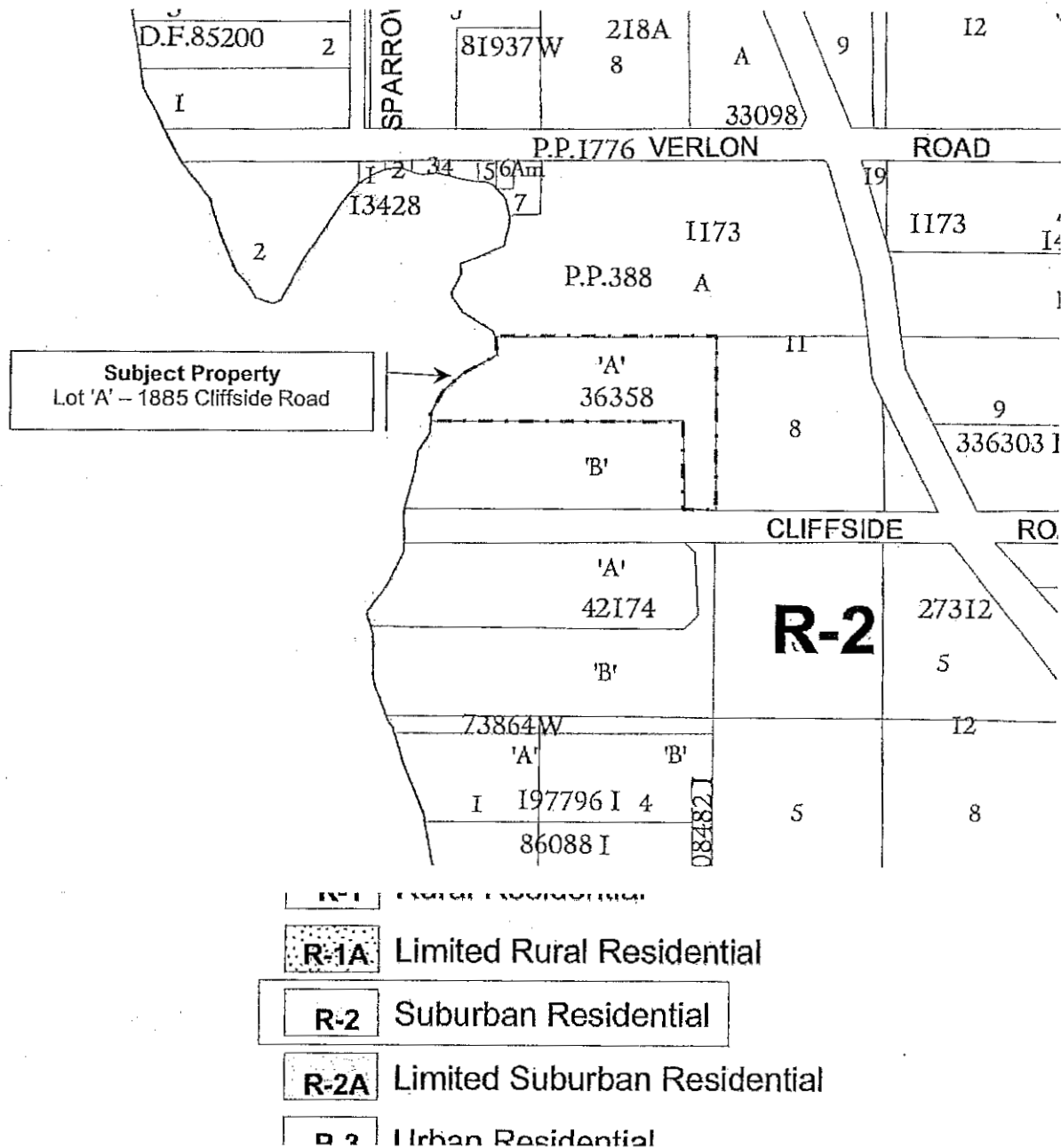
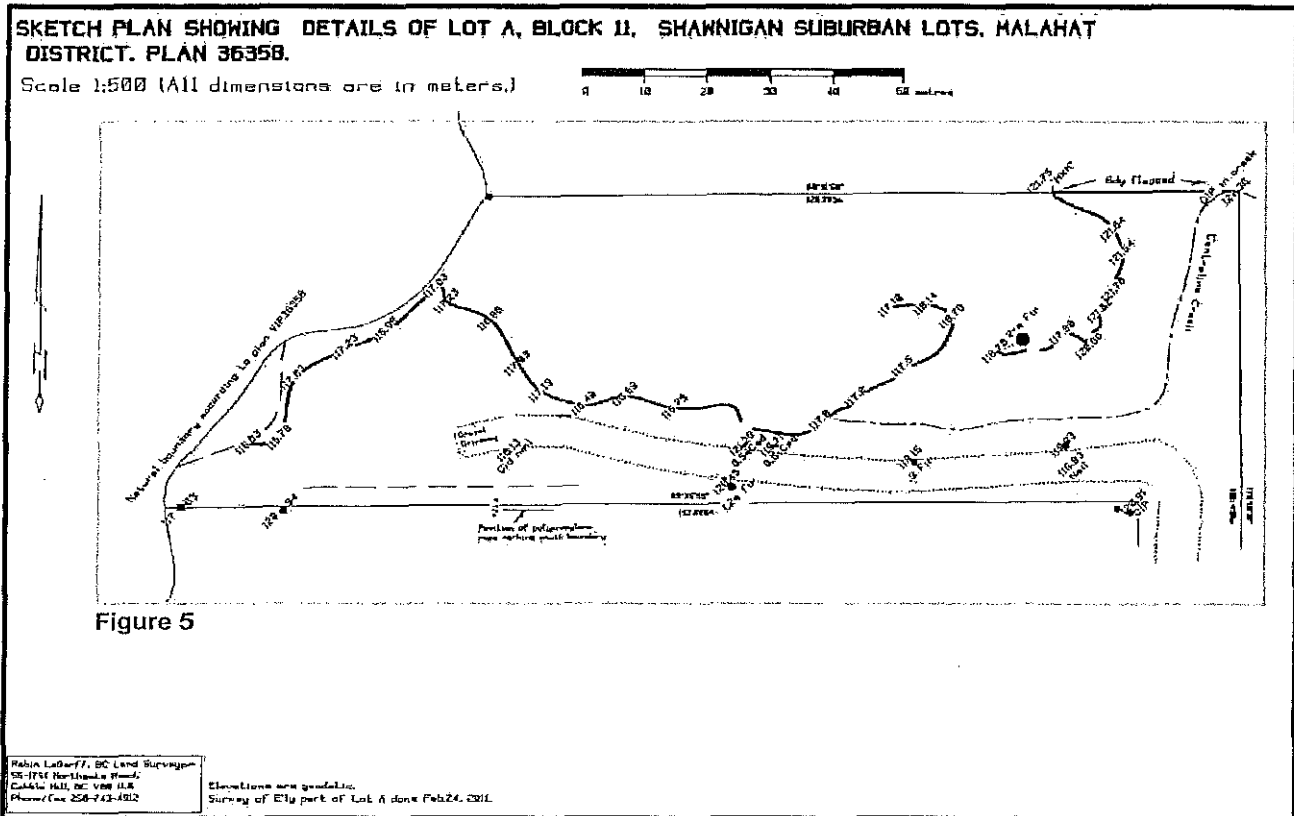


FIGURE 4 UNALTERED SITE PLAN SHOWING SURVEYED HIGH WATER ELEVATION POINTS

Lake high water mark topographic survey completed September 14, 2010 with assistance from the report author. Additional site survey of the floodplain high water mark completed February 24, 2011.



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FIGURE 6 EMAIL COMMUNICATION WITH CVRD REGARDING THE PROPOSED SPEA BEND

Note: The CVRD had reviewed a draft Figure 5 showing the constraint of the property with respect to compliance with the SPEA. They had not been presented with the completed Riparian Areas Assessment that would provide context.

From: Carla Schuk [mailto:cschuk@cvrd.bc.ca]
Sent: Wednesday, 27. October 2010 14:17
To: Greg Dowell
Subject: RE: SPEA Bend

Hi Greg,

I am glad that you sent this email to me. There are definitely a few points of clarification needed regarding the RAR development permit application based on what you have written below. It is difficult for me to assess your proposed development adequately without a formal application package in front of me, including the QEP's assessment of the property and the SPEA width that they have determined for the property. Therefore, working with incomplete information, I will try to provide some clarification on the application and approvals process.

First point of clarification is that the CVRD does not advise any developer to plan to build within the QEP assessed SPEA. As you may recall, during our conversation, I encouraged you to find an alternative site for your proposed development that was outside the SPEA. If "undue hardship" exists that prevents identification of a suitable alternative location for the dwelling and boat shed outside of the SPEA, the QEP will assess whether the development can encroach within the assessed SPEA without resulting in HADD (harmfully altering, disrupting, or destroying fish habitat). Their assessment report will outline appropriate measures towards the mitigation of a HADD throughout the development phase, as well as over the long term.

The determination of "undue hardship" with respect to RAR will be assessed by CVRD, Ministry of Environment (MOE), and Department of Fisheries and Oceans (DFO), once a development permit application has been submitted. It is important to include supporting documentation of "undue hardship" with the development permit application, such as a site plan of the entire property illustrating the proposed development and the factors prohibiting an alternative site for it. This could be submitted as part of the QEP report.

If the proposed development does not encroach within the zoning setbacks (i.e. 15m setback from a watercourse or the property line setbacks), then you will not need a variance permit from the CVRD in addition to the development permit. However, an encroachment into the QEP assessed SPEA setback, should the SPEA be determined to be wider than the 15m zoning setback, will require a variance to the Provincial RAR regulations. As mentioned above, when a QEP recommends a SPEA encroachment, this triggers three approvals processes, approvals from the CVRD Board, MOE, and the DFO before a development permit can be issued for a development.

If a SPEA bend is being recommended to accommodate a minor encroachment into a SPEA, the QEP can suggest that the SPEA width be reduced in one area and equally increased in another undisturbed area adjacent to the SPEA within the same property boundaries.

I hope this helps to clarify the requirements of the RAR development permit application. I encourage you to submit your application as soon as possible so that it can be reviewed by staff in a comprehensive manner. We can then engage in an informed discussion about the proposed development and determine what the next steps are.

Warm regards,
Carla

Carla Schuk
Planning Technician, Development Services Division
Planning and Development Department
Cowichan Valley Regional District
Tel: 250-748-2619
Fax: 250-748-2621
cschuk@cvrd.bc.ca

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From: Greg Dowell [mailto:gregdowell@shaw.ca]
Sent: Wednesday, October 27, 2010 8:36 AM
To: Carla Schuk
Subject: SPEA Bend

Good Morning Carla,

Based on our recent discussion regarding the constraints at my property, it is my understanding that the CVRD advises that I can continue planning my house site development provided the building and boat shed are outside the 15m setback from the high water mark. Further, by doing this, you indicated that this would initiate a flex to the RAR Streamside Protection and Enhancement Area (SPEA) rather than applying for a "Undue Hardship" under RAR as advised by my QEP. In this circumstance, an area equal to the encroachment into the SPEA would be added to an area within my property that is not currently within the SPEA.

Can you please confirm that my understanding is correct so that I can instruct my QEP to proceed based on this information.

Thank You,
Greg Dowell
Cell 250-859-7355
Home 250-595-7356

SECTION 5. ENVIRONMENTAL MONITORING

LEVEL OF ENVIRONMENTAL MONITORING EFFORT AND MONITORING SCHEDULE

This house development is a small in scope. As such, the project does not require environmental monitoring during construction.

ENVIRONMENTAL MONITOR AVAILABILITY TO THE PROJECT

The author (or an associate qualified Environmental Monitor) will be available on call to the owner to address any environmental issues that may arise from this development project and to provide advise on any environmental matter, if and as required.

IMPLEMENTATION OF EROSION CONTROL MEASURES

It is anticipated the only environmental mitigation works likely to be required (if any) will be related to erosion control and sediment management. In this regard, erosion control measures will be incorporated into the overall site management in that they will be, where possible, installed proactively in those areas that are identified as vulnerable to erosion or sediment generation. This may include (but not be limited to) the appropriate use of straw bales, silt fencing, polyethylene plastic sheeting, etc. as required. If use of these measures is required, the author will provide the owner with guidance and/or written guidelines on the appropriate application and installation of these materials. All are intended to provide mechanical treatment of runoff water (i.e. settlement and sediment trapping) and contain erodable materials.

COMMUNICATION PLAN

The small scope of this project does not warrant a communication plan. As noted above, the author will be available on an as-required basis to assist on resolution of environmental issues that may arise.

In the event of an accidental environmental incident (e.g. sedimentation event, hydraulic spill etc.), the owner is advised to contact the author who may attend the site and assist in developing a plan to remediate the issue. The appropriate regulatory agency will be notified. Also, as required by law, PEP will be notified of any hydraulic or fuel spill greater than 100 litres.

SECTION 6. POST DEVELOPMENT REPORT

On completion of the site development, a post development report will be prepared and submitted by a QEP to MOE-RAR.

SECTION 7. PROFESSIONAL OPINION

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

Date March 2, 2011

1. I, Craig T. Barlow, R.P.Bio. hereby certify that:

- a) I am are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am are qualified to carry out the assessment of the proposal made by the property owner Greg Dowell, which proposal is described in section 3 of this Assessment Report (the "development proposal"),

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

- c) I have carried out an assessment of the development proposal and my/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 property owner, 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.

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

SECTION 8: PHOTOS

All photos by C. Barlow; August 6 and 29, 2010; February 3, 2011



Photo 1 Access driveway looking west towards lake (August 6, 2010).



Photo 2 View looking east from end of existing driveway (August 6, 2010).



Photo 3 Lake foreshore area taken from floating dock showing willow thicket (August 6, 2010).



Photo 4 Photo from end of driveway showing approximate house location (August 6, 2010).



Photo 5 Panorama view taken from the end of the existing driveway west towards the lake showing the existing intact riparian buffer (August 6, 2010).

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



Photo 6 Panorama view of the subject property showing approximate house location left of tree in foreground. Rope visible on right represents the south property line (August 29, 2010).



Photo 7 Point where watercourse discharges to lake floodplain area (February 3, 2011).

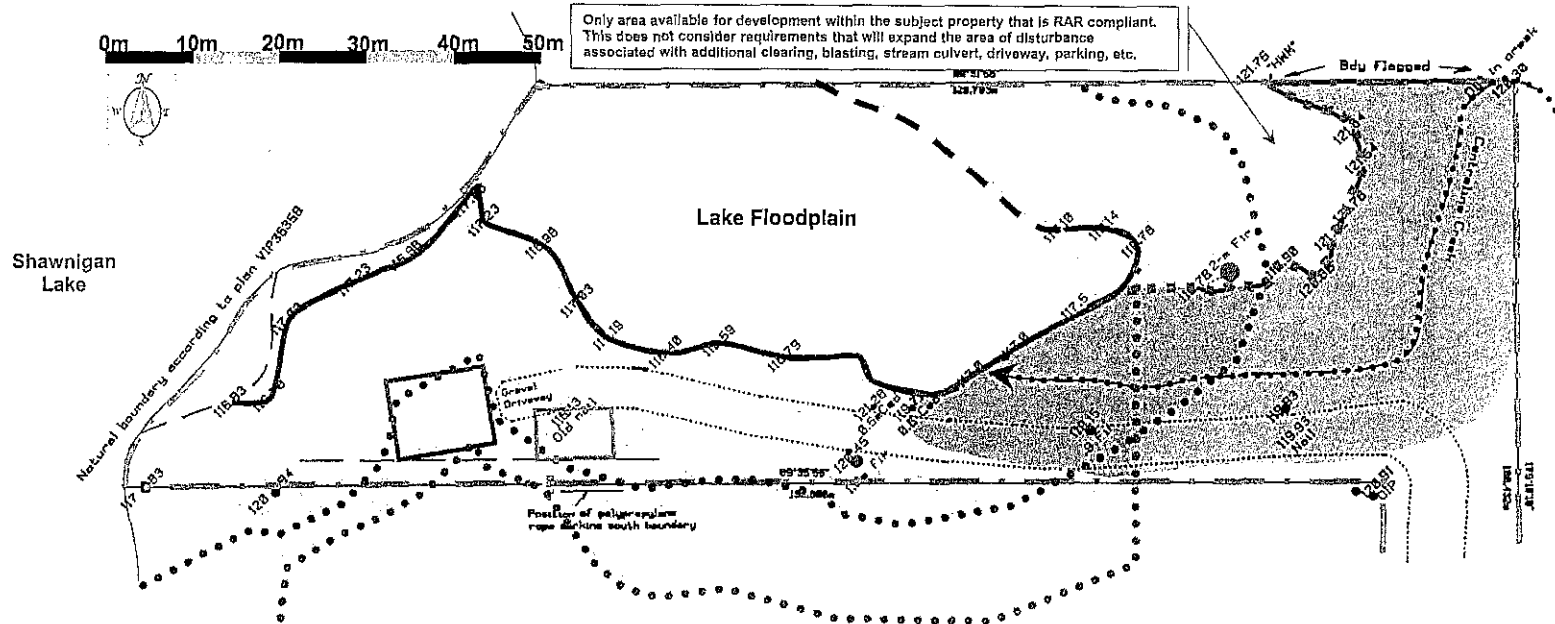
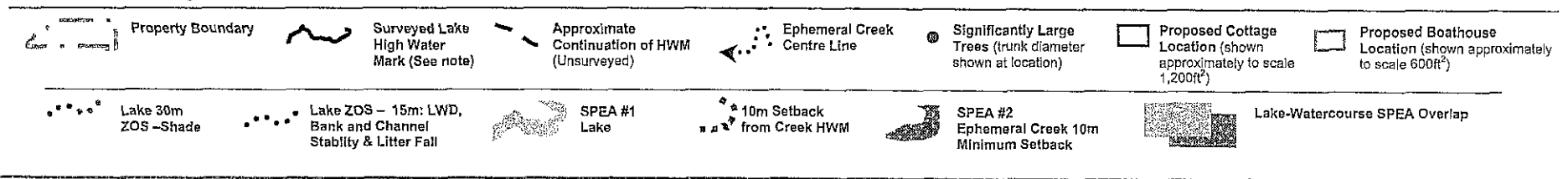


FIGURE 5 SURVEYED SITE PLAN: 1885 CLIFFSIDE ROAD SHAWNIGAN LAKE, BC SHOWING RIPARIAN ASSESSMENT AREA, ZONES OF SENSITIVITIES AND STREAMSIDE PROTECTION AND ENHANCEMENT AREA
ASSESSMENT BY: Craig Barlow, R.P.Bio., QEP



NOTES

1. This figure illustrates the constraints of this site as they relate to the inability to comply with RAR. Based on this information, there is no location within the developable area of the property with sufficient area where the house and boat shed can be relocated to be RAR compliant. Any building location would require support from CVRD through bylaw, support of a Variance under RAR or other Local Government accommodation.
2. Surveyed lake High Water Mark elevation on September 14, 2010, at the direction of the attending QEP. Additional survey of lake floodplain HWM, 10m creek setback, creek centreline and trees co and February 24, 2011) utilizing flagging placed by the QEP and based on visual estimation of HWM location. Survey point average elevation = 117.17m.



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011 FILE NO: 2-B-10 RS
FROM: Rachelle Moreau, Planner I BYLAW NO: 985 and 1010
SUBJECT: Rezoning Application No. 2-B-10RS (Conner)

Recommendation/Action:

1. That CVRD Bylaws No. 3501 and 3502 – Electoral Area B – Shawnigan Lake Official Community Plan and Zoning Amendment Bylaws (Conner), 2011 be granted First and Second Reading;
2. That the application referrals to the Ministry of Transportation and Infrastructure, Shawnigan Lake Fire Department, Lidstech Holdings, and Vancouver Island Health Authority be accepted;
3. That a public hearing be scheduled with Directors Cossey, Giles and Morrison appointed as delegates of the Board, following review by CVRD and Ministry of Transportation and Infrastructure of a professionally designed parking plan that satisfies the requirements of the CVRD Parking Standards Bylaw No. 1001.

Relation to the Corporate Strategic Plan: N/a

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

Background:

Location: 1845 Renfrew Road

Legal Description: Parcel A (DD42057¹) of Lot 8, Block 4, Sections 3 and 4, Range 4, Shawnigan District, Plan 218 (PID: 009-240-624).

Date Application and Complete Documentation Received: August 13, 2010

Owner: Daryl and Deborah Conner

Applicant (Agent): As above

Size of Parcels: Approximately 0.11 ha (0.28 acres)

Contaminated Site Profile Received: Declaration signed

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Single Family Residential (Urban Residential – R-3)
South: Mason's Beach Park and Shawnigan Lake
East: Railway (Railway Transportation – T-1)
West: Store (Local Commercial – C-2)

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified Shawnigan Creek, a TRIM Stream with confirmed fish presence, along the western edge of the property.

Archaeological Site: None have been identified

Existing Plan Designation: Urban Residential

Proposed Plan Designation: Commercial

Existing Zoning: Urban Residential (R-3)

Proposed Zoning: Local Commercial (C-2)

Minimum Lot Size - Existing Zoning: 1.0 ha (for parcels not served by community water or sewer systems)

Minimum Lot Size - Proposed Zoning: 0.8 ha (for parcels not served by community water or sewer)

Services:

Road Access: Renfrew Road

Water: Two wells: One shallow well for non-potable uses, and one deep well.

Sewage Disposal: Currently on septic system, proposed to upgrade to a treatment plant

Property Context:

The subject property is an approximately 0.11 ha (0.28 acres) property located on Renfrew Road at the intersection of Shawnigan Lake Road within Electoral Area B – Shawnigan Lake. Currently on the property is the original approximately 1920's era dwelling and several accessory buildings.

The land use surrounding the subject property consists primarily of single family residential properties to the north and east, with Shawnigan Lake and Mason's Beach Park to the south. There are several commercially zoned properties nearby including a store (C-2 –Local Commercial) on the adjacent parcel to the west, a pub (C-5 – Neighbourhood Pub), and C-4 – Tourist Recreation Commercial property.

Proposal:

This application proposes to rezone the property from R-3 (Urban Residential) to C-2 (Local Commercial) for the purpose of establishing a restaurant, coffee bar and ice cream shop within the existing building. The applicants have described their intention for the property and restaurant within their attached proposal, and they are proposing local, organic food, based on the slow food tradition. They also plan to maintain and restore the heritage elements of the home, and to promote its history within Shawnigan Lake.

No new construction is planned for the property, with the restaurant being proposed within the main floor of the current building and the ground floor being proposed for the ice cream shop and coffee bar. The grounds on the property will be improved to provide parking, gardens and picnic table seating.

Parking and Access

Access is provided from Renfrew Road, and an access permit from the Ministry of Transportation and Infrastructure (MoTI) will be required for the commercial use. The MoTI has indicated that access onto the property is adequate, however, sufficient on-site parking will need to be provided for the commercial use.

CVRD Parking Standards Bylaw No. 1001 specifies the number of parking spaces required based on the use of the property. For a restaurant, the number of parking stalls required is based on the number of seats, and the applicant is estimating that they will have approximately 22 seats for the restaurant and 10 seats for the coffee shop/ice cream parlour. Therefore, 14 parking spaces will be required.

Although there appears to be sufficient land area to supply the required parking spaces, consideration to the layout and turn-around space on the site is required. A professionally designed parking plan should be required to ensure that sufficient parking is available on the site.

Servicing

Currently, potable water and sewage disposal are provided on site; however, the owners will be upgrading the septic system to a treatment plant. Additionally, the Vancouver Island Health Authority (VIHA) has advised that a Permit to Operate will be required in order to use the existing well for potable water for the commercial use.

Heritage

The CVRD established a Community Heritage Register in order to identify properties having heritage value or heritage character. Being included on the local government heritage register does not constitute heritage designation or permanent heritage protection.

This dwelling was constructed in 1922 and the applicants are interested in preserving and promoting the heritage value of the building, and would like it be considered for inclusion on the CVRD Heritage Register.

Riparian Areas Regulation

As noted above, Shawnigan Creek is located on the west side of the subject property, and any new development proposed within 30 metres of Shawnigan Creek will require a Riparian Areas Regulation Development Permit to ensure protection of Shawnigan Creek. However, existing uses and buildings (lawn, gardens, the main residence, and accessory buildings) within 30 metres of the creek can be maintained.

To convert some of this area to parking (which may be required depending on the parking plan), a Riparian Areas Regulation assessment will be required. Although no new construction is proposed, any new development within 30 metres of the stream will require an assessment.

Policy Context

Zoning

While the intention of the current application is to permit a restaurant, coffee bar and ice cream shop, the proposed Local Commercial – C-2 Zone permits a range of commercial uses beyond the proposed food services. For reference, the adjacent property to the west (Mason's store) is also zoned C-2. Please see the attached C-2 Zoning description for a complete list of permitted uses in the C-2 zone.

Official Community Plan

The Official Community Plan outlines a number of relevant policies for consideration when evaluating proposals for new commercial development.

Policy 7.3

Shawnigan Village shall continue to function as the principal shopping and service centre of the area. To this end, future commercial growth shall be encouraged to locate within or immediately adjacent to existing commercial development in the Village.

Policy 7.6

The development of lands outside of the Shawnigan Village core for local commercial purposes may only be considered where the following criteria are met:

- a) It must be clearly demonstrated that the purpose of the proposed commercial operation is to provide a service to areas which are difficult or inconvenient to serve from the existing commercial core of Shawnigan Village;*
- b) The site must be accessible to a major local road (but need not front on one);*
- c) The proposed use will not generate excessive levels of traffic on minor local roads;*
- d) Existing views of surrounding properties will not be affected any more than they would be by residential use;*
- e) Public access to water shall not be reduced;*
- f) The site is to be developed in harmony with the character of the surrounding area (i.e. small in size, unobtrusive signage and lighting, adequate landscaping and screening, etc.);*
- g) The site is to be adequately serviced by a potable water source, sewage disposal system and off-street parking.*

Referral Agency Comments

This proposed amendment has been referred to the following external agencies for comment:

- Shawnigan Lake Volunteer Fire Department – *Interests unaffected;*
- Lidstech Holdings – *No response received.*
- Vancouver Island Health Authority (VIHA) – *No objections to the proposed amendment, however a Permit to Operate must be issued from VIHA. If the applicants wish to use the existing wells as their source of drinking water, they will have to undergo source approval for the wells and a Permit to Operate a Water System will be required.*
- Ministry of Transportation and Infrastructure – *MoTI would like the well on the existing right-of-way decommissioned, and a survey plan showing all proposed uses, parking stalls, and access.*
- CVRD Public Safety Department – *Approval recommended subject to conditions*
 - *Minimum two points of access/egress to the proposed commercial establishment should be considered to provide citizenry and emergency services personnel secondary evacuation route.*
 - *The water system for the development must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.*
- CVRD Parks and Recreation Department – *The Electoral Area B Parks Commission originally desired dedication of a 3 metre trail along Renfrew Road in front of the subject property to facilitate a roadside trail. However, a site visit conducted with Parks Department staff and the MOTI indicated that this will not be possible. Therefore, no trail is required. Currently, there is a paved shoulder on Renfrew Road, and a pedestrian crossing over Shawnigan Creek separated from the road by a guard rail.*
- CVRD Engineering and Environmental Services – *Not within any CVRD Water or Sewer Area*

In order to convert the dwelling to a commercial use, upgrades will be required to the building in accordance with the requirements of the BC Building Code. For example, these will include a review of the existing access for firefighting, ensuring adequate water supply for firefighting purposes, and sprinkling systems.

Advisory Planning Commission Comments

Recommendation:

That application 2-B-10 RS be approved subject to the following:

- *Limited C-2 Zone which would take into consideration the environmental sensitivity of the lot, and with allowable uses from the Bylaw limited to 1, 2, 3 (with limiting to table service only), 4, 14, and 15.*
- *Shawnigan Village Commercial DPA should extend to this area;*
- *MOTI communication and recommendations be completed in regards to entrance and egress and speed zones.*

Planning Division Comments

The proposed application is largely consistent with Policy 7.6 which specifies the criteria to be considered when rezoning property to commercial outside the Shawnigan Village area. The site appears to be well-placed in terms of its ability to provide commercial opportunities:

- It fronts a major road;
- Does not detract from views;
- Is adjacent to existing commercial property;
- Is within proximity to the Shawnigan Village and residential areas;
- There is an established crosswalk connecting this side of the road to Mason's Beach Park.

Additionally, while Policy 7.3 emphasizes the Shawnigan Village areas as the commercial core, this property is directly adjacent to an existing commercial property and will be within the vicinity of the Shawnigan Station development. Its location directly across from Mason's Beach makes it attractive for small-scale commercial uses provided that access from Mason's Beach to the subject property can be safely accomplished by pedestrians.

The OCP does not specify whether re-designation to commercial use warrants creation of a new development permit area (DPA). For reference, development permit areas may be established in order to guide the form and character of commercial development. It would not currently be directly applicable as no new construction or changes to the exterior of the building are proposed. However, if the property is redeveloped in the future, the DPA guidelines could specify guidelines for the appearance of the building including heritage elements, as well as landscaping and signage.

The draft South Cowichan OCP and Shawnigan Village Plan designate this property as Village Commercial, which is intended to provide for a diverse range of small-scale commercial uses. Within the draft plan, properties designated Village Commercial will also be subject to the guidelines of the Shawnigan Village Development Permit Area.

In the meantime, the Village Core Commercial Development Permit area could be applied to this property to ensure that any redevelopment occurs in harmony with the aesthetics of the surrounding lands.

In accordance with the APC's recommendation, a new zone (C-2C Local Commercial) has been drafted limiting the use to smaller-scale personal service and food service establishments. While retail stores are permitted, staff are suggesting that convenience stores and automotive parts, and accessory sales be removed from the list of permitted uses.

Options:

Option A:

1. That CVRD Bylaws No. – Electoral Area B – Shawnigan Lake Zoning and Official Community Plan Amendment Bylaws (Conner), 2011 be granted First and Second reading;
2. That the application referrals to the Ministry of Transportation and Infrastructure, Shawnigan Lake Fire Department, Lidstech Holdings, and Vancouver Island Health Authority be accepted;
3. That a public hearing be scheduled with Directors Cossey, Giles and Harrison appointed as delegates of the Board, following review by CVRD and Ministry of Transportation and Infrastructure of a professionally designed parking plan that satisfies the requirements of the CVRD Parking Standards Bylaw No. 1001.

Option B:

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

Option A is recommended.

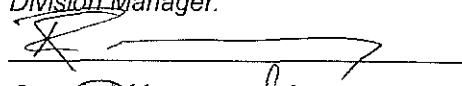
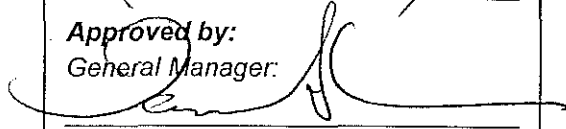
Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

RM/jah

Attachments

Reviewed by: <i>Division Manager:</i> 
Approved by: <i>General Manager:</i> 



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.

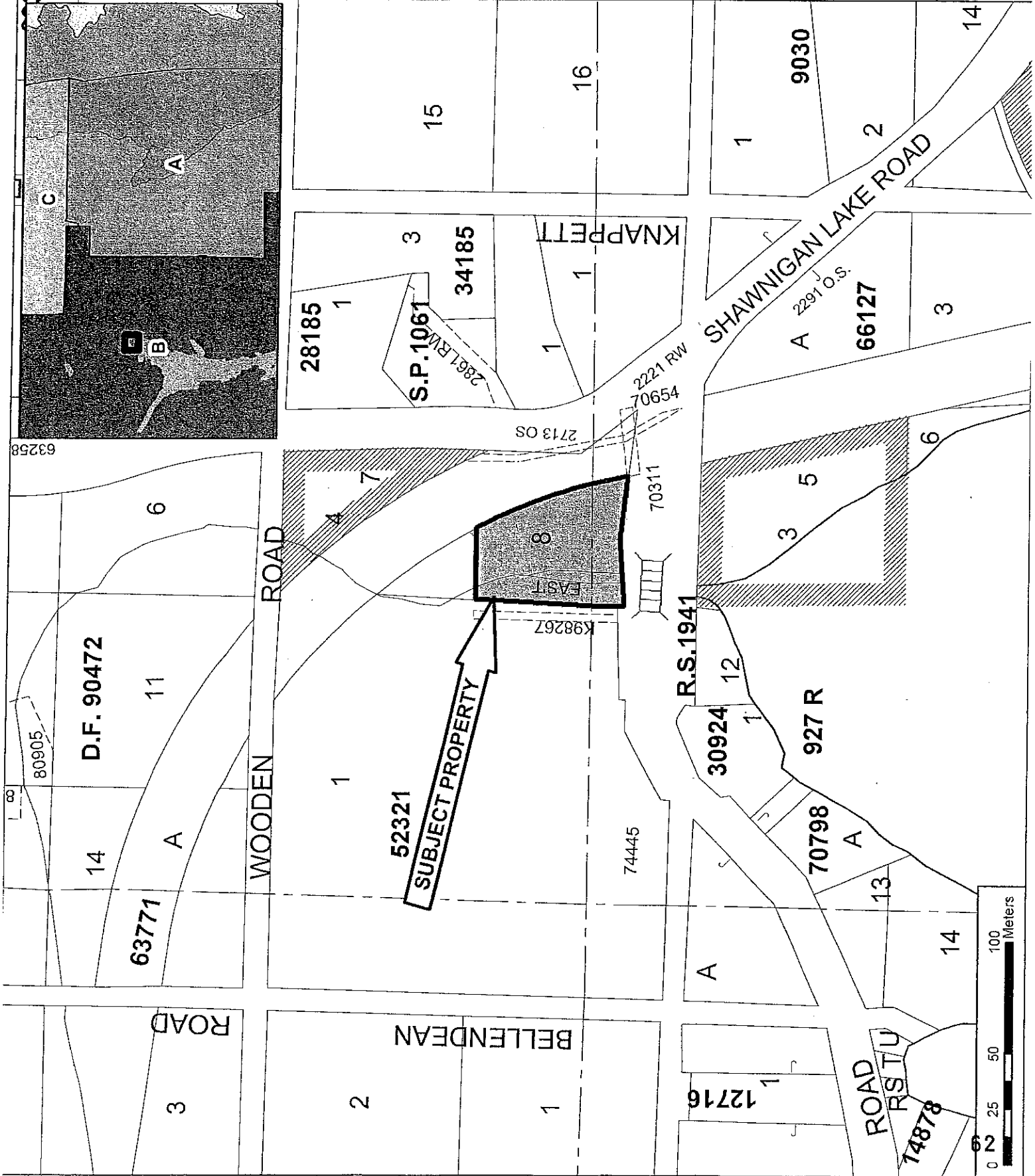
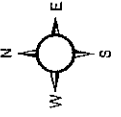
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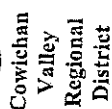
FILE: 2-B-10-RS

Legend



Subject Property





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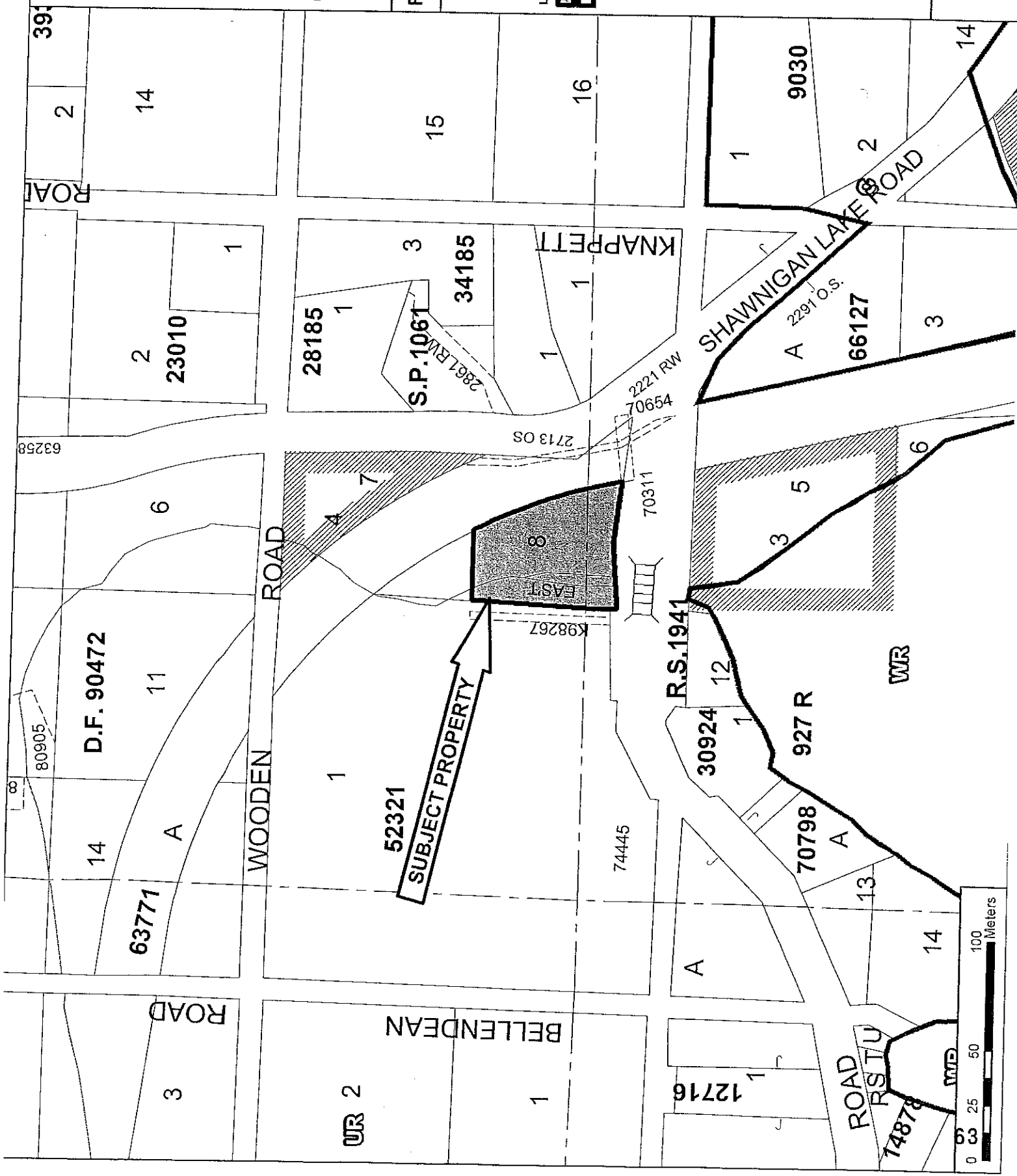
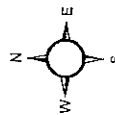
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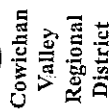
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Legend



Subject Property
OCP Electoral Area B





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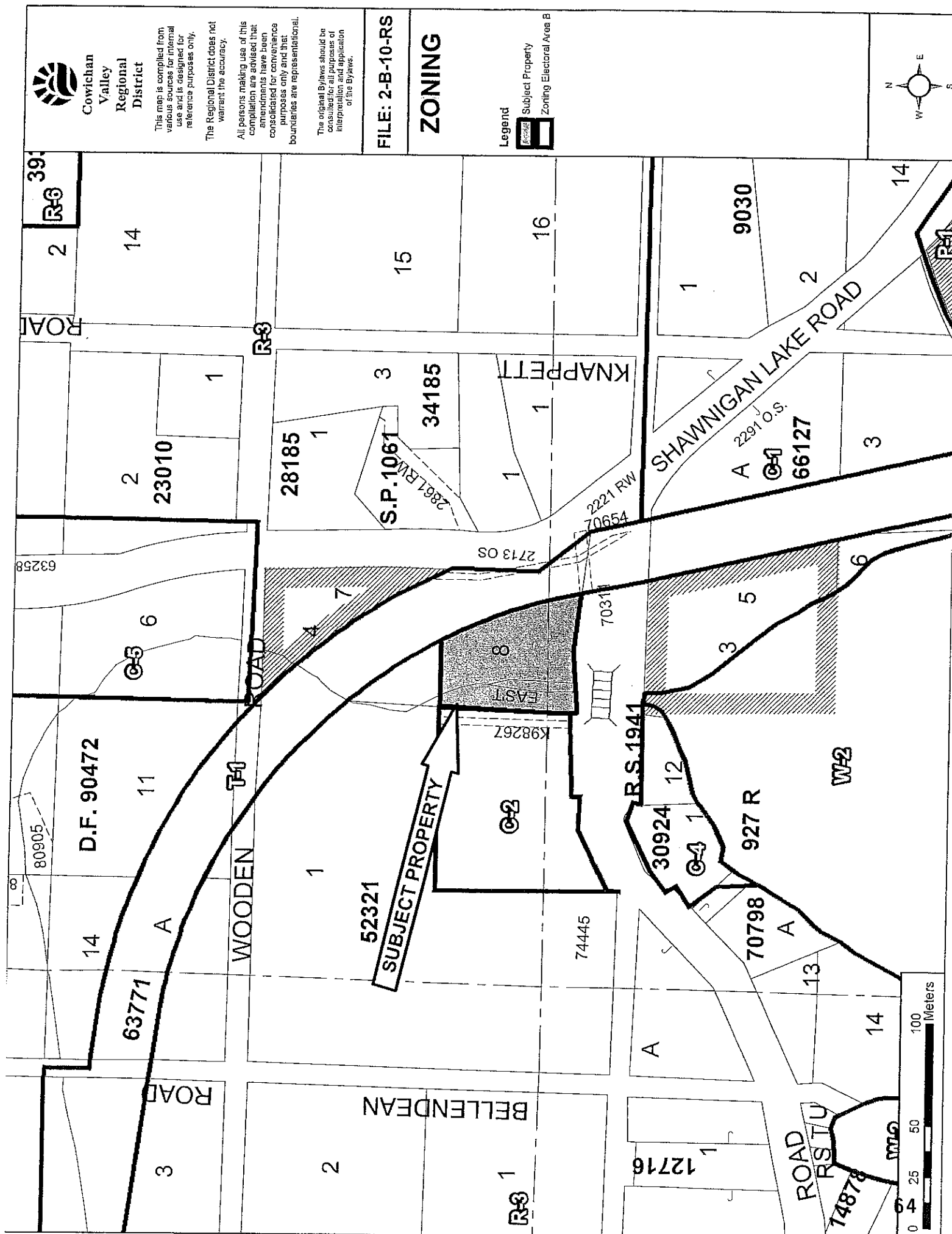
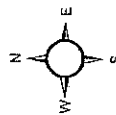
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ZONING

Legend



Subject Property
Zoning Electoral A





Cowichan
Valley
Regional
District

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

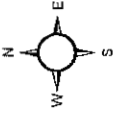
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The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 2-B-10-RS

Orthophoto (2002)



1845 Renfrew Road, Shawnigan Lake

Proposed Parking Plan

Green Lines - current paved parking
Red lines - proposed parking spaces

RENFREW ROAD (92.2 foot frontage)

E & N

MILL CREEK

38' available

20'

28' available

HP

front porch

bike

44' + available

18' available

main house

carport

pump

herb garden

lean to

storage shed

lean to

fenced garden

Looking east along Kenilworth Rd.



Looking west along the road. Bridge crossing under rail.

9.4 C-2 ZONE - LOCAL COMMERCIAL

(a) Permitted Uses

The following uses and no others are permitted in a C-2 Zone:

- (1) retail stores including convenience stores and automotive parts and accessory sales but excluding external storage of goods;
- (2) offices banks credit unions and other financial establishments;
- (3) restaurants catering including drive-in restaurants;
- (4) personal service establishments;
- (5) repair and servicing of personal and household goods and power tools electric and electronic equipment;
- (6) bowling alley arcade billiard and games room;
- (7) hardware and camping supply sales excluding storage yards;
- (8) ancillary wholesale sales and warehousing;
- (9) funeral parlours;
- (10) printing and publishing;
- (11) veterinary clinic;
- (12) parking garages and lots bus depots;
- (13) commercial plant nurseries horticulture retail sales of gardening supplies and produce ancillary outdoor storage;
- (14) bed and breakfast accommodation; and
- (15) one single family residential dwelling per parcel accessory to a use permitted in Section 9.4(a)(1) to (13) above;

(b) Conditions of Use

For any parcel in a C-2 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 except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	7.5 metres
Side (Interior & Exterior)	4.5 metres
Rear	6.0 metres

ENHANCING SHAWNIGAN VILLAGE

Our vision is to provide an affordable family eatery, filling the current void of a breakfast, lunch and dinner venue in the heart of Shawnigan Lake.

It is our hope to open Riverside Restaurant on the main floor of the "Riverside" house, located at 1845 Renfrew Road. The unique home of 88 years will be refurbished, removing the 1970's style gold shag carpets in preference to the original fir floors waiting to be brought to their former glory. All other heritage aspects of the home and its history (owned originally by Mrs. Bloomquist followed by a period as a United Church Manse), will be featured as part of the charm of the restaurant and its location in the heart of Shawnigan Lake. We will be investigating the possibility of having the home listed as a heritage home and will maintain it as such.

Riverside cuisine will focus on healthy, locally sourced, organic meals for breakfast, lunch and dinner that feature the culinary gifts of the Pacific Rim. (For example. . . breakfast will feature innovative, low fat, highly artistic creations with fruit, yogurt, waffles, crepes, etc. Lunch will be a mix of savoury crepes, quiches, local cheese & gourmet crackers, unique salad combinations and light entrees. Dinner will focus on fresh market produce, preferably organic, locally grown chicken and locally harvested wild seafood.) We plan on growing our own herbs in the already established garden, and placing our own cut flowers throughout the restaurant. Our vision is of excellence in guest services, culinary enjoyment, and fair pricing nestled in the quaint and friendly village of Shawnigan Lake.

The ground floor of the "Riverside" House will feature the Beach House, an upscale specialty coffee house, and organic ice cream bar, offering frozen desserts and confections. This venue will be of particular benefit to the many public beach goers (across the street) and students of Shawnigan Lake School. Once again, décor will be in keeping with the heritage aspects of the building, and will feature photos of the various watersports and activities on Shawnigan Lake over the years. We are members of the Shawnigan Lake Museum, and are eager to work with the curator to procure copies of some of these unique photos.

Organic Ice Cream flavours will be used in seasonal dessert cakes to be sold as take-home, by the piece in the café ice cream bar or as a dessert in the Riverside Restaurant. Confections will include hand-dipped chocolates, and fancy squares, available for enjoyment on site, for take-home, or packaged in seasonal gift boxes. Bakery items will include cheesecakes, shortbread, and European pastries for take-out or consumption in the café ice cream bar, or to complement a meal in the restaurant. All items will be artisan - made fresh on the premises, using local, organic ingredients as a first choice. We will provide a boutique café ice cream, dessert and confection experience, blending unusual flavours to delight the senses.

Our menu, service and culture will embrace the “*alimento lento*” – slow food tradition – where pleasure, delight, taste, place and conviviality allow patrons to share with friends and honour the earth. Food is at the heart of cultural identity – the South Island Region is developing a *culinary* identity and we wish to feature Shawnigan Lake, while becoming a defining partner in that movement.

We believe that Shawnigan Lake is the perfect location for such a venture due to demographics, growth, proximity to the beach, and vibrancy of the tourist industry in the area. While there are currently two specialty coffee outlets, most of the venues are rustic, and very small. We will not compete as a rustic cafe, but rather, provide a warm, vibrant, jazz infused, laid-back and lingering coffee house where one can enjoy an organic espresso or an organic tea with organic desserts such as Chocolate Hazelnut Swirl Cheesecake, Frozen Banana Bombe or Lemon Lavender Shortbread.

It is our intention to serve all take-out product in compostable containers; to have a net energy use of \$0 as we hope to purchase wind power offset credits, and finally, we will donate a percentage of our profits to promote both social and environmental justice.

We hope to provide some unique activities to patrons:

- We plan to open our doors to clubs and charitable groups when possible, for both meeting space and activities.
- We will feature Island musicians when possible to enhance the dining experience.
- Young families will enjoy flexible menu selections, in addition to a children’s play area in the Beach House. We will also engage preschool locals in story time once per month, with an opportunity for children to dress in costumes.
- We wish to offer game nights in the Beach House, providing organized social activity.
- Our location will provide work to students, and a venue for them to hang out in. Currently, there are no indoor spaces within walking distance for Shawnigan Lake school students. We hope to make the Beach House their favorite gathering spot.

Mission:

To share expressive, joyful creativity and honour for the earth and all beings through the delivery of exceptional, unique and alternative food products which celebrate and

inspire the alimento-lento (slow food) movement. Our desire is to inspire each of our patrons to live 'in the moment'.

Values:

We believe that quality products and services can only be produced by service-centred individuals, whose level of responsibility, punctuality, honesty, integrity, patience, loyalty, compassion and kindness are reflected in the choices they make each and every moment of every day, regardless of where they are and what they are doing. We value peace, harmony and team.

Vision:

Our vision is to inspire Cowichan locals to live consciously 'in the moment'; becoming the top of mind innovator of exceptional, unique and alternative food experiences. We wish to develop a sought after product and provide a value add to the tourists of Cowichan, enhancing their experience and encouraging them to make a return trip in the future.

Additional Information

- 31 years ago, Mr. Ettema, a previous owner of "Riverside", made a request to have the property at 1845 Renfrew rezoned commercial because he had heard from the CVRD that all the land between Shawnigan Garage and Mason's Store would eventually be commercially zoned. He made a second request six years after his first, as he was told that the "settlement plan" was to be reviewed. His correspondence and CVRD reply are included with this application. We are hopeful that after 31 years of waiting for commercial on this property, that Mr. Ettema may see it be rezoned in his lifetime. He is still living in Shawnigan, although he is now in his late 80's.
- We are upgrading the septic field to a treatment system. The current septic field, while still working, will not be adequate for commercial use.
- We have other options for water, as the current wells (2 of them) are not appropriate for commercial use.
- In the future, we plan on developing a garden area for patron enjoyment, and calling it the Bloomquist Rail Garden, maintaining the theme of the era and honoring the first owner of the property.
- We will have adequate parking per seating (including staff, delivery and handicapped) and adequate bathrooms per seating.
- We will have handicapped access to the building, in addition to handicapped bathroom facilities.
- We have had initial conversations with BC Hydro for 3 Phase power, which is readily available.
- We have a group of young people from Shawnigan and Duncan who are interested in working in the Beach House and/or the Riverside Restaurant when we finally open.

- We will pursue Heritage status.
- We plan to live upstairs in the loft, making this property multi-use.

The Riverside Story

In the early 1900's, three sisters came to Shawnigan with their families – Mrs. Koenig (later Kingsley) to start Koenig's Hotel; Mrs. Hartl to farm at the end of Hartl Road; and Mrs. Bloomquist, whose husband was a river pilot in the north and subsequently died in 1918 in the Sofia disaster.

Mrs. Bloomquist lived first in the River's house. In 1922 she built Riverside and moved there. In the early 1930's Mrs. Bloomquist put Riverside up for rent and she moved over the The Knoll. The final renter of this era was Mr. & Mrs. P.G. Cudlip. One of the other tenants was Constable Bobby Ross, who was there in 1937.

In 1952 Mrs. Bloomquist sold Riverside to the United Church for a Manse, and she once again moved, this time to the Tower House. United Church Ministers living in Riverside were Reverend Bernard Knipe, Reverend Howard Turpin and Reverend Leander Gillard.

In 1961 Riverside was sold to Mr. and Mrs. Barry, parents of Eileen Mason and again in 1976 it sold to Mr. and Mrs. Ettema. Mrs. Ettema used the ground floor as an art studio where she taught many Shawnigan residents how to paint.

Riverside briefly sold again in 2009 to Mr. and Mrs. Vreden of Victoria, and finally was purchased in 2010 by the current owners, Deborah and Daryl Conner.

In 88 years, Riverside has had many lodgers, but only six owners. We plan on seeing Riverside through its Centenarian celebration.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3501

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1010, Applicable To Electoral Area B – Shawnigan Lake

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area B – Shawnigan Lake, that being Official Community Plan Bylaw No. 1010;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1010;

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. 3501 – Electoral Area B – Shawnigan Lake Official Community Plan Amendment Bylaw (Conner), 2011".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1010, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

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

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

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

ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No.

Schedule A to Official Community Plan Bylaw No. 1010, is hereby amended as follows:

1. That Parcel A (DD 42057I) of Lot 8, Block 4, Sections 3 and 4, Range 4, Shawnigan District, Plan 218, as shown outlined in a solid black line on Plan number Z-XXX attached hereto and forming Schedule B of this bylaw:
 - a. Be redesignated from Urban Residential to Commercial;
 - b. Be designated within the Village Core Commercial Development Permit Area; and

that Schedule B to Official Community Plan Bylaw No. 1010 be amended accordingly.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3502

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 985 Applicable To Electoral Area B – Shawnigan Lake

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 B – Shawnigan Lake, that being Zoning Bylaw No. 985;

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. 985;

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. 3502 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Conner), 2011".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 985, as amended from time to time, is hereby amended in the following manner:

- a) Schedule B (Zoning Map) to Zoning Bylaw No. 985 is amended by rezoning Parcel A (DD 42057I) of Lot 8, Block 4, Sections 3 and 4, Range 4, Shawnigan District, Plan 218 – which is identified by shading on Schedule Z-XXXX attached hereto and forming part of this Bylaw, from R-3 (Urban Residential) to C-2C (Local Commercial).
- b) Part 9.0 is amended by adding a new Section 9.4 C-2 C (Local Commercial) and re-numbering subsequent sections.

9.4 C-2C – LOCAL COMMERCIAL(a) Principal Permitted Uses

The following uses and no others are permitted in a C-2C Zone:

- (1) retail stores excluding convenience stores and external storage of goods;
- (2) offices, banks, credit unions, and other financial establishments;
- (3) restaurants, catering, excluding drive-through;
- (4) personal service establishment;
- (5) bed and breakfast;
- (6) one office and one single family dwelling per parcel accessory to the uses permitted in Section 9.4(a)(1) to 9.4(a)(5).

(b) Conditions of Use

For any parcel in a C-2C 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, except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	7.5 metres
Side (Interior & Exterior)	4.5 metres
Rear	6.0 metres

c) Amend Part 14.1 to include the following minimum parcel sizes:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served by Community Water or Sewer
C-2C Local Commercial	1100 sq. m	1675 sq. m	0.8 ha

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



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011 FILE No: 1-B-10RS
FROM: Ann Kjerulf, Planner III BYLAW No: 985
Community & Regional Planning Division
SUBJECT: Rezoning Application No. 1-B-10RS (Walter)

RECOMMENDATION/ACTION:

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

RELATION TO THE CORPORATE STRATEGIC PLAN: The plan identifies the need to develop a long-term land use strategy/policy for forestry lands in the Cowichan Region as a strategic action to achieve sustainable land use.

FINANCIAL IMPACT: (Reviewed by Finance Division: N/A)

PURPOSE:

An application has been received to amend Electoral Area B – Shawnigan Lake – Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned F-1 (*Primary Forestry*) and designated for *Forestry* by Electoral Area B (Shawnigan Lake) Official Community Plan Bylaw No. 1010.

BACKGROUND:

Application Date:	March 2010
Owner:	M. Walter Contracting Ltd.
Applicant:	Michael Walter
Location:	Riverside Road – Electoral Area B – Shawnigan Lake
Legal Description:	Parcel A (DD 375861), District Lot 36, Helmcken District (009-710-809)
Size of Parcel:	± 27.42 hectares (± 67.76 acres)
Existing Use:	Forestry – According to the applicant, approximately 2 acres of the site north of the Koksilah River was logged as recently as 4 years ago and the remaining area was logged about 40 years ago. The portion of the site south of the Koksilah River was logged approximately 70 or 80 years ago and is now a well established mixed forest with both coniferous and deciduous trees and some evidence of old stumps from buckboard logging days.

Adjacent Uses:	All surrounding land parcels are zoned F-1 and designated Forestry. Parcels immediately to the east and west are owned by the Crown.
Existing OCP Designation:	Forestry
Proposed OCP Designation:	Forestry (no change)
Existing Zoning Designation:	F-1 (Primary Forestry)
Proposed Zoning Designation:	Another forestry zone (similar to F-2 (Secondary Forestry))
Minimum Lot Size (F-1):	80 ha
Minimum Lot Size (F-2):	4 ha
Road Access:	Riverside Road
Water:	Drilled wells for residential lots (proposed)
Sewage Disposal:	On-site disposal (proposed)
Fire Protection:	The site is not within a CVRD Fire Protection Area.
Public Transit:	No scheduled service to area
Agricultural Land Reserve Status:	N/A
Environmentally Sensitive Areas:	Sensitive Ecosystem polygons V1423 and V1417A (CVRD Environmental Planning Atlas)
Contaminated Sites Regulation:	Declaration signed; no Schedule 2 uses noted
Archaeological Sites:	None confirmed on the subject property

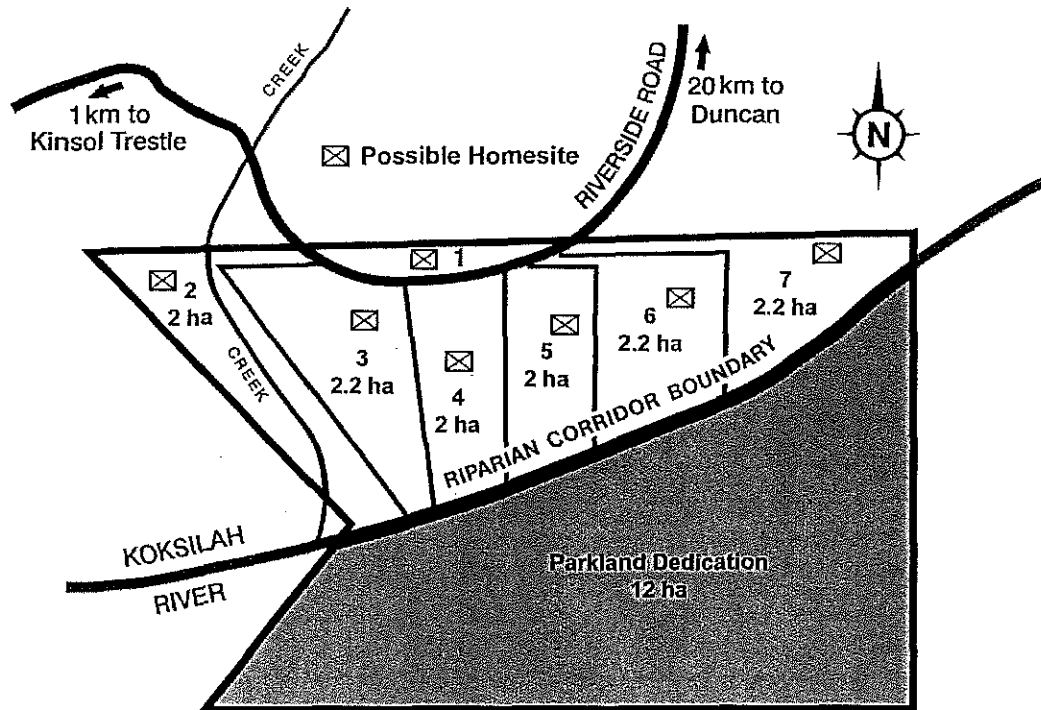
SITE CONTEXT

The ± 27.42 ha (± 67.76 acre) site is located in Electoral Area B and accessed by Riverside Road, approximately 0.5 km east of the Kinsol Trestle. The site is bisected by the Koksilah River, with no bridge crossings between the northern and southern portions. The site is well-treed. There are currently no dwellings on the property. All adjacent land parcels are designated Forestry, zoned F-1, and are 12 ha (30 acres) and larger. Parcels immediately to the east and west are Provincial Crown-owned lands (see attachments).

PROPOSAL

An application has been made to rezone the site from F-1 (Primary Forestry) to another forestry zone, similar to F-2 (Secondary Forestry), for the purpose of accommodating a seven lot residential subdivision. The applicant wishes to create one ± 1 ha (2.5 acre) parcel to the north of Riverside Road with the remaining property north of the Koksilah River divided into six lots ranging from ± 2 to 2.2 ha (5 – 5.5 acres) in size. The southern ± 12 ha (± 30 acres) portion of the site is proposed to be dedicated as parkland.

As the proposed residential lots do not meet the 4 hectare minimum lot size requirement in the F-2 zone, a new zone would need to be created which has a 2 hectare minimum lot size. Section 13.4(a) of Bylaw 985 allows a parcel that is physically separated from the remainder of the parcel by a public road to be subdivided from the remainder of the parcel. This would exempt the proposed ± 1 ha lot from a minimum 2 ha lot size requirement. A conceptual subdivision plan illustrating the proposed layout of the parcels is as follows:



Site Access

Riverside Road is the proposed access for the seven lot subdivision; the southern portion of the property has no road access. The amount of land to be set aside for road dedication, lot layout and location of driveway accesses would be determined at the time of subdivision by the BC Ministry of Transportation and Infrastructure (MoTI), the subdivision approving authority.

Parcel Frontage

The proposed lots do not appear to meet the frontage requirement of 10% of the perimeter of the parcel outlined in Section 13.7 of Zoning Bylaw No. 985. MoTI could waive this requirement at the time of subdivision.

Water and Sewer Servicing

The property is not serviced by a community water or sewer system and there are no onsite water or sewer services at the present time. Individual wells and on-site sewage disposal are proposed.

Fire Protection

The site is outside the Cowichan Bay Fire Protection Area. While the site is located about 1 kilometre from the Kinsol Trestle, both CVRD Parks and Public Safety staff have confirmed there are no plans to expand the Cowichan Bay Fire Protection Area to the Kinsol Trestle. The south side of the trestle is within the Shawnigan Lake Fire Protection Area.

Parks and Trails

The Local Government Act (Section 941) requires a 5% parkland dedication in a location acceptable to the local government (or cash-in-lieu) from subdivisions where the smallest parcel is 2.0 ha or less in size and 3 or more new parcels are created. The subdivision would yield more than three new parcels and the smallest parcel would be less than 2.0 ha in size. As such, 5% parkland dedication or cash-in-lieu would be a requirement of subdivision. As part of the rezoning application, the applicant proposes to dedicate the southern portion of the property as

park (approximately 50% of the site) and place a covenant on the riparian corridor north of the river (approximately 10% of the site).

Environmentally Sensitive Areas

The CVRD Environmental Planning Atlas (2000) identifies the Koksilah River corridor as a sensitive area (see attachment). As such, the applicant is required to undertake a riparian area assessment and obtain a development permit approval from the CVRD prior to the subdivision of land.

Agency Referrals

The proposed amendment was referred to the following external agencies for comment: the Central Vancouver Island Health Authority; the Ministry of Transportation and Infrastructure; the Ministry of Environment; the Ministry of Forests, the Cowichan Bay Fire Department; Cowichan Tribes; Malahat First Nation; and School District 79. The application was also referred to the following internal CVRD departments for comment: the Parks and Trails Division of the Parks, Recreation & Culture Department, and the Public Safety Department.

Sustainability Checklist

The applicant has completed the CVRD Sustainability Checklist (see attached).

POLICY CONTEXT

Official Community Plan

The Electoral Area B Official Community Plan Bylaw No. 1010 provides the policy context for making land-use decisions including those for rezoning applications. It is important to consider the goals, objectives and policies of the Plan in relation to the rezoning application at hand. The overriding goal of the Plan is *"to accept a reasonable share of Vancouver Island growth while protecting and enhancing Electoral Area B recreational, scenic, and forest resources."*

Specific plan objectives, that are relevant to this rezoning application, include:

- *"To provide for a variety of residential accommodation and different lifestyles while preserving the essential rural character of Shawnigan."*
- *"To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing developed areas."*
- *"To discourage intensive commercial and residential development that would erode the present rural and resort character of the area."*
- *"To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas."*
- *"To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake."*

Specific plan policies that relate to the use of forestry and resource lands, and that are relevant to this application, include:

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

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

Policy 2.3: The potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.

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

Policy 2.7: Lands within the Forestry designation shall generally be zoned as F-1 (Primary Forestry), wherein the minimum parcel size is 80 hectares.

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

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

Policy 6.1: The majority of future residential growth shall be encouraged to locate adjacent to the existing Village area to the north and north-east of Shawnigan Lake. Preference will be given to development outside of the Shawnigan Lake Watershed.

Policy 9.2: The Regional District shall endeavour to secure control over lands adjacent to lakes and watercourses for park purposes where they become available, whether through purchases, lease, dedication or other means.

Zoning Regulations

According to Electoral Area B – Shawnigan Zoning Bylaw No. 985, the property is zoned F-1 (Primary Forestry), which has a minimum parcel size of 80 ha and permits the following uses:

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

- (8) Secondary suite or a second single-family dwelling on parcels that are 10.0 hectares or more in area.

In order for the property to be subdivided, a Zoning Bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to another Forestry designation, similar to F-2. The F-2 designation permits the following:

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

Development Potential

There are currently no existing dwellings on the subject parcel. Under the existing F-1 zone a maximum of two single family residential dwellings are permitted on this parcel because the parcel is larger than 10.0 hectares. As each dwelling is permitted to have either a secondary suite or small suite, there is a potential for four dwellings in total. Contingent upon MoTI approval, subdivision of the parcel (severing the .4 ha/1 acre parcel north of the road), could theoretically result in three single family dwellings (and six dwellings in total with suites).

The rezoning proposal has a potential density of seven single family residential dwellings. If secondary suites would be permitted under the new zoning designation, there would be potential for fourteen dwellings in total). The F-1 and F-2 zoning regulations are attached to this report for reference.

Conceptual Subdivision Plan

The proposed subdivision is conceptual at the rezoning stage as key considerations such as site access, road dedication and lot layout have not yet been fully determined. These details would be finalized pending approval from the Ministry of Transportation and Infrastructure. At this stage of the process, it is most important that the EASC consider whether or not the proposed use is suitable given the site context and direction of the Official Community Plan with regard to the use of Forestry lands.

REFERRAL COMMENTS

This application was referred to the Area B Advisory Planning Commission and government agencies on September 27, 2010. The following is a summary of the feedback received.

Advisory Planning Commission

The Area B Advisory Planning Commission reviewed this application on October 7, 2010 and passed the following motions:

- *“APC recommends that the CVRD not approve this application.”*
- *“APC recommends that (the) Koksilah River corridor be reviewed for special River Corridor Zoning.”*

The Area B APC Chair subsequently provided clarification of the foregoing motions in an email to staff (see attachments).

Ministry of Transportation and Infrastructure

No written comments have been received. MoTi staff have verbally indicated that Riverside Road may not be a gazetted road. This would be confirmed at the time of subdivision.

Central Vancouver Island Health Authority

The health authority has indicated that their interests are unaffected and that the applicant would be required to meet the Vancouver Island Subdivision Standards at the subdivision stage.

Ministry of Environment (Natural Resources Operations)

Concerns were expressed regarding potential negative impacts on environmentally sensitive riparian habitat and the addition of another "pocket of development to the landscape." If this application proceeds, development should be guided by the Ministry of Environment publication "*Develop with Care: Environmental Guidelines for Urban and Rural Development*" (see attachment).

Cowichan Tribes

Comments were received November 29, 2010. Cowichan Tribes does not support rezoning of any forest lands due to "lack of planning" and the "possible effects of unlimited development and growth." Specific concerns include water extraction, linear development along the Koksilah River, damage to salmon and wildlife, splitting of forestry parcels resulting in "further alienation of Cowichan Tribes from the traditional use and cultural practices on the land and the river" (see attachment).

CVRD Public Safety Department

Public Safety recommended that the application not be approved. The subject property is outside the fire response area and is within an area identified as having a high to extreme risk for wildfire. Notations include "completion of a Wildland Urban Interface Assessment, two points of access/egress, and compliance with *NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting*" (see attachment).

CVRD Parks and Trails Division, Parks Recreation & Culture

The Shawnigan Lake Parks and Recreation Commission reviewed the proposal on March 30, 2011 and passed the following motion:

- *"The Shawnigan Lake Parks Commission is in favour of the Concept Plan presented by Mr. Walter at the Commission meeting 30Mar11 offering 30 acres of parkland along the south side of Koksilah River as part of the Walter re-zoning application, File 1-B-10RS".*

Subject to approval of the application by the CVRD Board, a Section 219 Covenant should be registered on the property stating that the proposed park area would be dedicated to the CVRD as a fee simple titled lot concurrent with the approval and registration of the subdivision (see attachments).

School District No. 79

No comments were received.

Malahat First Nation

No comments were received

Ministry of Forests

No comments were received

PUBLIC RESPONSE

To date, staff have received two phone calls from local residents who were neither in support nor opposed to the proposal. Two phone calls were received from local residents opposed to the proposal. Staff have also received calls from an individual owner and from a large commercial realtor/developer interested in developing a large parcel of F-1 zoned land in close proximity to the subject property. A formal notification process would be undertaken if staff is directed to prepare bylaws and schedule a public hearing.

PLANNING COMMENTS

Current Policy Framework

The OCP directs that Forestry uses be given priority in areas designated for Forestry while allowing subordinate residential uses; explicitly discourages linear residential growth along the Koksilah River; and contemplates rezoning parcels from F-1 to F-2 where the parcel would provide a buffer between residential and forestry uses.

The proposed subdivision of the subject property would result in the conversion of land from forestry to residential and recreational uses. Given the size of the parcels to be created (<2.2 ha), it is unlikely that the land on the northern portion of the property would remain in active forestry use. As the subject property is surrounded by Forestry-designated land, the rezoning would not serve to provide a buffer between forestry and residential uses. Furthermore, the proposed subdivision contradicts the direction of the OCP to discourage linear residential growth along the Koksilah River. On-site fire-fighting capacity would have to be provided as there is no plan to expand the Cowichan Bay Fire Protection Area to the north end of the Kinsol Trestle.

Rezoning to the F-2 designation appears to be supported in cases involving a *“very substantial dedication of public park and/or community forest...and is in a location considered to be beneficial to the community and region.”* The southern portion of the subject property, proposed to be gifted as park, is an area that currently experiences informal recreational trail use and is identified by the Electoral Area B Parks Master Plan as an area that could be acquired for a trail connection (see attachment). It should be reiterated that the OCP considers that the *“potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.”* The potential for the southern portion of the subject property, which would be outside an established linear trail corridor, to be placed in a community forest designation could be considered in light of the OCP policy.

It should also be noted that parkland dedication through rezoning is not the sole method for obtaining parks and trail amenities. The Official Community Plan speaks to a variety of available methods such as “lease, purchase, dedication and other means.” Albeit, dedication through rezoning appears to be the common method of obtaining parkland.

Community Planning Principles

Good community planning principles speak to the collocation of different types of land uses (e.g. housing, jobs, shopping and services) in order to achieve efficiencies in land use. Examples of potential efficiencies include reduced reliance on private automobile use, less time spent commuting, decreased costs for infrastructure and servicing, and the ability to preserve large tracts of resource land by clustering other, more intensive land uses. The proposed rezoning would result in suburban residential development in an area with no public transit that is several kilometers away from employment, shopping and services. With respect to provincial (Bill 27) climate change legislation, there should also be consideration of the potential impact of the proposed rezoning and subdivision in regard to greenhouse gas emissions. Transportation represents the greatest source of GHG emissions in the CVRD.

Forest Land Speculation

It is interesting to note that over the past five years, the CVRD has received 145 applications for OCP amendments and/or rezoning. 37 (25%) of these applications have involved requests to rezone land from F-1 (Primary Forestry) to another designation and roughly half of the applications have involved requests to rezone F-1 land to a residential zone. 17 of 28 applications – 60% – were approved and 12 applications are currently pending. More than 50% of applications received are for properties located in Electoral Area B.

Given that 25% of all applications for OCP/zoning amendment received over the past five years have involved forest lands, it is clear that forest lands are continuing to undergo speculative pressure and that a regional forest lands policy may be useful in guiding decisions on future applications of this nature. Notably, the CVRD Corporate Strategic Plan, dated September 2010, identifies the development of a long-term land use strategy/policy for forestry lands in the Cowichan Region as a strategic action to achieve sustainable land use.

Draft Policy Framework

A new policy framework for guiding and managing growth in Electoral Area B and the greater South Cowichan will come into effect upon adoption of the new South Cowichan Official Community Plan. The new OCP is intended to be a current reflection of the community's vision and values. The draft OCP does contemplate the creation of a River Corridor Designation, which upon adoption of the new OCP, would apply to existing residential parcels along the Koksilah River. The intent is to ensure that, if development is to occur, the pristine riparian habitat along the Koksilah River would be protected in perpetuity. Proposed zoning within the River Corridor Designation would allow either a 1 or 2 hectare minimum parcel size.

Under the proposed South Cowichan OCP, the River Corridor Designation does not apply to the subject property. The proposed designation for the subject property is "Rural Resource", similar to the current "Forestry" Designation, which has an 80 ha minimum parcel size. Furthermore, Policy 10.8 of the draft OCP establishes conditions that would have to be met in order for a parcel of land in the rural designation to be rezoned to allow increased residential density outside established village containment boundaries (see draft policy 10.8 attached).

Conclusion

While the proposed parkland dedication is substantial, the application must be weighed in relation to all relevant objectives and policies of the current Official Community Plan. There are a number of inconsistencies, namely:

- The proposal would not *"ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing developed areas."*
- Further residential development in the areas designated Forestry is discouraged.
- Linear residential growth along Koksilah River is discouraged.
- The proposed development would not provide a buffer between large forestry parcels and residential land designations in order to limit the potential for land use conflicts.
- The proposed residential development is not adjacent to the existing Shawnigan Lake Village area.

While the draft OCP contemplates a River Corridor Zone which could potentially accommodate this proposal, an OCP amendment would be required in addition to a rezoning, in order to approve this application. Moreover, in a recent discussion, the applicant indicated that he prefers that his application not be tabled until the new OCP has been adopted. Based on these reasons, and the referral comments received, staff recommends that this application be denied.

OPTIONS

Option A

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

Option B

That Rezoning Application No. 1-B-10RS (Walter) be tabled until the South Cowichan Official Community Plan (OCP) Review has been completed and a new OCP has been adopted.

Option C

1. That the applicant provide a wildland urban interface assessment and confirm commitments with respect to park land dedication;
2. That the applicant undertake to guide development according to the Ministry of Environment publication, *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006* to the satisfaction of the Manager of Development Services.
3. That the applicant undertake to comply with *NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting* to the satisfaction of the Chief Building Official.
4. That the applicant arrange with Cowichan Tribes to have the subject property examined by Tribes' staff, elders and cultural advisors for past and contemporary cultural use and commit to incorporating such considerations in the siting and design of the development.
5. That the southern portion of the subject property identified for park dedication be placed into a community forest designation with accommodation for a trail corridor as identified in the Electoral Area B Parks Master Plan.
6. That a covenant be placed on the northern portion of the property, in the riparian corridor adjacent to the Koksilah River.
7. That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes and School District 79 be accepted;
8. That draft bylaws be prepared and presented at a future EASC meeting for review.

If Option C is moved, staff require additional direction as to whether (a) a new forestry/residential or river corridor zone should be developed or (b) the rezoning should comply with the minimum lot size requirements of the existing F-2 zoning designation.

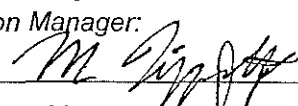
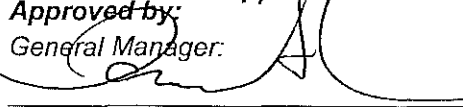
Option A is recommended.

Submitted by,



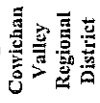
Ann Kjerulf, Planner III
Community and Regional Planning Division
Planning and Development Department

AK/jah
Attachments

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

ATTACHMENTS

- Location of Subject Property (Cadastral)
- Location of Subject Property (Orthophoto 2002)
- Private and Crown Lands
- Sensitive Ecosystem Inventory
- F1 Zone Regulations
- F2 Zone Regulations
- Area B Advisory Planning Commission Minutes (October 7, 2010)
- Email from Area B Advisory Planning Commission Chair (January 5, 2011)
- Letter from Ministry of Natural Resource Operations (January 6, 2011)
- Letter from Cowichan Tribes (November 29, 2010)
- Memorandum from CVRD Public Safety (October 1, 2010)
- Area B Parks and Recreation Commission Minutes Excerpt (March 30, 2011)
- Memorandum from CVRD Parks and Trails Division (April 18, 2011)
- Shawnigan Lake Community Parks and Trails Master Plan Map
- South Cowichan OCP Policy 10.8 (draft)
- Letter to EASC from Applicant (May 16, 2011)



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

The Regional District does not warrant the accuracy.

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

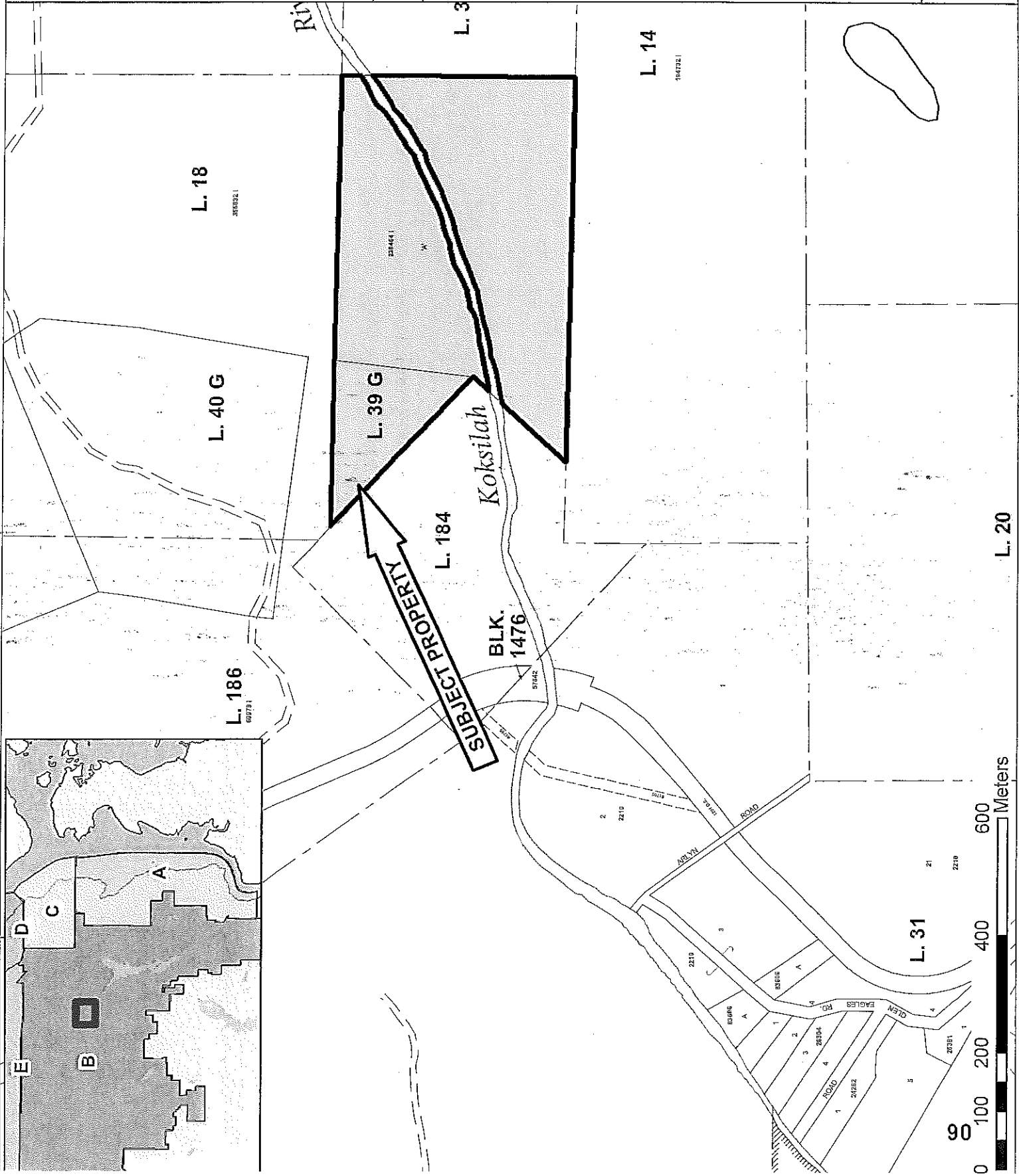
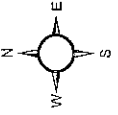
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-B-10-RS

Legend



Subject Property





Cowichan
Valley
Regional
District

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

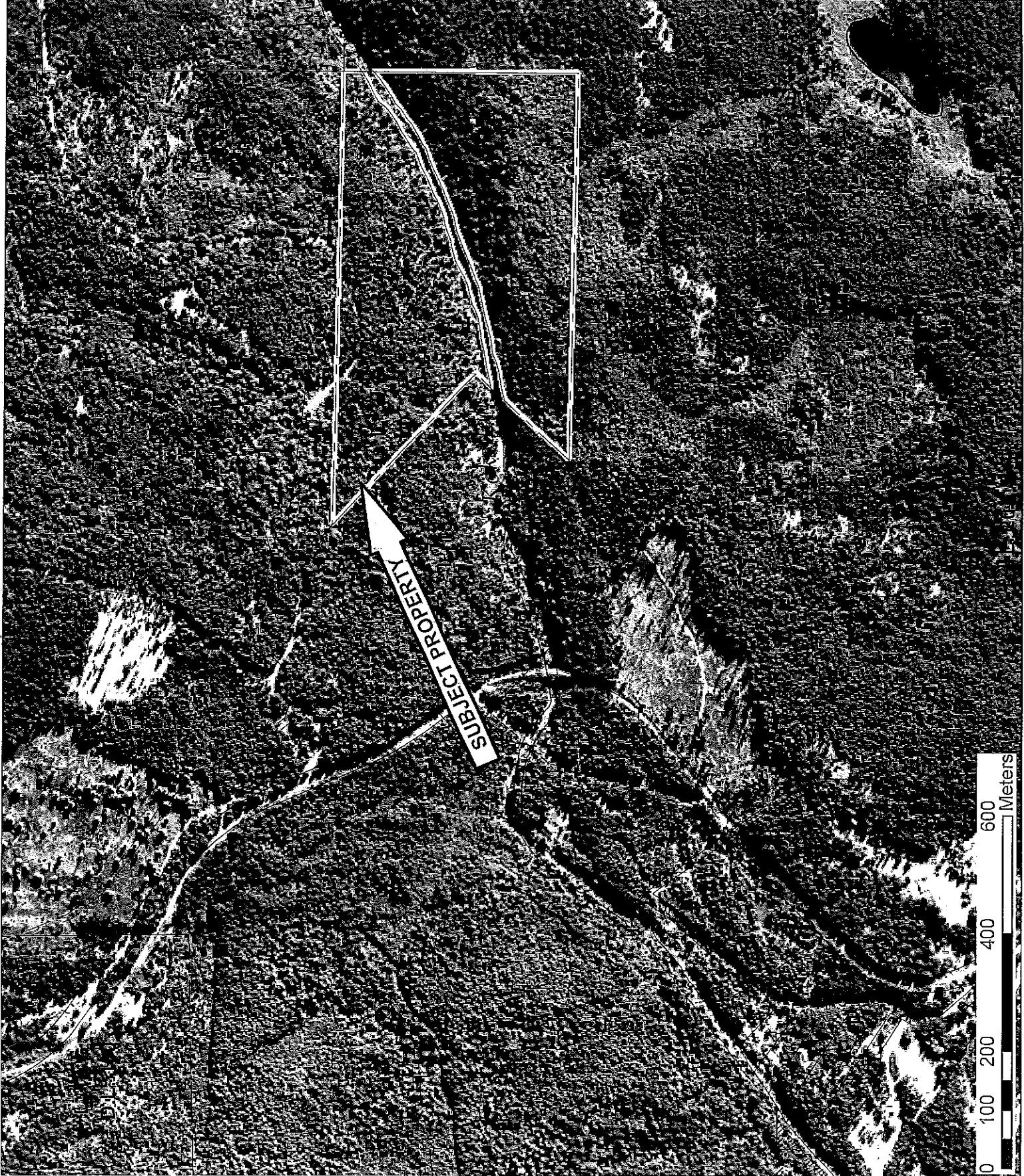
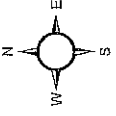
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FILE: 1-B-10-RS

Orthophoto (2002)



0 100 200 400 600 Meters



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The Regional District does not warrant the accuracy.

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

FILE: 1-B-10-RS

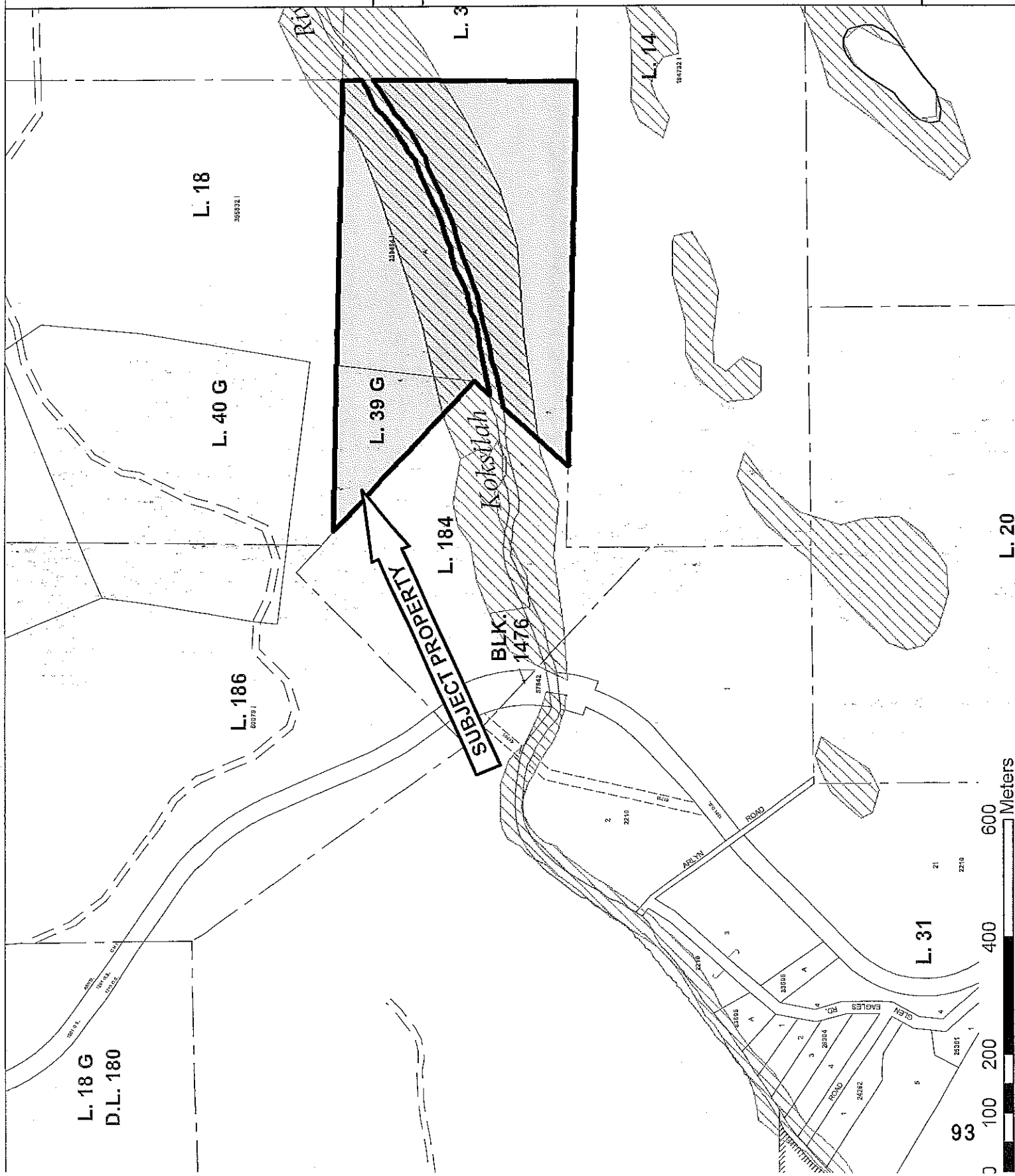
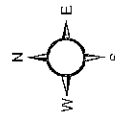
Sensitive Ecosystem Inventory

Legend



Subject Property

SEI 2004





THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING ☒

DEVELOPMENT PERMIT ☐

Uses Proposed:

☐ Single Family Residential

☐ Industrial

☐ Multi Family

☐ Institutional

☐ Commercial

☐ Agricultural

☒ Other FZ WALTER, RIVERSIDE RD.

Environmental Protection and Enhancement

Please explain how the development protects and/or enhances the natural environment. For example does your development:

	YES	NO	N/A	EXPLANATION
1. Conserve, restore, or improve natural habitat?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	conserves 35AC- for park, riparian area and fish pools, from logging damage
2. Remove invasive species?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Impact an ecologically sensitive site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Provide conservation measures for sensitive lands beyond those mandated by legislation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	park will preserve steep ravine protecting fish pools. ravine is mature maple & conifer
5. Cluster the housing to save remaining land from development and disturbance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	large lots to preserve forested look of area
6. Protect groundwater from contamination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	logging may cause run-off into a pristine nursery pool for fish, park and homes would prevent this a few

C.V.R.D.
RECEIVED

SEP 28 2010

Please explain how the development contributes to the more efficient use of land. For example does your development:

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?		✓		
8.	Utilize pre-existing roads and services?	✓			Riverside Rd. runs through the northern section, separating the 2 Ac. parcel & accessing the others
9.	Revitalize a previously contaminated area?			✓	it is not contaminated
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?			✓	would be decision of the home-builders
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?			✓	would be decision of the home-builders

Please explain how the development facilitates good environmentally friendly practices. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?			✓	
13.	Provide an area for a community garden?			✓	
14.	Involve innovative ways to reduce waste, and protect air quality?			✓	
15.	Include a car free zone?			✓	
16.	Include a car share program?			✓	

Please explain how the development contributes to the more efficient use of water. For example does your development:

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?			✓	
18.	Recycle water and wastewater?			✓	

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?				
20.	Utilize natural systems for sewage disposal and rain water?				
21.	Use energy saving appliances?			✓	

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

		YES	NO	N/A	EXPLANATION
22.	Include <u>only</u> "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are retained on the site?			✓	

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?			✓	
24.	Reduce construction waste?			✓	
25.	Utilize recycled materials?			✓	
26.	Utilize on-site materials/ reduce trucking?			✓	
27.	Avoid contamination?			✓	
28.	Please outline any other environmental protection and enhancement features.	the acreage south of the river would be park for public use, but low level use - walking trail. homes well set back and above riparian area			

Community Character and Design

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

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?	✓			lots and parkland adjacent to Crown land beside TCC and Kinsol Trestle on both sides of river. residences nearby would provide security for Trestle. zoning allows B+B = potential service to TCC tourism
2.	Provide services, or an amenity in close proximity to a residential area?	✓			

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?		✓		

Please explain how the development increases the mix of housing types and options in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?		✓		
5.	Include rental housing?		✓		
6.	Include seniors housing?		✓		
7.	Include cooperative housing?		✓		

Please explain how the development addresses the need for affordable housing in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?		✓		

Please explain how the development makes for a safe place to live. For example does your development:

		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?		✓		
10.	Help prevent crime through appropriate site design?		✓		
11.	Slow traffic through the design of the road?		✓		

Please explain how the development facilitates and promotes pedestrian movement. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?	✓			primary reason for rezoning
13.	Promote, or improve trails and pedestrian amenities?	✓			proposed park area contains walking trail to Kinsol - trail through Crown land between proposed lots and Kinsol also, enter

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)	✓			see previous #13. trail in proposed park leads to Kinsol. trail through Crown land beside lots leads to Kinsol. From lots by road to Kinsol only 10-15 minute walk.

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

		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)		✓		
16.	Use colour and public art to add vibrancy and promote community values?		✓		
17.	Preserve heritage features?		✓		
18.	Please outline any other community character and design features.				

Economic Development

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

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?		✓		
2.	Promote diversification of the local economy via business type and size appropriate for the area?			✓	
3.	Increase community opportunities for training, education, entertainment, or recreation?	✓			recreation, tourism service possibility
4.	Positively impact the local economy? How?	✓			Increase in property tax base. Will cause services to be extended. Home construction provides jobs.
5.	Improve opportunities for new and existing businesses?	✓			possibility of B+B to serve tourism to TCC
6.	Please outline any other economic development features.				

Other sustainable features?

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



Signature of Owner

Date

Sept 27 / 2010

Signature of Agent

Date

7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an F-1 Zone:

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

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

7.6 F-2 ZONE - SECONDARY FORESTRY

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an F-2 zone:

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

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

Oct. 7th, 2010

7:30 p.m.

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

Present:

APC members: Chair Graham Ross-Smith, Vice-Chair Sara Middleton, Carol Lane, recording secretary Cynara de Goutiere, Roger Painter, Rod MacIntosh

Absent: John Clark

Delegation: Mike Walters

Also Present: Director Ken Cossey

ORDER OF BUSINESS

1) Introductions.

2) Revision of Agenda. add correspondence.

3) Presentation Mike Walters for # 1-B-10RS.

Proposal is to rezone +/- 67/76 acre parcel from F1 to F2, so that on the North side of the Koksilah River 6 lots can be created of 5-5.5 acres each. The part of the property on the South side would be designated as park. The property is not in the fire protection area.

4) Minutes.

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

6) New Business from Director Ken Cossey

- As of Oct. 12, Shawnigan Lake will have first Parks Master Plan.

It is suggested that CVRD provide APC with hard copies of the Parks Master Plan.

- October 15th "Meet the Director" 1-5 PM and Nov.25 6-9 PM
- Else Miles meeting hoping for long term lease and then will lobby for official eventual purchase.
- Farmer's Market Plan in the works for core area of village.
- O.C.P. April -May looking at final adoption. Public Presentation will be shortly.
- Incorporation is puttering along. Phase 2 not yet funded. Would not proceed until 2012. Warren Jones in CVRD is to provide electronic copy of Phase 1 governance to us.
- Regional Recreation is being discussed.

5) Application #1-B-10RS Walters. Discussion.

Motion APC recommends that the CVRD not approve this application.

Motion seconded and carried.

Motion APC proposes another zone for River Properties "River Corridor Zone" as applications arise, applied case by case. This application would form the template.

Motion seconded. Motion turned down.

Motion APC recommends that Koksilah River corridor be reviewed for special River Corridor Zoning.

Motion seconded. Motion carried.

6) Correspondence. Letter read from Chair Graham Ross-Smith to Partridge following the May APC meeting

7) Eco-Depot discussion

8) Discussion of whether internal APC housekeeping matters such as member attendance should be noted in the minutes. Joel Barry will provide direction in the matter.

9) meeting adjourned.

Ann Kjerulf

From: Graham Ross-Smith [rossmith@shaw.ca]
Sent: Wednesday, January 05, 2011 4:52 PM
To: Ann Kjerulf
Cc: cynarae@shaw.ca
Subject: Area B APC - the Walter application 1-B-10RS

Hi Ann,

I spoke with our APC's secretary, Cynara de Goutiere, about the reasons behind the APC's decision to recommend that the Walter application be declined. The following is my attempt to provide the rationale based on my discussion with Cynara and a re-read of the application documents.

The vote on the recommendation was not unanimous. The opportunity for the CVRD to acquire a significant parcel of new riverside park-land certainly weighed heavily in favour of supporting approval of the application.

However the cons seemed to outweigh the pros. To the best of my memory and that of Cynara, the cons were:

1. approval not supported by OCP policy "To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing development."
2. approval not supported by OCP policy "To promote the wise use and conservation of . . . resource lands . . . and ecologically sensitive areas."
3. approval not supported by policy that "forestry related uses shall be given priority on lands designated Forestry in the plan . . ."
4. approval not supported by policy that ". . . further residential development should be discouraged in the areas designated Forestry," . . .
and ". . . linear residential growth along . . . Koksilah River . . .
shall be discouraged . . ."
5. the proposal to go to F-2 runs counter to the policy that "The primary purpose of the F-2 zone . . . is to provide a buffer between large forestry parcels and residential land designations" when the "lands are adjacent to residentially-designated lands or between forestry land residentially-designated lands; . . ." Mr. Walter's lands were not so positioned.
6. the proposal runs counter to Smart Growth principles as it would locate homes at a considerable distance from commercial and public services such as schools, health care professionals, stores, fire stations, etc. thereby requiring reliance on motor vehicles and increased local government expenditures for infrastructure development and maintenance.

Immediately following the item on the Walter application, the October minutes of the APC shows a motion being passed which suggests that the CVRD consider creating a new zone to deal with private lands along the Koksilah River: a "River Corridor Zone." Although we did not discuss this zoning category in any detail, I think that the intention behind the suggestion was to find a way to enable some residential/recreational uses of riverside lands that would protect these ecologically sensitive areas and would not entail having to resort to the use of the inappropriate F-2 zoning. It was my impression of the meeting that the commissioners also felt that they needed the direction of the soon-to-be-completed new OCP in order to deal with this application in the context of the latest thinking on the issues involved.

In future the Area B APC minutes will provide reasons for its recommendations. I regret that we failed to do so in this case.

I hope that the information provided above is helpful to you and your colleagues. Please note, however, that the contents of this note reflect my memory and interpretation of what transpired and do not, therefore, necessarily represent the thoughts or recollections of the other commissioners.



January 6, 2011

Your File: 1-B-10RS (Walter)
BCE File: 58000-35/RD10
Cliff/Ers: 93393

VIA FAX

Ann Kjerulf
Planner III
Cowichan Valley Regional District
175 Ingram St
Duncan BC V9L 1N8

Dear Ann Kjerulf:

Re: Zoning Amendment on Riverside Road, Parcel A, District Lot 36, Helmcken District

Thank you for providing us with the opportunity to review the above application for a zoning amendment on Riverside Road, Parcel A, District Lot 36, Helmcken District from Primary Forestry to Secondary Forestry for the purpose of accommodating a seven-lot residential subdivision. We apologize for the tardiness of our response.

We have the following concerns with this application. The proposed development may jeopardize the health of sensitive habitats that occur on the property. The valuable floodplain riparian habitat is environmentally sensitive as indicated by the Sensitive Ecosystem Inventory (SEI) polygons (V1412 and V1417A) on the CVRD environmental Planning Atlas (2000). The property straddles the Koksilah River which has high fish values, and we are concerned that development of the property would degrade fish habitat. In addition to negative impacts to the site, we are concerned about the negative impacts to the surrounding area, especially the Koksilah corridor, by adding another pocket of development to the landscape. We support the Electoral Area B Official Community Plan which preserves ecological integrity by discouraging sprawl of development into resource lands.

.../2

Ann Kjerulf
Cowichan Valley Regional District

- 2 -

January 6, 2011

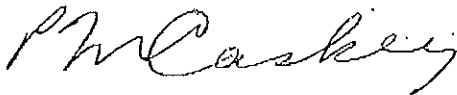
If this application is authorized, we strongly encourage development to be guided by the ministry's *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006* document is expected to address most development related questions. In particular, we recommend that you review sections 2 and 3 of the document which is available at:

http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/develop_with_care_intro.html. These sections focus on environmentally sound solutions at the community and site development level. Appendix B provides separate checklists for local government review and site level design to help focus your proposal review. Section 4 provides recommendations relative to environmentally valuable resources.

The *Develop with Care* document reflects the ministry's typical recommendations regarding various aspects of land development and land use designation and has undergone extensive peer and stakeholder review. Although *Develop with Care* does include some regulatory information, much of this document represents our recommendations intended to minimize the negative impacts of expanding urban and rural development on the landscape and on biological resource values, while creating more liveable communities.

If you have any further questions, contact myself or Marlene Caskey at 250 751-3220.

Yours truly,



for Ann Rahme, RPBio, MSc.
Ecosystem Biologist
West Coast Region



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1

Telephone (250) 748-3196 Fax: (250) 748-1233

November 29, 2010

Your File No: 1-B-10RS

Our File No: 857761

Planning Department
175 Ingram St.
Cowichan Valley Regional District
Duncan, BC V9: 6G6

Attention Ann Kjerulf, Planner III

Dear Ann Kjerulf:

Re: Amendment of Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned R-1

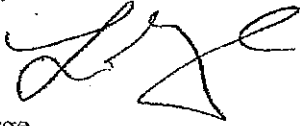
We recently received a referral package dated September 27, 2010 regarding an application submitted by Michael Walter for amendment of zoning bylaw 985. Cowichan Tribes was requested to provide comments on this proposal for the potential effect on our interests by October 22, 2010. Due to the high volume of referrals we are receiving we are late in our response.

Rezoning of forestry lands is occurring within our Traditional Territory at a rapid rate and because the CVRD does not yet have a regional growth strategy this rezoning for development has become haphazard and appears to be disorganized. Cowichan does not agree with rezoning of any forestry lands at this time because of lack of planning and the possible effects that unlimited development and growth might impose on our Traditional Territory.

Some of our concerns are the unknowns about how much water extraction our territory handle and the effect that increased water extraction may have on our rivers. With this particular application, we are also concerned also about the linear development along the Koksila River. This type of development can further damage the river, affecting the salmon and other wildlife. Splitting up of these forestry lands into private parcels, even though this land is already privately owned, further alienates Cowichan Tribes from the traditional use and cultural practices on the land and the river. The remaining undeveloped lands along all three of our rivers should be protected, and not developed to ensure the protection of our culture, rivers, fish and wildlife. We have depended upon the health of our rivers for thousands of years and today, to see the destruction of them and the loss of the salmon is felt with sadness within our community.

We suggest that a decision not be made until the South Cowichan OCP is completed. We request that one of our staff and elder or cultural advisor be shown the site and further it for examine past and contemporary cultural use.

Yours truly,

A handwritten signature in black ink, appearing to read 'L. George', written in a cursive style.

Larry George
Smaalthun
Manager, Lands and Governance Department

LG/lr



MEMORANDUM

DATE: October 1, 2010 **FILE NO:** 1-B-10RS (Walter)

TO: Ann Kjerulf, Planner III, Development Services Division

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Rezoning Application No. 1-B-10RS – Public Safety Application Review

In review of the Rezoning Application No. 1-B-10RS the following concerns affect the delivery of emergency services within the proposed area:

- ✓ Proposal is outside the Cowichan Bay Volunteer Fire Department (MVFD) response area and their input further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as a **high to extreme risk for wildfire**.
- ✓ It is recommended that a “Wildland Urban Interface Assessment” conducted by a qualified RPF or RFT with relevant applicable experience be required. The objective of the assessment is to review the potential wildfire risk associated with the proposed development and to provide recommended actions to reduce the risk of wildfire.
- ✓ Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route.
- ✓ The water system for the development must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.
- ✓ Proposal is within the North Cowichan Lake RCMP Detachment area.
- ✓ Proposal is on the border of British Columbia Ambulance Station 152 (Duncan) and Station 137 (Mill Bay) response areas and either station could be called to respond.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Shawnigan Lake Parks and Recreation Commission

March 30, 2011 SLCC

Attendees: Margaret Symon, Betty Lord, Bill Savage, Ryan Dias, Lori Treloar, Ken Cossey

Scribe: Lori Treloar

Guests: Mike and Stephanie Walter, Brian Jackson

Meeting called to order: 7:05

Minutes: from Feb 2011. Approved

Guest presentation: Mike Walter (Koksilah Property)

Mike and Stephanie Walter own approx. 67 acres of property split almost evenly between the north and south sides the Koksilah River not far from the Kinsol Trestle. The current zoning is F1 and they seek to rezone so that they can establish 7 lots along the north side of the river that will be accessed from Riverside Road. They propose 6 lots of at least 5 acres with a residual lot that is smaller on the north side of Riverside Road. Care will be taken to protect the Riparian area along the 600 length of riverfront. Their proposal includes a parkland donation of 30 acres of beautiful forest on the south side of the river. The property already has established trails and would become part of a trail system from Kingburne Road to the Kinsol Trestle. While the OCP does not encourage this type of development along the Koksilah River, there would be great benefit for the community to have the trail network in place. Margaret Symon advised that the proposed parkland dedication parcel has mature mixed forest cover, and the trail is well kept, with no evidence of motorized use. Mr Walter pointed out that with seven neighbours along the riverfront, there would be added protection for the Trestle. **Motion: "The Shawnigan Lake Parks Commission is in favour of the Concept Plan presented by Mr. Walter at the Commission meeting 30Mar11 offering 30 acres of parkland along the south side of Koksilah River as part of the Walter re-zoning application, File 1-B-10RS".** The commission is aware that CVRD Parks will do further impact investigation before a decision is reached.

Old business:

Shawnigan Hills: Ryan advised that work for the current phase is close to being finished, but a final walk through will occur to identify what still needs to be done. The field will be ready for ball season in April. So far, there are bookings from Mon-Sat for kids' ball. Ryan brought the revised washroom plan, which was discussed thoroughly. The commission has agreed, in principle, to go ahead with the change rooms and roughed-in showers, as it is understood that future use of the park will evolve over time and it will be harder to add on these amenities later. The commission has asked that a roof extension be added to the plan for shelter. Ryan will bring the "final" plans to the April meeting and the project should go to tender soon after that. It is estimated that the washroom building will be ready in two to three months from the time of tender, but will likely not be ready for the summer.

Baldy Mountain Trail: Margaret Symon and Ken Cossey recently visited the property owned by Mr. Pronk, located close to the Baldy Mountain Trail. Mr. Pronk has a sheep farm and is concerned about a wetland that is encroaching onto his pasture land. He believes that it is due to trees that were felled when the trail was built. Some trees were left in the wetland area and



MEMORANDUM

DATE: April 18, 2011 **FILE No.** 1-B-10RS
TO: Ann Kjerulf, Planner III, Community and Regional Planning Division
FROM: Tanya Soroka, Parks and Trails Planner, Parks and Trails Division
SUBJECT: Proposed Rezoning Application – Parcel A (DD375861), District Lot 36, Helmcken District; Riverside Road (Walter) - Park Dedication

The Parks and Trails Division along with the Electoral Area B – Shawnigan Lake Parks Commission have reviewed this rezoning application and are agreeable to the proposed park dedication on the south side of the Koksilah River. The applicant attended the Parks Commission meeting and provided an overview of their application. The Commission had the following comments from their March 30, 2011, meeting:

“The Shawnigan Lake Parks Commission is in favour of the Concept Plan presented by Mr. Walter at the Commission meeting 30 Mar 11 offering 30 acres of parkland along the south side of Koksilah River as part of the Walter rezoning application, File 1-B-10RS.”

A Section 219 Parks Covenant will be registered on the property prior to rezoning approval stating that the proposed park area will be dedicated to the CVRD as a fee simple titled lot concurrent with the approval and registration of the subdivision. Could you please let the applicant know of the parks comments and if Mr. Walter has any further questions regarding the process of the covenant preparation they can contact me. Once the park has been dedicated, the Section 219 Covenant will be discharged.

Please advise Parks and Trails Division staff when the application is moving forward, and a Section 219 Covenant will be drafted up through our lawyer. I will wait to hear from you further on this application.

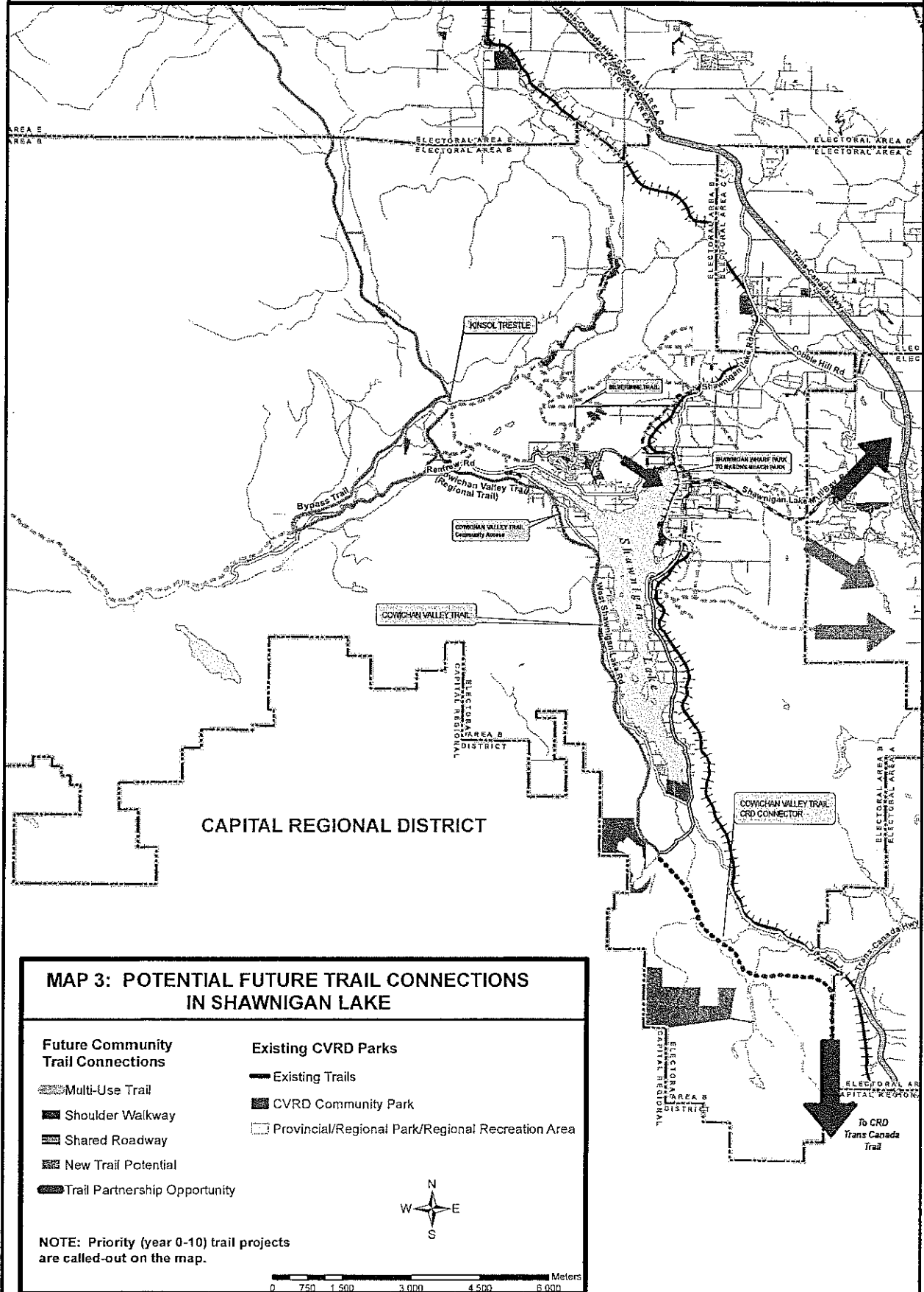
Submitted by,

Tanya Soroka
Parks and Trails Division
Parks, Recreation and Culture Department

TS/jnl

pc: Director K. Cossey, Electoral Area B - Shawnigan Lake

SHAWNIGAN LAKE COMMUNITY PARKS AND TRAILS MASTER PLAN



May 16, 2011

Re: Rezoning Application for 67 acre lot Riverside Rd. owned by M. Walter Contracting Ltd.

CVRD Electoral Area Services Committee Members

Our proposal is to donate 50% of our property to CVRD Parks and protect another 10 to 15% of river frontage through a registered riparian corridor in return for the ability to create seven lots on the remainder. This will protect 60 to 65% of this river front property from private owner development forever.

The benefits of our proposal are:

- The park dedication will protect about 34 acres (13.5 ha) and 600 meters of river front in perpetuity.
- The registered riparian corridor will protect 8 to 12 acres (3.2 to 4.8 ha) from development in perpetuity.
- The riverfront could be accessed with trails and is a slow section of river with deep clear pools.
- The proposed park and existing trails on our land would connect the Kinsol Trestle to Kingburn Rd. and the park on the river at Grey Rd., all through public river front land.
- Electrical service will be 1.5 kilometers closer to the Kinsol Trestle parking lot.
- Vandalism and dumping in the area will be reduced due to the presence of residents in the area. .

We have attached maps showing the existing roads, parks, crown and private lands and proposed CVRD trails around and through our property. These maps demonstrate the importance of our proposed donation in creating a continuous riverfront corridor for the long term benefit of all Cowichan Valley residents.

We believe that this proposal provides a unique opportunity to acquire valuable riverfront property in exchange for a net potential increase of three residences. Your careful consideration of this offer is very much appreciated.

Thank you for your attention,

Mike Walter
for M. Walter Contracting Ltd.



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011 FILE NO: 1-B-11 DVP
FROM: Alison Garnett, Planner II BYLAW NO: 985
SUBJECT: Development Variance Permit Application No. 1-B-11 DVP
(Chad Bryden)

Recommendation/Action:

That Application 1-B-11 DVP, submitted by Chad Bryden, respecting Lot 2, District Lot 16, Malahat District, Plan 6090, to reduce the setback of a garage from 7.5 metres to 4.5 metres from the front property line be approved as proposed on the attached plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property: 2594 Lavinia Road

Legal Description: Lot 2, District Lot 16, Malahat District, Plan 6090 (PID 005 907 721)

Date Application Received: February 7, 2011

Owner and applicant: Chad Bryden and Craig Bryden

Size of Lot: 900 m²

Zoning: R-3 Urban Residential

Minimum Lot Size: 0.2 ha with connection to community water
1 ha without community water

Plan Designation: Urban Residential

Existing Use of Property: Residential

Use of Surrounding Properties:

North	Residential
South	Residential
East	Residential
West	E&N railway

<u>Road Access:</u>	Lavinia Road
<u>Water:</u>	On site
<u>Sewage Disposal:</u>	On site
<u>Agricultural Land Reserve Status:</u>	Out
<u>Environmentally Sensitive Areas:</u>	None identified
<u>Archaeological Site:</u>	None have been identified.

The Proposal:

Shawnigan Lake Zoning Bylaw No. 985 zones the subject property R-3 (Urban Residential) and a single family residence is located on the lot. The E&N railway is located to the west of the property, and Elford Road allowance (which is not constructed) is located to the north.

Vehicle access to the lot is via Lavinia Road, however there is no driveway, and parking likely occurs within the road allowance. There is a staircase that provides pedestrian access to the residence. Lavinia Road is constructed at a much higher elevation than the existing residence, and the lot slopes steeply from the road before levelling out in the location of the existing residence.

The applicants are proposing to construct a 41 m² detached garage, and are requesting a reduction in the front property line setback from 7.5 metres to 4.5 metres to the front property line along Lavinia Road. The vehicle entrance would be at grade level on the west side of the proposed building, with a lower level accessible on the east side of the building. The application states that a reduced setback to the road will minimize the site alterations required to construct the garage in a way that is safe for vehicle access, considering the steep slope from the road.

Staff recommend this application be approved, due to the small size of the lot and the complicated topography. Further, construction of a garage will accommodate space for off-street parking.

Surrounding Property Owner Notification and Response:

A total of 14 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No responses have since been received.

Options:

1. That Application 1-B-11DVP, submitted by Chad Bryden, respecting Lot 2, District Lot 16, Malahat District, Plan 6090, to reduce the setback of a garage from 7.5 metres to 4.5 metres from the front property line be approved as proposed on the attached plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.
2. That Application 1-B-11DVP, submitted by Chad Bryden, respecting Lot 2, District Lot 16, Malahat District, Plan 6090, to reduce the setback of a garage from 7.5 metres to 4.5 metres from the front property line, be denied.

Option 1 is recommended.

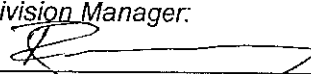
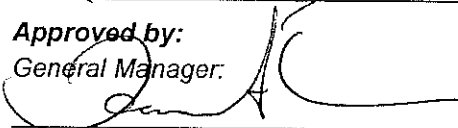
Submitted by,



Alison Garnett,
Planner II
Planning and Development Department

AG/jah

Attachments

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



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.

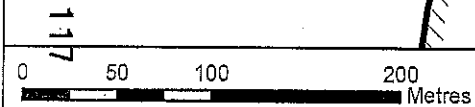
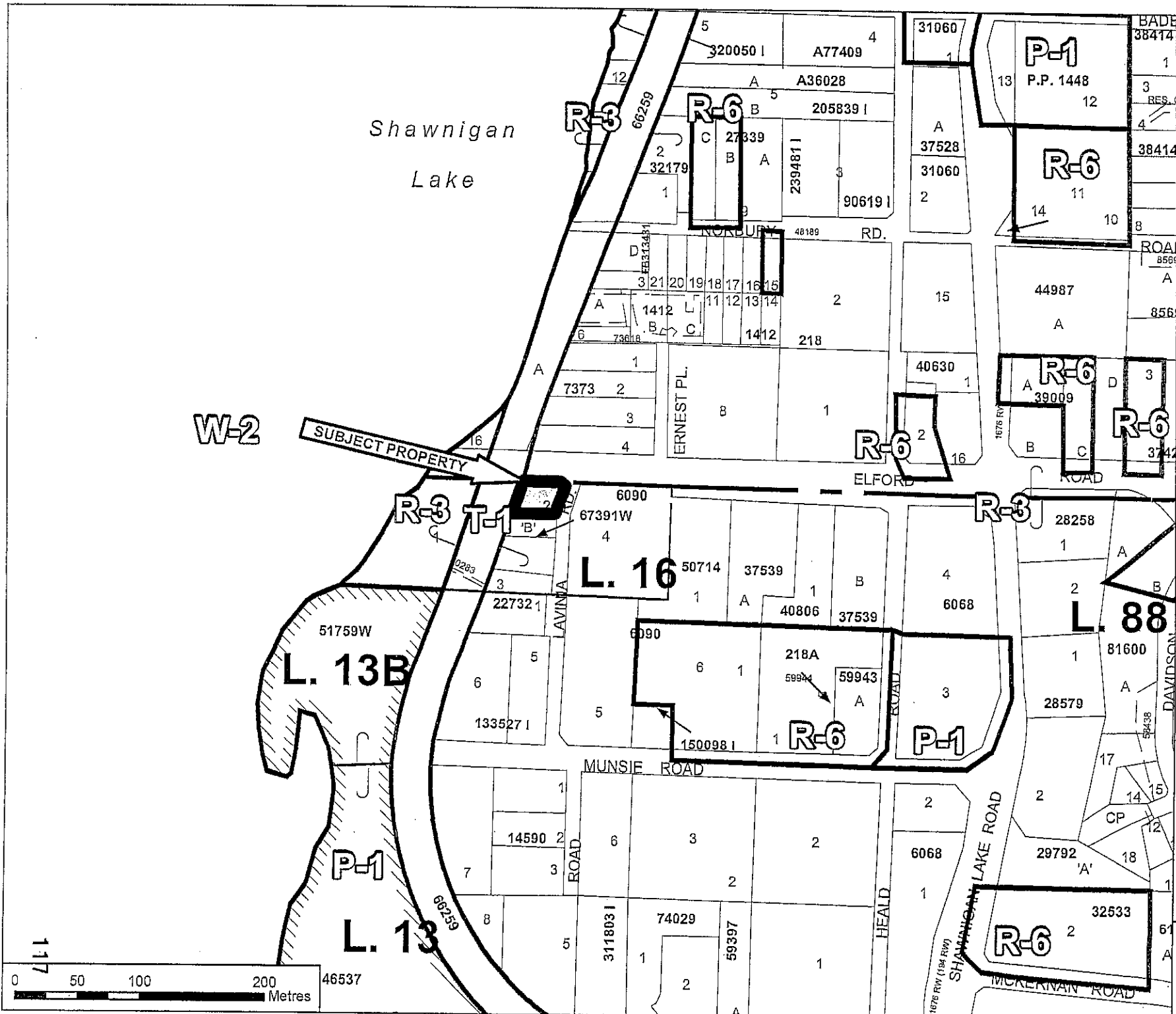
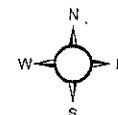
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-B-11-DVP

ZONING

Legend

- Subject Property
- Zoning Electoral Area B



SITE PLAN OF Lot 2, District Lot 16, Malahat District, Plan 6090

SCALE 1 : 3 0 0



All distances are shown in metres.

Lot size 892 m²

House 127.9 m²

Deck 55.1 m²

Front Stairs 7.1 m²

190.1m²

Proposed Garage 41.0 m²

File : 10,983-mal

POWELL & ASSOCIATES

B C Land Surveyors

250-2950 Douglas Street

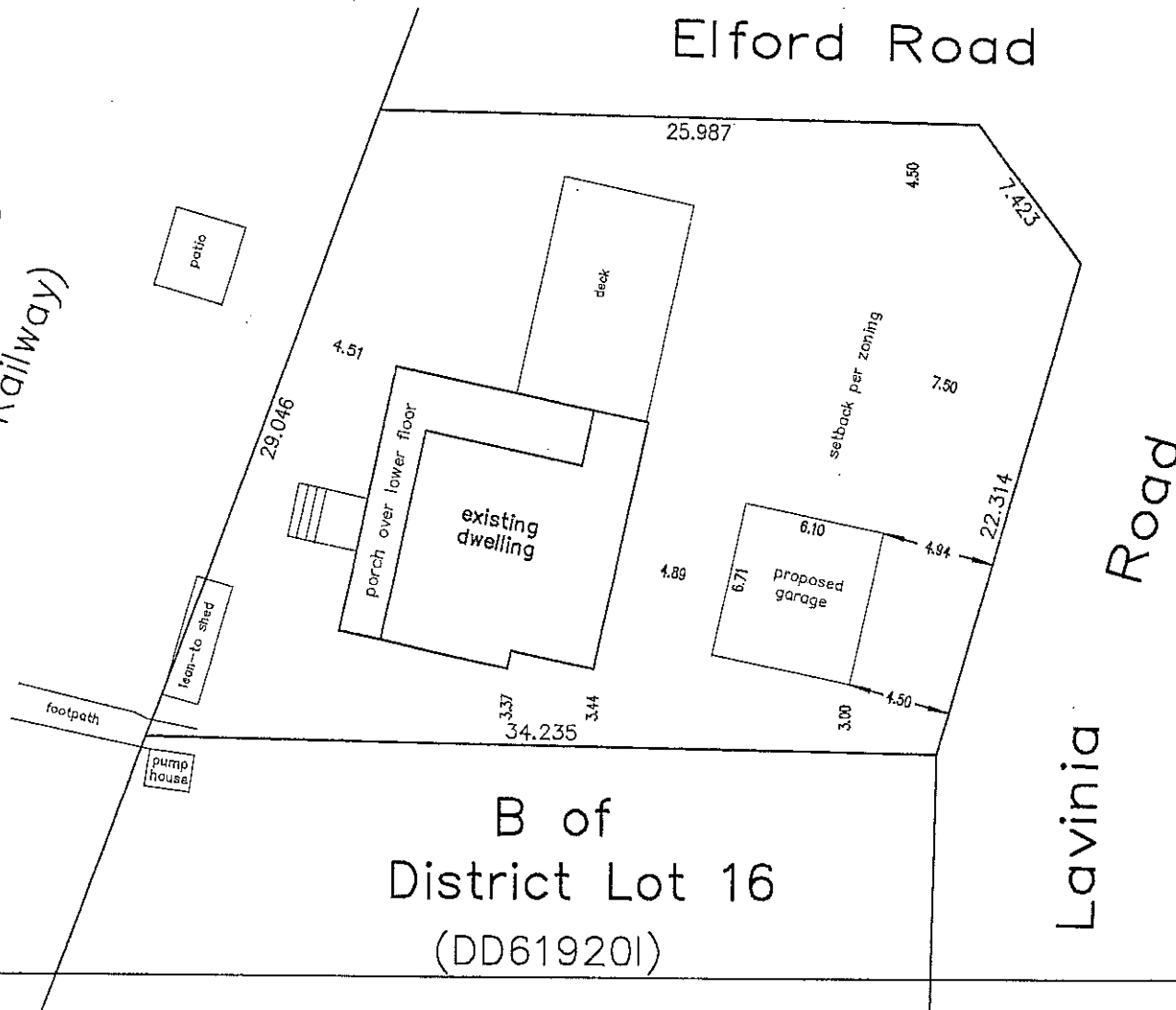
Victoria, BC V8T 4N4

phone (250) 382-8855

Drawing 0983 SITE PLAN

Elford Road

Plan A
VIP66259
(E & N Railway)



Lavinia Road

4
Plan 6090

8.5 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

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

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home occupation-service industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residence; and
- (6) small suite or secondary suite

(b) Conditions of Use

For any parcel in an R-3 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 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 all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Accessory Residential Use
Front	7.5 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	4.5 metres



COWICHAN VALLEY REGIONAL DISTRICT
DEVELOPMENT VARIANCE PERMIT

FILE NO: 1-B-11 DVP (Bryden)

DATE: MAY 17, 2011

TO: Chad Byrden DRAFT

ADDRESS: 1290 Tattersall Drive
Victoria BC V8P 1Z4

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

Lot 2, District Lot 16, Malahat District, Plan 6090 (PID 005 907 721)

3. Zoning Bylaw No. 985 applicable to Section 8.5(b)(3), is varied as follows:
The front parcel line setback is reduced from 7.5 metres to 4.5 metres for the construction of a garage, as shown on the attached plan, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan by Powell and Associates
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. XXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XX 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 _____ other than those contained in this Permit.

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 17, 2011 BYLAW No: 3495
FROM: Kathleen Harrison, Legislative Services Coordinator
SUBJECT: Lake Cowichan Fire Protection Service Amendment – Boundary Extension

Recommendation:

That "CVRD Bylaw No. 3495 – Lake Cowichan Fire Protection Service Amendment Bylaw, 2011", be forwarded to the Board for consideration of three readings and adoption.

Relation to the Corporate Strategic Plan:

This bylaw is consistent with the objectives of promoting a safe and healthy community, individual and community wellness and reliable essential services noted in the Corporate Strategic Plan.

Financial Impact: (Reviewed by Finance Division: SA)

Costs are recovered through property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area. Based on the 2011 tax rate of .7873/\$1,000 annual costs are estimated at \$78.73 per \$100,000 of assessed value of land and improvements.

Background:

At its meeting held May 11, 2011, the Board endorsed Resolution 11-234-3 that directs that the boundary of the Lake Cowichan Fire Protection Service area be extended to include an additional property. The attached amendment bylaw has been prepared for consideration.

This bylaw requires the approval of the service area voters before it can be adopted. Voter approval may be obtained by the Area Directors consenting, in writing, to the adoption of the bylaw. This bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval pursuant to the *Regional Districts Establishing Bylaw Approval Exemption Regulation, B.C. Reg. 113/2007*.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator
Corporate Services Department

Attachments: Bylaw No: 3495

Reviewed by:

Division Manager:

Approved by:

General Manager:



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3495

**A Bylaw to Amend Lake Cowichan Fire Protection
Service Establishment Bylaw No. 1657**

WHEREAS the Board of the Cowichan Valley Regional District established the *Lake Cowichan District Fire Protection Area* under the provisions of Bylaw No. 1657, cited as "CVRD Bylaw No. 1657 – Lake Cowichan Fire Protection Service Establishment Bylaw, 1994", as amended, for the purpose of providing fire protection and suppression services within portions of Electoral Area F – Cowichan Lake South/Skutz Falls and Electoral Area I – Youbou/Meade Creek;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following property:

- PID 028-062-744, Lot 68, Blocks 117 and 1405, Cowichan Lake District, Plan VIP87272;

AND WHEREAS the Regional Board has received a sufficient petition to include the property within the fire protection service area;

AND WHEREAS the Directors for Electoral Area F - Cowichan Lake South/Skutz Falls and Electoral Area I – Youbou/Meade Creek have consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3495 – Lake Cowichan Fire Protection Service Amendment Bylaw, 2011**".

2. AMENDMENT

That Schedule A to CVRD Bylaw No. 1657 be deleted and replaced with the Schedule A attached to this bylaw.

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

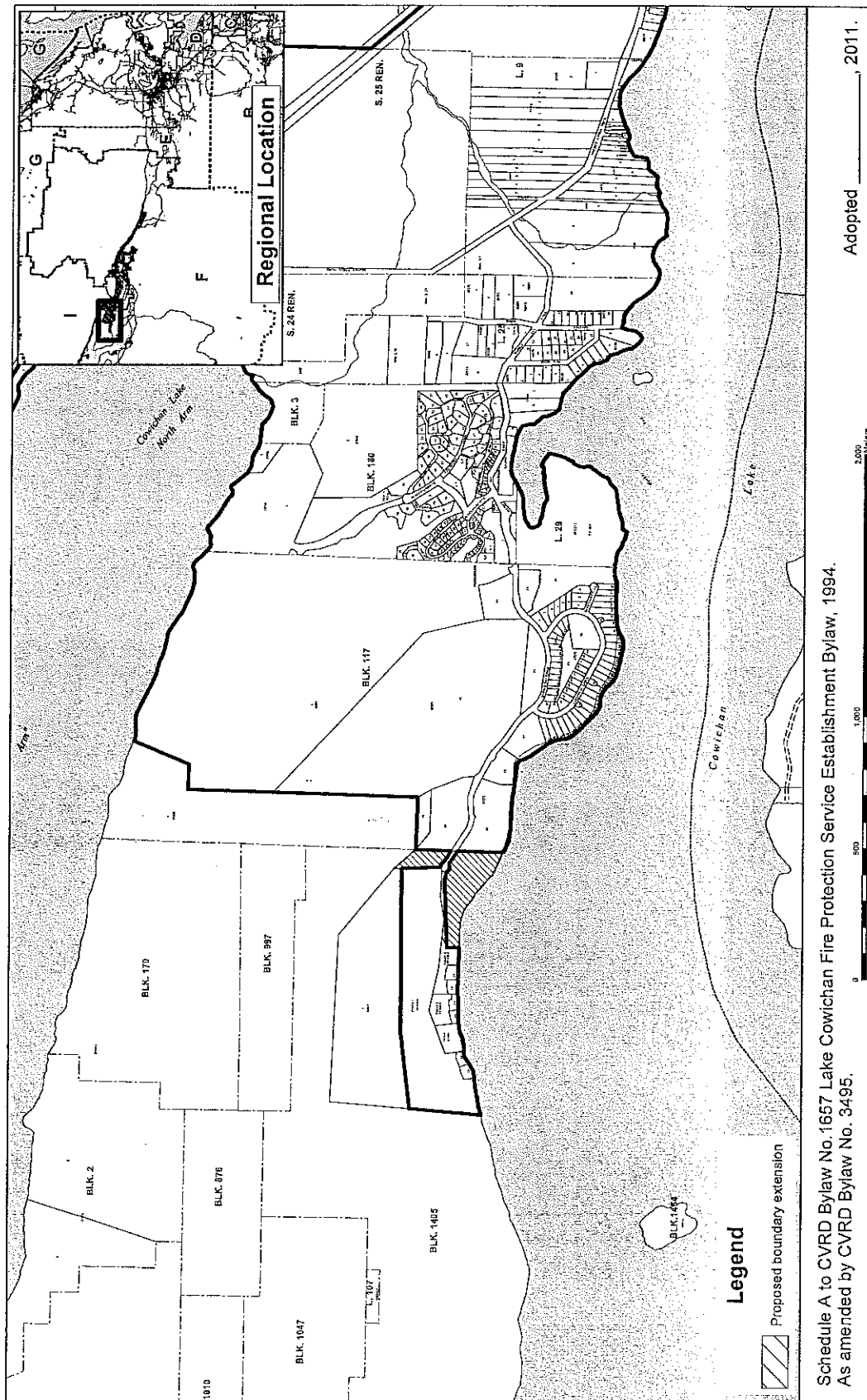
READ A SECOND TIME this _____ day of _____, 2011.

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

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary





R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 25, 2011

FILE NO:

FROM: J.E. Barry, Corporate Secretary

BYLAW NO: 3504, 3508

SUBJECT: Local Government Elections 2011

Recommendation/Action:

That it be recommended to the Board:

1. That CVRD Bylaw No. 3504 – Election/Voting Procedures Amendment Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.
2. That CVRD Bylaw No. 3508 – Automated Vote Counting System Authorization and Procedure Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.
3. That pursuant to Section 41(1) of the *Local Government Act*, Kathleen Harrison be appointed Chief Election Officer for the 2011 General Local Election.
4. That the Election Pay Rates Policy be amended by setting the Chief Election Officer's remuneration at \$1,500 and the Deputy Chief Election Officer's remuneration at \$1,000.

Relation to the Corporate Strategic Plan:

Not applicable.

Financial Impact: (Reviewed by Finance Division:)

By working closer together with SD79, an automated vote counting system can be utilized for the 2011 election at no additional cost. Adjusting the Election Pay Rates Policy will result in a total increase of \$900 to be paid out of Electoral Area Services Function 250.

Background:

The 2011 Local Government Election will be held on Saturday November 19th and planning for the upcoming election has been underway for the past few months. Based on experience and feedback from previous elections, staff is investigating new ideas and processes in order to make things better for the voters and to increase efficiencies of running nine separate elections in the electoral areas. For example, the Electoral Area Services Committee recently approved increasing the scope of our existing mail voting provisions since it gives more people the opportunity to vote.

In addition to conducting nine separate elections, the CVRD also conducts the election of the Thetis Island trustees for the Islands Trust. The CVRD also works closely with School Districts 68 and 79 with the election of School Board trustees. There is always a possibility for a referendum or two as well. As a result, there are many logistics to take care of and increasing efficiencies can really help everything fit better together and run smoother.

School District 79

Local municipalities are responsible for conducting elections for School Board Trustees within their local boundaries. That is not the case in the electoral areas. Both the CVRD and SD79 are responsible for conducting their own elections. However, there are areas where greater cooperation can occur in order to eliminate or reduce the duplication of resources. By working together and combining processes, both jurisdictions can do a better job for the voters in the Electoral Areas at no additional cost to either SD79 or the CVRD.

CVRD and SD79 staff met a couple of times and areas have been identified where changes can be made to be more efficient. Sharing newspaper advertisements, combining registration/check in tables on voting day, and using a different method for counting ballots are just some examples where efficiencies can be realized. Staff will be meeting with SD68 and Islands Trust personnel in the near future.

Automated Voting Machines

By working closer together with SD79, it is possible to utilize an automated vote counting system for the upcoming election at no additional cost. The major benefit to using automated voting machines is that the ballots are tabulated and results printed within minutes of the close of polls at 8 pm. No longer will counting staff have to be brought in to spend many hours manually counting ballots. Candidates for both Area Director and School Trustee will know the results from the electoral areas within minutes.

Automated voting machines have been used in many municipalities and regional districts for many years. They have been tested, certified and proven to ensure reliability, ballot integrity, and security. It is important to note that the ballots that are filled out by the voters are retained within the machine for use during any potential recounts or court challenges. The automated machines eliminate the manual counting of the ballots.

It is interesting to note that in SD68, the only jurisdiction not using an automated voting machine is the CVRD. In the previous election, SD68 had to specially prepare manual paper ballots for the exclusive use of Electoral Area H – North Oyster and the northern part of Electoral Area G – Saltair.

In order to use automated voting machines, the CVRD needs to amend the existing Elections and Voting Procedures Bylaw and to introduce a new bylaw detailing the specific procedures. Therefore, it is recommended both CVRD Bylaw No. 3504 – Election/Voting Procedures Amendment Bylaw, 2011 and CVRD Bylaw No. 3508 – Automated Vote Counting System Authorization and Procedure Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.

Appointment of Chief Election Officer

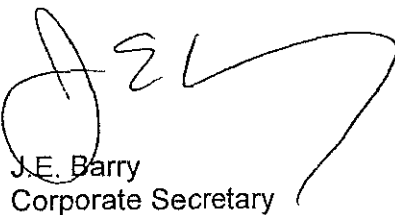
As required by the Local Government Act, the Board needs to appoint a Chief Election Officer to conduct the 2011 General Local Election. Kathleen Harrison served as CEO for the previous Kerry Park Capital Renovation and Aquatic Centre Referendum in 2009 and is willing to serve as the CEO for the 2011 General Local Election. A Deputy Chief Election Officer will be appointed in the near future.

Election Pay Rates Policy

The Board last adjusted the Election Pay Rates Policy in 2005. Based on comparables with other local governments, the recommended amounts have been traditionally set the same as North Cowichan and SD79. That's because the CVRD relies on volunteers to serve as election staff and if one jurisdiction is paying significantly more, it will be difficult to fill our positions with experienced election officials.

North Cowichan recently adjusted their rates for Chief Election Officer (CEO) and Deputy Chief Election Officer (DCEO). The CEO will now be paid \$1,500 and the DCEO \$1,000. This is an increase from \$900 and \$700 respectively. Due to the different nature of the CEO's role in the CVRD (9 elections, 2 School Board and Islands Trust elections), it is recommended that the Election Pay Rates Policy be amended to match North Cowichan. No changes are recommended at this time for the rates paid to Presiding Election, Alternate Presiding Election, or Election Officers.

Submitted by,

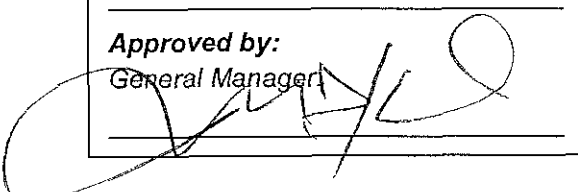

J.E. Barry
Corporate Secretary

Reviewed by:

Division Manager: N/A

Approved by:

General Manager





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3504

A Bylaw to Amend Elections/Voting Procedures Bylaw No. 2277

WHEREAS the Board of the Cowichan Valley Regional District established various procedures and requirements to be applied in the conduct of local government elections and other voting under the provisions of Bylaw No. 2277, cited as "CVRD Bylaw No. 2277 – Elections/Voting Procedures Bylaw, 2001";

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to amend Bylaw No. 2277 to permit Automated Voting Machines and to change the method used for resolving tie votes;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3504 – Election/Voting Procedures Amendment Bylaw, 2011".

2. AMENDMENTS

1. That all references to "*Municipal Act*" be changed to: "*Local Government Act*".
2. That Section 8 – Mail Ballot Voting be amended by adding the following clause to the end of subsection 8(b):
 - (iii) persons who expect to be absent from the Regional District on general voting day and at the times of all advance voting opportunities.
3. That the following be added as Section 9 and the existing sections be renumbered accordingly:

"9. AUTOMATED VOTING MACHINES

- 9.1 As authorized under Section 102, the Regional District may use automated voting machines, voting recorders or other devices for voting in an election.
- 9.2 The procedures for the use of automated voting machines, voting recorders or other devices shall be established by separate bylaw.

.../2

4. That Section 13 – Resolution of Tie Votes After Judicial Recount be deleted and replaced with the following Section 13:

13. RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT

In the event of a tie vote after a judicial recount, the tie vote will be determined by lot in accordance with section 141(2) of the *Local Government Act*.

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

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3508

A Bylaw to Authorize an Automated Vote Counting System and Procedures

WHEREAS under the *Local Government Act*, the Board of the Cowichan Valley Regional District may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish various procedures and requirements under that authority;

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

1. CITATION

This bylaw may be cited as "CVRD Bylaw No. 3508 – Automated Vote Counting System Authorization and Procedures Bylaw, 2011".

2. DEFINITIONS

1. In this bylaw the following terms have the following meanings:

Acceptable mark means a completed arrow which the **vote counting unit** is able to identify, which has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either 'yes' or 'no' on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election results which comprises:

a) a number of **ballot scan vote counting units**, each of which rests on a two-compartment **ballot** box, one compartment of which is for:

- (i) voted ballots; and
- (ii) returned ballots which have been reinserted using the ballot override procedure;

and the other compartment is for the temporary storage of voted ballots during such time as the **vote counting unit** is not functioning; and

b) a number of **storage ballot compartments** into which voted **ballots** are deposited where a **vote counting unit** is not functioning or being used which will therefore be counted after the close of voting on general voting day.

.../2

Ballot means a single ballot card designed for use in an **automated vote counting system**, which shows:

- a) the names of all of the candidates for each of the offices to be filled; and
- b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot return override procedure means the use, by an Election Official, of a device on a **vote counting unit**, which causes the unit to accept a **returned ballot**.

Election headquarters means Cowichan Valley Regional District (CVRD), 175 Ingram Street, Duncan, British Columbia, V9L 1N8.

Memory pack means a computer software cartridge which is inserted into the **vote counting unit** and into which is pre-programmed the names of all the candidates for each of the offices to be filled, and the alternatives of "yes" or "no" for each question on the **ballot**, and which records and retains information on the number of acceptable marks made for each.

Storage ballot compartment means a ballot box, for use in the election, where a **vote counting unit** is not being used at the time of voting.

Results tape means the printed record generated from a **vote counting unit** at the close of voting on general voting day, which shows the number of votes for each candidate for each of the offices to be filled, and the number of votes for and against each bylaw or other matter on which the assent of the electors is sought.

Returned ballot means a voted **ballot** which was inserted into the **vote counting unit**, but which was not accepted and which was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Storage ballot compartment means a designed compartment in the ballot box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

Vote counting unit means the device into which voted **ballots** are inserted and which scans each **ballot** and records the number of votes for each candidate and for and against each other voting question.

3. USE OF VOTING MACHINES

1. The Board hereby provides for the use of an **automated vote counting system** for the conduct of elections and other voting that may, from time to time, be required.

.../3

4. AUTOMATED VOTING PROCEDURES

1. The Presiding Election Official for each voting place shall offer, and if requested, ensure that a demonstration of how to vote using a **vote counting unit** is provided to an elector, as soon as such elector enters the voting place and before a **ballot** is issued.
2. Upon completion of the voting demonstration, if any, the elector shall proceed as instructed, to the Election Official responsible for issuing **ballots**, who, upon fulfillment of the requirements of the *Local Government Act*, shall then provide a **ballot** to the elector, a **secrecy sleeve** if requested by the elector, the ballot marking instrument, and any further instructions the elector requests.
3. Upon receiving a **ballot** the elector shall immediately proceed to a voting compartment to vote.
4. The elector may vote only by making an **acceptable mark** on the **ballot**:
 - a) beside the name of each candidate of choice, up to the maximum number of candidates to be elected for each of the offices to be filled; and
 - b) beside either 'yes' or 'no' in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.
5. Once the elector has finished marking the **ballot**, the elector must either place the **ballot** into the **secrecy sleeve**, if one has been requested, or turn the ballot upside down and proceed to the **vote counting unit**, and under the supervision of the Election Official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote counting unit** without the **acceptable marks** on the **ballot** being exposed.
6. If, before inserting the **ballot** into the **vote counting unit**, an elector determines that a mistake has been made when marking the **ballot**, or if the **ballot** is returned by the **vote counting unit**, the elector may return to the voting compartment to correct the ballot or request a replacement **ballot** by informing the Election Official in attendance.
7. Upon being informed of the replacement **ballot** request, the Presiding Election Official shall issue a replacement **ballot** to the elector and mark the **returned ballot** "spoiled" and shall retain all such spoiled **ballots** separately from all other **ballots**, and they shall not be counted in the election.
8. If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote counting unit**, the Election Official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** which have been made correctly.
9. Any **ballot** counted by the **vote counting unit** is valid and any acceptable marks contained on such **ballots** will be counted in the election, subject to any determination made under a judicial recount.

10. Once the **ballot** has been inserted into the **vote counting unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.
11. During any period that a **vote counting unit** is not functioning, the Election Official supervising the unit shall insert all **ballots** delivered by the electors during this time, into the **storage ballot compartment**, on the understanding that if the **vote counting unit**:
 - a) becomes operational, or
 - b) is replaced with another **vote counting unit**,the **ballots** in the **storage ballot compartment** shall, as soon as reasonably possible, be removed by an Election Official and, under the supervision of the Presiding Election Official, shall be inserted into the **vote counting unit** to be counted.
12. Any **ballots** which were temporarily stored in the **storage ballot compartment** during a period when the **vote counting unit** was not functioning, which are returned by the **vote counting unit** when being counted shall, through the use of the **ballot return override procedure** and under the supervision of the Presiding Election Official, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

5. ADVANCE VOTING OPPORTUNITY PROCEDURES

1. **Vote counting units** shall be used at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow, as closely as possible, those described in Section 4 of this bylaw.
2. At the close of voting at each advance voting opportunity, the Presiding Election Official in each case shall ensure that:
 - a) no additional **ballots** are inserted in the **vote counting unit**;
 - b) the **storage ballot compartment** is locked to prevent insertion of any **ballots**;
 - c) the **results tapes** in the **vote counting unit** are not generated; and
 - d) the **memory pack** of the **vote counting unit** is secured.
3. At the close of voting at the final advance voting opportunity, the Presiding Election Official shall:
 - a) ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - b) secure the **vote counting unit** so that no more **ballots** can be inserted; and
 - c) deliver the **vote counting unit** together with the **memory pack** and all other materials used in the election to the Chief Election Officer at **election headquarters**.

6. SPECIAL VOTING OPPORTUNITY PROCEDURES

1. Unless the Chief Election Officer determines it is practical to use a **vote counting unit**, a **storage ballot compartment** as defined herein, shall be used for all special voting opportunities. The Presiding Election Official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 4.2, 4.3, 4.4 and 4.5 of this bylaw so far as applicable, except that the voted **ballots** shall be deposited into the **storage ballot compartment** supplied by the Presiding Election Official.
2. The Presiding Election Official at a special voting opportunity shall ensure that the **storage ballot compartment** is secured when not in use and at the close of voting at the final special voting opportunity, the Presiding Election Official shall seal the **storage ballot compartment** and return it together with all other election materials to the custody of the Chief Election Officer.
3. If a **vote counting unit** is in use at a special voting opportunity, the Presiding Election Official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 5 of this bylaw as if it were an advance voting opportunity.

7. PROCEDURES AFTER CLOSE OF VOTING ON GENERAL VOTING DAY

1. After the close of voting on general voting day, each Presiding Election Official, except those responsible for advance and special voting opportunities, shall undertake all of the following, generally in the order stipulated:
 - a) ensure that any remaining **ballots** in the **storage ballot compartment** are inserted into the **vote counting unit**;
 - b) secure the **vote counting unit** so that no more **ballots** can be inserted;
 - c) generate three copies of the **results tape** from the **vote counting unit**;
 - d) telephone the result to **election** headquarters immediately;
 - e) account for the unused, spoiled and voted **ballots** and place them, packaged and sealed separately, together with the **memory pack** from the **vote counting unit** and one copy of the **results tape**, into the ballots and results box;
 - f) complete the ballot account and place the duplicate copy in the ballots and results box;
 - g) seal the ballots and results box;
 - h) place the voting books, list of electors, the original copy of the ballot account, one copy of the **results tape**, completed registration cards, keys and all completed forms into the election materials box; and
 - i) deliver, or have available for pick-up, the sealed ballots and results box, **vote counting unit** and the election materials box, to the Chief Election Officer at **election headquarters**.
2. At the close of voting on general voting day, the Chief Election Officer shall direct the Presiding Election Official for the advance voting opportunity and any special voting opportunities where **vote counting units** were used, to proceed in accordance with Section 7.1 of this bylaw.

3. All portable ballot boxes used in the election will be opened, under the direction of the Chief Election Officer, at the close of voting on general voting day and all ballots shall be removed and inserted into a **vote counting unit** to be counted, after which the provision of Sections 7.1 (a) to (h), so far as applicable, shall apply.
4. Upon the fulfilment of the provisions of Section 7.1 to 7.4 inclusive, the Chief Election Officer shall, to obtain the election results, direct an Election Official to place the results in a spreadsheet, which may be used for display in the [location], indicating the total election results.

8. RECOUNT PROCEDURE

1. If a recount is requested by a candidate after the preliminary election results are announced, it shall be conducted under the direction of the Chief Election Officer using the **automated vote counting system** and generally in accordance with the following procedure:
 - a) the **memory packs** of all **vote counting units** will be cleared;
 - b) a **vote counting unit** will be designated for each voting place;
 - c) all voted **ballots** will be removed from the sealed election materials boxes, except spoiled ballots, and reinserted in the appropriate **vote counting unit** under the supervision of the Chief Election Officer;
 - d) any **ballots** returned by the **vote counting unit** during the recount process shall, through the use of the **ballot return override procedure**, be reinserted in the **vote counting unit** to ensure that any **acceptable marks** are counted; and
 - e) to obtain election results, the Chief or Deputy Chief Election Officer shall place the results of each voting place on spreadsheets so as to tally the total election results.

9. GENERAL

1. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
2. If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

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.

Chair

Corporate Secretary



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 19, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: A Bylaw to Regulate Wharf Services on Thetis Island

Recommendation/Action:

Direction of the Committee is requested.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division:)

The money necessary to accomplish what is defined in the Bylaw may be obtained from the Thetis Island Wharf Budget (490).

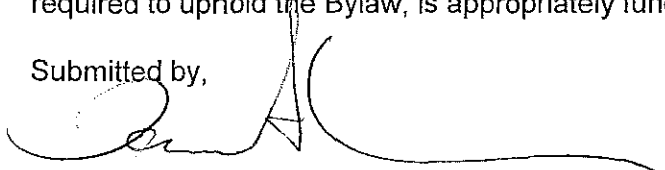
Background:

The attached report was considered by the Committee at the May 17, 2011 EAS meeting where the following motion was passed:

That the staff report dated May 10, 2011 from Tom Anderson, general Manager, regarding a Bylaw to Regulation Wharf Services on Thetis Island, be referred back to staff for clarification on financing, and that the matter be brought back to the next EASC.

The point in question was whether the budget that presently exists for the Thetis Island Wharf could be accessed to provide the necessary funds to pay for any action that may be required under this bylaw. The Thetis Island Wharf Budget (490) requisitions approximately \$9,000 per year. Over the years and since the Wharf was reconstructed, very little of those funds which have now accumulated to \$38,000, have been spent on repairs and maintenance. As such, an Operating Reserve was created in order that such monies may continue to grow in the eventuality that they will be required for a major refit of the dock, which is surely to happen in the years to come. In accordance with the directive above, Mark Kueber has confirmed that if there is a necessity to obtain funds to remove a boat from the wharf in accordance with the Bylaw, the money in this budget may be use for such purpose. Therefore, the Committee may proceed with further consideration of the Wharf Regulation Bylaw knowing that any action required to uphold the Bylaw, is appropriately funded.

Submitted by,

A handwritten signature in black ink, appearing to be "Tom R. Anderson", is written over the "Submitted by," text.

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 17, 2011

DATE: May 10, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: A Bylaw to Regulate Wharf Services on Thetis Island

Recommendation/Action:

Direction of the Committee is requested.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The Thetis Island Port Commission (TIPC) have requested that the Regional District adopt a more extensive bylaw to cover a broader range of potential issues affecting the Thetis Island Wharf. The Regional District had previously passed Bylaw No. 3273 in 2009 which prohibited over-night moorage. However, members of the Commission have indicated a desire for us to adopt a bylaw with more extensive powers which is similar to one that has been adopted by the District of Central Saanich.

In February, the attached bylaw was forwarded to the Committee for initial review with the following motion being approved:

That the draft Thetis Island Wharf Regulation Bylaw be referred to the Thetis Island Port Commission for further discussion and comment; and further, that the draft bylaw be also forwarded to the Mill Bay Parks Commission for information as interest in a similar bylaw may exist.

The draft bylaw was reviewed by TIPC on March 29th with a recommendation to proceed as they feel that this bylaw will cover all potential eventualities that may arise.

Given the desire to move forward, staff have taken a closer look at the draft bylaw in order that we fully understand the implications of all sections of the bylaw and how they relate to the Regional District context. Specifically, our concerns are with regard to Sections 16, 17 and Schedule C which revolve around the impoundment, public auction and fines associated with removing a vessel from the wharf.

In a worst case scenario, we may be required to take a number of actions which currently have the following estimated costs:

Action	Cost
1. Tow the boat from the Thetis Island Wharf to Cowichan Towing	\$600
2. Store the boat at Cowichan Towing for possibly many months	\$25/day
3. Auction or Sell the boat	Depends on condition
4. Obtain the services of a Bailiff	Depends on condition

Given the above detail, there are two situations that we should consider.

1. In a scenario where the owner wants his boat back, the owner would be looking at an approximate \$1,000 bill (impound and towing/storage charge) to take possession of his boat after a 2 week period. This would not include any cost associated with having the boat towed from the storage compound once the charges have been paid.
2. In a scenario where the owner cannot be found, it is envisaged that the CVRD would take approximately 2 months attempting to find the owner as per the Warehouse Lien Act, which would result in costs associated with towing and storage of approximately \$2,100. At that point it would have to be determined whether we would be able to recoup this and any additional costs by way of sale or auction of the boat. If there is little or no hope the boat is worth even attempting a sale, disposal to a licenced waste management facility may be the only option which again would cost the CVRD with no hope of cost recovery. One other option to consider as part of this scenario is whether the CVRD Bings Creek Solid Waste Management Complex Facility lands could be use to store the boat to reduce/eliminate storage costs. It is unclear whether or not this is a viable option. It should also be noted that there is no budget to pay these costs at the present time.

These scenarios are under the assumption that insurance is not an issue either in the towing or storage of the boat. As you can imagine from the moment the CVRD, or its agent, handles and stores the boat until the moment of recovery by the owner, the CVRD increases liability in the event there is damage to the vessel or one or more things go missing.

It should be noted that staff have conferred with the District of Central Saanich with regard to enforcing their Wharf Regulation Bylaw and they indicated that only small boats (dingy type vessels) have been impounded by their own staff and stored in their Works yard. While there has been potential in the past of impoundment of larger boats, there has not been any example of this type of impoundment in the recent past. Usually the boat has been removed by the owner after days and or weeks of pressure from the Bylaw Enforcement Officer. To tow and store a boat is a last case scenario!

Another consideration about this bylaw is the inclusion of offences pertaining to liquor, dangerous goods and conduct of people on the wharf. These offenses may be extremely challenging to enforce and more appropriately handled by the RCMP. In the few examples of enforcement under the current bylaw, there has been reasonable success in posting a notice on the boat and alerting the local RCMP.

The option of ticketing may be challenging due to the fact that a large number of boats are not registered or have any identifying numbers. Without proof of ownership, issuing a ticket would be extremely difficult. In the few examples of enforcement under the current bylaw it has been

found that the type of people we are likely to run in to in these situations, do not usually have a fixed address which makes issuing tickets even more difficult.

While it is agreed impoundment is an option that we must have in our list of enforcement options, it is one that, as noted in the Central Saanich situation, is a last case scenario!

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca
attachment



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No.

**A Bylaw to Regulate Wharf Services on Thetis Island
Applicable To Electoral Area G –Saltair/Gulf Islands**

WHEREAS pursuant to Section 903 of the *Local Government Act*, R.S.B.C. 1996, Chapter 323 (the “Act”) the Regional Board is empowered to prepare and adopt a regulatory bylaw;

AND WHEREAS the Cowichan Valley Regional District operates public wharf facilities and wishes to regulate the use of those facilities;

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

PART ONE

CITATION

This bylaw may be cited for all purposes as “Cowichan Valley Regional District Thetis Island Wharf Regulation Bylaw No. , 2011”

PART TWO

DEFINITIONS

In this Bylaw,

business means a commercial or industrial undertaking of any kind, including providing of professional, personal or other services for the purpose of gain or profit;

bylaw enforcement officer means any person appointed as such by the Cowichan Valley Regional District (CVRD) and members of the Royal Canadian Mounted Police (RCMP);

dangerous goods means dangerous goods as defined in the *Transport of Dangerous Goods Act*;

emergency personnel includes any person, group or organization authorized by provincial or federal statute to respond to emergency situations;

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emergency service vessel means a police, fire, search and rescue, ambulance or other vessel used by emergency personnel in the course of their duties;

emergency vehicle means police vehicle, ambulance, fire, search and rescue or other vehicle used by emergency personnel in the course of their duties;

explosive has the same meaning as in the *Explosives Act* (Canada);

length means

(a) in the case of a vessel registered under the *Canada Shipping Act*, the length as shown in the certificate of registry issued by Transport Canada;

(b) in the case of a vessel licensed under the Small Vessel Regulations under the *Canada Shipping Act*, the length from the fore part of the head of the stern to the after part of the head of the stern post; and

(c) in the case of a vessel that is not registered or licensed under (a) or (b), the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull;

liquor has the same meaning as in the *Liquor Control and Licensing Act*;

live aboard means a vessel or watercraft with living accommodation;

emergency zone means that area of a wharf designated solely for loading and unloading passengers, supplies or freight and identified by a yellow painted tie-rail or yellow painted lines;

moor means to secure a vessel or watercraft by means of lines, cables, anchors or other similar means;

raft means the mooring of one vessel or watercraft along side another;

vessel means any ship, boat or watercraft whether or not propelled by machinery;

waterlot area means an area owned, leased or licensed to the Cowichan Valley Regional District in which is located a wharf as described and shown on Schedule B; and

wharf means any landing pier, ramp, float, dock and other facilities comprised in public facilities listed in Schedule A.

.../3

PART THREE**ADMINISTRATION**

1. Public Conduct

- (a) No person shall obstruct or interfere with any person or vessel lawfully using a wharf.
- (b) No person shall behave in a disorderly, dangerous or offensive manner on a wharf.
- (c) No person shall bring a live animal onto a wharf unless the animal is on a leash.

2. Noisy Activities

No person shall, while on a wharf or on a vessel moored at a wharf, make any amplified sound or operate any equipment, which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

3. Liquor

No person shall possess an open container of liquor at a wharf.

4. Signs

No person except the Cowichan Valley Regional District and its employees, contractors and agents shall place, post or erect a sign on a wharf.

5. Damage

- (a) No person shall remove, destroy or damage any wharf or structure or sign attached to a wharf.
- (b) No person shall remove, destroy or damage any notices, rules or regulation posted on a wharf by or under the authority of the Cowichan Valley Regional District.
- (c) No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a wharf or in a waterlot area.

6. Storage

No person shall store any material of any kind, including a vessel, on the surface of a wharf.

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7. Loading Zone

- (a) No person shall cause a vessel or a vehicle to be left unattended at or adjacent to a loading zone.
- (b) Every person using a loading zone shall immediately vacate the loading zone for an emergency vessel operating in the case of an emergency.
- (c) No person shall cause a vessel to remain moored in a loading zone for a period in excess of 15 minutes, except for emergency vessels in the course of training exercises or emergency situations.

8. Commercial Use

No person shall conduct any business on a wharf or within a waterlot area, including selling or displaying for sale any goods or services, including food and refreshments.

9. Moorage Restrictions

- (a) No person shall cause any vessel to moor or remain moored at a wharf area between the hours of 9:00 p.m. and 6:00 a.m., except for emergency service vessels in the course of emergency situations.
- (b) No person shall secure the berth of any vessel at the wharf by use of a lock or otherwise in a manner that prevents a bylaw enforcement officer from relocating the vessel or watercraft.
- (c) When required by limited mooring space, a person in charge of a vessel may raft the vessel provided that no more than two vessels are rafted and that such rafting does not impede the movement of other marine traffic.
- (d) No person shall moor a vessel within a waterlot area, other than at a wharf.

10. Dangerous Goods

- (a) No person shall moor a vessel carrying dangerous goods or explosives at a wharf.
- (b) No person shall store, treat, generate, transport, process, handle, produce or dispose of any dangerous goods, explosives or hazardous or contaminated materials or substances at a wharf or within a waterlot area.

11. Maximum Vessel Length

No person shall moor a vessel in excess of 10 metres (32.8 feet) in length at a wharf.

12. Prohibited Vessels

The loading and unloading of passengers onto wharves from seaplanes or charter boats is not permitted at a wharf.

13. Prohibited Uses and Obstructions

No person shall:

- (a) do any maintenance or repair work on a wharf;
- (b) refuel at a wharf;
- (c) do any other thing in such a manner as to impede public access to a wharf;
- (d) use any vessel moored at a wharf for live-aboard activity;
- (e) flush vessel heads at a wharf or within a waterlot area;
- (f) ground a vessel on the foreshore of a waterlot area or create any other disturbance of the foreshore or seabed within a waterlot area;
- (g) moor a vessel at a wharf in such a manner as to unduly obstruct the movement of other vessels or watercraft;
- (h) tie lines fastening a vessel to a wharf, across a wharf or to anything other than the fastenings provided for the purpose of moorage;
- (i) operate a barbeque, camp stove or similar device or start or cause any open flame at a wharf; or
- (j) keep the motor of a vessel running at a wharf, except when arriving at or leaving a wharf.

14. Enforcement Powers

- (a) All bylaw enforcement officers may enforce this Bylaw in the course of their duties.
- (b) A bylaw enforcement officer may order a person who does anything contrary to this Bylaw to leave, and to remove any vessel over which they exercise control from, a wharf immediately, or within a period of time specified by the bylaw enforcement officer, and every person so ordered shall comply with the order.
- (c) No person shall hinder, oppose, molest or obstruct a bylaw enforcement officer in the discharge of their duties.

.../6

15. Offence

A person who breaches any part of this Bylaw commits an offence and is punishable by a moorage fine or on summary conviction, by fine of up to \$2,000.

16. Removal and Impoundment of Vessels, Watercraft, Chattels and Obstructions

- (a) A bylaw enforcement officer may remove and impound, or cause to be removed and impounded, any vessel, chattel or obstruction that occupies a wharf or waterlot in contravention of this Bylaw.
- (b) Any vessel, chattel or obstruction removed and impounded under this section may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs incurred by the Cowichan Valley Regional District in removing and impounding (including storing) and any fines owing by the owner under this Bylaw.
- (c) If a vessel, chattel or obstruction is removed and impounded, a bylaw enforcement officer shall make reasonable efforts to obtain the name and address of the owner of the vessel, chattel or obstruction and:
 - (i) if the name and address of the owner is determined, the bylaw enforcement officer shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the sum payable to release the vessel, chattel or obstruction and the date for sale by public auction or disposition under section 17, as applicable, if unclaimed; or
 - (ii) if the identity of the owner is not determined, the bylaw enforcement officer shall cause a notice to be posted at the relevant wharf advising of the removal and impoundment, the sum payable to release the vessel and the planned date for sale by public auction or disposition under section 17, as applicable, if unclaimed.
- (d) The fees, costs and expenses payable by the owner of a vessel, chattel or obstruction removed and impounded under this section are set out in Schedule "C" to this Bylaw.
- (e) A sign at each wharf shall notify the public that vessels, chattels and obstructions occupying the wharf and surrounding waterlot in contravention of this Bylaw, may be removed and impounded by or on behalf of the Cowichan Valley Regional District at the cost of the owner and may be sold at public auction or otherwise disposed of if unclaimed.

.../7

- (f) The Cowichan Valley Regional District may engage the services of a bailiff to remove, impound and auction vessels, chattels and other obstructions under this section and section 17.

17. Public Auction

- (a) Any vessel, chattel or obstruction not claimed by its owner, including where the bylaw enforcement officer has been unable to determine the owner's identity, within 30 days of notice under section 16(c) may be sold at a public auction and such auction shall be advertised at least once in a newspaper distributed at least weekly in the Cowichan Valley Regional District.
- (b) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to all unpaid fees, costs and expenses levied in accordance with this Bylaw.
- (c) If any vessel, chattel or obstruction is not offered for sale or purchased at public auction under this section, the expenses incurred in the removal, impoundment or disposal, are recoverable as a debt due to the Cowichan Valley Regional District from the owner.
- (d) If the bylaw enforcement officer considers that a vessel, chattel or obstruction removed and impounded from a wharf is of insufficient value to warrant an auction, the bylaw enforcement officer may dispose of the vessel, chattel or obstruction if unclaimed after 2 months following notice under section 16(c) and any money obtained through such disposition shall be dealt with in accordance with section 17(b).

18. Severance

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this Bylaw.

19. Schedules

Schedules "A" to "C" attached to this Bylaw form an integral part of this Bylaw.

20. Repeal

Cowichan Valley Regional District Thetis Island Wharf Regulation Bylaw No. 3273, 2009 and all amendments thereto, are hereby repealed.

PART THREE**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

SCHEDULE A

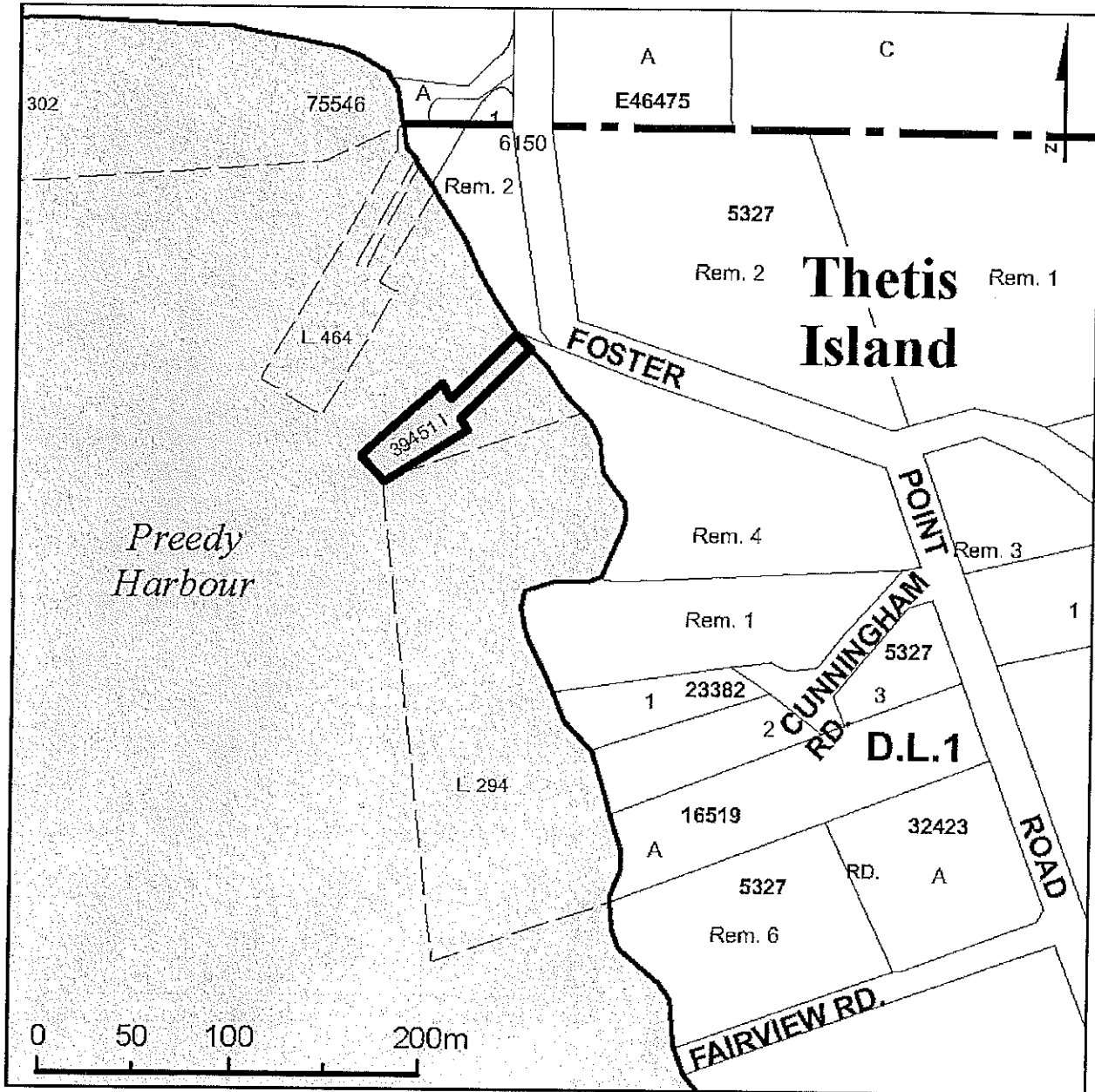
Public Facilities

- Benches

SCHEDULE B

Waterlot Areas

- That part of the bed of sea adjoining DL. 1 Thetis Island, Cowichan District, as shown colored red on plan deposited under Deposited Document 39451 I.



SCHEDULE C

Fees, Costs and Expenses

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Section 16 of this Bylaw:

- | | | |
|----|--|---------------|
| 1. | Moorage Fine | \$150 per day |
| 2. | Impoundment Fee | \$200 |
| 3. | Towing Fee (incl. haul-out)
(for towing or removal to storage location) | \$600 |
| 4. | Storage Costs for Vessel | \$25 per day |



R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 25, 2011 FILE NO:
FROM: Ryan Dias, Parks Operations Superintendent BYLAW NO:
SUBJECT: Reserve Fund Bylaw for Electoral Area C Community Park Project

Recommendation/Action:

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$141,820 from the Community Parks General Reserve Fund (Area C – Cobble Hill) for the purpose of constructing a public washroom and site landscaping improvements; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Relation to the Corporate Strategic Plan:

Safe and Healthy Community - Provide exceptional recreation, cultural and park services

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

Background:

The Electoral Area C Parks Commission identified in the 2010 fall budgeting process the desire to construct a washroom facility at Quarry Nature Park in 2011. The 2011 Community Parks and Trails Capital Program Schedule approved by the Electoral Area Services Committee includes the Quarry Park Washroom and site landscaping improvements as a 2011 capital project. The 2011 Area C Community Parks Budget has \$150,000 budgeted in Reserve Funds to undertake the project. Therefore, in order to start this project in 2011, a Transfer from the Community Parks General Reserve Fund (Area C – Cobble Hill) in the amount of up to \$141,820 is recommended.

Submitted by,

Ryan Dias
Parks Operations Superintendent
Parks and Trails Division

RD/jah

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



R11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 25, 2011
FROM: Catherine Tompkins, MCIP, Senior Planner
SUBJECT: Proposed South Cowichan Official Community Plan

Recommendation/Action:

1. That the proposed South Cowichan Official Community Plan be amended, as considered desirable by the Electoral Area Services Committee.
2. That, in addition to previous referrals, the proposed South Cowichan Official Community Plan be referred to the Capital Regional District, the District of Highlands, the District of Saanich, The District of North Saanich, the District of Central Saanich, School District No.79 and the Islands Trust.
3. That the Board pass First and Second Readings of proposed Bylaw 3510 - South Cowichan Official Community Plan – applicable to Electoral Area A (Mill Bay/Malahat), Electoral Area B (Shawnigan Lake) and Electoral Area C (Cobble Hill).
4. That the Board pass the following resolutions:
 - a. "The Regional Board has reviewed the Planning and Development Department staff report of May 25, 2011 and has examined the proposed South Cowichan Official Community Plan in conjunction with the most recent capital expenditure program and applicable economic strategy plans and has found the proposed official community plan to be consistent with the capital expenditure program and economic strategy plans."
 - b. "The Regional Board has reviewed Planning and Development Department staff report of May 25, 2011 and has examined the proposed South Cowichan Official Community Plan in conjunction with the applicable waste management plans and has found the proposed official community plan to be consistent with the waste management plans."
5. That, in accordance with the requirements of the *Local Government Act*, Bylaw 3510 - proposed South Cowichan Official Community Plan be referred to the Provincial Agricultural Land Commission for comment;
6. That an Official Public Hearing be held for proposed Bylaw 3510 - South Cowichan Official Community Plan, in accordance with the requirements of the *Local Government Act*, on June 27, 2011 at 7:00 p.m. at the Kerry Park Ice Arena, at 1035 Shawnigan-Mill Bay Road, Mill Bay, B.C.;

7. That the Regional Board delegate the holding of the Public Hearing in accordance with the requirements of the *Local Government Act* to Electoral Area A (Mill Bay/Malahat) Director Brian Harrison, Electoral Area B (Shawnigan Lake) Director Ken Cossey, Electoral Area C (Cobble Hill) Director Gerry Giles, Electoral Area D (Cowichan Bay) Director Lori Iannidinardo, and Electoral Area E (Sahtlam/Glenora/Cowichan Station) Director Loren Duncan.

Relation to the Corporate Strategic Plan: The South Cowichan OCP is consistent with the CVRD Corporate Strategic Plan.

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

Purpose:

The proposed South Cowichan Official Community Plan (OCP) has been prepared and is now scheduled to be considered for First and Second Readings and an official public hearing.

The South Cowichan OCP is intended to replace and repeal Electoral Area A (Mill Bay/Malahat) OCP Bylaw 1890, as amended; Electoral Area B (Shawnigan Lake) OCP Bylaw 1010, as amended; and Electoral Area C (Cobble Hill) OCP Bylaw 1210, as amended.

Inter Departmental/Agency Implications: As discussed below

Background

The proposed South Cowichan OCP encompasses some 38,500 hectares, and will affect all land and water surfaces within Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill) of the Cowichan Valley Regional District (CVRD). The Plan includes the following components:

- Schedule A – the OCP document, including:
 - The main OCP document;
 - Appendix A – Mill Bay Village Plan;
 - Appendix B – Shawnigan Village Plan;
 - Appendix C – Cobble Hill Village Plan;
- Schedule B – the Plan Map (land use designations for all lands within the Plan area); and
- Schedule C – Servicing Maps for the Plan area.

The South Cowichan OCP aims to ensure quality of life for all residents in the South Cowichan, and to provide for a strong local economy and diverse housing for young people, families and seniors. Focus will be placed on village centres, to make them more vibrant, healthy, active, and engaged through the provision of adequate and accessible housing, economic opportunities, recreation, alternative transportation (e.g. transit, cycling), public infrastructure and leisure activities.

The Plan fulfills the requirements of the *Local Government Act*, including policy statements pertaining to affordable, rental and special needs housing, as required by the *Local Government Act*. The OCP also provides for an abundant supply of housing. In the South Cowichan, there is an anticipated housing need to 2026 of 2,220 dwellings. The potential supply of 3,957 dwellings not only fulfills the 5 year requirement of the *Local Government Act*, but also far exceeds the provision for future housing under this Official Community Plan to 2026, with a surplus supply of 1,637 dwellings.

Targets for the reduction of greenhouse gas emissions, and policies and actions to achieve those targets, have also been included, as required by the *Local Government Act*.

The Plan also includes matters which the *Local Government Act* allows but does not require, such as policies related to social needs, social well-being, and social development; a regional context statement; policies related to the maintenance and enhancement of farming; and policies relating to the preservation, protection, restoration, and enhancement of the natural environment, its ecosystems and biodiversity.

The South Cowichan OCP encourages a sustainable healthy community, and includes many provisions worthy of note, but which are too numerous to outline in this staff report. The Planning and Development Department will outline general highlights of the Plan at the EASC meeting.

The CVRD Corporate Strategic Plan Vision states: **“The Cowichan Region celebrates diversity and will be the most livable and healthy community in Canada”** The South Cowichan OCP is consistent with the vision and strategic goals of the CVRD Corporate Strategic Plan.

The Planning Process

The Draft OCP has been prepared through a lengthy and collaborative community effort which involved a broad cross section of South Cowichan residents, businesses, property owners, agencies and stakeholders. In particular, the Plan would not have been possible without the hard work and dedication of the South Cowichan OCP Steering Committee members, listed below:

June Laraman, Chair	Brent Beach	Brenda Krug
Geoff Johnson	Rod Macintosh	Al Cavanagh
Ken Waldron	Sarah Mallerby	Dave Thomson
Archie Staats	Jerry Tomljenovic	Bob Brooke
Roger Burgess	Rod de Paiva	Janice Hiles
Mike Hanson	Rosemary Allen	Larry George
Sarah Middleton	John Clark	Roger Painter
John Krug		

The South Cowichan Official Community Plan process has far exceeded *Local Government Act* requirements, by including the following components:

- On July 19, 2007 an OCP Steering Committee was established. This Steering Committee devoted years of hard work and dedication to the project.
- In July, 2007 newsletters were mailed to all households in Electoral Areas B and C to inform and encourage participation.
- In August, 2007 OCP presentations and displays were provided at the Cobble Hill Fair, to generate discussion and encourage input.
- In October, 2007 the plan principles were developed, by the Steering Committee and through public meetings.
- Key planning issues were defined in October 2007.
- In November, 2007 open house/workshops were held at the Youth Hall in Cobble Hill and at Shawnigan Lake Community Centre. About 250 people attended to provide input on principles and key issues.

- In December 2007 a second OCP newsletter was mailed to all households in the plan area to inform and encourage participation.
- In January, 2008 a survey/questionnaire process was conducted through community mail-outs. It was also made available at SL Community Centre, Cobble Hill Post Office, SL Post Office and CVRD Office.
- The South Cowichan OCP Background Report was prepared by March 2008.
- From March, 2008 to May, 2008 a review of public responses, planning constraints and opportunities was done.
- In March 2008 the constraints/opportunity mapping component was complete.
- In May, 2008, two open house/workshops were held to provide public feedback on the constraints and opportunities mapping.
- A developer focus group meeting was held on June 18, 2008.
- A second community survey/questionnaire was released in July, 2008. It was conducted through community mail-outs. It was also made available at SL Community Centre, Cobble Hill Post Office, SL Post Office and CVRD Office
- In August, 2008 an OCP presentation and display was provided at the Cobble Hill Fair.
- In September and October, 2008, walking tours were held with the Steering Committee and the APC to examine proposed densities of land in village areas.
- In October, 2008, two character workshops were held – one in Cobble Hill, one in Shawnigan Lake to identify appropriate landscape and design characteristics in village areas.
- In November 2008 the draft plan was due, and the CVRD began to hold meetings with the consultant to determine the reasons for the delay in attaining a draft OCP. By May, 2009, only a part of an incomplete draft OCP was received – not to an acceptable standard.
- On February 2, 2009, a project status report was presented to the CVRD Electoral Area Services Committee.
- In June, 2009, the Regional Board directed the Planning and Development Department to prepare the Plan in-house, using existing background information
- On June 15, 2009, the OCP Steering Committee met with the Directors for Electoral Areas A, B and C (Mill Bay/Malahat, Cobble Hill and Shawnigan Lake), to consider inclusion of Mill Bay/Malahat.
- On July 7, 2009 the Board directed the Planning and Development Department to include Mill Bay/Malahat in the OCP Plan area.
- From July to December 2009 the background information, including the constraints and opportunity mapping, were applied to Mill Bay/Malahat.
- The Electoral Area A (Mill Bay/Malahat) OCP Steering Members were appointed in October, 2009. The Steering Committee also elected a Chair from Electoral Area A (June Laraman).
- In November, 2009 open houses were held in Mill Bay (Kerry Park) to outline the planning process and obtain public input and participation from Mill Bay/Malahat residents.
- In January and February, 2010 a survey/questionnaire process was held in Mill Bay Malahat to further encourage comments and recommendations from the public in Electoral Area A.
- From February to April, 2010, a series of OCP Steering Committee meetings and workshops were held to prepare Plan goals, objectives and policies as they pertain to the various land uses and related planning issues, including for the village areas.
- A rough draft of the OCP was prepared by August, 2010.
- From September to December, 2010 the Steering Committee reviewed the rough draft of the main OCP document.

- Six large signs were installed in key locations in all three electoral areas in October, 2010.
- A status report was provided to the EASC on December 6, 2010.
- From January to March, 2011, the Steering Committee held several meetings to review the updated draft of the OCP.
- In March-April, 2011, a series of seven open houses were held, to provide an opportunity for the public to see the draft Plan and make comments.
- In March/April, 2011 a survey/questionnaire process was held, both on-line and in hard-copy, to obtain further public input.
- In May, 2011 the Steering Committee considered the public comments and survey results. Amendments were made to the draft Plan.
- The draft plan and Steering Minutes have been available for viewing on the CVRD website, which is updated regularly.
- Staff have conducted agency and organization referrals and consultation with Fisheries and Oceans Canada; Transport Canada; Cowichan Tribes; Malahat First Nations; Tsawout First Nations; Tsarrtliip First Nations; Chemainus First Nation; Paquachin First Nations; Agricultural Land Commission; Ministry of Community and Regional Planning Intergovernmental Relations; 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; Land Titles and Survey Authority of BC; Capital Regional District; District of Saanich; District of Central Saanich; Islands Trust; District of Highlands; District of North Saanich; School District 79; Royal Canadian Mounted Police; Mill Bay Water Improvement District; Braithwaite Improvement District; Shawnigan Lake Improvement District; Cobble Hill Improvement District; Urban Development Institute; Lidstech Holdings; Cowichan Bay Volunteer Fire Department; Malahat Volunteer Fire Department; Mill Bay Volunteer Fire Department; Shawnigan Lake Volunteer Fire Department; CWAV Safer Futures; Social Planning Cowichan; BC Heritage Branch; Bamberton Historical Society; Mill Bay Historical Society; and Shawnigan Lake Historical Society.

Agency Comments

The following government agencies have made written comments to the CVRD:

- **Ministry of Community and Regional Planning Intergovernmental Relations:** Please see attached – changes have been made to the proposed Plan as a result of this consultation.
- **Agricultural Land Commission:** Please see attached – changes have been made to the proposed Plan as a result of this consultation.
- **Capital Regional District:** Please see attached
- **Ministry of Environment:** Please see attached – changes have been made to the proposed Plan as a result of this consultation.
- **Ministry of Agriculture:** Please see attached – changes have been made to the proposed Plan as a result of this consultation.
- **Ministry of Transportation and Infrastructure:** Although written correspondence was not received, changes have been made to the proposed Plan as a result of in-person and telephone consultation.

- **Vancouver Island Health Authority:** Please see attached – changes have been made to the proposed Plan as a result of this consultation. However, the Vancouver Island Health Authority has also recommended:
 - *it is recommended that secondary dwellings be restricted to a minimum lot size of 1 Ha, whether the lot is serviced by a community water system or not. If the CVRD finds it necessary to allow secondary dwellings on properties as small as 0.4 Ha, it is recommended that restrictions be placed on the size of the secondary dwelling to ensure that there is sufficient land for sewage disposal (eg 600 square feet).*
- **Cowichan Tribes:** Please see attached – changes have been made to the proposed Plan as a result of this consultation. However, the Cowichan Tribes has also recommended:
 - *A 15 metre marine riparian buffer is insufficient to allow natural processes to take place and protect the marine environment;*
 - *A 30 metre riparian buffer from the Koksilah River is insufficient due to the importance of salmon to the Cowichan Tribes;*
 - *The Cowichan Tribes supports a policy that requires a 70% to 80% parkland dedication for rezoning of forest land.*
 - *The Eagle Heights Grasslands are of great importance to the Cowichan tribes. The Cowichan Tribes is pleased with the OCP policies regarding this site, and asks that if any future parkland dedication occurs, the CVRD consult with the Cowichan Tribes, due to the high cultural and spiritual significance of that area.*

The Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill) Advisory Planning Commissions have participated in the process during key stages and have been consulted on a continual basis.

The proposed OCP Bylaw is exempt from approval by the inspector of Municipalities under Section 3 (e) (ii) of the *Cowichan Valley Regional District Approval Exemption Regulation* pursuant to Ministerial Order No. MO36, February 21, 2011.

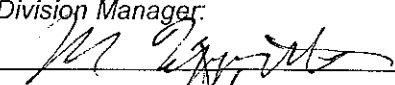
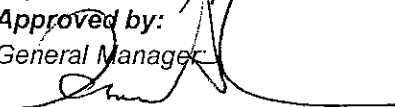
Submitted by,



Catherine Tompkins, MCIP, Senior Planner
Community & Regional Planning Division
Planning and Development Department

CT/jah

Attachments

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

Catherine Tompkins

From: Schmidt, Heike CSCD:EX [Heike.Schmidt@gov.bc.ca]
Sent: Thursday, April 07, 2011 11:22 AM
To: Catherine Tompkins
Subject: Cowichan Valley Regional District - South Cowichan OCP - Electoral Areas 'A', 'B' and 'C' - referral

Hello Catherine,

Thank you for referring the Cowichan Valley Regional District's *Draft South Cowichan Official Community Plan bylaw for Electoral Areas 'A', 'B' and 'C'* to the Ministry of Community, Sport and Cultural Development for comment. Please consider this email as MCSCD's response to your referral.

As the Cowichan Valley Regional District is participating in the trial exemption from Ministerial approval, the CVRD is not required to submit the OCP bylaw to the Ministry.

However, we would like to provide you with some helpful information as you continue your OCP process.

- Please ensure that you have referred this bylaw to the appropriate ministries and agencies and that you keep a detailed record of the results of your referral efforts (i.e. no comment received, resolution of concerns/objections).
- Please ensure you keep a record of your consultation efforts with First Nations. I have included a link to the *Interim Guide to First Nations Engagement on Local Government Statutory Approvals* for your information:
http://www.cscd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf
- You may also wish to consider the commitment your regional district has made by signing the Climate Action Charter, specifically in the area of developing compact, complete communities. Please ensure that the bylaw meets the requirements of section 877(3)—targets for the reduction of green house gas emissions.
- Finally, you may also wish to highlight the advocacy policies throughout the OCP document for the appropriate ministries and agencies to take into consideration.

I trust this will help you with your ongoing work. If you have further questions, please feel free to contact me.

Best regards,
Heike Schmidt

Heike Schmidt, MCIP, Dipl.- Ing. (GER)

Planning Systems Analyst

Ministry of Community, Sports and Cultural Development

Intergovernmental Relations and Planning Division

Tel: 250.356.0283

Fax: 250.387.6212

Email: heike.schmidt@gov.bc.ca



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APR 15 2011

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

5th April 2011

Reply to the attention of Roger Cheetham
ALC File: 46421

Catherine Tompkins, MCIP
Senior Planner
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8

Dear Madam:

Re: Proposed South Cowichan Official Community Plan

With reference to your letter dated 9th March 2011 we are pleased to note that the plan is very supportive of agriculture and generally consistent with the *Agricultural Land Commission Act*. The comments of the staff of the Commission are as follows:

Policy 3.15, page 22. We are pleased to see the recognition given to agriculture in this section. We agree that the Ministry of Agriculture and the Commission both have roles to play but suggest that the policy be widened to involve the Regional District and the land owners. The second sentence of the policy might be changed along the following lines:

‘Where there is.....and policies, the CVRD will work with the Agricultural Land Commission, the Ministry of Agriculture and affected land owners with a view to finding solutions that provide an appropriate balance of environmental and agricultural interests.’

Policy 5.7, page 32. Only a relatively small area at the southern end of Shawnigan Lake is located within the ALR. While we understand the intention of this policy, neither the Commission nor, we believe, the Ministry of Agriculture have legislation that would enable them to ensure that farmers employ water conservation strategies. To the extent that it is possible the Commission would encourage such measures to be taken provided that an appropriate balance is achieved between agricultural and environmental interests.

Climate Change, Land Resources and Energy Efficient Objectives A, page 36. We would not support a policy that encourages the acquisition of forest land within the ALR. We accordingly suggest that a qualification be added after the word “forested” to read “.....forested land, except where located within the ALR”

Policy 11.2, page 72. The words “are within the Agricultural Land Reserve, and” appear to be superfluous.

Policy 11.8, page 73. You may like to rework this policy slightly. Section 946 of the *Local Government Act* enables the Regional District to approve subdivisions for relatives that are not in compliance with the bylaws, where, for land within the ALR, the Commission has given its prior approval for subdivision. In most cases the Commission's approval is likely to be in accordance with its Homesite Severance Policy. However, occasionally it also approves other subdivisions, e.g. for a son or daughter if it believes that the subdivision will be of benefit to agriculture, for example, by paving the way for a son or daughter to take over the family farm, even if a Homesite Severance is not involved. We agree with the sentiment expressed in this policy – that subdivision in rural areas in the past has had a negative impact on agriculture. However, we suspect that in many cases the subdivisions were created for housing that had previously been approved for farm workers rather than for a relative.

Policy 11.9, page 74. You may like to change the words "a viable reason" to "acceptable reasons"

Policy 11.10, page 74. The proliferation of additional residences in agricultural areas (the Cowichan Valley being a particularly good example) has a significant impact on agriculture and is an area of concern for the Commission. We therefore welcome the development of criteria to help the assessment of the need for additional dwellings. We suggest that you add a criterion that requires that a farm plan be provided prepared by an Agrologist that clearly justifies the additional dwelling in terms of the needs of the farm.

Policy 11.11, page 74. A secondary suite and a manufactured home for a relative are permitted in terms of the Commission's regulations. It is therefore suggested that the policy end with the following:

"may be required if not permitted in terms of BC Regulation 171/2002"

Policy 11.12, page 74. This policy is a little unclear. Presuming that it is referring to a home occupation in a secondary dwelling unit we suggest that the following words be added after the words "in the case of":

"a home occupation within"

Policy 11.13, page 74 The words "and BC Regulation 171/2002" should be added after the words "*Agricultural Land Commission Act*"

Policy 11.15, page 74 We are pleased to note the reference to the Cowichan Region Area Agricultural Plan (AAP). As it has particular relevance to furthering the agricultural policies in this section of the OCP we wonder if the support in this section could be expanded to identify specific policies that are of particular importance, in particular the action items listed under part 3 of the AAP. We further we suggest that consideration be given to adopting the AAP as part of the OCP and to allocating funds to aid implementation.

Policy 17.16, page 108. We are unsure if any of the trail master plans affect land within the ALR. If that is the case we suggest that a comment be added that indicates that the Commission's approval is required and will be dependent upon the Commission being satisfied that agricultural interests are not affected. The Ministry of Agriculture's trail

guide provides helpful information in this regard.
(http://www.al.gov.bc.ca/resmgmt/sf/trails/agtrails_toc_08.pdf)

Community Water Services Policies, page 124. The Commission supports the intention of these policies. However, in the event that the Improvement District water systems include areas within the ALR we question how subdivisions within these areas that are approved by the Commission, in probability, most commonly under its Homesite Severance Policy, would be able to obtain water. It might be necessary for exceptions to be made with respect to these subdivisions.

Policy 21.6, page 134. The Commission has approved the exclusion of the property identified in Figure 21A, except for the northeast corner including the BC Hydro right of way, in terms of Resolution Number 113/2007, the western boundary of the right of way serving as the boundary of the ALR. It is thus suggested that the map be amended to reflect only the area west of the Hydro right of way.

Section 24 South Cowichan Rural Development Permit Area, page 141. We are pleased to note that one of the purposes of this DPA is to protect farming and this includes control over development at the agriculture/urban interface. However we note under 24.3 that the removal, alteration, disruption or destruction of vegetation and the disturbance of soils requires a development permit unless specifically exempted. As these activities fall under those permitted in terms of the *Agricultural Land Commission Act* (ALC Act) and BC Regulation 171/2002 we consider that for land within the ALR it is important that such activities be exempted to ensure consistency with the ALC Act.

24.4.2A Agricultural Protection Guidelines, page 146. We support these policies.

With regard to the siting requirements under 1 you may like to review the policy in the light of the draft guide relating to the siting and size of residential buildings recently produced for public comment by the Ministry of Agriculture. While we are open minded about the emphasis in the guide on the benefits for agriculture in siting buildings close to roads, as opposed to soil capability considerations, we draw it to your attention bearing in mind the emphasis in the OCP on soil capability. We also draw your attention to the possibility of restricting the size as well as the footprint of residences, as discussed in the guide.

With regard to Point 8 you may like to provide a setback requirement for buildings of 30 metres as suggested in the Ministry of Agriculture's Guide to Edge Planning
(http://www.al.gov.bc.ca/resmgmt/sf/publications/823100-2_Guide_to_Edge_Planning.pdf)

24.4.4A Landscaping/Rainwater Management/Environmental Protection Guidelines, page 149. We are unsure how many Sensitive Ecosystem areas are located within the ALR but our impressions are that there are relatively few, comprising in the main Riparian areas. Nevertheless to ensure consistency with the ALC Act we suggest that agriculture, including the clearing of land, be exempted if not covered by a general exemption under 24.3.

24.4.9A Riparian Areas Regulation Guidelines (Freshwater), page 153. It is noted that an exemption is given for the clearing of vegetation and soil removal or deposit for areas more than 30 metres from top of bank. However to ensure consistency with the ALC Act

we suggest that agriculture, including the clearing of land, be exempted for all areas within the ALR if not covered by a general exemption under 24.3. The Riparian Areas Regulation does not apply to agriculture.

24.4.15A Sensitive Ecosystem Guidelines, page 167 The requirements under 3. preventing the planting of non-indigenous vegetation would appear to be in conflict with the ALC Act for land within the ALR. It should be indicated that agriculture is exempted within the ALR.

Administration and Implementation, page 172. We suggest that a policy be added that ties the implementation measures in the OCP to the implementation of the AAP. We also see the achievement of these AAP measures to be an indicator that will help to determine the effectiveness of the OCP, as outlined in Policy 25.12 and suggest that they be added to the list.

Yours Truly

Per: 

Roger Cheetham, Regional Planner

cc: Wayne Haddow, Regional Agrologist, Duncan

rc/46421m1



Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3000
F: 250.360.3234
www.crd.bc.ca

April 18, 2011

Ms. Catherine Tompkins, Senior Planner
Cowichan Valley Regional District
Planning and Development Department
175 Ingram Street
Duncan, BC V9L 1N8

Dear Ms. Tompkins:


Enclosed please find comments from the Capital Regional District Regional Planning Office pertaining to the circulation of March 25, 2011 for draft OCP's of South Cowichan, Mill Bay, Cobble Hill and Shawnigan Lake. We apologize for the timing of the comments; however, we trust that they will still be useful. A slightly longer circulation period would have been beneficial.

Should you have any questions regarding the comments, please do not hesitate to contact the undersigned at mevans@crd.bc.ca or 250.360.3244.

Sincerely,

Marg Misek-Evans, Senior Manager
Regional Planning
Planning & Protective Services

(Enclosure 1)



Attachment (1)

South Cowichan Official Community Plan (OCP) Response

Prepared by the Regional Planning Division of the Capital Regional District, April, 2011

On March 25, 2011 the CRD received a request for comment on the proposed Official Community Plan as it relates to the Capital Region's responsibilities. The draft *South Cowichan Official Community Plan* includes the main OCP document, the Mill Bay Village Plan, the Shawnigan Village Plan and the Cobble Hill Village Plan. The proposed *South Cowichan Official Community Plan* affects all lands and water surfaces within Mill Bay/Malahat (Electoral Area A, Shawnigan Lake (Electoral Area B), and Cobble Hill (Electoral Area C) of the CVRD. Comments are to be received by electronic mail or regular mail no later than April 8, 2011, otherwise the organisation commits to passive approval of the plan content. This plan has inter-regional policy implications in the following areas: Sustainable Development, Economic Sustainability, Transportation, Climate Change and Affordable Housing.

Draft South Cowichan Official Community Plan:

The plan's regional context recognizes the direct influence of the CRD on South Cowichan's growth, development and character. The described relationship between the CRD and CVRD recognizes the relatively less expensive cost of housing in the CVRD and rural character as a driver for the consistently high growth rates in South Cowichan. The commute from the CVRD to the CRD is considered to be a viable commute for many.

In the medium and long term however, residential growth without employment growth is considered unsustainable as commuting outside the community for work is largely dependent on the single occupancy vehicle. Thus, the OCP strives to increase local employment in an attempt to eliminate the need to commute for many. Local economic development initiatives should be encouraged as should transit opportunities, particularly if continued growth is planned. While enhanced economic activity would compete with the Capital Region for jobs and labour, it is recognized that other goals relating to reduced GHG emissions, affordable housing and increasing the viability of the local economy would be achieved. If the local employment developed significantly and housing market forces responded favourably, this shift could draw a portion of the Capital Region's population into the South Cowichan Valley.

The South Cowichan OCP views the Esquimalt and Nanaimo Railway (E & N) as a viable commuter rail line and means to transport freight and tourists along the South Island. The plan

also indicates that the E&N corridor is a potential means for commuters to make the daily inter-regional commute. The plan notes the disrepair of the existing infrastructure and the significant investments required in order to bring the line up to modern standards. The plan anticipates that the schedules of the existing train service will improve over time, and anticipates the need for station upgrades at key stops along the rail corridor. The suggested partners for the improvement are VIArail and Island Corridor Foundation. The CRD supports rail transportation and the E&N Rail is to be a key consideration in the final phase of the Region's corridor plan. The Region has participated in the BC Transit E&N Intercity Rail Pilot Study, which is ongoing.

Mill Bay Draft Plan

The Mill Bay Village Plan acknowledges the Capital Region as a significant employer of village residents. The Plan will endeavour to increase efforts that would provide employment in the Mill Bay area. Transportation initiatives are aligned with those of the CRD, i.e. emphasis on enhanced commuter transit service to reduce single occupancy vehicle trips for work and other purposes.

Cobble Hill Village Draft Plan & Shawnigan Village Draft Plan

The Cobble Hill Village Draft Plan (Appendix C) and The Shawnigan Village Draft Plan (Appendix B) did not contain policy of inter-regional significance.

Catherine Tompkins

From: Caskey, Marlene FLNR:EX [Marlene.Caskey@gov.bc.ca]
Sent: Monday, April 11, 2011 6:59 PM
To: Catherine Tompkins
Cc: Diederichs, Ron FLNR:EX; Barr, Brenda M ENV:EX
Subject: South Cowichan Draft OCP review - our file 94247

Thank you for the opportunity to review this plan. Overall, it provides an excellent orientation to maintaining and protecting environmental features and functions while supporting continuing and future land development opportunities.

We have the following suggestions and comments:

- Ministry names: Ministry of Forests is now the Ministry of Forests, Lands and Natural Resource Operations (and we in Ecosystems, regional operations, are now part of this Ministry), and the Ministry of Agriculture and Lands is now Ministry of Agriculture. The most recent Ministry names can be found at <http://www.gov.bc.ca/ministries/index.html?WT.svl=leftnav>
- This OCP references the 'Environmental Best Management Practices for Urban and Rural Land Development in British Columbia' 2004 which was replaced by: 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia' in 2006. We recommend that you reference this later version instead, throughout the document. As this document is due for some minor revisions, you may want to reference the name but not the year, so that the OCP applies to the most recent version.
- Invasive plant species references to the BC Landscape and Nursery Association: I looked at their website and could find no links to an invasive species lists. I will forward an e-mail from the CIPC with other recommended links.
- Page 16 – description of the Natural Environment: Although reference is made to Garry oak ecosystems, the other ecosystems within the Coastal Douglas fir biogeoclimatic zone (CDF) are not mentioned. As the eastern portion of the South Cowichan is within the CDF and all forested ecosystems within it are also endangered, this would be a good opportunity to reference this unique feature.
- Page 17 – Natural Environment Objectives, B. We recommend that you also mention Species and Ecosystems at Risk (SAR) and Wildlife.
- Page 20, Figure 3-A. We recommend that your map show the CDF boundary and include sensitive polygons identified in the recent TEM (Terrestrial Ecosystem Mapping).
- Page 32: Shawnigan Lake Watershed Management Policy 5.8: the document referenced (which should be replaced by Develop with Care) specifically excludes forestry activities as its' focus. However, some of the practices recommended in it would be applicable to forestry.
- Page 68 – Village Containment Boundaries Policy 10.8 (i). We recommend that this policy also reference SAR.
- Page 76 – Rural Resource Designation, last paragraph on page: Although private forest lands within TFLs is an issue and this paragraph reads correctly, the other significant issue is the large tracts of Private Managed Forest Lands which are privately owned and are subject to relatively minor provincial government controls. Here on the east coast of Vancouver Island they are a significant issue due to the E & N land grant. The provincial government has no authority over their conversion to real estate.
- Page 80 – Rural Resource Designation Policy 12.13. Although the province has authority over the Crown lands, we do not have any over invasive species control on private forest lands.
- Page 120 – Community Water Services, last paragraph on page. The other factor affecting aquifers is development over aquifer recharge zones.
- Page 141 – DPA Establishment – although there is a bullet referencing hazardous conditions, I was unable to locate a section in the DP wording about these hazards.
- Page 143 – Justification (m) – missing is any reference to the placement of houses/other development close to the top of escarpments/top of banks (can lead to bank failure due to clearing for views and stormwater/subsurface water redirection).
- Same..(n) – reference to the TEM mapping would also be appropriate – it provides a higher level of detail than the SEI does.
- Page 149 – Landscaping/Rainwater Mgmt/Environmental Protection Guidelines (1) it may be appropriate to also reference the presence of SAR rather than just SEI.
- Same (6) – add: '.....ideally using native species, which will require less irrigation or attention'.
- Page 153 RAR Guidelines – bolded statement. The RAR does not reference watercourses – it uses 'streams' and has a definition which is more inclusive than that used by the Water Act. This definition should be either in Section 26 or in the RAR portion of the DPA.

- Page 165 – Marine Riparian Guidelines (h to j) – we recommend that this be reworded to promote bio-engineering techniques as the first choice, before retaining walls or other structures.
- Page 167 – Sensitive Ecosystems Guidelines. As mentioned earlier, we recommend that this be expanded to include SAR and/or TEM mapping.
- Same (2) we recommend that the urban bio-inventory terms of reference, as discussed in *Develop with Care*, be used to identify the most sensitive areas for protection.

Shawnigan Village Draft Plan

- Page 14 – Village Residential Designation Policies (h) – the buffer width may need to be wider than this due to the RAR process, and the subsequent determination of the width of the SPEA along the lake. Also, it is not desirable to have trails within the SPEA, so I recommend that this distance be increased to 30 metres at a minimum. This also applies to Commercial Designations (page 20 – c)
- Page 36 – (8) reference is made to using drought resistant native plants, as referenced by the BC Landscape and Nursery Association. Again, I could not find a list on their website.

I was unable to review the Cobble Hill and Mill Bay Village plans in detail, but assume that my comments would be consistent with those above.

Again, thank you for the opportunity to review this plan.

P. Marlene Caskey, B.Sc., R.P.Bio

Senior Urban Ecosystem Biologist

MFLNRO

Nanaimo (250) 751-3220

Catherine Tompkins

From: Haddow, Wayne AGRI:EX [Wayne.Haddow@gov.bc.ca]
Sent: Friday, April 08, 2011 12:27 PM
To: Catherine Tompkins
Cc: Cheetham, Roger ALC:EX; LeMaistre, Jim F AGRI:EX
Subject: South Cowichan plan

Hi Katy,
Senior Planner
Community and Regional Planning
CVRD

Plan review of the South Cowichan Plan

My comments are on behalf of the Ministry of Agriculture's Strengthening Farming initiative.

First of all, I agree with and support the comments expressed in the letter to the Cowichan Valley Regional District from Roger Cheetham of the Agricultural Land commission.

I found the OCP to be quite protective and supportive of agriculture. It is also good to see planning on a larger scale rather than independent OCPs for each area.

Goals : It is positive to see agricultural protection from urban sprawl as a goal.

Policies:

Policy 3.15: I agree with the Land commissions comments that there needs to be a balance between agricultural and environmental interests.

Policy 5.145 Farmers are encouraged by the current and rising cost of energy to employ water conservation strategies. In the short term capital costs of new equipment can defer efficiency upgrades

Policy set 10. Village containment boundaries are expected to provide protection of Agricultural lands

Policy Set 11 The Agricultural objectives are supportive and encourage agriculture in South Cowichan, well done.

Policy 11.8 Subdivisions under 946 – I tend to agree with and support the CVRD's view, in order to reduce the long term erosion of the ALR, subdivision of any type should be minimized.

Policy 11.10 In addition to the CVRD and ALC comments regarding second residences in the ALR consideration should also be given to adopting the Ministry of Agriculture Bylaw Standard for Residential Uses in the ALR, currently under review.

Policy 11.11 Note Secondary Suites in the ALR may increase the risk of conflict with neighbouring farmers regarding nuisances such as odour. Caution is advised

Policy 11.12 similar to 11.11 home occupations can contribute to conflict RE: nuisance

Policy 11.13 to 11.17 are all supportive of Agriculture. Given the recent creation of the Agricultural Advisory committee Policy 11.15 support to the Agricultural Plan is particularly timely and helpful.

Guidelines:

Guidelines 24.4. 2.A 1to 4 Should refer to the Bylaw standard for residential Use in the ALR, currently under review.

Guidelines 24.4. 2.A 5 potentially a minimum distance should be suggested such as those stated in the Ministry of Agriculture's Guide To Edge Planning

MoA also supports a policy being added that ties the implementation measures in the OCP to the implementation of the Agricultural Area Plan.

Thank you Katie for this opportunity to comment.

Wayne Haddow

Wayne Haddow P.Ag.
Regional and First Nations Agrologist
BC Ministry of Agriculture and Lands
5785 Duncan Street, Duncan B.C.
V9L 5G2
250-746-1212 wk

Wayne Haddow P.Ag.
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Catherine Tompkins

From: Diplock, Cole [Cole.Diplock@viha.ca]
Sent: Friday, April 08, 2011 4:12 PM
To: Catherine Tompkins
Subject: Comments on the Proposed Official Community Plan - South Cowichan

Thank you for your letter of March 9, 2011 and the opportunity to comment on the proposed South Cowichan OCP. Please find our comments below.

This office supports the restriction of policy 3.20, in which damageable buildings will not be permitted below the flood plain. We also suggest setting up a referral procedure in which sewerage filings forwarded to the CVRD from this office, involving dwellings on properties that may be affected by flood plains, be referred back to us for refusal in cases where setbacks cannot be met. It should be noted that this office does not conduct an in depth review of the filings prior to forwarding them to the building department.

This office also supports a Watershed Management Plan for Shawnigan Lake, community owned and operated sewer system, and the maintenance program for septic systems within the watershed as discussed in Section 5.

The Vancouver Island Health Authority Permits water systems where a single source or interconnected sources serve more than a single family dwelling. Provided the source, treatment, and distribution meet our requirements, this office is obliged to issue a permit for any water system. However, it is recognized that small water systems are problematic and this office supports provisions such as policy 13.2.4 of the OCP, preventing the creation of these small water systems.

In regards to policy 13.2.7, it is recommended that secondary dwellings be restricted to a minimum lot size of 1 Ha, whether the lot is serviced by a community water system or not. If the CVRD finds it necessary to allow secondary dwellings on properties as small as 0.4 Ha, it is recommended that restrictions be placed on the size of the secondary dwelling to ensure that there is sufficient land for sewage disposal (eg 600 square feet).

Please note that under section 20, the *Drinking Water Regulation* is quoted. This office believes the legislation being referred to is actually the *Drinking Water Protection Act and Regulation*.

Policy 20.7 makes reference to constructing community water systems to the standard of the CVRD and/or the Improvement District. It should be noted that any applicant would be required to obtain a construction permit from this office prior to commencing work on a community water system. Again, this office supports policy 20.8 where new private water utilities are not encouraged by the CVRD.

Policy 21.5 identifies the need to ensure septic systems in specific areas of the plan are adequately maintained. It is recommended that the CVRD look into maintenance bylaws regarding holding tanks (where domestic sewage is discharged into a sealed tank and pumped out by an approved hauler on a regular basis).

In regards to policy 21.15 where the CVRD proposes to encourage VIHA to investigate septic systems along Garnett Rd and Clearwater Rd, this office feels that the addition of this policy is not necessary. This office is not aware of any concerns with the septic systems in this area. If the CVRD has received any complaints or has concerns regarding the septic systems in this area, it would be appreciated if details on those complaints or concerns were forwarded to this office so a determination can be made for the need to start an investigation.

Although schedule C was not reviewed, it was assumed that the sewer service proposed for Shawnigan Lake would end around Cotter Rd (boundary of Shawnigan Village). If this is the case, this office would recommend the CVRD plan to extend the sewer service further south on Shawnigan Lake Rd to include all the properties on small lots around the lake.

It was noted that prior to the installation and operation of a CVRD owned and operated community sewer system in Shawnigan (and Mill Bay) future developments must provide a community sewer system to service that development. It was also noted that the sewer system would have to be designed to connect to future systems. This office is unclear as to what that would entail and how those system would be connected to the primary sewer system proposed. It would be appreciated if the CVRD could provide more details on what the CVRD feels the future system(s) might look like.

Again, thank you for the opportunity to comment on this proposal. If you have any questions on the comments provided above, please feel free to contact me at the number below.

Regards,

Cole Diplock

Environmental Health Officer
Vancouver Island Health Authority
4th Floor - 238 Government St
Duncan, BC V9L 1A5
Phone: (250) 737-2011
Fax: (250) 737-2008



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

May 4, 2011

VIA EMAIL

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

Attention: Catherine Tomkins

Dear Catherine:

Re: Draft South Cowichan Official Community Plan

Thank-you for meeting Helen Reid and Dianne Hinkley for the purpose showing them the draft South Cowichan Official Community Plan. They told me that the meeting was informative and interesting.

Overall, staff noted that OCP addressed many of the concerns that Cowichan Tribes have including growth management (eg: implementing village containment boundaries), climate change, protection of ecosystems, water quality, air quality, environmentally sensitive areas, marine riparian areas and forest resource lands. Having discussed this with staff, we have made the following comments. Please note that these comments are preliminary and limited due to time constraints.

- 1. Marine and Freshwater Protection:** Even though the above-noted issues have been addressed and offer more protection than the previous OCP, we still see that even greater protection is needed. An example of this is the protection of marine riparian areas by requiring a 15 m building setback. This is an improvement in protection, but we do not feel that 15 m is sufficient to allow natural processes to take place and protect the marine environment.

We also note that there is a 30 m setback from the Koksilah River, which meets the Riparian Areas Regulation. However, because of the importance of salmon to the Cowichan Tribes, and the fact that this river feeds into the Cowichan River Estuary, we feel that 30 metres is insufficient.

- 2. Policy 10.8:** As the CVRD is aware, Cowichan Tribes is opposed the rezoning of forestry designated lands for large developments. We have great concern over the vast amount of private forest lands that are being sold to speculators who apply to rezone for various types of developments. We are pleased that this has been addressed in this OCP in that a proposed development would need to demonstrate a *"...need for housing, based upon statistical information related to population increases in the South Cowichan Plan area."* A comparison of anticipated housing needs and the total South Cowichan housing supply shows that the housing supply far exceeds the need for future housing beyond the 5 year requirement of the Local Government Act. Therefore, there appears to be no need for further developments outside of the village containment boundary and the South Cowichan Rural Area well into the future. We are

also pleased that the proponent proposing a development would be required to make a park dedication not less than 70% to 80% of the lands in the proposal.

Should parkland dedication occur, we request consultation by the CVRD. We realize that due to the historical E&N land grant, there is very little opportunity for local governments to acquire lands for parks. Cowichan Tribes are in a similar position, in that lack of Crown land in our Traditional Territory leaves very little land for Treaty negotiations.

3. **Policy 3.7: Protection of Eagle Heights Grasslands.** This area is of great importance to Cowichan Tribes, for cultural and spiritual purposes. In the past have worked with the Ministry of Forests to try to seek a way for protection of these lands. Cowichan Tribes would very much like Eagle Heights to be protected and are pleased that the CVRD is requesting that the Province ensure this area is not harvested. However should the CVRD consider this site for future parkland Cowichan Tribes request consultation due to the high cultural and spiritual significance of the area.

4. **Heritage Conservation/First Nations:** Community Heritage Conservation should contain concrete ways in which to include archaeological sites and First Nations heritage in conservation planning. Policy 9.7 & 9.9 indicates the CVRD's reliance on the Heritage Conservation Act and the provincial Archaeology Branch to issue alteration permits to developers. It is well known that the HCA does little to protect archaeological sites because of the permitted alterations. If the CVRD is sincere about protecting these sites, such intent should be made clear in this plan.

Policy 9.8 provides for a comprehensive archaeological site inventory. As this has not been done to date, it would be welcomed as a first step in identifying and recording sites.

Policy 9.10: This section is rather vague and contradicting. How is conservation feasibility to be determined? Mitigation of impacts on an archaeological site is something that may be impossible to achieve. Once these sites are disturbed, the scientific, temporal and cultural integrity can be lost forever. Some substantial inclusion of more details in this section is required.

Policy 9.11: While funding for the maintenance of Euro Canadian historic sites is assumed, nothing has been included about funding for archaeological sites. This should be addressed.

Policy 9.9: The ancient archaeological pre-history of this area is incredibly rich. We are indeed fortunate that these sites have preserved so well. This fabulous wealth of scientific and cultural information should be recognized and promoted. EuroCanadian cultural and architectural history is very recent compared to the thousands of years of First Nations history, yet EuroCanadian history appears to be the main focus of this section.

Thanks you for the opportunity to provide comments to your draft South Cowichan OCP.

Yours Truly

Maureen Tommy

Maureen Tommy
General Manager

INI

From: Ian Morrison - Area F Director - CVRD [morrison.director@shaw.ca]
Sent: Tuesday, May 17, 2011 9:04 PM
To: Cathy Allen
Subject: further to scribbles on folded paper

Cathy,
Could you prepare the following resolutions for EASC on the 31st of May.
1] resignation from Area F Parks - Carolyn LeBlanc 2] resignation from Area F APC - David Lowther 3] appointment to Area F APC for a term to expire Dec 31st, 2011 - Sue Restall

Thanks,
Ian



10 May 2011 at 6:30 PM

MAY 24 2011

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, David Gall, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Brian Harrison (Director, Area A), Roger Burgess (Alternate Director, Area A), Mike Tippet (Manager, Community & Regional Planning, CVRD) and Rob Conway (MCIP, Manager, Development Services Division, CVRD)

Regrets: Geoff Johnson

Audience: 20+ public representatives, Jack Julseth (Bamberton Properties LLP) and Fraser McCall (Aecom Partner)

Meeting called to order at 6:35 pm.

Previous minutes:

It was moved and seconded the minutes of 8 March 2011 meeting be adopted.
MOTION CARRIED

New Business:

Development Permit Application – Mill Springs Phase 12 to 19 No. 3-A-DP

Purpose: to obtain a development permit for the remaining phases of the Mill Springs development.

Rob Conway, MCIP, Manager, Development Services Division, CVRD provided an overview of the Mill Springs development as follows:

- 8 phases proposed previously approved phase by phase. The CVRD requested a plan for the remaining phases as it is difficult for the CVRD to determine density.
- There is an agreement in principle that the Mill Springs sewer system to be transferred to CVRD once the development reached 200 lots. There is additional 195 lots planned in the remaining phases. The density averaging provision will allow a smaller lot size. If private system maintained the minimum lot size will be larger.
- A Mill Springs community meeting is planned for in June to review community sewer once the engineering study currently underway is completed. The current assumption is that the sewer system ownership will be transferred to the CVRD.
- Municipal sewer regulation require a back up field
- Deloume Road connection will open with phase 11. A bridge across Handysen Creek will be at phase 17 and Deloume Road West opened.
- Character and form in the new phases will remain the same, e.g. sidewalks and streetlights, etc.
- Parkland dedication was given at the beginning of the project and approved by the Parks and Recreation Commission. The amount of parkland dedication given is over the 5% cash in lieu required and the amount of parkland varies for each phase. Some phases have none.
- Questions from residents of Mill Springs submitted by Deryk Norton: to the APC and the CVRD were responded to by Rob Conway:
 1. Why is this application for all the remaining phases rather than for just the next phase or two as in the past?
 - The CVRD requested that the remaining phases be addressed at one time since Mill Springs is a bare land strata developments and can use density averaging. It is difficult for the CVRD to determine the total number of lots

available in the project if the development continues to be done phase by phase.

2. Why are the lots so small? It is noted that many lots in phases 12, 17, 18 & 19 are well below even the 1675 sq. metres. Many owners are expecting lot sizes consistent with phases 1-7 based on *sales pitches* made to them in the past.
 - Bare land strata development allows density averaging and meets legislative requirement. It is possible for lots to be less than 1675 sq. m. with the parkland dedication included.
3. Why is there no green space between phases 1 and 16?
 - The Parks and Recreation Commission approved the present plan in 2007. Probably no real natural feature here, it is necessary to have green space between phases.
4. Where is the road access for phases 17-19? Will there be a bridge across Handysen Creek or will there somehow be a connection to the existing portion of Deloume Road on the west side of Handysen Creek?
 - A bridge will be built over Handysen Creek by phase 17. This is a MoT decision not the developer.
 - A road could connect from the other side without the bridge. This is a MoT decision.
5. Why is there a need for second septic field labeled as "future septic field" (on the AECOM proposed layout for remaining phases)?
 - Reserve septic field a Ministry of the Environment requirement.
6. Why are there so many larger areas (e.g. phases 14-16) without any green space?
 - This decision was approved by the Parks and Recreation staff can be made Commission and CVRD Parks staff as to where green space is located.
 - The future septic field could be used as a playing field.
7. What will be the impact on existing drainage as it impacts the Phase 1 homes on the south side of Frayne and Deloume?
 - A drainage design would be done.
8. What is the schedule for the advancement of these phases? Will they occur in numerical order or some other order?
 - Yes, developed in numerical order.
9. What will be the access route for servicing the water tower and septic field(s)? It appears that existing service roads would be eliminated.
 - Laneway access. The CVRD engineering department can address this further if needed.
10. What playground or playing fields will be provided in the future phases?
 - Parkland contribution has been met.
11. Why is park dedication being taken along the edge of green space (i.e. along phases 14, 17, 18 and 19) and along the forestry lands south of Mill Springs instead of distributing spreading the green space within the phases where there is none?
 - This should be referred to The Parks and Recreation Commission for review. Green space areas can be changed.

Gerald Hartwig, (Aecom partner) as the applicant presented an overview of phases 12-19 and answered questions from APC members.

- Green strip along the edge of the development will eventually be a trail connecting to other areas e.g. Rat Lake.
- Water tower plus extra water donated to CVRD.
- Donated life safety interceptor.
- Donated to the construction of the tot lots.
- Helped rewrite water quality with Mill Bay Water Commission.
- Didn't lower lot prices during economic downturn, which protected value of owners' land.

- The intent was always to turn the sewer system to the CVRD, as the developers are not sewer experts. Residents of Mill Springs decide if septic system will be given to CVRD. It is not run as a utility.
- Community knows what is happening for the rest of the development.
- Septic fields could be used as playing fields and will be donated to the CVRD.
- Roads are designed to pick up drainage run-off.
- Landscape of median in middle low maintenance and green.

Comments and concerns presented by the APC

- Road connections are important. The more connections in place = less dense traffic.
- Can the connection to Alget be wider than a walking path for service vehicle access? Yes, no problem with an easement for Alget
- North Deloume access will open? Yes, in phase 11 paid for by the developer not MoT.
- Why are the lot sizes very small until phase 19? Concept of density averaging and parkland dedication allows this to happen. Small size lots use less water and are more affordable.
- How is the 5% dedication for parks decided? This development exceeds 5% with the septic field alone being 5.2 ha.
- How soon before the bridge is built? Depends on sales -- probably 5-6 years if building at the current rate of 1 phase per year.
- Is there a commitment to Kerry Park Recreation? None as this was required at the time the property was rezoned.
- Can you consider meeting with Mill Bay/Malahat Historic Society for street names? Yes, this is already happening
- Phase 15, could services be roughed in to the septic field? They are already there except power necessary – will do.
- Will Phase 18 connect to Briarwood? Yes.
- Issue of certainty – this plan pulls this together.
- Future septic field (park area) is crucial.
- This project was approved before the amenity requirements we have now were in place.
- Bridge over Creek maybe a concern. MoT decision to identify this as a though road.
- Does the sales centre in phase 4 qualify as a residential building? Yes
- Public information meeting with current residents of Mill Springs? This application is a form and character request and that will continue as similar to previous phases. It is not a rezoning request requiring a public meeting. There will be a public meeting in June/July regarding the sewer system transfer to the CVRD and the results of the engineering study.
- Clarification re: reverse change of phases 14 and 15 on map dated March and April. April map is correct.
- Traffic concern, open Deloume North it will crate a bottleneck near Tim Horton's for hwy access – MoT decision. There is no clear implication what MoT will do regarding the roads.

The Area A APC unanimously recommends to the CVRD **Development Permit Application – Mill Springs Phase 12 to 19 No. 3-A-DP** be approved with the recommendation Parks issues are referred back to the Parks and Recreation Commission.

Bamberton Business Park/Light Industrial Rezoning Application No. 01-A-11RS

Purpose: To consider light industrial and related land uses on some of the Bamberton lands and Draft Development Permit Guidelines, March 2011.

Mike Tippet, Manager, Community & Regional Planning, CVRD explained the map illustrating the Bamberton lands to be considered for rezoning and indicated what zone each represented.

- Merit in looking at light industrial in the area which will provide increase employment opportunities.
- The proposed South Cowichan OCP identified this area as an area for development.
- Business Park (orange area) will be visible from the highway.
- Some of the proposed light industrial areas would be leased. To make this area permanently light industrial the area would need to be rezoned.
- Light green area is designated for outdoor recreation. Wild Play would operate in this area.

Ross Tennant and Stefan Moores, (Three Point Properties) as the applicants presented an overview of application and answered questions from APC members.

Overview:

- Parkland from previous proposal under discussion with CVRD.
- Waterfront now nearly fully subscribed. Substantial employers.
- No direct highway access, the Haul Road would be used.
- Explained the signage to be used.
- Presented reasons for the request of additional lands to be zoned for light industrial.
 - In Northlands – use for Eco depot/ light industrial – highway and port access.
 - In Benchlands (a ground fill site)
- East side of the highway all lands would be leased thus still open for future residential.
- West side of the highway Business Park lands would be sold.
- Employment precedes future residential.
- Parklands protected.
- Local demand for industrial space can be met on-site.
- Will create employment opportunities with a living wage.
- Expanded/diversified tax base.
- Clean, safe, remediated site is
- Future mixed use land use deferred.

APC comments and concerns relating to the **Rezoning application** and the **Development Permit Guidelines** documents:

- Waterfront access – tenants there because of deep-water port access.
 - Leasing space so can transfer to waterfront village in future.
- Water transportation instead of highway?
 - Day dock – boat/kayak, etc.
 - Mill Bay Ferry – now have two roads and the new road less than 12% grade. Nothing substantial has transpired with BC Ferries as yet.
- Areas have changed?
 - Some lot lines moved.
 - Mike Tippet mentioned lot boundaries can be zone boundaries – this can be permitted.
- Wild Play where?
 - Mostly 18.6 and 6.7 ha areas (colored green on map)
 - Manufacturer of equipment used by Wild Play is already leasing Bamberton waterfront.
- Protect parkland (South lands) – Could a covenant on rezoning this land protect it?
 - Need wording to protect Southlands from deforestation.
 - Maybe CVRD could lease to keep the area parklands.
 - Community amenity? No, not unless residential development begins.
- More tourism friendly at water front.
 - F1A zone – maybe a hospitality area.
- Where do the ships dock?

- On map, the rectangular strip in front.
 - Drops off quickly – deep- great for large ships.
- Area at top west side - without a color code?
 - Space set aside – previously was residential.
- Industrial/Tourist safety?
 - Plan now - all commercial/industrial at waterfront.
- Zoning for East blue area (extra rezoning developer requesting)?
 - I-3 zone.
 - 2 tenant requests now.
- Where is residential?
 - May never happen.
- On West side would the 16 ha site when built out use the 31.5 ha site for expansion?
 - Yes, logical growth area.
- Descriptions between I-3 and I-4 zones very similar.
 - Mike Tippet stated that some uses needed to be modified.
- Time frame for lease- 30 years?
 - Most leases 2 to 5 years now.
- Little space for Business Park – lots of space for light industrial activities.
 - To retain flexibility.
- Wild Play – 3 zip lines located in an area with industrial activity.
 - Actually a distinct area with separate road access – independent not a part of industrial area.
- Fire protection in area?
 - Letter submitted to extend Mill Bay/Malahat fire protection.
- Business Park first area seen of Mill Bay when travelling north to Mill Bay.
 - Only business applications accepted – best up front.
 - Mike Tippet - Business park is an amenity – creates employment.
- Two new waterfront leases (yellow areas)
 - Mike Tippet mentioned new waterfront area not decided by CVRD – needs Crown approval.
- Future residential and Industrial?
 - Amenity for this request is the clean up of the Bamberton site.
 - Maybe amenity for residential would be South lands.
 - Design of development will still be green
 - Bamberton could be viewed as future Village Containment Boundary (VCB)
- What would you see from the water?
 - Soften visual view – most of the total waterfront will not be developed – natural color scheme.
- Process continues – how long will it take to be through the CVRD process?
 - Mike Tippet- reasonably quick would be fall.
- How long to take this to the market?
 - 18 months.
- Artifacts?
 - Not in the rezoning area.

The Area A APC unanimously recommends to the CVRD **Bamberton Business Park/Light Industrial Rezoning Application No. 01-A-11RS** be approved with consideration to the **five recommendations** below:

1. Zoning permitted uses for light industrial and Business Park need to be more clearly defined so that the Business Park is a true Business Park and does not contain light industrial uses.
2. Form and character west of the TCH must be consistent.
3. Form and character guidelines must be in place to protect viewscape from water.

4. Fire protection must be in place and agreed.
5. Consideration must be given to the protection of the Southlands.

Other:

A SCOCF committee meeting will be held 12 May 2011 in Mill Bay Community Hall at 5:00 pm.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 10:08 pm.

Note: The next regular meeting will be at 6:30 pm, **14 June 2011** at Mill Bay Fire Hall.

IN3
RECEIVED

MAY 25 2011



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

DATE: May 3, 2011

TIME: 7:00pm

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

PRESENT:

Chairperson: Mike Marrs

Co-vice-Chairpersons: George deLure, Gerald Thom

Members: Jeff Abbott, Shawn Carlow, Bill Gibson, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Recording Secretary: Tara Daly

REGRETS:

GUESTS:

AGENDA:

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of March 1, 2011 as circulated.

MOTION CARRIED

DELEGATIONS:

- **Development Permit No: 7-I-10DP/RAR (Fitzpatrick)**

Although no action was asked for, the APC, after much discussion, made the following motion:

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC that a penalty of 10% of the assessed value of the property, pro-rated by the damaged area, be paid by the property owner to the Cowichan Valley Regional District and, in consultation with the local Area Director, be distributed to a local stewardship program

AND FURTHER THAT

the property owner(s) fully pay for the restoration/remediation of the damaged SPEA/RAR in addition to their property penalty.

MOTION CARRIED

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC that CVRD staff initiate the implementation of the posting of a substantial bond on all

development adjacent to RAR areas as implemented in other jurisdictions (Kelowna, Shurshwap Lake, Okanagan Lake).

MOTION CARRIED

OLD BUSINESS:

- **Mann property Greenspace** ~ property owners wish to have a land swap widening an existing easement in exchange for waterfront walkway; a registered covenant does exist along the foreshore ending at Area I parkland with a easement going up hill connecting with another greenspace; is there a potential for a loop walkway?, no DPs have been issued for the area, a road has already been pushed through, reiterate the desire of the APC to have a snow fence installed along the edge of the RAR for developers to be more aware; meeting with surveyor, Parks staff, and APC members to go over property, G. Thom will report back to APC – no conclusion at this time

NEW BUSINESS:

- **Trout in Ditches** ~ concerned about ditch digging destroying fish; Lake Stewardship is working towards having signs installed in conjunction with DFO; there are eighty (80) named and unnamed creeks around Cowichan Lake with fish; signs that follow DFO regulations are \$300 each plus post and installation
- *The APC recommends that CVRD Staff send a copy of the 2002 report done by Ted Burns, commissioned by the Regional District, that identifies creeks and waterways with fish to MOTI so that they have the information when digging ditched and performing other maintenance.*

ANNOUNCEMENTS:

- **Next Meeting** at the call of the Chairperson with the meetings held on the first Tuesday of the month in the Youbou Upper Community Hall starting at 7pm

The meeting was adjourned at 8:45pm

/s/ Tara Daly
Secretary



MAY 13 2011

Area F Parks Commission Minutes
May 12, 2011

IN4

- call to order at 7:03 p.m. by D. Darling- Vice Chair
- attendance- B.Bakken, D.Ormand, S.Wilcox, B.Peters,
I.Morrison, D.Darling
- Regrets- B. & S. Burden, R.Wear, C. LeBlanc, D. Lowther
- minutes of April 7th,2011, m/s/c
- business arising from Apr.7th minutes- none
- correspondence- [1]letter of resignation from C. LeBlanc
- Motion: that resignation letter regretfully accepted and request CVRD send
letter of thanks for service. m/s/c
- [2] letter from Mesachie group request for MD Tournament in June 2011
- Motion: recommend CVRD Board approve request as per letter and that
Parks staff arrange to provide amenities as per previous years. m/s/c
- Director's report: Director Morrison provided a verbal update on grass
reseeding in off-leash area in Honeymoon Bay and
made note of tourism kiosk park and sportbox usage at
Mesachie Lake. m/s/c
- Pier Review sub-committee report: B.Bakken gave verbal report of
upcoming meeting with CVRD staff member G.Glidden
at Central Beach on Monday,May16th,2011 at 1:30p.m. m/s/c
- old business- none
- new business-[1] illegal weekend camping at Central Beach. Suggested
staff post maximum fine information on site. It was suggested
CVRD enforcement on weekends be explored.
- [2] Wildflower Reserve parking- Director Morrison was
asked to contact MoTI about shoulder repair and
widening of South Shore road, opposite the Wildflower
Reserve entrance.
- meeting adjourned at 7:30p.m.