



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
November 1, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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- | | | |
|------------|--|---------|
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- | | | |
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- 7. INFORMATION**
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- 8. NEW BUSINESS**
- 9. PUBLIC/PRESS QUESTIONS**
- 10. CLOSED SESSION**
- Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.
- | | | |
|-------------|---|---------|
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- 11. ADJOURNMENT**

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

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 18, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
 Mike Tippet, Manager
 Rob Conway, Manager
 Brian Farquhar, Manager
 Dana Leitch, Planner II
 Nino Morano, Bylaw Enforcement Officer
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding two items of listed New Business.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the October 4, 2011, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

Director Duncan noted that he was absent at the last meeting and requested an update respecting proposed amendment bylaws that would eliminate recycling type uses and composting from industrial zones in Area E. Director Marcotte advised that it was decided to pursue the idea in all Electoral Areas that have industrial zones. The Chair referred to the motion contained within the October 4th minutes.

DELEGATIONS

D1 - Fantillo

Delegation request by Lorenzo Fantillo referred to the November 1st EASC meeting.

D2 – James Coleman

James Coleman of Coleman Fraser Parcels, Lawyers, was present on behalf of Garry Robb regarding opposition to Rezoning Application No. 2-D-09RS (Cherry Point Marina). Mr. Coleman stated that the proposed development cannot be legally accessed via the easement on the Robb's property and that his clients are opposed to the proposed two lane public road because it is not capable of handling the potential increased traffic.

The Committee directed questions to the delegate.

STAFF REPORTS

R1 – Cherry Point Marina

Dana Leitch, Planner II, presented staff report dated October 12, 2011, regarding Application No. 2-D-09RS (Cherry Point Marina) to permit multiple family residential, float homes and marina uses at the Cherry Point Marina located at 1241 Sutherland Road, Cowichan Bay.

Jack Anderson, applicant, was present, and requested that the 10 minute delegation time limit be extended to 15 minutes.

It was Moved and Seconded that the delegation for Cherry Point Marina be permitted 15 minutes to make their presentation.

MOTION CARRIED

Michael Scherr of Pearlman Lindholm, Solicitors, was present on behalf of David Walker, applicant, and distributed legal documents respecting the easement on the subject property.

Jack Anderson of Greenplan was present on behalf of the Walker family, and provided a powerpoint presentation outlining the proposed green development.

The Committee directed questions to the delegates and staff.

It was Moved and Seconded

That Application No. 2-D-09RS (Cherry Point Marina) be held in abeyance pending resolution of access issues.

MOTION CARRIED

R2 – Unsworth Vineyards License

Nino Morano, Bylaw Enforcement Officer, presented staff report dated October 12, 2011, regarding proposed liquor license for Unsworth Vineyards.

Tim Turyk, applicant/owner, presented further information to the proposed license application.

The Committee directed questions to staff and applicant.

It was Moved and Seconded

That the LCLB be advised that the CVRD recommends approval of Application for a winery lounge and special event area Endorsement Licence #304212 by Unsworth Vineyards, and that the recommended hours of operation be from 10 am to 10 pm.

MOTION CARRIED

**R3 – Sign Application
Smitty's/Super 8**

Rob Conway, Manager, presented staff report dated October 18, 2011, regarding development permit condition for LED message sign (Application No. 1-D-11DP/Super 8/Smitty's).

The Committee directed questions to staff.

It was Moved and Seconded

That no change to Development Permit 1-D-11DP (Super 8/Smitty's) be authorized at this time, but that the permitted interval for the sign message change be re-considered following a pending review of the CVRD Sign Bylaw and establishment of consistent criteria for LED and electronic message signs.

MOTION CARRIED

**R4 – Area F
maintenance bylaws**

Mike Tippett, Manager, presented staff report dated September 13, 2011, regarding Area F OCP and Zoning maintenance bylaws.

Discussion ensued.

It was Moved and Seconded

1. That draft Area F OCP Amendment Bylaw No. 3533 be amended as follows:
 - #14: The second sentence of Policy 5.3 is deleted and replaced with "The subdivision of land in the ALR should be discouraged."
 - #58: new Policy 13.9 – replace the words "to result in the best possible effluent quality" with "to result in a Class A effluent quality or better"
2. That draft OCP Bylaw No. 3533, as amended, and draft Zoning Bylaw No. 3463 (Area F maintenance Bylaws), be forwarded to the Board for consideration of 1st and 2nd readings.
3. That a public hearing be arranged and that Directors I. Morrison, K. Kuhn, and L. Iannidinardo, be delegated to the hearing.

MOTION CARRIED

INFORMATION

**IN1, IN3, IN4, IN5, IN6,
IN7 - Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Joint South Cowichan APC meeting of September 22, 2011;
- Minutes of Shawnigan Lake Parks Commission meeting of September 22, 2011
- Minutes of Area F Parks Commission meeting of October 2011
- Minutes of Area B Parks Commission meeting of August 18, 2011;
- Minutes of Area A Parks Commission meeting of September 22, 2011
- Minutes of Area A Parks Commission meeting of June 23, 2011

MOTION CARRIED

IN2 - Minutes It was Moved and Seconded
That the minutes of the Area A APC meeting of September 13, 2011, be received and filed.

MOTION CARRIED

IN8 – Building Report It was Moved and Seconded
That the September 2011 Building Report be received and filed.

MOTION CARRIED

**IN9 – Contaminated
Soils** It was Moved and Seconded
That the correspondence regarding contaminated soil issues, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Grant in Aid It was Moved and Seconded
That a grant in aid, Area G – Saltair/Gulf Islands, in the amount of \$500, be given to Saltair Ratepayers Association to assist a resident with health problems regain use of his property.

MOTION CARRIED

NB2 - Minutes It was Moved and Seconded
That the minutes of the Area E APC meeting of October 13, 2011, be received and filed.

MOTION CARRIED

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

MOTION CARRIED

The Committee moved into Closed Session at 5:40 pm.

RISE The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:50 pm.

Chair

Recording Secretary

DI

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

Oct 06 2011

NAME OF APPLICANT:

Lorenzo Fawthill

ADDRESS OF APPLICANT:

1838 Cowichan Bay Rd.

PHONE NO.:

Business 250-743-3020

REPRESENTING:

Silver Catch Processing / The
Name of Organization Cannery

MEETING DATE:

NOV 1 2011

COMMITTEE/BOARD NAME:

EASC

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION:

1

TOPIC TO BE PRESENTED:

As outlined in letter from Scott-Moncliet
extension to 24 months on D.P.

NATURE OF REQUEST/CONCERN:

Timeline insufficient extended
only 9 months - see letter

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

SCOTT-MONCRIEFF & COMPANY

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

BRYAN W. SCOTT-MONCRIEFF*
PAULA L. BOSENBERG
LINDSAY SCOTT-MONCRIEFF

104 - 9710 Second Street
SIDNEY, B.C.
Canada, V8L 3C4

PHONE: (250) 656-0981
FAX: (250) 656-6241
www.smclawyers.ca
E-mail: smc@smclawyers.ca

OUR FILE: 16271

October 4, 2011

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

per facsimile: (250) 746-2513

Attention: Rob Conway

Dear Mr. Conway:

Re: Request to Extend Development Permit #1-D-08DP (the "Development Permit")

We refer to your letter dated September 23, 2011 confirming that the Development Permit issued to Silver Catch Processing Inc. will only be extended until May 10, 2012, and that no further extensions of the Development Permit would be granted.

We would ask that the Board please reconsider its decision, and extend the Development Permit to December 10, 2013.

Our request is based on the following:

1. As mentioned in our letter of August 17, 2011, a copy of which is attached for ease of reference, an extension of the Development Permit to a time shorter than two years is detrimental to the success of the development.

The developer's financial institution requires a specific number of presales be made before providing the financing necessary to begin construction.

To date, the developer has not yet met the presales target set by its financial institution.

As mentioned in our previous correspondence, the development in question is being aggressively marketed. However, these presale marketing efforts are now significantly hampered by the fact that the Development Permit may expire before construction can begin in May 2012. Buyers do obviously not want to commit to a project which may not proceed.

2. As you may know, the Financial Institutions Commission requires developers of new residential property to file a Disclosure Statement detailing information about the development before any marketing can take place.

In instances where a developer does not have a building permit or financing for the project in place, the *Real Estate Development Marketing Act* allows for presale marketing to take place for a nine month window. At the end of each nine month period, developers are required to renew the Disclosure Statement if it does not yet have financing and/or a building permit.

The Disclosure Statement with respect to the development in question expires on October 26, 2011, and it is the intention of the developer to renew the marketing period for an additional nine months to July 26, 2012.

However, as the Development Permit expires on May 10, 2012, the developer will have to file an amendment on May 10, 2012 with the Financial Institutions Commission to inform them of the expiry of the Development Permit and will have to cease marketing the presales until a new development permit is issued and a new Disclosure Statement is filed with the Financial Institutions Commission.

Applying for a new development permit and filing a new Disclosure Statement will take at least a few months to finalize, during which time NO MARKETING MAY TAKE PLACE.

It is therefore imperative to the success of the development that the Development Permit be extended for an additional two year period.

There has been significant interest in the development, but given the current economic climate, of which the Board is well aware, it is difficult for purchasers to commit to presales at this point.

It is hoped that once the HST is abolished, and financial climate improves, the developer will obtain the presales necessary to obtain financing for the project. However, this is unlikely to occur before May 2012.

We would strongly urge the Board to reconsider its decision. If the Development Permit expires in May 2012, there is a significant possibility that the development in question will not proceed.

Yours truly

SCOTT-MONCRIEFF & COMPANY

Per:

Paula L. Bosenberg
PLB/dlp
Enc:

cc. Lori Iannidinardo, CVRD Director for Area D Cowichan Bay

SCOTT-MONCRIEFF & COMPANY

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

BRYAN W. SCOTT-MONCRIEFF*
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OUR FILE: 16271

August 17, 2011

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

per facsimile: (250) 746-2513

Attention: **Rob Conway**

Dear Sir:

Re: ***Silver Catch Processing Inc. - Renewal of Development Permit # 1-D-08DP (the "Development Permit")***

We act on behalf of Silver Catch Processing Inc. (the "Company").

On December 10, 2008, the Development Permit was issued to the Company in respect of a 25 unit condominium development located at the property legally described as:

Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)

(the "Development")

We have attached copy of the Development Permit for ease of reference.

The Development Permit was due to lapse on December 10, 2010, but was extended to December 10, 2011.

Construction as required by the Development Permit has not yet begun and is unlikely to start before December 10, 2011. The reason for this is the lack of presales needed to initiate building work.

The Development is now being aggressively marketed by the Company. In addition to the regular forms of advertising, such as flyers and newsprint, the Company has also set up an interactive website and has constructed a sales booth at the site of the Development. The realtor involved reports considerable interest in the Development.

The Company is confident that it will be in a position to begin construction within the next 12 to 18 months and seeks an extension of the Development Permit.

The Company requests a further extension for a period of 24 months, ending December 10, 2013. A shorter period of time would be detrimental to the Development, as potential sales could be jeopardized by the fact that the Development Permit may expire before construction can begin. The longer the time granted under the Development Permit, the more this risk is negated.

Extending the Development Permit for 24 months would also save having to make the extension request an annual occurrence, thereby saving costs and time for all parties concerned.

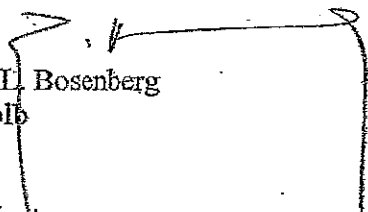
We confirm that, to the best of our knowledge, no material changes have occurred which would jeopardize the approval previously granted by Ministry of Transport Approval in respect of the Development. We also confirm that, to the best of our knowledge, the Company has remained compliant with the Habitat Protection Development Permit Area guidelines.

We believe that, on the basis of the Ministry of Transport Approval and compliance with the Habitat Protection Development Permit Area guidelines, the purposes of the Multi-Family Development Permit Area, as established by the Area D - Cowichan Bay Official Community Plan Official Community Plan, are unlikely to be compromised by the Development, which, as you know, is zoned as RM4, Medium Density Apartment Residential.

We trust that you find our request in order. Please feel free to contact our office if you require any additional information.

Yours truly

SCOTT-MONCRIEFF & COMPANY

Per: 
Paula L. Bosenberg
PLB/plb
Enc:

cc. Client



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-D-08DP
DATE: DECEMBER 10, 2008

TO: SILVER CATCH PROCESSING INC.
ADDRESS: PO BOX 521
SHAWNIGAN LAKE, BC V0R 2W0

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

Lot 1, Section 7, Range 4, Cowichan District; Plan 28681 (PID: 001-740-822)

4. Authorization is hereby given for the construction of a 25-unit condominium apartment and associated works, in accordance with the Multi-Family Development Permit Area Guidelines of Electoral Area D - Cowichan Bay - Official Settlement Plan Bylaw No. 925.

The development shall be carried out subject to the following conditions:

1. Compliance with the Habitat Protection Development Permit Area guidelines
2. Ministry of Transportation Approval
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

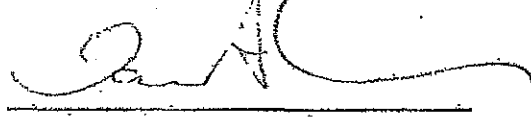
6. The following Schedules are attached:

- Schedule A – Site Plan
- Schedule B – South and East Elevations
- Schedule C – North and West Elevations
- Schedule D – Main Floor Plan
- Schedule E – Landscape Plan

and form part of this Permit.

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


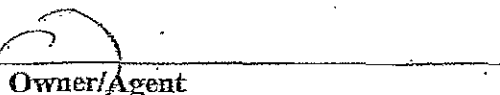
ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-603 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 13th DAY OF AUGUST 2008.



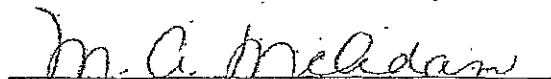
Tom Anderson, MCIP
Manager, Development Services

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

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

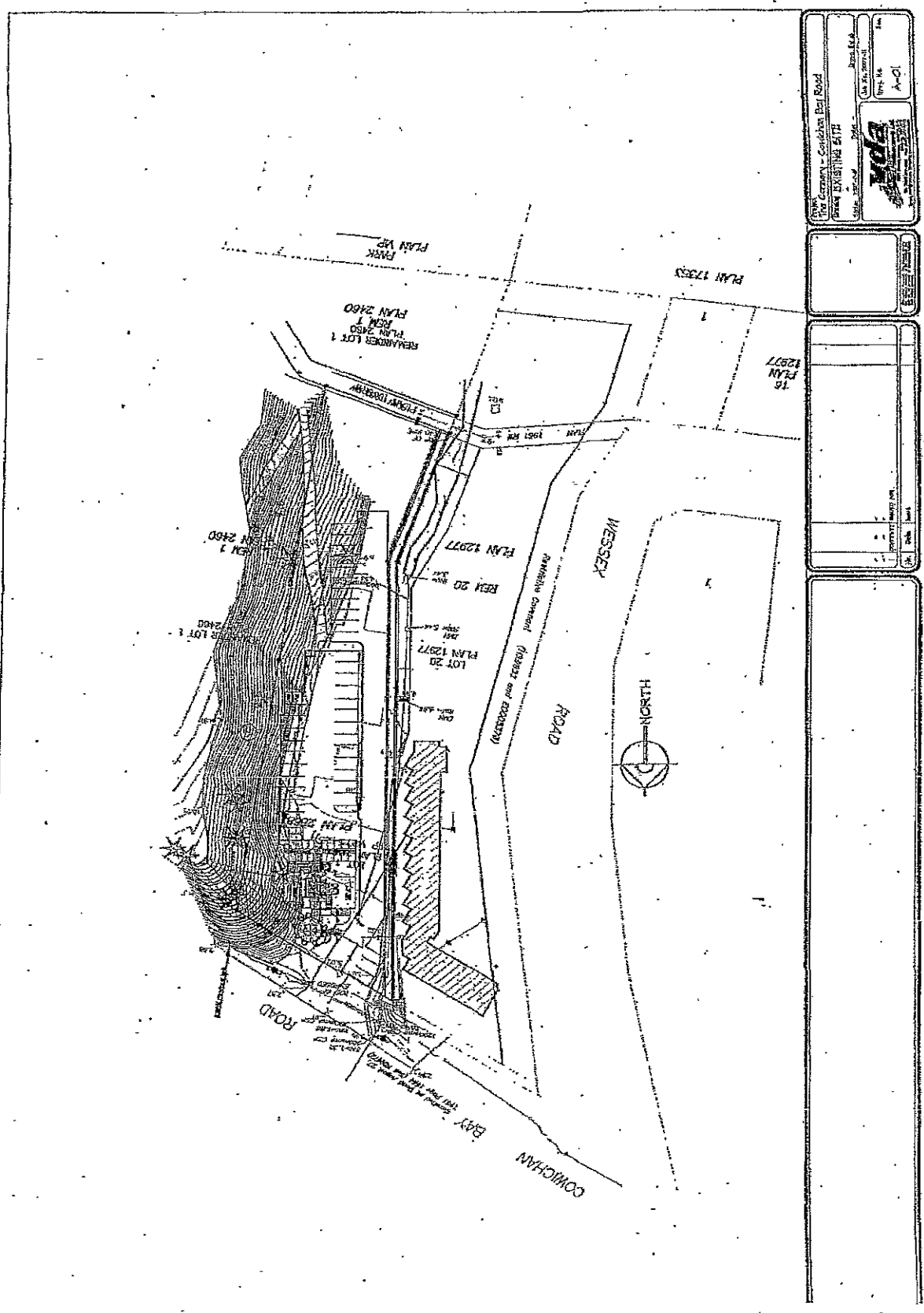

Signature
Owner/Agent

Dec 12, 2008
Date

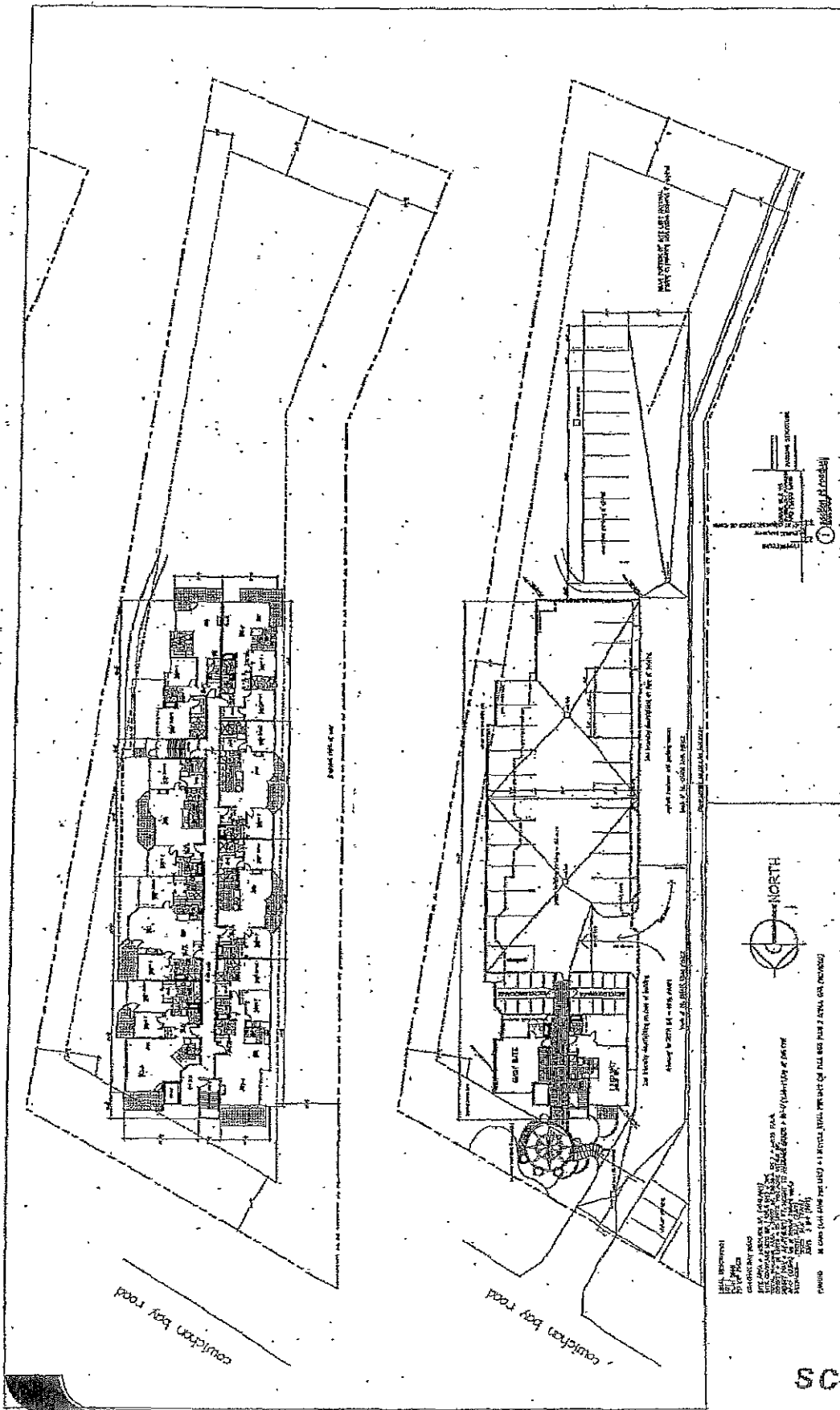

Witness

Sec / Dev. Serv.
Occupation

Dec 12 / 08
Date



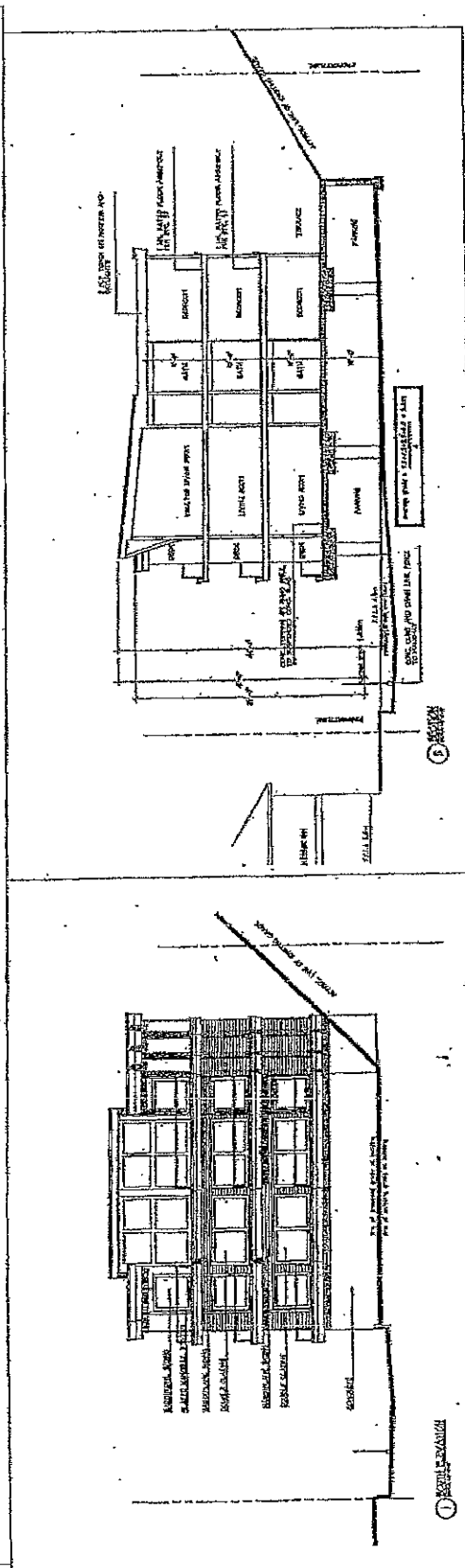
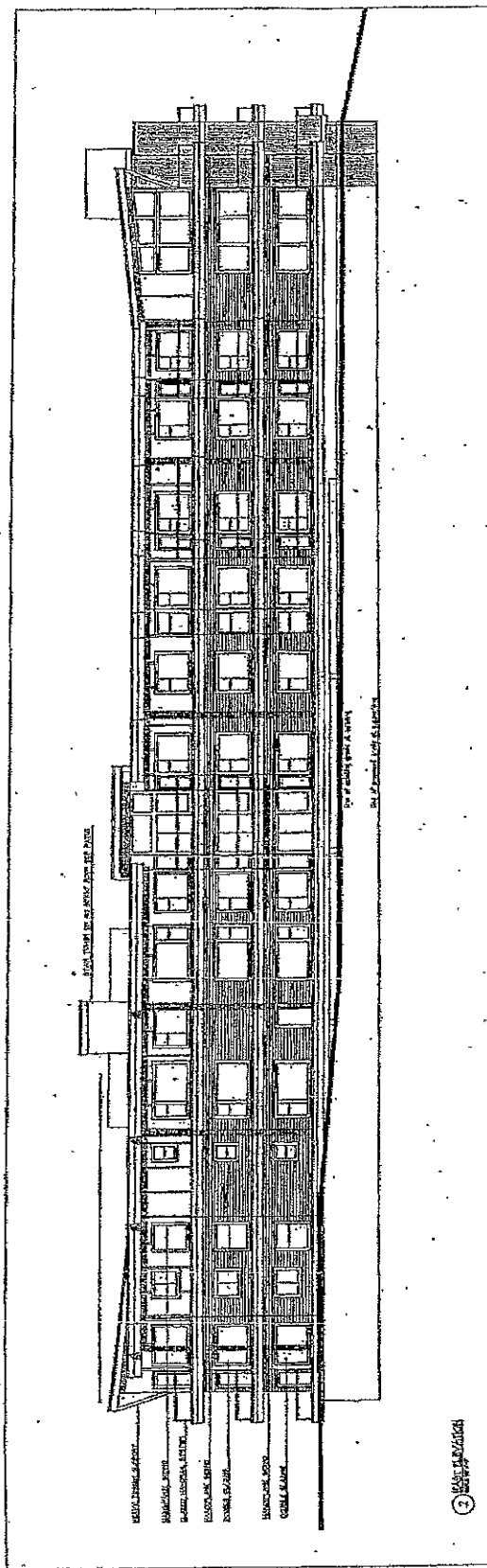
SCHEDULE A



The Gateway - Goshute Bay Road	
DATE: 10/10/2014	BY: [Signature]
PROJECT NO: A-02	SCALE: 1/8" = 1'-0"

1. [Blank]	2. [Blank]
3. [Blank]	4. [Blank]

SCHEDULE B



The Canopy - Cushman Bay Road FROM SOUTH / EAST ELEVATIONS Date: 10/1/01 Drawn by: [Signature] Check by: [Signature]	
[Blank space for notes or additional information]	
[Blank space for notes or additional information]	
[Blank space for notes or additional information]	

SCHEDULE C











[illegible]

Notes

1. All work to be completed by current block's time limit.
2. All well locomotor to be stopped with an automatic background trigger system with lanes and playing beds placed on separate wires.
3. All necessary data provided should be recorded by a camera in conjunction with current replicator to control and prevent the onset of sudden eye death and the pathogen Physophora reovirus.

[illegible]

LEGEND

	new zone
	colony
	entry
	initial herd
	new zone
	herd
	herd
	herd
	herd
	herd



SCHEDULE E

D2

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: Oct 4, 2011
NAME OF APPLICANT: Terry Parker
ADDRESS OF APPLICANT: 746 Handy Road, Mill Bay
PHONE NO.: (250) 743-6720
REPRESENTING: The Parker Family
Name of Organization
MEETING DATE: undetermined
COMMITTEE/BOARD NAME: Electoral Area Services Committee
NO. ATTENDING: 2
NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Opposition to massive impacts caused
by proposed townhouse design on Mill
Bay Marina Site

NATURE OF REQUEST/CONCERN:

Intolerable invasion of privacy, shading, crowding
and complete loss of view could be mitigated
by a different townhouse design. Requesting
CVRD to insist developers make such changes.

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

To: Electoral Area Services Committee
From: Terry Parker
Date: October 10, 2011
Re: Opposition to the Mill Bay Marina Townhouse Development Permit Application

Dear Directors:

My family and I are strongly opposed to the current proposed design of the Mill Bay Marina ("The Waterfront") townhouse design.

The proposed 7.5 metre tall townhouse block will be only 6 metres from the lot line of the our front yard. It will run almost the entire length of that front yard, transforming what had been a broad ocean viewscape and open sky into a cramped, urban environment with a large building looming over our yard and the front of our house. Over the last year we have heard our concerns reduced to a partial loss of view too many times. That is a gross oversimplification and underestimation the issues.

The massive loss of privacy presented to us by the current design is an overwhelming concern. We would also suffer ongoing increased financial costs from a few factors, immediate short-term landscaping costs trying to regain some of the privacy in our home and on our land as well as a reduction in value and enjoyment of our home.

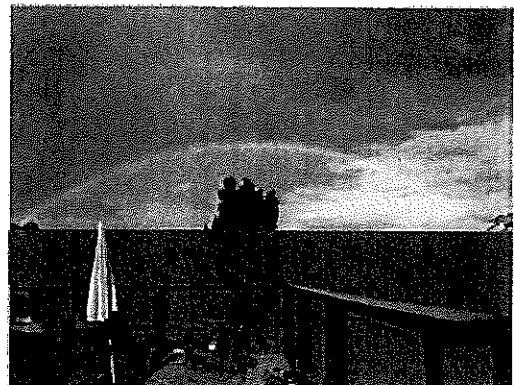
- The 3-storey townhouse's rear windows would be looking at close proximity (14.5 metres or 47 feet) into all the main living area windows of our house, causing a major loss of privacy. We don't find it acceptable for us to have to keep our blinds closed permanently to enjoy a sense privacy in our own home.
- The townhouse block would occupy over 80% (59.3 metres or 194 feet) of the eastern lot line of our house. This lot line is the way the front of our home faces - toward the ocean. This would completely block our home's current broad ocean view.
- The townhouse block would shade our year-round food gardens to a degree that will reduce the production of our own organic food - especially in the winter months. This would increase our food costs, and decrease our food quality.
- The 2-3 hours of morning shading of our house by the townhouse will reduce our current significant passive solar heating, causing ongoing increased heating costs.
- Overall livability of our home will be severely reduced. Not only is the privacy inside lost, almost all of our property outside will be dominated by the townhouse block.
- Our property value will decrease due to loss of view, privacy and open feel.

The photos below show various before-and-after projections from various locations in and around our home. They are all based on photographs of a 7.5 meter pole against our fence line. The land from the fence to the marina is quite flat so the 6 metre setback won't make a significant difference to these simulations.

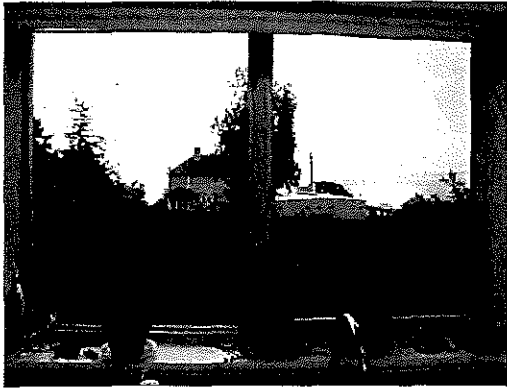
When looking at the illustrations, please remember that the blockage shown will be a building with windows looking straight back at us from about 50 feet away.



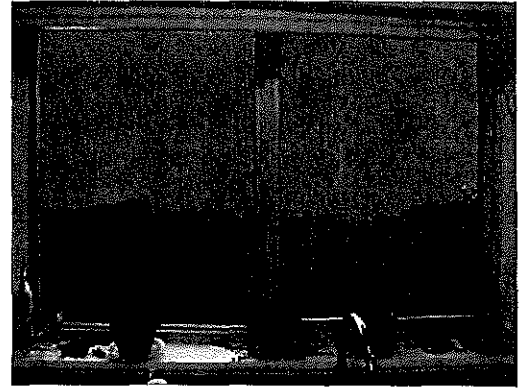
current rooftop deck view



blockage of rooftop deck view by proposed townhouses



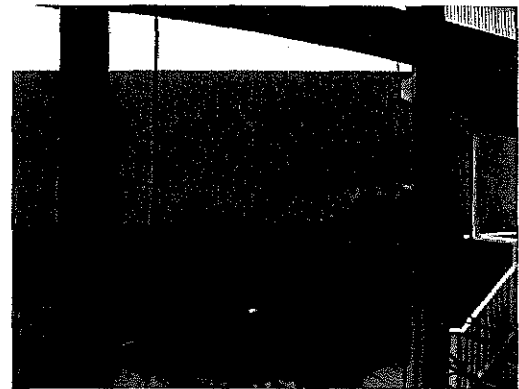
current kitchen view



blockage of kitchen view by proposed townhouses



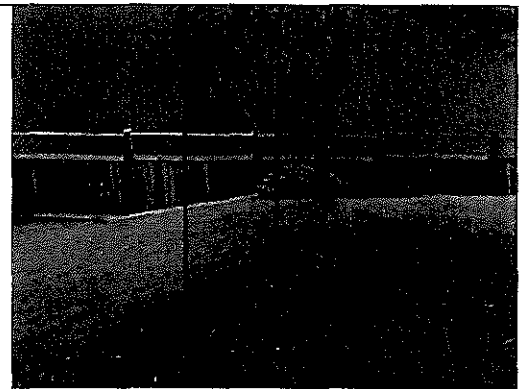
current livingroom view



blockage of livingroom view by proposed townhouses



current yard view

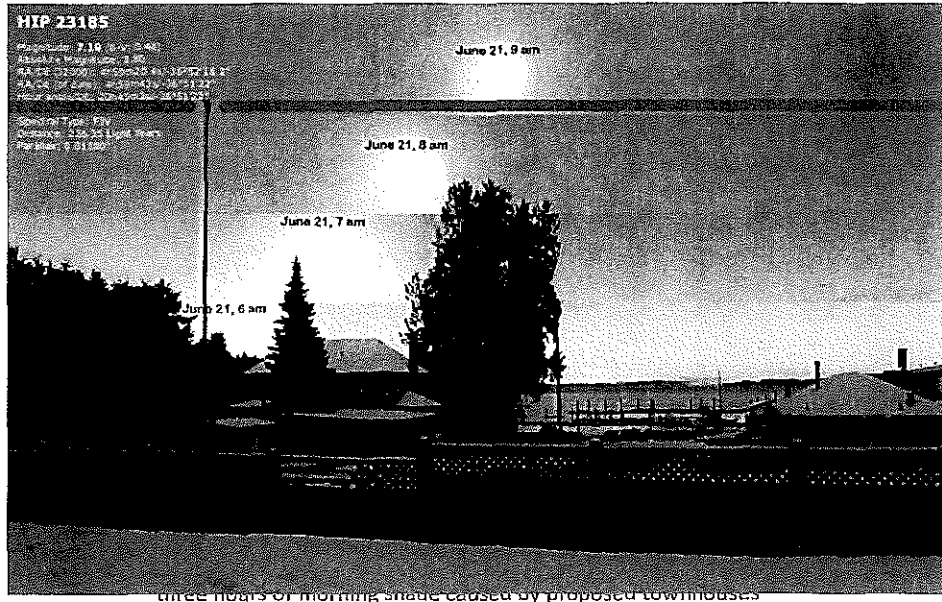


blockage of yard view by proposed townhouses

The photograph at the top of the next page shows the shading impact of the townhouses. Sun positions are based on data from an astronomical software package. This was superimposed on a photograph of a 7.5 metre pole on our fence line. The land from the fence to the marina is quite flat so the 6 metre setback won't make a significant difference to this simulation.

I ran this simulation for December, March, June & September. When viewing shadow studies provided by the developer, please be aware of the times illustrated. The Industry often uses 9 am for the "morning" portion of the shadow study. Our issue is for the earlier morning hours so shadow studies for earlier hours are more informative.

We have many more photographs to prove this point.



Neighbourhood Concerns

- The large townhouse block is significantly out of character and density with the surrounding low density single family residential neighbourhood.
- Loss of property value and enjoyment for five properties due to the complete elimination of views from one home, near-complete loss of ocean views from two homes and substantial reductions of ocean view for two other homes
- Placing the townhouse block at the west end of the Marina property puts a visual barrier and physical separation of the Marina development from the rest of the Handy Road neighbourhood. The net result being a separation from rather than integration into the established neighbourhood.

Traffic & Safety Concerns

Both entrances to the proposed marina upland are dead-end entrances, one of them being private. This configuration presents safety issues on the property. In a memo dated Oct. 27th, 2010, presented in the Dec. 7th, 2010 EASC Agenda package regarding this application, Sybille Sanderson (Acting General Manager, Public Safety) wrote:

- ✓ Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route in the

The development does provide two access/egress points, but the way they are configured seems to defeat the intent of this statement. Townhouse residents cannot easily leave the property through the parking lot – not at all by vehicle. This should be regarded as significant as, by including roughed-in elevator shafts in their building design, the developers seem to be anticipating mobility issues of the future townhouse owners. People with such issues are likely going to need motorized egress. Marina patrons could not leave by vehicle through the townhouse driveway in the event of a problem blocking the marina parking lot. Similarly, the two dead-end entrances reduce possibilities for emergency vehicle access.

With no turnaround provided for fuel (and other) delivery trucks for the Marina businesses, this would mean delivery trucks would have to either back into the parking lot or back out of the parking lot on to Handy Road. In the case of the fuel trucks, a third option would be to run a long hose over the waterfront parking lot to deliver fuel while the truck itself parks on Handy Road blocking the public ramp.



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE NOVEMBER 1, 2011

DATE: October 25, 2011

FILE NO: 02-A-11DP

FROM: Rob Conway, Manager
Development Services Division

BYLAW NO:

SUBJECT: Development Permit Application – Mill Bay Marina

Recommendation/Action:

That Application No. 2-A-11DP be approved, and that a development permit be issued to Mill Bay Marina Inc. for a 14 unit townhouse project and marina at Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID 001-027-433) and Foreshore Lease Lot 459 (Lease No. 1122643), subject to:

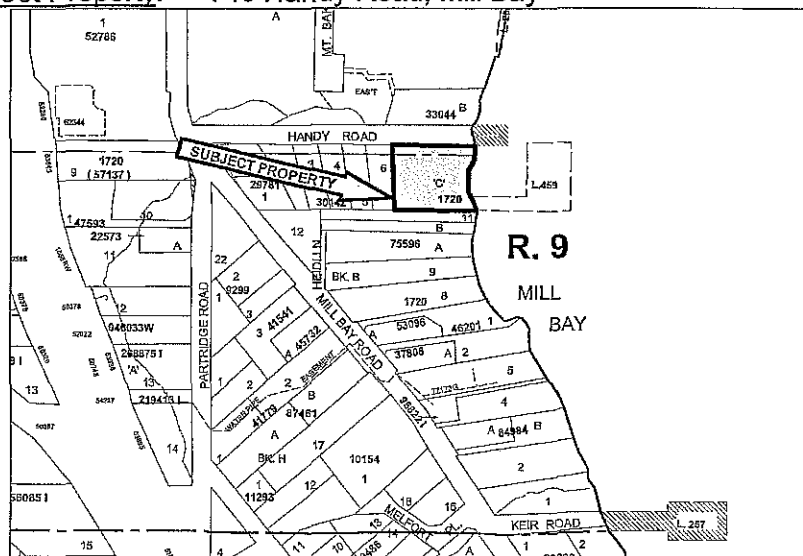
- a) approval from the Ministry of Environment;
- b) establishment of average natural grade and permitted building height by a BC Land Surveyor; and
- c) Provision of landscape security equivalent to 125% of the estimated cost of all landscape works.

Relation to the Corporate Strategic Plan N/A

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

Application Summary:

Location of Subject Property: 740 Handy Road, Mill Bay



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

Date Application and Complete Documentation Received: January 31, 2011

Owner: Mill Bay Marina Inc.

Applicant: Cadillac Homes Inc..

Size of Parcels: Upland property is approximately 0.632 ha.; Water lot lease is 1.079 ha.

Zoning: Townhouse site is zoned RM-3 (Townhouse Residential). Marina and upland parking lot is zoned W-3 (Water Marina).

OCP Designation: Tourist Commercial

Existing Use of Property: Townhouse site is vacant. Marina is under construction.

Existing Use of Surrounding Properties:

North:	Handy Road and Residential
South:	Residential
East:	Saanich Inlet
West:	Residential

Services:

<u>Road Access:</u>	Handy Road
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	Community Sewer (Sentinel Ridge).

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

Environmentally Sensitive Areas: The Environmental Planning Atlas identifies the waterfront portion of the subject property to be within a Shoreline Sensitive Area. A stream is located on the north side of Handy Road.

Archeological Site: An archaeological site has been identified on the subject property. The owners have had an archaeological assessment undertaken and will obtain a site alteration permit from the Archaeological Branch prior to construction.

Background:

The subject application is for a development permit for 14 townhouse dwellings and marine commercial buildings at the Mill Bay Marina. Part of the subject property was recently rezoned to allow residential use on the upland property.

The docks and floating break water at the Mill Bay Marina is presently in the process of being re-built. As the zoning of the water lot lease where the marina is located has permitted marina use for many years, the zoning change was not required in order for this part of the project to proceed. A development permit is also not required for the marina, as the owner commenced construction on the marina prior to adoption of the South Cowichan OCP in July. However, a development permit is required for the townhouses and marine commercial buildings that will be constructed as part of the marina.

The Proposal:

Site Layout:

The townhouse project and the marina are expected to be developed as two separate entities. In order to legally separate the marina and townhouse development, the owners have applied to the Ministry of Transportation and infrastructure to subdivide the upland property along the RM-3 and W-3 zoning boundary. The subdivision would result in a 4380 square metre (1.08 ac.) townhouse lot and a 1570 square metre (.388 ac.) upland marina lot that would be used primarily for marina parking. A 291 square metre lot will also be created for a public waterfront walkway that the owner will dedicate and construct as a requirement of the rezoning. The proposed subdivision plan is shown on Schedule 3.

The applicants have applied to amend the water lot lease where the marina is located to avoid disturbance to eel grass near the foreshore. If approved, the lease change would shift the marina towards the Saanich Inlet by approximately 40 metres. Until the lease expansion is approved and the zoning is amended to allow boat moorage in the new lease area, the marina would be built within the existing lease area for 81 slips. If the lease expansion and future zoning amendment is approved, the owners intend to add an additional 13 slips. The marina would be accessed from a pier located at the southern corner of the property. A commercial building that will accommodate a marina store, administration offices, washrooms, laundry facilities and a café would be situated on the pier.

The townhouse site has been designed with an eight unit block of dwellings aligned along the west property boundary and three two-unit buildings along the RM-3 zoning boundary. A shared driveway will provide access to the site from Handy Road, with main access to the dwellings and parking from this internal strata road. The eight unit building will have outdoor patio space for the individual units at the rear of the building and open decks that face the Saanich Inlet. The two-unit buildings are designed with larger east-facing patio areas as the primary outdoor space for those dwellings. The remainder of the site is comprised of landscaped common property.

Townhouses Design:

The eight unit building is a two and a half storey structure with parking underneath and a building height of 7.5 metres. The duplex buildings are two storey structures with parking garages and the main living space on the first floor with bedrooms on the second floor. The height of the duplex buildings is approximately 6.0 metres.

The townhouses have been designed with flat and low-slope roofs to reduce building height. A west coast contemporary theme has been employed using extensive glazing and exterior building components such as vertical cedar siding, corrugated metal panels, solid wood entry doors, post a beam detailing and tongue and groove wood soffits.

The townhouses will be accessed by a common driveway off of Handy Road. Each of the townhouse units will have a two bay garage with an additional five surface parking spaces provided for visitors parking. The main driveway and secondary driveways to the individual units will be surfaced with a combination of exposed aggregate concrete and permeable pavers.

Marine Commercial Building Design:

The marine commercial building utilizes the same design theme and finishes as the townhouse buildings. The building is a single storey structure, but parts of the building are vaulted to allow additional light in and to take advantage of views. The building will be no higher than 7.5 metres above the high water mark of the ocean, as required by the zoning bylaw.

Landscaping:

A professionally designed landscape plan has been prepared for the townhouse site and marina parking lot. The plan uses a combination of trees, shrubs, ornamental grasses and other plant materials. All landscaping will be installed in accordance with BC Society of Landscape Architect and BC Landscape and Nursery Association standards.

Sustainable Development Features:

Sustainable development features proposed in the application include passive solar building design, "solar ready" plumbing, low energy appliances, permeable paving and other on-site storm water management techniques. The sustainability checklist submitted with the application is attached to this report as Schedule 6.

Restrictive Covenant:

Development commitments associated with the rezoning have been secured through restrictive covenants that are registered against the subject property. Although not directly related to the development permit application, the following covenant conditions will have to be satisfied prior to development of the townhouse site:

1. Substantial completion of the marina
2. Dedication and construction of public waterfront walkway
3. Re-construction or Handy Road boat launch

Policy Context:**Zoning:**

The upland portion of the site where the townhouse development is proposed is zoned RM-3 (Residential Townhouse). This zone permits townhouse and home occupation as permitted uses. "Townhouse" is defined in the Zoning Bylaw as:

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

The RM-3 zone permits up to 40% parcel coverage and a maximum density of 35 units per hectare. The proposed development has a 37.2% lot coverage and a density of 32 units per hectare. Other development criteria within the zone are a maximum building height of 7.5 metres and a setback of 6.0 metres from all property boundaries for principal (i.e. residential) buildings. The proposed townhouse development complies with all applicable zoning requirements.

The marina parking lot and water lot lease are zoned W-3 (Water Marina). The use of this area for a marina is permitted by the zoning, as is the café and marina-related commercial uses that are proposed. Development criteria in the W-3 zone is limited to a maximum building height from the high water mark of the ocean of 7.5 metres, and the proposed structures are compliant with this requirement. It is noteworthy that a covenant has been registered against the title of the upland W-3 area that is intended primarily for marina parking to preclude any future use of this area for commercial buildings and uses that are unrelated to the marina.

Off-Street Parking:

Off-street parking and loading area requirements for the townhouse project and marina are specified in CVRD Off-street Parking Bylaw No. 1001. Table 1 shows the parking that is required by the bylaw and parking that will be provided with the development.

Table 1

	Required Parking	Proposed Parking
Townhouses	24 Spaces	32 Spaces
Marina	50 Spaces	44 Spaces
Total Spaces	74	76

The proposed development complies with requirements for off-street parking in that a total of 74 parking spaces are required and 76 spaces will be provided. However, it should be noted that six of the required spaces for the marina will be provided on the townhouse site, as some of the future townhouse owners are expected to keep boats within the marina. This configuration does not require a parking variance, as Section 4.4 of the bylaw permits required parking to be located on a contiguous parcel.

Official Community Plan:

Although this development permit application was made in January, 2011, well before the South Cowichan Official Community Plan Bylaw No. 3510 was adopted on July 13, 2011, the Local Government Act does not provide any specific protection for in-stream development permit applications. The application is therefore subject to the development permit area requirements of South Cowichan Official Community Plan Bylaw No. 3510 rather than the development permit area under the former Mill Bay Official Community Plan.

The South Cowichan OCP is different from other OCP's for the Region in that it establishes comprehensive development permit areas for the three village areas and the surrounding rural area. The development permit areas contain guidelines for a broad range of development and each development application is to be reviewed in relation to the guidelines to determine whether or not the guidelines apply. Rather than identify and comment on every guideline that could possibly apply, this report analyzes the application with respect to the broad themes and intent of the applicable development permit areas and guidelines. As some of the guidelines are open to interpretation, the Committee is encouraged to review the guidelines in Schedules 7 and 8.

It should be noted that the upland property where the townhouses and marina parking lot are proposed are within the Mill Bay Village Development Permit Area (Schedule 4) whereas the water lot lease where the marina is located is in the South Cowichan Rural Development Permit Area. Although both development permit areas contain many of the same guidelines, there are differences between the development permit areas that should be kept in mind.

Development Permit Guidelines – Townhouses

The Mill Bay Village Development Permit Area encourages multi family buildings that have a high level of architectural detailing and that either "... reflect the natural and west coast architectural heritage of Mill Bay Village and/or are keeping with the community character". Building mass is to be broken-down through the use of multiple buildings, varied rooflines and wall articulation. A mix of natural exterior finishes is encouraged, as are building designs suited to the west coast climate.

Buildings are to be oriented so as to take advantage of views and solar access. It is also expected that buildings do not shadow adjacent buildings and open space or dominate the neighbourhood. The guidelines recommend that the impact on privacy and ocean views from adjacent parcels considered and protected and that zoning limitations on building height should not be relaxed so as to protect the views and solar access of adjacent properties.

Ocean front properties in Mill Bay Village are encouraged to accommodate an oceanfront walkway overlooked by multiple family housing. Green building features, pedestrian orientation, and crime prevention through environmental design principles are expected to be incorporated into new development, as are underground wiring and appropriate space for storage and transfer of solid waste, recyclables and compostable.

Development permit applications for multiple family housing are expected to include a professionally prepared landscape plan prepared in accordance with the applicable development permit guidelines. Native plantings and drought tolerant species are encouraged. The use of pervious paving materials, and on-site rainwater management methods are also promoted, as is low impact lighting that provides safety and security while minimizing light pollution.

Development Permit Guidelines – Marina

Development in Area A outside of the Mill Bay Village containment boundary, including development beyond the high water mark of the ocean, is subject to the South Cowichan Rural Development Permit area and associated guideline. Although the construction of wharves and docks are identified as requiring development permits, there are specific guidelines regarding the development of docks, wharves or marinas. There are, however, guidelines that pertain to development within 15 metres of the ocean shoreline and for commercial buildings that should be considered (See Schedule 7). The guidelines encourage the same building design features described above for multi-family housing.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed the development permit application on June 14, 2011. The Commission recommended approval of the application with the following two recommendations:

1. Further discussions occur with Ministry of Highways regarding Handy Road traffic concerns.
2. The development permit specifies the sequence and timing of the various phases of the overall project as outlined in the staff DPA report.

A copy of the APC minutes is provided in Schedule 9.

Staff Comments

It is not practical to review the dozens of development permit guidelines that could potentially apply to the proposed townhouse and marina development in this report. In reviewing the guidelines, staff has noted that it would be difficult or perhaps impossible for any development to literally comply with each and every guideline. The approach staff has taken with this application has been to determine if the application is generally compliant with the intent and objectives of the development permit areas. Due to the comprehensive nature of the development permit areas and guidelines in the South Cowichan OCP, this approach will be necessary with most development permit applications in the three South Cowichan Electoral Areas.

The stated objective of both the Mill Bay Village Development Permit Area is, "to ensure that Mill Bay Village develops in a manner that enhances and does not negatively impact the characteristics of the community". Similarly, the South Cowichan Rural Development Permit Area is intended to ensure the area, "develops in a manner that enhances and does not negatively impact the characteristics of the community". Staff believes the townhouse and marina development proposed for the Mill Bay Marina and upland property and water lot

exhibits a high standard of design that is of a scale and character intended for Mill Bay and the development permit areas.

One issue associated with the development that warrants comment and that was discussed at length during the rezoning process is the impact of the townhouse development on views, sunlight and privacy. While the design and orientation of the townhouse units has taken advantage of the panoramic view of the Saanich Inlet from the property, the same consideration has not been given to property owners to the west. To a large extent, waterfront views are a privilege of owning waterfront property and it is often not possible to protect waterfront views, privacy and full sunlight access without severely impacting development potential on waterfront properties. An effort was made by the Regional District to consider the potential impact of development on adjacent property owners by limiting building height to 7.5 metres and by maintaining a 6.0 metre building setback on all property boundaries. These development criteria were included in the new RM-3 zone, to reduce the 10 metre building height that was previously possible on the property under the C-4 zoning and to achieve a setback from the west property boundary that is twice what it would be under single family residential zoning. Although the current application does not propose any variance to these standards, the development will still undoubtedly have impacts on adjacent properties.

It is arguable that the eight unit block that is aligned along the western property boundary should be broken into small buildings to provide some improvement to the ocean view and solar access for property owners to the west. There are guidelines in the development permit areas that speak to such concessions. It should be noted, however, that development permits cannot affect the use or density that is permitted by zoning, so any reconfiguration could not result in fewer than the 14 units proposed with the current application. It is difficult to see how a reconfiguration of the development would result in any meaningful improvement to view, solar access and privacy without reducing density.

Staff recommends that the development permit application for the Mill Bay Marina and townhouses be approved as proposed. Although some degree of judgment and interpretation is necessary in the application of development permit guidelines, staff believes the application achieves a standard that is intended by the guidelines and that will result in the successful redevelopment of a central waterfront property in Mill Bay.

To avoid any future dispute about building height, it is recommended that average natural grade and the permitted maximum building height elevation for the townhouses be established by a BC Land Surveyor prior to any excavation. It is also recommended that the development permit not be issued until site contamination issues have been addressed and the Ministry of Environment has consented to development of the site proceeding.

Options

Option 1:

That Application No. 2-A-11DP be approved, and that a development permit be issued to Mill Bay Marina Inc. for a 14 unit townhouse project and marina at Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID 001-027-433) and Foreshore Lease Lot 459 (Lease No. 1122643), subject to:

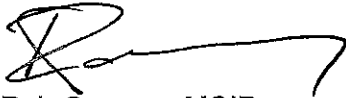
- a) approval from the Ministry of Environment;
- b) establishment of average natural grade and permitted building height by a BC Land Surveyor; and
- c) Provision of landscape security equivalent to 125% of the estimated cost of all landscape works.

Option 2:

That application No. 2-A-11DP, for a 14 unit townhouse project and marina at Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID 001-027-433) and Foreshore Lease Lot 459 (Lease No. 1122643), be denied.

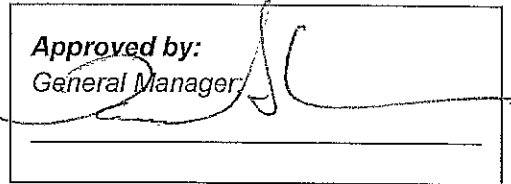
Option 1 is recommended.

Submitted by,



Rob Conway, MCIP
Manager
Development Services Division

Approved by:
General Manager



Attachments: Schedule 1 – Zoning Map
Schedule 2 – Aerial Photo
Schedule 3 – Subdivision Plan
Schedule 4 – Design Drawings
Schedule 5 – Landscape Plan
Schedule 6 – Sustainability Checklist
Schedule 7 – Mill Bay Village Development Permit Area
Schedule 8 – South Cowichan Rural Development Permit Area
Schedule 9 – APC Minutes
Schedule 10 – Draft Development Permit

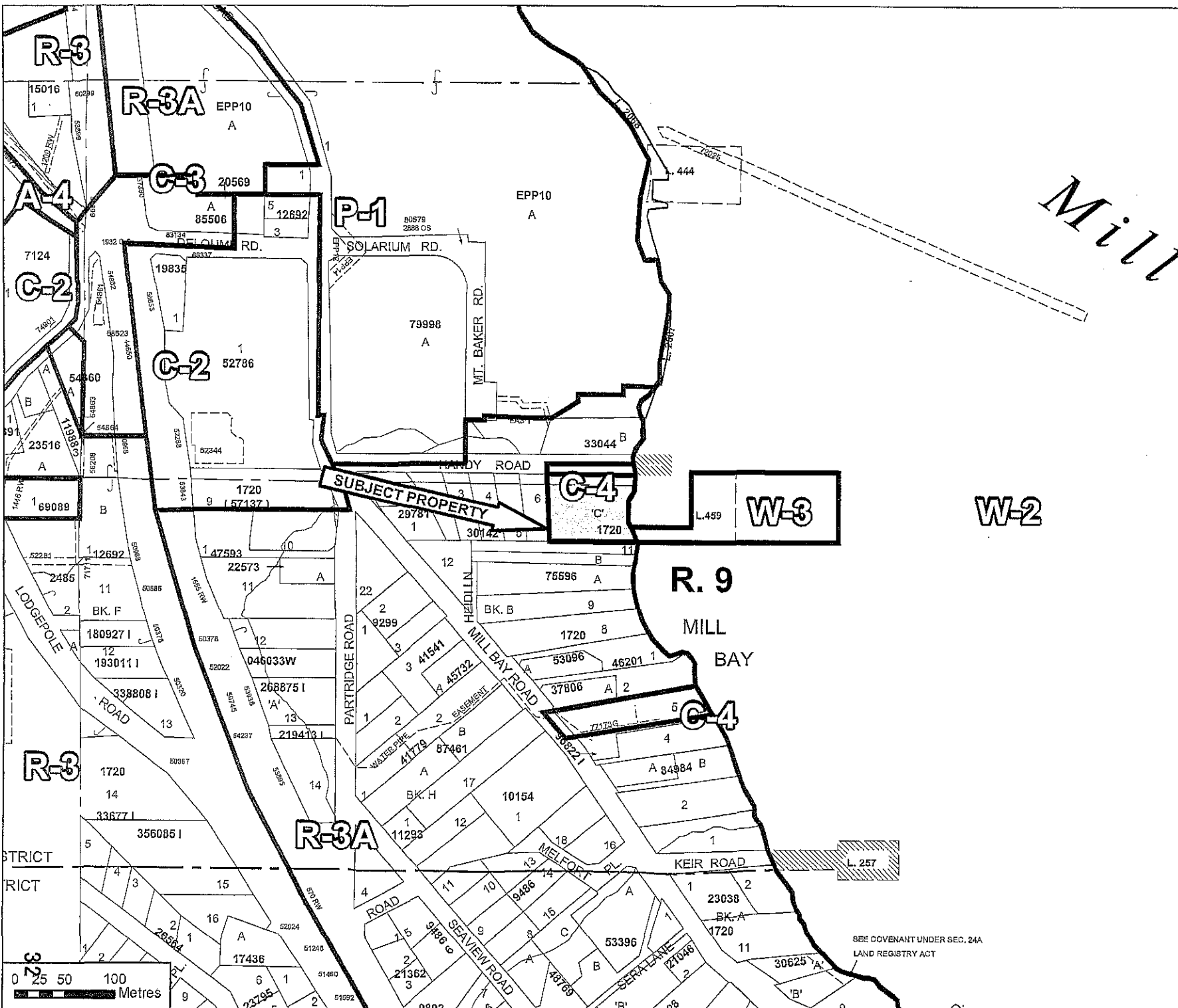
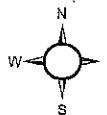


The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

ZONING

Subject Property: [REDACTED]
Zoning Electoral Area: A [REDACTED]

Schedule 1 – Zoning Map





AERIAL PHOTO OF SITE

PLAN OF PROPOSED SUBDIVISION OF

BLOCK C, SECTIONS 1 & 2, RANGE 9, SHAWNIGAN DISTRICT,
PLAN 1720, AND EXCEPT PART IN PLANS 29781 AND 30142.

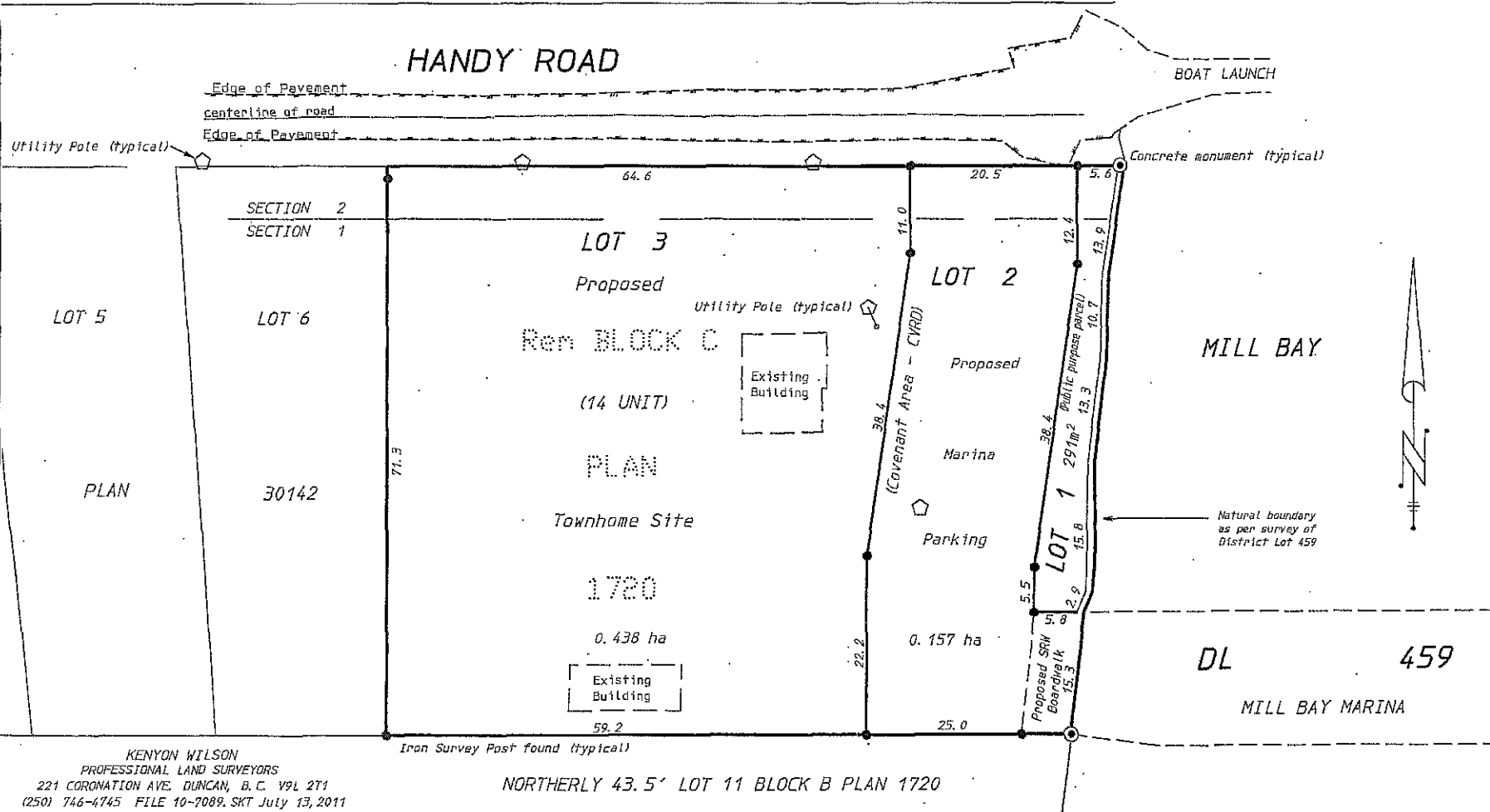
SCALE 1 : 500

10 5 0 10 20 30 metres

All distances in metres and subject to change upon final survey.

LOT B

PLAN 33044

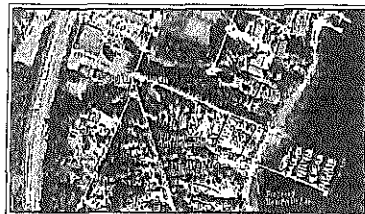


7/18/2011 12:55 PM

Schedule 4 – Design Drawings

Owner:	M.B. Bay Marina Inc.		
Client:	C/O The Waterfront Inc. 20-1000 Commercial Bay Road, Victoria, B.C. V8N 1L3		
Architect:	Joseph A. Newell, J.A. Newell & Associates, P.L.L.C. Joe Newell Architect Inc., 411 Yates Street, Victoria, B.C. Telephone: (250) 361-4200 Fax: (250) 361-4201 Email: jnewell@jnewell.ca		
City Address of Property:	340 Hardy Road, Mill Bay		
Legal Description:	Block 2, The 17th, Section 1 and 2, Range 6, Township 8 West and 10th 1st 1st 1st		
Zoning:	Residential (Waterfront Zone Area) Proposed: (Waterfront Zone Area)	City - "Waterfront Development Commercial" City - Waterfront City - Waterfront City - Waterfront	
Existing Site Area:	Existing On Site Existing Off Site (at)	5,750 sq. ft. 10,760 sq. ft.	17,220 sq. ft. (R2000) 10,760 sq. ft. (R2000)
Proposed Site Areas: (Waterfront Zone Area)	Proposed On Site Proposed Off Site (at)	4,750 sq. ft. 1,110 sq. ft.	17,220 sq. ft. (R2000) 1,110 sq. ft. (R2000)
Project Description:	14 Water View Townhouses		
Building Area:	Building A (Type 1) Building B (Type 2) Building C (Type 3) Building D (Type 4) Total	7,600 sq. ft. 2,500 sq. ft. 2,500 sq. ft. 2,500 sq. ft. 15,100 sq. ft.	17,220 sq. ft. 1,110 sq. ft. 1,110 sq. ft. 1,110 sq. ft. 15,100 sq. ft.
Coverage:	Proposed: Proposed:	40% 21.4%	
Densities:	Proposed: Proposed:	22 units per hectare 40 units per hectare	
Building Height:	Proposed: Proposed: Proposed: Proposed:	10.00 m 7.00 m 6.00 m 6.00 m	22.41' 22.41' 15.75' 15.75'
Setbacks:	Front Yard Side Yard (East) Side Yard (West) Rear Yard	Proposed: Proposed: Proposed: Proposed:	7.00 m 6.00 m 6.00 m 6.00 m
Vehicle Parking:	2 spaces per dwelling unit (14 units) = 28 1.5 spaces per dwelling unit (14 units) = 21 Total of 49 parking spaces required		
Required Marine Parking:	1 space per 2 motor vehicles = 41 spaces for 82 motor vehicles 1 space per 2 motor vehicles = 41 spaces for 82 motor vehicles Total of 82 parking spaces required = 82 parking spaces (14 units each of the 14 units have 14 motor vehicles, 7 motor vehicles per unit are transferred to be provided by the townhouses etc.) Total of 82 parking spaces = 82 parking spaces required		
Proposed Townhouse Parking:	28 parking spaces provided (includes 7 marine parking spaces)		
Proposed Marine Parking:	40 parking spaces provided 2 parking spaces provided		

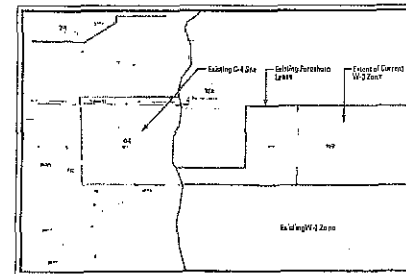
PROJECT DATA



AERIAL PHOTO OF SITE



AERIAL PHOTO OF MILL BAY



ZONING MAP - SHOWING EXISTING ZONING

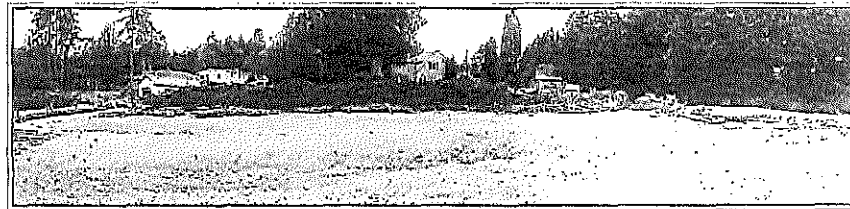
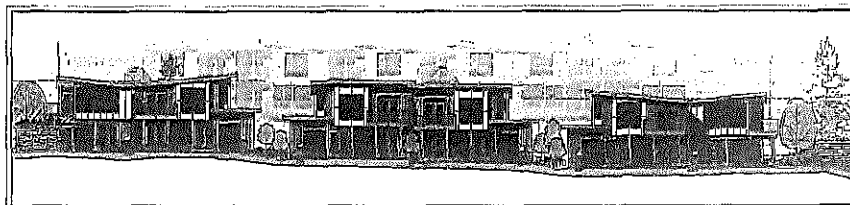


PHOTO OF EXISTING SHORELINE



PHOTO OF EXISTING BOAT LAUNCH AND MARINA



SHORELINE TOWNHOUSES ELEVATION

The Waterfront
at Mill Bay Marina

Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building

Hardy Road, Mill Bay, BC

A1

Date: 2011.01.25
Drawn: 2011.01.25, 11/11/2011



Joe Newell Architect Inc.
612 Yates Street, Victoria, B.C. V8W 1Y9
Telephone: (250) 361-4200
Facsimile: (250) 361-4201
www.jnewell.ca

RECONSTRUCTED
BOAT LAUNCH RAMP
(CVRD PARKS)

HANDY ROAD

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32' R/W

PROPOSED SIDE
YARD DETRACK
0.00m
[127-430']



PROPOSED REAR
YARD DETRACK

SITE PLAN
1 : 200M

*SEE LANDSCAPE DESIGN
DRAWINGS FOR LANDSCAPING

0' HIGH
CEMENT
PROJECT
FENCE

REINFORCED
CONCRETE
UP
TO
10' HIGH
WALL
TO
RETAIN
SITE
TERRACE
TO
BE
CONSTRUCTED
WITH
NATURALIZED
BANKS
WITH
NATIVE
SPECIES

SHOULDER
ROAD
TO
RETAIN
NATURALIZED
BANK

BEACH

*MARINA BUILDING TO BE
INCLUDED IN THE
DEVELOPMENT APPLICATION

FUEL TANK
LOCATION TO BE
COORDINATED WITH
ANGLER/CLUB

*NOTE: THE
MARINA IS NOT
PART OF THE
DEVELOPMENT
APPLICATION

RAILROADS
TO
HANDY SLIPS

The Waterfront
at Mill Bay Marina

Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building

Handy Road, Mill Bay, BC

A3

Scale: 1/8" = 1'-0"
Plot Date: 2011.08.11 Marina/MSL



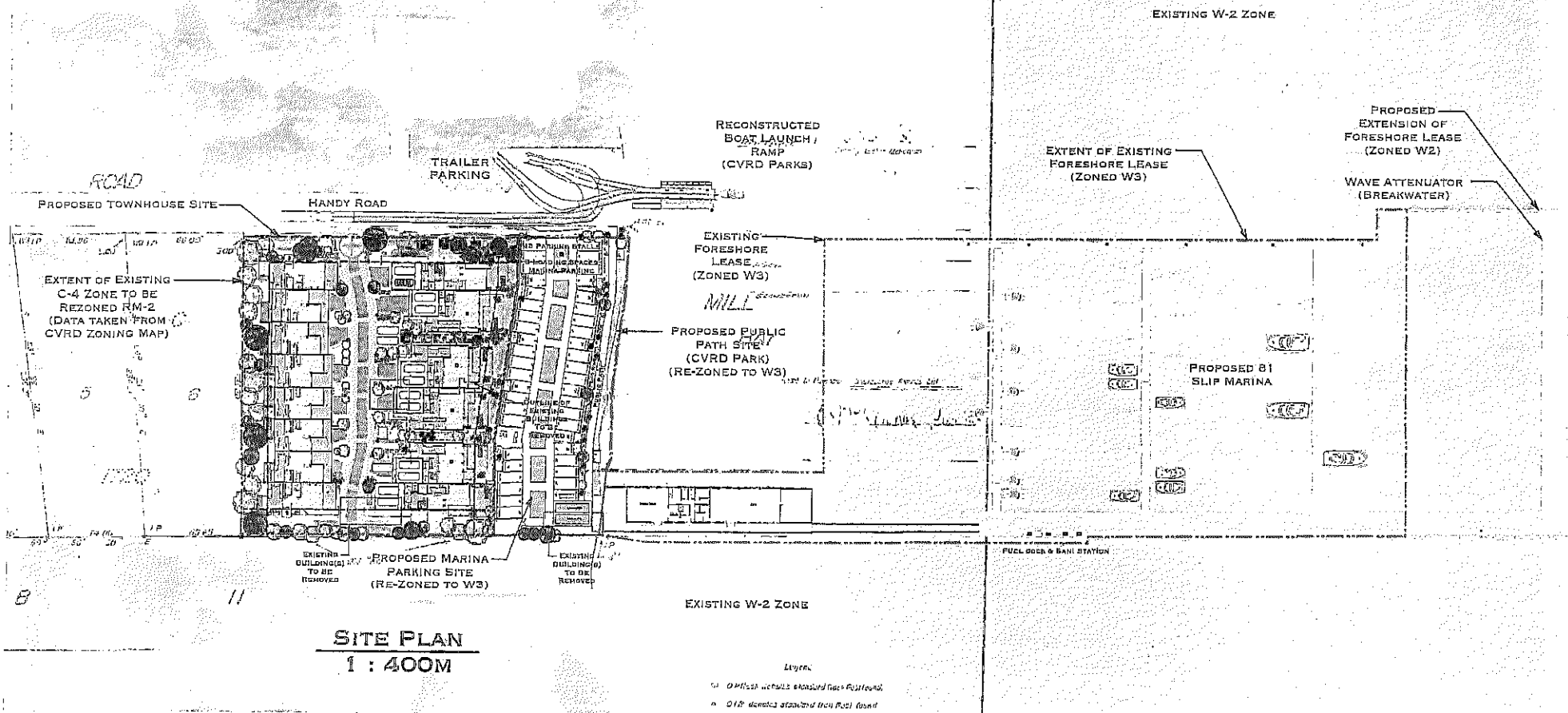
Joe Nowell Architect Inc
675 West Street, Victoria, BC V8W 1A1
Telephone: (250) 382-4466
Facsimile: (250) 382-4703
www.jnowell.ca

Part of PART of
1 and 2, RANGE 9,
CT.

PLAN 30/42

Submitted to the Local Planning Office of Victoria, BC, 1974

DATE OF PREP. 1974
J. Nowell Architects



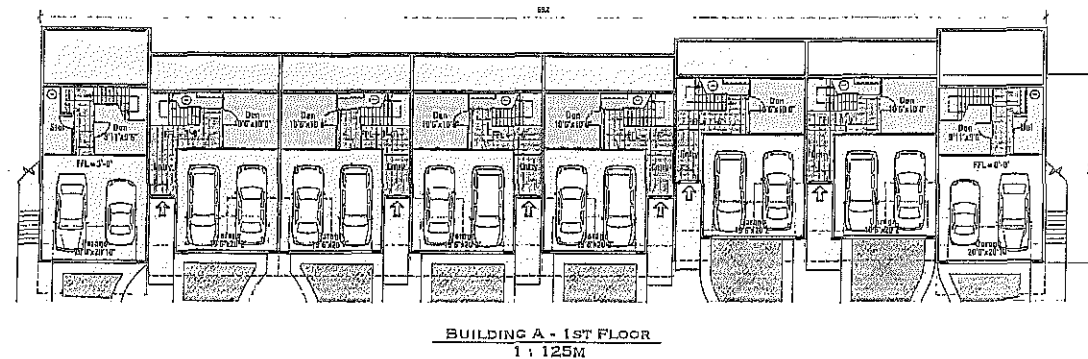
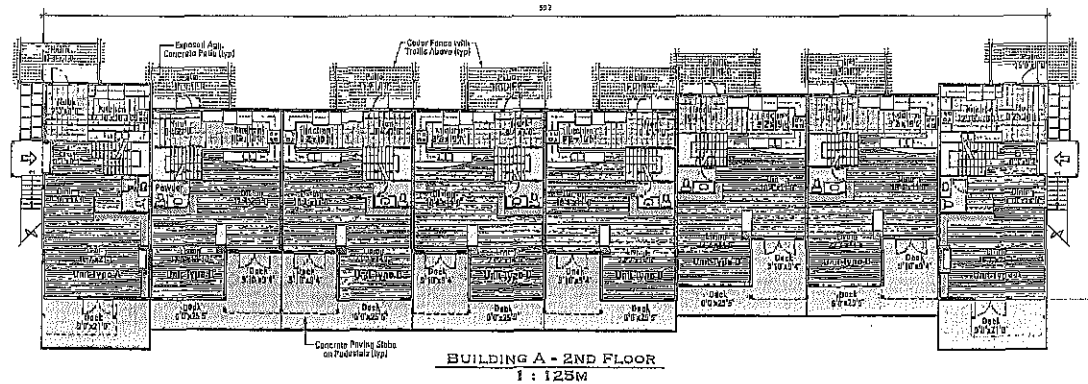
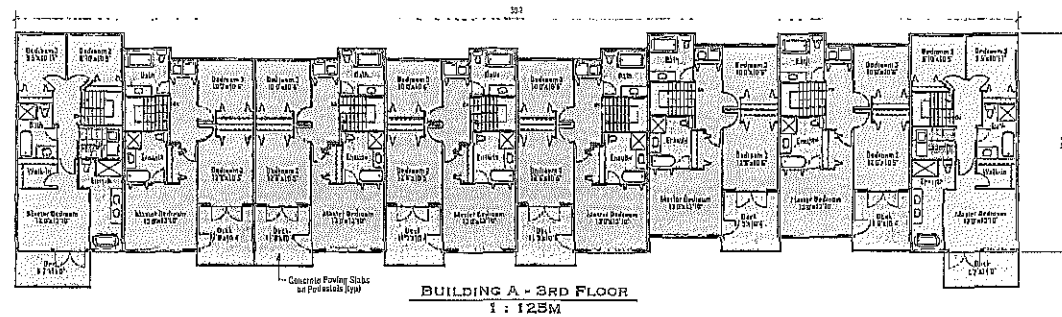
The Waterfront
at Mill Bay Marina

Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building
Handy Road, Mill Bay, BC

A2

Sheet 2 of 2
Rev. 1/19/74

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The Waterfront
at Mill Bay Marina

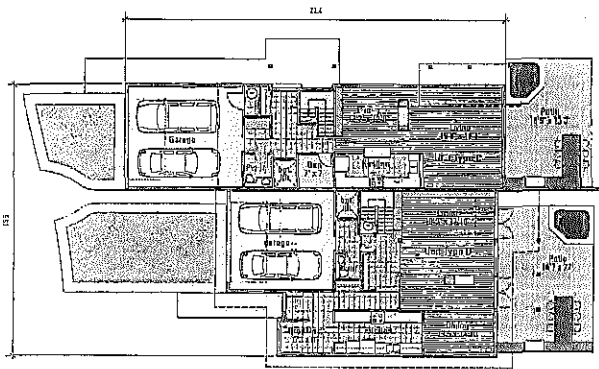
Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building
Handy Road, Mill Bay, BC

A4

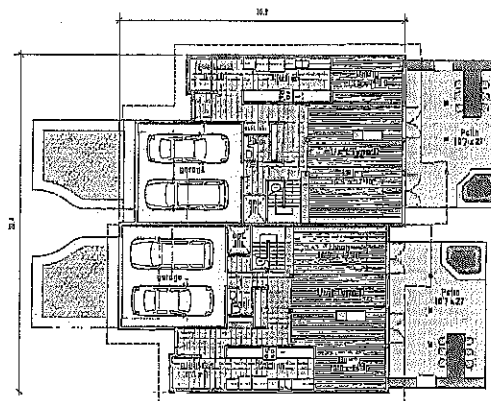
DATE: 2016.01.15
REV: 2016.01.15 (1st Rev)



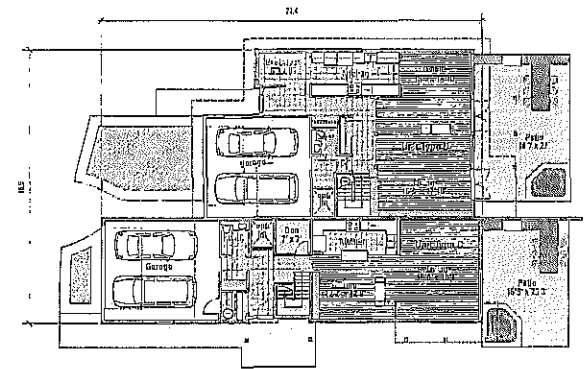
Joe Nowell Architect Inc.
502 Yates Street, Victoria, BC V8W 1A2
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Facsimile: (250) 362-0723
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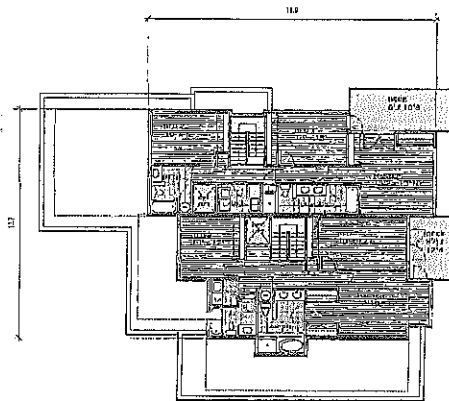
BUILDING B - 1ST FLOOR
1 : 125M



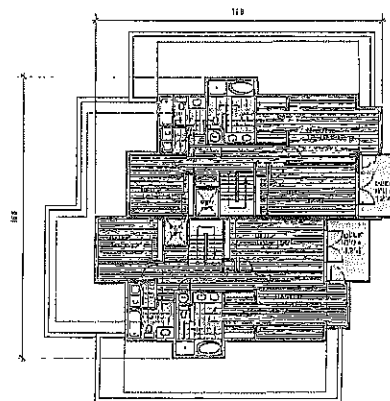
BUILDING C - 1ST FLOOR
1 : 125M



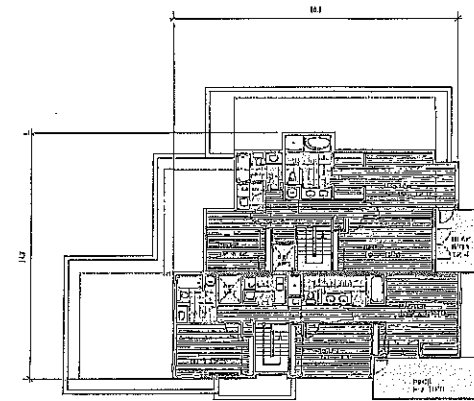
BUILDING D - 1ST FLOOR
1 : 125M



BUILDING B - 2ND FLOOR
1 : 125M



BUILDING C - 2ND FLOOR
1 : 125M



BUILDING D - 2ND FLOOR
1 : 125M

The Waterfront
at Mill Bay Marina

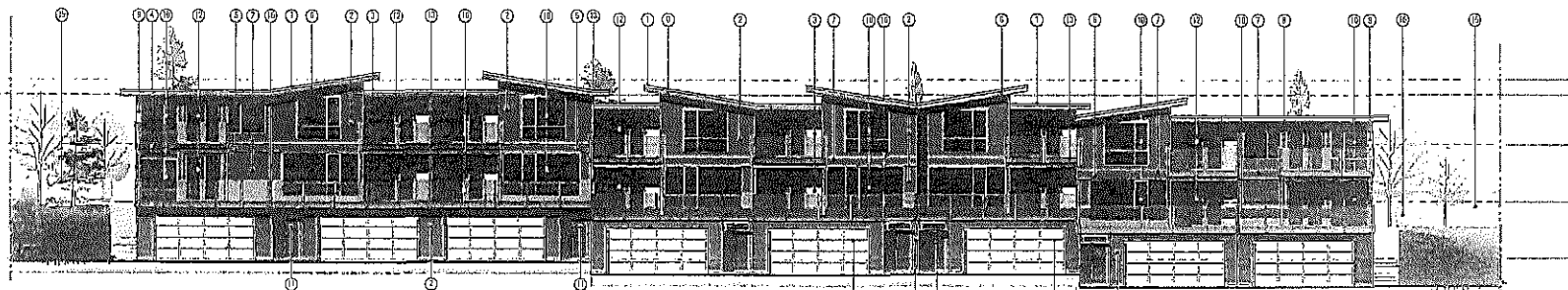
Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building
Handy Road, Mill Bay, BC

A5

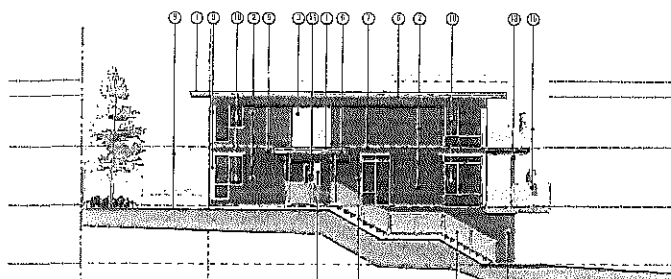
Date: 2016.07.27
Sheet: 001/001 (1 of 1) (A5)



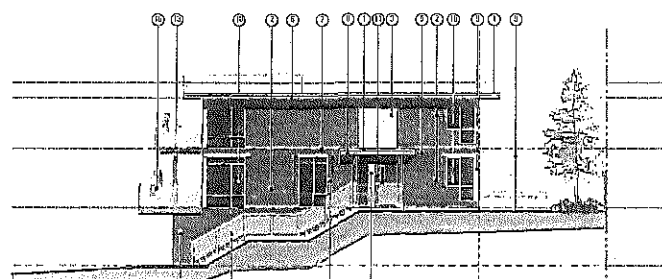
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BUILDING A - EAST ELEVATION
1 : 100M



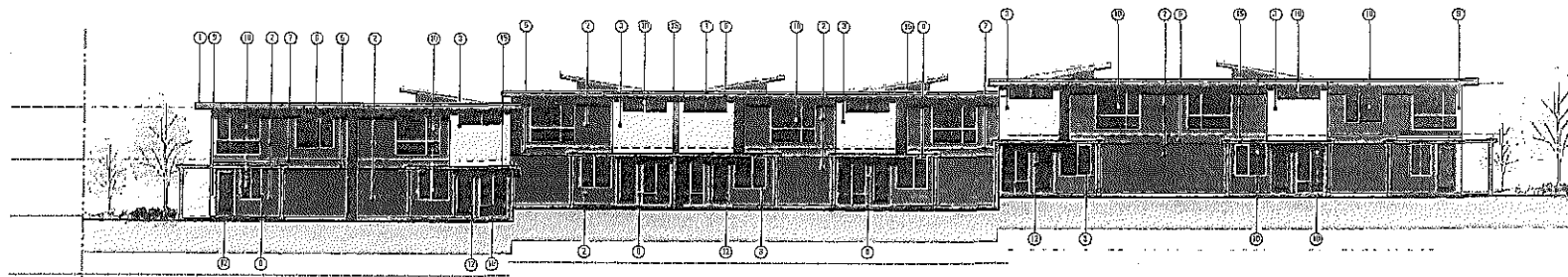
BUILDING A - SOUTH ELEVATION
1 : 100M



BUILDING A - NORTH ELEVATION
1 : 100M

Materials Key ①

1. Flat Roof Finish	Pre-finished metal roofing	'Quikrete'
2. Vertical Cedar Siding	12" x 8" x 16" pre-stressed concrete	Clear Finish
3. Liquid Waterproofing	20' x 40' pre-cast concrete slabs	'Quikrete'
4. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
5. Flat Roof Finish	20' x 40' pre-cast concrete slabs	Clear Finish
6. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
7. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
8. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
9. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
10. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
11. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
12. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
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14. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
15. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
16. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
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18. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
19. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish
20. Gable Ends	20' x 40' pre-cast concrete slabs	Clear Finish



BUILDING A - WEST ELEVATION
1 : 100M

The Waterfront
at Mill Bay Marina

Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building

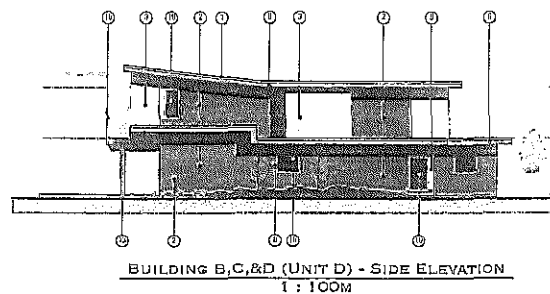
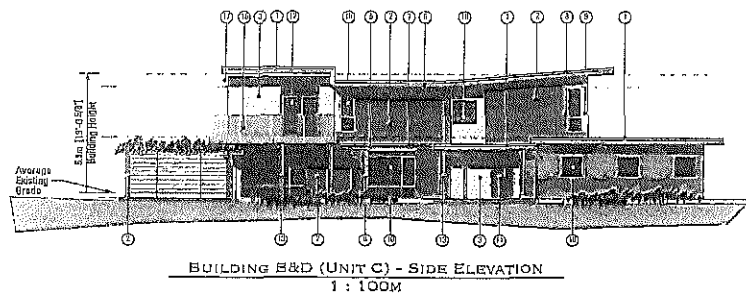
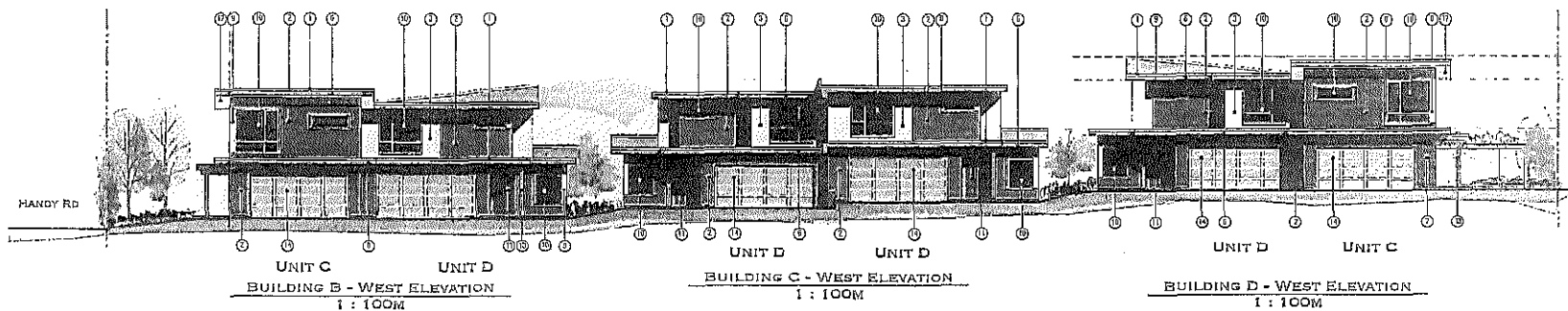
Handy Road, Mill Bay, BC

A6

Date: 01/16/12
Rev: 01/16/12 - J.F. K. revised

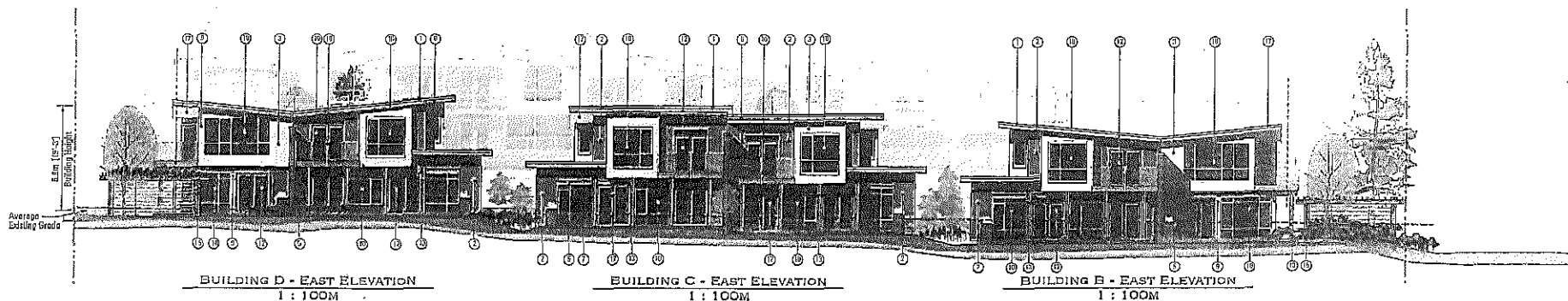


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Fax: (250) 363-1235
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Materials Key

1. Flat Roof Cladding	Pre-finished metal roofing	24. Windows	Clear Anodized
2. Vertical Cedar Siding	Cedar, pre-finished	25. Windows	Clear Anodized
3. Unit Cladding	Pre-finished metal roofing	26. Windows	Clear Anodized
4. Deck Fencing	2x4 Cedar, stained, clear, stained	27. Windows	Clear Anodized
5. Deck Fencing	2x4 Cedar, stained, clear, stained	28. Windows	Clear Anodized
6. Deck Fencing	2x4 Cedar, stained, clear, stained	29. Windows	Clear Anodized
7. Deck Fencing	2x4 Cedar, stained, clear, stained	30. Windows	Clear Anodized
8. Deck Fencing	2x4 Cedar, stained, clear, stained	31. Windows	Clear Anodized
9. Deck Fencing	2x4 Cedar, stained, clear, stained	32. Windows	Clear Anodized
10. Deck Fencing	2x4 Cedar, stained, clear, stained	33. Windows	Clear Anodized
11. Deck Fencing	2x4 Cedar, stained, clear, stained	34. Windows	Clear Anodized
12. Deck Fencing	2x4 Cedar, stained, clear, stained	35. Windows	Clear Anodized
13. Deck Fencing	2x4 Cedar, stained, clear, stained	36. Windows	Clear Anodized
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The Waterfront
at Mill Bay Marina

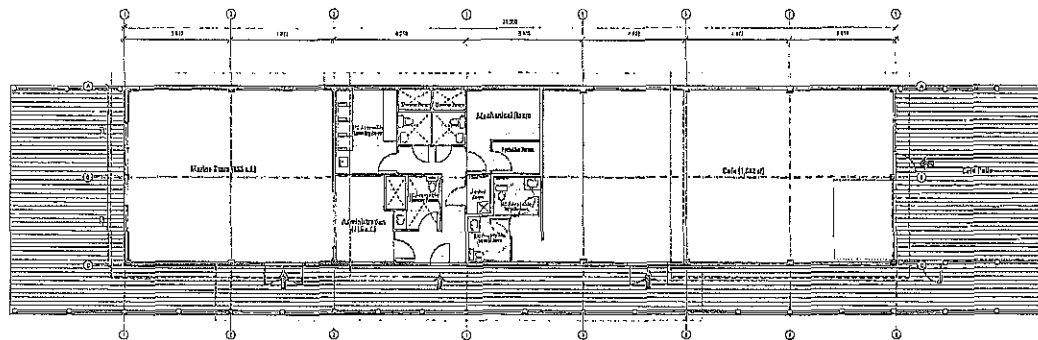
Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building
Handy Road, Mill Bay, BC

A7

October 2016, 2:15 PM
North: October 2016, 11:15 AM, 11:15 AM, 11:15 AM



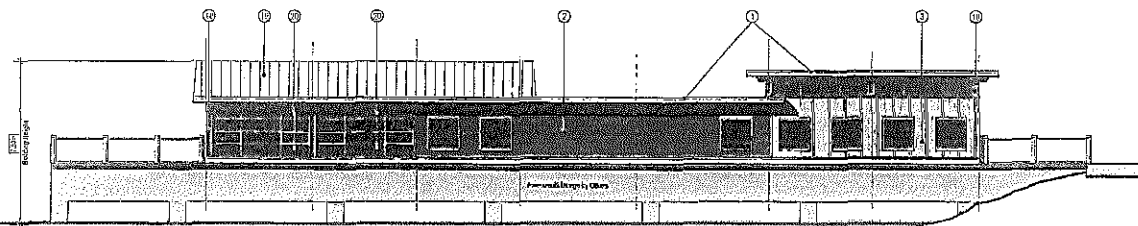
Joe Nowell Architect Inc.
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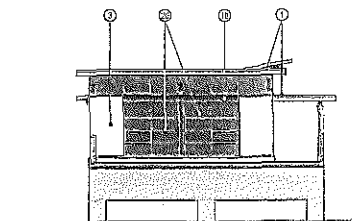
MILL BAY MARINA BUILDING - FLOOR PLAN
1 : 100M

Materials Key ①

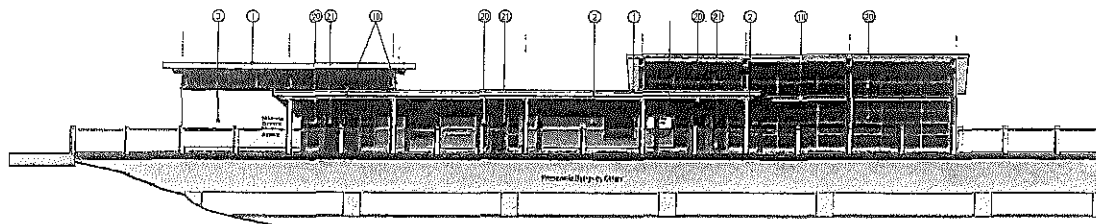
1. Flat Roof Flashing	Pre-painted metal roofing	'Galvalume'
2. Vertical Gutter Siding	6" square, pre-cast	Clear finish
3. Metal Siding	24" x 48" pre-cast metal siding	'Galvalume'
4. Steel Facade	24" x 48" pre-cast metal siding	Clear finish
5. Steel Facade	24" x 48" pre-cast metal siding	Clear finish
6. Steel Facade	24" x 48" pre-cast metal siding	Clear finish
7. Concrete Siding	Pre-cast concrete siding	'Galvalume'
8. Window Trim (Aluminum)	24" x 48" pre-cast metal siding	Clear finish
9. Window Trim (Aluminum)	24" x 48" pre-cast metal siding	Clear finish
10. Windows	24" x 48" pre-cast metal siding	Clear finish
11. Metal Deck	24" x 48" pre-cast metal siding	Clear finish
12. Metal Deck	24" x 48" pre-cast metal siding	Clear finish
13. Metal Deck	24" x 48" pre-cast metal siding	Clear finish
14. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
15. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
16. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
17. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
18. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
19. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
20. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
21. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish
22. Concrete Deck	24" x 48" pre-cast metal siding	Clear finish



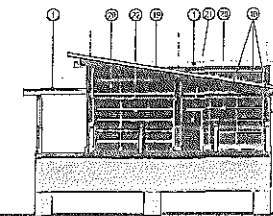
MILL BAY MARINA BUILDING - NORTH ELEVATION
1 : 100M



MILL BAY MARINA BUILDING - WEST ELEVATION
1 : 100M



MILL BAY MARINA BUILDING - SOUTH ELEVATION
1 : 100M



MILL BAY MARINA BUILDING - EAST ELEVATION
1 : 100M

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Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building
Handy Road, Mill Bay, BC

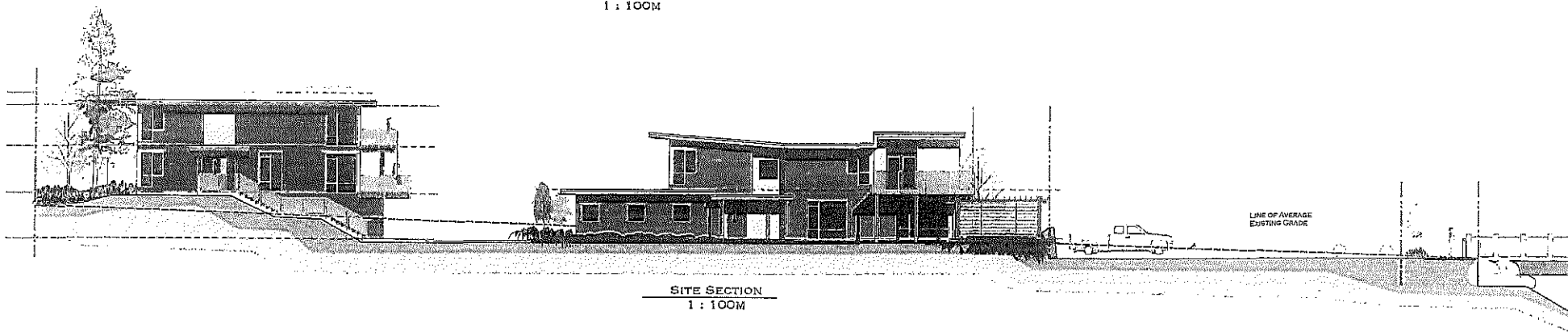
A8

DATE: 2011.06.25
BY: J. NEWELL

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PUBLIC PATH ELEVATION
1 : 100M



SITE SECTION
1 : 100M



HANDY ROAD - STREET ELEVATION
1 : 100M

The Waterfront
at Mill Bay Marina

Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building

Handy Road, Mill Bay, BC

A9

Drawn: 2010.01.28
Rev: 2010.12.13 (11/11/10) (11/11/10)



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Schedule 5 – Landscape Plan

LANDSCAPE SPECIFICATIONS- MILL BAY MARINA / TOWNHOUSES

Prepared by Mystic Woods Landscape Design

January 24, 2011

The following standards are excerpted from the 7th Edition BC Landscape Standard.

It is recommended that the Landscape contractor acquire a copy of the BC Landscape Standard and become familiar with its contents. Copies are available from the BCLNA office, at 604.574.7772

Standards

B.C. LANDSCAPE STANDARD, 2008, 7th Edition prepared by the B.C. Society of Landscape Architects and the B.C. Landscape and Nursery Association, jointly. All work and materials shall meet or exceed standards as set out in the B.C. Landscape Standard.

AUTHORITY: any body, government, agency, corporation, or individual that adopts this Standard in regard to the Work on behalf of the owner (may include the Owner or his/her agents).

General

Acceptance

1. In most cases, the work will be reviewed by the Owner's representative, likely the Landscape Designer or Landscape Professional, to determine compliance with the contract for the work, to set Substantial Performance (Builder's Lien Act) and to accept the work on the Owner's behalf.
2. It is anticipated that in the above case, as well as when there is no separate professional reviewer, the Reviewer appointed by the Authority will review to ensure compliance with this Standard and with the Authority's procedures.
3. Acceptance to landscape work by an Authority should be integrated with the development permit / building permit / approval process.

Scope of Work

Work includes supply of all related items and performing all operations necessary to complete the work in accordance with the drawings and specifications and generally consists of the following:

01. Site Preparation
02. Finish grading and landscape drainage
03. Installation of underground irrigation system
04. Supply and placement of growing medium
05. Testing growing medium and supply of additives (fertilizers) to meet requirements of soil test, and B.C. Landscape Standards.
06. Preparation of planting beds, supply of plant material and planting.
07. Preparation of lawn areas, supply of materials and hydroseeding.
08. Supply and placement of fine bark mulch or fish compost.
09. Establishment Maintenance- for one year
10. Other work required to complete landscape
11. Leave site completely clean and tidy

Financial Security

It is recommended that the Authority require a letter of credit and/or security deposit (i.e. bond) for each project to ensure that the work is done to this Standard, and as shown in the working documents, and that maintenance is carried out at least to this Standard.

Site Examination

No landscape work shall be carried out in areas or over surfaces that are not properly prepared. The contractor shall examine the site before starting work to verify that all surfaces are properly prepared.

Supervision

1. The contractor shall ensure competent supervision for the duration of the work on-site.
2. The person designated responsible for supervision shall ensure that the required standards of work, materials and safety are achieved. This includes, but is not limited to, confirmation of safety codes and utility layout, records of change, and on-site coordination, scheduling and management.
3. Personnel supervising all landscape work should have at least one of the following qualifications:
 - a) Successful completion of horticultural apprenticeship.
 - b) Horticultural diploma from a recognized program such as the Landscape Horticulture Program at Kwantlen University College.
 - c) Certification as a Landscape Technician under the CNTA/BCLNA Landscape Certification program.

Workmanship

The Contractor shall employ experienced personnel for the landscape work, and shall enforce good discipline and order on the site.

Testing

1. All products and materials used in the work shall be subject to testing when the inspector determines that testing is necessary to ensure that they meet this standard. This includes, but is not limited to, seed and seed mixes, fertilizers, mulches, growing medium and its components.
2. The Inspector may, at his or her discretion, waive the requirement of testing for each particular project. This may apply if satisfactory test results have already been obtained from the same stock of material.

Guarantee

1. The customary one-year guarantee period for the construction industry is accepted as the standard for landscape work. The Contractor should guarantee all materials and workmanship for a period of one full year from the date of Substantial Performance.
2. This guarantee includes replacing all plants that are determined by the Inspector to be dead or failing at the end of the guarantee period. Plant replacements shall be made at the next appropriate season.
3. The guarantee should not apply to plants or other products damaged after Acceptance by causes beyond the Contractor's control, such as vandalism, "acts of God", "excessive wear and tear" or abuse. The contractor is considered responsible for the work from Acceptance to one full year after acceptance, therefore, it is in the contractor's best interest to perform the one year maintenance contract themselves, or hire it out to a reputable maintenance contractor.
4. The guarantee cannot be considered valid unless it can be proven that the requirements of Section 13. Establishment Maintenance have been carried out to a degree acceptable to the

Inspector. It is therefore in the Owner's interest to have the contractor follow the recommendations of Section 13.1.1-13.3.2

Protection

1. Environmental damage shall be avoided by ensuring that construction operations are carefully planned and scheduled. Areas that are sensitive or present potential problems shall be noted and schedules and work methods shall be prepared accordingly.
2. Soil stripping operations shall be carried out in such a manner as to avoid release of silt or sediment into any stream or other water body. Retention ponds, siltation screens, dikes etc. shall be installed where necessary to prevent rapid site runoff into watercourse, as directed by the landscape consultant, professional consultant or environmental authority.
3. Stockpiled soil or subsoil shall not be placed in low areas where natural drainage or storm water could pond or erode these materials during inclement weather.
4. Temporary erosion control measures shall be provided to prevent excessive runoff on to adjacent sites or water courses, or where a soil or subsoil erosion hazard exists. Temporary measures may include mulching, diking, ponding, terracing or other means to reduce surface water flow and its effects.
5. Appropriate measures shall be taken to ensure that no spillage of fuels, toxic construction materials, or other toxic wastes occurs, and where use of such materials is necessary, to ensure that adequate containment facilities and clean-up equipment are utilized.
6. No toxic or waste materials shall be dumped into water courses or any other water body either on or off the job site.
7. No toxic materials, fertilizer, or fuels shall be stored adjacent to water courses in a location where spillage could result in seepage into a watercourse.
8. All toxic wastes and other construction material shall be disposed of in a manner acceptable to the owner and in accordance with municipal, provincial and federal regulations.

Site Protection

All existing and new plants, site services, curbs, paving, structures, finishes and all other feature shall be protected against damage during the work. Damage shall be reported (see 2.14) and shall be completely repaired to the satisfaction of the Authority.

Safety

1. The Contractor shall comply with all applicable laws, bylaws, rules, regulation and lawful orders of any public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss.
2. The Contractor shall erect and maintain, as required by existing conditions and progress of the work, all reasonable safeguards for safety and protection, as required by the Workers' Compensation Board.
3. The Contractor shall provide barricades, safety guards, and/or warning devices for purposes of controlling the traffic and pedestrians whenever necessary for the protection of persons and property.

Reporting Damage

Notification of danger or damage to property, site features or the environment shall be given at once, verbally, and where necessary in writing, to the Authority and to the appropriate public

agencies or authorities responsible for the safety and repair of such property as public utilities or for protection of the environment.

Water

Water used for the work shall be free from any organic or chemical contaminants detrimental to healthy plant growth. Planning, scheduling and execution of the work shall include measures to ensure a supply of water for landscape purposes in adequate amounts and at adequate pressures for satisfactory irrigation of all plants.

Planning of the work shall include provisions of a satisfactory means of water distribution. Such means include, but are not limited to, automatic sprinkler systems, drip systems, hose bibs and connection points, and truck-mounted water tanks.

Insurance

Unless other provisions are agreed to, the Contractor shall provide, maintain and pay for insurance for the duration of the work, providing at least the following coverage's for the following categories of risk.

1. Comprehensive General Liability Insurance protecting the Owner, the Contractor, subcontractors, and their respective servants, agents or employees against damage arising from personal injury (including death) and against claims for property damage that may arise directly or indirectly out of the operations of the Contractor, his/her subcontractors, servants, agents, or employees. The amount of coverage should be not less than \$5,000,000 inclusive for any one occurrence. This policy shall contain a standard cross liability clause, and shall cover all liability arising out of products, whether manufactured or supplied by the Contractor, contingent employer's liability and liability assumed by the Contractor under and applicable to the contract for the work.
2. Automobile Insurance on the Contractor's owned and non-owned vehicles, protecting the Contractor and the Owner against damages arising from bodily injury (including death) and against claims for property damage arising out of their use on the operations of the Contractor, his/her subcontractors, or agents. The amount of coverage should be not less than \$5,000,000 inclusive for any one occurrence.

Grading and Drainage

1. The preparation of the sub grade shall, by rough grading and filling, provide a base that will allow the placing of growing medium to the specified depths.
2. Finished subgrade surfaces should be free of visible humps and hollows and provide for growing medium depths as laid out on the landscape plans.
3. The subgrade shall be prepared to a consistent 80-85% Standard Proctor density.
4. Soft and unstable areas below subgrade that cannot be compacted to 80-85% Standard Proctor density should be excavated and filled with suitable fill material, except in locations where special environmental conditions have been identified. In such cases, appropriate alternate solutions shall be approved and carried out.
5. Debris, roots, branches, stones, building materials, contaminated subsoil, visible weeds and anything else that may interfere with the proper growth and development of the planned finished landscaping shall be removed.
6. Areas showing excessive compaction shall be scarified to a minimum depth of 150 mm immediately before placing growing medium.

Finish Grading

1. The growing medium shall be fine graded after placement to final elevations and required contours. Rough spots and low areas shall be eliminated to ensure positive surface drainage.
2. The surface shall be finished smooth and uniform, and be firm against deep footprinting, with a fine loose surface texture.

Drainage

1. Surface and subsurface drainage systems shall be provided, as appropriate, for the collection and disposal of storm drainage and subsurface water. The drainage systems shall be designed and sized to meet established criteria and deal effectively with projected precipitation, infiltration and flows.
 2. Coordinate all landscape drainage work with the rest of site drainage. Refer to engineering drawings and specifications for connections and other drainage work.
- All drains within landscape beds shall be surrounded by a minimum diameter of 24" (600mm) of drain rock to a depth of 6" (150mm) to prevent mulch flowing into drainage system.

Irrigation Systems

All Irrigation work shall meet or exceed the standards of the Irrigation Industry of British Columbia.

1. Supply and install the components required to provide a properly operating irrigation system to cover the applicable landscape.
2. Obtain or prepare a scaled design of the proposed irrigation system which meets IIABC Design Standards.
3. Obtain properly informed agreement from the owner's representative as to the inclusion or not of desirable features in the design which exceed IIABC Standards and/or are site specific.
4. All irrigation work shall be done by a suitably experienced and qualified irrigation contractor, having trained and competent personnel adequate for the scope of work.
5. The contractor should be a member in good standing of the Irrigation Industry Association of B.C. or similar association, and have met the qualification standards currently applied to contractors by that organization.
6. A written guarantee of the installed system shall be provided to the owner covering workmanship and materials for a minimum of one year from date of final acceptance.
7. Ensure that sequencing of this work is carried out in coordination with the work of other trades and that sleeves are installed when appropriate.
8. Obtain all permits and licenses applicable to the work to be done.
9. Ensure that there is compliance with the relevant codes and regulations both in the design and during installation.
10. Obtain written approval from the owners representative prior to using materials that are different from those shown in the design.
11. Alternate materials must match the original materials in performance, flow, pressure loss, and other important characteristics so as not to compromise the intent of the design.
12. All Sleeving in soil shall be installed and backfilled with the same considerations for protection of the material as if it were water pipe.
13. Sleeving being installed across roads or driveways for later use, shall have the necessary pipe installed at the same time with each end elbowing to at least 36" above grade.

Irrigation Inspection and Testing

1. Upon completion of the irrigation system installation, all pressure regulation, arcs, distances of throw, sprinkler locations and height, controller zones, etc., must be adjusted so as to optimize the operation of the system and make it ready for inspection and testing.

2. Inspection will be carried out by the owner's representative to ensure that the work has been completed according to specifications, and meet the intent of the installation standards.
3. The test will require that the system be operated sequentially with the controller, in the presence of the owners representative.
4. Any deficiencies noted during the inspection and testing will be rectified promptly and signed off by the owner's representative.

Growing Medium

1. Supply all growing medium required for the performance of the Contract. Do not load, transport or spread growing medium when it is so wet that its structure is likely to be damaged.
2. Amend all growing medium as required by soil test.
3. Minimum depths of growing medium placed and compacted:

On-grade:

Sodded or Hydroseeded lawn: 12"(300mm)

Mass planted shrubs: 18"(450mm) New or amended beds.

Groundcovers: 12"(300mm) New or amended beds.

Trees & large shrub pits...depth to conform to the depth of root balls, width shall be at least twice the width of the root ball, minimum (300mm) topsoil around entire root ball.

Growing medium is any soil, soil substitute, or mixture whose chemical and physical properties fall within the ranges required by the B.C. Landscape Standard Section 6.1-6.2.7

SOIL COMPOSITION FOR GROUND LEVEL PLANTINGS

Table 6-3: PROPERTIES OF GROWING MEDIUM FOR
LEVEL 2 "GROOMED" AND LEVEL 3 "MODERATE" AREAS

Percent of Dry Weight of Total Growing Medium.

Coarse Gravel: larger than 19mm, smaller than 40mm	0-1%
All Gravel: larger than 2mm, smaller than 40mm	0-5%
Sand: larger than .05mm, smaller than 2mm	40-80%
Silt: larger than .002mm, smaller than .05mm	10-25%
Clay: smaller than .002mm	0-25%
Clay and silt combined:	maximum 35%
Organic content:	10-20%
Acidity (pH):	4.5-6.5

Drainage: Percolation shall be such that no standing water is visible 60 minutes after at least 10 minutes of moderate to heavy rain or irrigation.

Lawns and Grass

Hydroseeding

1. Conform to all conditions of B.C. Landscape Standard Section 7, for B.C. Standard Hydroseed.
2. Seeding: Prepare a smooth, firm even surface for hydroseeding. Water to obtain moisture penetration of 3"-4" (7-10cm).

3. Maintenance: Begin maintenance immediately after seeding and continue for 45 days after Substantial Completion and until accepted by the Owner.
4. Acceptance of Lawn Areas: The turf shall be reasonably well established, with no apparent dead spots or bare spots and be reasonably free of weeds (to B.C. Landscape Standard Section 13 Maintenance Level 2. After the lawn has been cut at least twice, areas meeting the conditions above will be taken over by the Owner's maintenance contractor.

Plants and Planting

1. Conform to planting layout as shown on Landscape Plans. Review layout and preparations of planting beds with Landscape Designer prior to commencement of planting operations.
2. Plant trees, shrubs, and groundcovers only during periods that are normal for such work as determined by local weather conditions, when seasonal conditions are likely to ensure successful adaptation of plants to their new location.
3. All plant material shall conform to the requirements of the B.C. Landscape Standard Section 9.2 Plants shall be true to name and of height, caliper and container size as shown on the landscape plan plant list, unless prior approval has been made by the Landscape Designer for circumstances such as availability.
4. Growing Medium Admixtures: Thoroughly mix fish compost or commercial grade manure and fertilizers or other amendment into the growing medium as required by the soil test to meet the specification for growing medium.
5. Excavation of Tree Pits: Excavate a saucer shaped tree pit to the depth of the root ball and at least twice the width of the root ball. Assure that finished grade is at the original grade of the tree.
6. Staking Trees: Use two 2"x2"x6' stakes. Set stakes minimum 2' in soil. Do not drive stake through root ball. Tie with fabric belt or banding attached to stake with shingle nail. Ties shall be secured to the stakes or placed in the tree such that they will not slide down or otherwise be displaced.
7. Plant all trees and shrubs with the roots placed at their natural growing position. Carefully remove containers without injuring the root balls. All string, rope, burlap and other restricting elements shall be cut and removed out to the perimeter of the root ball. Fill the planting holes by gently firming the growing medium around the root system, add soil as required to meet finished grade. Leave no air voids.
8. Where trees are in lawn areas, provide a clean cut mulched 3' (900mm) diameter circle centered on the tree.

Pruning

Limit pruning to the minimum necessary to remove dead or injured branches. Preserve the natural character of the plants, do not cut the leader. Use only clean, sharp tools. Make all cuts clean and cut to the branch collar leaving no stubs. Remove damaged material from site.

Mulching

Mulch all planting areas with an even layer of fine mulch, or Fish Compost to 2.5-3" (65-75 mm) depth. Bark mulch shall be finely crushed Fir or Hemlock or a combination of the two, free of chunks and sticks, dark brown in colour, and free of all soil, stones, salts or other harmful chemicals, roots or other extraneous matter. All mulch shall be kept a minimum of 2" (50mm) below all curbs, driveways and other hard surfaces to prevent spillage from irrigation.

Establishment Maintenance

1. The intent of establishment maintenance is to provide sufficient care to newly installed plant material for a period of one year from acceptance to ensure or increase the long-term success of the planting. The objective is the adaptation of plants to a new site in order to obtain the desired effect from the planting while reducing the rate of failure and unnecessary work associated with improper establishment. Establishment maintenance procedures apply to all vegetation, including:

- a) cultivated turfgrass
- b) existing and new trees, shrubs and groundcovers

2. Maintenance / Guarantee: Establishment maintenance procedures should be applied to all areas of planting that have not completed two growing seasons since installation. Maintenance during the one-year guarantee period is essential to ensure the validity of any guarantee. (Bonding / Administration Guarantee).

3. Plant Material Establishment

a) Watering: During the first growing season, new plants shall be watered at least every three days.

b) Mulch: Mulches shall be maintained in the original areas to the original depths.

c) Weed Control: All areas shall have all weeds removed manually at least once per month during the growing season.

4. All leaves and debris that is removed shall be composted.

5. Fertilizing: Except as otherwise recommended on the basis of soil test results , shrubs and trees shall be fertilized only as required to correct symptoms of nutrient deficiency by applying a uniform application of organic fertilizer at the manufacturer's recommended rate each spring.

5. Establishment maintenance of Grass Areas

a) Watering: Irrigation system shall be used to apply water to grassed areas such that the grass is maintained in a turgid condition.

b) Weed, Insect and Disease Control: Grass areas shall be inspected each time they are mowed for weeds, insect pests, and diseases, and shall be promptly treated when necessary by appropriate manual methods, organic methods or as a last resort, by the use of chemicals in compliance with this standard.

c) Fertilizing: In April, June and September an organic fertilizer is to be applied at the manufactures rate to all lawn areas. Fertilizers shall be thoroughly watered in after application.

d) Liming: In November or March before growing season, dolomite lime shall be applied over all grass areas at a uniform rate of 16 kg per 100 Msq (40 lb. per 1,000 sq. ft or as recommended by a soil testing laboratory on the basis of samples taken from the grass area.

e) Mowing and Trimming for Lawn Area: Low Maintenance Fescue Seed Blends are blend of carefully selected fine fescue grasses, grows in full sun, part shade and even deep shade. Fescues are highly drought tolerant once established, and so irrigation timing shall be adjusted to once every two weeks during the summer months, in the second year.

Fescue's requires less fertilizing and can be left un-mown for a free-flowing carpet effect.

Mowing could be done once every few months if required to tidy up, otherwise left natural.

Mow with a sharp reel or rotary mower when grass reaches a height of 60mm. Mow to a height of 40mm. Trim with nylon line type power trimmer. Excess grass clippings shall be removed after each cut and composted.

f) Edging: Class 1 and 2 areas shall be edged with a half-moon or power edger as frequently as necessary to accurately establish and maintain the intended edge location, not less than once per year in March, unless other hard edging has been installed.

Landscape Maintenance

1. The intent of continuing maintenance is to maintain all aspect of the landscape, including established plants and grass areas (those that have completed one year of growth since installation), features, hard surfaces and irrigation systems such that the plants are healthy and thriving, the site is clean and aesthetically pleasing, and kept in a condition that enhances the design and the intended use of the site.
2. Maintenance operations should as far as possible follow ecologically sound practices such as Integrated Pest Management, composting organic litter, applying organic mulch to conserve water, and reducing dependence on non-renewable resources.

MILL BAY MARINA & TOWNHOUSES



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PAPRIKA COMMON YARROW
Achillea millefolium 'Paprika'



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RED ROCKET RED MAPLE
Acer rubrum 'Red Rocket'



©2008 Horticopia, Inc.

PAPERBARK MAPLE
Acer griseum



KINNIKINNICK
Arctostaphylos uva-ursi

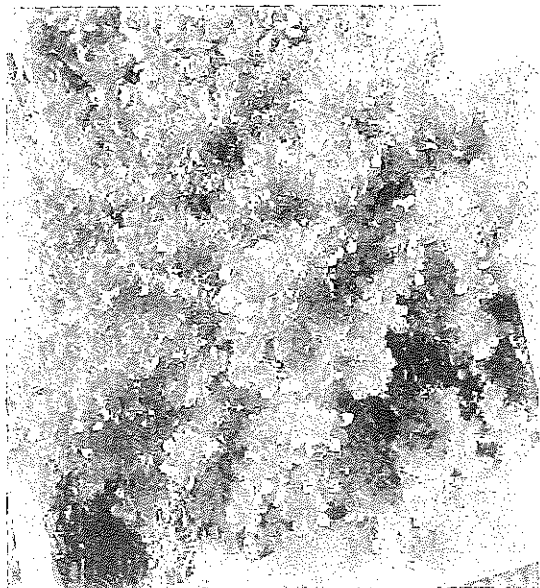


COMPACT STRAWBERRY BUSH
Arbutus unedo 'Compacta'

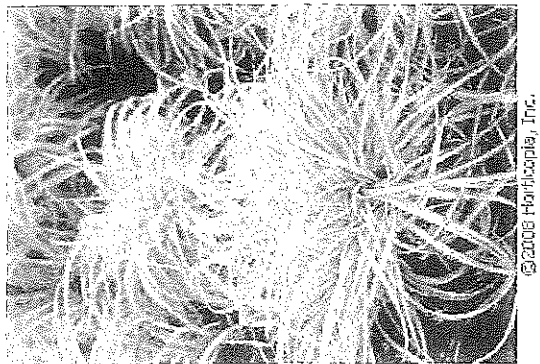


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AUTUMN BRILLIANCE SERVICEBERRY
Amelanchier x grandiflora 'Autumn Brilliance'



CHERRY BOMB JAPANESE BARBERRY
Barberis thunbergii 'Cherry Bomb' (Monomb)



EVERGOLD VARIEGATED SEDGE
Carex oshimensis 'Evergold'



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PT. REYES CEANOTHUS
Ceanothus gloriosus



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WEEPING NOOTKA CYPRESS
Chamaecyparis nootkensis 'Pendula'

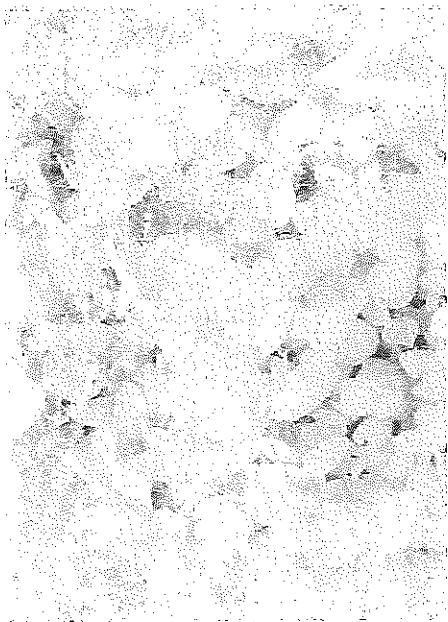


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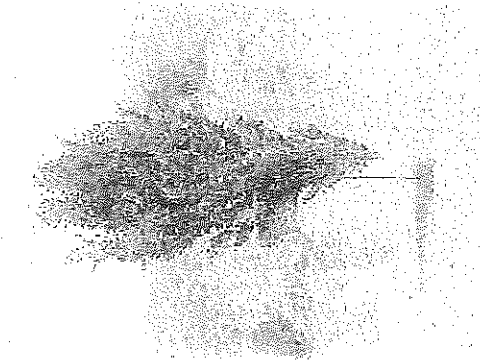
ETTOLE VIOLETTE CLEMATIS
Clematis vitalba 'Etoile Violette'



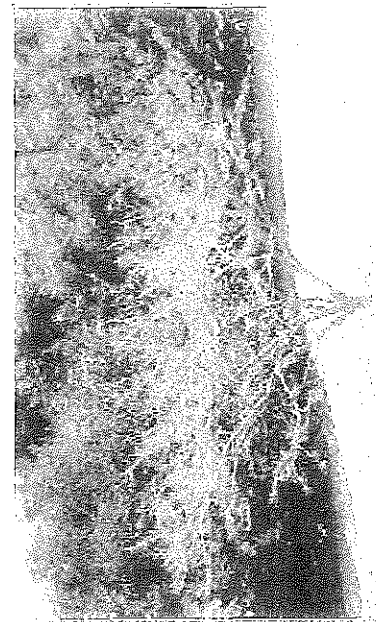
BEARBERRY COTONEASTER
Cotoneaster dammeri



YELLOW CARRENNWORT
Epimedium x 'Sulfureum'

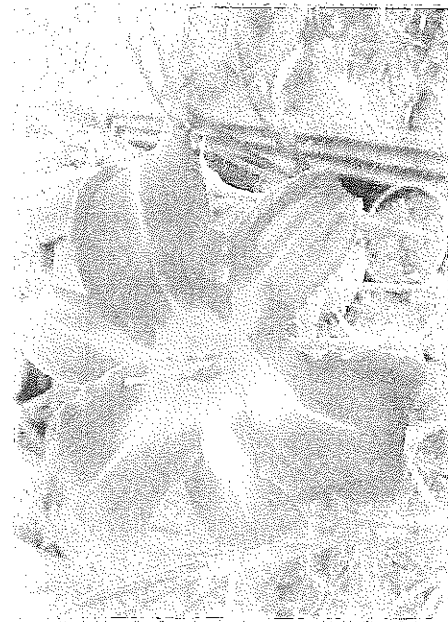


DAWYCK PURPLE EUROPEAN BEECH
Fagus sylvatica 'Dawyck Purple'



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DIANE WITCH HAZEL
Hamamelis x intermedia 'Diane'



RED DAYLILY
Hemerocallis x 'Red'



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SNOW QUEEN OAKLEAF HYDRANGEA
Hydrangea quercifolia 'Snow Queen'

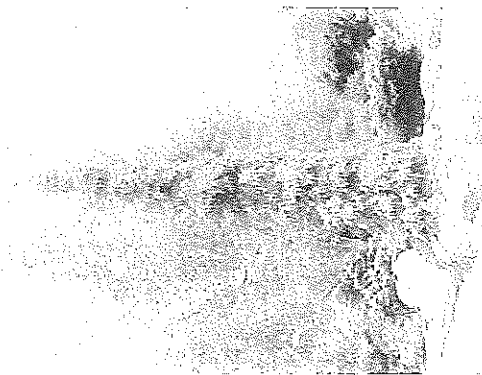


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BECKY SHASTA DAISY
Leucanthemum x superbium 'Becky' (Chrysanthemum)



ORIENTAL FOUNTAIN GRASS
Pennisetum orientale



BLUE WEEPING SPRUCE
Picea glauca 'Pendula'

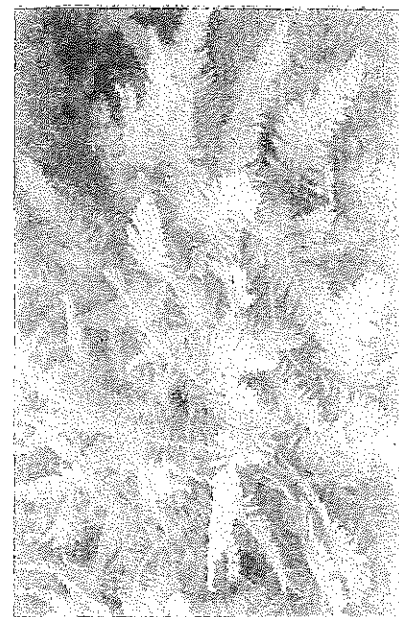


TEMPLE BELLS DWARF PIERIS
Pieris ryukyuensis 'Temple Bells'



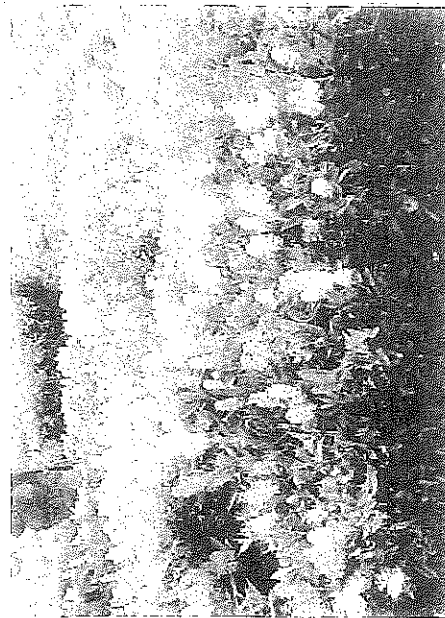
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DWARF MUGO PINE
Pinus mugo var. pumilio



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ALASKAN FERN
Polystichum setiferum



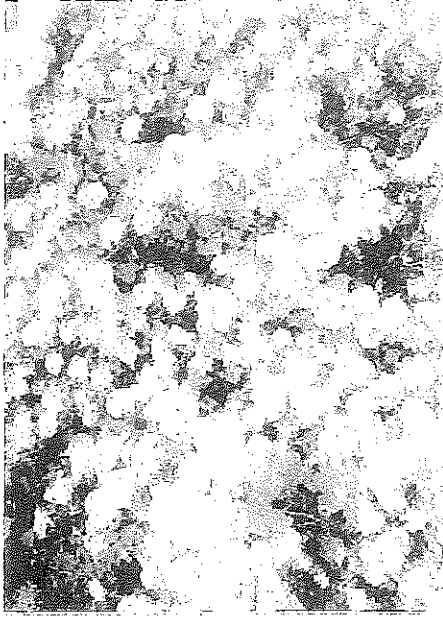
OTTO LUYKEN ENGLISH LAUREL
Prunus laurocerasus 'Otto Luyken'



RHODODENDRON PURPLE 4-5'
Rhododendron - Medium - Purple



HIMALAYAN SARCOCOCCA
Sarcococca hookeriana humilis



SNOWMOUND SPIREA
Spiraea nipponica 'Snowmound'



JAPANESE SNOWBELL TREE
Styrax japonicus



EVERGREEN HUCKLEBERRY BUSH
Vaccinium ovatum



COWBERRY - LINGONBERRY
Vaccinium vitis-idaea

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LANDSCAPE INSTALLATION ESTIMATE

For the Purpose of Bonding

Actual costs to install may vary depending on contractors mark up,
and labour / equipment fees.

Prices listed below for materials are at cost.

January 27, 2011

LANDSCAPE

CONSULTANT: Mystic Woods Landscape Design

Corinne Matheson, CLD, HT
4737 Gordon Rd.
Campbell River, B.C.
V9H 1T3
250-286-1327

PROJECT: Mill Bay Marina and Townhouse Development

Hardy Road
Mill Bay, B.C.

Description: Shrub Bed Area =975.10 m2 (10,496 ft2)

Lawn area=752.17 m2 (8,096 ft2)

Trees and Shrubs as per plan	\$19,775.00
Topsoil - 576 cu.yds @ 18" depth for shrubs	\$10,368.00
Topsoil -156 cu.yds @ 6" depth for lawn	\$2,808.00
Fish Compost/ Fine Mulch – 96cu.yds @ 3" depth	\$4,800.00
Trucking of materials	\$6,210.00
Machine work / Bobcat to move materials	\$6,500.00
Hydroseeding Fescue seed blend 8,100 sq'	\$895.00
Soil amendments / fertilizers	\$450.00
Labour to install plant materials and other work to complete	\$18,000.00
Irrigation system installed.	\$14,000.00

Sub Total

\$83,806.00

Estimate not including taxes.



This estimate is an approximation only and may not reflect the actual cost to install.

Schedule 6 – Sustainability Checklist



THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING ☐

DEVELOPMENT PERMIT ☒

Uses Proposed:

☐ Single Family Residential

☐ Industrial

☒ Multi Family

☐ Institutional

☐ Commercial

☐ Agricultural

☐ Other _____

Environmental Protection and Enhancement

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

		YES	NO	N/A	EXPLANATION
1.	Conserve, restore, or improve natural habitat?	✓			
2.	Remove invasive species?	✓			
3.	Impact an ecologically sensitive site?		✓		
4.	Provide conservation measures for sensitive lands beyond those mandated by legislation?		✓		
5.	Cluster the housing to save remaining land from development and disturbance?			✓	
6.	Protect groundwater from contamination?	✓			

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?	✓			
9.	Revitalize a previously contaminated area?	✓			
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?	✓			Passive solar and natural ventilation will be incorporated into townhouses to reduce energy usage. Townhouses are to be of solar ready construction to allow for installation of solar hot water heaters in the future
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?		✓		

Please explain how the development facilitates good environmentally friendly practices. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?	✓			
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?	✓			All appliances shall be Energystar where possible

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

		YES	NO	N/A	EXPLANATION
22.	Include only "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?			✓	Existing tree to be processed into lumber and heavy timbers for use in new structures on site
27.	Avoid contamination?	✓			
28.	Please outline any other environmental protection and enhancement features.				

Community Character and Design

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

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?	✓			Addition of alternate housing type in a single family dwelling zone. Inclusion of cafe, marine store and Marina in close proximity to residential
2.	Provide services, or an amenity in close proximity to a residential area?	✓			Provision of cafe, marine store and Marina in close proximity to residential

		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?	✓			Townhouses can function as seniors housing in as much as aging in place in possible. Rough in for future elevator is included in 6 units.
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?	✓			Fire protection sprinklers are to be incorporated into the townhouses and marine store and cafe. Marine store and cafe to NFPA 13
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?	✓			
13.	Promote, or improve trails and pedestrian amenities?	✓			Boardwalk is being provided on the waterside of the site providing access to beach. Boardwalk is to be landscaped creating a park like setting

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)	✓			Site is in close proximity (200m) to grocery, pharmacy and banking. 500m of one school and 1km of another school. Boardwalk is being provided on the waterside of the site providing access to beach. Public access boat launch is being rebuilt to accommodate a wider variety of boats including parking for trucks and trailers

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.	Rebuilt boat launch is to include a new dock which can accommodate a wider variety of boats. The ramp is going to be a greater slope to allow launching at different tides. A new concrete lock block wall is to be constructed to retain the greater slope and protect the ramp from future degradation. The boardwalk is to be constructed of concrete decking for ease of maintenance and durability.			

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?	✓			
4.	Positively impact the local economy? How?	✓			
5..	Improve opportunities for new and existing businesses?	✓			Marina service such as fuel, septic and the marina store will be available to local operators. Promenade will provide marketing opportunities for local businesses, crafts people to display their wares
6.	Please outline any other economic development features.				

Other sustainable features?

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 _____

Signature of Agent

Date _____

Schedule 7 – Mill Bay Village Development Permit Area

SECTION II MILL BAY VILLAGE DEVELOPMENT PERMIT AREA

Development permit powers under the *Local Government Act* allow for site-specific planning of development, which supplements what can be achieved through Official Community Plan designations and policies, and zoning bylaw regulations. Within the Mill Bay Village Development Permit Area, a development permit will be required before a building permit can be issued, a subdivision can be approved or in some cases before vegetation and land can be altered.

The Mill Bay Village Development Permit Area contains guidelines respecting a number of important matters, which are described in some detail in the “Justification” section below.

This development permit area contains provisions to ensure that Mill Bay Village develops in a manner that enhances and does not negatively impact the characteristics of the community.

II.1 MILL BAY VILLAGE DEVELOPMENT PERMIT AREA: ESTABLISHMENT

The Mill Bay Village Development Permit Area has been established pursuant to Section 919.1 of the *Local Government Act* for the following purposes:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions;
- Protection of farming;
- Revitalization of an area in which a commercial use is permitted;
- Establishment of objectives for the form and character of intensive residential development;
- Establishment of objectives for the form and character of commercial, and multiple family residential development;
- Establishment of objectives to promote energy conservation;
- Establishment of objectives to promote water conservation; and
- Establishment of objectives to promote the reduction of greenhouse gas emissions.

11.2 MILL BAY VILLAGE DEVELOPMENT PERMIT AREA: JUSTIFICATION

- a. Non-farm uses located close to agricultural land can lead to land use conflict due to external effects of agriculture, including noise, odours, dust, and the operation of farm machinery and equipment. Conversely, adjacent non-farm uses can lead to farm trespass, vandalism to farm crops and equipment, disturbance to farm animals and litter. Sensitive site design can reduce the potential for such conflicts.
- b. The design of all commercial, mixed use, intensive residential, and multiple family residential development must complement the community's expectations for visual quality, safety and be compatible with surrounding land uses.
- c. Energy efficiency, environmental protection and water conservation are fundamental values of this community.
- d. Pedestrian activity, safety and comfort must be encouraged through good design.
- e. All developments need to be adequately landscaped and, for potentially unsightly uses, be screened.
- f. The Trans Canada Highway and the major network roads, identified on Figure 18A of the main OCP document, are gateways into the neighbourhoods and communities of the South Cowichan. It is important to maintain an attractive, welcoming landscape along these roads for visitors and residents alike, and the development in these areas should be well adapted to road traffic safety as well as that of pedestrians and cyclists.
- g. The development of new sidewalks, trails and walkways is important for healthy, sustainable communities. An objective of the Mill Bay Village Development Permit Area is to encourage the creating of sidewalks, plus the expansion of existing trails and walkways adjacent to highway corridors.
- h. Invasive weeds are unsightly and pose a threat to the natural environment that the OCP seeks to protect.
- i. Protection is required for eagles, hawks, herons, ospreys, owls and peregrine falcons, to ensure the viability of their nests and the rooting integrity of their nest trees.
- j. The Saanich Inlet and the marine seashore interface area are highly sensitive and deserve special protection measures.
- k. Mill Bay is seaside community that has very minimal access to the ocean shoreline. The quality of life for many residents would be improved by the long term development of a seashore walkway.
- l. The aquifer underlying Mill Bay requires protection.
- m. The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).
- n. Careful development is necessary for hazardous lands that may pose a potential threat to life and property in the Plan area.

11.3 MILL BAY VILLAGE DEVELOPMENT PERMIT AREA: APPLICABILITY

This Development Permit Area is multi-faceted, intended to provide guidelines for a wide variety of developments throughout Mill Bay Village. Therefore, it is important to understand that no one site in the Village area will be simultaneously subject to every single guideline in the section that follows.

To provide clarity about circumstances in which various guidelines apply to development, maps for the development permit guidelines are employed. Unless specifically exempted below, a development permit is required prior to undertaking any of the following activities:

- removal, alteration, disruption or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings and structures;
- creation of nonstructural impervious or semi-impervious surfaces;
- flood protection works;
- construction of roads, trails, public docks, public wharves and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems;
- development of utility corridors;
- subdivision as defined in section 872 of the *Local Government Act*.

For the specific applicability of various guidelines, please refer to the Guidelines and Exemptions Section below.

11.4 MILL BAY VILLAGE DEVELOPMENT PERMIT AREA: GUIDELINES AND EXEMPTIONS

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the Mill Bay Village Development Permit Area, the owner will submit information that demonstrates how the proposed development meets the guidelines in the following sections.

11.4.1A General Guidelines

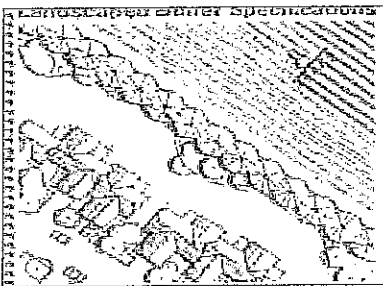
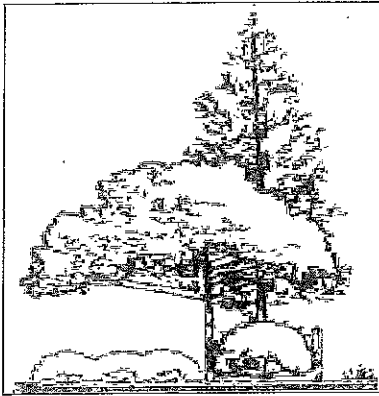
1. In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.
2. In all cases where a development permit is required, the best management practices within the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* will be encouraged.
3. Where the Regional District considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrent, erosion, landslide, rock falls, subsidence or avalanche, the applicant may be required to provide a report certified by a professional engineer with experience in geo-technical engineering indicating that the development will not result in property damage or the loss of life on the site or in the surrounding area.

11.4.1B General Guideline Exemptions

The General Guidelines do not apply to development that does not require a develop permit under Sections 11.4.2 through 11.4.13.

11.4.2 A Agricultural Protection Guidelines

The Agricultural Protection Guidelines apply to development of non-agricultural uses, buildings and structures that are located within 30 metres of a parcel of land designated as agricultural.



1. Principal buildings and structures adjacent to lands designated as Agricultural should be located as far away from the edge of the Agricultural Designation as possible, without unduly impacting on the usefulness of the lot.
2. Any subdivision next to agricultural land should be designed to gradually reduce densities and the intensity of uses toward the boundary of the Agricultural land.
3. Road endings should not be located in close proximity to agricultural lands, unless they are part of the Major Road Network Plan.
4. A continuous 15 metre wide buffer area should be provided between the proposed development and lands in the Agricultural Designation. Buildings and structures should not be located within the buffer area, in order to reduce potential for land-use conflicts to arise. A restrictive covenant, registered in the Land Title Office, may be required to ensure that the required buffer is maintained.
5. Mature trees existing at the time of application within the buffer area should be preserved. A majority of the plant material selected should be low maintenance, indigenous vegetation and should be able to survive with little or no fertilizers. Guidelines contained in the B.C. Agricultural Land Commission's report: Landscaped Buffer Specifications should be respected.
6. Walkways, bikeways or passive recreational uses (such as picnic areas and lookout areas) should not be permitted within the landscaped buffer.

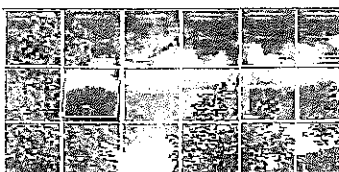
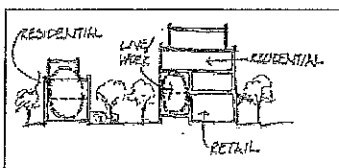
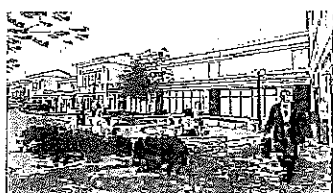
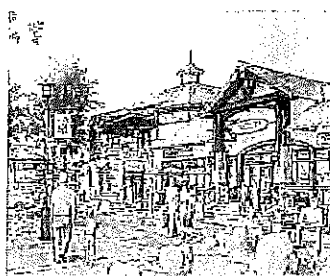
11.4.2 B Agricultural Protection Guideline Exemptions

The Agricultural Protection Guidelines do not apply to:

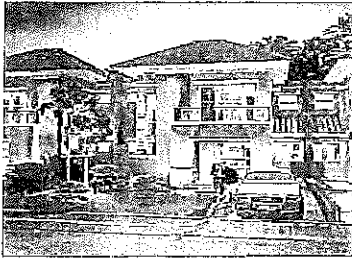
- a. Interior renovations or minor exterior alterations of existing buildings;
- b. Fences;
- c. Village Agricultural Designation and adjoining land development.

11.4.3 A Building Design Guidelines

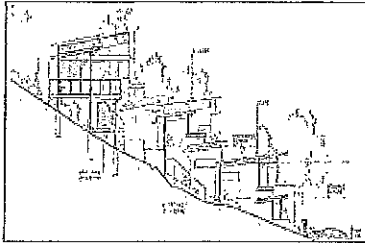
The Building Design Guidelines apply to commercial, mixed use and multiple family residential development and their accessory buildings and structures.



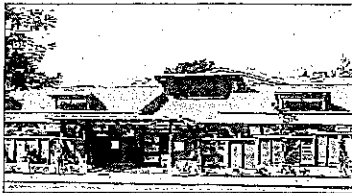
1. Commercial, mixed use and multiple family residential buildings should demonstrate a range of architectural features and designs, that reflect the natural and west coast architectural heritage of Mill Bay Village and/or are in keeping with the community character. Features may include bay windows; corner accents such as turrets or protruding balconies, gabled rooflines, canopies and overhangs; masonry treatments such as ceramic tile inlays, paving stones, brick patterns; natural stone features, artwork, trellises or arbours.
2. A mix of natural exterior finish materials will be required. Examples are board and battens, clapboard, shingles, shakes, stonework and wood finishes. Buildings will be designed in keeping with the west coast climate with particular attention given to rain related design with overhangs to protect walls and windows.
3. Design themes should include the use of natural wood and/or stone materials in some of the exterior finishes, along with generous glazing to take advantage of solar access and views, where applicable.
4. The design of buildings should acknowledge the influence of sunlight during the day and seasonally, and take advantage of natural light as well as acknowledging architectural, design and heritage features.
5. Buildings should be sited and oriented to reduce overshadowing effects on surrounding buildings and open spaces:
6. Buildings should not dominate or overpower a neighbourhood but should be located on parcels in such a way as to minimize impacts upon the privacy of any adjacent residential areas.
7. The visual mass of large buildings should be reduced by creating variation, for example by separation into smaller groups or clusters of units and use of articulated wall features or rooflines. Monolithic structures and long expanses of blank walls, or bare walls facing a street or disrupting an ocean view, will be avoided.



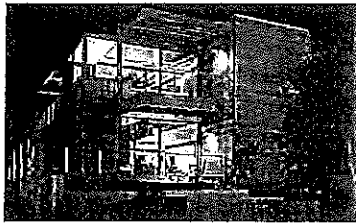
8. Commercial and mixed use buildings should be located as close to the street line as possible to take advantage of the street frontage making the use and the street an active and dynamic place. Architectural and landscaping treatments should enhance the pedestrian experience and enhance community identity.



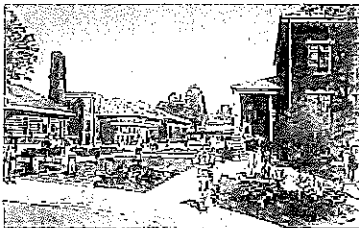
9. Views to the ocean are to define and orient streets, parks and public areas. Commercial development should create, enhance and preserve ocean views and access, where possible, without detracting from the views of neighbouring parcels.



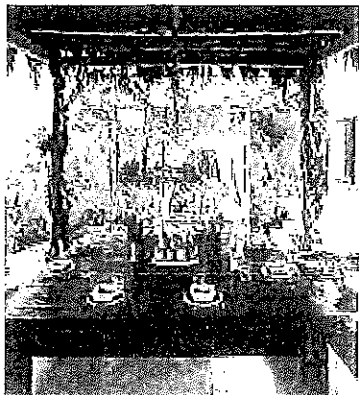
10. New development should reflect, rather than obscure, significant natural topographic features. For example, buildings should be designed to step up hillsides using terraces that connect with the walkway and street, and preserve public views over, around or past buildings wherever possible.



11. Where new construction of multiple family, mixed use and commercial development could potentially block an attractive ocean view from an existing development, proposed buildings should be oriented and of such a scale that some view around or over the proposed buildings would exist. Further, the portions of buildings visible from roads or neighbouring properties must be designed in a similar manner to the main façade. Building height should not be varied upward from the zoning regulation, where it would interfere with a view or the solar access of a neighbouring building.



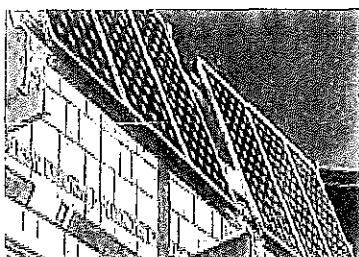
12. Site design and the location of buildings and structures will complement the development of a continual public walkway along the ocean shoreline that may over the long term be constructed along the entire ocean shoreline within Mill Bay Village.



13. Shop fronts should have prominent entrances, narrow frontages, and largely transparent store fronts, where internal uses are visible from the street. These shops may, where appropriate, extend onto a terrace or public area.
14. Residential uses located in commercial buildings will only be permitted on the upper floors of the building.
15. Where both residential uses and commercial uses are permitted, entrances should be differentiated architecturally, with residential entrances being less prominent. Side access should primarily be for residential uses above commercial,

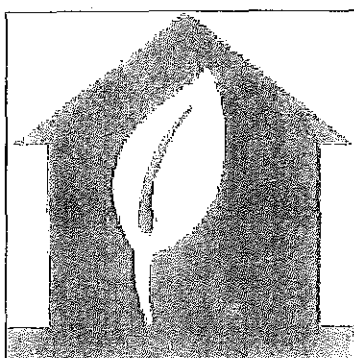


except where a lot is situated on a corner, where residential access will be encouraged to be from the rear.



16. Multiple family residential and mixed use developments should be sited and oriented for residential units to overlook public streets, parks, walkways and green spaces while ensuring the security and privacy of building residents.

17. Green building features should be incorporated into the building design, to minimize environmental impacts and promote sustainability. This should include energy efficiency and water conservation measures.



18. New buildings and the sites they are built on should be arranged in such a way as to prioritize pedestrian activity over motor vehicles.

19. Streetscape design should be a top priority, with the buildings being oriented towards streets rather than inwardly. Architectural and landscaping treatments should enhance the pedestrian experience and enhance community identity.



20. All plans and building designs must promote personal and public safety, consistent with the principles of Crime Prevention through Environmental Design (CPTED).

21. Commercial, mixed use and multiple family residential developments must provide space to store and transfer solid waste, recyclables and compostable materials. This space must be screened from neighbouring properties and roads, and animal-proofed.

22. Underground wiring on development sites is very strongly encouraged.

11.4.3 B Building Design Guideline Exemptions

The Building Design Guidelines do not apply to:

- a. Interior renovations to existing buildings;
- b. Minor exterior alterations to existing buildings;
- c. Single family dwellings.

11.4.4 A Habitat Protection Area Guidelines

The Habitat Protection Guidelines apply to development within 60 metres of an eagle, hawk, osprey, owl or peregrine falcon nest, and within 100 metres of a Great Blue Heron nest.



1. Development should be sited so as to maximize the separation between the proposed development and the nest or perch trees.
2. In cases where there are no appropriate alternatives but to locate development adjacent to a nest or perch tree, the applicant must demonstrate that such siting is necessary due to circumstances such as topography, hazards or the entire parcel being located within the Development Permit Area. In such cases, mitigation and restoration measures may be required to minimize the impact of the development on the habitat area.
3. Breeding and nesting season for Pacific Great Blue Herons is generally from mid February until mid August. Construction and development, including unusual or loud activities such as blasting, tree falling, chain saws, and concrete cutters, should not take place during breeding or nesting season any bird species listed in this Section.
4. Subdivisions should be undertaken in a manner that does not create parcels entirely within the Development Permit Area, or parcels that would require or encourage additional development to occur within the Development Permit Area.

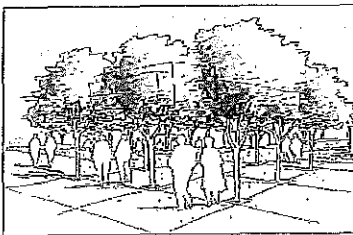
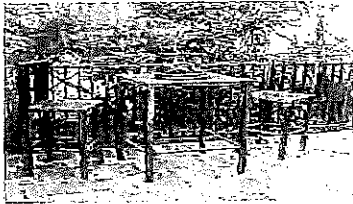
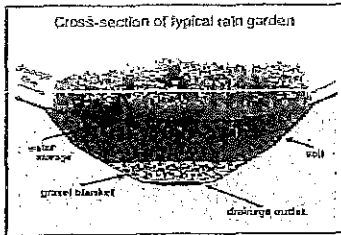
11.4.4 B Habitat Protection Guideline Exemptions

The Habitat Protection Guidelines do not apply to:

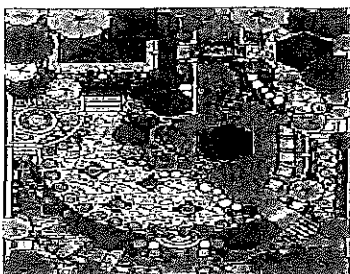
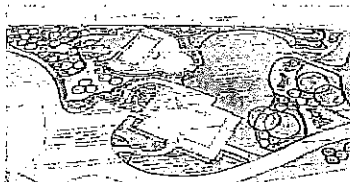
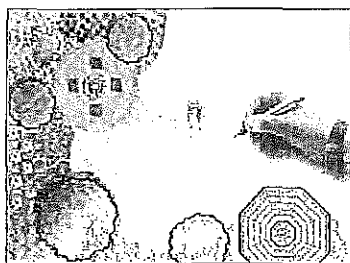
- a. Interior renovations and minor exterior alterations.
- b. Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
 1. Clearing of an obstruction and repairs to a bridge, culvert, safety fence or drainage flow;
 2. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property;
- c. Development where a registered professional biologist, with experience and knowledge in dealing with Great Blue Herons, eagles, hawks, peregrine falcons and/or ospreys, and their nesting requirements, provides a report to the CVRD indicating that the birds are not present or would not be affected by the proposed development, and that the proposed work complies with the *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* ((Ministry of Environment: 2006).

11.4.5 A: Landscaping, Rainwater Management and Environmental Protection Guidelines

The Landscaping/Rainwater Management/Environmental Protection Guidelines apply to the subdivision of land, and to commercial, multiple family and intensive residential development and their accessory uses.



1. Preparation of a landscaping plan by a British Columbia Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCNTA)-certified landscape architect is preferred. Any landscaping plan submitted with an application for a development permit, whether professionally prepared or not, will be assessed by the CVRD according to BCSLA/BCNTA guidelines.
2. All required landscaping plans should be integrated with a rainwater management plan, which should favour natural solutions to drainage such as rain gardens and bio-swales, and should contain measures to limit impervious surfaces. The rainwater management plan must be prepared by a professional engineer with experience in drainage and submitted with the application for any commercial, mixed use or multiple family residential development proposal.
3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
4. All public areas should be landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas, in a way that is complementary to both the site and surrounding lands.
5. Streetscape design should incorporate treatments that enhance the pedestrian experience and create a sense of local identity. Public streetscape amenities including walkways, benches, planters, and bike racks should have a high quality of design.
6. The appearance of large buildings should be enhanced using plants, shrubs and trees, and where necessary, hard landscaping treatments such as terraced retaining walls, planters, gardens, special features such as a courtyards or fountains, outdoor seating and decorative paving or lighting.
7. Where appropriate, trees should be planted along street frontages to create a mature treed "boulevard" streetscape.



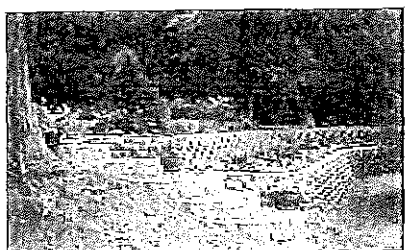
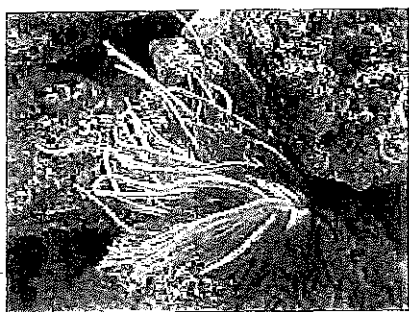
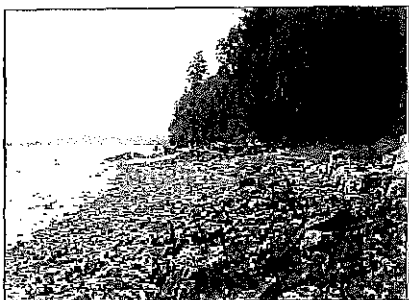
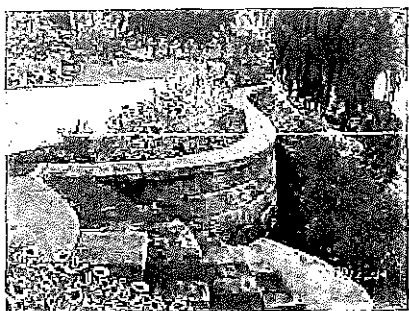
- Tree species that provide high quality bird habitat and do not grow to a size that would detract from the architecture are preferred.
8. Developments should incorporate and emphasize native landscape materials, and use drought resistant plants to reduce irrigation needs.
 9. The provision of public meeting rooms, open space areas, pedestrian oriented street furniture and, for multiple family developments, the allocation of space for residents to garden and grow edible plants is encouraged, where feasible.
 10. Commercial and multiple family developments visible from the Trans Canada Highway or major network roads should be screened and landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas. The landscaping should consist of a mix of coniferous and deciduous vegetation, with low plantings and taller tree species at intervals.
 11. Sites should not be dominated by areas of bark mulch, gravel or other similar materials.
 12. Walkways or trails must be developed to encourage walking and cycling and to connect the development with surrounding commercial, mixed use, and residential areas.

11.4.5 B Landscaping, Rainwater Management and Environmental Protection **Guideline Exemptions**

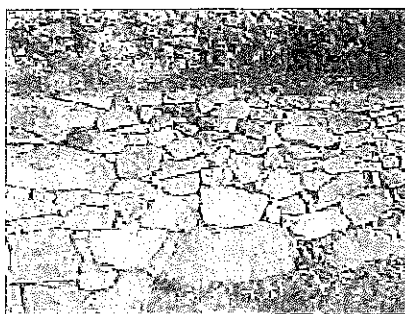
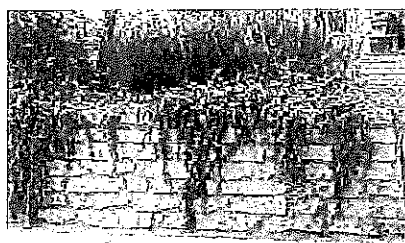
The Landscaping, Rainwater Management, and Environmental Protection Guidelines do not apply to the construction of single family residential dwellings, or to single family residential subdivision where it is located within a drainage control area.

11.4.6 A Marine Riparian Guidelines (Saltwater)

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

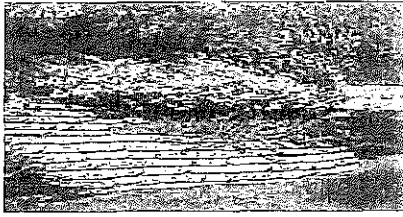


1. Where development is proposed within 15 metres of the high tide mark of the ocean, a report must be prepared by a qualified environmental professional, to eliminate or mitigate impacts of the development on the subject property; all parcels with marine shorelines in the general area and the general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



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

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



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

11.4.6 B Marine Riparian Guideline Exemptions (Saltwater)

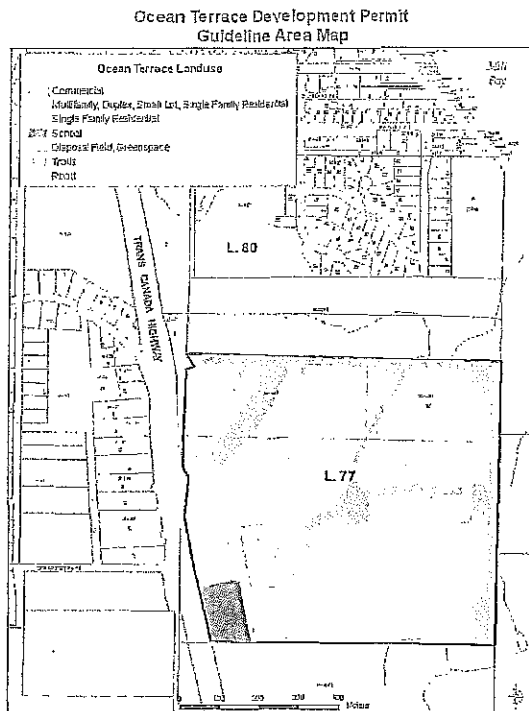
The Marine Riparian Guidelines do not apply to:

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

11.4.7 A Ocean Terrace Development Permit Guidelines

The Ocean Terrace Guidelines apply to the subdivision of lands within the Ocean Terrace Comprehensive Development Designation.

Figure 11.6A



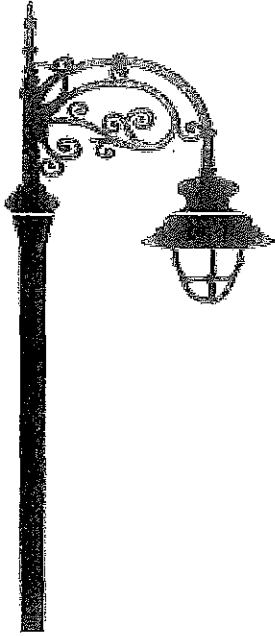
1. The location of all intensive residential, multiple family, institutional, utility and commercial development will be generally as shown on Figure 11.6A – Ocean Terrace Development Guideline Area Map.
2. A minimum of 20% parkland will be dedicated to the CVRD in locations acceptable to the CVRD Parks Department and will occur in the first phase of development, unless otherwise agreed upon by the CVRD Parks Department.
3. A future elementary school site will be dedicated to the CVRD during the first phase of development, unless it is otherwise agreed upon by the CVRD that the site will be dedicated to the CVRD at a subsequent phase of development. The school site will not be calculated as a component of the parkland requirement.

11.4.7 B Ocean Terrace Development Permit Guideline Exemptions

The Ocean Terrace Guidelines do not apply to the construction of single family dwellings, or to development that has been approved by a previous development permit.

11.4.8 A Outdoor Lighting Guidelines

The Outdoor Lighting Guidelines apply to commercial, multiple family, and intensive residential development.



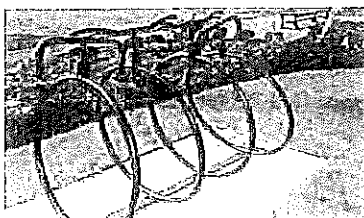
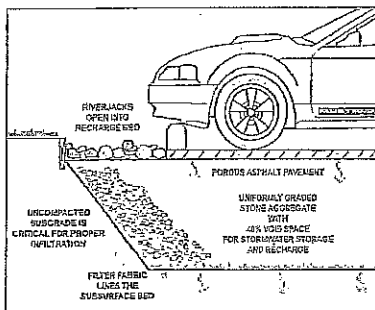
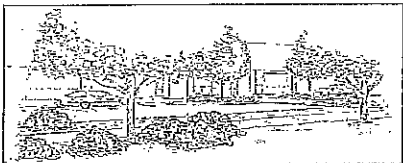
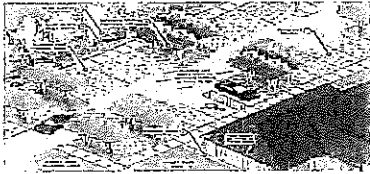
1. An illumination plan will be submitted with the application, indicating how building entrances, parking areas and pedestrian routes on a site will be lit. This will preferably be accomplished with lighting that is designed to illuminate the surface of the site, for pedestrian comfort and safety, without glare spill-over to adjacent parcels or roads.
2. Lighting must reflect the mass, character, shape and form of existing buildings and uses within the village. Attention shall be given to the historic, architectural and design features of the development.
3. All development must use low-impact lighting to provide for safety and security as well as to reduce glare and spillage onto adjacent areas.
4. Fluorescent lighting of building exteriors will be prohibited.
5. To minimize light pollution and impacts on motorists, outdoor lighting should be shielded so that all light is directed below the horizontal plane towards the ground.

11.4.8 B Outdoor Lighting Guideline Exemptions

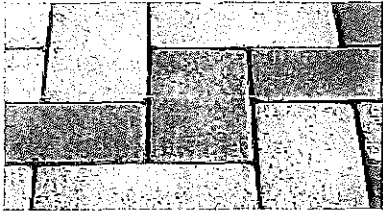
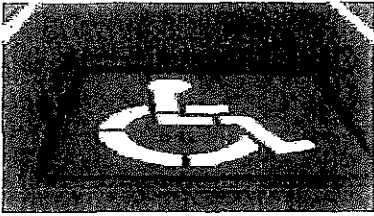
The Outdoor Lighting Guidelines do not apply for interior renovations and minor exterior alterations to existing buildings.

11.4.9 A: Parking, Vehicular Access, and Pedestrian Guidelines

The Parking, Vehicular Access and Pedestrian Guidelines apply to commercial, multiple family and intensive residential development.



1. Parking areas should not be covered only with hard impervious surfacing such as asphalt or poured-in-place concrete, or gravel and dirt. Rather, dust free forms of pervious surfacing that allow for groundwater infiltration of water are preferred. Where impervious surfaces are necessary, the separation of oil and water will be encouraged.
2. Convenient, safe and attractive parking entrances should be provided, without unnecessary duplication of access points, and without parking access points or parking facilities dominating a site.
3. Access and egress to major network roads should be provided from local roads in locations which are safe and approved by the Ministry of Transportation and Infrastructure. Direct access from the Trans Canada Highway or a major network road should be avoided.
4. Rain gardens, bioswales, and permeable materials are strongly encouraged to absorb runoff. Parking areas must contain oil/water separators.
5. Parking lots should be heavily landscaped with trees that will not damage paint finishes, for comfort, shade and visual interest and to minimize heat gain caused by large contiguous paved surfaces.
6. Parking lot design will incorporate designated pedestrian walkways for people to exit their automobiles and access buildings and surrounding areas safely, and these will be separated from the parking area by raised or landscaped features. Physical separation between well-marked pedestrian and vehicular traffic is required, and where the two share space, design features will clearly indicate that pedestrians have priority. All pedestrian areas should be level, smooth, and non-slip surfaced so as to accommodate people with accessibility challenges such as mobility, sensory, or cognitive disabilities.
7. Where possible, pedestrian access walkways will be provided to connect upland areas with an ocean front walkway.
8. Where outdoor café tables are provided near pathways within commercial areas, safe passage for pedestrians and emergency access must be maintained. To maintain the



unique character of the development, parking standards may be modified where development has regard for alternative transportation modes or other amenities.

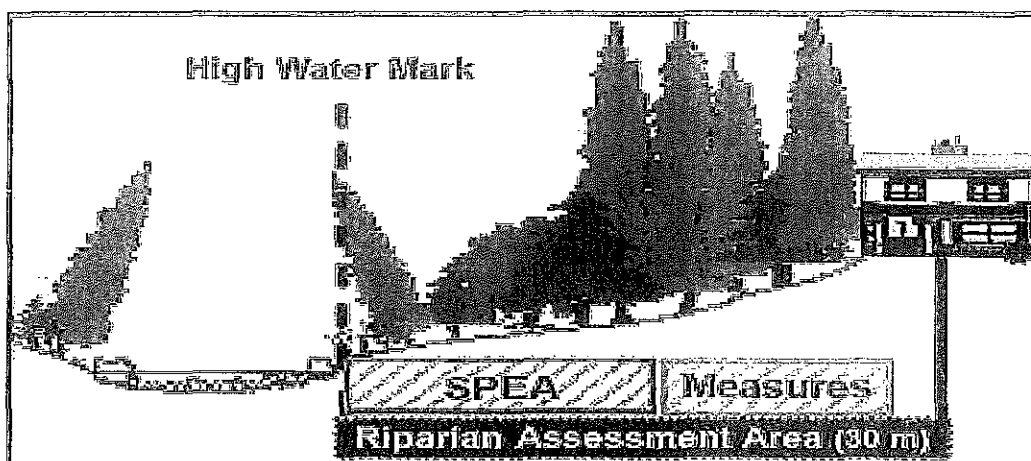
9. Where appropriate, aesthetically appealing and distinctive bus shelters and pullouts may be incorporated into the site design to facilitate pedestrian traffic and provide space for landscaping, seating and public art.
10. Loading areas are to be screened with adequate landscaping or separation from parking and pedestrian areas.
11. Parking requirements are subject to the regulations within the implementing Zoning Bylaw, and may be varied where provisions are made for alternative transportation amenities.

11.4.9 B: Parking, Vehicular Access, and Pedestrian Guideline Exemptions

The Parking, Vehicular Access and Pedestrian Guidelines do not apply to parking areas designed for less than 5 vehicles.

11.4.10 A Riparian Protection Guidelines (Freshwater)

The Riparian Protection Guidelines apply to lands within 30 metres of a watercourse, including a seasonal watercourse or wetland.



1. For lands within 30 metres of a fish-bearing watercourse, or a watercourse that is connected by surface water to a fresh-water, fish-bearing watercourse, a qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a Riparian Area Report pursuant to Section 4 of the *Riparian Areas Regulation*. The Report will examine the Riparian Assessment Area (RAA) generally 30 metres from a watercourse, wetland or body of freshwater, and determine the Streamside Protection and Enhancement Area – SPEA, and any measures that must be taken in the RAA to protect the SPEA. The Riparian Assessment Report will be registered to the Ministry of Environment website and when the CVRD receives notification that registration has been completed and we are able to issue a development permit, this will be done, with the Riparian Assessment Report forming a part of the permit. All works within a Riparian Assessment Area must comply with the provisions of the Riparian Assessment Report.
2. Proposed lots that are part of or adjacent to riparian areas should be large enough to not only contain a building site that does not require a Streamside Protection and Enhancement Area (SPEA) to be crossed by a driveway, and large enough to accommodate a reasonable usable yard area between the proposed building envelope and the edge of a SPEA, a minimum of 7.5 metres in depth measured perpendicularly from the edge of the building envelope.
3. For development located within 30 metres of a watercourse, including a seasonal watercourse, whether fish bearing or not, development should be located away from and should not contribute to changes in the riparian area through loss of trees and vegetation or alteration of natural processes. These changes may diminish the ability of the riparian area to function as a water storage and purification area and to help prevent hazardous flooding and erosion conditions. Developers may be required to provide mitigation measures and restoration to already damaged riparian areas.

4. Road, trail and utility crossings of watercourse and riparian areas must be kept to a minimum, and crossing points should be chosen for low impact, in particular to avoid critical habitats of sensitive species.
5. Pedestrian/cycle and road crossings of watercourses must have a low impact design; i.e., boardwalk or bridge.
6. Sewage tanks and fields should be set back a minimum of 30 metres from the high water mark of a watercourse.
7. Recommendations in the Ministry of Environment's Best Management Practices Development will be carried out in accordance with the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Effective impervious surfaces should be limited through appropriate building, landscape and driveway design that can absorb runoff. Figures for total site imperviousness may be required.

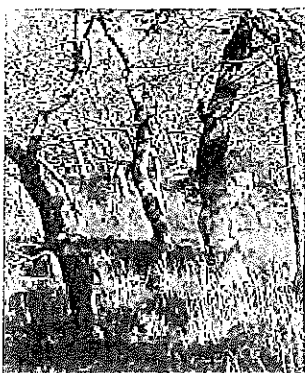
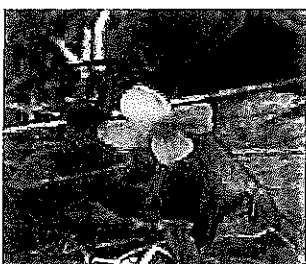
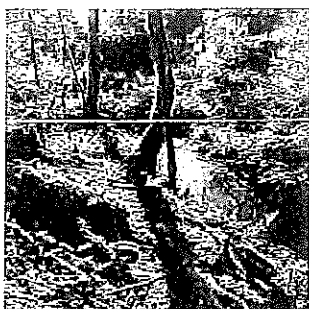
7.4.10 B Riparian Protection Guideline Exemptions (Freshwater)

The Riparian Protection Guidelines do not apply to:

- a. Development, including vegetation clearing and soil removal or deposit and subdivision, if the subject parcel is located more than 30 metres from the natural boundary or top of bank as defined in the *Riparian Areas Regulation*;
- b. Renovations, repairs and maintenance to existing buildings that are subject to Section 911 of the *Local Government Act*;
- c. Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume, provided the work is above existing foundations;
- d. Non-chemical removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- e. Creation of a passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

11.4.11 A Sensitive Ecosystems Guidelines

The Sensitive Ecosystem Guidelines apply to lands within that have been identified within or are within 15 metres of a sensitive ecosystem as identified by the Sensitive Ecosystem Inventory (1993-1997) by Environment Canada and the Province of BC.



1. Development should, wherever possible, be directed to lands outside of the sensitive ecosystem. In cases where there are no appropriate alternatives, the onus will be on the applicant to demonstrate that encroaching is necessary due to circumstances such as topography, hazards or the entire parcel being located within the sensitive area.
2. Where a parcel of land is entirely or significantly within a sensitive ecosystem, the development should be sited to maximize the separation between the proposed development and the most sensitive area. In such cases, mitigation and restoration measures may be required to minimize the impact of the encroachment;
3. Vegetation that is not indigenous to the South Cowichan must not be planted within a sensitive ecosystem. In order to protect the sensitive ecosystem, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained.
4. Roads and driveways should be located as far as possible from the edge of a sensitive ecosystem.
5. Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application.
6. Recommendations of the BC *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* ((Ministry of Environment: 2006).should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; rain gardens are another.

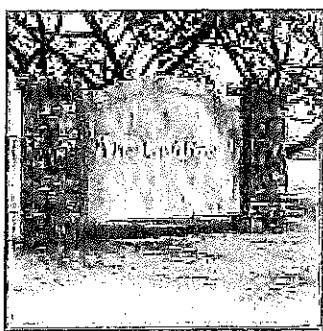
11.4.11 B Sensitive Ecosystems Guideline Exemptions

The Sensitive Ecosystem Guidelines do not apply to:

- a. Interior renovations;
- b. Minor exterior alterations;
- c. Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
 2. Repairs to bridges and safety fences;
 3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property.

11.4.12 A Sign Guidelines

The Sign Guidelines apply to the installation of all commercial, multifamily, mixed use and intensive residential signs.



1. Signage for all commercial, multiple family residential, and intensive residential development must be in keeping with the character, form of existing signs in the area, and the mass, character, shape, and form of similar buildings and uses in the village.
2. The use of thematic, painted, hand-crafted wooden fascia signs are preferred over other types of signs. Signs should be constructed of natural materials and shall complement the architectural design of structures on the site.
3. Signs should identify uses and shops clearly, but be scaled to the pedestrian rather than automobile traffic moving at speed limits.
4. All forms of illuminated signs, roof mounted signs and multiple free standing signs are strongly discouraged.
5. Where multiple, free standing signs are proposed on a site, they must be consolidated into a single, comprehensive sign that should not exceed 5 metres in height. No more than one free standing sign is permitted per parcel.
6. Entrance ways should provide visible signage identifying building address.
7. Facia or canopy signs may be approved provided that they are designed in harmony with the architecture of the building or structure proposed.
8. Projecting signs are discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of commercial buildings.
9. Signs with temporary and changeable lettering are not supported, except where clearly required due to the nature of the business activity.
10. Third party signs, advertising goods or services not available on the subject lands, are not permitted.

11.4.12 B Sign Guideline Exemptions

The Sign Guidelines do not apply for changes to the text or message on an existing sign allowed by a previous development permit.

11.4.13 A Subdivision Guidelines

The Subdivision Guidelines apply to the subdivision of land, regardless of the land designation.

1. A trail system should link neighbourhoods to amenities and, where possible, provide corridors of native vegetation that can provide for groundwater infiltration.
2. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
3. If a subdivision proposal is received in an area identified for major road network connection or improvement in the Transportation section of this OCP, any development permit issued should accommodate major road network and intersection improvements that have been identified.

11.4.13 B Subdivision Guideline Exemptions

The Subdivision Guidelines do not apply to proposed boundary adjustments between two or more parcels of land.

11.5 MILL BAY VILLAGE DEVELOPMENT PERMIT AREA VARIANCES

Where a proposed development plan is consistent with the guidelines of the Mill Bay Development Permit Area, the CVRD may give favorable consideration to variances of the regulations of its zoning, sign, parking and other bylaws, where such variances are believed to have no significant impact on adjacent parcels, and would enhance the function or appearance of the site in question. Such variances would be incorporated into the development permit.

11.6 MILL BAY VILLAGE DPA: APPLICATION REQUIREMENTS

Prior to issuing a development permit on a parcel in Mill Bay Village, the Regional District, in determining what conditions or requirements it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a. a brief written description of the proposed development,
- b. maps/elevation drawings which include:
 - i) the location of the project;
 - ii) a site plan drawn to scale, showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, sidewalks, pedestrian walkways and bike paths, and outdoor illumination design;
 - iii) a building design including proposed wall, roof and exterior finish details;
 - iv) a landscaping plan, identifying the existing and proposed plant species, areas of sensitive native plant communities and areas to be cleared or planted;
 - v) a calculated figure for total site imperviousness;
 - vi) a sign plan if any signs are proposed;
 - vii) the location of all natural watercourses and water bodies, and top of bank, indicating whether development will be within the Riparian Assessment Area set 30 metres back from the above;
 - viii) topographical contours;
 - ix) the location of lands subject to periodic flooding;
 - x) existing and proposed roads, driveways, drainage systems, septic tanks or other sewage systems, irrigation systems and water supply systems;
 - xi) proposed erosion control works;
 - xii) areas infested with invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association.
- c. In addition to the requirements in subsections (a) and (b), the Regional District may require the applicant to furnish, at his/her own expense:

**Schedule 8 – South Cowichan Rural
Development Permit Area**

SECTION 24-SOUTH COWICHAN RURAL DEVELOPMENT PERMIT AREA

Development permit powers under the *Local Government Act* allow for site-specific planning of development, which supplements what can be achieved through Official Community Plan designations and policies, and zoning bylaw regulations. Within the South Cowichan Rural Development Permit Area, a development permit will be required before a building permit can be issued, a subdivision can be approved or – in some cases – before vegetation and land can be altered.

The South Cowichan Rural Development Permit Area contains guidelines respecting a number of important matters, which are described in some detail in the “Justification” Section below.

This development permit area contains provisions to ensure that the South Cowichan Rural Area develops in a manner that enhances and does not negatively impact the characteristics of the community.

24.1 South Cowichan Rural Development Permit Area: ESTABLISHMENT

The South Cowichan Rural Development Permit Area has been established pursuant to Section 919.1 of the *Local Government Act* for the following purposes:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions;
- Protection of farming;
- Revitalization of an area in which a commercial use is permitted;
- Establishment of objectives for the form and character of intensive residential development;
- Establishment of objectives for the form and character of commercial, industrial, and multi-family residential development;
- Establishment of objectives to promote energy conservation;
- Establishment of objectives to promote water conservation; and
- Establishment of objectives to promote the reduction of greenhouse gas emissions.

24.2 South Cowichan Rural Development Permit Area: JUSTIFICATION

Following is a list of justifications for the establishment of the South Cowichan Development Permit Area:

- a. Agriculture is a vital part of the local economy and an important element in regional sustainability and food security. The agricultural land base should not be compromised by the inappropriate location of residential buildings on the land.
- b. Non-farm uses located close to agricultural land can lead to land use conflict due to external effects of agriculture, including noise, odours, dust, and the operation of farm machinery and equipment. Conversely, adjacent non-farm uses can lead to farm trespass, vandalism to farm crops and equipment, disturbance to farm animals and litter. Sensitive site design can reduce the potential for such conflicts.
- c. The design of all commercial, intensive residential and light industrial structures and related infrastructure must complement the community's expectations for visual quality, safety and be compatible with surrounding land uses.
- d. Pedestrian activity, safety and comfort must be encouraged through good design.
- e. The development of new trails and walkways in the areas between the Villages is important for healthy, sustainable communities. An objective of the South Cowichan Rural Development Permit Area is to encourage the expansion of existing trails and walkways in outlying areas, in accordance with the Master Parks and Trails plans.
- f. Major Network Roads are identified on Figure 18A (see Section 18 – *Transportation*) for the Plan area. It is important to maintain an attractive, welcoming landscape along these corridors for visitors and residents alike, and the development in these areas should be well adapted to road traffic safety as well as that of pedestrians and cyclists.
- g. Invasive weeds are unsightly and pose a threat to the natural environment.
- h. The Plan area has several kilometres of marine shoreline along Saanich Inlet and Satellite Channel waterfront, ranging from high bedrock escarpments to rocky beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels, such as the placement of houses and other buildings close to the top of escarpments/banks, or the clearing of vegetation for views, will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- i. Energy efficiency, environmental protection and water conservation are fundamental values of this community.
- j. The aquifers underlying the Plan area, and surface waters, require protection.
- k. All developments need to be adequately landscaped and, for potentially unsightly uses, be screened.

- l. Protection is required for eagles, hawks, herons, ospreys, owls and peregrine falcons, to ensure the viability of their nests and the rooting integrity of their nest trees.
- m. The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).
- n. Sensitive ecosystems are relatively unmodified, rare and fragile ecosystem types identified during the Province of BC's Sensitive Ecosystem Inventory of 1993-1997. The main objective of the inventory was to provide scientific information on selected sensitive ecosystems in support of sound land management decisions that encourage conservation and good land stewardship. The Sensitive Ecosystem guidelines aim to protect these sensitive areas as they provide habitat for endangered species of native, rare vegetation and wildlife.
- o. The riparian areas associated with all fresh watercourses in the Plan Area are essential and should be protected because they provide storm water management and filtration, as well as shelter, water, shade and food sources for a variety of fish and wildlife species.
- p. Shawnigan Lake and its adjacent riparian areas within the Shawnigan Lake Watershed provide habitat and travel corridors for fish and other wildlife. They also provide storage, drainage and purification for water. Riparian areas are the areas of land and vegetation adjacent to the Lake that need to remain generally in an undisturbed state in order to maintain a healthy Lake environment, and to protect properties from flooding and potential loss of land due to erosion.
- q. The Koksilah River is relatively pristine and its adjacent riparian areas provide storage, drainage and purification of water, as well as habitat and travel corridors for fish and other wildlife. Riparian areas adjacent to the River should remain in an undisturbed state in order to maintain a healthy riparian environment.
- r. Dougan Lake is an important part of the ecology within the Cobble Hill area, and provides water for adjacent residents. To protect this area, rainwater management is necessary for lands that drain into Dougan Lake.
- s. Careful development is necessary for hazardous lands, including wildfire interface areas, that may pose a potential threat to life and property in the Plan area.

24.3 South Cowichan Rural Development Permit Area: APPLICABILITY

This Development Permit Area provides guidelines for a wide variety of types of development throughout the portion of the OCP area that lies outside of the village containment boundaries (VCB). Therefore, it is important to understand that no one site will be simultaneously subject to every single guideline in the Section 24.4.

To provide clarity about circumstances in which various guidelines apply to certain types of development, some maps for the development permit guidelines are employed and a detailed list of exemptions is listed below each set of guidelines. Unless specifically exempted in Section 24.4, a development permit is required prior to undertaking any of the following activities:

- removal, alteration, disruption or destruction of vegetation outside of the Agricultural Land Reserve;
- disturbance of soils outside of the Agricultural Land Reserve;
- construction or erection of buildings and structures;
- creation of nonstructural impervious or semi-impervious surfaces;
- construction of flood protection works;
- construction of roads, trails, docks, wharves and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems;
- development of utility corridors;
- subdivision as defined in Section 872 of the *Local Government Act*.

For the specific applicability of various guidelines, please refer to the Guidelines and Exemptions Section below.

24.4 Rural Development Permit Area: GUIDELINES and EXEMPTIONS

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the South Cowichan Rural Development Permit Area, unless exempted below, the owner will submit information that demonstrates how the proposed development meets the guidelines in the following Sections:

24.4.1A General Guidelines

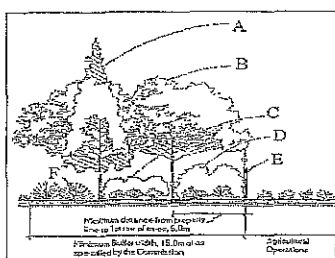
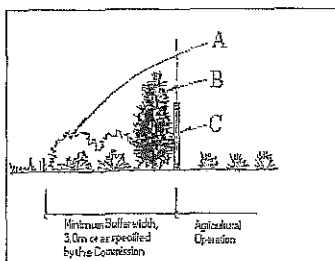
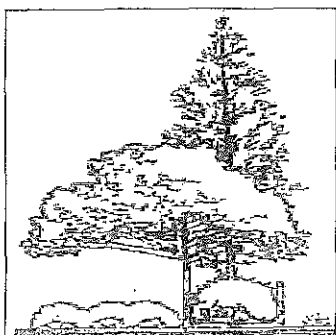
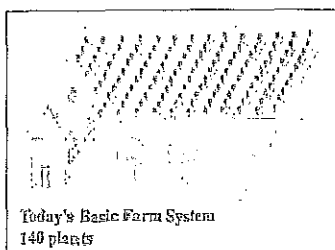
1. In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.
2. In all cases where a development permit is required, the best management practices within the Ministry of Environment *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* will be encouraged.
3. Where the Regional District considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrent, erosion, landslide, rock falls, subsidence or avalanche, the applicant may be required to provide a report certified by a professional engineer with experience in geo-technical engineering indicating that the development will not result in property damage or the loss of life on the site or in the surrounding area.

24.4.1B General Guideline Exemptions

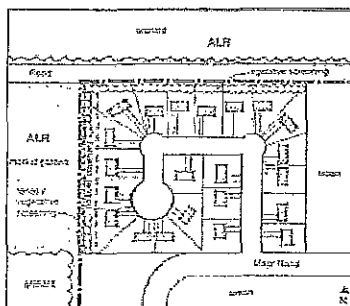
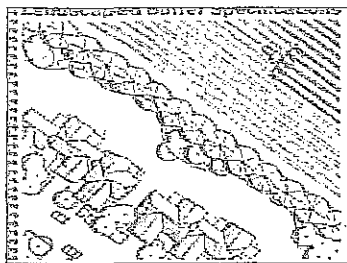
The General Guidelines do not apply to development that does not require a development permit under Sections 24.4.2 through 24.4.15.

24.4.2 A Agricultural Protection Guidelines

The Agricultural Protection Guidelines apply to development of non-agricultural uses, buildings and structures that are located on lands designated as Agricultural, or within 30 metres of a parcel of land designated as Agricultural.



1. Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence will not be centrally located in the middle of a highly productive soil polygon as shown on the agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. This will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
2. Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
3. Driveways will be placed on the land in such a way as to minimize the impact upon present and potential future farming.
4. The footprint of the proposed non-farm buildings may be limited if they are to be located on lands with high agricultural capability.
5. Non-native, invasive plants are unsightly and are a threat to agriculture. The management or elimination of the invasive plants, as listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be required.
6. Principal buildings and structures adjacent to lands designated as Agricultural (A) should be located as far away from the edge of the Agricultural Designation as possible, without unduly impacting on the usefulness of the lot.
7. Any subdivision next to agricultural land should be designed to gradually reduce densities and the intensity of uses toward the boundary of the Agricultural land.



8. Road endings should not be located in close proximity to agricultural lands, unless they are part of the Major Road Network Plan.
9. A continuous 15 metre wide buffer area should be provided between lands in the Agricultural Designation (A) and adjacent land uses. Buildings and structures should not be located within the buffer area, in order to reduce potential for land-use conflicts to arise. A restrictive covenant, registered in the Land Title Office, may be required to ensure that the required buffer is maintained.
10. The landscape buffer provided on lands adjoining the Agricultural Designation (A) will include trees as a major landscaping component, as well as dense vegetation. Mature trees existing at the time of application should be preserved. A majority of the plant material selected should be low maintenance, indigenous vegetation and should be able to survive with little or no fertilizers. Guidelines contained in the B.C. Agricultural Land Commission's report: *Landscaped Buffer Specifications* should be respected.
11. Walkways, bikeways or passive recreational uses (such as picnic areas and lookout areas) should not be permitted within the landscaped buffer.

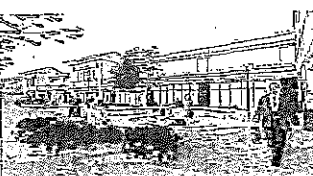
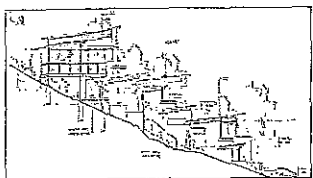
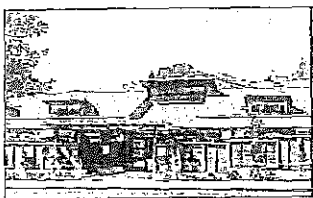
24.4.2 B Agricultural Protection Guideline Exemptions

The Agricultural Protection Guidelines do not apply to:

- a. Arbutus Ridge;
- b. Interior renovations of existing buildings;
- c. Minor renovations or alterations of existing uses, buildings and structures;
- d. Construction of a non agricultural building or structure with a floor area of 10 m² or less, provided that the building or structure is not located within an Agricultural Designation and is located farther than 15 metres from the boundary of a parcel designated as Agricultural;
- e. Fences.

24.4.3 A Building Design Guidelines

The Building Design Guidelines apply to commercial, industrial and multiple family residential development and their accessory buildings and structures.



1. Commercial, industrial, and multiple family residential buildings should demonstrate a range of architectural features and design cues in their façades that reflect the natural and west coast architectural heritage of the South Cowichan and/or are in keeping with the character of the community. These features may include bay windows, corner accents such as turrets or protruding balconies, gabled rooflines, canopies and overhangs; masonry treatments such as ceramic tile inlays, paving stones, brick patterns; natural stone features, artwork, trellises or arbours.
2. A mix of natural exterior finish materials will be required. Examples are board and battens, clapboard, shingles, shakes, stonework and wood finishes. Buildings will be designed in keeping with the west coast climate with particular attention given to rain related design with overhangs to protect walls and windows.
3. Design themes should include the use of natural wood and/or stone materials in some of the exterior finishes, along with generous glazing to take advantage of solar access and views, where applicable.
4. The design of buildings should acknowledge the influence of sunlight during the day and seasonally, and take advantage of natural light as well as acknowledging architectural, design and heritage features.
5. Buildings should be sited and oriented to reduce overshadowing effects on surrounding buildings and open spaces.
6. Buildings should not dominate or overpower a neighbourhood but should be located on parcels in such a way as to minimize impacts upon the privacy of any adjacent residential areas.
7. The visual mass of large buildings should be reduced by creating variation, for example by separation into smaller groups or clusters of units and use of articulated wall features or rooflines. Monolithic structures and long expanses of blank walls, or bare walls facing a street or disrupting an ocean view, will

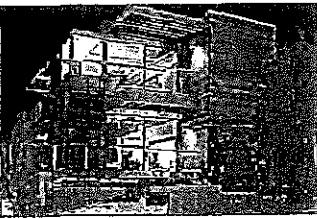
be avoided.



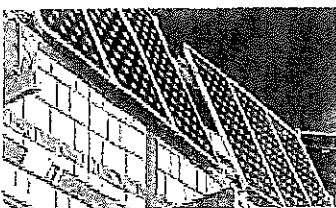
8. Where a commercial use is permitted, buildings should be located close to the street line or parking area, to take advantage of the street frontage, making the use and the outdoor area an active and dynamic place. Architectural and landscaping treatments should enhance the pedestrian experience and enhance community identity.



9. Views to the ocean are to define and orient streets, parks and public areas. Development should create, enhance and preserve ocean views and access, where possible, without detracting from the views of neighbouring parcels.



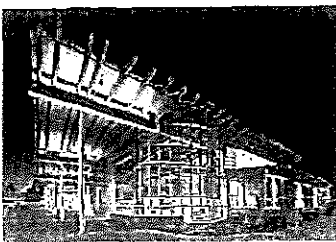
10. New development should reflect, rather than obscure, significant natural topographic features. For example, buildings should be designed to step up hillsides using terraces that connect with the walkway or street, and preserve public views over, around or past buildings wherever possible.



11. Where new construction of a commercial or industrial building could potentially block an attractive ocean view from an existing development, proposed buildings should be oriented and of such a scale that some view around or over the proposed buildings would exist. Further, the portions of buildings visible from roads or neighbouring properties must be designed in a similar manner to the main façade. Building height should not be varied upward from the zoning regulation, where it would interfere with a view or the solar access of a neighbouring building.

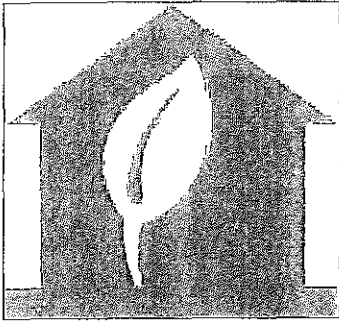
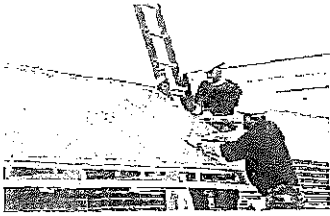
12. Site design and the location of buildings and structures will complement the development of a continual public walkway along or in close proximity to the ocean shoreline.

13. For commercial buildings, shop fronts should have prominent entrances, narrow frontages, and largely transparent store fronts, where internal uses are visible from the street. These shops may extend onto a terrace or public area.



14. Residential uses located in a commercial or industrial building will only be permitted on the upper floors of the building.

15. Green building features should be incorporated into the building design, to minimize environmental



- impacts and promote sustainability. This should include energy efficiency and water conservation measures.
16. New buildings and the sites they are built on should be arranged in such a way as to prioritize pedestrian activity over motor vehicles.
 17. Where appropriate, streetscape design should be a top priority, with the buildings being oriented towards streets rather than inwardly. Architectural and landscaping treatments should enhance the pedestrian experience and enhance community identity.
 18. All plans and building designs must promote personal and public safety, consistent with the principles of Crime Prevention through Environmental Design (CPTED). Commercial, industrial, multiple family and intensive residential developments must provide space to store and transfer solid waste, recyclables and compostable materials. This space must be screened from neighbouring properties and roads, and animal-proofed.
 19. Underground wiring on development sites is very strongly encouraged.

24.4.3 B Building Design Guideline Exemptions

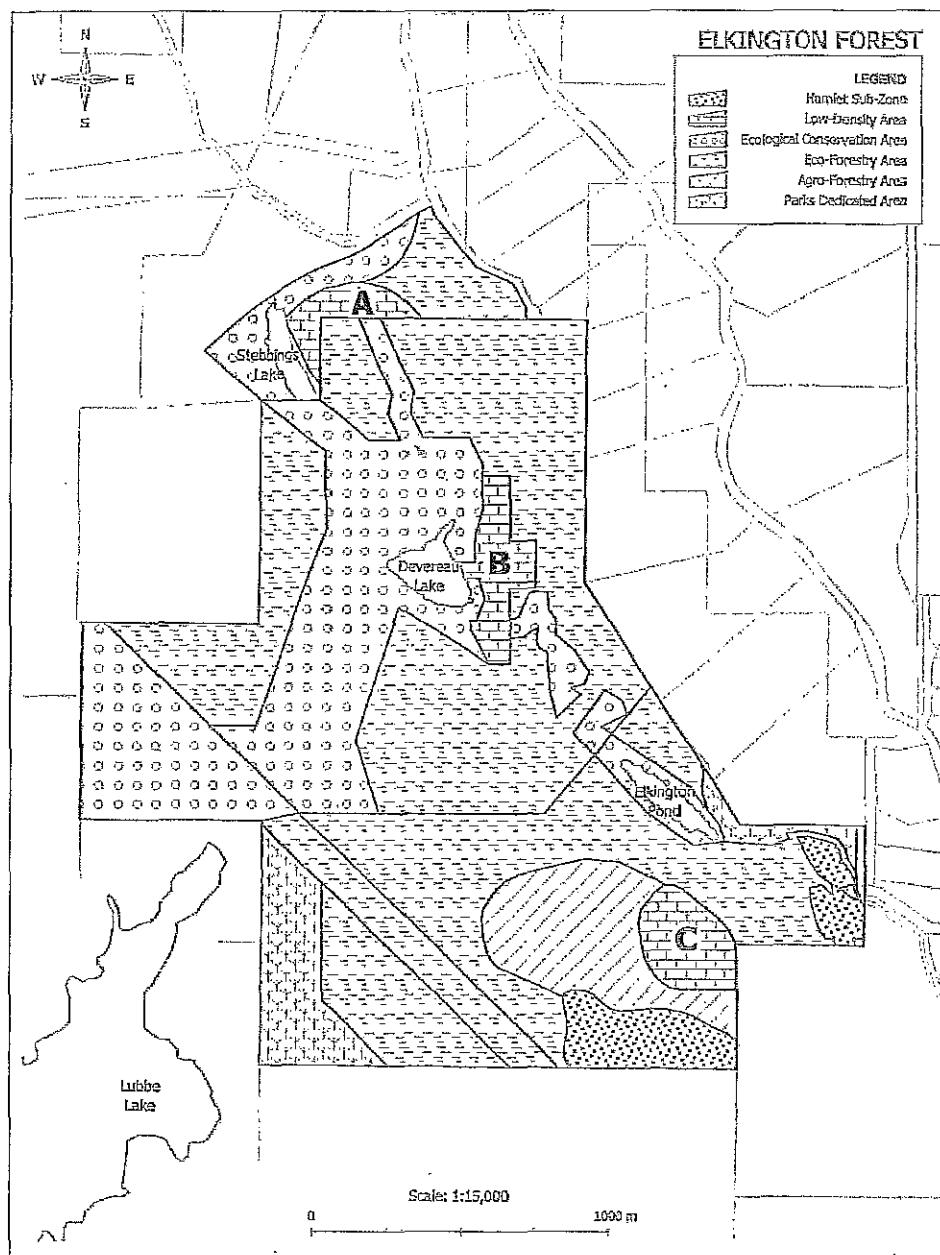
The Building Design Guidelines do not apply to:

- a. Interior renovations to existing buildings;
- b. Minor exterior alterations to existing buildings;
- c. Single family dwellings;
- d. Lands within the Community Land Stewardship Designation;
- e. Arbutus Ridge.

24.4.4 A Community Land Stewardship Guidelines

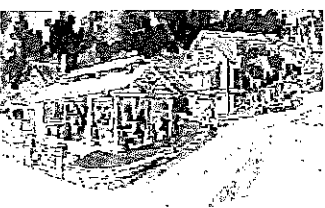
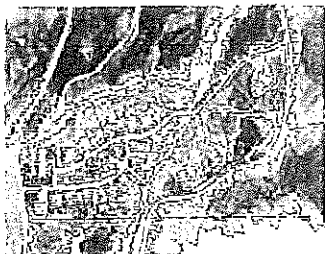
1. The Community Land Stewardship Guidelines apply to the development of lands within the Community Land Stewardship Designation. Land uses and densities will be located generally as delineated in Figure 24A.

FIGURE 24A

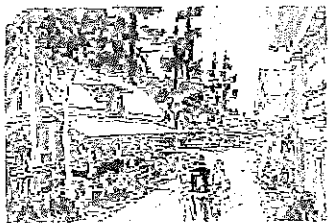


2. A landscaping/rainwater management plan may be required to ensure that runoff from the development is strictly limited to facilitate rainwater infiltration into the aquifer and prevent rainwater flows from damaging roads and surrounding properties. Pervious surfaces should predominate, to encourage infiltration of water. The landscaping/rainwater management plan must be prepared by a professional engineer with experience in drainage. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff.
3. A rainwater management plan may be required for a proposed building lot, to ensure it is in compliance with the overall rain water management plan.
4. The CVRD Board may, where it believes that development is proposed near or in a hazardous land area, require the applicant, at the applicant's expense, to hire an engineer, experienced in natural hazards identification and mitigation. The engineer's recommendations will be incorporated into a Development Permit, if one is issued.
5. Provision of Fire Smart Measures will be implemented, including appropriate firefighting equipment on site, thinning of fuels around buildings, design of all dwellings with sprinklers and non-combustible roofing materials.
6. The use of rainwater catchment tanks and cisterns for re-use in irrigation is required.
7. The use of alternative and renewable sources of energy is required.
8. Certification of buildings to a Canadian Green Building Council LEED Rating system, or its equivalent, is required for the Hamlet sub areas and all commercial and industrial buildings.
9. Building and landscape design will employ standards of the Canadian Green Building Council or equivalent. The site and building design will incorporate studies to facilitate utilization of energy and water conservation measures, including solar orientation, prevailing wind direction, elevation contours, existence of significant vegetation.
10. Development will be carried out in accordance with the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*.

Community Land Stewardship Hamlet Guidelines



11. Narrow roads will be encouraged that follow the natural contours of the land and minimize cutting or filling. Where possible, steep slopes will be avoided.
12. Light pollution will be avoided. Street and common area lighting design will provide adequate lighting while ensuring that there is no spill over into adjacent areas.
13. Dwellings will have vertical proportions, with one, two, and two and a half storey construction.
14. The architecture will be predominately simple geometric proportions and massing; square, rectangular, T-shape, cruciform, H shape, etc., with dormers, gables, projecting balconies, recessed decks and doors, covered porches, and bay and box windows, designed with vertical proportions.
15. The main portion of all roofs will be a minimum of 12/12 pitch, in grey, black, copper, and other metal colours.
16. A palette of natural materials will be used, such as exposed timber frame trusses, beams, wood siding or shingles, and small areas of non-combustible rough textured stucco.
17. Dwellings will not exceed 200 m² in footprint, emphasizing efficiency in use of space, high quality design, and practical storage areas. The exception is the Low-Density Areas, which would include some larger, more private and less vertically oriented buildings.
18. Dwellings will front onto a public square or common area, to be accessible and public, while the backs of the homes will be more private.
19. The street frontage will be designed to reflect visual continuity with neighbouring houses, with common but not mimicking features.
20. Deep usable porches, windows overlooking the street, and clearly visible entrances are encouraged. Except for "curb-cuts" for driveways, there should be a continuity of the street wall incorporating the face of the dwellings, frontage walls, trellises, and vegetation.
21. Carports, garages, and parking areas will be hidden on the side or rear of houses, or concealed within basement areas.



22. Fencing and walls will be restricted to portions of yards and gardens immediately adjacent to the dwelling, and to areas that are intensively cultivated, farmed, or used for agro-forestry uses (deer fencing is permitted).
23. All public use areas will be landscaped in accordance with an overall landscape plan. The landscape plan may be reviewed in accordance with the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA).
24. Crime Prevention through Environmental Design (CPTED) will be considered in landscaping plans and building designs.
25. Vehicle access points, pedestrian pathways, and parking and circulation patterns within the Hamlet Areas will be physically linked and, where feasible, shared in order to encourage safety and avoid unnecessary duplication.
26. Safe pedestrian routes across, within, and between sites shall be clearly delineated by means of separate walkways, sidewalks, or raised paths where they cross parking areas.
27. Where possible, underground wiring is encouraged, rather than overhead wiring.

24.4.4 B Community Land Stewardship Guideline Exemptions

The Community Land Stewardship Guidelines do not apply to:

- a. Construction of single family dwellings and accessory uses;
- b. Interior renovations;
- c. Minor exterior alterations, which are similar enough in their effect on the form and character of development as to not warrant an application in the opinion of the Regional District.

24.4.5 A Habitat Protection Area Guidelines

The Habitat Protection Guidelines apply to development within 60 metres of an eagle, hawk, osprey, owl or peregrine falcon nest, and within 100 metres of a Great Blue Heron nest.

1. Development should be sited so as to maximize the separation between the proposed development and the nest or perch trees.
2. In cases where there are no appropriate alternatives but to locate development adjacent to a nest or perch tree, the applicant must demonstrate that such siting is necessary due to circumstances such as topography, hazards or the entire parcel being located within the Development Permit Area. In such cases, mitigation and restoration measures may be required to minimize the impact of the development on the habitat area.
3. Breeding and nesting season for Pacific Great Blue Herons is generally from mid February until mid August. Construction and development, including unusual or loud activities such as blasting, tree falling, chain saws, and concrete cutters, should not take place during breeding or nesting season any bird species listed in this Section.
4. Subdivisions should be undertaken in a manner that does not create parcels entirely within the Development Permit Area, or parcels that would require or encourage additional development to occur within the Development Permit Area

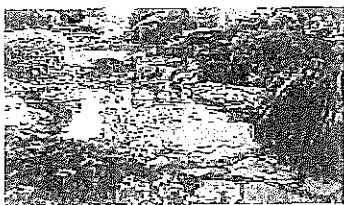
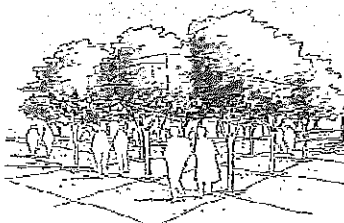
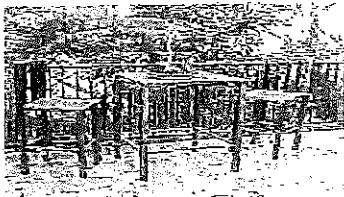
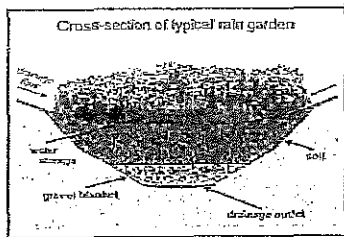
24.4.5 B Habitat Protection Guideline Exemptions

The Habitat Protection Guidelines do not apply to:

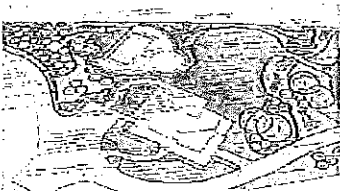
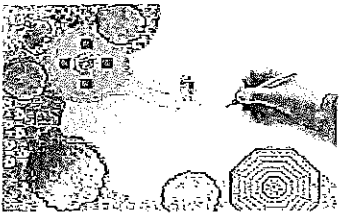
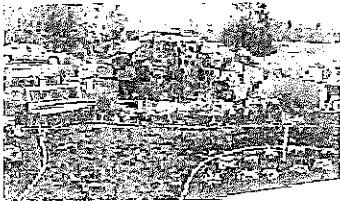
- a. Interior renovations, or minor exterior alterations.
- b. Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include clearing or repairs of an obstruction from a bridge, culvert or drainage flow and the removal of hazardous trees that present an immediate danger to public or private property;
- c. Development where a registered professional biologist, with experience and knowledge in dealing with Great Blue Herons, eagles, hawks, peregrine falcons and/or ospreys, and their nesting requirements, provides a report to the CVRD indicating that the birds are not present or would not be affected by the proposed development, and that the proposed work complies with the *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* ((Ministry of Environment: 2006).

24.4.6 A: Landscaping, Rainwater Management and Environmental Protection Guidelines

The Landscaping/Rainwater Management/Environmental Protection Guidelines apply to the subdivision of land, and to commercial, industrial, multiple family and intensive residential development and their accessory uses.



1. Preparation of a landscaping plan by a British Columbia Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCNTA)-certified landscape architect is preferred. Any landscaping plan submitted with an application for a development permit, whether professionally prepared or not, will be assessed by the CVRD according to BCSLA/BCNTA guidelines.
2. All required landscaping plans should be integrated with a rainwater management plan, which should favour natural solutions to drainage such as rain gardens and bio-swales, and should contain measures to limit impervious surfaces. The rainwater management plan must be prepared by a professional engineer with experience in drainage and submitted with the application for any commercial, mixed use or multiple family residential development proposal.
3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
4. For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration.
5. All public areas should be landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas, in a way that is complementary to both the site and surrounding lands.
6. Streetscape design should incorporate treatments that enhance the pedestrian experience and create a sense of local identity. Public streetscape amenities including walkways, benches, planters, and bike racks should have a high quality of design.
7. The appearance of large buildings should be enhanced using plants, shrubs and trees, and where necessary, hard landscaping treatments such as terraced retaining walls,



- planters, gardens, special features such as a courtyards or fountains, outdoor seating and decorative paving or lighting.
8. Developments should incorporate and emphasize native landscape materials, and use drought resistant plants to reduce irrigation needs.
 9. Industrial and commercial development visible from the Trans Canada Highway or major network roads should be screened and landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas. The landscaping should consist of a mix of coniferous and deciduous vegetation, with low plantings and taller tree species at intervals.
 10. Sites should not be dominated by areas of bark mulch, gravel or other similar materials.
 11. Walkways or trails must be developed to encourage walking and cycling and to connect the development with surrounding areas. Public ocean views and access are encouraged.
 12. A landscape buffer should be provided on industrial lands that adjoin a parcel within a residential land use designation. For industrial parcels with a potential for noise, smell or sight impacts, the minimum width of the landscape buffer should be 20 metres.

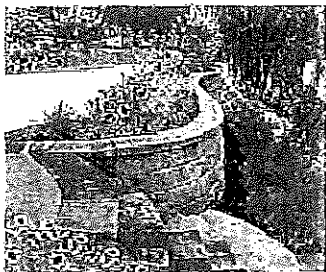
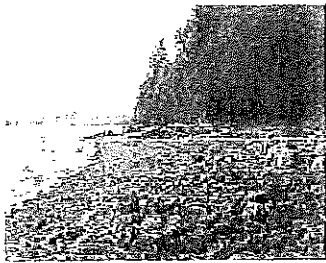
24.4.6 B Landscaping, Rainwater Management and Environmental Protection Guideline Exemptions

The Landscaping, Rainwater Management, and Environmental Protection Guidelines do not apply to:

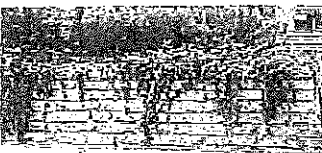
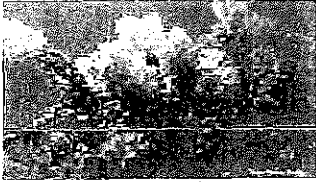
- a. single family residential subdivision if the subject property is located within a CVRD Drainage Control Area;
- b. Construction of single family dwellings.

24.4.7 A Marine Riparian Guidelines (Saltwater)

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



1. Where development is proposed within 15 metres of the high tide mark of the ocean, a report must be prepared by a qualified environmental professional, to eliminate or mitigate impacts of the development on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to protect marine shores wherever possible.
2. Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope's gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals. Oil/water separators may be required.
3. Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit.
4. Public access along the marine waterfront is important to residents and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit.



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

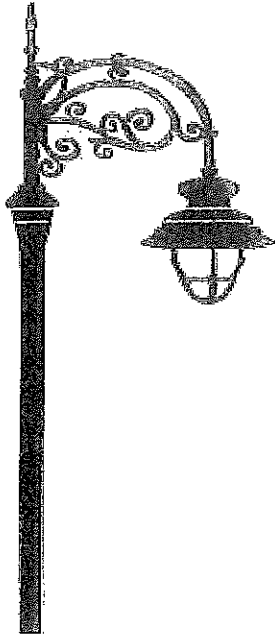
24.4.7 B Marine Riparian Guideline Exemptions (Saltwater)

The Marine Riparian Guidelines do not apply to:

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

24.4.8 A Outdoor Lighting Guidelines

The Outdoor Lighting Guidelines apply to commercial, industrial, multiple family, and intensive residential development.



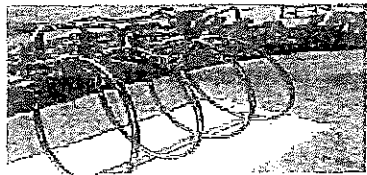
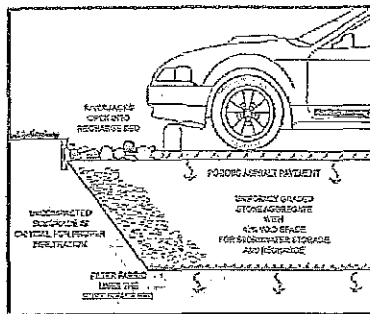
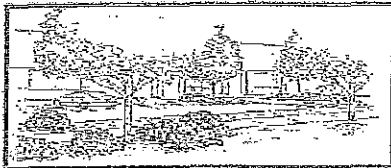
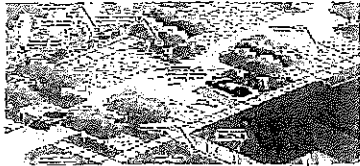
1. An illumination plan will be submitted with the application, indicating how building entrances, parking areas and pedestrian routes on a site will be lit. This will preferably be accomplished with lighting that is designed to illuminate the surface of the site, for pedestrian comfort and safety, without glare spill-over to adjacent parcels or roads.
2. Lighting must reflect the mass, character, shape and form of existing buildings and uses. Attention shall be given to the historic, architectural and design features of the development.
3. All development must use low-impact lighting to provide for safety and security as well as to reduce glare and spillage onto adjacent areas.
4. Fluorescent lighting of building exteriors will be prohibited.
5. To minimize light pollution and impacts on motorists, outdoor lighting should be shielded so that all light is directed below the horizontal plane towards the ground.

24.4.8 B Outdoor Lighting Guideline Exemptions

The Outdoor Lighting Guidelines do not apply for interior renovations and minor exterior alterations to existing buildings.

24.4.9 A: Parking, Vehicular Access, and Pedestrian Guidelines

The Parking, Vehicular Access and Pedestrian Guidelines apply to parking areas with more than 10 parking spaces, within commercial, industrial, multiple family and intensive residential development.



1. Parking areas should not be covered only with either hard impervious surfacing such as asphalt or poured-in-place concrete, or gravel and dirt. Rather, dust free forms of pervious surfacing that allow for groundwater infiltration of water. Parking areas with impervious surfaces should provide oil/water separators.
2. Convenient, safe and attractive parking entrances should be provided, without unnecessary duplication of access points, and without parking access points or parking facilities dominating a site.
3. Access and egress to major network roads should be provided from local roads in locations which are safe and approved by the Ministry of Transportation and Infrastructure. Direct access from the Trans Canada Highway or a major network road should be avoided.
4. Parking lots should be heavily landscaped with trees that will not damage paint finishes, for comfort, shade and visual interest and to minimize heat gain caused by paved surfaces.
5. Parking lot design will incorporate designated pedestrian walkways for people to exit their automobiles and access buildings and surrounding areas safely, and these will be separated from the parking area by raised or landscaped features. Physical separation between well-marked pedestrian and vehicular traffic is required, and where the two share space, design features will clearly indicate that pedestrians have priority. All pedestrian areas should be level, smooth, and non-slip surfaced so as to accommodate people with accessibility challenges such as mobility, sensory, or cognitive disabilities.
6. Where outdoor café tables are provided within commercial areas, safe passage for pedestrians and emergency access must be maintained.



7. Where appropriate, aesthetically appealing and distinctive bus shelters and pullouts may be incorporated into the site design to facilitate pedestrian traffic and provide space for landscaping, seating and public art.
8. Loading areas are to be screened with adequate landscaping or separation from parking and pedestrian areas.
9. Parking requirements within the implementing Zoning Bylaw may be varied where provisions are made for alternative transportation amenities.

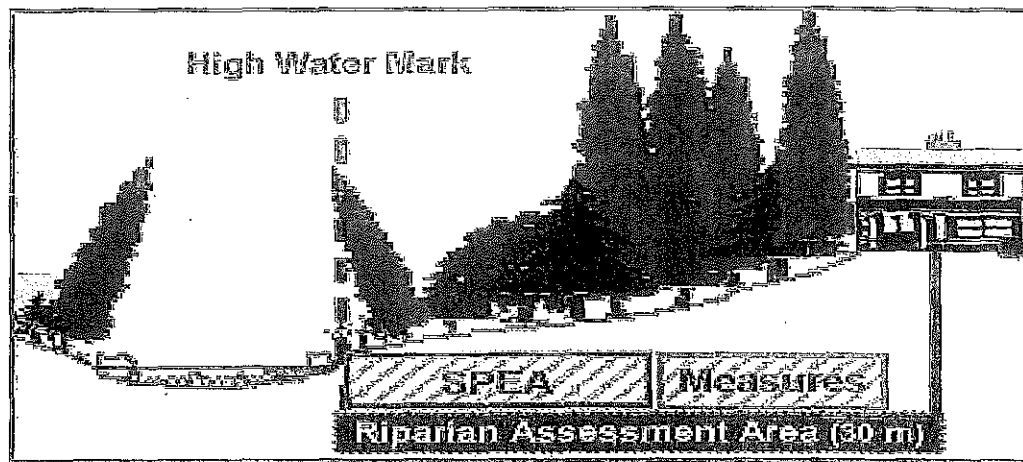
24.4.9 B: Parking, Vehicular Access, and Pedestrian Guideline Exemptions

The Parking, Vehicular Access and Pedestrian Guidelines do not apply to:

- a. Parking areas designed for fewer than 5 vehicles;
- b. Lands within the Community Land Stewardship Designation;
- c. Arbutus Ridge.

24.4.10 A Riparian Protection Guidelines (Freshwater)

The Riparian Protection Guidelines apply to lands within 30 metres of a watercourse, including a seasonal watercourse or wetland.



1. For lands within 30 metres of a fish-bearing watercourse, or a watercourse that is connected by surface water to a fresh-water, fish-bearing watercourse, a qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a Riparian Area Report pursuant to Section 4 of the *Riparian Areas Regulation*. The Report will examine the Riparian Assessment Area (RAA) generally 30 metres from a watercourse, wetland or body of freshwater, and determine the Streamside Protection and Enhancement Area – SPEA, and any measures that must be taken in the RAA to protect the SPEA. The Riparian Assessment Report will be registered to the Ministry of Environment website and when the CVRD receives notification that registration has been completed and we are able to issue a development permit, this will be done, with the Riparian Assessment Report forming a part of the permit. All works within a Riparian Assessment Area must comply with the provisions of the Riparian Assessment Report.
2. Proposed lots that are part of or adjacent to riparian areas should be large enough to not only contain a building site that does not require a Streamside Protection and Enhancement Area (SPEA) to be crossed by a driveway, and large enough to accommodate a reasonable usable yard area between the proposed building envelope and the edge of a SPEA, a minimum of 7.5 metres in depth measured perpendicularly from the edge of the building envelope.
3. For development located within 30 metres of a watercourse, including a seasonal watercourse, whether fish bearing or not, development should be located away from and should not contribute to changes in the riparian area through loss of trees and vegetation or alteration of natural processes. These changes may diminish the ability of the riparian area to function as a water storage and purification area and to help prevent hazardous flooding and erosion conditions. Developers may be required to provide mitigation measures and restoration to already damaged riparian areas.

4. Road, trail and utility crossings of watercourse and riparian areas must be kept to a minimum, and crossing points should be chosen for low impact, in particular to avoid critical habitats of sensitive species.
5. Pedestrian/cycle and road crossings of watercourses must have a low impact design; i.e., boardwalk or bridge.
6. Sewage tanks and fields should be set back a minimum of 30 metres from the high water mark of a watercourse.
7. Recommendations in the Ministry of Environment's Best Management Practices Development will be carried out in accordance with the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Effective impervious surfaces should be limited through appropriate building, landscape and driveway design that can absorb runoff. Figures for total site imperviousness may be required.

24.4.10 B Riparian Protection Guideline Exemptions (Freshwater)

The Riparian Protection Guidelines do not apply to:

- a. Development, including vegetation clearing and soil removal or deposit and subdivision, if the subject parcel is located more than 30 metres from the natural boundary or top of bank as defined in the *Riparian Areas Regulation*;
- b. Renovations, repairs and maintenance to existing buildings that are subject to Section 911 of the *Local Government Act*;
- c. Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume, provided the work is above existing foundations;
- d. Non-chemical removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- e. Creation of a passage or trail not more than 1.5 metres in width, cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot;
- f. Provincially issued water licenses, where any disturbance to habitat is minimized and mitigated;
- g. Trimming of trees in the development permit area, provided that the trees are not eventually killed as a result of the trimming.

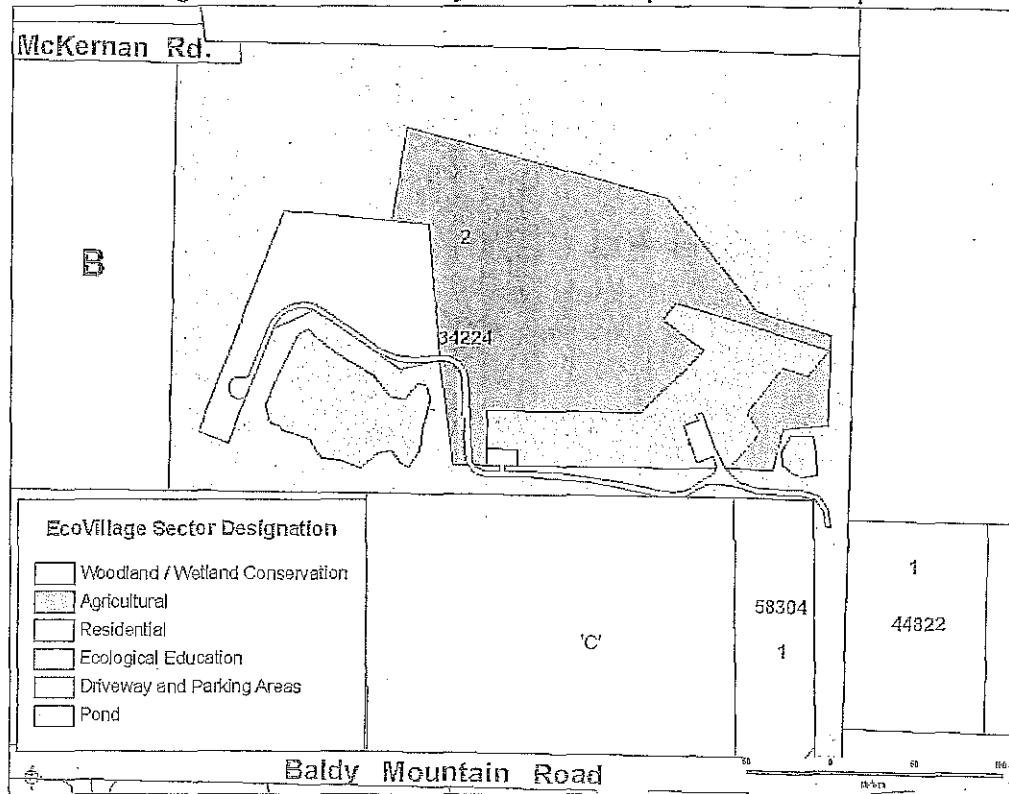
24.4.11 A Rural Community Residential Guidelines (Ecovillage)

The Rural Community Residential Guidelines apply to lands designated as Rural Community Residential.

Rural Community Residential Environmental Guidelines

1. The area shown as "Woodland/Wetland Conservation" on Figure 24.4A should remain free of buildings, structures and utilities, and land shall not be cleared. The only exceptions are: pedestrian trails accessory to the educational use, the cutting of hazardous trees, and removal of invasive, non-indigenous plants.
2. All dwellings and residential accessory buildings and structures shall be located within the "Residential Sector" and/or the "Ecological Education Sector" shown on Figure 24.4A.
3. All lands cleared for agriculture and all agricultural buildings and structures shall be located within the "Agricultural Sector," "Residential Sector" and/or the "Ecological Education Sector" shown on Figure 24.4A.
4. All accessory overnight accommodation of guests shall be located in the "Residential Sector" and/or the "Ecological Education Sector" shown on Figure 24.4A.

Figure 24.4 A - Rural Community Residential Development Permit Area Map



5. Runoff from the development should be strictly limited to prevent storm flows from damaging riparian areas.
6. Impervious surfaces shall be limited to less than 12% of the entire site, to minimize the impacts of land development on aquatic habitat.
7. A combination of natural wetland protection or artificial wetland creation may be required to buffer storm flows.
8. Driveways and parking areas should use pervious materials that can absorb runoff.
9. Discharges of material that could potentially damage groundwater shall be avoided.
10. Non-native, invasive plants are unsightly and are a threat to natural ecosystems in the South Cowichan Plan area. The management or elimination of the invasive plants, as listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be required.
11. The latest best management practices for land development of the Ministry of Sustainable Resource Management and Fisheries and Oceans Canada, should be respected.
12. Proposed sewage treatment and disposal methods will be designed to avoid impacts upon the environment. Any future treatment and disposal facilities, beyond those already approved, shall meet the requirements of the South Sector Liquid Waste Management Plan.
13. Buffers shall be provided to protect neighbouring properties from any potential impacts of the educational and residential activity on the site.
14. Development will be carried out in accordance with the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*.

Rural Community Residential General Guidelines

15. Buildings and structures should be designed in harmony with the aesthetics of the surrounding lands. All plans and building designs should promote personal and public safety.
16. Vehicle access points, pedestrian pathways, and parking and circulation patterns shall be designed to encourage as safe a flow of pedestrian and vehicle traffic as possible.
17. Signs shall be designed to respect the residential character of the surrounding area, and shall be limited in height and area commensurate with the site characteristics. Fluorescent lighting shall not be used.
18. Parking areas and pedestrian routes between buildings may be lit, but there shall be no glare on neighbouring properties or roads.
19. All development on land shall be designed to minimize the possibility of noise spill over to adjacent parcels.

24.4.II B Rural Community Residential Guideline Exemptions

The Rural Community Residential Guidelines do not apply to:

- a. Interior renovations to existing buildings;
- b. Minor exterior alterations, which are similar enough in their effect on the form and character of development as to not warrant an application in the opinion of the Regional District.

24.4.12 A Sensitive Ecosystems Guidelines

The Sensitive Ecosystem Guidelines apply to lands within that have been identified within or are within 15 metres of a sensitive ecosystem as identified by the Sensitive Ecosystem Inventory (1993-1997) by Environment Canada and the Province of BC.



1. Development should, wherever possible, be directed to lands outside of the sensitive ecosystem. In cases where there are no appropriate alternatives, the onus will be on the applicant to demonstrate that encroaching is necessary due to circumstances such as topography, hazards or the entire parcel being located within the sensitive area.
2. Where a parcel of land is entirely or significantly within a sensitive ecosystem, the development should be sited to maximize the separation between the proposed development and the most sensitive area. In such cases, mitigation and restoration measures may be required to minimize the impact of the encroachment;
3. Vegetation that is not indigenous to the South Cowichan must not be planted within a sensitive ecosystem. In order to protect the sensitive ecosystem, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained.
4. Roads and driveways should be located as far as possible from the edge of a sensitive ecosystem.
5. Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application.
6. Recommendations of the *BC Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (Ministry of Environment: 2006) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; rain gardens are another.

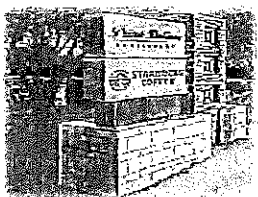
24.4.12 B Sensitive Ecosystems Guideline Exemptions

The Sensitive Ecosystem Guidelines do not apply to:

- a. Interior renovations and minor exterior renovations;
- b. Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
 - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
 - 2. Repairs to bridges and safety fences;
 - 3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and
 - 4. Emergency flood or erosion protection works.

24.4.13 A Sign Guidelines

The Sign Guidelines apply to the installation of signs within areas designated for a commercial or industrial use.



1. The use of thematic, painted, hand-crafted wooden fascia signs are preferred over other types of signs. Signs shall be constructed of natural materials and shall complement the architectural design of structures on the site.
2. Signs should identify uses and shops clearly, but be scaled to the pedestrian rather than automobile traffic moving at speed limits.
3. All forms of illuminated signs, roof mounted signs and multiple free standing signs are discouraged.
4. Where multiple, free standing signs are proposed on a site, they must be consolidated into a single, comprehensive sign that should not exceed 5 metres in height. No more than one free standing sign is permitted per parcel.
5. Entrance ways should provide visible signage identifying building address.
6. Facia or canopy signs may be approved provided that they are designed in harmony with the architecture of the building or structure proposed.
7. Projecting signs are discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of commercial buildings.
8. Signs with temporary and changeable lettering are not supported, except where clearly required due to the nature of the business activity.
9. Third party signs, advertising goods or services not available on the subject lands, are not permitted.

24.4.13 B Sign Guideline Exemptions

The *Sign Guidelines* do not apply to changes to the text or message on an existing sign allowed by a previous development permit.

24.4.14 A Subdivision Guidelines

The Subdivision Guidelines apply to the subdivision of land, regardless of the land designation.

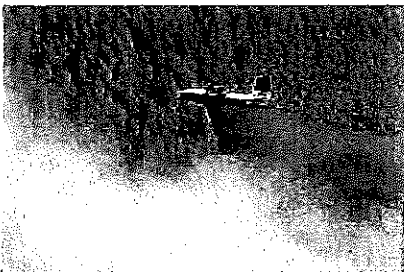
1. A trail system should link neighbourhoods to amenities and, where possible, provide corridors of native vegetation that can provide for groundwater infiltration.
2. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
3. If a subdivision proposal is received in an area identified for major road network connection or improvement in the Transportation section of this OCP, any development permit issued should accommodate major road network and intersection improvements that have been identified.

24.4.14 B Subdivision Guideline Exemptions

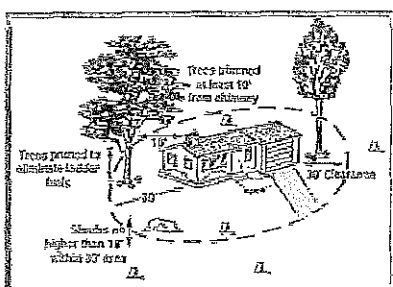
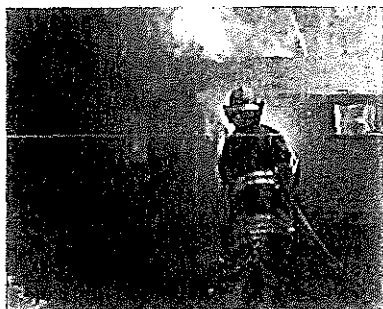
The Subdivision Guidelines do not apply to proposed boundary adjustments between two or more parcels of land.

24.4.15 A Wildfire Interface Guidelines

The Wildfire Interface Guidelines apply to the construction of buildings, outside of a village containment boundary, within areas rated as high to extreme as shown on the CVRD Wildland Urban Interface Map.



1. Roof coverings will conform to Class A, B or C fire resistance as defined in the *BC Building Code*.
2. Any material used for exterior wall finishes should be fire resistant (e.g. stucco, metal siding, brick, cement shingles, concrete block, rock, poured concrete, logs or heavy timbers) as defined in the *BC Building Code*.
3. Manufactured homes should be skirted with a fire resistant material.
4. Chimneys should have spark arrestors made of 12 gauge (or better) welded or woven wire mesh with mesh openings of less than 12 millimetres.
5. All eaves, attic and under floor openings should be screened with a minimum 3 millimetre non-combustible, corrosion resistant wire mesh.
6. All windows should be double-paned or tempered.
7. Decks should be constructed of heavy timber, or non-combustible construction, with fire resistant assemblies, as defined in the *BC Building Code*.
8. It is not advisable to plant or retain mature coniferous evergreen trees within 10 metres of a building or structure. Any coniferous evergreen trees within 10 metres of the building should:
 - a. Have limbs pruned so that they are at least 2 metres above ground;
 - b. Be spaced so that they have at least 3 metres between crowns; and
 - c. Be spaced or pruned so that they are at least 3 metres from the building or structure.
9. Areas within 10 metres of a dwelling should not be covered with landscape mulches, such as bark chips, that are highly flammable and can create a horizontal surface for embers to ignite. Landscape rock and non-combustible landscape



mulches are preferred.

10. It is advisable to consider non-combustible landscaping on larger areas, on lands where land slopes. Radiant heat and burning embers originating from 30 to 200 metres from a building can cause it to burn. Owners are encouraged to manage this area to reduce fire intensity and rate of spread by methods such as removing dead needles, dead wood and combustible debris from the ground, removing any tree limbs within 2 metres of the ground, and spacing trees so that no tree limb is closer than 3 metres to the next.
11. Provision of Fire Smart Measures should be implemented for construction and subdivision, including appropriate firefighting equipment on site, thinning of fuels around buildings, and non-combustible roofing materials.

24.4.15 B Wildfire Interface Guideline Exemptions

The Wildfire Interface Guidelines do not apply in cases where:

- a. The building plans show compliance with these guidelines;
- b. A previous development permit has been issued and the above conditions have previously been met;
- c. The construction or alterations in accessory buildings or structures is not in excess of 40 m²;
- d. Interior renovations and minor exterior alterations.

24.5 South Cowichan Rural Development Permit Area: VARIANCES

Where a proposed development plan is consistent with the guidelines of the South Cowichan Rural Development Permit Area, the CVRD may give favorable consideration to variances of the regulations of its zoning, sign, parking and other bylaws, where such variances are believed to have no significant impact on adjacent parcels, and would enhance the function or appearance of the site in question. Such variances would be incorporated into the development permit.

24.6 South Cowichan Rural DPA: APPLICATION REQUIREMENTS

Prior to issuing a development permit on a parcel in the South Cowichan Rural Development Permit Area, the Regional District, in determining what conditions or requirements it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a. a brief written description of the proposed development,
- b. maps/elevation drawings which include:
 - i) the location of the project;
 - ii) a site plan drawn to scale, showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, sidewalks, pedestrian walkways and bike paths, and outdoor illumination design;
 - iii) a building design including proposed wall, roof and exterior finish details;
 - iv) a landscaping plan, identifying the existing and proposed plant species, areas of sensitive native plant communities and areas to be cleared or planted;
 - v) a calculated figure for total site imperviousness;
 - vi) a sign plan, if any signs are proposed;
 - vii) the location of all natural watercourses and water bodies, and top of bank, indicating whether development will be within the Riparian Assessment Area set 30 metres back from the above;
 - viii) the location of any Sensitive Ecosystem Inventory areas – this information is available from the Regional District's online mapping tool;
 - ix) topographical contours;
 - x) the location of lands subject to periodic flooding;
 - xi) existing and proposed roads, driveways, drainage systems, septic tanks or other sewage systems, irrigation systems and water supply systems;
 - xii) proposed erosion control works;
 - xiii) areas infested with invasive plants, as listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association;
- c. In addition to the requirements in subsections (a) and (b), the Regional District may require the applicant to furnish, at his/her own expense:

- i) a report by an engineer with experience in geotechnical engineering, regarding the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
- ii) a report by an engineer with experience in geotechnical engineering and natural hazards mitigation, regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended; and
- iii) sun/shade diagrams of the subject development and the surrounding properties at 8 AM, 12 noon, and 4 PM.

24.7 SOUTH COWICHAN RURAL DPA: SECURITY

To ensure that all of the applicable development permit area guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to satisfaction of the CVRD. Should a development permit holder fail to fulfill the requirements of the development permit, the CVRD may undertake and complete the works required at the cost of the permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above; the CVRD will refund the Security to the Permit holder. The security will be in the form of an **Irrevocable Letter of Credit** from a recognized financial institution of the applicant's choice.

24.8 SOUTH COWICHAN RURAL DPA: VIOLATION

- a. Every person who:
 - 1. violates any provision of the South Cowichan Rural Development Permit Area;
 - 2. causes or permits any act or thing to be done in contravention or violation of any provision of the South Cowichan Rural Development Permit Area;
 - 3. neglects to do or refrains from doing any act or thing required under the South Cowichan Rural Development Permit Area;
 - 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to the South Cowichan Rural Development Permit Area;
 - 5. fails to comply with an order, direction or notice given in respect of the South Cowichan Rural Development Permit Area; or
 - 6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.
- b. Each day's continuance of an offence constitutes a new and distinct offence.

24.9 SOUTH COWICHAN RURAL DPA: PENALTY

A person who commits an offence against the South Cowichan Rural Development Permit Area is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

24.10 SOUTH COWICHAN RURAL DPA: SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of the South Cowichan Rural Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

Schedule 9 – APC Minutes

Area A Advisory Planning Commission Minutes

14 June 2011 at 6:30 pm

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, David Gall, Ted Stevens, Archie Staats, Geoff Johnson, Cliff Braaten, Margo Johnston, Roger Burgess (Alternate Director, Area A) and Rachelle Moreau (CVRD Planner)

Applicants: Cam Pringle, Cadillac Homes and Joe Newell (Architect)

Regrets: Brian Harrison (Director, Area A)

Audience: 3 public representatives

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 10 May 2011 meeting be adopted with the correction on page 2 under **Gerald Hartwig**,

- Water tower plus extra water donated to **CVRD**.

Change to:

- Water tower plus extra water donated to **Mill Bay Water District**.

MOTION CARRIED

New Business:

Development Permit Application – Mill Bay Marina No. 2-A-11DP

Purpose: To obtain a development permit for a 14-unit townhouse project and marine commercial buildings at the Mill Bay Marina.

The chair acknowledged the submission of a letter by a local resident to the CVRD expressing several concerns – a major issue will be the loss of ocean views. The chair requested that these concerns be considered by the APC when providing their comments and recommendations to the CVRD.

Cam Pringle (Cadillac Homes Inc.), the applicant and Joe Newell, architect presented an overview of the development and during the presentation answered questions from APC members.

- Project consists of marina with 94 slips with transient, short term and long term moorage, marine store, washroom/showers with laundry facility, administrative office and a licensed cafe with seating for 25 inside and some outside seating. Pier is 36' wide, buildings 26' wide – covered walkway.
- Applicant has had a wave study done to ensure that once the marina is rebuilt the maximum wave inside the breakwater will be 1.6 feet.
- Café will be an all year round facility.
- Waterfront to be extended 33' east due to eelgrass. In discussions with Brentwood College School the east extension of the marina will not interfere with their water activities.
- Can build the marina and marina buildings now without this development permit but prefer to have the townhouse development permit also.
- Public boardwalk way is 2 m wide. Working with Parks to ensure meets CVRD requirements.

- **Parking:**
54 marina parking stalls are required and the project has 44 – a variance will be required. 1 parking space for every 2 slips and every 3 seats in the cafe.
The applicant has had interest expressed in boat slips by potential residents so feels that the parking requirements will therefore be reduced. The applicant pointed out that there would be at least one-third more parking than there was available previously.
- Public Boat Launch will be built by the applicant –approval needed from Department of Fisheries and Oceans to dredge. 5 parking stalls at public boat-launch. There is no overflow parking available. (Map A3)
- Concrete retaining wall – height 4 ft varies - will separate the duplex residences from the marina parking. (Map A9)
- Handy Road – will not be widened or intersection changed – MoT hasn't asked for anything except the removal of some trees near intersection with Mill Bay Road. Boulevard Transportation Group did a traffic study, which indicated that traffic, would not increase.
- Setbacks – 6 m to north, south and west except patio and parking are included in some areas reducing the provision to 5 m.
- Traffic is to be slowed through design of road. The road design applies to within the townhouse site.
- Use of heat pumps- not specified- probably heat with hot water.
- Duplexes will have space for an elevator.
- Each strata residence will be individually metered for water.
- Fire or an emergency Mill Bay Fire department responds for townhouses, Marina developer responsible for Marina.
- Townhouse development will be bare land strata and separate from the marina.

APC Questions & Concerns:

- APC members have serious concerns for pedestrian safety along Handy Road and traffic patterns at the intersection with Mill Bay Road. The issue of the level of traffic flow on Handy Road was questioned, as there will now be a café, a boardwalk and increased parking. Traffic management tools such as road bumps, flashing lights, pedestrian cross walk to the Mill Bay Centre and a round-about between Mill Bay Road, Handy Road and Partridge Road were suggested by the APC. The applicant indicated that the concerns were appreciated but this was the decision of the MoT.
- Viewscape issue as there is 8-townhouse units' 7.5 m high creating a total blockage of ocean view for all homes to the West Side of the project. The applicant was asked if there was any way that the buildings could be repositioned to alleviate this issue. The developer indicated that the proposed layout was required for the development to make financial sense and unfortunately unless you own waterfront you do not own the view.
- Query re CVRD Bylaw 3454 which states that there would be "not more than 6 attached dwelling units" and why there are 8 proposed townhouse dwelling units. According to the applicant the bylaw has been amended by the CVRD Board at third reading to reflect the proposed 8 dwellings.
- Where is the archaeological site? In an area near the house. A site alteration permit will be obtained from the Archaeological Branch prior to construction.
- Is the project following green building? Using National Building Codes – will have water conservation on site – low lightning. Duplexes will have rough in for solar hot water – no solar panels - supplementary to the owner.
- The CVRD Board minutes that approved the sewer connection to Sentinel Ridge before this project indicates additional connections are available. Why is this sewer system not required to connect others? Rachelle stated the CVRD has accepted this, as the Sentinel Ridge sewer system was not designed to accommodate a lot of additional properties. The applicant indicated there was expressed interest by Brentwood College and Rose Bank Cottages to hook up to the sewer line and this was financially appealing as there would be shared costs for the sewer line. Route for sewer line not finalized yet. Gravel will provide a narrow walkway on top of the sewer line.

- Is there still contamination from previous fuel tanks? No, the area has already been re-mediated. An engineering firm has been hired to do an environmental study of the area.
- Query as to why the APC was being asked to consider the DP prior to full approval by the CVRD Board for the rezoning request? The applicant stated that they wanted a level of comfort that the proposed development would go forward in its present form and would like to address the DP at the same time as the 4th reading

The Area A APC recommends to the CVRD **Development Permit Application – Mill Bay Marina No. 2-A-11DP** be approved with two recommendations:

1. Further discussions occur with Ministry of Highways regarding Handy Road traffic concerns.
2. The development permit specifies the sequence and timing of the various phases of the overall project as outlined in the staff DPA report.

Note: Although there was APC consensus on the recommendation to the CVRD was to move forward with the DP, individual members expressed specific concerns:

- All were concerned about the potential for increased traffic and the impact on pedestrian safety at the Handy Road intersection.
- Several members (4) were concerned about the impact the development would have on the ocean views of the existing residents. One member stated that the townhouse complex should not be approved for this reason.
- One member was concerned that the rezoning approval process had not been completed before the APC was asked to consider the DP.

Other:

Public question time is to be scheduled at official CVRD meetings only if 50% or more of the members are elected.

SCOC Public Hearing 27 June 2011 in Kerry Park Recreation Centre – Ice Arena at 7:00 pm.

Alternate Director Update:

- Stonebridge development application was denied by CVRD Board.
- An application to subdivide property on Partridge and Lodgepole Road into 4 bare land strata lots.
- Horton Road (Mark Wyatt) new application pending.
- Telus – 200 ft. cell tower proposed between Kilmalu and Sheppard Road near Hwy – CVRD would prefer a different location but does not have jurisdiction over the site or height - the matter is to be reviewed at next EASC
- Ocean Terrace development – nothing to report.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.
MOTION CARRIED

Meeting adjourned at 8:55 pm.

The next regular meeting will be at 6:30 pm, **13 September 2011** at Mill Bay Fire Hall.

Schedule 10 – Draft Development Permit



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-A-11DP

DATE: TBD

TO: Mill Bay Marina Inc.

ADDRESS: 740 HANDY ROAD

Mill Bay, BC

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below for purposes of subdivision:
Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PHD 001-027-433) and Foreshore Lease Lot 459 (Lease No. 1122643)
3. Authorization is hereby given to subdivide and develop the land and water lot lease for a 14 unit townhouse project and marina in accordance with the Mill Bay Village Development Permit Area and South Cowichan Rural Development Permit Area guidelines.
4. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
5. The following Schedules are attached:
 - Design Drawings
 - Landscape Plan
6. This Permit is not a Subdivision or Building Permit approval. No subdivision approval shall be recommended or building permit issued until all items of this Development Permit and other bylaw requirements have been completed.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 10-623.14 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE Xth DAY OF MONTH, 2011.

Tom Anderson, MCIP
General Manager,
Planning and Development Department

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

HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with 687033 BC LTD., other than those contained in this Permit.

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 25, 2011

FILE NO: 7-E-11 DP

FROM: Maddy Koch, Planning Technician

BYLAW NO: 1490

SUBJECT: Application No. 7-E-11DP
(Bill Thompson of Hillside Excavating Ltd.)

Recommendation/Action:

That Application No. 7-E-11DP, submitted by Bill Thompson of Hillside Excavating, for conversion of a portion of a single family dwelling into a commercial space along with various other site alterations on Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661) be approved, subject to substantial compliance with the submitted site plan and building designs.

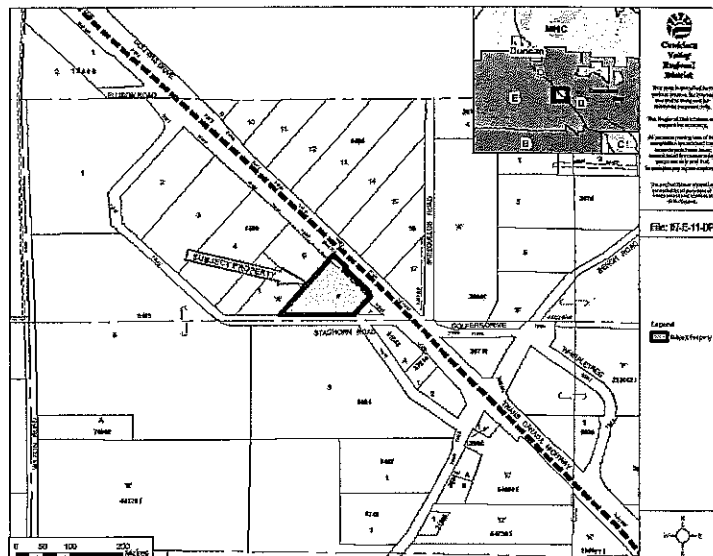
Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: *n/a*)

Background:

To consider the issuance of a development permit to authorize conversion of a portion of a single family dwelling into commercial space along with other various site alterations.

Location of Subject Property: 2381 Staghorn Road



Legal Description:

Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661)

Date Application and Complete Documentation Received: July 8, 2011

Owner: Bill Thompson

Applicant: As above

Size of Parcel: ±1 hectare

Existing Zoning: I-1 Light Industrial

Existing Plan Designation: Industrial

Existing Use of Property: Garden stone sales, top soil sales and top soil production

Existing Use of Surrounding Properties:

North: A-1 and Trans Canada Highway

South: C-4 and Staghorn Road

East: A-1, C-4 and Trans Canada Highway

West: I-1

Services:

Road Access: Staghorn Road

Water: Well

Sewage Disposal: Septic

Environmentally Sensitive Areas: None identified.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed

Proposal:

An application has been made to obtain a development permit in accordance with the Trans Canada Highway Development Permit Area to permit the conversion of approximately 145 square metres (1560 square feet) of a single family residence into commercial space. The converted portion of the building would be used for equipment maintenance and, eventually, a new office.

In 2008 the applicants submitted a similar development permit application which also included plans to install mini-storage units on the subject property. The application file was withdrawn partway through and the permit was never issued. The current application is solely for the above-described conversion of an existing single-family dwelling, and does not include plans to install mini-storage units.

The applicant has indicated that two existing buildings, three storage containers and a large pile of bark mulch will be removed from the subject property. It is undecided whether the material bunkers will be moved to the location indicated on the "proposed" site plan, or remain in their current location (as shown on the "existing" site plan).

Please note that Hillside Excavating Ltd. is actually located on two lots. Together, the two lots are ±1.07 ha in size. A triangular lot approximately 747 square metres in size is located to the southeast of the ±1 ha subject property, as shown on the attached zoning map.

Policy Context:

Development Permit Area Guidelines

The property is within the Trans Canada Highway Development Permit Area (DPA), which was established for the purpose of protecting the natural environment and providing guidelines for the form and character of future industrial, commercial or multi-family development in the permit area.

The DPA outlines how the property should be developed in terms of vehicular access, vehicle parking, pedestrian access, landscaping, signage, lighting, overhead wiring and building design. The following section outlines how the development proposal complies with the guidelines.

a) Vehicular Access

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

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

The subject property is only accessible by Staghorn Road.

Based on the relatively small scale of the proposed works, the configuration of the subject property and the fact that neighbouring lots are not undergoing any development applications, requiring shared access points with abutting commercial facilities does not seem appropriate in this case.

b) Vehicle Parking

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

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

Existing parking spaces on site are composed of crushed rock, and proposed new parking spaces would be constructed using the same material. All existing and proposed parking would be located far from the Trans Canada Highway frontage. Area E's Official Community Plan does not identify Staghorn road as a major network road, however, based on the proposed site plan submitted by the applicant, new parking spaces would comply with the three metre setback.

No major conflict between pedestrian traffic and existing or proposed parking spaces is expected.

c) Pedestrian Access

N/A

d) Landscaping

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

The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres but should be at least .75 metres in height.

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

The application did not include a landscaping plan; however, the applicant has indicated that the following alterations will be made to the appearance of the parcel:

- three storage containers, the current office and a large pile of bark mulch, all of which can be seen from the Trans Canada Highway at present, will be removed
- the entire Highway frontage will be lined with rock displayed in wire cages, as seen on the southern end of the property's highway frontage (see attached pictures);
- the electrical shed fronting Staghorn road will be removed and
- another water feature will be installed in place of the electrical shed.

The applicant argues that landscaping would not be visible from the Highway, as much of the subject property is elevated from the surface of the Highway by several metres. It should also be noted that Hillside Excavating Ltd. has been maintaining the Ministry of Transportation right of way above the Highway by occasionally trimming the grass.

The attached pictures show the entrance to the site from Staghorn Road and the view of the property from the Trans Canada Highway. The attached "existing" site plan shows the items and structures to be removed.

e) Signage

There are currently two signs on site including a small reader board sign attached to the fence fronting the Trans Canada Highway and a large freestanding sign composed of the type of rock sold on site (see attached picture). No changes to the current signage are proposed.

f) Lighting

Several streetlights are located on the subject property, and are indicated on the site plan by a circle with a cross in the middle. The large "Hillside Stone & Garden" sign is front-lit.

g) Overhead Wiring

All wiring onsite is underground, with the exception of the wiring leading from the roadside power pole to the dwelling.

h) Building Design

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

The applicant submitted the following description of the proposed design for the mixed-use residence/shop:

"The [building] will feature natural stone panels around the outside of the office. These will be placed as time permits. In the meantime, it has been painted with a matching hardy board. The rest of the building is hardy plank horizontal siding on the top floor, light green with dark green trim and cedar shakes on the gable ends, and the lower portion is board and batten using the same colours. The existing entrance will be maintained and the area will be finished with a crushed 3/4 inch stone."

The attached photos and design plans give an idea of what the building is planned to look like upon completion.

Zoning:

All of the zoning regulations from Bylaw No. 1840, including permitted uses and setbacks, appear to be complied with.

Advisory Planning Commission Comments:

The Electoral Area E Advisory Planning Commission (APC) reviewed this application at their October 13, 2011 meeting.

APC Recommendation:

That the application be approved as presented.

Staff Comments:

The application generally complies with all aspects of the development permit area guidelines. While a landscaping plan was not included with the application, the proposed site alterations will improve the property's appearance from the Trans Canada Highway and Staghorn Road. Staff concur with the Area E APC's recommendation to approve the application.

Options:

1. That Application No. 7-E-11DP, submitted by Bill Thompson of Hillside Excavating, for conversion of a portion of a single family dwelling into a commercial space along with various other site alterations on Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661) **be approved, subject to substantial compliance with the submitted site plan and building designs.**
2. That Application No. 7-E-11DP, submitted by Bill Thompson of Hillside Excavating, for conversion of a portion of a single family dwelling into a commercial space along with various other site alterations on Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661) **be denied.**

Option 1 is recommended.

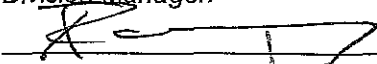

Submitted by,

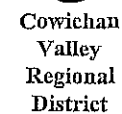
Maddy Koch

Maddy Koch,
Planning Technician
Development Services Division
Planning and Development Department

MK/jah

Attachments

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



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

The Regional District does not warrant the accuracy.

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

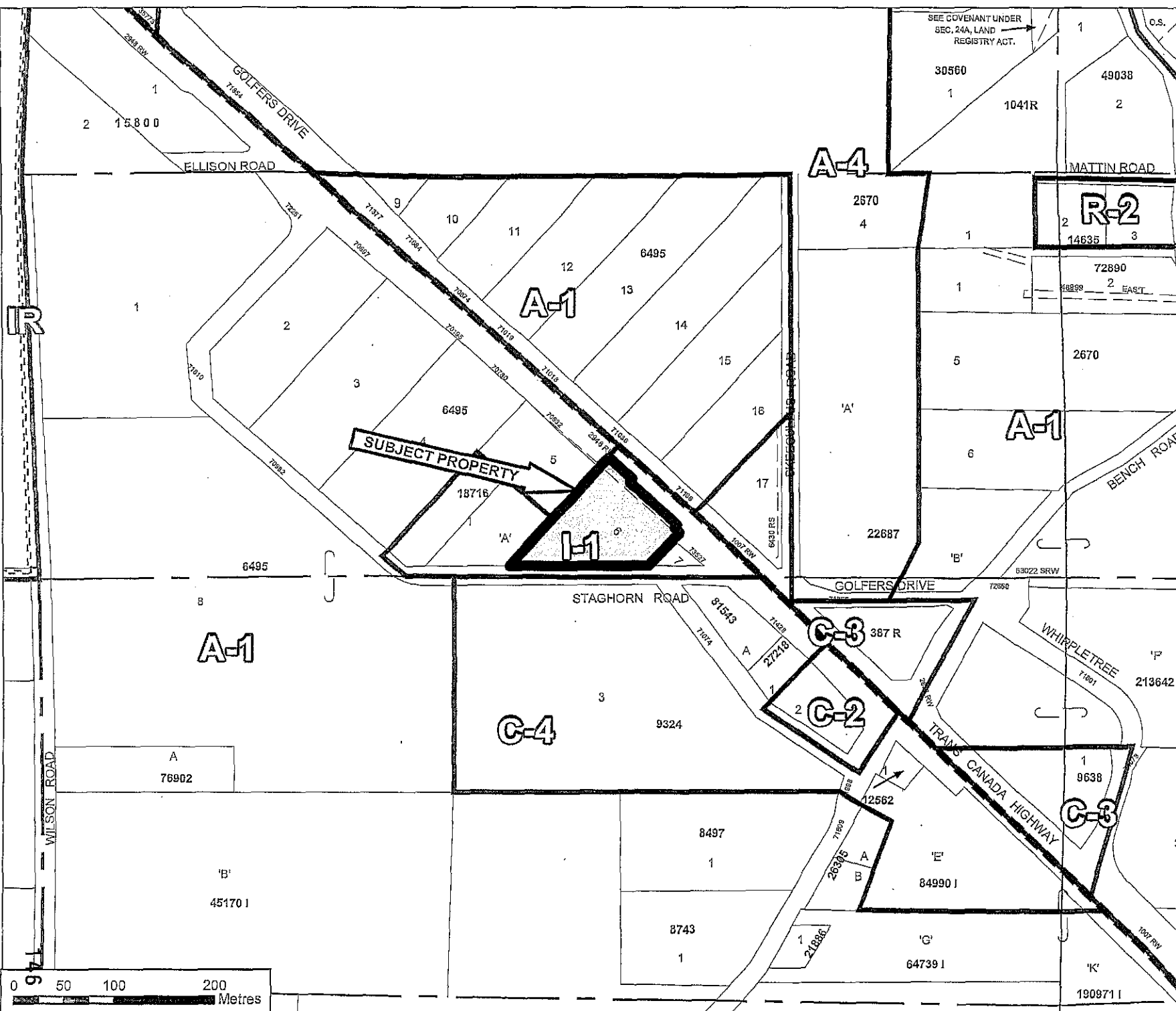
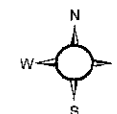
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 07-E-11-DP

ZONING

Legend

- ☐ Subject Property
☐ Zoning Electoral Area E



11.0 INDUSTRIAL ZONES

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

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

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

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

(b) Conditions of Use

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

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

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

- (5) The number of accessory residences permitted on any *parcel* in the I-1 Zone is one. One additional accessory residence is permitted per *parcel* for every 0.4 hectares of *parcel* area, but only if the *parcel* lies within the Eagle Heights Sewer Service Area and is connected to this system.

(c) Minimum Parcel Size

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

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

14.0 DEVELOPMENT PERMIT AREAS

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

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

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

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

14.1 Policies: Trans Canada Highway Development Permit Area

POLICY 14.1.1: CATEGORY

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

POLICY 14.1.2: JUSTIFICATION

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

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

POLICY 14.1.3 GUIDELINES

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

a) Vehicular Access

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

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

b) Vehicle Parking

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

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

c) Pedestrian Access

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

d) Landscaping

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

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

0.75 metres in height.

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

e) Signage

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

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

f) Lighting

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

g) Overhead Wiring

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

h) Building Design

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

POLICY 14.1.4 SCOPE OF TRANS CANADA HIGHWAY DEVELOPMENT PERMIT AREA

a) Area

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

b) Exemptions

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

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

c) Variances

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

POLICY 14.1.5: APPLICATION REQUIREMENTS

An application for a development permit shall include the following:

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

SKETCH PLAN OF PART OF LOT 6,
SECTION 8, RANGE 1, COWICHAN DISTRICT,
PLAN 6495.

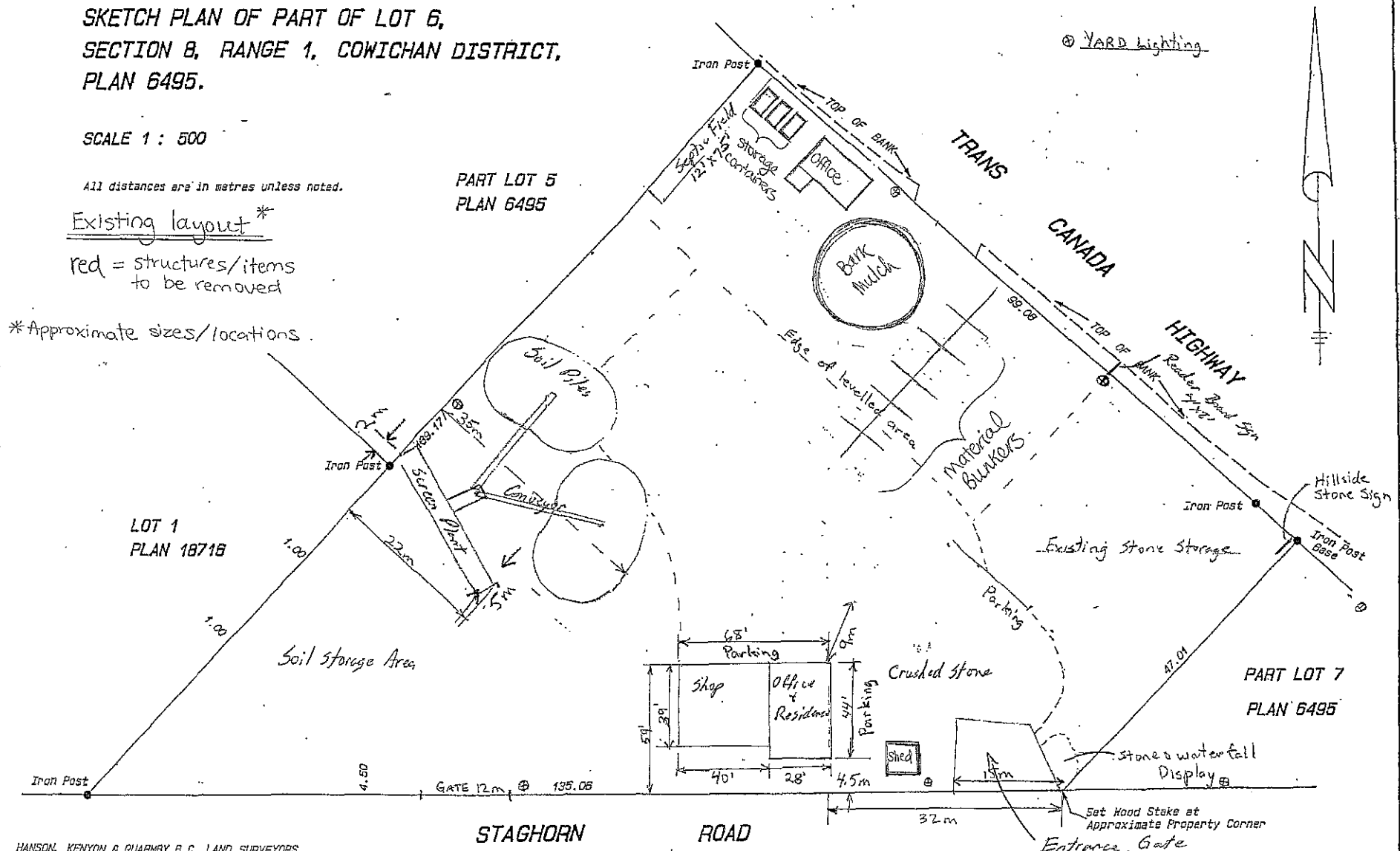
SCALE 1 : 500

All distances are in metres unless noted.

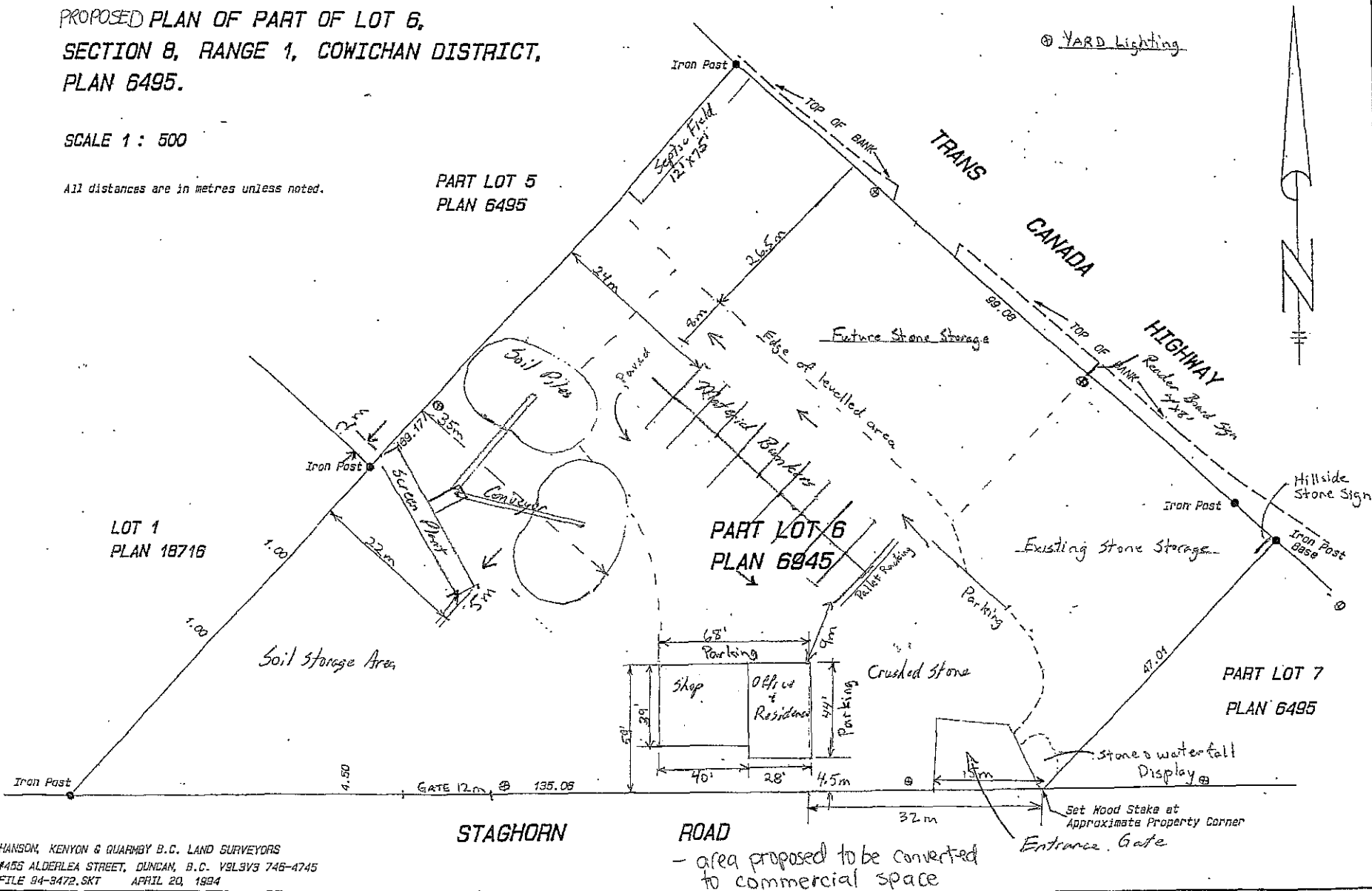
Existing layout*

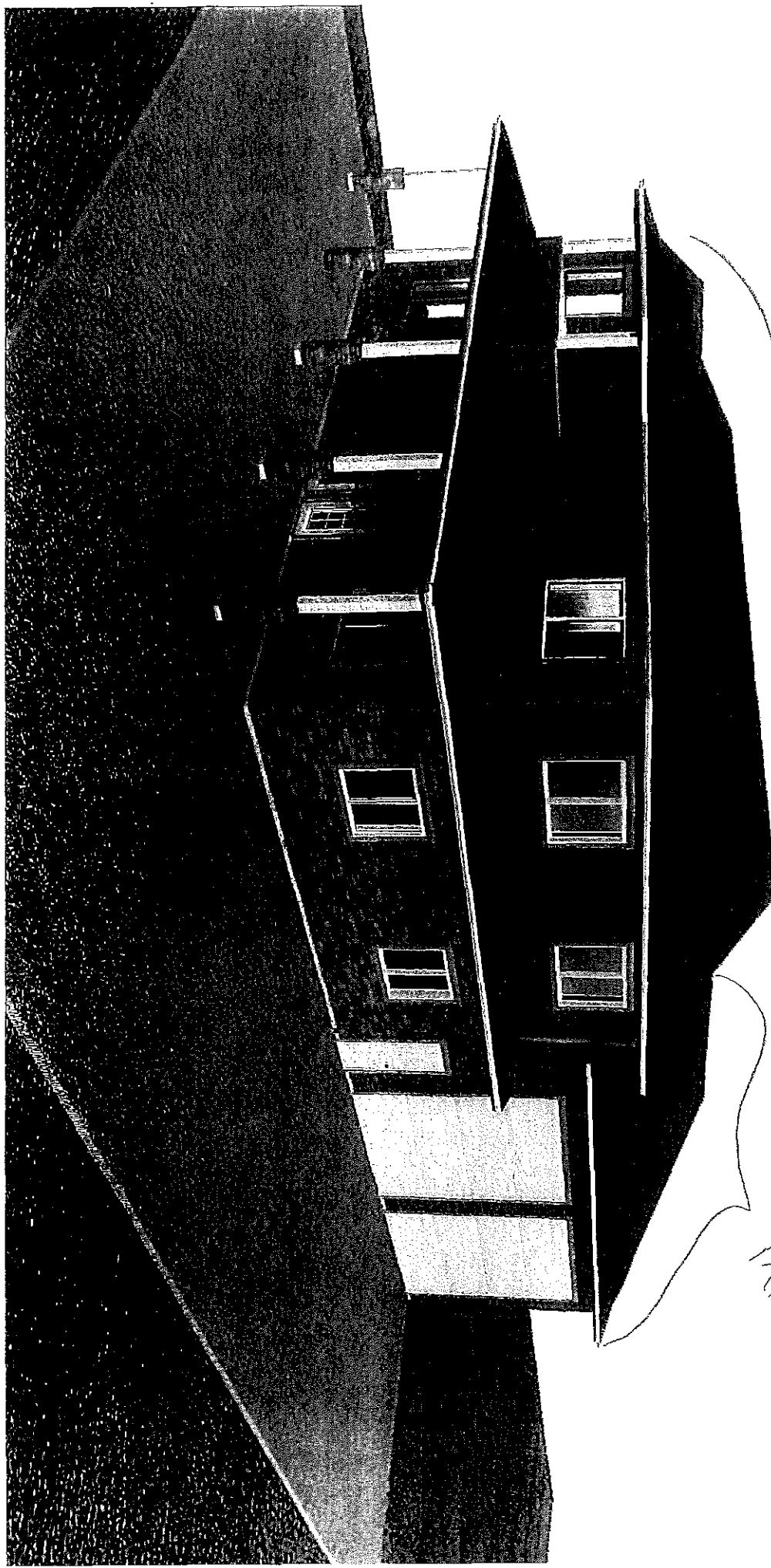
red = structures/items
to be removed

* Approximate sizes/locations.



All distances are in metres unless noted.

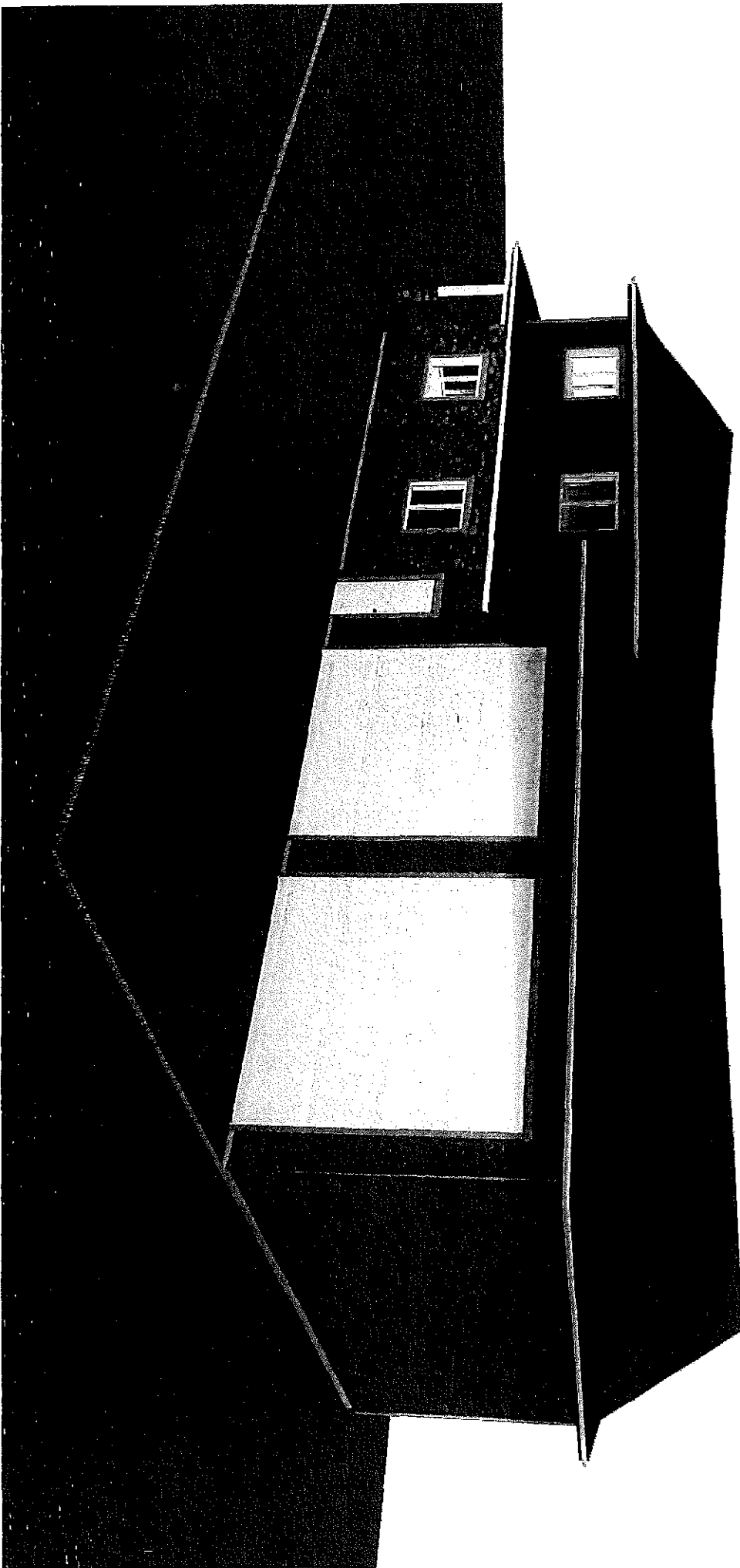




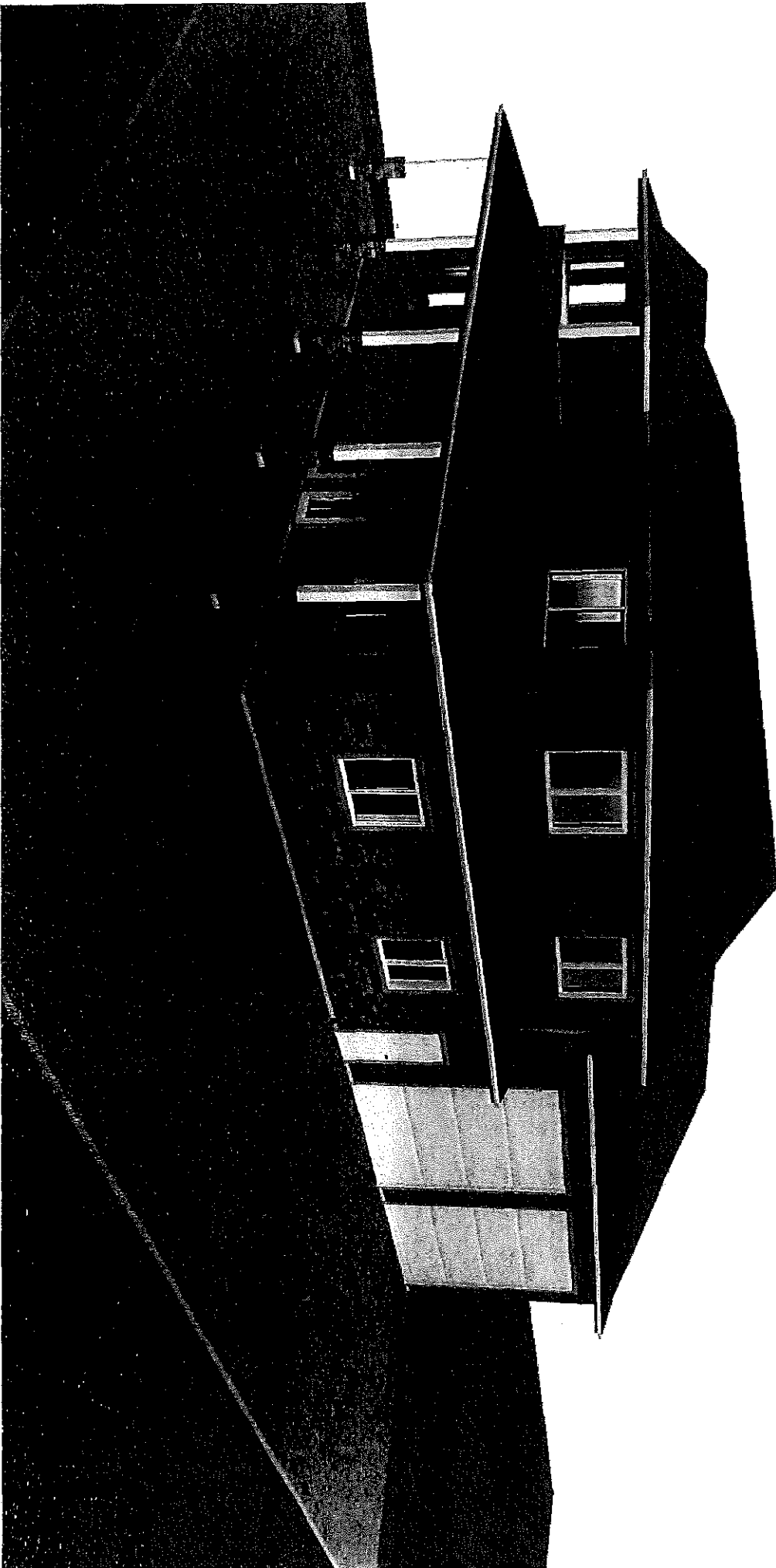
portion to
remain as single
family dwelling.

portion to
be converted
into shops

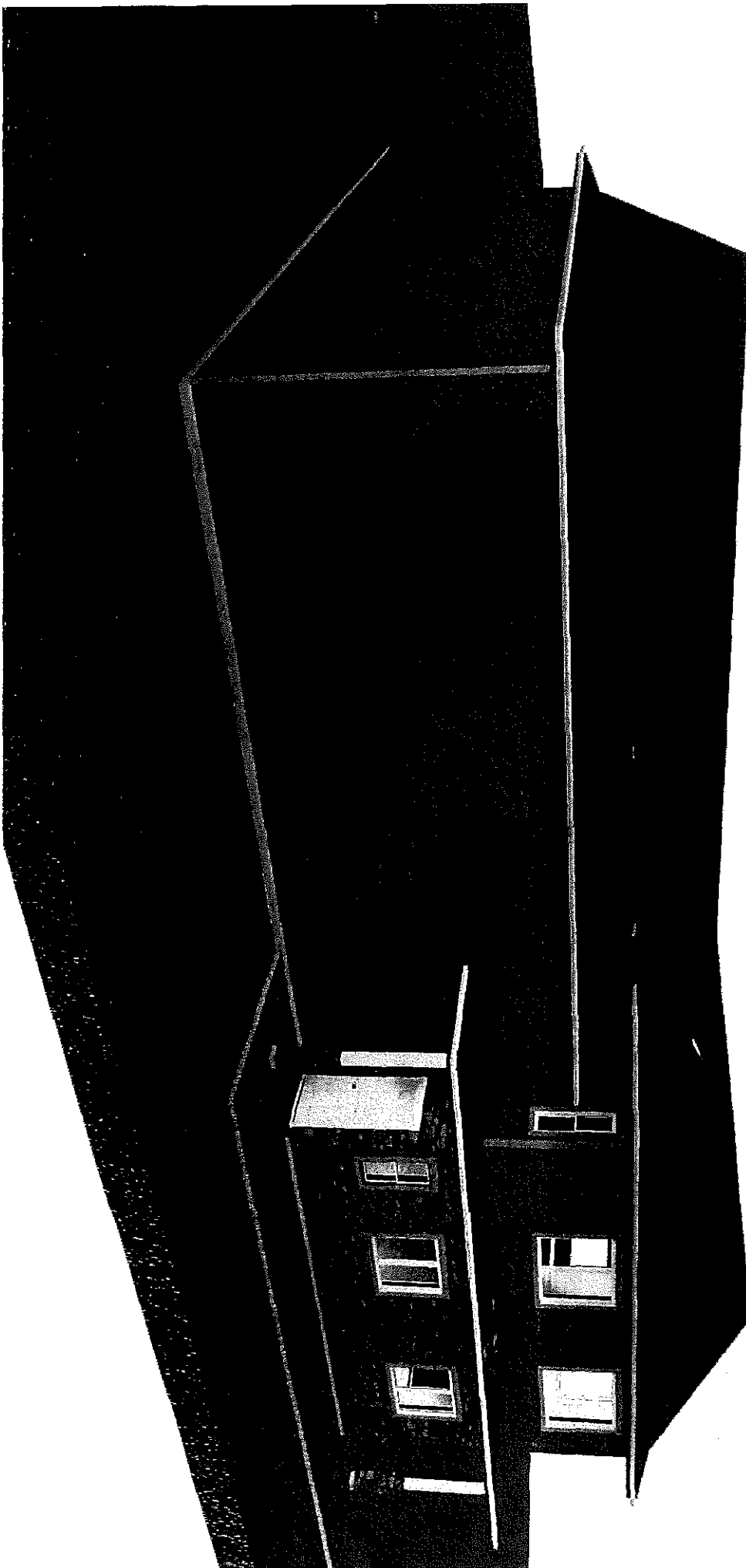
* Rockwork may use
a greater variety of rocks
than what is shown here



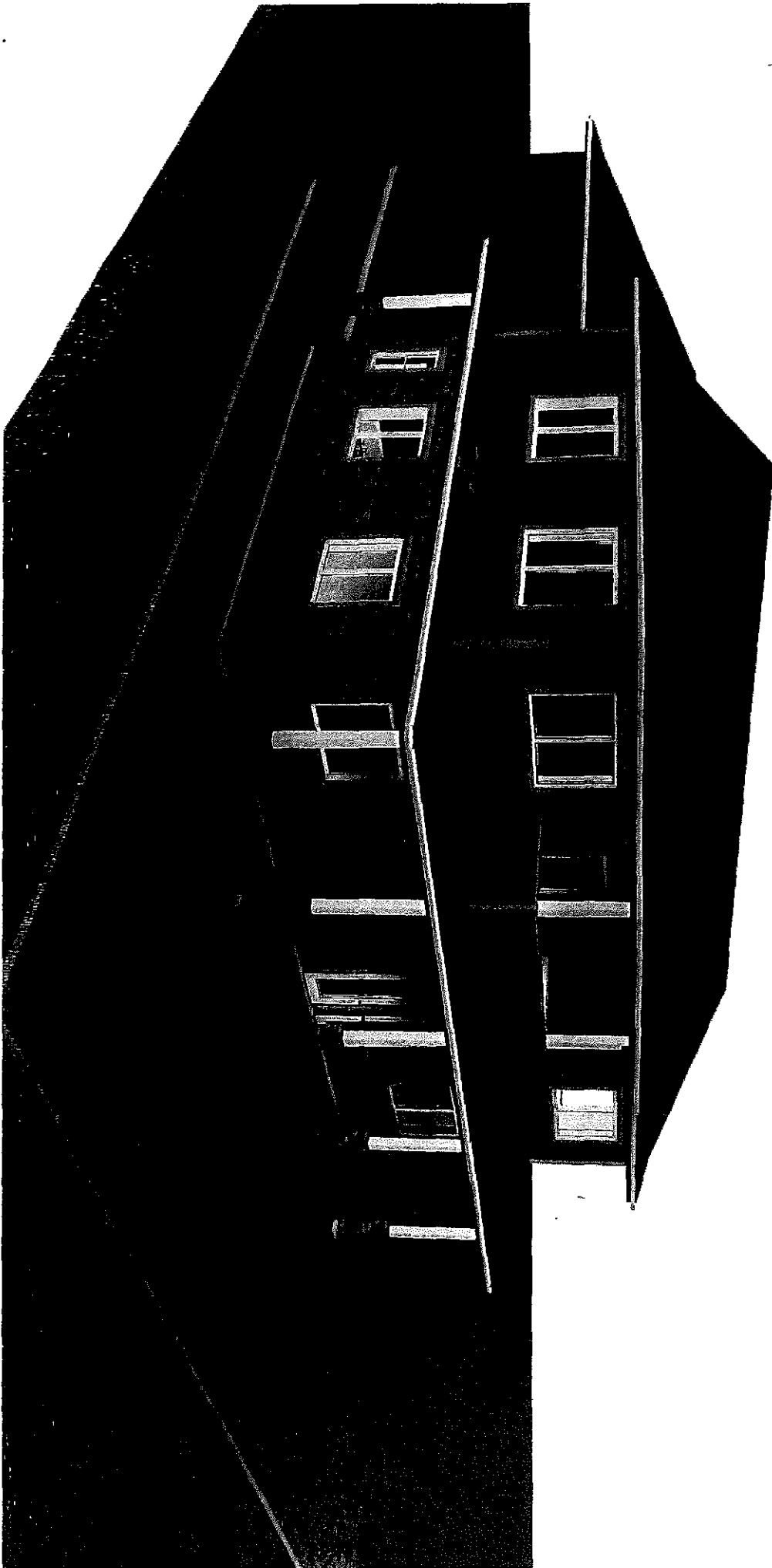
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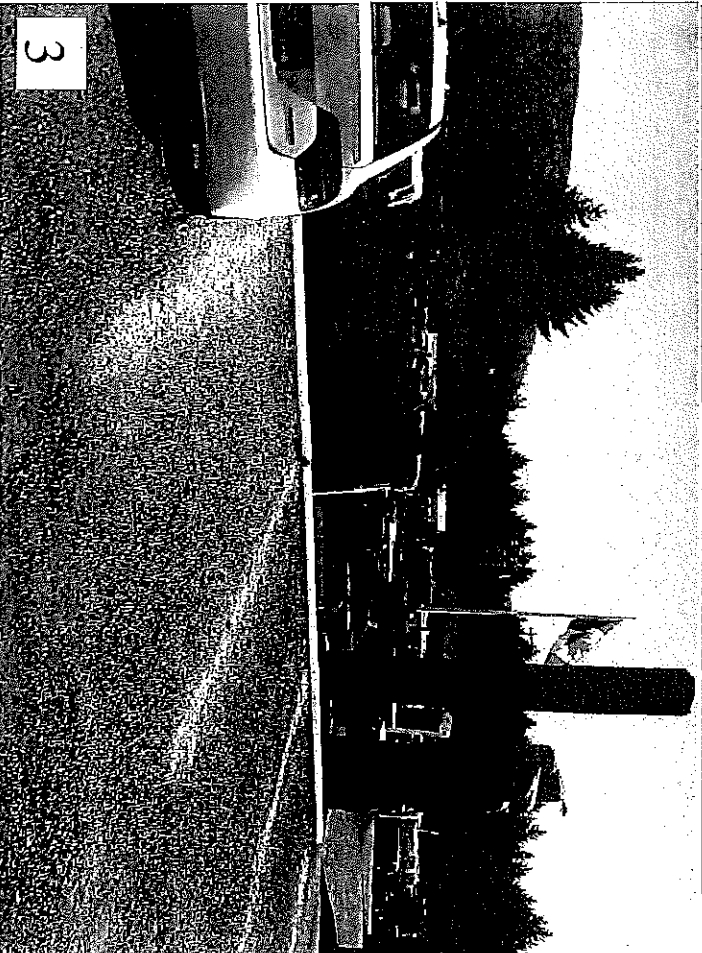
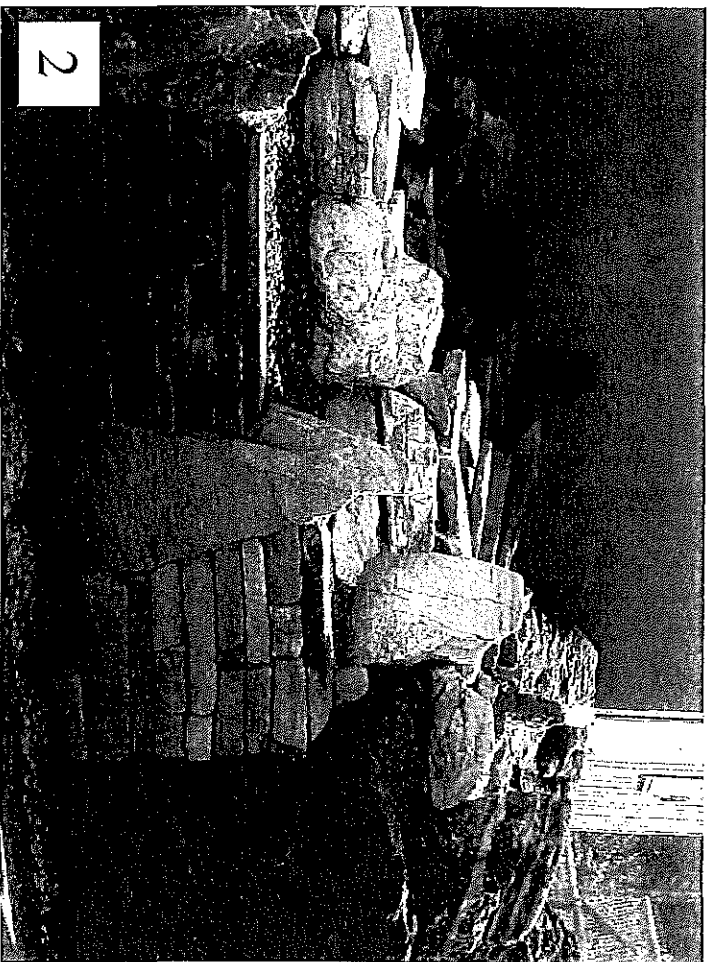


* Rockwork may
use a greater variety
of rock types than
what is shown here

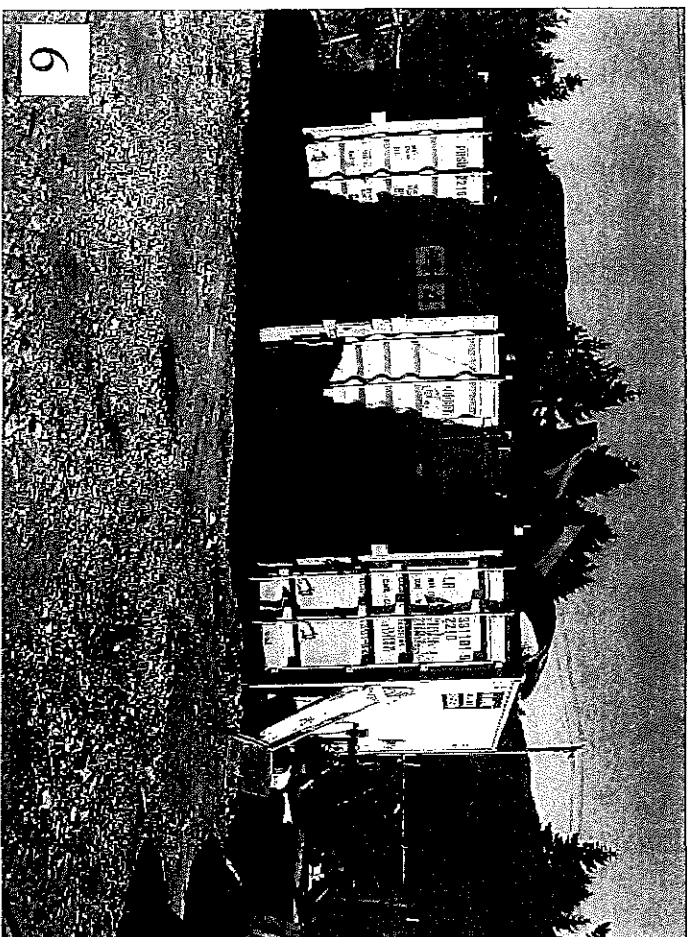
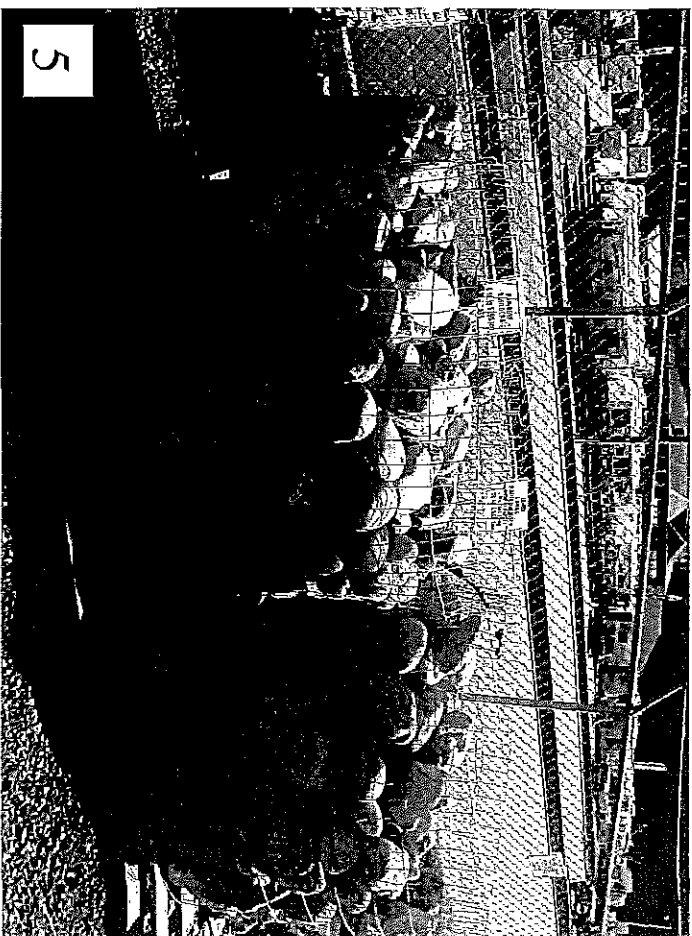
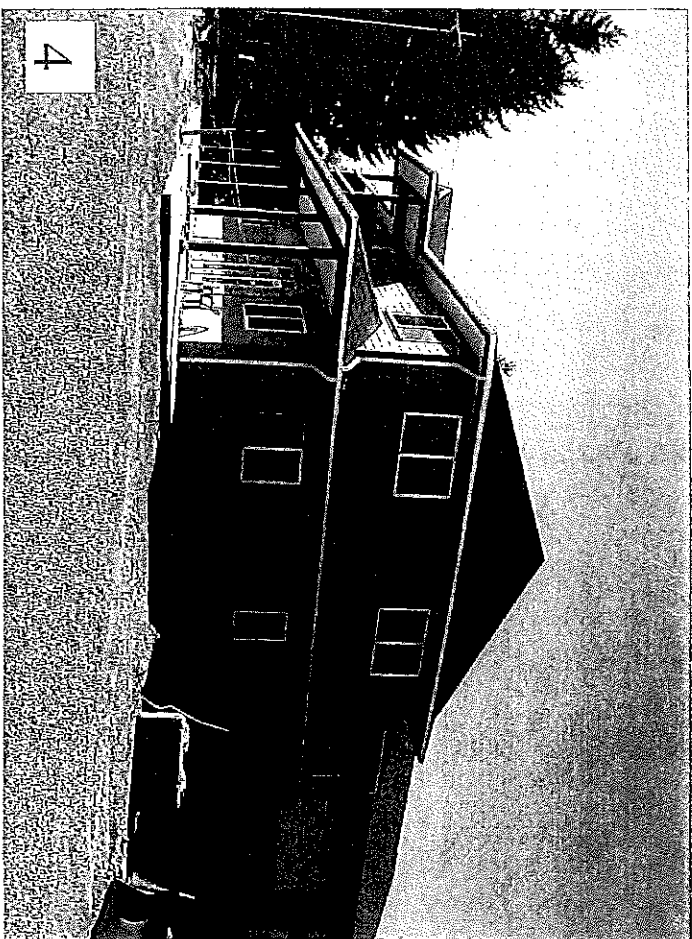


* Rockwork may
use a greater
variety of rock
types than what
is shown here





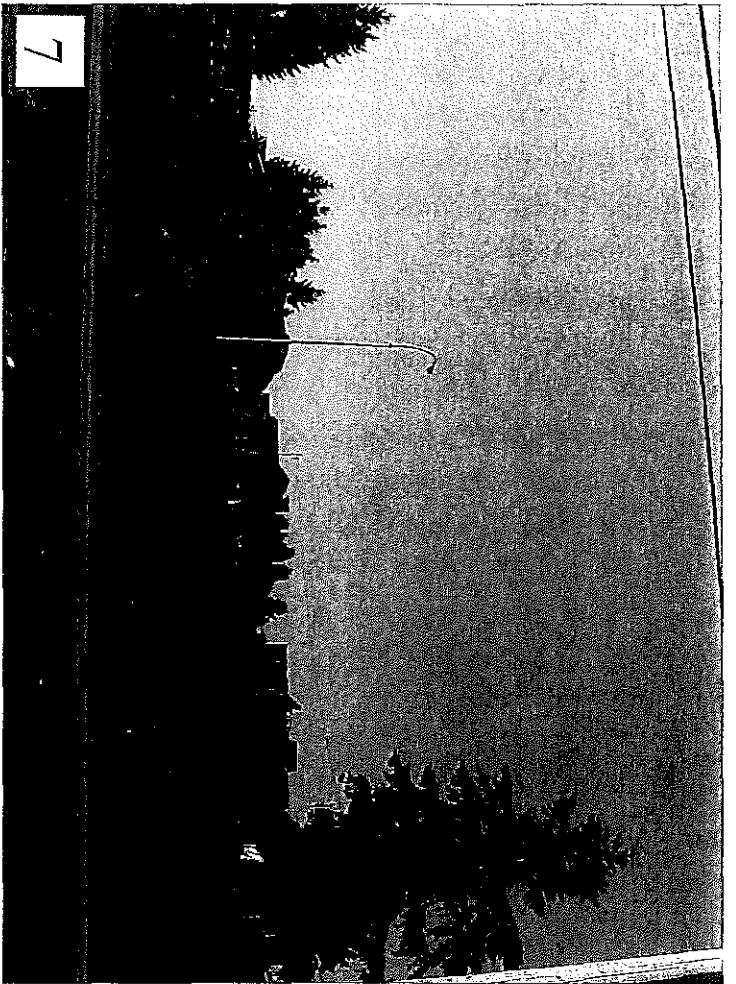
- 1- The entrance, via Staghorn road
- 2- One of the existing water features
- 3- Existing parking



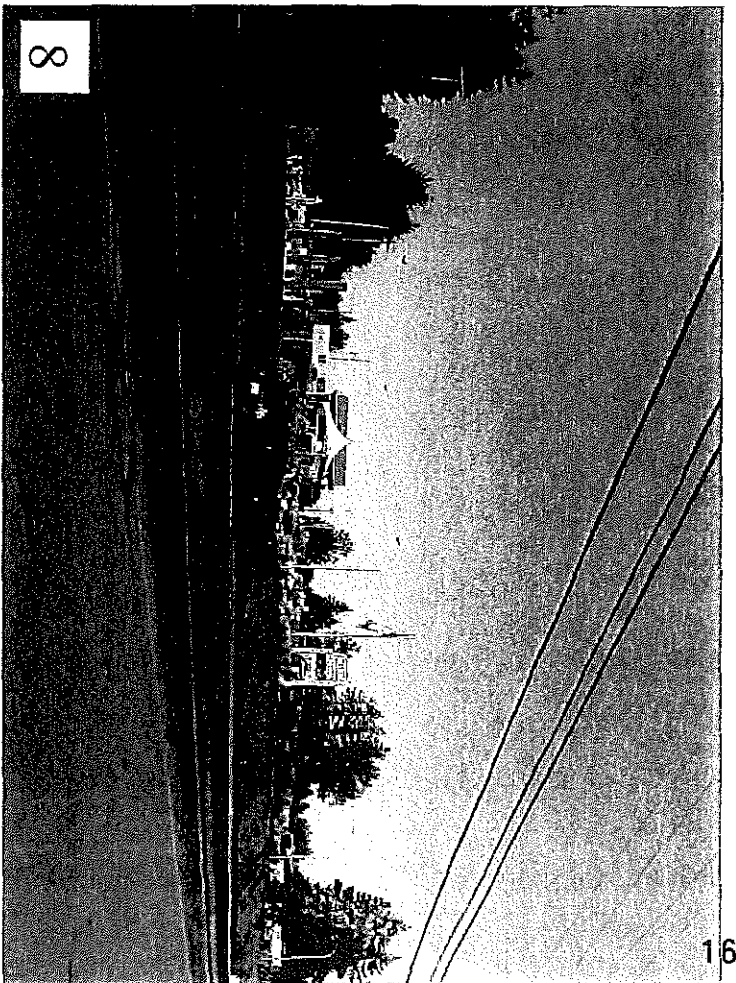
4— The dwelling

5— Rock displayed in wire cages

6— The storage containers



7



8

7-- View of property from the north

8-- View of property from the south





COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 7-E-11DP

DATE: OCTOBER 25, 2011

TO: WILLIAM THOMPSON

ADDRESS: 2381 STAGHORN ROAD

DUNCAN, BC V9L 6L7

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661)
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:
 - Substantial compliance with the attached site plan and building designs
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Site Plan
 - Schedule B – Building Designs
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

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

Tom Anderson, MCIP
General Manager, Planning and Development

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 24, 2011 **FILE No:** 9-E-11 DP-VAR
FROM: Alison Garnett, Planner I **BYLAW No:** 1490
Planning and Development Department
SUBJECT: Application No. 9-E-11DP with Variance
(Michael and Brandee Ganter)

Recommendation/Action:

That application No. 9-E-11DP/VAR, submitted by Michael and Brandee Ganter, for construction of a residential accessory building in accordance with the Agricultural Protection Development Permit Area guidelines, on Lot A, Section 10 and 11, Quamichan District, Plan 32057 (PID: 001-106-902) be approved.

And further, that Section 5.2(e) of Zoning Bylaw No. 1840 be varied to allow the size of the residential accessory building to be increased from 100 square metres to 143 square metres, subject to substantial compliance with the submitted site and building plans.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property: 3929 Vaux Road, Glenora

Date Application Received: October 7, 2011

Owner and Applicant: Michael and Brandee Ganter

Size of Parcel: ±2.5 hectares (5.9 acres)

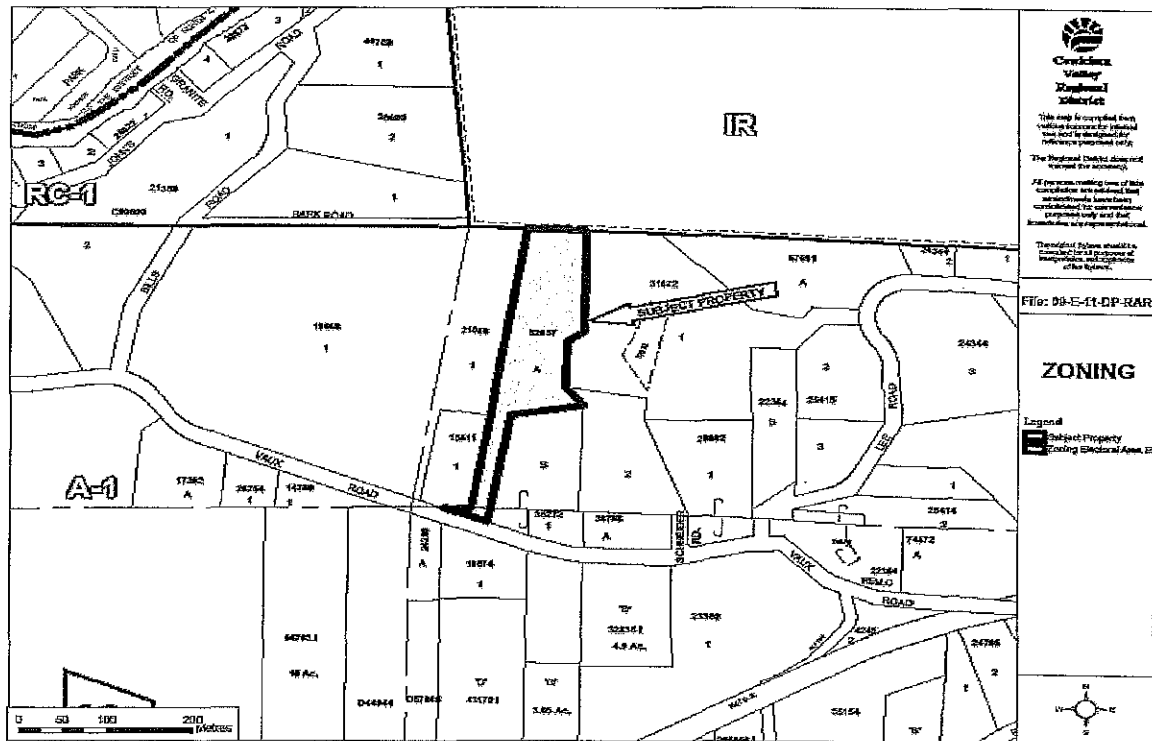
Existing Zoning: A-1 Primary Agriculture

Existing Plan Designation: Agricultural

Existing Use of Property: Residential. No agricultural uses.

Legal Description:

Lot A, Section 10 and 11, Quamichan District, Plan 32057 (PID: 001-106-902)



Existing Use of Surrounding Properties: Mix of residential and agricultural uses. All A-1 zoned land.

Road Access:

Vaux Road

Water:

Well

Sewage Disposal:

Septic

Environmentally Sensitive Areas:

None identified

Archaeological Site:

None identified

Agricultural Land Reserve:

The property is located in the ALR

Contaminated Sites Regulation:

Declaration signed

Proposal:

An application has been made to obtain a development permit in accordance with the Agricultural Protection Development Permit Area to allow the construction of a residential accessory building on lands within the Agricultural designation, and further, to vary the maximum floor area permitted for a residential accessory building.

The subject property is a 2.5 hectare lot located in Glenora. It is zoned A-1 (Primary Agricultural) and is located in the Agricultural Land Reserve. It is a panhandle shaped lot, with one single family home. The applicants have a small residential garden, but do not actively farm the land. The majority of the property is heavily forested, and any attempts to farm would have to overcome significant topographical challenges. Adjacent properties are also zoned A-1 and located in the ALR, but are characterized by rural residential uses. There are no active farms in the immediate area.

The attached site plan and building drawings show that the applicants intend to build an accessory building, for storage and general workshop use. The size of the proposed building is 143 square metres, which exceeds the 100 square metre size limit for an accessory building in Electoral Area E. The applicants are requesting to vary this section of the bylaw by 43 square metres. The standard notification process has been followed, in accordance with CVRD Bylaw No. 3275, and no comments have been received from adjacent property owners.

The Agricultural Protection Development Permit Area was created for the protection of farming, and applies to all lands within Electoral Area E that are designated as Agricultural in the Plan or are zoned Primary Agricultural (A-1) or Agricultural Conversion (A-1C). The following section will explain how the proposed development complies with the development permit area's guidelines.

a) Location of Residence

The residence has already been constructed on the subject property, prior to adoption of the Agricultural Protection DPA. This guideline is not applicable.

b) Location of Accessory buildings

This guideline relates to the location of non-agricultural buildings, and encourages siting of these buildings in ways that minimize long term impact on the farming potential of the property. Examples include siting residences close to the road frontage, in areas of lower soil quality, or clustering accessory buildings near other residential buildings.

The proposed garage will be sited approximately 65 metres from the existing residence, but close to a workshop building on the neighbouring property. It will be setback a minimal amount from the interior side property line, which will allow use of the existing lawn area between the accessory building and the residence for future small scale agricultural use.

c) Driveways

The proposed building will maximize use of the existing panhandle driveway, and will therefore not cause any additional roadway construction.

d) Footprint of Proposed Buildings

This guideline states that the footprint of buildings may be limited if the subject lands have high agricultural capability. This application first appears at odds with this guideline, in that a variance to the zoning bylaw is requested to increase the permitted floor area of the accessory building. However, the land capability mapping for the subject property shows a majority of Class 7 soils, which is considered non-arable land, without the potential for improvement due to topography limitations. The attached Soil Classification Map shows that the soils at the northern end of the lot are improvable to Class 3, which is defined as having moderate limitations for agriculture. This area of the property will not be affected by this application, and therefore will be preserved for long term agricultural use.

Advisory Planning Commission Comments:

This application was not referred to the Electoral Area E APC. When the Agricultural Protection DPA was introduced to this OCP, the intention was to delegate authority to the General Manager of Planning and Development. As the Development Application and Procedures Bylaw No. 3275 has not been amended to formalize this delegation authority, this application is appearing directly before the EASC.

Options:

1. That application No. 9-E-11DP/VAR, submitted by Michael and Brandee Ganter, for construction of a residential accessory building in accordance with the Agricultural Protection Development Permit Area guidelines, on Lot A, Section 10 and 11, Quamichan District, Plan 32057 (PID: 001-106-902) **be approved**.

And further, that Section 5.2(e) of Zoning Bylaw No. 1840 be varied to allow the size of the residential accessory building to be increased from 100 square metres to 143 square metres, subject to substantial compliance with the submitted site and building plans.

2. That application No. 9-E-11DP/VAR, submitted by Michael and Brandee Ganter, for construction of a residential accessory building in accordance with the Agricultural Protection Development Permit Area guidelines, on Lot A, Section 10 and 11, Quamichan District, Plan 32057 (PID: 001-106-902) **be denied**,

And further, that Section 5.2(e) of Zoning Bylaw No. 1840 **not** be varied to allow the size of the residential accessory building to be increased from 100 square metres to 143 square metres, subject to substantial compliance with the submitted site and building plans.

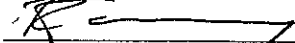
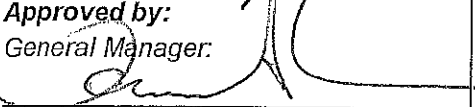
Option 1 is recommended.

Submitted by,



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

AG/ca

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



**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.

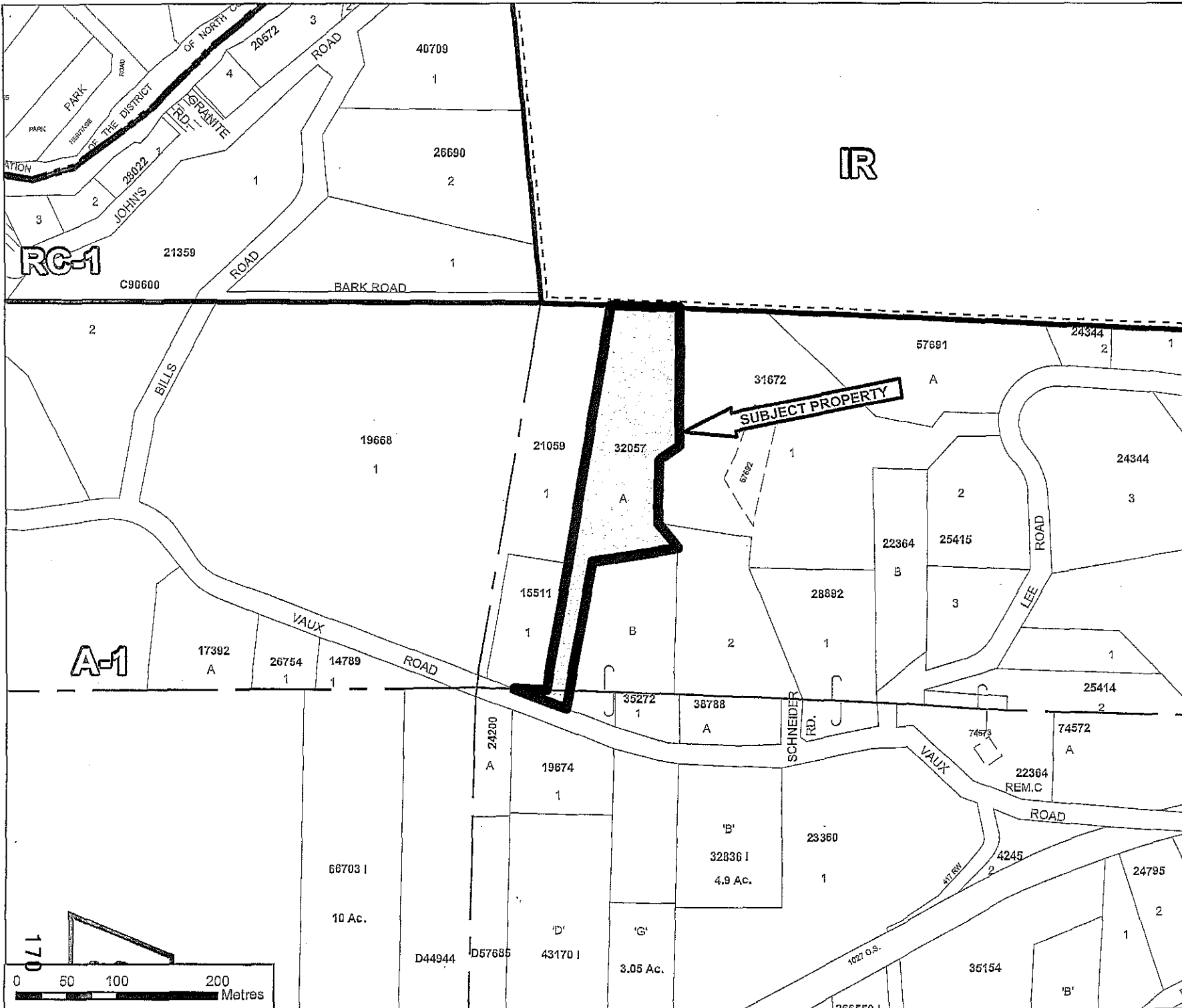
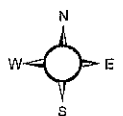
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 09-E-11-DP-RAR

ZONING

Legend

- Subject Property
- Zoning Electoral Area E





2. NORTH ELEVATION

SCALE: 1/8" = 1'-0"

14.10 AGRICULTURAL PROTECTION DEVELOPMENT PERMIT AREA

14.10.1 CATEGORY

The **Agricultural Protection Development Permit Area** is designated pursuant to Section 919.1(1)(c) of the *Local Government Act*, for the protection of farming.

14.10.2 AREA OF APPLICATION

The **Agricultural Protection Development Permit Area** applies to all lands in Electoral Area E that are designated as Agricultural in the Plan or are zoned as Primary Agricultural or Agricultural Conversion 1C in the implementing zoning bylaw.

14.10.3 JUSTIFICATION

Agriculture is recognized as being not only a vital part of the economy of the Cowichan Valley, but as an important element in regional sustainability and food security. Unlike many other countries, in most of Canada and certainly in British Columbia, zoning regulations usually permit agricultural lands to be used for residential purposes, whether the land is being farmed or not. Therefore, designating land for agricultural land use is not enough to ensure that the lands so designated will either be used for active farming or even that – at a minimum – their land base will not be compromised by the inappropriate location of residential buildings and accessory structures on the land.

14.10.4 GUIDELINES

Within the **Agricultural Protection Development Permit Area**, no person will construct a residence or a building or structure that is not directly related to agricultural purposes, prior to the owner of land applying for and receiving a development permit from the Cowichan Valley Regional District, which will sufficiently address the following guidelines:

- a) Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence(s) will not be centrally located in the middle of a highly productive soil polygon as shown on agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. Generally this will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
- b) Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
- c) Driveways will be placed on the land in such a way as to minimise the impact upon present and potential future farming.
- d) The footprint on the ground of the proposed buildings may be limited if they are to be located on lands with high agricultural capability.

14.10.5 APPLICATION REQUIREMENTS

Before issuing a development permit for a residence or residential accessory building or structure in the **Agricultural Protection Development Permit Area**, the Cowichan Valley Regional District requires that the following information be submitted along with the application form and fee:

- 1) a description of the scope of work on the land;
- 2) a site plan indicating the location of the proposed building construction in relation to the agricultural capability of the site (note: maps of agricultural capability are available at the CVRD office);
- 3) the location of any buildings that are already located on the site;
- 4) the location of existing and proposed driveways, including parking areas;
- 5) plans showing the size of any proposed buildings.

14.10.6 EXEMPTIONS

Any work proposed on a parcel in the **Agricultural Protection Development Permit Area** that is unrelated to the construction of a residence, residential accessory building or structure or other works accessory to residential use are exempt from the requirement to obtain a development permit under this section. Subdivision of land is also exempt.



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 9-E-11 DP/VAR

DATE: October 25, 2011

TO: Michael and Brandee Ganter -DRAFT

ADDRESS: 3929 Vaux Road

Duncan BC V9L 6S6

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Permit applies to and only to those lands within the Regional District described below:

Lot A, Sections 10 and 11, Quamichan District, Plan 32057 (PID 001-106-902)

3. Authorization is hereby given for the construction of a residential accessory building in accordance with the conditions listed in Section 4, below.

And further, that Section 5.2(e) of Zoning Bylaw No. 1840 be varied to allow the size of the residential accessory building to be increased from 100 square metres to 143 square metres.

4. The development shall be carried out in substantial compliance with the attached building and site plans.

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

6. The following Schedule is attached:

Schedule A – Site Plan of subject property, showing proposed shop location

Schedule B – Plan of proposed building, showing north and west elevations

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

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE [day] DAY OF [month] [year].

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date



R4

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF NOVEMBER 1, 2011**

DATE: October 24, 2011 **FILE No:** 6-A-09RS
FROM: Alison Garnett, Planner I **BYLAW No:** 2000 & 3510
Development Services Division
SUBJECT: Rezoning Application No. 6-A-09 RS
(Topping & Quek for Van Der Have and Walker)

Recommendation/Action:

To accept the applicant's request for file 6-A-09 RS to be held in abeyance until May 31, 2012, to provide the applicants with time to complete traffic, transit and engineering studies, further discussions with CVRD departments and service providers, consult the community and develop a marketing plan, all in support of their application for a 98 unit multifamily development in Mill Bay.

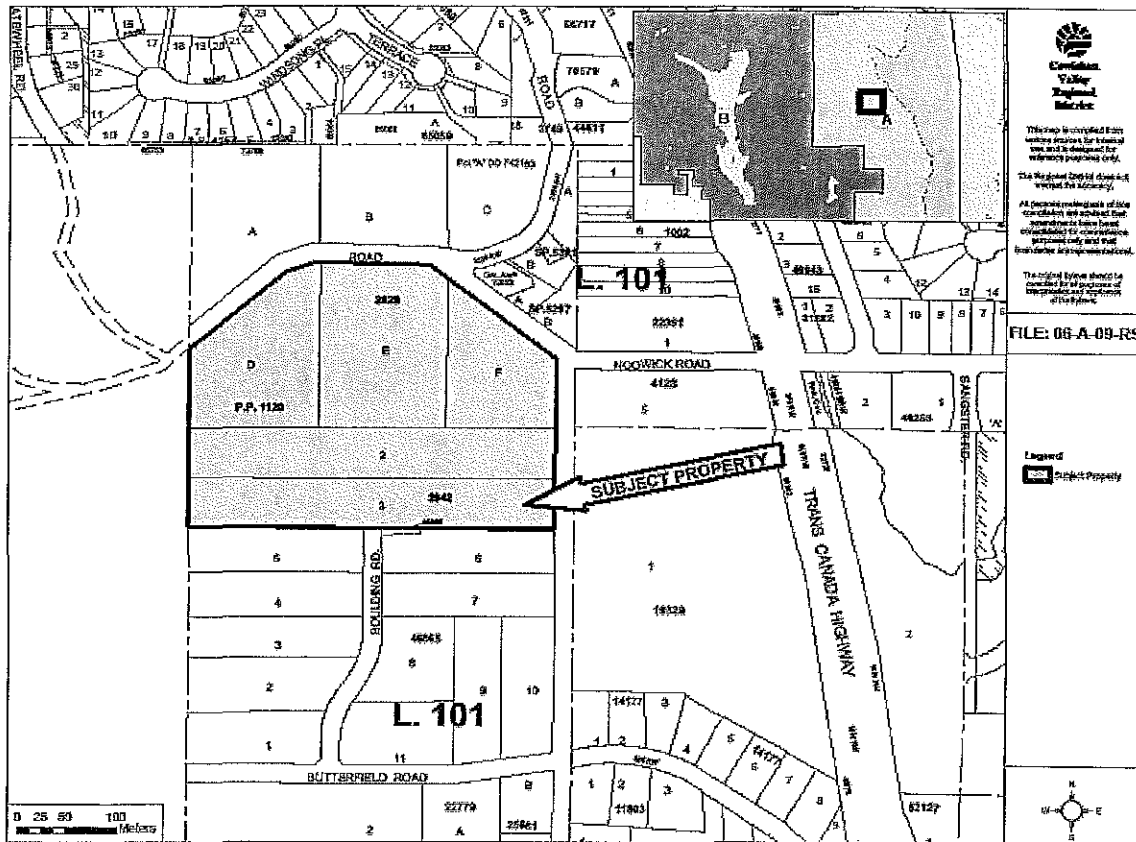
Relation to the Corporate Strategic Plan: N/A

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

Location: Boulding & Benko Road, Mill Bay.
Total Size of Parcels: 9.6 hectares total (23.7 acres).
Application Received: June 1, 2009. Amended application received October 7, 2010.
Owner(s): Jan Van Der Have (Lot 2)
John Walker & Lise Walker (Lot 3)
Jan Van Der Have, John & Lisa Walker (Lot D)
Norisa Holdings Ltd., Jan, Frank & Lynne Van Der Have & John Walker (Lot E)
Frank, Lynne & Jan Van Der Have (Lot F)
Applicants: Mel Topping and Angela Quek.
Existing Use of Property: One residence on Lot F, otherwise land is vacant and forested.
Adjacent Properties: North, South and East: Residential (R-2 and R-3 zone).
West: Forestry (F-1 zone).

Legal Description:

Lot 2, District Lot 101, Malahat District, Plan 2942 PID 005-836-697
 Lot 3, District Lot 101, Malahat District, Plan 2942 PID 006-202-454
 Lot D, District Lot 101, Malahat District, Plan 2929 PID 006-291-651
 Lot E, District Lot 101, Malahat District, Plan 2929 PID 009-291-686
 Lot F, District Lot 101, Malahat District, Plan 2929 PID 009-291-694



Road Access:	Benko Road (northern lots) and Boulding Road (southern lot)
Water:	Connection to Mill Bay Waterworks District is proposed.
Sewage Disposal:	Community sewage system is proposed.
Public Transit:	Scheduled service available at Frayne Centre.
Fire Protection:	Mill Bay Fire Service Area.
Agricultural Land Reserve Status:	The property is not located in the ALR.
Environmentally Sensitive Areas:	The CVRD Environmental Planning Atlas (2000) does not identify any environmentally sensitive areas on the subject properties, however a drainage/watercourse is found on the site, and steep slopes may exceed 30% grade.

Sensitive Ecosystem mapping:	Conservation Data Centre contains no records of a sensitive ecosystem, plant or animal on the subject property.
Contaminated Sites Regulation:	Declaration pursuant to the <i>Waste Management Act</i> signed by the property owner. No Schedule 2 uses noted.
Archaeological Sites:	None identified in CVRD mapping
OCP Designation:	Village Residential.
Proposed Designation:	Multi-Family Residential or new Comprehensive Residential.
Zoning Bylaw No. 1890:	R-2 Suburban Residential.
Min lot size (R-2 zone):	0.4 ha with full community service; 1 ha without.
Proposed Zoning:	R-5 Comprehensive Urban Residential
Density and unit type proposed:	Maximum density of 11 units per hectare, total of 98 units. 3 Triplexes, 4 Eightplexes and a single 57 unit condominium.
Site coverage proposed:	7%

Site Context

The subject properties are located between Boulding and Benko Roads in Mill Bay. Lots 2 and 3 are long and narrow and are just over 2.0 ha (5.0 acres) in size. Lots D, E, and F range in size from 1.4 ha to 2.3 ha (3.5 ac to 5.7 ac). The combined area of all 5 lots is approximately 9.6 hectares (23.7 acres). All five subject properties are vegetated and treed and slope from higher to lower elevations from their southern boundaries to their northern boundaries. During a site visit in December 2009, noticeably steep slopes were seen along the southeastern edge of Lot 3 and along the northern section of Lot E. Staff also noted a watercourse located on Lot 2 and a large wetland located on the northern half of Lot F.

The subject lands are located on the periphery of the Village Containment Boundary (VCB). The Benko, Boulding, and Butterfield Road area is designated Village Residential in OCP Bylaw No. 3510 and is characterized by large suburban single family residential parcels that range in size from 0.1 ha to 2.5 ha (.25 – 6.0 ac). A number of the larger parcels in the surrounding area have been rezoned to R-3 (Urban Residential) and are in the process of being subdivided; however, the majority of parcels in the immediate area remain zoned R-2. Lands to the west of the subject properties are within the Rural Resource designation, are outside the VCB, and are intended for long term resource use under the OCP. The distance to Mill Bay Centre from the subject properties is approximately 2 km, and 0.7 km to Frayne Centre.

Proposal Overview

Overview

A conceptual site plan is attached to this report which provides a site layout and drawings of the proposed 98-unit comprehensive multifamily development. The following table summarizes the unit types and sizes:

Building Type	Number of Buildings	Size of Units	Height	Total units of this type	Footprint per building
Triplex	three	232 m ² (2500 ft ²)	2 storey 7.5 m max	9	543 m ² 5,850 ft ²
Eightplex	four	130 m ² (1400 ft ²)	4 storey 15 m max	32	668 m ² 7,200 ft ²
Condo	one	102 m ² - 130 m ² (1100ft ² - 1400ft ²)	4 - 5 stories 15 m max	57	2461 m ² 26,500 ft ²

Transportation

The eight proposed buildings are distributed throughout the site, and would be connected internally by a private strata road. The application proposes two vehicle access points from Benko Road, to the north-west and east of the subject lands. The portion of Benko Road where these driveways are proposed are currently dedicated roadways, but not fully constructed. A strata road connecting to Boulding Road would provide emergency access to the south, but not public vehicle access.

The Cowichan Valley Commuter bus service is available at Frayne Centre, along with park and ride facilities which are at maximum capacity. Also, Route 15 of the Regional Transit System stops at Frayne Centre for scheduled service.

During the following 7 months, the applicants intend to complete traffic studies and conduct a transit masterplan for the project.

Water and Sewer Servicing

OCP Bylaw No. 3510 policy requires new development to be connected to approved community water and sewer systems. The Mill Bay Waterworks service area boundary lies north of the subject properties and the applicants have submitted a request for a boundary extension as well as a feasibility study. Sentinel Ridge Sewer System is the primary community sewer service in this area and is located to the southeast of the site.

As an alternative to connecting to existing systems, the developer could construct a separate treatment system to the standards specified in the South End Liquid Waste Management Plan, and request the CVRD Engineering & Environment Department to assume ownership. The number of proposed units in this application meets the requirements for a separate community system.

The applicants are proposing further discussions with the CVRD and Mill Bay Waterworks in the following 7 months to answer questions with respect to how water and sewer services would be provided to the proposed development.

Public Safety and Fire Protection

The subject properties are in the Mill Bay Fire Service Area, and fire protection is provided by the Mill Bay Volunteer Fire Department. CVRD Public Safety Department's comments are attached to this report, and raise issues which the applicants are encouraged to address, namely, the steep topography's implication for emergency vehicle access, and concern for protecting the proposed development from hazardous conditions.

Park Dedication

The applicant has not proposed any parkland dedication with the application, although they have indicated that “greenspace” will be retained on the site, and public access across private property may be considered. If the proposed zoning amendment is granted and the land is subdivided, 5% parkland dedication or cash-in-lieu will be required, in accordance with Section 941 of the *Local Government Act*.

The applicants intend to initiate discussions with the CVRD Parks and Trails Division regarding parkland dedication requirements and community amenity contributions.

Environmentally Sensitive Areas and Hazard Lands

The CVRD Environmental Planning Atlas (2000) does not identify any watercourses or environmentally sensitive areas on the subject property. However, during a site visit of the property in December 2009, staff noted a watercourse located on Lot 2 and a large wetland located on the northern half of Lot F. A Qualified Environmental Professional (QEP) could provide detailed information on environmentally sensitive areas, with respect to location and types of watercourses, wetlands and other sensitive ecosystems and habitats occurring on the site. This information can then be used to determine site layout and locations of buildings and roads in an effort to mitigate impact on the natural environment.

The topographical survey of the subject lands reveals steep slopes, some with a grade over 30% in areas where buildings or roads are proposed. The attached plans show that significant grading and site alterations are planned, in particular the retaining wall between the triplexes and condominium building. If this application proceeds, the applicants may be required to identify all lands that exceed 25% grade and are subject to erosion or landslide, in accordance with Natural Environment policies contained in OCP Bylaw No. 3510. Furthermore, geotechnical studies may be required at future review stages to ensure development is safe from natural hazards.

The attached plans also indicate that the grade of the proposed road on the west side of the development is 16%. The Ministry of Transportation and Infrastructure’s road design standards set a maximum grade of 8% for public roads, which may be increased to 10% in short road sections.

Sustainability Measures

While acknowledging that multi-family housing is generally considered a more efficient use of the land base than single family development, the growing expectation of the CVRD and community are for developments to exceed current standards and regulations, including but not limited to use of renewable energy sources, water conservation and rainwater management, and energy efficient building design. At this stage in the application, no information has been submitted with respect to plans for promoting energy conservation or meeting the OCP’s greenhouse gas reduction targets in this proposed development.

Official Community Plan Bylaw No. 3510 Policy Context

General Mill Bay Plan Policies

Policy 3.1 The Mill Bay Village area will remain a compact, seaside community, distinctly rural in nature. Although new urban development is not permitted outside of the Village Containment Boundary (VCB), rural densities are permitted within. Densities will generally be more rural toward the edge of the VCB.

General Mill Bay Plan policy 3.5 states that when an application is received to rezone land in Mill Bay Village, the Regional Board may consider applying amenity zoning, whereby the land density may be increased based on the provision of amenities which enhance the character of Mill Bay Village in accordance with Section 8- Social Sustainability of the main OCP document. Furthermore, policy 3.6 allows for density bonus zones, whereby an additional density may be permitted on a parcel, in exchange for amenities that enhance the Mill Bay Village area.

Village Residential Designation Policies

The subject properties are currently designated Village Residential, which is characterized by single family residential uses, and eligible for R-2 or R-3 zoning. Policy 4.1.3 states that parcels on the peripheral areas of the village will be zoned R-2, and will be subject to a minimum parcel size requirement of 1 ha for parcels not serviced by a community water and sewer systems, and 0.4 ha for parcels serviced by a community water system only or a community water and sewer system.

Policy 4.1.10 establishes criteria for considering applications to rezone land from R-2 to R-3, which includes but is not limited to the following: the land does not adjoin agricultural lands or forest lands; community amenities are provided in accordance with Social Sustainability policies; public trails are proposed as an integral component of the development; and a neighbourhood plan is prepared.

Multi-Family Residential Designation Policies

Policy 4.2.2 *The Multi-Family Residential Designation (MF), at the time of OCP adoption, accommodates two parcels, including the Lions Cove Development, north of Bayview Centre, and a townhouse development adjacent to Francis Kelsey school. Lands designated as Multi-Family Residential (MF) are suitable for a multiple family form of housing such as apartments, townhouses, seniors care homes and semi-detached housing units.*

Policy 4.2.7 *Development in the Multi-Family Residential Designation (MF) will maintain and promote the unique heritage and rural character of Mill Bay Village, and are subject to the guidelines within the Mill Bay Village Development Permit Area in Section 11 of this Plan.*

Other Multi-Family Residential policies state that creation of community gardens, dedication of pedestrian trails, and preservation of important natural environment features and sensitive areas will be key features of such development.

Community Water Services Policies

Policy 20.2 *In the Mill Bay Village area, connection to the Mill Bay Waterworks Improvement District water system, or a CVRD water system, as shown on Schedule C-1A, will be a prerequisite for subdivision, rezoning or a development permit.*

Further, the subject lands are identified on OCP Schedule C-1A to be within a proposed Mill Bay Waterworks expansion area.

Liquid Wastewater Management Policies

Policy 21.9 *In the Mill Bay Village area, connection to a community sewer system as shown on Schedule C-2A will be a requirement for subdivision and rezoning.*

However, the subject lands are not identified on Schedule C-2A as being in an existing or proposed sewer expansion area. Policy 21.2 states that areas not shown as either existing service areas or potential expansion areas will not be connected to such services, except in

cases where a health risk has been identified, or an environmental health risk has been identified.

Zoning

The applicant is proposing a new multiple family residential zone for the subject properties that would permit a maximum density of 11 units per hectare, to be accommodated through a mix of housing types. Proposed parcel coverage is 7% of the site, and maximum height limits are 7.5 metres for the triplex units and 15 metres for all other buildings.

It is worth comparing the density of this proposal to other multi-family zones found in Zoning Bylaw No. 2000: the CD-2 zone (Ocean Terrace) permits 8 units/ha and 40% parcel coverage; 35 units/ha and 40% parcel coverage is permitted in the RM-2 zone (Lion's Cove), and 62 units/ha and 40% parcel coverage in the CD-1 zone (Stonebridge).

The development potential of the subject lands in the existing R-2 zone, with connection to a community water system, is approximately 24 single family residential parcels. If the applicant is unsuccessful in securing a connection to a community water system, the resulting minimum parcel size of 1 ha would yield a maximum of 8 lots.

Development Permit Area: Mill Bay Village DPA

The subject properties are within the Mill Bay Village Development Permit Area, and would be subject to the following guidelines: building design; landscaping rainwater management and environmental protection; outdoor lighting; parking, vehicle access and pedestrian; riparian protection; signage; and subdivision.

Advisory Planning Commission

The Electoral Area A APC minutes from their September 13, 2011 meeting are attached to this report. The unanimous recommendation made to the CVRD Board was that this application not be approved. They also recommend that a neighbourhood plan and traffic study be completed.

Referral Agency Comments

This application was referred to government agencies on August 11, 2011. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – 1) *Rat Lake Road to Benko Road and intersection of same would need to be constructed and paved to MOTI standards.* 2) *A traffic impact study is required. Study to address all intersection movements, especially left in from TCH and left onto TCH.*
- School District No. 79 - *Interests unaffected*
- Mill Bay Waterworks District – *The area of proposed development and zoning change is currently outside of the Mill Bay Waterworks District boundary, and therefore outside our jurisdiction.*
- Vancouver Island Health Authority – *The proposed developments are to connect to a new or existing community water and sewage system.*
- CVRD Engineering and Environmental Services Department – *CVRD Engineering and Environmental Services is prepared to own and operate a community sewer system for this subdivision. We suggest that the owners secure capacity in an existing sewer treatment plant early in their development stage or proceed with the necessary engineering and environmental assessment of lands if they intend to building their own system*
- CVRD Parks, Recreation and Culture Department – *This application has not yet been referred to the Area A Parks Commission*

- BC Transit – *From a transportation and sustainability perspective, BC Transit does not encourage multifamily development in this location. BC Transit does not support this development as proposed.* (see full comments in attached memo)
- CVRD Public Safety Department – *See attached memo*
- Cowichan Tribes- No comments received
- Malahat First Nation- No comments received.
- Mill Bay Volunteer Fire Department- No comments received.
- RCMP Detachment, Shawnigan Lake – No comments received.

Planning and Development Comments:

The purpose of this report to the EASC is to present the applicant's request for a time extension. However, staff consider it necessary to have summarized the development being proposed and to briefly discuss the application in the context of the South Cowichan Official Community Plan (OCP).

The OCP designation for the subject properties under Bylaw No. 3510 is Village Residential and the land is zoned R-2 (Suburban Residential) under Zoning Bylaw No. 2000. Plan policy appears to indicate that R-2 zoning continues to be appropriate for the general Benko/Boulding Road area, including the subject lands, due to its location near the periphery of the Village Containment Boundary and adjacent to Rural Resource designated lands.

The subject properties are not currently serviced by community sewer, and are not identified on the OCP's Sewer Servicing Map to be within a service expansion area. Approval of this application would therefore require an amendment to the Mill Bay Village Containment Sewer Service Area Map (Schedule C-2A). A probable reason that it was left out of the sewer service expansion area is that the general area is the subject of repeated calls for a CVRD initiated neighbourhood plan, in advance of approving individual development proposals.

The strength of this application is the addition of multifamily housing forms to the community as an alternative to the abundance of single family housing in Mill Bay. Development of a marketing plan may clarify whether this project would be attainable for existing community members. The benefit of multifamily housing is that clustered density reduces the impact of development on land and allows the retention of more greenspace. The 7% proposed parcel coverage calculation represents a much smaller development footprint compared to single family parcels in the R-2 zone.

The South Cowichan OCP does not provide policy direction for future multi-family development sites. It does, however, set high expectations for new development to contribute towards necessary community amenities, to ensure that chronic amenity deficits are not perpetuated, and that new residential development does not negatively impact amenities which existing residents use.

During the review process, the Area A APC was asked whether the subject lands are an appropriate location for multifamily development. The applicants contend that the APC was unable to fully respond to this question because the logistical uncertainties superseded the land use issue. They therefore intend to invest in the project over the next 7 months to provide answers on such issues as sewer and water, traffic, and community amenity contributions. They are requesting the EASC's acceptance of a 7 month timeline extension, to address the following list of works:

- Project amenities and common space for the community and project residents
- Develop landscaping inclusive of trails, 5% land dedication and community gardens

- Develop a project transit master plan
- Project marketing
- Continue discussions with Mill Bay Waterworks District
- Continue discussions with CVRD Engineering
- Continue discussion regarding parkland dedication
- Complete studies and reports, i.e. Traffic study.
- Public information meetings
- Site tours.

Recommendations/Options:

Option A

To accept the applicant's request for file 6-A-09 RS to be held in abeyance until May 31, 2012, to provide the applicants with time to complete traffic, transit and engineering studies, further discussions with CVRD departments and service providers, consult the community and develop a marketing plan, all in support of their application for a 98 unit multifamily development in Mill Bay.

Option B

For this application to be presented at an upcoming EASC meeting, with options provided to proceed with bylaw amendments or deny the application with partial refund of fees.

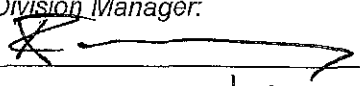
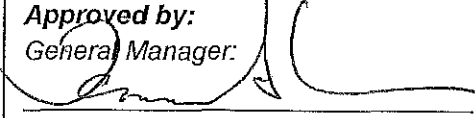
Option A is recommended.

Submitted by,



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

AG/ca

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



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.

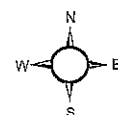
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

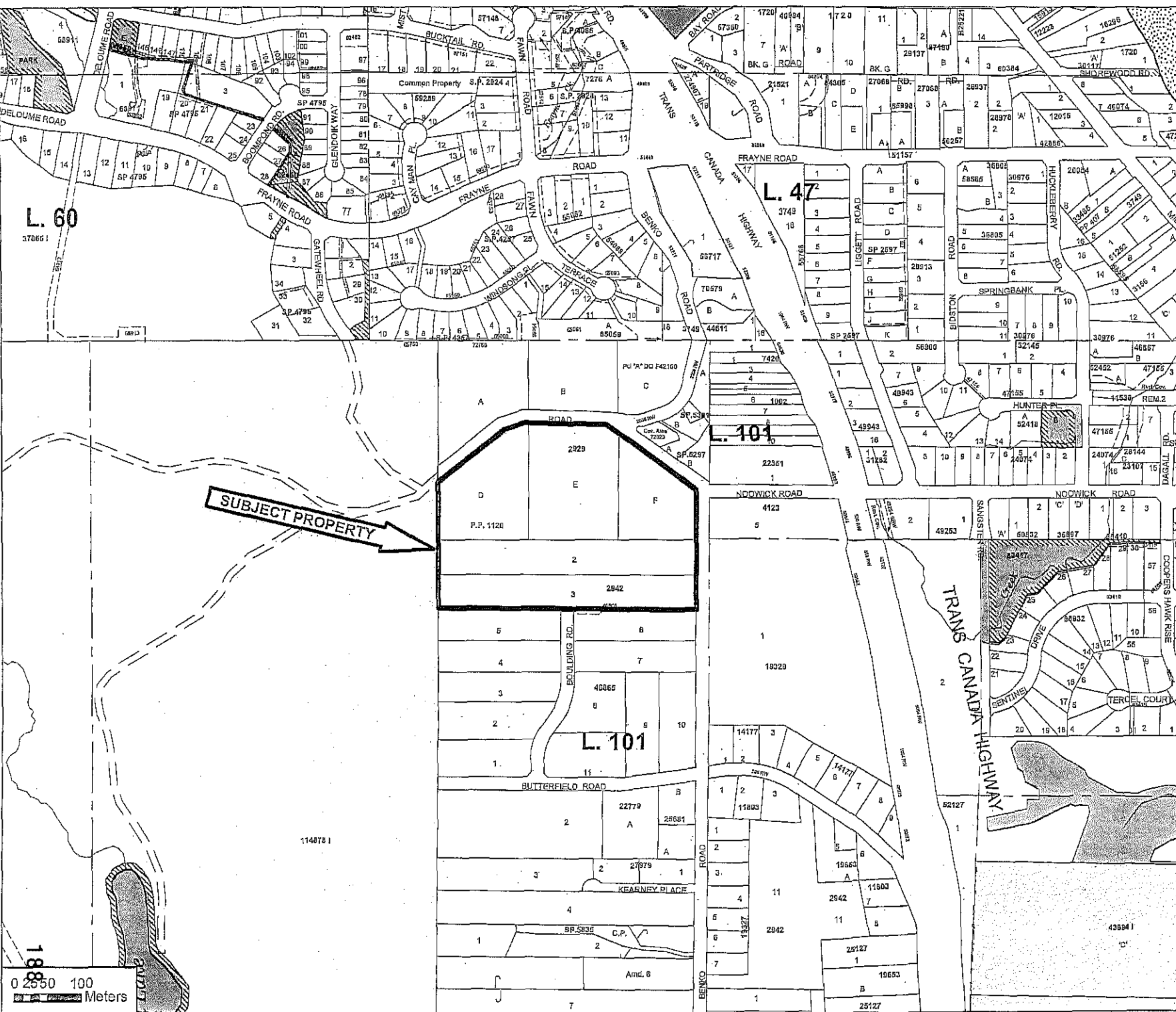
FILE: 06-A-09-RS

Legend

- Subject Property
- Official Community Plan - A,B,C
- Village Insets
 - Village Residential
 - Village Suburban Residential
 - Multi Family Residential
 - Mixed Use Residential
 - Mixed Use Comprehensive
 - Future Development
 - Ocean Terrace Comprehensive
 - Village Commercial
 - Service Commercial
 - Mixed Use Commercial
 - Parks and Institutional
- South Cowichan Rural
 - Agriculture
 - Rural Resource
 - Community Land Stewardship
 - Rural Residential
 - River Corridor Residential
 - Rural Community Residential
 - Comprehensive Residential
 - Manufactured Home Park
 - General Commercial
 - Highway Commercial
 - Tourist Commercial
 - Industrial
 - Parks and Institutional
 - Transportation
 - Water Conservation
 - Marine Conservation



SUBJECT PROPERTY



0 25 50 100 Meters



Cowichan
Valley
Regional
District

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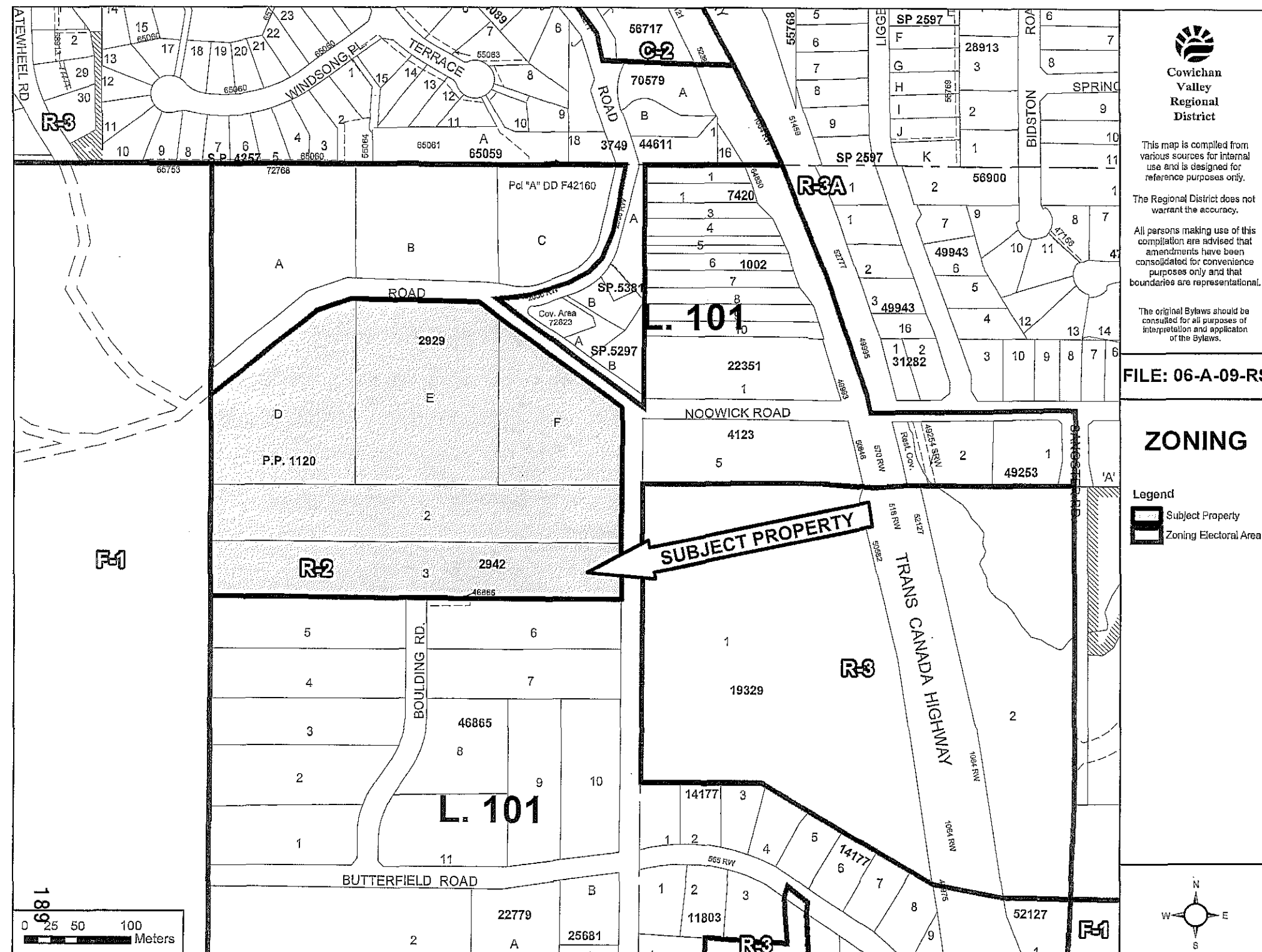
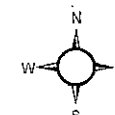
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 06-A-09-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area A



AYPQ ARCHITECTURE

13270 Doole Road
Ladysmith, British Columbia
Canada V9G 1G6
tel 250 245-7555 fax 7565

October 14, 2011

Allison Garnett, Planner
CVRD Planning Department
175 Ingram Street
Duncan, BC V9L1N8

Re: Rezoning Application No. 6-A-09RS :
Request for Abeyance and re-submission for APC Review

Dear Allison,

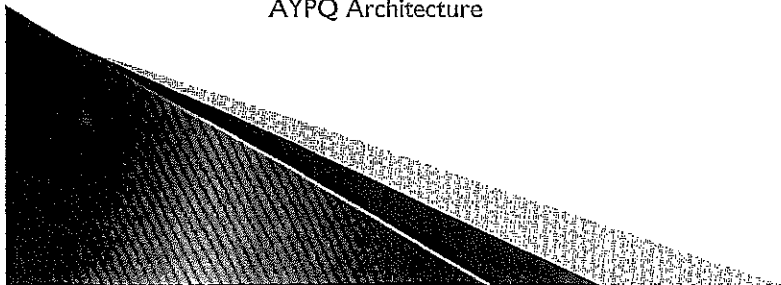
Please consider this letter as a request for a maximum seven (7) month
abeyance for the completion of this application prior to another APC review.

It was our understanding that the recent APC review was to be predominately
a land-use review, thus many items in this application were incomplete.
Though discussions have been initiated with various departments, time will be
needed to complete studies and reports as well as design items finalized for a
comprehensive application.

In support for this request, we have included an account of our Sept. 13, 2011
presentation to the APC.

Sincerely,

Angela Quek, MAIBC Principal
AYPQ Architecture



Some Items still to be completed

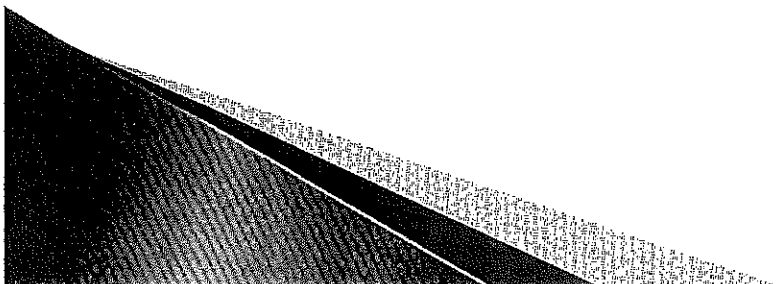
Project Amenities and common space for the community and project residents
Develop Landscaping inclusive of trails, 5% land dedication and community gardens.
Develop a Project Transit Masterplan
Project Marketing

Continue discussions with Mill Bay Waterworks District
Continue discussions with CVRD Engineering
Continue discussions regarding parkland dedication

Complete studies and reports, ie. Traffic Study

Public Information Meetings
Site tours

Timeline anticipated:
Seven months (Nov 01, 2011 - May 31, 2012)





DRAWING LIST

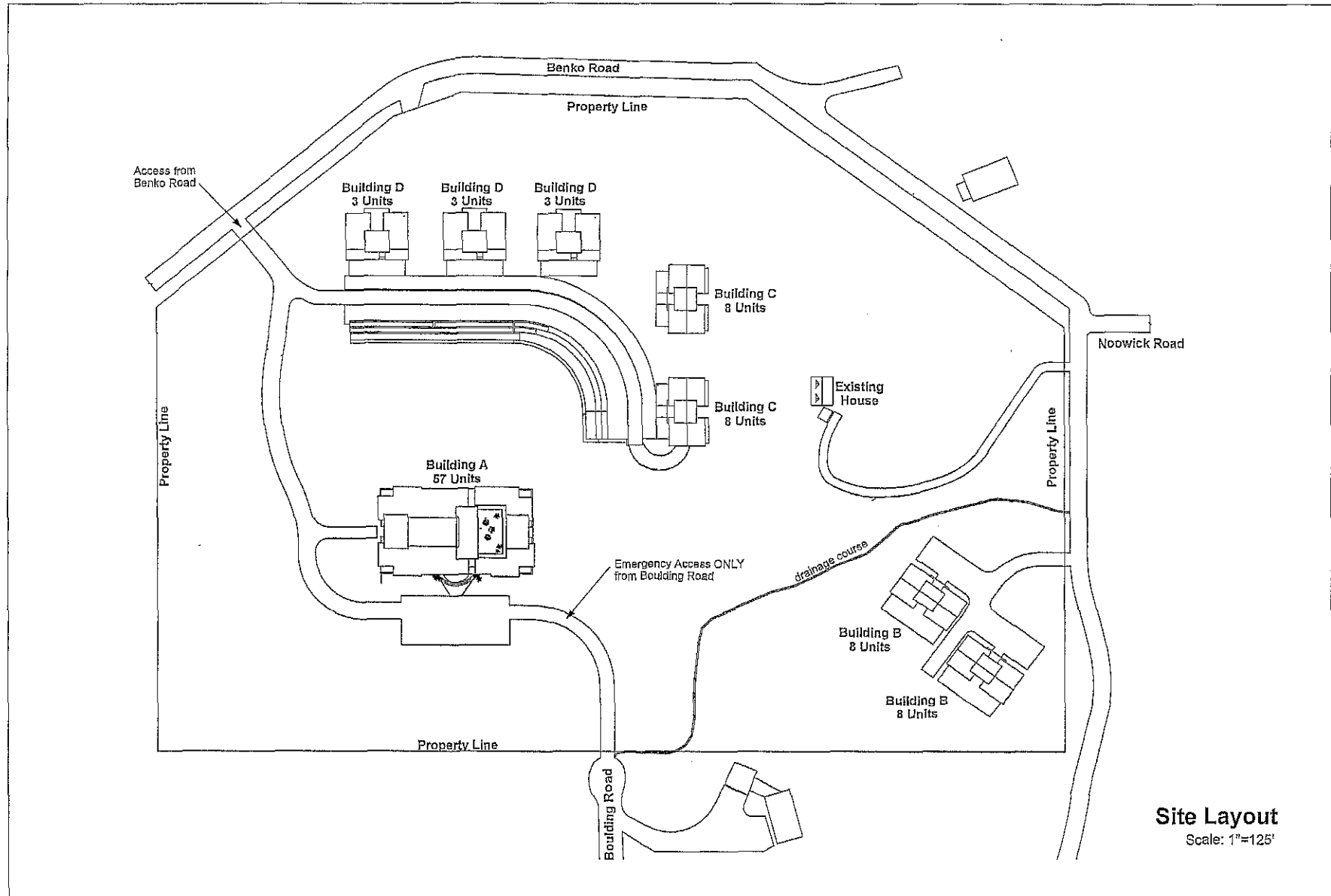
10.11.05
 Cover 3D Aerial View
 A.01 Site Layout
 A.02 Landscape Layout

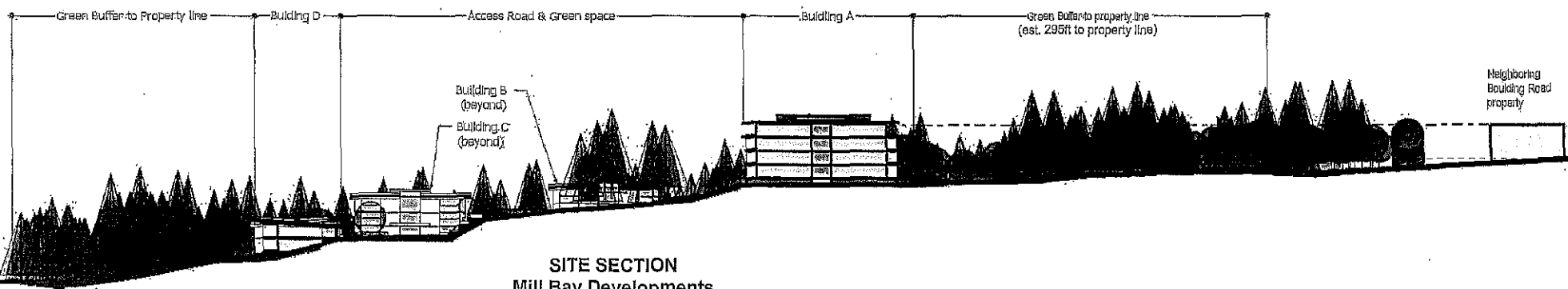
Mill Bay Developments

Legal Description: Lots 2 and 3, Plan 2942; and Lots D, E and F, Plan 2929, all within District Lot 101, Malahat District

AYPQ Architecture

13270 Doole Road, Ladysmith, B.C., Canada V9G1G6
 T.250.245.7555 F.7555 E.info@aypqarchitecture.com



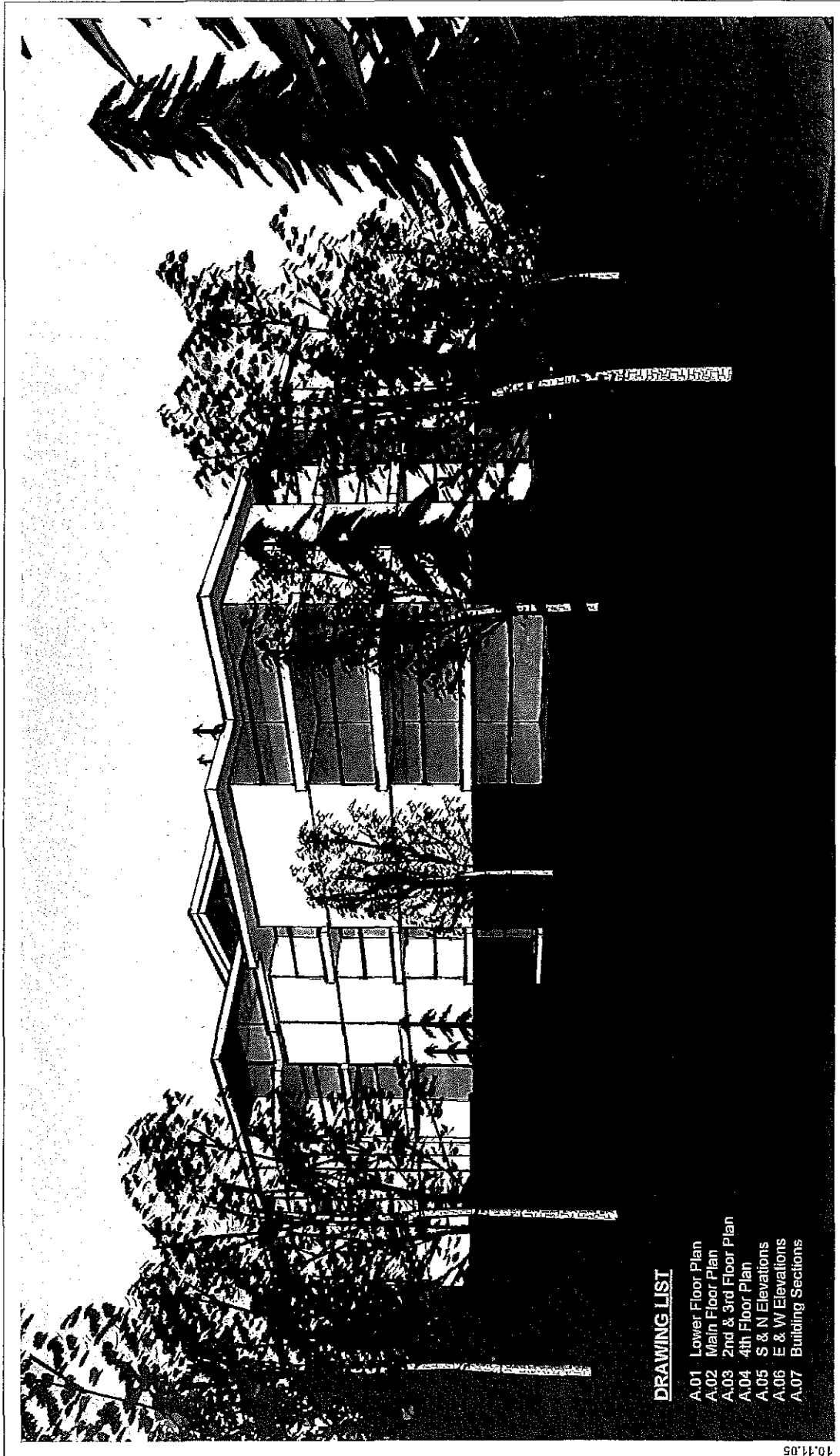


SITE SECTION
Mill Bay Developments

for Coordination only
 not for construction

June 16, 2011 AYPQ

AYPQ
 Angela YP Quek Architecture



DRAWING LIST

- A.01 Lower Floor Plan
- A.02 Main Floor Plan
- A.03 2nd & 3rd Floor Plan
- A.04 4th Floor Plan
- A.05 S & N Elevations
- A.06 E & W Elevations
- A.07 Building Sections

10.11.05

AYPQ Architecture

19270 Doole Road, Ladysmith, B.C., Canada V9C1G8
T:250.245.7555 F:7565 E:info@aypaparchitecture.com

Building A Mill Bay Developments



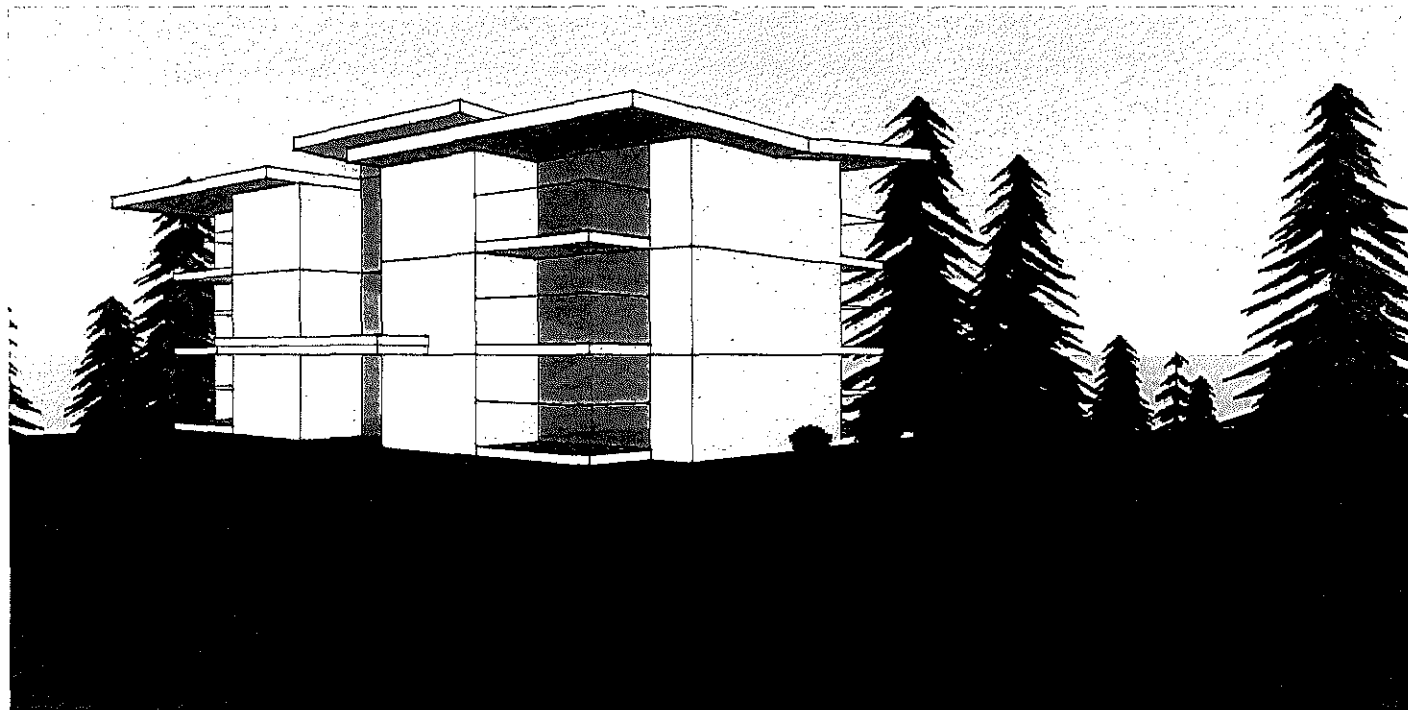
DRAWING LIST

- A.01 Floor Plans
- A.02 Elevations
- A.03 Building Section

Mill Bay Developments Building B

AYPQ Architecture

13270 Doole Road, Ladysmith, B.C. Canada V9G1G6
T.250.246.7555 F.7555 E.info@aypqarchitecture.com



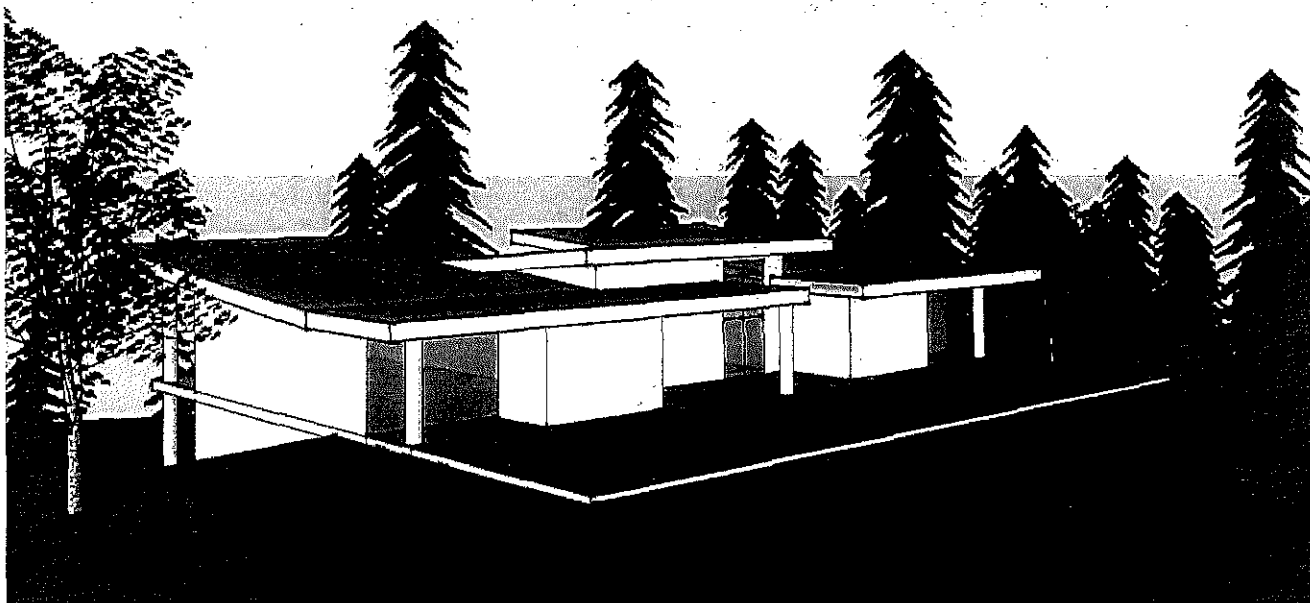
DRAWING LIST

- A.01 Floor Plans
- A.02 Elevations
- A.03 Building Section

Mill Bay Developments
Building C

AYPQ Architecture

13270 Doole Road, Ladysmith, B.C., Canada V9C1G6
T.250.245.7555 F.7555 E.info@aypqarchitecture.com



DRAWING LIST

- A.01 Building Sections & Floor Plans
- A.02 Elevations

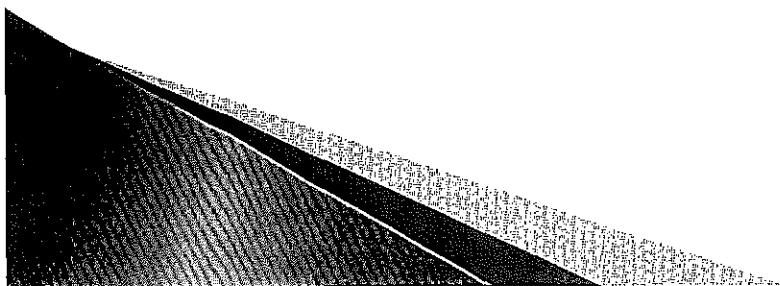
**Mill Bay Developments
Building D**

AYPQ Architecture

13270 Doole Road, Ladysmith, B.C., Canada V8G1G6
T.250.245.7565 F.7565 E.info@aypqarchitecture.com

Mill Bay Seaside Village Character

Mill Bay is known for its seaside village character with smaller scale commercial, treed residential streets with ocean views and pitched roof houses.



Mill Bay Demographic & Housing Profile



A Mill Bay population that will soon be looking for entry housing options as well as options that will allow them to stay in the community near family and friends.

The age structure of British Columbia is shaped mainly by the postwar baby boom and subsequent drop in birth rates, which has resulted in a bulge in the population of the 42 to 60 year age group.

Mill Bay Population
Electoral A approx 4500
people

Village Containment Boundary
Mill Bay Village approx 2700
people

Section 1 – Introduction
Future growth and development in this area (VCB) will consist of a more diverse supply of housing, to meet the needs of a diverse population.

Section 1.2 - Mill Bay Today
There are about 1,000 residences in the Village Containment Boundary, almost all of which are single family dwellings.

Population Estimates by Selected Age Groups—2009 ('000)

Age Group	Males	%	Females	%	Total	%
0 to 4	113.3	5.1	105.9	4.7	219.2	4.9
5 to 14	240.7	10.9	225.5	10.0	466.3	10.5
15 to 24	310.5	14.0	288.1	12.8	598.7	13.4
25 to 34	297.1	13.4	299.7	13.4	596.8	13.4
35 to 44	313.5	14.2	317.9	14.2	631.4	14.2
45 to 54	352.9	16.0	361.9	16.1	714.7	16.0
55 to 64	281.5	12.7	290.3	12.9	571.8	12.8
65 to 74	169.4	7.7	177.1	7.9	346.5	7.8
75 +	131.4	5.9	178.4	7.9	309.8	7.0
Totals	2,210.3	100.0	2,244.9	100.0	4,455.2	100.0

Source: Statistics Canada, Prepared by BC Stats

Housing Demand by Population Increase

Stats BC Projection

Time Period	Required Dwelling Units
Annual	54
By 2016	270
By 2026	810

Housing Capacity Anticipated Inventory

Although a large inventory of housing is anticipated, 88% will be single family. In addition, the small amount of multi family scheduled for later phases may delay entry into the market by 5-10 or more years.

Therefore, little – or - no multifamily units will be entering the market in the near future.

Stonebridge Development 300
Application withdrawn –Property for sale
All Single Family

Mill Bay Marina Development 25
Pending
All Single Family

Mill Springs Development 200
For Sale: 60% Sold
All Single Family

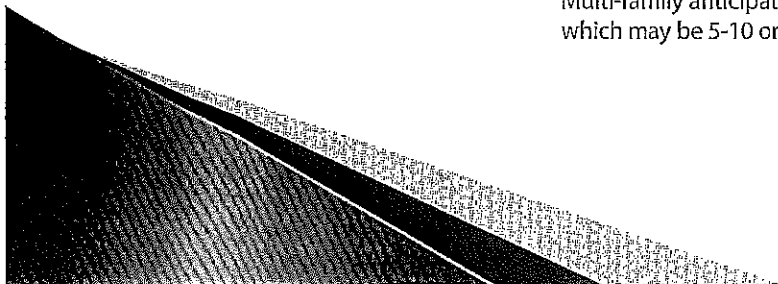
Sentinel Ridge Development 30
For Sale: 50% Sold
All Single Family

Bickford Development 80
Pending
All Single Family

Sangha Development 100
Pending
All Single Family



Ocean Terrace Development 136/438
Multi-family anticipated in later phases
which may be 5-10 or more years away



Housing Capacity Existing market availability



Condominium/apartment style housing supports affordable housing for younger home buyers and provides "aging-in-place" options for the Mill Bay community

Existing housing market, in combination with the future anticipated inventory profile confirms **a need for multifamily housing** to support Mill Bay's demographic groups moving into entry market as well as the downsizing market.



Current MLS Listings by Type (September 2011)

Row/Townhouse	2 [55+]
Apartment	1 [55+]
Duplex	--
Mobile Home	9
Single Family	71

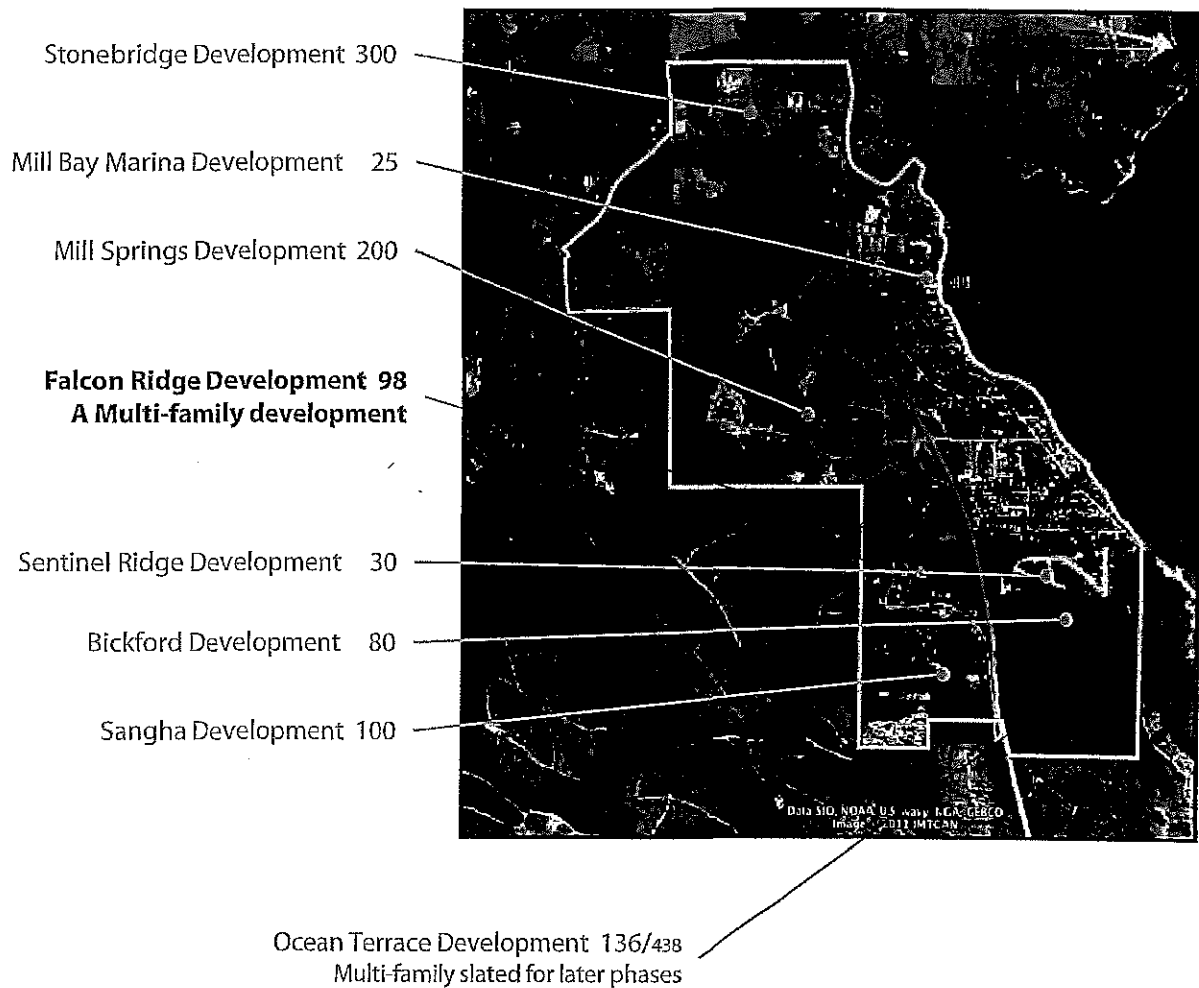
Mill Bay Village Housing Capacity by Current Applications

AREA	Single Family	Townhouse/2 & 3 plex	Manufactured Homes	Condos/Apartments	Development Total	
Stonebridge Developments	300				300	Application withdrawn
Ocean Terrace Development	137	165		136	438	Pending
Bickford Development	80				80	Pending
Sentinel Ridge Development	30				30	For Sale: approx. 50% sold
Sangha Development	100				100	Pending
Mill Springs Development	200				200	For Sale: approx. 60% sold
Mill Bay Marina Development		25			25	In Progress
Brierwood Estates	33					For Sale: approx. 80% sold
Unit Type Sub-Total	880	190	0	136	1173	
Mixed Use Area Development	20	20		20	60	
Multi-family Development				20	20	
Manufactured Home Park Development			225		225	
Unit Type Total	900	210	225	176	1478	

In later phases

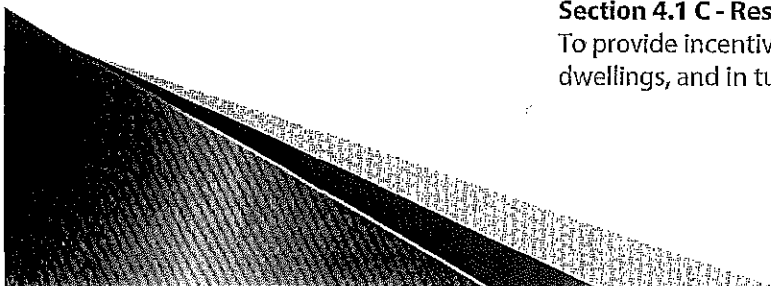
Falcon Ridge Development

For the near future, Falcon Ridge Development will provide multifamily housing options for Mill Bay Residents as well as support for community based businesses.

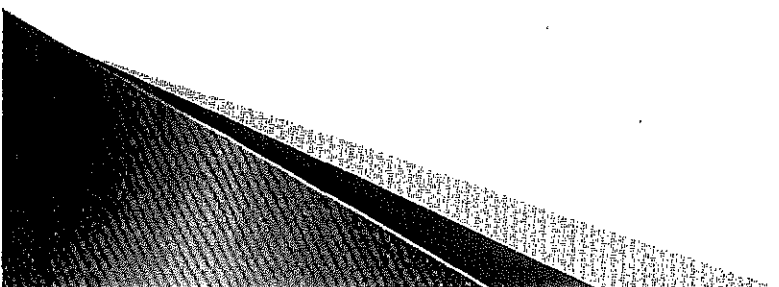


Section 4.1 C - Residential Designations – Objectives

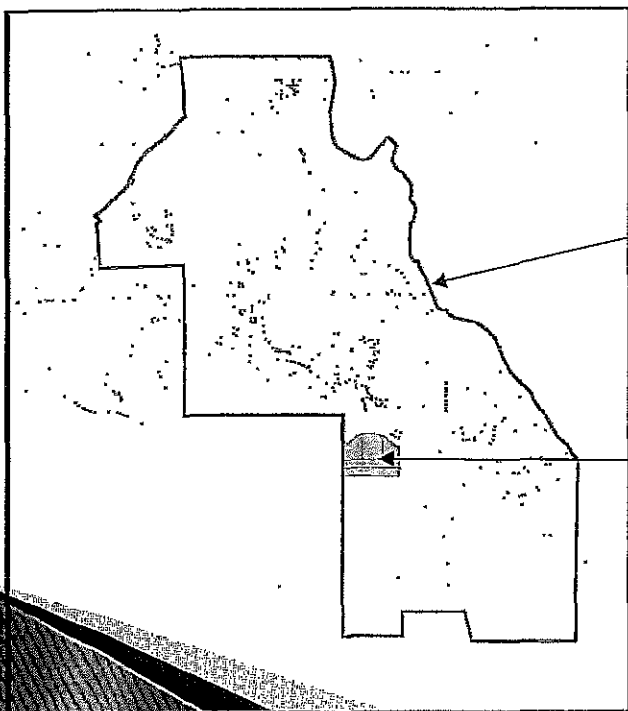
To provide incentives for developers to construct multifamily dwellings, and in turn have a more vibrant village centre.



Site Influences



Site Location within the Village Containment Boundary



Mill Bay
Village Containment Boundary (VCB)

Project site

Commercial Nodes

Rezoning Application 6-A-09RS – Planning & Development Comments

Although this previous OCP was generally supportive of alternative housing forms within the VCB, multi-family development was only considered appropriate for land within a 10 minute walk of Mill Bay commercial centre (roughly 1 km distance).

However,

Commercial support for multifamily is available at the **Frayne Centre**, easily within a 10 min. walk and presently an under-developed 3 acre property with future opportunities for commercial growth.

Energetic 10 minute walk
.90 km

Leisurely 10 minute walk
.75 km

*Project Distance from
Commercial Centers*



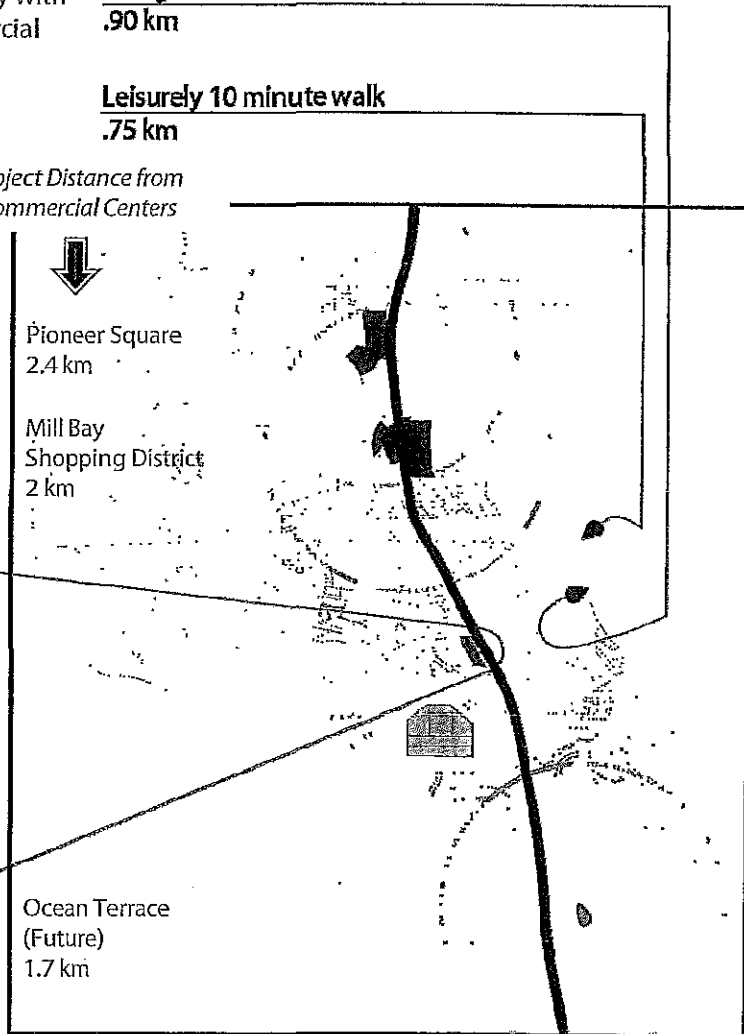
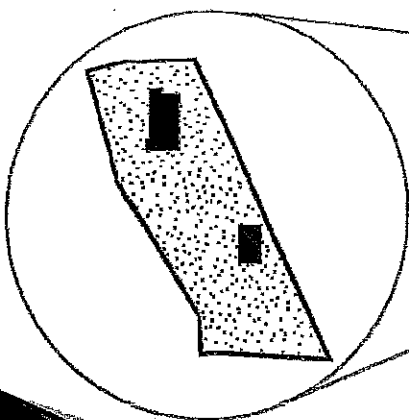
Pioneer Square
2.4 km

Mill Bay
Shopping District
2 km

Ocean Terrace
(Future)
1.7 km

Frayne Centre
0.5 km

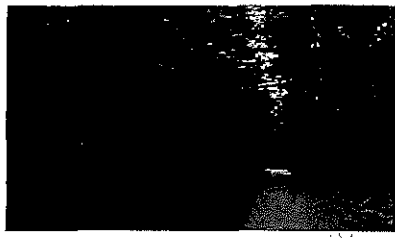
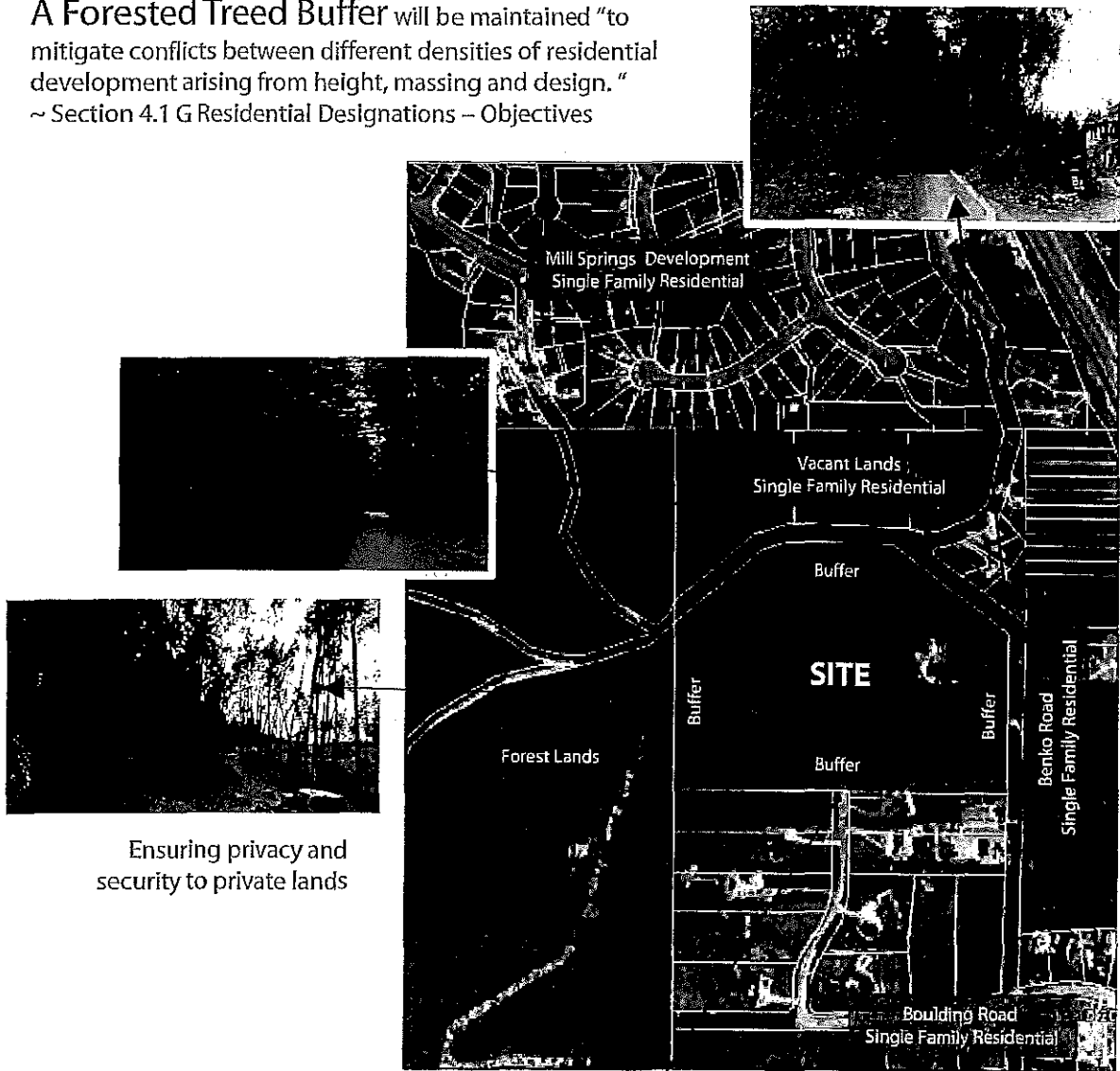
3 acre commercial zoned
property presently under-
developed.



Respecting Neighbours

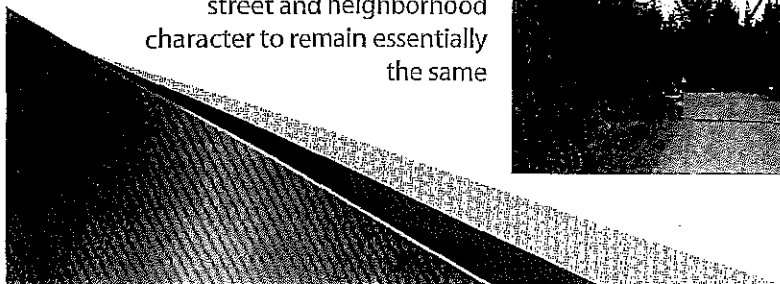
A Forested Treed Buffer will be maintained "to mitigate conflicts between different densities of residential development arising from height, massing and design."

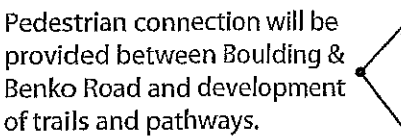
~ Section 4.1 G Residential Designations – Objectives



Ensuring privacy and security to private lands

The Treed Buffer will allow the street and neighborhood character to remain essentially the same





An aerial photograph of a suburban area. The top portion shows a residential neighborhood with many small houses and streets, labeled 'Frayne Centre'. A major road, 'Ratlake-Benko Rd', runs horizontally across the middle. To the left of this road is a large, dark, undeveloped area labeled 'Forest Lands'. Below the road is another residential area, labeled 'Boulding Road Neighbourhood', which includes some larger houses and a few commercial buildings. The bottom right corner shows a parking lot and some industrial or commercial structures.

Site Impact

Single Family vs Multi-family housing

A graphic illustration of how single family densities requires much more land area to support the same number of residential units as multi-family projects.



Housing Diversity

Providing attainable housing for younger home buyers and downsizing options for those looking to stay in their own community.

Section 1 – Introduction

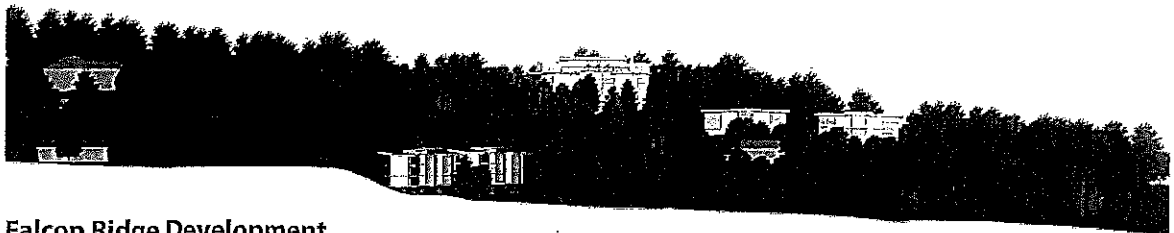
Future growth and development in this area (VCB) will consist of a more diverse supply of housing, to meet the needs of a diverse population.

Section 2 D- Vision Statement & Goals

To provide a variety of housing types to meet the needs of a diverse population.

CVRD Area A - R5 Zoning

15 dwellings/ha = 122 Units

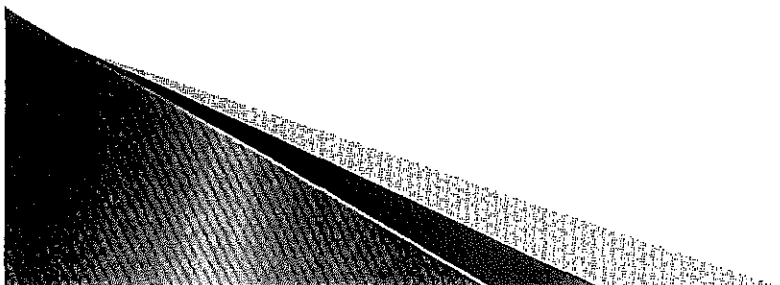


Falcon Ridge Development

Project Unit Mix

3 – Triplexes	9 Units
4 - Eight-plexes	32 Units
1 - Condominium	<u>57 Units</u>
Total	98 Units

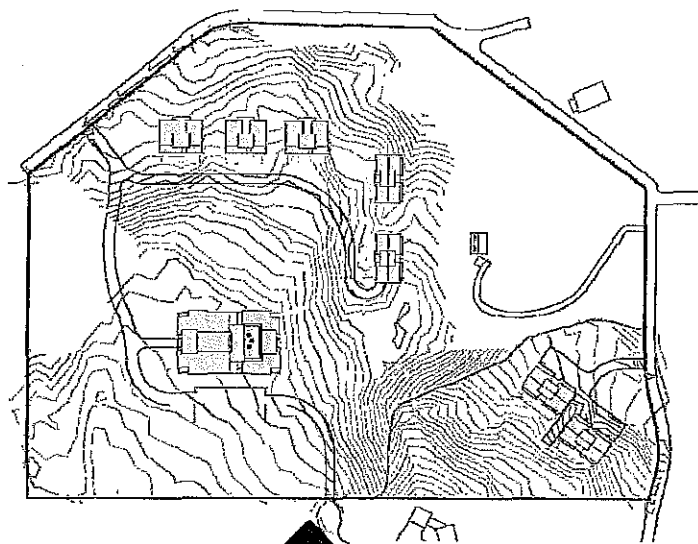
Proposed Project density less than R5



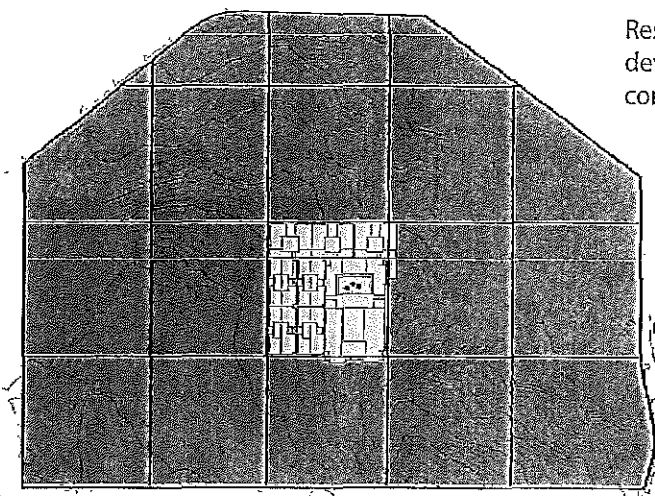
Minimizing Site Impact

Section 4.1 F - Residential Designations – Objectives

To ensure that housing is clustered and scaled to encourage the continued development and enjoyment of greenspace, parks, trails, and recreational lands.



Falcon Ride development
7% Site Coverage



Resulting in opportunities for the development of greenspace, and community gardens.

Services Water

The Project Site is outside yet adjacent to the Mill Bay Waterworks Improvement District.

Fortunately,

Initial discussions with the MBWD have suggested that with engineering studies to determine adequacy of available existing water and exploring the establishment of an additional supply of input water, the project will have the opportunity to connect to the MBWD system.

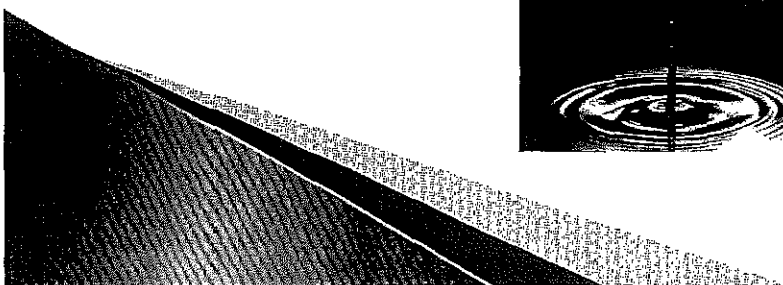
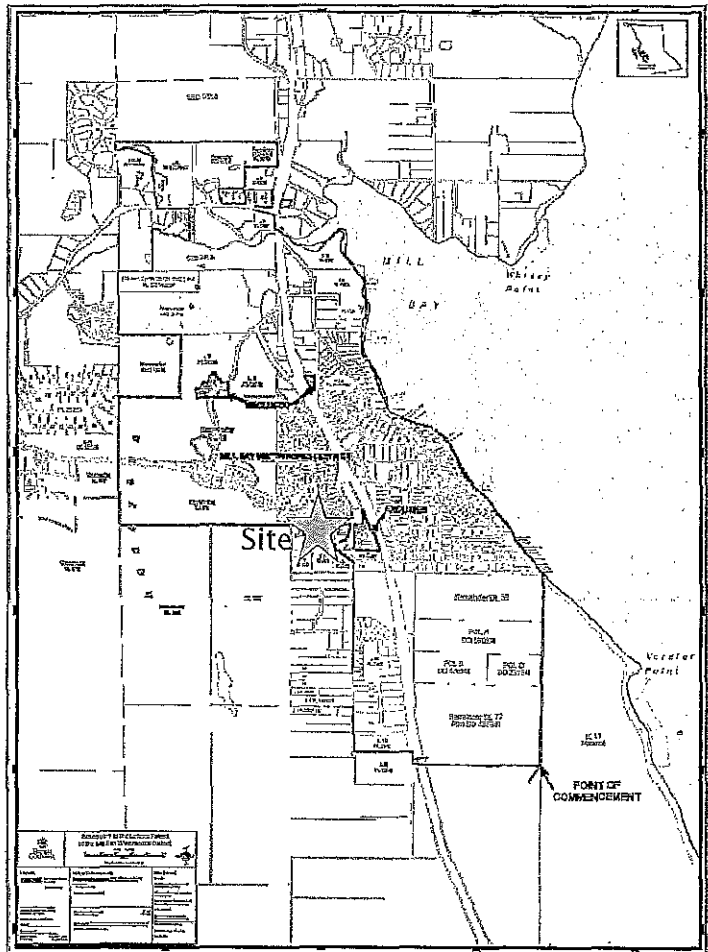
MBWD has given the Project a go-ahead to initiate the engineering study.

MBVDP 2011 : Section 2: Vision Statement & Goals

To protect the quality of the Mill Bay Aquifer and ensure water conservation

Mill Bay Waterworks Improvement District

At the initial discussion stage the developer will agree to source water and fund appropriate fire protection as well as fund an engineering study to determine infrastructure needs. . . . The Water District Personnel, at the developers expense, shall carry out any connection to the existing system.



Services Waste

A preliminary discussion with the CVRD Engineering was initiated. It was confirmed that the Project is within the VCB.

The Project site is able to support an onsite sewage treatment facility built to CVRD Engineering standards. And configured to hook-up to a CVRD Sewage system.

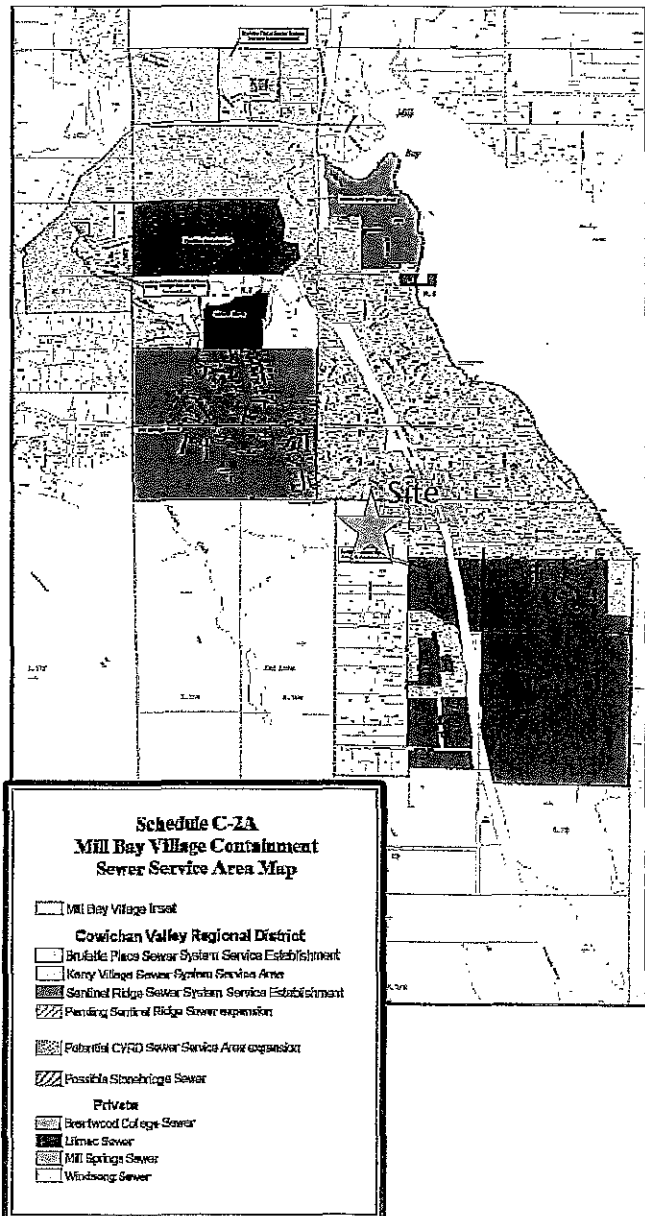
Alternatively, the Project may have the option to connect with an existing sewage treatment facility operating within the VCB.

MBVDP 2011: Section 3 : General Planning Policies

Policy 3.3: The South Sector Liquid Waste Management Plan will be amended to ensure that lands within the Mill Bay Village Containment Boundary are serviced by a Class "A" community sewer collection and treatment system. Lands outside of the Village Containment Boundary will not be serviced.

Section 2: H Vision Statement & Goals

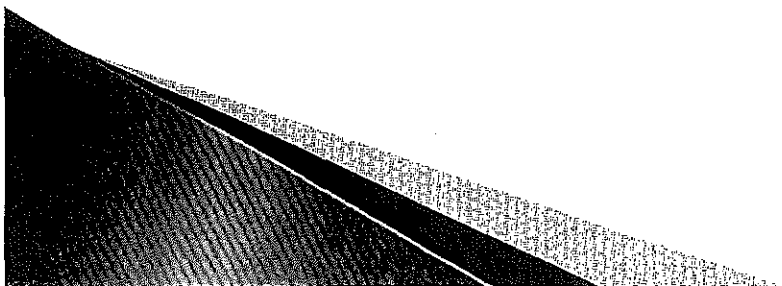
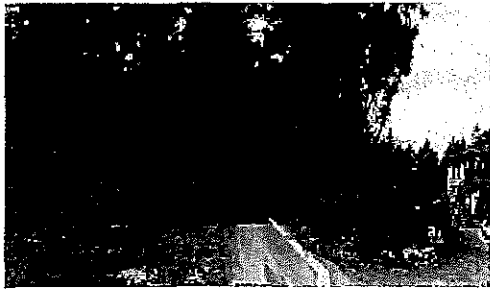
To ensure that community sewer servicing is provided in a timely and environmentally sustainable manner.



Greenspace



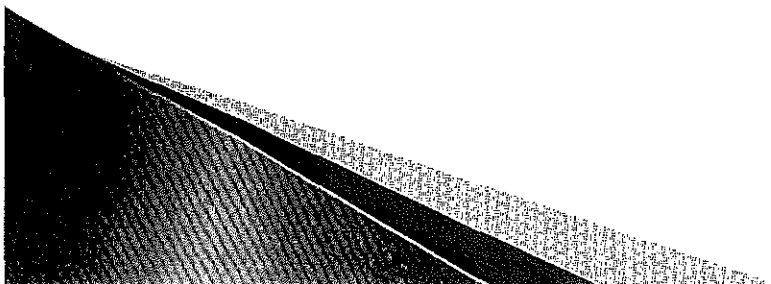
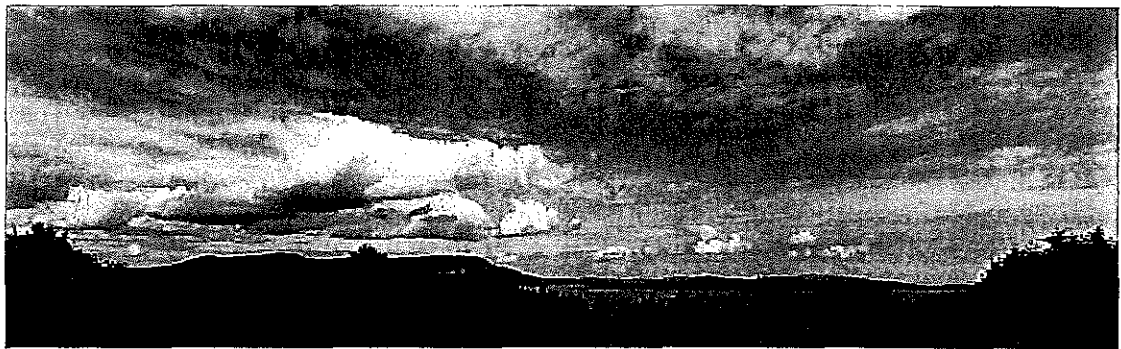
The Wide Forested Treed Buffer and small building footprint will give opportunities for creating forest trails and pathways as well as leaving a large portion of existing habitat undisturbed.



Views Ocean & Island Views

Taking advantage of Mill Bay's Ocean and Island views

Giving those who have lived in Mill Bay for many years, a continued experience of their community's seaside character



Sustainability

A Commitment to the community and the environment

Sustainable Site

Minimal impact on local ecosystem
Use of native plants for landscaping
Net Zero storm water runoff
Minimal light pollution
Maximize environmentally friendly transportation options

Water Efficiency

Water efficiency both within and outside the building
Water efficient appliances and fixtures
Water wise landscaping design

Energy and Atmosphere

Encouraged monitoring of energy consumption
Efficient design, appliances & lighting to reduce energy consumption

Indoor Environmental Quality

Good indoor air quality designed
Maximize the use of natural lighting and views.

Locations and Linkages

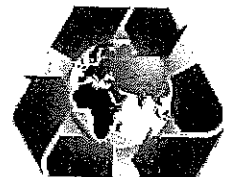
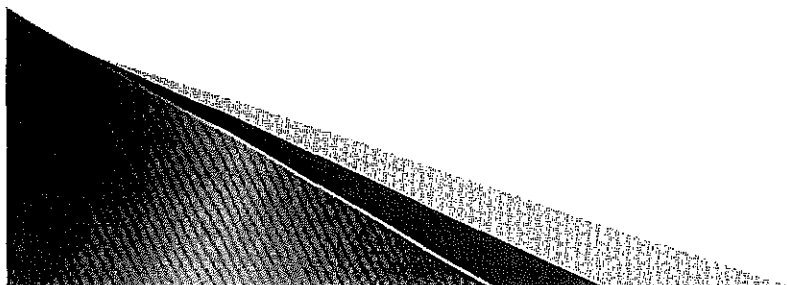
Homes near urban centers rather than in undeveloped rural areas.
Near transportation, infrastructure, and other resources.
Easy access to outdoor activities

Regional Priority

Address local environmental concerns

Material and Resources

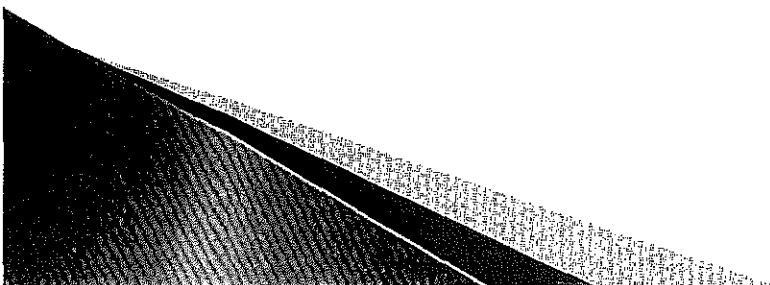
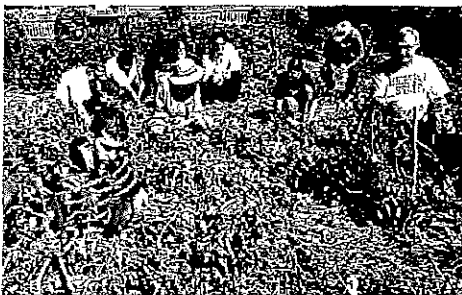
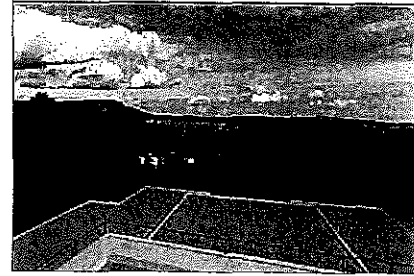
Use of local materials & sustainable products
Reuse and recycle materials



Falcon Ridge Developments

A Summary

Quality residential units with spectacular ocean and forest views
A range of financially attainable & age-in-place housing options
Large undisturbed perimeter forest buffer
Network of forest trails
Pathway connection between Boulding and Ratlike-Benko Road
Community gardens
Commercial amenities within an easy 10min. walk
Ongoing employment for project maintenance & management
A quiet setting at the edge of the Mill Bay Village boarder
Sustainability



Area A Advisory Planning Commission Minutes

13 September 2011 at 6:30 pm

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, Ted Stevens, Archie Staats, Geoff Johnson, Cliff Braaten, Margo Johnston, Brian Harrison (Director, Area A), Roger Burgess (Alternate Director, Area A) and Alison Garnett (CVRD Planner)

Applicants: Angela Quek, Mel Topping, Alf Webb, Shelley Creelman, and John Beckett

Regrets: David Gail

Audience: 1 public representative

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 14 June 2011 meeting be adopted
MOTION CARRIED

New Business:

Rezoning Application No. 6-A-09RS

(Mel Topping and Angela Quek for Van Der Have/Walker) *Falcon Ridge Developments*

Purpose: To rezone five subject properties at Boulding Road and Benko Road to permit a multifamily residential development, with 98 residential strata units in a combination of housing types including 3-unit and 8-unit residences and 57-unit condominium.

Angela Quek (AYPQ Architecture) presented a visual overview of the development. Questions from APC members were answered by the agents after the presentation.

Presentation was divided into the following sections:

- Site location
- Housing capacity – diversified housing – forest lands would be buffered by trees
- Density -31 units on other lands would have the same footprint as 98 units in this project
- Services – join Mil Bay Water Works and would provide water back to the water district
- Design rationale – higher density with various housing types
- Sustainability – walking trails
- 3-D model of site plan
 - 4-5 stories (15 m) with ocean views
- Traffic – mostly away from residences

Summary:

- Large forest buffer around site
- Range of housing options with trails and pathway connections
- Community gardens
- Walking distance to Frayne Centre (0.7 Km)
- Rural setting
- Quality units with forest and ocean views
- Site Coverage 7%
- Ocean Views
- On site sewer or hook-up to Sentinel Ridge
- Will connect to MB Water or consider off-site options

Alison Garnett overview:

- on periphery of VCB
- Zoned R2 now
- Future sewer expansion not planned for this area

APC Questions and Concerns:

Roads and Pedestrian walkways

- Why not extend Boulding Road through? (No exit to Butterfield Rd and Ocean Terrace).
 - *Boulding Road has 3% grade - would be an emergency exit only. Intent to minimize traffic to Boulding Rd.*
- Benko Road not finished – 16% grade – could the developer bring grade down to 8%?
 - *Current design is to take traffic though Benko Road then back past Frayne Road – not developing all of Benko Road.*
- How far are the talks with MoT?
 - *Not far yet.*
- Error on page 3 of CVRD handout "Benko Road does not intersect with the TransCanada Highway at Frayne Centre", Frayne Road does.
- Pedestrian walkways in Mill Bay are unsafe. Would the developer consider ensuring safe walkway down Partridge Road to Mill Bay Centre? Also would the developer consider funding towards walkways on Partridge as a community benefit?
 - *Yes, this would be a good idea.*
- Traffic an important issue in Mill Bay now. There are 900 homes approved for building in this area before the proposed 98 units approximately for 200 people add 300 cars. A traffic assessment is a necessity

Water and Waste water

- Creating separate liquid waste manage systems in reality is a breakdown to getting a sewer system for Mill Bay.
- Sentinel Ridge sewer is a concern as a matter of priority - existing residents should have access before a new development.
- If wells on site how will it affect existing wells?
 - *Owners also have 5 acres on Boulding Road were wells could be drilled.*
- Does the sewer include any of the infill areas? There was a covenant for infill with a developer in close proximity to this project for 12 homes that somehow disappeared.
 - *Angela said talks have just starting with the CVRD. CVRD mentioned a connection to an existing system the developer would need to build the connection.*

Marketing

- Is there an age covenant on the properties?
 - *Sizing not clearly defined. Potential to create housing diversity – allow for downsizing and starter homes. Mel Topping prefers a mix of ages.*
- What is the mix of 1, 2, 3 bedroom units?
 - *Triplexes would provide smaller units for young people.*
 - *Size varies from 1,100 to 2,500 sq ft.*
 - *Price determines mix. – Probably from \$290,000 to 550,000*
- How long is the time frame?
 - *Uncertain at this time.*
- What is the budget?
 - *Not sure – not that far along.*

Recreational provision

- *Developer has thought about common space for seniors and maybe community gardens.*
- *Trails – park trails on property for strata = private use*
- *Alison mentioned in plan there is no dedication to park or trails, common space or community gardens. A 5% land dedication or cash in lieu will be required. The proposal will also be referred to Parks.*

Strata

- Sangha development and this project could face similar issues.
- 3 Strata's or 1 – mixing different housing types in one strata creates problems
 - *Angela stated they have not really thought about this yet.*
- Building height
 - *4-5 stories – 15 metres*
- Will the project be built to LEED standards?
 - *Some aspects e.g. water recycling for landscaping, haven't considered solar heating at this time.*
- What will make the condo/apartments a special place not just cheap accommodation?
 - *Small site coverage gives large green areas = lots of opportunities.*
 - *Quality construction with forest and ocean views.*

Answer not substantial, for example some considerations for the developer to provide are children with safe play areas, exercise and activity space for seniors.

Location

- This is not the best location for this type of project as it is too far from the service centres.
 - *Frayne Centre is owned by the applicant; it doesn't have much of a commercial area now but will expand to service the development.*
- Already have approved multifamily zoning in Ocean Terraces and Stonebridge lands in Mill Bay with enough inventory for at least the next 10 years. Is the developer aware of the zoned multifamily housing?
 - *Yes. This project would provide multifamily housing in the near future.*
- Three major commercial centres include Mill Bay Centre, Ocean Terraces and Pioneer Square and are designated within the new South Cowichan OCP.

APC Comments re 3 questions the APC could consider (page 7) and question 4. Should a neighbourhood plan be completed prior to rezoning?

- Coverage of site (small footprint) is good.
- Water, sewer, roads – not enough information.
- Many questions not answered – hope applicants will look at issues presented during meeting.
- Amenities being provided to the community? Frayne Centre could be developed.
- Can support creative use of topography. Green space private not public.
- Too many questions at this point.
- Traffic studies to be done.
- Need to tie down all the basics and address them.
- APC in agreement a neighbourhood needs to be completed. This request was submitted in a previous application in 2009.

APC Recommendation:

The Area A APC unanimously recommends to the CVRD Rezoning Application – No. 6-A-09RS **not be approved** and unanimously recommends that a neighbourhood plan and traffic study be completed.



MEMORANDUM

DATE: August 29, 2011 **FILE No:** 6-A-09RS (Topping, agent for Van Der Have/Walker)

To: Alison Garnett, Planner I, Development Services Division

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Rezoning Application No. 6-A-09RS (Topping, agent for Van Der Have/Walker) – Public Safety Application Review

In review of the Rezoning Application No. the following comments regarding the proposed zoning.

- ✓ Proposal is within the Shawnigan Lake RCMP Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 137 (Mill Bay) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ☐ Proposal is within the Mill Bay Fire Protection Improvement District response area and their input may further affect Public Safety concerns/comments.
- ☐ The Community Wildfire Protection Plan has identified this area as **high risk for wildfire** and FireSmart Principles must be adhered to (see attached brochure).
- ☐ Road grades may not exceed 12% as that is the maximum grade that emergency response vehicles can access.
- ☐ A comprehensive sprinkler system is required to reduce the fire hazard for all multi-family dwellings.
- ☐ Minimum two points of access/egress to the proposed development should be considered to provide community and emergency services personnel the ability to enter and exit simultaneously to improve response and evacuation capability.
- ☐ 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.
- ☐ There is be a potential for landslide and a geotechnical report is required and all recommendations/requirements outlined must be implemented to the satisfaction of the geotechnical engineer.
- ☐ Consideration should be given to retention of volunteer firefighters within the development.

Together Building Community Resilience & Sustainability

Sybille Sanderson

Development Referral Response

September 9, 2011

Development Location: 6-A-09RD

Local Government: Cowichan Valley Regional District

Transit System: Cowichan Valley Transit System

Transit Considerations

The proposed development is within a kilometer of the Frayne Rd Park & Ride and bus stop that is served by the Cowichan Valley Commuter bus service and local transit route 15 – Mill Bay. The existing Frayne Rd Park & Ride is at capacity; this has been noted to the CVRD and Ministry of Transportation and Infrastructure and requires further discussion.

There are no existing local transit services in close proximity to the proposed development. Local transit service directly to the subject property is unlikely to be viable in the short to medium term due to transit investment priorities elsewhere in the region and very low residential density surrounding the proposed development. However, local transit service in this area may be considered further into the future. If local transit service is to be considered, the road network must be able to provide for the efficient circulation of buses and a bus turn around/layover location or a convenient through route.

Given the proposed site is not directly served by transit and is not within a reasonable walking distance of the Mill Bay shopping centre, residents would primarily be reliant on the private automobile to meet their daily needs.

BC Transit Level of Support

- From a transportation and sustainability perspective, BC Transit does not encourage multifamily development in this location
- BC Transit does not support this development as proposed

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal or future proposals for this site, please contact:

Emily Flett
Senior Transit Planner
BC Transit Strategic Planning
Email: Emily_Flett@bctransit.com



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 26, 2011 **FILE No:** 1-I-09RS
FROM: Mike Tippet, Manager, Community and Regional Planning Division & Dana Leitch, Planner II, Development Services Division **BYLAW No:** 2465
SUBJECT: Rezoning Application 1-I-09RS (Rick Bourque) for the Cottages at Marble Bay

Recommendation:

That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to Covenants being entered into that would:

- interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
- require that, at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not more than 7 metres in width, to provide the residents of the Cottages at Marble Bay project with ready access to Bald Mountain Park and access for other residents across the subject lands;
- require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;

And further that the amendment bylaws be referred to public hearing with Directors Kuhn, Morrison and Dorey as delegates, and that the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety is accepted.

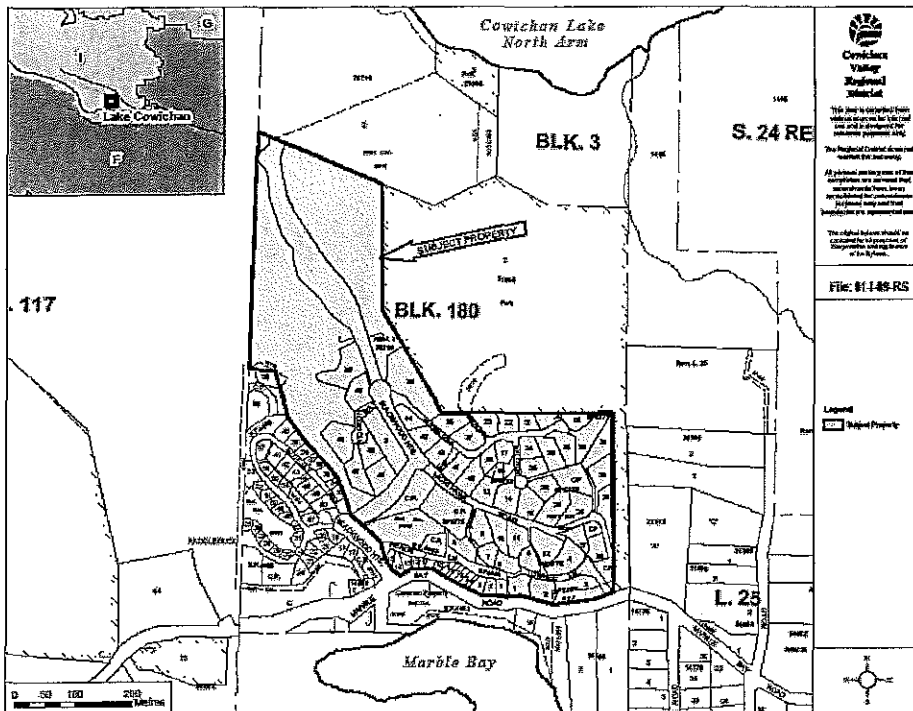
Purpose:

An application has been received to amend the Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465. The applicant is proposing to rezone 50 parcels located at the Marble Bay Cottage Development site to permit occupancy of the recreational cottages for up to 52 weeks in a calendar year. Under the current zoning the cottages can only be occupied by any one individual person or family for up to a maximum of 22 weeks in a calendar year.

Financial Impact: *(Reviewed by Finance Division: n/a)*

Interdepartmental/Agency Implications:

Engineering and firefighting matters are discussed in the report.



Background:

Location: Marble Bay Road, Youbou/Meade Creek

Legal Description(s): Strata Plan VIS5772, Block 180, Cowichan Lake District; and Remainder of Lot 1, Block 180, Cowichan Lake District, Plan VIP78710

Date Application and Complete Documentation Received: January 7, 2010

Applicant: Rick Bourque, Van Isle Waterfront Development Corporation

Size of Parcels:

The Remainder of Lot 1 is about 2.48 hectares and the strata lots range from 940 m² to 5700 m².

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

Existing Use of Property:

Strata lots 1, 2, 3, 5, 6, 8, 10, 12, 15, 20, 24, 25, 27, 28, 29, 30 and 31 have recreational cottages constructed on them. Strata lots 4, 7, 9, 11, 13, 14, 16, 17, 18, 19, 21, 22, 23, 26, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 are vacant recreational lots.

Existing Use of Surrounding Properties:

North: Suburban Residential (zoned R-2) & Park Use (zoned P-1)
South: Institutional (zoned P-2) & Cowichan Lake (zoned W-1)
East: Residential (zoned R-2) & Forestry (zoned F-1)
West: Park Use (zoned P-1) & Residential (zoned R-6)

Agricultural Land Reserve Status: The subject properties are outside the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies three stream planning areas with TRIM streams. One stream planning area with confirmed fish presence is located along the shoreline of Marble Bay and a second stream exists on the western portion of the property. The third stream planning area is also located on the western portion of the property and contains a TRIM stream possible fish presence. An RAR Report was submitted when the last phase of subdivision was underway and a development permit has been issued.

Archaeological Sites: There are no confirmed archeological sites on the subject properties.

Existing Plan Designation: Tourist Commercial.

Proposed Plan Designation: Not being amended as part of this application.

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

Proposed Zoning: A new recreational zone is being proposed for the subject properties.

Minimum Lot Size Under Existing Zoning:

2000 m² for parcels served by a community water and sewer system;
4000 m² for parcels served by a community water system only;
1 hectare for parcels not served by a community water or sewer system.

Minimum Lot Size for Subdivision under Proposed Zoning:

The minimum parcel size in the proposed zone is 1600 m².

Services:

<u>Road Access:</u>	5 strata roads and 1 paved public road are constructed onsite
<u>Water:</u>	Woodland Shores Water System (Community)
<u>Sewage Disposal:</u>	Woodland Shores Sewer System (Community)

Site Context:

The subject properties are located approximately 2 km from Youbou Road. A majority of the properties are moderately sloped from a northern to a southern direction towards the shoreline of Marble Bay.

This area in Youbou is characterized by a mix of land uses. Lands immediately to the north are zoned for suburban residential use and park use. Properties to west are zoned for residential use and park use. Lands to the east are zoned for forestry and residential use. To the south, lands are zoned for institutional uses and the water surface is zoned for water conservation.

In terms of surrounding land use designations the subject properties are designated Tourist Commercial in the OCP. Lands to the immediate north are designated as Suburban Residential and Parks and Institutional. To the south lands are designated as Parks and Institutional and to the west lands are designated as Bald Mountain Lakefront Cottage Residential. To the east the land is designated as Suburban Residential and Forestry. This is visible on the Official Plan map excerpt that is attached to this report.

The Proposal:

The applicant proposes to rezone the subject properties to a new zone that would permit the recreational cottages onsite to be occupied for up to 52 weeks in a calendar year. Under the current zoning, short-term temporary stay is permitted and it is limited to a maximum of 22 weeks in a calendar year for any one person. That is, the buildings may be occupied year-round but the use of the buildings by any person for more than 22 weeks in a calendar year is not allowed. This change might appear to be a shift to straight residential use, however, the ability to offer short term stays, possibly on a commercial rental basis, would remain, and so the proposed use is not strictly residential.

Site Access

The subject properties are accessed from 5 strata roads and 1 paved public road which have all been constructed. These roads include Towhee Lane, Pintail Place, Nighthawk Road, Kestrel Drive, Teal Court, Pinyon Rise, Blackwood Heights, and Widgeon Way.

The applicant has informed CVRD staff that:

Lots 1, 2, 3, 5, and 6 are off of Towhee Lane

Lots 7 and 8 are accessed off Pintail Place

Lots 4, 9, 10, 11, 12, 25, 26, 27, 28, 29, 30, 31 and 41 are accessed off Nighthawk Road

Lots 17, 18, 19, 20, 21, 22, 24, 32, 33, 38, 40, 42, 43 and 44 are accessed off of Kestrel Drive

Lots 13, 14, 15, 16, 34, 35, and 36 are access off of Teal Court

Lots 23 and 37 are accessed off of Pinyon Rise

Lots 39, 49, and 50 are accessed off of Blackwood Heights

Lots 45, 46, 47 and 48 are accessed off of Widgeon Way

The following roads are gravel strata roads: Towhee Lane, Pintail Place, Nighthawk Road, Kestrel Drive, Teal Court, Pinyon Rise, and Widgeon Way. Blackwood Heights is the only paved public road constructed onsite.

Water & Sewer

The subject properties are presently serviced by a private water utility that is owned and operated by Van Isle Waterfront Development Corporation. Private water utilities are regulated by the Province of BC both in terms of the quality and quantity of water available and also the rates that those connected to the water service may charge their customers.

The subject properties are presently serviced by the Marble Bay sewer system which is a private utility operated on behalf of the Strata Corporation. Private sewer utilities are regulated by the Province of BC with respect to the volume and quantity of discharge, but are not regulated with respect to the rates that can be charged to those connected to the service.

Agency Referrals

The proposed amendment was referred to several external agencies. Their comments follow:

Central Vancouver Island Health Authority:

"This office does not have any objection to the 22 or 52 week occupancy since the water supply system must meet proper operational and water quality standards year round. However, the present system has, at this time, a water supply system designed to service up to 40 lots. Expansion of this system is pending the developer's decision on source use and system design.

Also, at this time, we bring to your attention that the sewer system design and operation is under the jurisdiction of the Ministry of Environment. There may have been concessions provided to limit recreational usage versus the potential for year-round residential use that this rezoning application is proposing. (note: the staff report discussed this further)"

Ministry of Transportation and Infrastructure: "Interests unaffected"

Ditidaht First Nation: no comments received

Lake Cowichan First Nation: no comments received

Cowichan Tribes: no comments received

School District No. 79: no comments received

Lake Cowichan Volunteer Fire Department: Doug Knott, the Fire Chief, advised the CVRD in his written reply that pumper truck tests at Marble Bay (the subject properties) have shown that some of the hydrants have insufficient flow for firefighting. In response to this comment, staff put the Chief into touch with Peter Gericke, the consulting Engineer for the applicants as well as Mr. Bourque. The issue has been examined further and it is believed that one hydrant may have been partially blocked, because other ones upstream and downstream of it function well. Further work has indicated that the underperforming hydrant is not required in order to provide adequate firefighting capacity to the area; as other hydrants are within the vicinity, but the existence of an underperforming hydrant is still a problem due to the possibility that in an emergency, a fire truck may connect to it. If it truly is surplus to safety needs and does not perform, it should be removed. This issue will be resolved whether this application is approved or not. The Fire Chief did not have written comments regarding the zoning amendment. Material related to this has been submitted to the CVRD and is attached to this report.

Ministry of Environment: Kirsten White, Senior Environmental Protection Officer with the Ministry of Environment in Nanaimo, advised us of the following:

"I had a chance to look into this file further. Please find attached a copy of the original registration form, to see what the facility is registered for. In the event that there be any expansion to the development, (i.e. increase in effluent volume >59.02 m³/day), this will trigger the need to apply for a new registration under the MSR. Unfortunately, a registration differs from a permit, in that it cannot simply be amended. A new MSR package would be required containing revised registration forms, Operating Plan and an EIS that is reflective of any proposed changes, and will ensure that the discharge will not adversely impact human health and the environment, and that the system is designed to accept/operate at the maximum discharge rate registered.

The second item that I noted was the lack of security and Capital Replacement Funds in place. I believe the original registration had identified that the cottages were to be seasonal occupancy, in which case security and CRF are not required. However, during the last inspection it was identified that some of the cottages are being occupied on a year round basis. If even one dwelling is occupied year round, this is defined as a "residential development", whereby security and CRF are required under the MSR. This will be brought forth with the client during the next scheduled inspection. As we discussed briefly though, should this site be taken on by the CVRD in the future, security and CRF would not be required."

The application has also been referred to the Public Safety Department. Departmental comments are attached.

Advisory Planning Commission Comments:

A copy of the APC minutes is attached as an appendix to this report. The minutes reflect the complexity of the issues around this site, but it seems that the APC was supportive of making some adjustments to zoning to reflect current uses. A series of recommendations concerning a proposed development permit area were made.

Policy Context:

Official Community Plan

The Area I – Youbou/Meade Creek OCP is not particularly helpful in assessing the merits of this application. A unique situation has evolved at this site, so no specific policy framework was developed around the scenario that this application represents.

Zoning

The subject property is presently zoned C-4 and this zone has a minimum parcel size of 0.2 hectares for parcels served by a community water and sewer system; 0.4 hectares for parcels served by a community water system only; and 1.0 hectares for parcels served by neither a community water nor community sewer system.

The following principal uses and no others are permitted in the **C-4** Zone:

- a. Convention facility;
- b. Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- c. Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;
- d. Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- e. Recreational facility;
- f. Restaurant;

The following accessory uses are permitted in the **C-4** Zone:

- g. Buildings and structures accessory to a principal permitted use;
- h. Gift shop, accessory retail sales;
- i. Single family dwelling.

Covenants

There are covenants registered on the land title of the subject properties that the applicant wishes to maintain. The newest covenant is between the owner Van Isle Waterfront Development Corporation and the Cowichan Valley Regional District and it states the lands shall be used for no other purpose other than recreational use. The covenant also specifies the size of the building footprint permitted onsite and defines what a recreational use is. The apparent disconnect between the proposed zoning change and the desire to keep the recreational use covenant intact is due to an arrangement that the applicant and the owners in the Cottages development have with Bayview Village strata.

Development Services Division Comments:

Land Use

The applicant is proposing to rezone strata lots 1-50 from C-4 to a new recreational zone that would permit any individual person or family to occupy the cottages onsite for up to 52 weeks in a calendar year while still retaining the recreational character of the property. The applicant has informed staff that the desire of most existing land owners and potential buyers is to be able to utilize the cottages for more than 22 weeks in a calendar year, but that they would not necessarily live in the cabins on a year round basis.

Staff is of the opinion that it would be beneficial to add the undeveloped portion of the site to the application, which would have the benefit to the applicants of having a single zone over the entire site as well as bringing additional density benefits, which will offset some of the costs of upgrading the sewer and water system to CVRD standards. This is discussed towards the end of this report; the applicant has agreed that the same proposed zone should be applied to the presently undeveloped lands.

A new recreational zone would need to be created for this site because the CVRD does not have a zone in place that would explicitly sanction the occupancy of recreational/commercial cottages for more than 22 weeks per calendar year. The OCP does not contain any policies that address the conversion of temporary, short term stay accommodation to long term accommodation in the Tourist Commercial (TC) designation. The subject lands are within the Urban Containment Boundary.

In principle, it makes a lot of sense to apply a new recreational zone to the subject property, which would still be aligned with the intent of the TC designation and yet provide greater flexibility to the various owners in this development. There are details related to land use and servicing that should be considered and these details are discussed in the balance of the report.

More than a decade ago, the CVRD decided that the development of recreational cottages on this site would be consistent with the C-4 zoning, so long as no one person occupies a unit for more than 22 weeks in a year. A Covenant was negotiated between the CVRD and the developer, limiting the footprint of the structures that could be built there. The site evolved with a residential character and appearance, not as a typical commercial – recreational resort would. The fact that there is no central rental pool for the building units really would suggest that it is strictly a recreational/residential use rather than Tourist Commercial. Had the units been marketed as 1/3 timeshares, the temporary occupancy of the buildings would have been assured. However, each unit was sold to one owner and as a result, potential over-stays by individuals (of the maximum 22 week provision in the definition) are possible.

A further consideration is that the C-4 zone is one of the few zones in the CVRD that has no density limit. The only limit to density would be found in the covenant EX044071 that is in place (limiting the use to “recreational”) and also in the servicing limitations. A wide array of permitted uses, some of which would be incompatible with the present quasi-residential uses, are allowed on any of the parcels that is zoned C-4. There would be great benefit in having the zoning better approximate the actual use of the property, as well as the terms of Covenant EX044071, which the CVRD negotiated with the developer. In fact, if the zoning is developed in accordance with the terms of the covenant, the covenant would become redundant and therefore could be discharged if it was deemed by both parties that it serves no purpose. The applicants are not seeking this, however.

There is considerable merit in amending the zoning, subject to terms and conditions mentioned later in this report, to finally apply a new zone that is wholly appropriate to this site. There is no harm, in staff's opinion, in permitting the owners in this development to reside there for as long or as short a period of time as they wish, provided appropriate servicing is present. A new zone would only apply to these parcels, not other C-4 zoned lands in Electoral Area I, and this new zone would still allow for recreational, residential and short-term rental uses.

Development Permit Area

The APC recommended that the site be designated a development permit area to control drainage. This is a reasonable request, especially if density is to increase further and so this process should be implemented if the application moves forward.

Fire Protection

As is noted in the Agency Comments section above, the Town of Lake Cowichan Fire Chief has indicated that one of the hydrants on the site is not performing adequately; however, the applicants have worked to address this issue and evidence has also been submitted that the impugned hydrant may not be required for the subdivision, as it exists, to meet minimum distance between hydrant regulations anyway. If this is the case, the faulty hydrant should either be repaired or removed, because – despite other functional hydrants being available, the fire department could mistakenly connect to the bad one in an emergency.

Occupancy and Enforcement under C-4 Zoning

As is noted above, the Cottages at Marble Bay development presently is considered as a resort under the C-4 zone, although it is not managed or run like one. There is no central rentals office for each strata lot and short term commercial rentals would have to be done by each lot owner, if they are occurring. The cottages cannot be occupied for longer than a maximum of 22 weeks in a calendar year by any one individual person or family. Once the individual or family leaves a unit, another individual or family may occupy the cottage for an additional 22 weeks and then after that a third party can occupy the cottage for an additional 22 weeks and so on. The cottages are therefore able to be occupied up to 52 weeks in a calendar year under the existing C-4 zoning. Monitoring when one individual or party begins to occupy a cottage and when they end their occupancy would be difficult for the CVRD, but so far this site this has not been the subject of enforcement action.

Background on Servicing:

Although the essence of this application is simply related to the nature of the occupancy of existing and proposed units in this development, there are some servicing matters that the Committee should be aware of, and which deserve consideration in the context of this application. Both the domestic water services for the subject properties and the sewer services are private utilities owned by the developer or the strata corporation, and these are managed and serviced by contractors on the developer or strata's behalf. Accordingly, neither meets the CVRD's definition of community systems.

Following is a summary of the different community water and sewer definitions that the applicants have been subject to since the Cottages at Marble Bay project was first conceived:

Former Zoning Bylaw 1000 (1986): At the time the Cottages at Marble Bay project was begun, Zoning Bylaw No. 1000 was in effect. It defined community sewer service to constitute any Ministry of Health or Ministry of Environment-approved system, regardless of the number of service connections. Similarly, the definition of community water service when this project was begun was quite different than now, with the only requirement being that 5 or more parcels be served by the same system.

Original Zoning Bylaw 2465 (July 2004): Although the development of the sewer system was conceived under the term of the former Zoning Bylaw 1000, the sewage permit application to the Ministry of Environment happened a month after the adoption of the new Zoning Bylaw No. 2465. With this came a new set of definitions. Community sewer service was defined as a system that comprises 75 units and is owned by the CVRD, an improvement district or a municipality. The new definition of community water service was that there be 75 units or more connected to a system, although the water system could be owned by a private utility.

Bylaw 2465 as amended in 2007: In May 2007, Zoning Amendment Bylaw 2869 was adopted, which changed the above definitions in Bylaw 2465. This was part of a region-wide initiative to gain better control over the installation of new sewer and water systems. The number of minimum connections in both cases (sewer and water) was reduced to 60 and in the case of community water services, private utilities no longer qualified as a "community" system.

The development has spanned these three definitions, each of which has a bearing on the density of the subject property and the unsubdivided remainder. When the most recent phase of the development was approved, resulting in the total of 50 lots that are present today, the understanding – put in writing by staff (letter attached) – was that no further development of the unsubdivided remainder of the parcel – which was not part of the original application – would be permitted until the sewer and water systems in the first 50 lots were taken over by the CVRD. The number 50 was chosen to avoid a Catch-22 in which the CVRD would tell the developer that he can't have the maximum density due to there being no community water and community sewer system because fewer than 50 connections (i.e. the Engineering and Environment's minimum size for takeover) are present in the first phase of subdivision, so all lots have to be 1 hectare in area instead of 2000 m². We therefore permitted the creation of 50 lots prior to the expected takeover of the sewer and water systems by the CVRD, and expected that any further lots could only be approved if the CVRD takes over or provides services.

Looking specifically at timing, the first 12 lots of the 50 units in existence were registered on April 22, 2005. On December 30, 2005, the developer sent a letter to CVRD Engineering & Environmental Services asking for the proposed 65 lot development's sewer system to be taken over by the CVRD. A letter of approval in principle was issued by Engineering Services' Brian Dennison, P. Eng. on April 2, 2006. Further steps were taken by the CVRD, including the establishment of a proposed service area. Meanwhile, a total of 40 more parcels were proposed and supported by the CVRD on the grounds that the required critical mass of lots (50) that would be required for Engineering & Environmental Services to consummate the takeover would have to be permitted. Once the last phase of subdivision was registered, progress on having the CVRD take over this system appears to have ceased.

Abandonment of the idea that the first 50 lots already created would never be connected to a community sewer system as it is presently defined was never an option for either planning or engineering staff. The 50 lots were only permitted with the understanding that the entire development would become a CVRD community sewer service area, and probably also a community water service area.

The proponent has stated that the present undeveloped portion of the subject property would be connected to the adjacent Woodland Shores water and sewer service areas. This would ensure that all subsequent development is serviced to current CVRD standards.

Sewer service becoming public in this case is important because the fees charged to the customers cannot be regulated so long as it is a private system, and as local service areas expand, coordination of the various services becomes important.

With respect to the community sewer issue, the Engineering and Environment Department will determine the terms under which community sewer services would be provided to the existing 50 strata lots and future proposed development. The amendment bylaws will require that these areas be connected to community sewer services.

In more recent discussions, the Engineering & Environmental Services Department indicated that abandoning the existing private water utility is not a preferred option. Although the cost of connecting to a public water system would be significant for the developer, it is the preferred option. This is because it ensures the existing 50 strata lots and undeveloped area is serviced to current CVRD standards. Therefore, the amendment bylaws also require that these areas be connected to community water services.

Opportunities for Public Amenity

Rezoning applications are an opportunity for the applicants and local governments to consider the matter of amenities that could benefit the community in general. Since this zoning amendment is mainly focused on the zoning rules that apply to a pre-existing neighbourhood, the opportunities to capture potential parkland have passed on the 50 lots in question. However, there is an opportunity to ask the applicants whether they would be prepared to enter into a covenant with respect to the unsubdivided upland C-4 zoned area (if it is added to this application as we believe it should) that would commit to providing an east-west linkage for pedestrians passing between Woodland Shores and the large CVRD park to the east that was created when the subject lands were first rezoned a couple of decades ago. This sort of linkage is not definable until a plan of subdivision is proposed, which is why a covenant would be an appropriate instrument to use. The covenant could provide for a minimum/maximum width specification. This linkage would benefit not only the residents of adjacent parcels of land, it would also be of general benefit to residents of the Cottages at Marble Bay development who may wish to go for a hike in the trail networks in Bald Mountain Park. The CVRD Parks Division has expressed an interest in this concept. A density credit under Section 3.10.2 of Zoning Bylaw 2465 could be applied, ensuring that said donation would not reduce lot yield for the developer.

Towards a Mutually Acceptable Solution?

The Ministry of Environment has provided valuable input on this file, quoted earlier in this report. The Ministry indicates that the operating permit for the sewage disposal system at the subject property is capped at 50 recreational units. By virtue of the units being recreational (temporary occupancy) in nature, both under zoning and in the consideration of the Ministry, the sewage discharge and related permit volume are estimated to be lower than would be the case for homes that could legally be occupied year round. What this means for the applicants is: were the CVRD to agree to the original application and rezone it, these 50 lots would immediately come out of compliance with the terms of the sewage permit, and a new *Municipal Sewage Regulation* (MSR) would have to be done but the developer. Additionally, the system would have to be bonded to the Province, with a sizeable security bond being placed. That is just to enable the rezoning of the 50 lots. This still would not make the development compliant with zoning regulations, in the sense that the CVRD would have to agree to take over that existing sewer system in order for further development to occur.

The point here is that the developer is facing considerable costs even under the *status quo*, if this zoning application, as submitted, is approved. This would include doing a new MSR registration, plant upgrades related to the conversion from part-time to possible full-time occupancy and making a security deposit in the order of up to a million dollars. It would also require that new water sources be secured (wells or lake water license) and expensive new water servicing infrastructure (e.g. storage) be installed, for the remainder of the site to be developed as is planned, even under C-4 zoning. Considering that the ownership of the subject lands (lots 1 through 50) is mostly in the hands of third parties who would presumably have little interest in contributing to these costs, it seems to be a problematic scenario for the proponent.

Staff have pondered this dilemma and devised what may be a solution for both the proponents of this rezoning, the strata corporation and the CVRD's administrative concerns. This involves the following:

- Rezone not only all 50 existing lots, but also the undeveloped remainder of the site to a new recreational zone that would not limit occupancy to a maximum number of weeks;
- In the new zone, establish a 1600 m² minimum parcel size, which is a 20% increase in density over the C-4 Zone, in consideration of the minimum lot sizes that prevail in other fully serviced (sewer and water) residential zones in Electoral Area I;
- Create a development permit area for drainage control in consideration of the increased density, which would require a stormwater management plan to be prepared and implemented as development of the remaining land proceeds;
- Require a covenant to ensure an east-west trail linkage over the undeveloped portion of the property at such time as it is proposed to be subdivided;
- Require that the underperforming hydrant either be repaired in the case of it being required for local fire protection, or be removed if it is redundant;
- As a condition of the adoption of the zoning amendment, require that all lands being rezoned that have yet to be subdivided be connected to the Woodland Shores community water and community sewer system;
- Also as a condition of the adoption of the zoning amendment, ensure that the existing 50 strata lots become part of a CVRD owned and operated community water and sewer system.

This would all have to be committed to prior to bylaw adoption.

The increase in density would allow perhaps another 7 or 8 lots to be created on the remainder in addition to the 38 or so that are permitted under C-4 zoning. Because the existing 50 strata lots will be connected to Woodland Shores sewer system, abandonment of the existing sewage treatment and disposal areas would permit these sites to be redeveloped as well. One of these sites is owned by the applicant in fee simple (it was reserved as a sewage treatment and disposal area for the C-4 zoned area that remains to be developed) and the other is common property of the strata corporation that the 50 lots comprise. The fee simple land area is about 0.35 hectares in area, so could generate two more lots (possibly three or even four if density from elsewhere on the site was averaged into it under Bare Land Strata regulation rules).

Considering the following facts:

- That the applicant would be facing considerable infrastructure costs even under the present C-4 zoning in order to develop the remainder;
- The CVRD has stated in writing that the sewer system in the 50 lot development must become community sewer as our Zoning Bylaw 2465 defines it, in order for additional development of the remainder to occur;
- The CVRD has stated that the water system in the 50 lot development must become community water as our Zoning Bylaw 2465 defines it, in order for additional development of the remainder to occur;
- that the proposed rezoning of the 50 C-4 lots already developed would carry with it a duty to re-engineer the existing sewage system and provide a large security to the Province;
- the advent of the Woodland Shores development to the immediate west of the subject lands, which has CVRD owned and operated sewer and water systems of a very high quality, infrastructure that was not present when the Cottages at Marble Bay development was begun;
- the additional development potential (perhaps another 7 or 8 lots under the proposed zoning) would allow for the developer to offset a considerable amount of many of the infrastructure costs that would be required to convert the existing 50 strata lot sewer and water service area to "community sewer" and "community water" status.

It seems that it would be prudent to proceed on this basis.

Summary of Land use and Servicing Discussion

Staff believe that for the type of use proposed for the undeveloped land, on full servicing, there is justification to increase the density slightly in this zone as this will offset some of the costs of the necessary sewer and water upgrades. Lowering the minimum lot size would not affect the 50 parcels already created, because only two of them would potentially be able to subdivide under a 1600 m² lot size, and neither one is likely to be possible.

Staff have examined the zoning of similar fully serviced parcels in this electoral area and found that a typical minimum parcel size for full servicing in a residential or quasi-residential zone is 1600 m². We would therefore suggest that the new draft zone contain this regulation in recognition that it is in line with other similar areas and there would be a clear incentive to rectify the existing service area non-conformities of the subject lands, should this zone be applied to the remainder of the C-4 area that is yet to be subdivided. We would also suggest that it would be appropriate to rezone the balance of this property to the same category at the same time.

Draft New Zoning Regulations:

“building footprint” means the total area of a building, measured on the ground level, which is supported by a concrete perimeter foundation, structural support columns and includes cantilevered enclosed floor area, but does not include deck areas;

“recreational residence” means a building similar to a single family residence, which may be either occupied seasonally or full-time by one or more persons, and which may also be rented on a commercial basis, for short-term stays;

5.10A LR-11 LAKEVIEW RECREATIONAL 11 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-11 Zone:

1. Permitted Uses

The following principal use and no others is permitted in the LR-11 Zone:

- a. Recreational residence;

The following accessory uses are permitted in the LR-11 Zone:

- b. Community service facility;
- c. Home office;
- d. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the LR-11 Zone is 1600 m².

3. Servicing

All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system.

4. Number of Recreational Residences

Not more than one recreational residence is permitted on a parcel that is zoned LR-11.

5. Footprint Area

The maximum footprint area for a recreational residence on a parcel in the LR-11 Zone is 105 m², plus a covered, unenclosed deck attached thereto not exceeding 31 m² and not extending more than 3.7 metres from a foundation wall.

6. Setbacks

The following minimum setbacks apply in the LR-11 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	4.5 m
Interior Side Parcel Line	4.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line	4.5 m

7. Height

The following maximum height regulations apply in the LR-11 Zone:

- a. Principal Buildings and structures 10 m
- b. Accessory buildings and structures 6 m

8. Parcel Coverage

The parcel coverage shall not exceed 20 percent for all buildings and structures in the LR-11 Zone

9. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

Options:

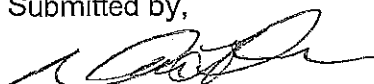
1. That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to Covenants being entered into that would:

- interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
- require that, at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not more than 7 metres in width, to provide the residents of the Cottages at Marble Bay project with ready access to Bald Mountain Park and access for other residents across the subject lands;
- require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;

And further that the matter be referred to public hearing with Directors Kuhn, Morrison and Dorey as delegates, and that the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety be approved..

2. That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be denied.

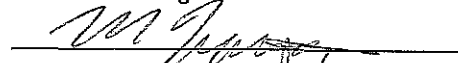
Submitted by,



Dana Leitch, MCIP
Planner II
Development Services Division
Planning and Development Department
DL/jah
Attachments

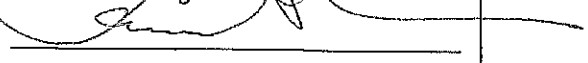
Reviewed by:

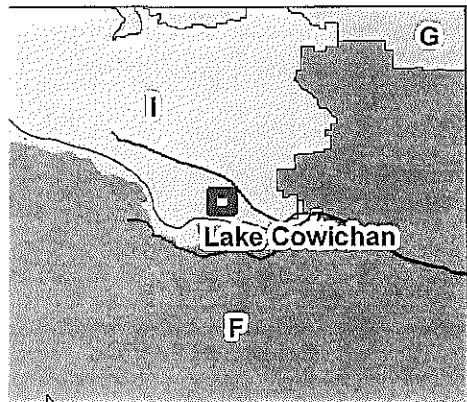
Division Manager:



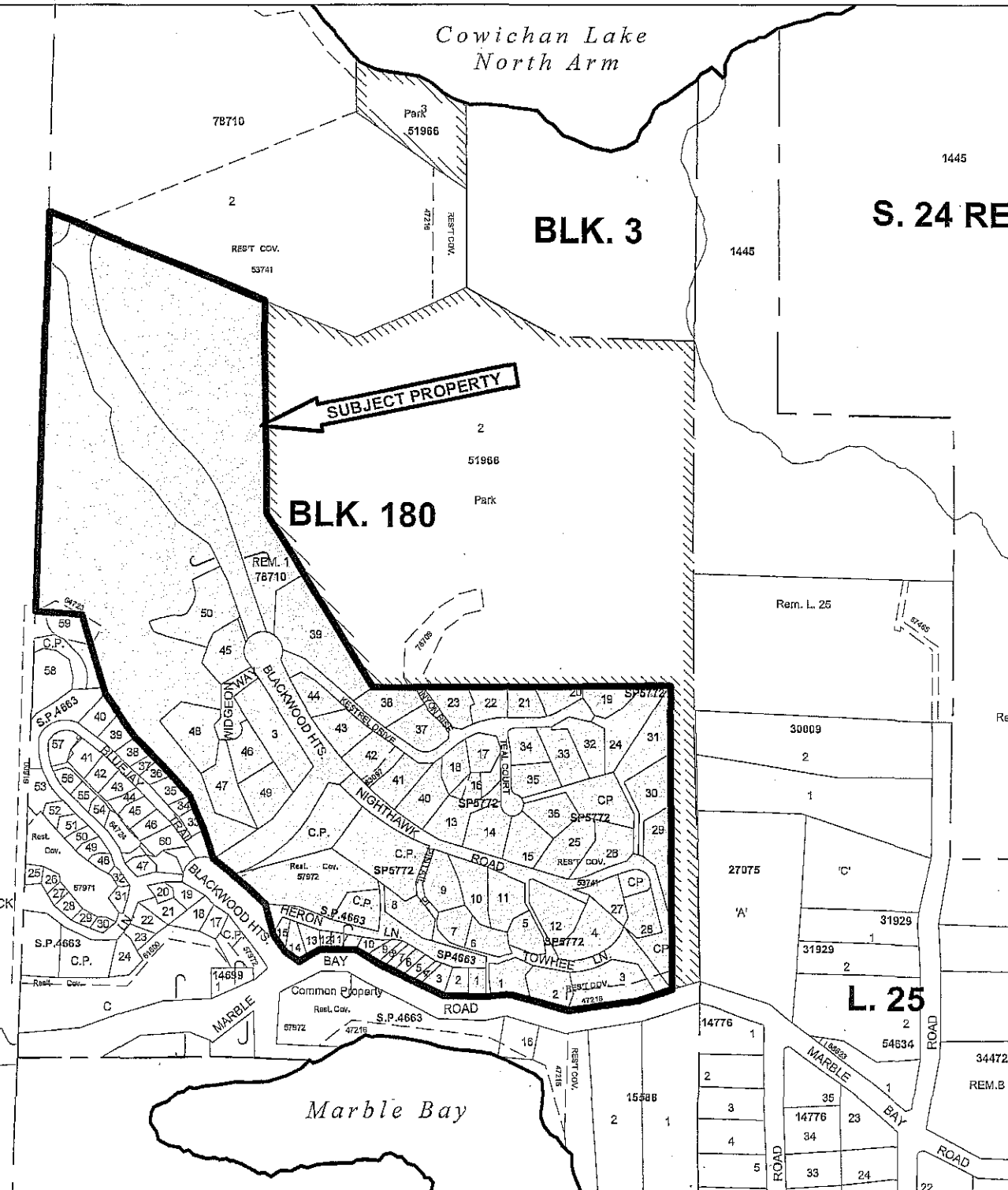
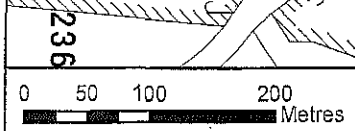
Approved by:

General Manager:





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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.

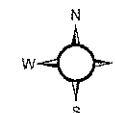
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-I-09-RS

Legend

Subject Property





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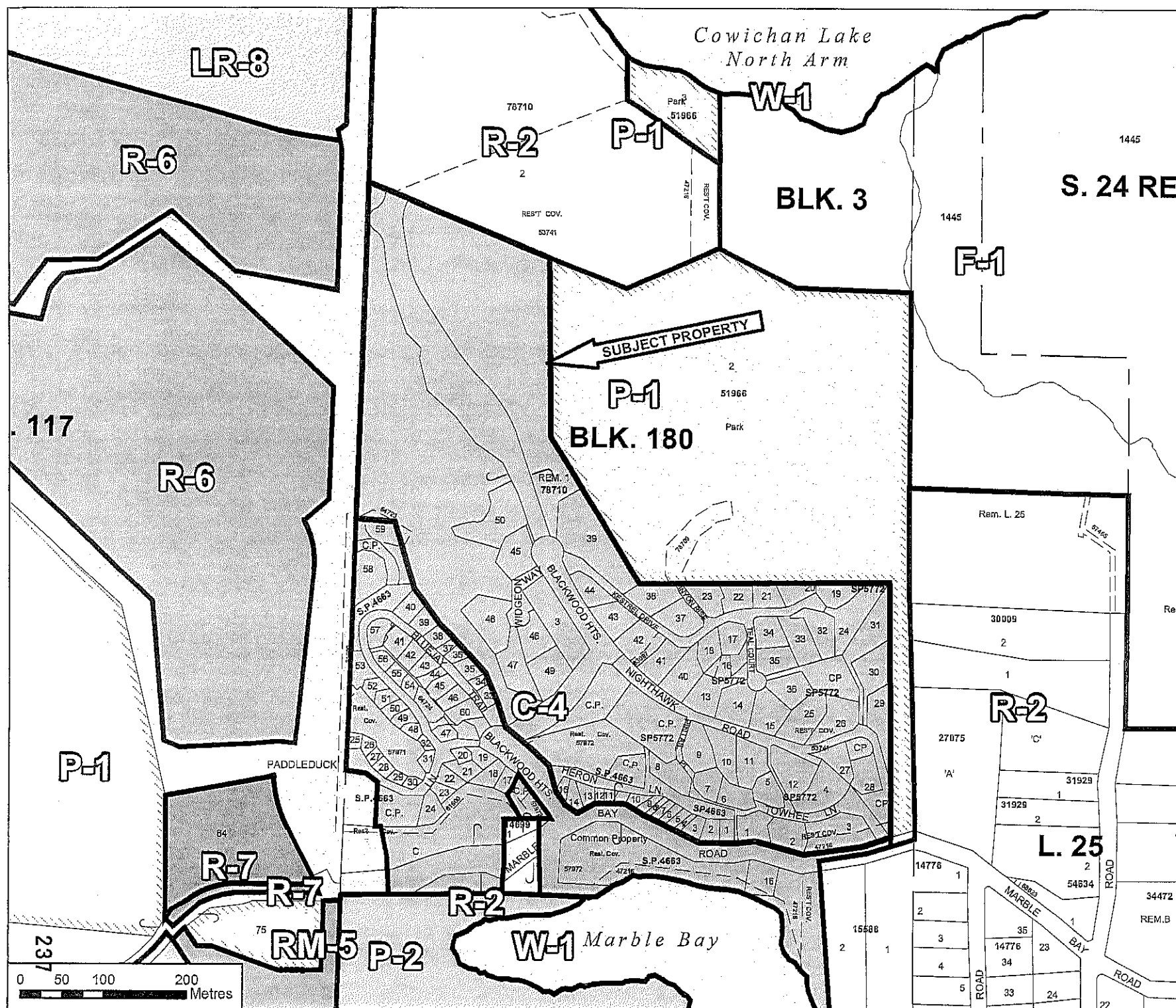
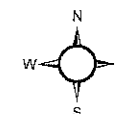
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-I-09-RS

ZONING

Legend

- Subject Property
- Zoning Electoral Area I
- Forest Resource 1
- Lakefront Residential 8
- Suburban Residential 2
- Residential 5
- Residential 6
- Residential 7
- Multiple Family Residential 5
- Tourist Commercial 4
- Parks 1
- Institutional 2
- Water Conservation 1





**Cowichan
Valley
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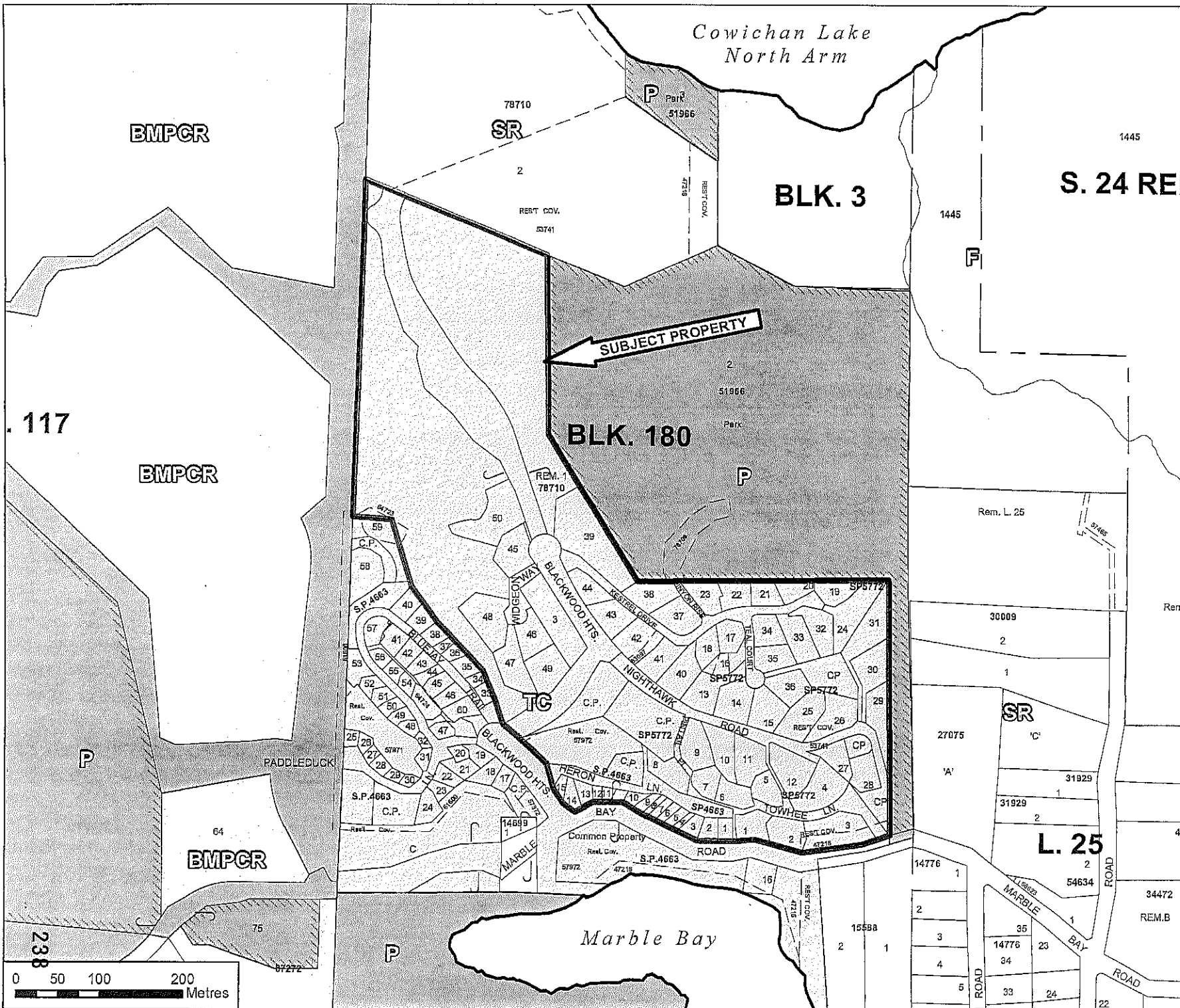
File: 01-I-09-RS

OCP

Legend

	Subject Property
	F-Forest / Natural Resource
	FCA-Future Development Area
	SR-Suburban Residential
	R-Urban Residential
	SLR-Suburban Lakefront Residential
	SLHR-Suburban Lakefront Home Park Residential
	BLMCR-Bald Mountain Lakefront College Residential
	BMPGR-Bald Mountain Park Road Commercial
	C-Low Density Commercial
	TO-Township Commercial
	TOD-Township Office Development
	WDC-Waterfront Commercial
	I-Industrial
	P-Park and Recreation

Rem.





**Cowichan
Valley
Regional
District**

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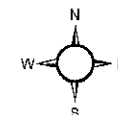
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-I-09-RS

**Orthophoto
(2004)**

Legend

 Subject Property



0 50 100 200
Metres



MEMORANDUM

DATE: April 6, 2010 **FILE NO:** 1-I-09RS

TO: Dana Leitch, Planner, Planning and Development Services

FROM: Daniel Derby, General Manager Public Safety

SUBJECT: Rezoning Application No. 1-I-09RS – Marble Bay Cottage Development

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

- ✓ Proposal is within a contracted response area served by the Lake Cowichan Volunteer Fire Department.
- ✓ A water system compliant with “NFPA 1142, Standard on Water Supplies for suburban and Rural Fire Fighting” is required to ensure necessary fire flows.
- ✓ Consideration should be given to retention of Volunteer Firefighters within the development.
- ✓ Proposal is within Lake Cowichan RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 119 Lake Cowichan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

5.30 **C-4 TOURIST COMMERCIAL 4 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-4 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-4 Zone:

- a. Convention facility;
- b. Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- c. Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;
- d. Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- e. Recreational facility;
- f. Restaurant;

The following accessory uses are permitted in the C-4 Zone:

- g. Buildings and structures accessory to a principal permitted use;
- h. Gift shop, accessory retail sales;
- i. Single family dwelling.

2. Minimum Parcel Size

The minimum parcel size in the C-4 Zone is:

- a. 0.2 hectares for parcels served by a community water and sewer system;
- b. 0.4 hectares for parcels served by a community water system only;
- c. 1 hectare for parcels served neither by a community water system or a community sewer system.

3. Number of Dwellings

Not more than one dwelling may be located on a parcel in the C-4 Zone, in association with a permitted principal use.

4. Setbacks

The minimum setback for buildings and structures in the C-4 Zone is 4.5 metres from all parcel lines.

5. Height

In the C-4 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 C-4 Zone must not exceed 20 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the C-4 Zone must be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

April 2, 2006 (revision to February 10, 2006)

File No.

0400-01-EAI

Joe Bourque, President
Van Isle Waterfront Development Inc.
1669 Cedar Avenue
VICTORIA BC V8P 1X1

Dear Sir:

**RE: CVRD Takeover of the Sewer System for a
Proposed 65 Lot Development, Marble Bay**

Further to your letter of December 30, 2005, requesting that the CVRD take over the sewer system for your proposed 65-lot development in Marble Bay, the following resolution (No. 06-38-2) was ratified by the CVRD Board at their regular meeting of February 8, 2006:

"That the CVRD grant approval in principle for the takeover of the sewer system from Van Isle Waterfront Development Corporation for their proposed "Cottages at Marble Bay" development, as requested in their letter of December 30, 2005, subject to the following conditions:

- .1 that consent of the owners to incorporate Phase 1 into a service area be obtained through a petition process;*
- .2 that the sewage system preliminary concepts, detailed design and installation are approved by Engineering Services staff to ensure compliance with CVRD design standards and Subdivision Bylaw 1215;*
- .3 that the sewage disposal site has adequate capacity for the proposed loading and a statutory right-of-way, using CVRD Standard Charge Terms, be provided for all sewerage works located on private property;*
- .4 The owner/developer have their consultant, J.E. Anderson & Associates, prepare and submit a registration of discharge form, operation plan, environmental impact statement and all other necessary documentation to the Ministry of Environment;*
- .5 that Transfer of Assets Agreements be executed between the CVRD and the Strata Corporation for Phase 1 and between the CVRD and the owner/developer for Phase 2 of the development;*
- .6 that the developer provide a two-year warranty on the completed sewer system, backed by suitable bonding;*
- .7 that the developer provide a suitable reserve fund to start off the sewer function;*

.../2

8 that completed as-built drawings and receipt of reserve funds must be received by the Engineering Services Department prior to sign-off on lot registration;

and further that staff be directed to create a sewer service for this system."

Please contact the undersigned or Louise Knodel-Joy, Engineering Technologist, if you wish to discuss the above conditions in further detail.

Yours truly,



Brian Dennison, P. Eng.,
Manager, Engineering Services

jlb

pc:

Director Hodson, Electoral Area I
David Leitch, Outside Operations Manager
Louise Knodel-Joy, Engineering Technologist

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

DATE: June 1, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Chairperson Mike Marrs at 7:10pm.

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson: George deLure

Members: Shawn Carlow, Gerald Thom, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Recording Secretary: Tara Daly

REGRETS:

Jeff Abbott, Erica Griffith

GUESTS:

Rick Bourque, applicant

AGENDA:

It was Moved and Seconded to accept the agenda.

CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of May 4, 2010 and May 10, 2010 as circulated.

CARRIED

BUSINESS ARISING FROM MINUTES:

- M. Marrs brought forward a recommendation for Rezoning Application 1-I-09RS (Rick Bourque); the commission held a discussion

It was Moved and Seconded to accept the recommendations brought forward from Mike Marrs

and further that

said document be forwarded to CVRD staff (see Attachment 1 to minutes of June 1, 2010)

CARRIED

- **Climate Change Comments:**

- * Forestry section is too weak, wood waste, need to more effectively handle the forest land, should be #1 priority not at bottom, restrict raw log exports, reduce stumpage costs so that more wood can be utilized, use

everything, local jobs would eliminate the distance needed to travel for work

- * Carbon Credits potentially benefit big business with the taxpayers paying
- * improvements with diesel engines are good until you look at the whole picture – they don't last as long therefore more parts are needed increasing costs in manufacturing and distribution
- * improved Transit System would allow more people to use, recent changes have caused people to quit jobs because they can't make connections; encourage car pooling and have a local (Cowichan Lake area) Park 'n Ride lot; expand Gas Tax credits into rural area; improve rail lines
- * more research on alternative energy, jobs created
- * feel the Provincial Government has their own agenda; more concerned with large centres not rural areas
- * rather than downloading, the province needs to take responsibility; they have the expertise, more information is needed to make better informed comments

OLD BUSINESS:

- **Youbou Lands** – the Provincial Government has returned the document; will go to 4th reading after three (3) final items are signed off on; if approved remediation but be completed before anything else starts
- **Town Beautification** – Director Kuhn hopes that people will generally start their own clean-ups; logistically it's difficult to organize

NEW BUSINESS:

- after much discussion, the Commission wanted to note that any infringements on Riparian Zones are not acceptable. The public, as well as, the APC wish to maintain the existing Riparian areas around the lake and increase, if possible

ANNOUNCEMENTS:

- **Next Meeting** July 6, 2010 at 7pm in Upper Youbou Hall (at the call of the chair)

The meeting was adjourned at 9:35pm

/s/ Tara Daly
Secretary

Attachment 1

2010.06.01 **Area I (Youbou/Meade Creek) Area Planning Commission**

Subject: **Rezoning Application No. 1-I-09RS (Bourque)**

Current Zoning: C-4 Tourist Commercial 4 Zone

Current OCP: designated as Tourist Commercial

Current Use: At some point, the property appears to have been subdivided into bare land Strata Lots upon which approximately 32 have had individual residential buildings or cottages constructed and are occupied for extended periods. The current use and occupancy is non-compliant.

Covenant: A covenant in favour of the CVRD is registered on title restricting the use of the property to no other uses other than a recreational use. The covenant prohibits a “permanent residence” use of the property.

Application: To rezone the subject properties in order to legalize the non-compliant use and permit the year round (full-time_ occupancy under a new “recreational zone”.

Observation: It appears that the current use and status is non-compliant with the existing OCP, Zoning, and Covenant in that:

1. At some point the subject property was given approval to subdivide as a bare land stratum in apparent disregard to the properties current C-4 Tourist Commercial 4 Zoning and the Official Community Plan designation as Tourist Commercial.
2. The current use contravenes the current C-4 Tourist Commercial 4 Zone by:
 - a. 5.24 (1c) Contravening the permitted uses as a non-commercial use of the property.
 - b. 5.24 (1i) exceeding the single family dwelling restriction as an accessory use to an approved commercial use as well as the single family dwelling permitted under 5.24 (3)
 - c. 5.24 (2)(a) Notwithstanding the non-compliant subdivision, it appears that some of the subdivided strata lots do not comply with the minimum parcel size of 0.2 hectares where served by a community water and sewer system
3. The current use does not meet the definition of “resort” as a commercial use and nor the definition of “temporary accommodation” which limits the maximum stay to less than 22 weeks.
4. Based on staff’s initial referral report to the APC, it appears that the existing use may be in conflict with the “Registered Covenant” which restricts the use to “recreational” only and limits “the” building footprint and prohibits a permanent residence all of which appears to be “singular in reference.”

Comments:

1. The APC does not condone what appears to be a flagrant disregard of regulatory bylaws and nor does it encourage the use of regulatory procedures to rectify or legalize such contraventions after the fact. Based on the information provided to the APC, it appears that the current noncompliant situation has managed to evolve through the subdivision process and numerous building permit processes without questions being raised. It appears that the regulatory system has

Attachment 1

failed the community, which further strains the relationship, whether real or imaginary, between the community here and our regulatory agencies.

That said, notwithstanding that the subject has be developed in a manner contrary to the OCP, Zoning and other regulatory instruments, the fact remains that the current situation needs to be addressed and addressed with regard to the community's best interest. To that end the following is submitted to CVRD staff in response to the referral to the APC.

Recommendations:

It appears that consideration of an amendment to the Electoral Area I Youbou/Meade Creek Official Community Plan By No. 2650 Official Community Plan and Electoral Area I Youbou/Meade Creek Zoning Bylaw No. 2465 is required to facilitate the applicant's request.

Should the CVRD proceed forward with due process and should the OCP and zoning amendments be successful, we recommend the following to be considered and incorporated accordingly:

1. The issuance and registration on title(s) of a Development Permit to regulate and control the existing and any future development within the subject properties.
2. The Registered Covenant be rescinded and any applicable restrictions be made part of the Development Permit.

*Keep
covenant
in place?*

Further in consideration of the:

1. OCP Amendment Application:

The OCP amendment to reflect the proposed zoning to accommodate use of the subject properties.

2. Zoning Amendment Application:

The Zoning Amendment to reflect the intended 'Recreation Cottage' use by:

- a. Limiting the use to 1 recreational cottage
- b. Limit building footprint and maximum floor are of same
- c. Maximum accessory building(s) of 2 with a total square footage of 56
- d. No secondary suites or B&B uses
- e. Establish new minimum lot area, relative to that which has been stratified

3. Development Permit to include and regulate:

- a. Requirement to submit an acceptable QEP report and implement any recommendations or requirements relative to the existing and future development impact on the 3 stream planning areas with TRIM streams as identified in the staff's report on page 2. Confirmation that any existing development is in compliance with Riparian, flood, a Fisheries protection regulations.
- b. Requirement to submit an acceptable Engineer's report and implement any recommendations or requirements relative to the capability of the existing water and sanitary systems given the potential year-round occupancy, including any potential impact on Marble Bay. (The APC notes the ecological sensitivity within Marble Bay and its limited circulation and thus expresses its concern about potential negative impacts any increased habitation may have on the adjacent lake system).

Attachment 1

- c. Requirement to submit an acceptable Engineer's report and implement any recommendations or requirements relative to the existing infrastructure (water, sanitary, and fire protection) being up to CVRD engineering standards.
- d. Requirement to submit an acceptable Engineer's report and implement any recommendations or requirements relative to storm and roof water retention and control systems to prevent run-off and potential negative impact upon the lake or adjacent properties.
- e. Include those restrictive clauses that may be applicable, which were included in the CVRD Covenant that is recommended for rescinding as noted above.
- f. Any existing or future infrastructure crossing over the bare land strata lots must be protected by way or registered easements.
- g. Confirmation that existing or future common roads within the main parcel area are and will remain as common property to be maintained by the Strata Corporation.
- h. Confirmation that existing or future common services such as water, sanitary, fire protection, etc. within the main parcel area are and will be maintained by the Strata Corporation. Further that any CVRD required easements or right-of-ways are in place or obtained as part of this process.
- i. In drafting the DP, CVRD staff work with the Area I Parks Commission to explore the need for green space interconnection.
- j. Incorporate any requirements of those responding to other referrals

In closing, the Commission is concerned about the precedent set by this application should it be successful and solely sees the foregoing as a singular recommendation to resolve a difficult situation. In no way is this recommendation to be taken as support or potential support for the creation of any similar Zoning or OCP amendment. The Commission strongly feels that the CVRD maintain support of the intent and Commercial Tourist designation within the OCP, including those adjacent lands currently zoned C-4.

Respectfully, Area I (Youbou/Meade Creek) Area Planning Commission

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3XXX

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2465, Applicable To Electoral Area I – Youbou/Meade Creek

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 I – Youbou/Meade Creek, that being Zoning Bylaw No. 2465;

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. 2465;

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. 3XXX - Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Van Isle Waterfront Development Corp), 2011".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2465, as amended from time to time, is hereby amended as follow:

A. That the following definition be added to Section 1.3

“building footprint” means the total area of a building, measured on the ground level, which is supported by a concrete perimeter foundation, structural support columns and includes cantilevered enclosed floor area, but does not include deck areas;

“recreational residence” means a building similar to a single family residence, which may be either occupied seasonally or full-time by one or more persons, and which may also be rented on a commercial basis, for short-term stays;

B. That Part 5 be amended by adding the following after Section 5.11

5.11A LR-11 LAKEVIEW RECREATIONAL 11 ZONE

Subject to compliance with the general regulations detailed in Parts 3 of this Bylaw, the following regulations shall apply to the LR-11 Zone:

1. Permitted Uses

The following uses and no others are permitted in an LR-11 Zone:

- a) Recreational residence

The following accessory uses are permitted in the LR-11 Zone:

- b) Community service facility;
- c) Home office;
- d) Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the LR-11 Zone is 1600 m².

3. Servicing

All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system.

4. Number of Recreational Residences

Not more than one recreational residence is permitted on a parcel that is zoned LR-11.

5. Footprint Area

The maximum footprint area for a recreational residence on a parcel in the LR-11 Zone is 105 m², plus a covered, unenclosed deck attached thereto not exceeding 31 m² and not extending more than 3.7 metres from a foundation wall.

6. Setbacks

The following minimum setbacks apply in the LR-11 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	4.5 m
Interior Side Parcel Line	4.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line	4.5 m

7. Height

The following maximum height regulations apply in the LR-11 Zone:

- a. Principal Buildings and structures 10 m
- b. Accessory buildings and structures 6 m

8. Parcel Coverage
The parcel coverage shall not exceed 20 percent for all buildings and structures in the LR-11 Zone

9. Parking
Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

C. That Part 4 Creation of Zones, Section 4.1 be amended by adding the following to the Zones Table:

“LR-11 Lakeview Recreational 11 Zone”

D. That Appendix One – Minimum Parcel Size Summary be amended by adding minimum parcel size for the LR-11 zone.

E. That Schedule A (Zoning Map) to Electoral Area 1 – Youbou/Meade Creek Zoning Bylaw No. 2465 be amended by rezoning Block Strata Plan VIS 5772, Block 180, Cowichan Lake District, and Remainder of Lot F, Blok 180, Cowichan Lake District, Plan VIP78710 as shown outlined in a solid black line and shaded in gray on Schedule A attached hereto and forming part of this bylaw, numbered Z-3XXX, from C-4 (Tourist Commercial 4 Zone) to LR-11 (Lakeview Recreational 11 Zone).

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.

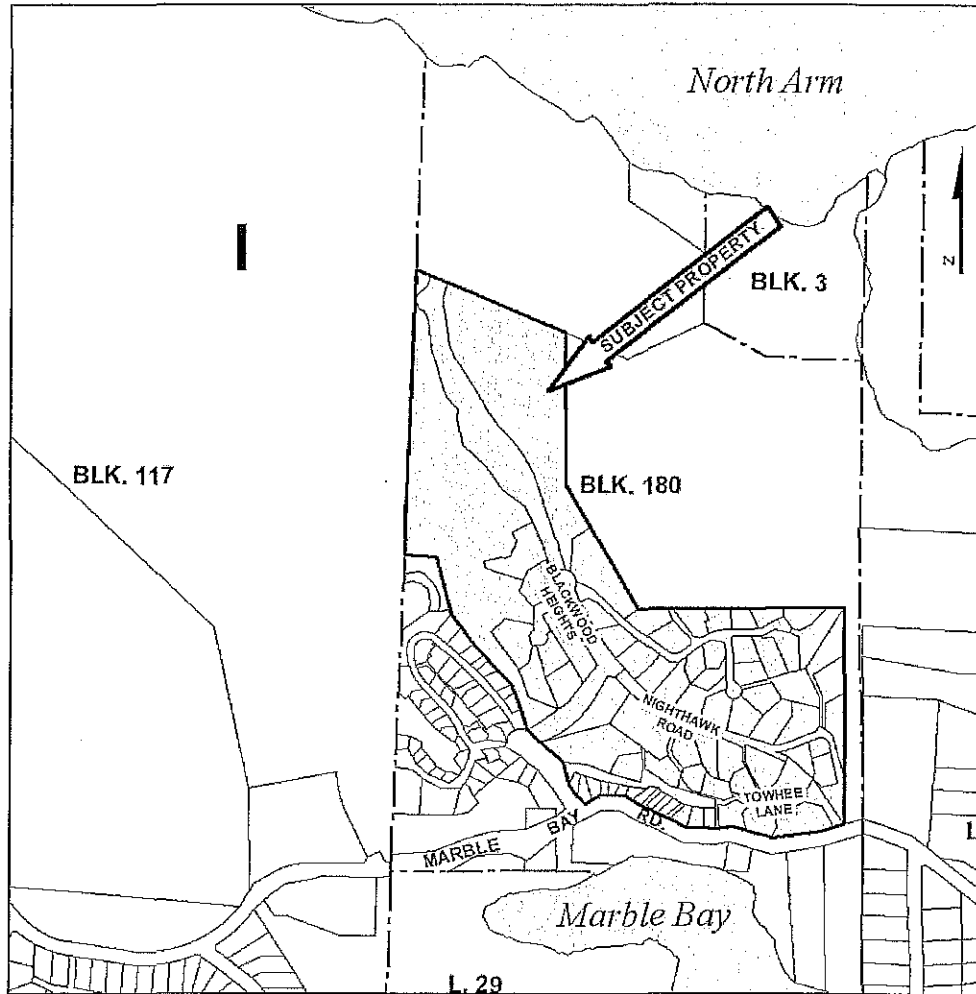
ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary

PLAN NO. Z-

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



THE AREA OUTLINED IN A SOLID BLACK LINE AND SHADED IN GRAY IS REZONED FROM

Tourist Commercial 4 Zone (C-4) TO

Lakeview Recreational 11 Zone (LR-11) APPLICABLE

TO ELECTORAL AREA I



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3XXX

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 2650, Applicable To Electoral Area I – Youbou/Meade Creek

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 I – Youbou/Meade Creek, that being Official Community Plan Bylaw No. 2650;

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. 2650;

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. 3XXX – Area I – Youbou/Meade Creek Official Community Plan Amendment Bylaw (Van Isle Waterfront Development), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 2650, 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. 3XXX

Schedule A to Official Community Plan Bylaw No. 2650, is hereby amended as follows:

1. That Policy 5.9.1 be added immediately after Policy 5.9 under the Tourist Recreational Commercial Policies:

POLICY 5.9.1: Lands within the Cottages at Marble Bay Development do not restrict occupancy for any one person to a total of twenty-two weeks per calendar year; occupancy is permitted on a year-round basis.

2. That the following be added after Section 17.8

18. WATER MANAGEMENT DEVELOPMENT PERMIT AREA

POLICY 18.1 CATEGORY

The Water Management Development Permit Area is designated pursuant to Section 919.1(a) and (b) of the Local Government Act for the purpose of protecting the natural environment, its ecosystems and biological diversity and the protection of development from hazardous conditions.

POLICY 18.2 SCOPE

The Water Management Development Permit Area applies only to lands shown on Map 18.1 Water Management Development Permit Area, within Electoral Area I.

POLICY 18.3 JUSTIFICATION

Poor development practices can lead to increased stormwater runoff which in turn can cause erosion, slope instability and flooding, and negatively impact neighboring properties, washing out roads and contaminating nearby watercourses, including Marble Bay.

POLICY 18.4 GUIDELINES

Prior to commencing any development on lands within the Water Management Development Permit Area, the owner shall submit information that demonstrates how the proposed development meets the following guidelines:

- a) Any development in the Water Management Development Permit Area should be carried out in a manner that limits storm flows. Impervious surfaces and new sources of runoff should be minimized to protect properties from flooding, erosion, or other undesirable impacts.

- b) A drainage plan prepared by a registered professional engineer is required. The purpose of this plan is to strive to maintain post-development flows at pre-development levels, or lower through a number of techniques that would provide for onsite infiltration such as rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others, and a rainwater plan. The applicant should demonstrate where and how these techniques will be used. Figures for total imperviousness on sites within this development permit area should be calculated by the applicant and submitted at the time of development permit application. The development permit may specify maximum site impervious surface areas.
- c) Sites should be retained in their natural state where possible, protecting riparian areas and preserving indigenous vegetation and trees. Disturbance to vegetation should be minimized. This will aid in preserving the natural hydrology of the site and reduce the environmental impact associated with new development.
- d) The latest Best Management Practices for land development by the Ministry of Environment and Fisheries and Oceans Canada should be addressed in the application. On-site rainwater management techniques that do not impact surrounding lands, should be used, rather than traditional engineering methods.
- e) Riparian Area Regulation matters will be dealt with concurrently with this DPA, using the provisions of the Watercourse Protection DPA of this Bylaw.

POLICY 18.5 REQUIREMENTS

Before the CVRD authorizes the issuance of a development permit for a parcel of land in the Water Management Development Permit Area, the applicant for development permit shall submit a development permit application, which at minimum, shall include;

- (a) A written description of the proposed development
- (b) A scalable site plan that includes the following:
 - i. Parcel lines;
 - ii. Existing buildings;
 - iii. Proposed buildings;
 - iv. Location and extent of drainage routes;
 - v. Parking areas;
 - vi. Vehicular access points;
 - vii. Description and percentage of impervious surfaces;
 - viii. The perimeter of forested area and proposed areas to be cleared;
 - ix. Location and extent of drainage ditches and culverts.

POLICY 18.6 EXEMPTIONS FROM THE DEVELOPMENT PERMIT PROCESS

The terms of the Water Management Development Permit Area shall not apply to:

- (a) Interior renovations to existing buildings;
- (b) Changes to the text or message on an existing sign allowed by a previous development permit.

- c) Construction of a single family dwelling or accessory building provided it adheres to the conditions outlined within the development permit issued at the time of subdivision.

POLICY 18.7 VIOLATION

(a) Every person who:

1. violates any provision of this Development Permit Area;
2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
5. fails to comply with an order, direction or notice given under this Development Permit Area; or
6. prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Administrator, or person designated to act in the place of the Administrator; commits an offence under this Bylaw.

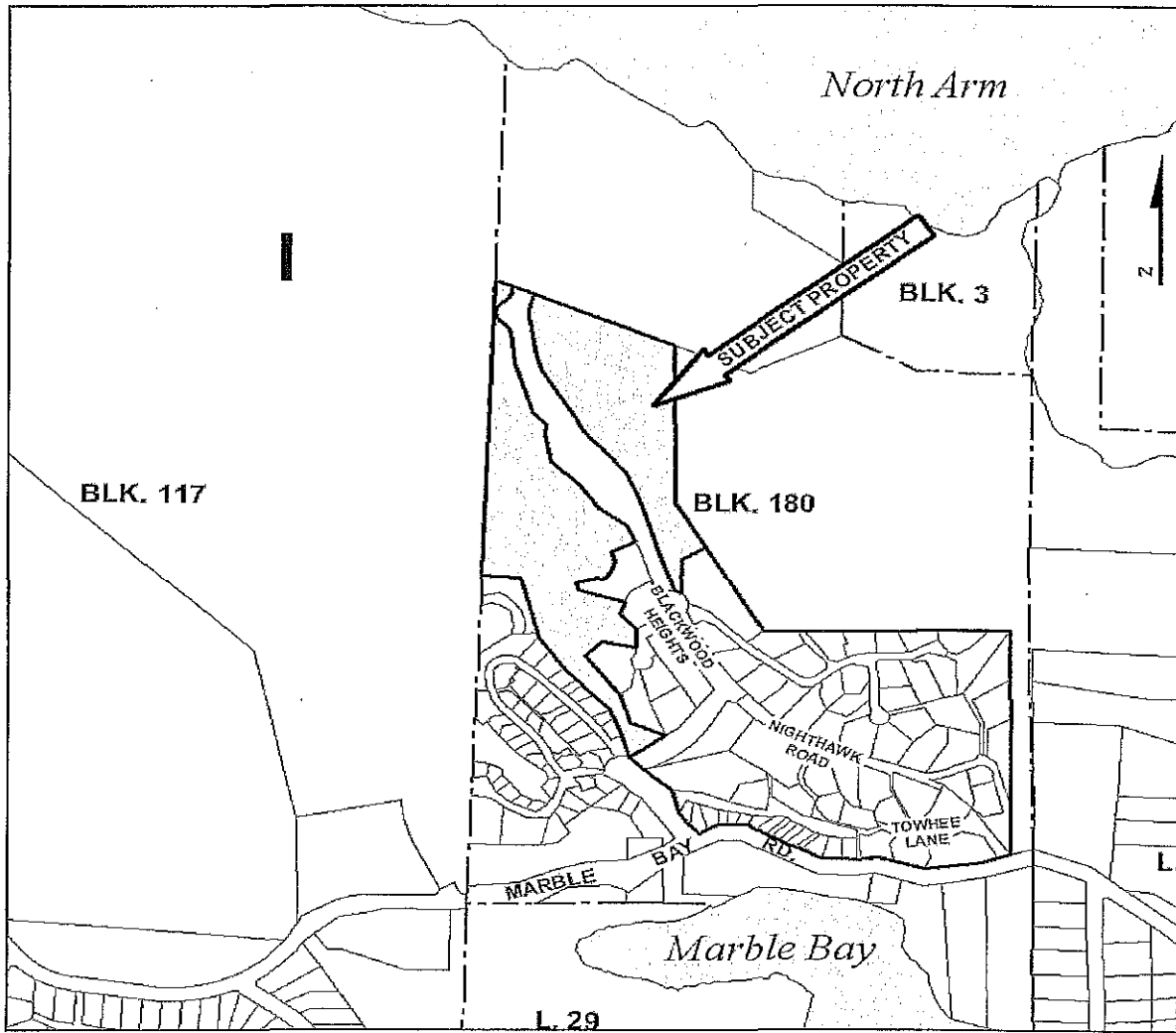
(b) Each day's continuance of an offense constitutes a new and distinct offence.

POLICY 18.8 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Water Management Development Permit Area, a single development permit may be applied for, and issued by development permit.

3. That MAP 18.1 Water Management Development Permit Area be added after Section 18.8.
4. That Section 18 Implementation and Administration be renamed to Section 19 and that it be renumbered accordingly.
5. That:
 1. The remainder of Lot 1, Block 180, Cowichan District Plan, VIP78710 as shown outlined in a solid black line and shaded in gray on Plan number Z-3213 attached hereto and forming Map 18.1 of this bylaw, be designated as Water Management Development Permit Area, and that Map 18.1 be added to be added to Official Community Plan Bylaw No. 2650.

MAP 18.1



WATER MANAGEMENT DEVELOPMENT PERMIT AREA



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 26, 2011

FILE NO: 2-E-11 RS

FROM: Dana Leitch, Planner II

BYLAW NO: 1490 & 1840

SUBJECT: Application No. 2-E11RS
(Dave Johel & Dave Mayo for Khalsa Diwan Society)

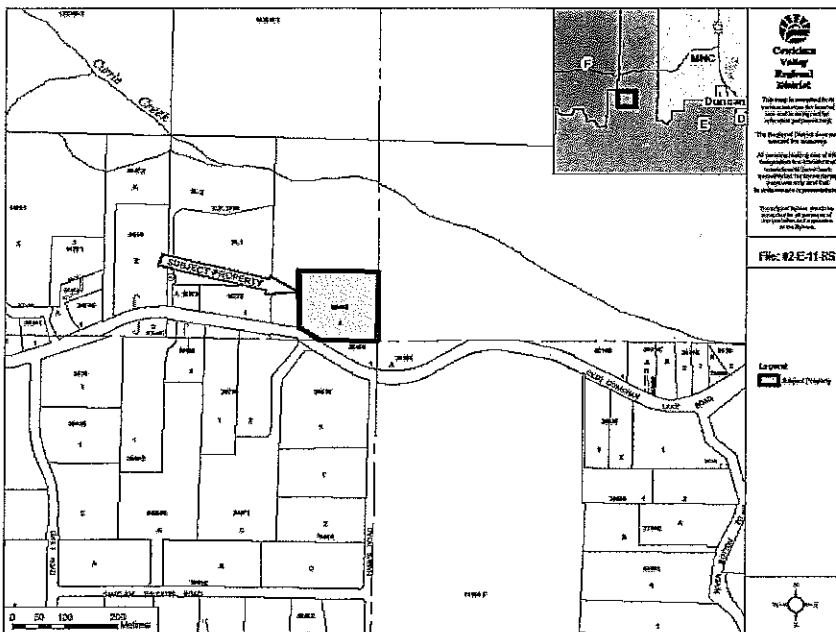
Recommendation/Action:

That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) and draft amendment bylaws be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting.

Relation to the Corporate Strategic Plan: *n/a*

Financial Impact: (Reviewed by Finance Division: *n/a*)

Location Map:



Purpose:

To amend the zoning of a property at 4695 Cowichan Lake Road to permit a second crematorium on-site.

Background:

Location: 4695 Cowichan Lake Road

Legal Description: Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483 (PID: 000-152-609)

Date Application and Complete Documentation Received: May 18, 2011

Owner(s): Paldi Khalsa Diwan Society, Lake Cowichan Khalsa Diwan Society, Vancouver Island Khalsa Diwan Society, Vancouver Island Sikh Cultural Society

Applicants: David Mayo & David Johel

Size of Land Parcel: 2.03 ha (5.0 ac.)

Contaminated Site Profile Received: Declaration pursuant to the *Environmental Management Act* signed by owners. No schedule 2 uses noted.

Existing Use of Property: There are two crematoriums on site.

Existing Use of Surrounding Properties:

North: Suburban Residential (zoned R-2)
 South: Suburban Residential (zoned R-2)
 East: Suburban Residential (zoned R-2)
 West: Suburban Residential (zoned R-2)

Road Access: Cowichan Lake Road

Water: Well

Sewage Disposal: Septic system

Agricultural Land Reserve Status: The property is not located in the ALR

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

Archaeological Sites: None identified in CVRD mapping

Fire Protection: Sathlam Fire Service Area

Existing Plan Designation: Suburban Residential

Proposed Plan Designation: Commercial

Existing Zoning: P-1 (Parks and Institutional)

Minimum lot size under existing zoning:

- 0.2 ha for parcels served by a community water system and a community sewer system
- 0.4 ha for parcels served by a community water system only
- 1.0 ha for parcels served neither by a community water or sewer system

Proposed Zoning: A new zone is proposed for the property

Minimum lot size under proposed zoning:

Subdivision is not being proposed, however staff recommend similar minimum lot sizes to what is permitted under the current institutional zone.

Background:

There are currently two crematoriums and one mobile home located on the property. On the western portion of the site there is a wood burning crematorium and an accessory residence. The wood burning crematorium has been operating since the 1960s and the accessory residence was placed on the property in the 1970's. When the first crematorium was placed onsite Electoral Area E did not have a zoning bylaw in place at that time so the use pre-dates CVRD zoning. In 1977 the subject property was rezoned from R-2 (Suburban Residential) to P-1 (Parks and Institutional) to accommodate the wood burning crematorium and accessory residence. Historically this property has been used for East Indian cremations and associated family gatherings. In 1979 a covenant was registered on the land title to protect the land from further development and to prohibit erection of any additional buildings or structures.

In August 2010 the owners of the property applied to the CVRD for a building permit to construct a second crematorium building on the eastern portion of the site. This permit was issued in September 2010 with the understanding that the original crematorium would be discontinued.

Please see the attached site plan which illustrates Area A where the wood burning crematorium and accessory mobile home is located and Area B where the new crematorium is located.

Property Context

The subject property is located at 4695 Cowichan Lake Road and is slightly over 2.0 hectares in area (5.0 acres). The property is situated within a residential neighborhood and the parcel is surrounded by R-2 (Suburban Residential) zoned land which extends along Cowichan Lake Road. Adjacent land uses are large lot single family residential.

Proposal

This application involves amending the covenant and zoning to permit the second crematorium on the eastern portion of the property.

The applicants have indicated that they would like to keep the older wood burning crematorium and the accessory residence on the western portion of the site. The wood burning crematorium would be kept operational so it could be used for traditional cremations.

The new crematorium located on the eastern portion of the site is presently leased to a licensed funeral home operator from the Cowichan Valley. CVRD staff have had discussions with this operator and have been informed that:

- the crematorium is expected to operate six days per week (Monday – Saturday) from approximately 8:00 a.m. to 5:00 p.m,
- the occasional cremation will occur on a Sunday,
- emergency cremations at the request of the Medical Health Officer may be done at any time day or night,
- the new crematorium is fully secured and is monitored by Price's Alarm Systems,
- since January 2011 there have been approximately 214 cremations in the new crematorium building, and

- the new crematorium is approximately 1400 ft² in size, is one level, has a two-piece bathroom, contains an office and holds one cremator.

Policy Context

Official Community Plan:

The subject property is zoned Parks and Institutional (P-1) and is designated Suburban Residential in Official Community Plan (OCP) Bylaw No. 1840. The land use surrounding the subject property consists of large lot rural residential properties that are zoned R-2 (Suburban Residential).

The Official Community Plan does not appear to have contemplated the establishment of crematoriums, and provides limited policy direction in regards their use, function or location. However, some policies have been identified below.

Policy 11.2.1

Institutional uses may be located in any land use designation in the Plan area and that each proposal should be evaluated based on individual merit and compatibility with surrounding land uses.

Section 11 of the Official Community Plan does speak to institutional uses generally and suggests that the final determination of where an institutional use will be located is a function of land being available, the type of use proposed, and the area of population it will serve.

The institutional establishment excerpt located within Section 11.2 on Page 51 of the OCP encourages us to think about various institutional uses and the type of use and location within the community – including rural communities. It is necessary to remain cognizant of the impact of such uses on adjoining property owners.

Policy 8.11

In order to maintain a generalized approach to land use planning, there shall be one uniform “commercial” designation in the plan map. However, the Regional Board may, in a zoning bylaw, create different commercial zones for different uses or combination of uses.

Zoning

The use of the property for a commercial crematorium does not comply with the covenant registered on the land title and the P-1 Zone permits a crematorium as an institutional use but not for a commercial use. With this proposal, staff feels it is appropriate to apply a new zone to the property that would recognize the commercial nature of the new crematorium.

This new zone would permit one principal use: crematorium. One residence would also be permitted accessory to the principal use. This new zone also contains conditions of use (i.e. parcel coverage, the height of all buildings and structures, and parcel line setbacks) that are similar to other commercial zones within Electoral Area E.

Subdivision is not being proposed with this application, however, the Committee should be made aware that the applicants could subdivide the property into two lots under its existing P-1 zone and under the proposed new zone. If the Committee would like to restrict subdivision of this property in the future this can be done either by amending the minimum parcel sizes in the new zone or through the registration of a no further subdivision covenant on the land prior to final adoption of the bylaws.

Staff has prepared a draft zoning bylaw and it has been attached for your reference.

Correspondence:

We have received one email (attached) from an adjacent property owner to the south west outlining his concerns over the potential traffic, pollution, and impacts of the proposed use on property values.

Referral Agency Comments:

This proposal has been referred to the following agencies for comment:

- Vancouver Island Health Authority – *Interests unaffected.*
- Ministry of Transportation and Infrastructure – *Interests unaffected.*
- Cowichan Tribes – No comments received.
- Sahtlam Volunteer Fire Department – No comments received.
- School District 79 – *Interests unaffected.*
- CVRD Parks and Recreation Department – *Parks and Trails staff have reviewed the application and see that the subject property is immediately in line with a piece of property that the CVRD parks and Trails Division and the Local Area E Parks Commission are interested in securing for a trail corridor. A 10 metre wide park/trail corridor along the eastern boundary of this subject property would provide for the start of a connection of a trail from the Old Cowichan Lake Road heading north towards the Inwood Creek Estates Development where park dedication is to be coming across to the CVRD and will provide the final connection to the Cowichan Valley Trail that runs parallel to Highway 18. As part of the proposed rezoning this park dedication would come across to the CVRD as a fee simple titled lot within 60 days of approval of the rezoning.*
- CVRD Water Management Division – *Interests unaffected. The Engineering Department does not a water, sewer or drainage system in this area, therefore its interests are unaffected.*
- CVRD Public Safety Department – *The proposal is in the Lake Cowichan RCMP Detachment Area, the BC Ambulance (Lake Cowichan) response area, and is within the boundaries of the CVRD Regional Emergency Program. The proposal is within the Sahtlam Fire Protection response area and input from the Fire Chief may further affect Public Safety Concerns. The Community Wildfire Protection plan has identified this area as high risk for wildfire and Firesmart Principles must be adhered to. Access and egress to the proposed commercial establishment should be minimum 12 m road width to accommodate simultaneous exist of citizenry an entrance of emergency services personnel. Parking should be in designated parking area south of crematoriums to ensure ability to exit area; and a sprinkler system should be considered as fight fighting in rural areas without a water system compliant with NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire fighting is extremely challenging.*

Advisory Planning Commission Comments:

At its October 13, 2011, meeting, the Advisory Planning Commission (APC) made the following recommendation with regards to this application:

“That Application No. 2-E-11RS move forward with the following suggestions/changes:”

- *that the applicants complete the sustainability checklist;*
- *that the new crematorium building be limited to one cremator only;*
- *that the older wood burning crematorium be used a maximum number of 5 times per year for a ten year period;*
- *that a new restrictive commercial zone be created for the site that permits: a crematorium, a residential use accessory to the crematorium, and a historical crematorium building.*
- *that a covenant be registered on title that limits the older wood burning crematorium to only being used 5 times per year over a 10 year period and after this 10 year period the building be permitted to remain as a historical building for use by the Sikh congregations;*

- *that no commercial signage be placed onsite; and*
- *that a public meeting be held on the application.*

MOTION CARRIED

Planning Division Comments

Policies within the Official Community Plan that speak to institutional uses are noted above and do not specifically address crematoriums as a use within the plan area. However, Section 11.2 of the OCP encourages us to think about various types of institutional uses and their location within rural communities suggesting that we need to remain cognizant of the impact of such uses. The OCP further reiterates that in cases where a public nuisance is created by way of sight, sound, or environmental impacts, the problems should be resolved to ensure impacts are minimized, or by relocating the use elsewhere to a location where a problem would not arise.

With respect to the commercial component of the application, OCP Policy 8.11 supports the development of different commercial zones for different uses or a combination of uses.

As mentioned earlier in this report, staff is recommending that a new zone be created for the property to reflect the commercial nature of the new crematorium that has been placed onsite. The main reason that staff are recommending a restricted commercial zone for the property is because the Advisory Planning Commission felt it was the most appropriate zoning that best reflected the commercial aspect of the crematorium.

There is an interest among the Sikh congregations that the wood burning crematorium remain operational for a specific period of time to accommodate traditional cremations within the community, and in the future, that the crematorium be maintained as an historical building for use by the Sikh congregations. The maintenance of this building as a historical crematorium, limits on the number of cremations that would occur per year, and a specified time frame that the wood burning crematorium remain operational could be managed through the covenants registered on the land title.

Details on the operation and maintenance of the older wood burning crematorium was discussed with the applicants and it was suggested that the maximum number of cremations occurring per year within the wood burning crematorium be 5 and that the length of time the wood burning crematorium remain operational be 10 years. After this 10 year period the wood burning crematorium could remain as a historical building for use by the Sikh congregations.

The new commercial crematorium was also discussed and it was suggested that only one cremator be permitted in the new crematorium building, currently there is space to accommodate two cremators. It was also suggested that no commercial signage be permitted on the property. A covenant could be placed on title to limit the number of cremators located within the new crematorium and if desired a covenants addressing commercial signage could also be placed on title prohibiting any commercial signage from being placed onsite.

If the restrictions noted above were placed on the property through the use of covenants, the applicants would have to agree to these restrictions and the registration of covenants.

The CVRD Parks and Trails Division has reviewed the application and have indicated that the subject property is immediately in line with a piece of property that the CVRD Parks and Trails Division and the Local Area E Parks Commission are interested in securing for a trail corridor. A 10 metre wide park/trail corridor along the eastern boundary of this subject property would provide for the start of a connection of a trail from the Old Cowichan Lake Road heading north towards the Inwood Creek Estates Development where park dedication is to be coming across to the CVRD and will provide the final connection to the Cowichan Valley Trail that runs parallel to Highway 18. . The trail corridor has been discussed with the applicants and they are open to

the idea of public land dedication as part of this application but details around this dedicated have not been confirmed. The applicants would have to agree to this park dedication if it is to be a condition of the rezoning.

Staff feel that having a public meeting for this application would be appropriate so that the residents from Sathlam and adjacent property owners can learn more about it and have an opportunity to provide input on the proposed land use.

Options:

Option 1:

That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) proceed to a public hearing and that the Public Hearing be held with Directors Duncan, Morrison, and Dorey named as delegates of the Board.

Option 2:

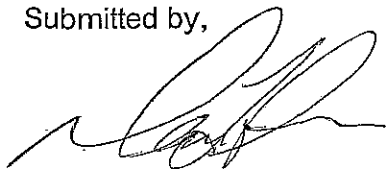
That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) and draft amendment bylaws be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting.

Option 3:

That Application No. 2-E-11RS (Khalsa Diwan Societies) 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 2 is recommended.

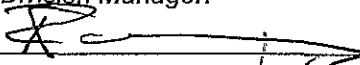

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning and Development Department

DL/jah

Attachments

<p>Reviewed by: <i>Division Manager:</i> </p> <p>Approved by: <i>General Manager:</i> </p>
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SKETCH PLAN OF
LOT 1, SECTION 9, RANGE 7,
SAHTLAM DISTRICT,
PLAN 32483.

SCALE 1 : 1000



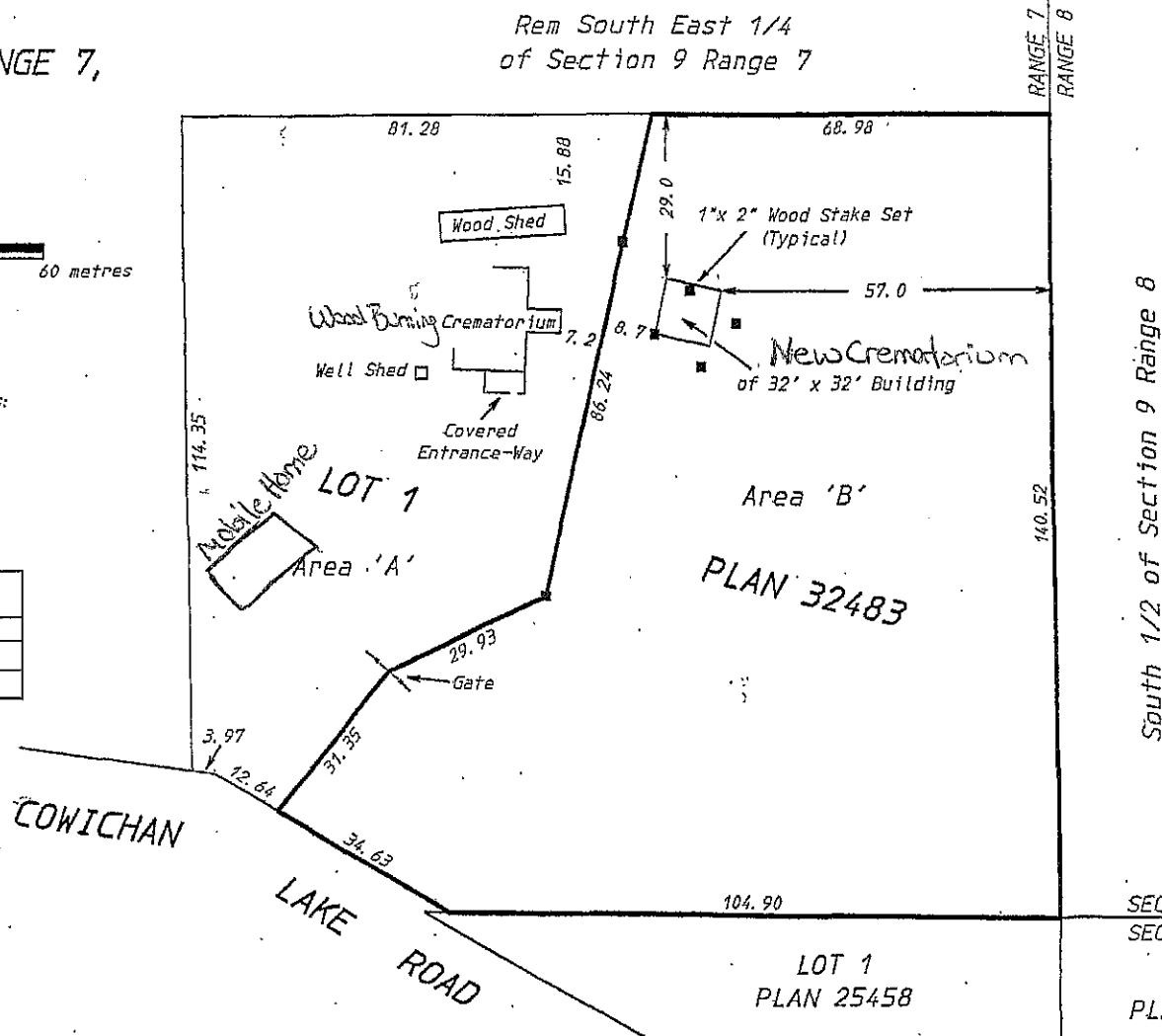
All distances are in metres.

Note: Lot 1 lies within the C.V.R.D.
Area E and is Zoned P-1.

Bylaw setback requirements are as follows:
All Buildings & Structures:

Front 6.0 m
Side (Interior) 6.0 m
Side (Exterior) 6.0 m
Rear 6.0 m

REFERENCE TABLE	
DESCRIPTION	AREA
AREA 'A'	± 0.72 ha
AREA 'B'	± 1.31 ha



KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 10-7043a. DAT 12 May, 2010

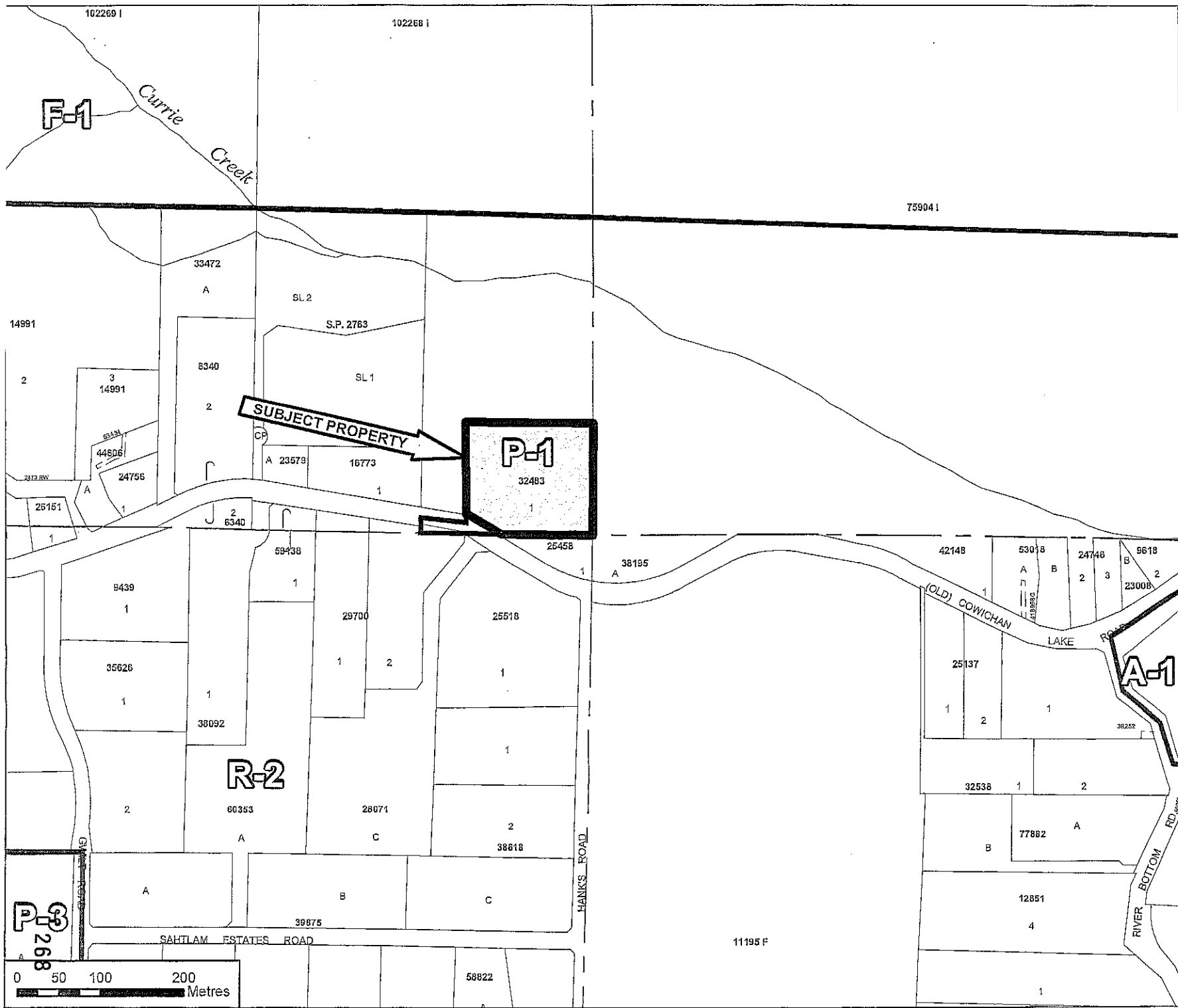
SECTION 9
SECTION 8
LOT A
PLAN 38195

South 1/2 of Section 9 Range 8



Site Plan

000-152-609



**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.

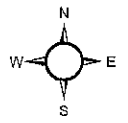
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

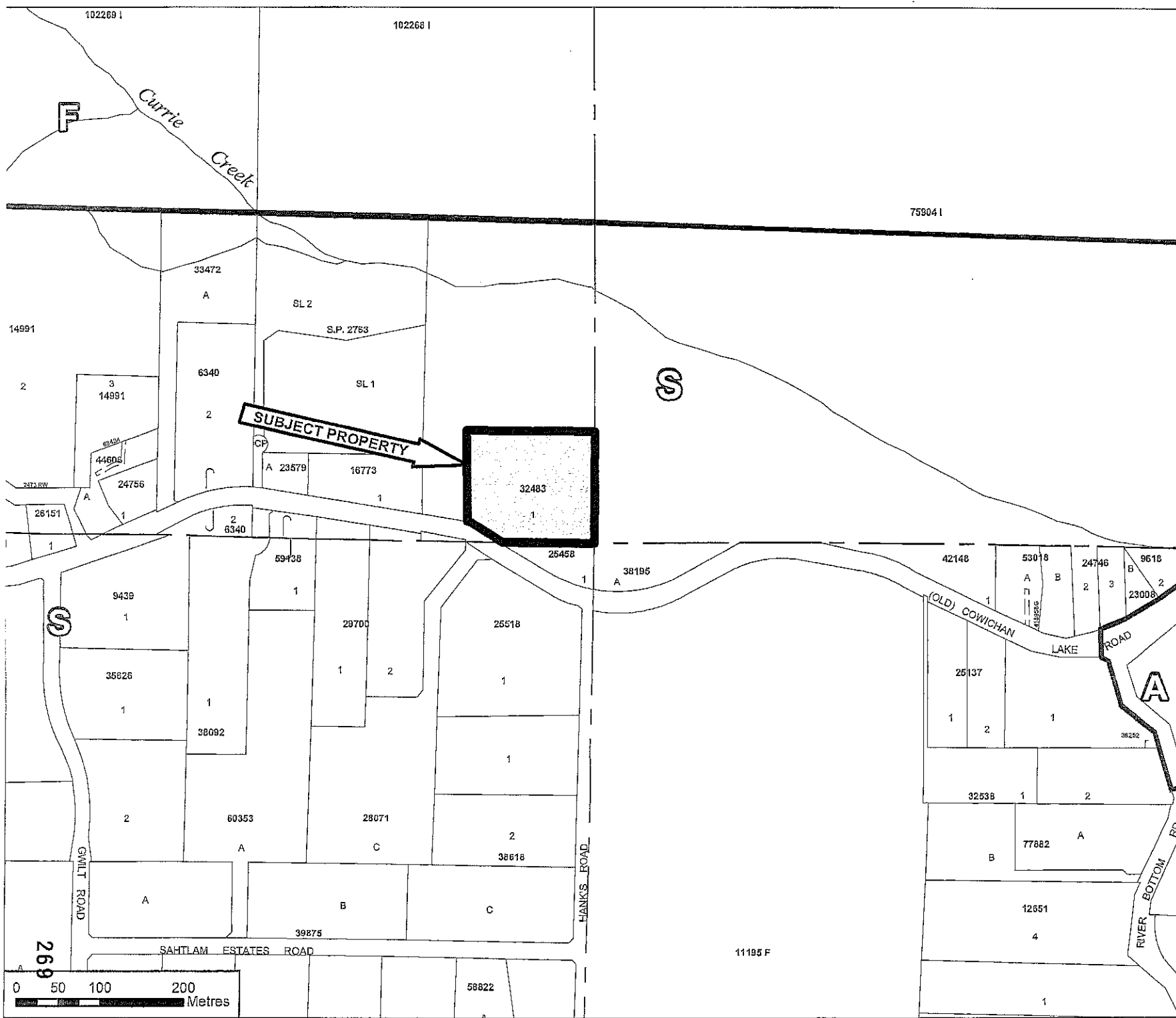
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-E-11-RS

ZONING

- Legend**
- Subject Property
 - Zoning Electoral Area E





**Cowichan
Valley
Regional
District**

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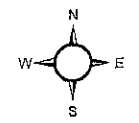
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-E-11-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area E





**Cowichan
Valley
Regional
District**

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The Regional District does not warrant the accuracy.

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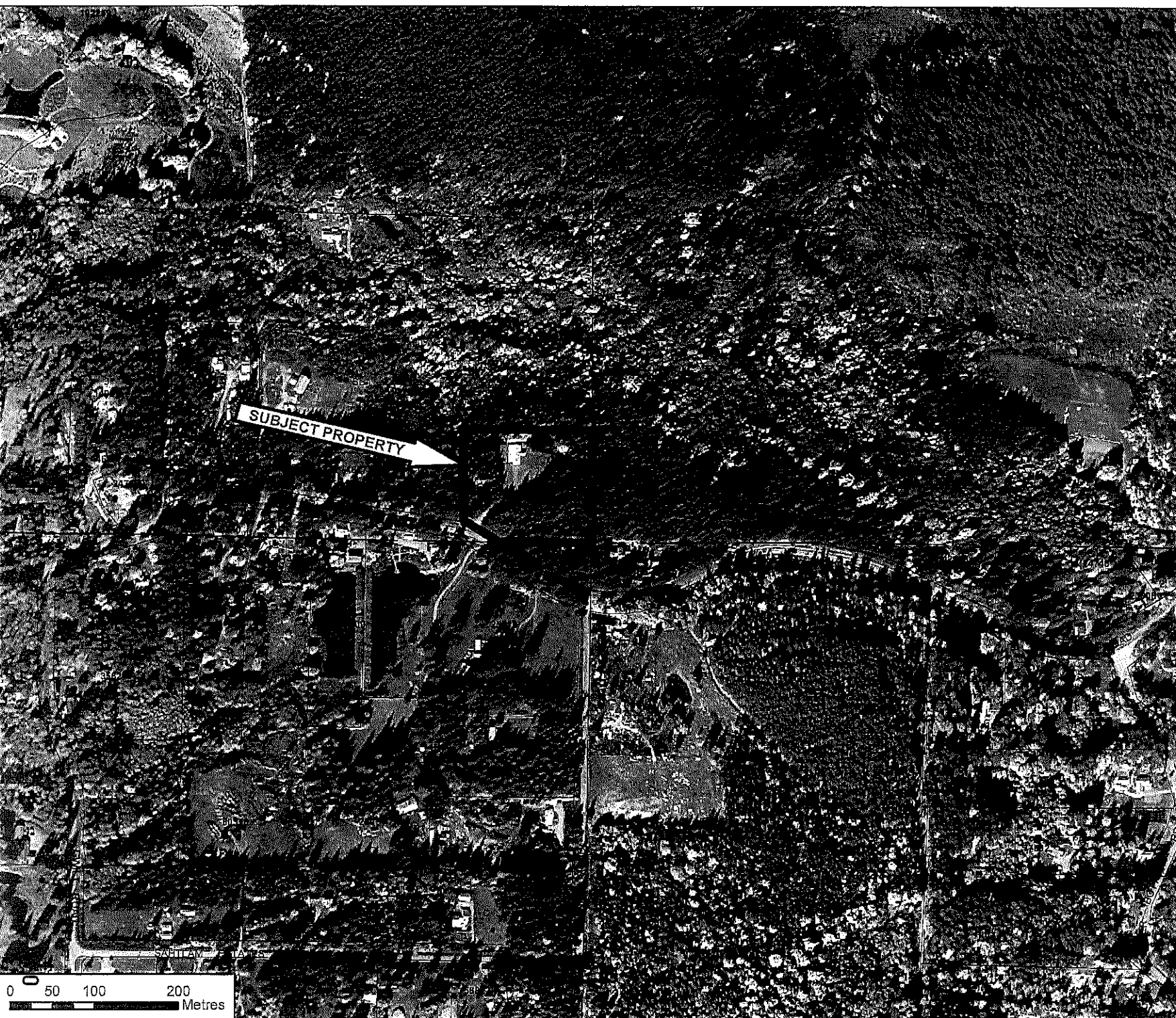
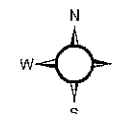
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-E-11-RS

**Orthophoto
(2004)**

Legend

 Subject Property



0 50 100 200
Metres

From: John Steven [mailto:jm.steven@shaw.ca]
Sent: Saturday, March 12, 2011 8:51 AM
To: Tom Anderson
Subject: Crematorium development - Cowichan Lake Road

Mr. Tom Anderson
General Manager, Planning and Development, CVRD

Dear Mr. Anderson,

I am writing to express concern about the Crematorium in the 4700 block, Cowichan Lake Road, apparently becoming a commercial operation. I understand that a mortician's service in Duncan has been advertising this location, which could result in greatly increased use of the facility, air pollution, increased traffic on our local road, and detriments to land owners' property values.

I understand that there are some small businesses operating in this area on residents' home properties, which doesn't seem to have caused any serious disruption to other residents' safe and peaceful enjoyment or the cleanliness of our neighbourhood, but what appears in the proposed use of the crematorium to become a larger commercial operation by a non-resident seems to bring the possibility of a substantial negative change to the quality of our local environment.

I understand that the CVRD is looking into this issue; I would appreciate receiving information about any public process related to this particular proposed development, or any information about the project that may be available to the neighbourhood public.

With thanks for your attention to this, Sincerely

1

John Steven
4754 Cowichan Lake Road
Duncan BC V9L 6J2
(250) 746-8476



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. XXXX

A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840 Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3338 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Khalsa Diwan Societies), 2011**".

2. AMENDMENTS

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

- a) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "C-6 Zone- Crematorium" to Section 6.1 – Creation of Zones.
- b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 9.4:

9.5 C-6 ZONE – CREMATORIUM

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Sections 4.4 and 4.5, and no others are permitted in the C-6 zone:

- (1) Crematorium;
- (2) One single family dwelling *accessory* to a use permitted in Section 9.5 (1).

(b) Conditions of Use

For any *parcel* in the C-6 zone:

- (1) the *parcel coverage* shall not exceed 40% for all *buildings* and *structures*.
- (2) the *height* of all *buildings* and *structures* shall not exceed 12.0 metres
- (3) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this Section are set out for all buildings and structures in Column II.

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

(c) Minimum Parcel Size

Subject to Part 12, the minimum parcel size is:

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

- c) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Crematorium (C-6 Zone) to the legend.

- d) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Lot 1, Section 9, Range 7, Sathlam District, Plan 32483 as shown outlined in black on Schedule A attached hereto and forming part of this bylaw, numbered Z-xxxx from Parks and Institutional (P-1) to Crematorium (C-6 Zone).

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 _____, 2012

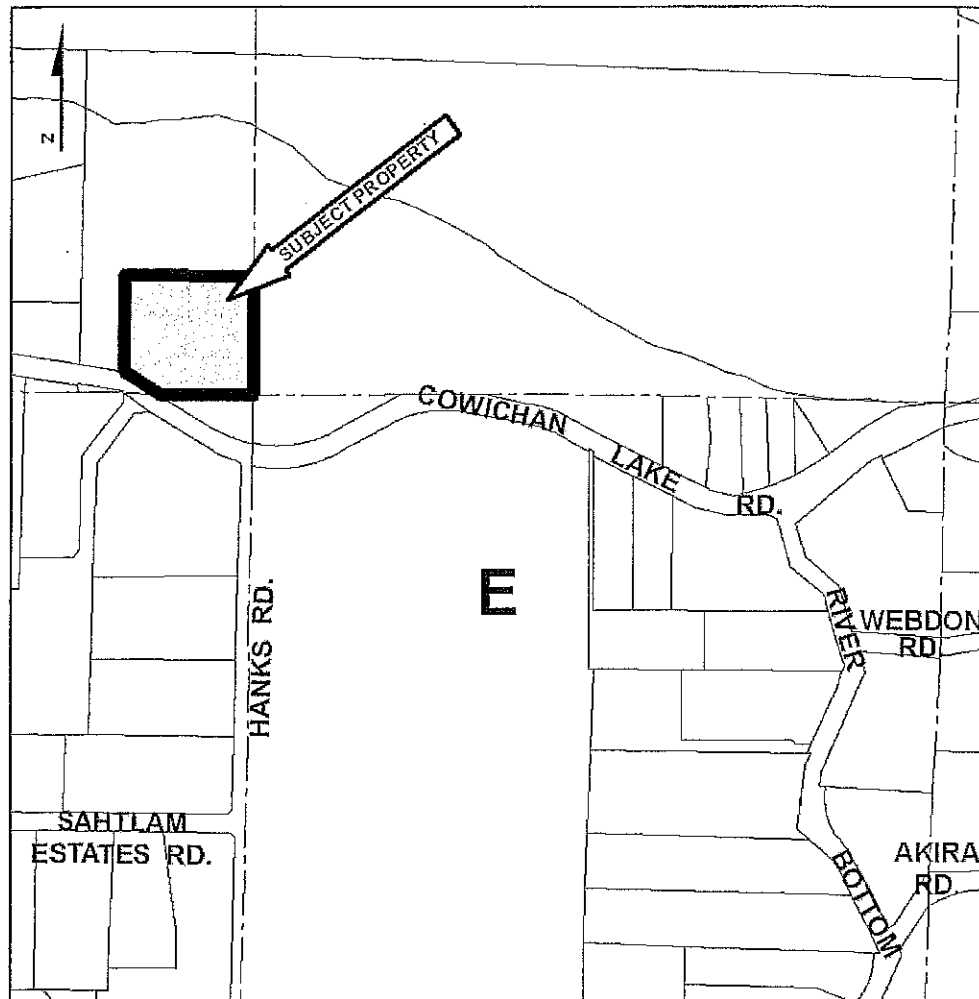
ADOPTED this _____ day of _____, 2012

Chairperson

Corporate Secretary

PLAN NO. Z-

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

P-1 (Parks and Institutional) TO

C-6 (Crematorium) APPLICABLE

TO ELECTORAL AREA E



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. XXXX

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Official Community Plan Bylaw No. 1490;

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. 1490;

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. XXXX - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Khalsa Diwan Societies), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, 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 _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

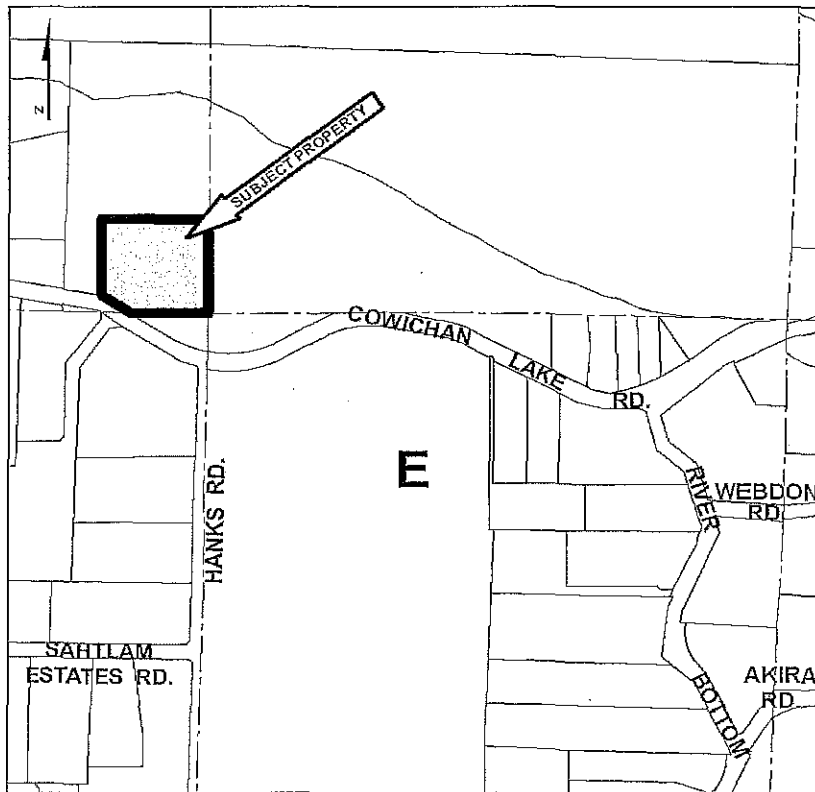
To CVRD Bylaw No. XXXX

Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

- a) That Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483, as shown outlined in a solid black line on Plan number Z-xxxx attached hereto and forming Schedule B of this bylaw, be re-designated from Suburban Residential to Commercial and that Schedule B of Bylaw 1490 be amended accordingly.

PLAN NO. Z

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Suburban Residential

TO

Commercial

APPLICABLE

TO ELECTORAL AREA E



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 26, 2011 **File No:** 6480-20-D/2010
FROM: Ann Kjerulf, MCIP, Planner III **BYLAW No:**
Community and Regional Planning Division
SUBJECT: Electoral Area D – Cowichan Bay Official Community Plan Referrals

Recommendation/Action:

That, when complete, the draft Electoral Area D – Cowichan Bay Official Community Plan be referred to the following CVRD commissions and external agencies for review:

CVRD Commissions

Agricultural Advisory Commission
Economic Development Commission
Environment Commission
Area D – Cowichan Bay Advisory Planning Commission
Area D – Cowichan Bay Parks Commission

Local Governments

Capital Regional District
District of North Cowichan
City of Duncan

First Nations

Stz'uminus (Chemainus) First Nation
Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Hul'qumi'num Treaty Group
Semiahmoo First Nation
Snuneymuxw First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation

Provincial Government Agencies

Agricultural Land Commission
BC Transit
Ministry of Aboriginal Relations and Reconciliation
Ministry of Agriculture
Ministry of Community, Sport and Cultural Development
Ministry of Energy and Mines – Mineral Exploration and Mining / Housing and Construction Standards
Ministry of Forests, Lands and Natural Resources Operations – Land Tenures / Environmental Protection
Ministry of Transportation and Infrastructure

Federal Government Agencies

Department of Fisheries and Oceans – Fisheries
Department of Fisheries and Oceans – Small Craft Harbours

Other Agencies

Central Vancouver Island Health Authority
Cowichan Bay Improvement District
Cowichan Bay Waterworks
Islands Trust
School District No. 79
Social Planning Cowichan

And

That consultation with First Nations occur in accordance with the provincial Interim Guide To First Nations Engagement on Local Government Statutory Approvals;

And

That consultation already established with Cowichan Tribes continue through the OCP process.

Relation to the Corporate Strategic Plan: The Official Community Plan (OCP) is intended to support the CVRD Corporate Strategic Plan Vision: "*The Cowichan Region celebrates diversity and will be the most livable and healthy community in Canada;*" and numerous objectives and strategic actions for sustainable land use, healthy environment, service excellence, viable economy, safe and healthy community and sustainable infrastructure.

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

Background:

The Electoral Area D – Cowichan Bay OCP community consultation process began in the spring of 2010. To date, there have been numerous opportunities for community engagement in the development of a new OCP intended to replace the existing (1986) Official Settlement Plan. The community consultation process is now in its final phase – Plan Drafting and Review.

Discussion:

In accordance with Section 879 of the *Local Government Act*, the CVRD must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Further to this, the CVRD must (a) consider whether consultation activities should be early and ongoing; and (b) specifically consider whether consultation is required with the CVRD Board and adjacent regional district boards, adjacent municipal councils, first nations, school district boards, improvement district boards, and provincial and federal governments and their agencies.

CVRD staff have had early and ongoing consultation with community members including residents and business owners, and Cowichan Tribes, and have had preliminary discussions with CVRD commissions, provincial government agencies and other external agencies. As the CVRD is currently subject to the *Regional District Approval Exemption Regulation*, it is obligated to engage in meaningful consultation in accordance with the provincial Interim Guide to First Nations Engagement on Local Government Statutory Approvals (June 2009). Staff have recently consulted with Ministry of Community, Sport and Cultural Development staff to prepare the list of referral agencies, which, in addition to CVRD commissions, includes a variety of provincial, federal and other agencies and First Nations, as listed on page 1 of this report. To note, Cowichan Tribes has been actively involved in the OCP process from the outset through participation on the OCP Steering Committee and at various community consultation events.

Following completion of the community consultation process, a first draft of the OCP will be completed and ready to refer to CVRD commissions and external agencies for review in December. Once comments have been received from the referral agencies, staff will make appropriate revisions to the draft OCP in consultation with the OCP Steering Committee and then forward the draft OCP along with a staff report for consideration of the Electoral Area Services Committee. It is intended that any issues and concerns raised by the respective CVRD commissions and external agencies be addressed prior to a staff recommendation for first reading of the OCP bylaw. Note, in accordance with Section 882 of the *Local Government Act*, the OCP bylaw would be referred back to the Provincial Agricultural Land Commission for comment following first reading.

Options:

Option A:

That, when complete, the draft Electoral Area D – Cowichan Bay Official Community Plan be referred to the CVRD commissions and external agencies listed on page 1 of this report;

And

That consultation with First Nations occur in accordance with the provincial Interim Guide To First Nations Engagement on Local Government Statutory Approvals;

And

That consultation already established with Cowichan Tribes continue through the OCP process.

Option B:

That, when complete, the draft Electoral Area D – Cowichan Bay Official Community Plan be referred to the CVRD commissions and external agencies listed on page 1 of this report in addition to any other commissions or agencies identified by the CVRD Board;

And

That consultation with First Nations occur in accordance with the provincial Interim Guide To First Nations Engagement on Local Government Statutory Approvals;

And

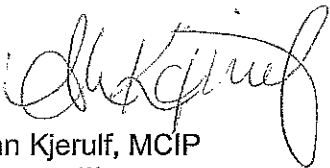
That consultation already established with Cowichan Tribes continue through the OCP process.

Option C:

That the first draft of the Electoral Area D – Cowichan Bay Official Community Plan be reviewed by the Electoral Area Services Committee prior to being referred for review to CVRD commissions and external agencies.

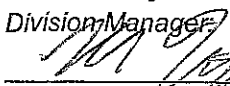
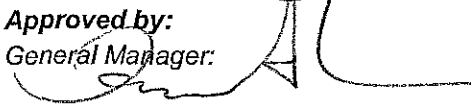
Option A is recommended.

Submitted by,



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

AK/jah

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



R 8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 25, 2011 **FILE NO:** 01-A-11RS
FROM: Mike Tippet, Manager Community & Regional Planning Division **BYLAW NO:** 3498 and 3511
Rob Conway, Manager, Development Services Division
SUBJECT: Bamberton Business Park – Application Update

Recommendation/Action:

- a) That the request to remove part of the F1-A zoning change from application 01-A-11RS be accepted by bring the following forward for the Board:
 - i) Second reading of Zoning Amendment Bylaw No. 3498 (Bamberton Business Park Industrial) be rescinded;
 - ii) Zoning Amendment Bylaw No. 3498 be amended to remove the F1-A zoning change to all areas of the site except where outdoor recreation is proposed; and
 - iii) Zoning Amendment Bylaw No. 3498, as amended, be considered for second reading.
- b) That staff draft a bylaw under section 30 of the *Community Charter* for future consideration in relation to the reservation of McCurdy Point as park, and proceed with the documents on the basis of such;
- c) That staff continue to secure covenants and associated documents as outlined in the October 25, 2011 staff report and that a public hearing be scheduled in January, 2012.
- d) That Directors from Areas A, C, E, G and I be appointed as hearing delegates in accordance with Section 891 of the *Local Government Act*.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: None. (Reviewed by Finance Division: N/A)

Purpose:

To update the Committee with respect to progress on covenants and other legal documents associated with the Bamberton rezoning application and the applicant's request to amend zoning amendment bylaw No. 3498.

Interdepartmental/Agency Implications: None identified.

Background:

At the Special Board meeting of June 22, 2011, the following motion was passed with respect to the Bamberton business park and light industrial rezoning application:

That Rezoning Application No. 1-A-11RS (Bamberton Business Park) submitted by Bamberton Properties LLP be approved and the Mill Bay/Malahat Official Community Plan be amended by redesignating the proposed Business Park and adjacent light industrial park as Industrial on the Plan Map, that the OCP also be amended by allowing Forestry-designated lands to the east of the Highway to be developed for lease-only light industrial use without redesignation, that the appropriate areas of the subject lands be rezoned to allow for a mix of light industrial use, business park and outdoor recreation uses, and that the appropriate bylaws be presented to the Board for consideration of two readings, with eventual consideration of adoption being subject to a covenant on all lands to be rezoned as I-3, I-3A, I-4 and F-1A, that would require that no building, subdivision or land clearing occur without the CVRD's express written consent until:

- 1. a Riparian Assessment is done on all rezoned lands,*
- 2. the subject land presently not in a fire protection area is added to Mill Bay Improvement District's Service Area;*
- 3. a Sensitive Ecosystem Inventory assessment of lands to be rezoned to Industrial and delineation of the affected areas is completed by a registered professional biologist, and a BC Land Surveyor provides mapping indicating the extent of riparian areas and other SEI areas that should be protected from development, either by the covenant or by the dedication of these areas to the CVRD as parkland;*
- 4. that a system be put in place that would monitor both the quantity and quality of water within the aquifer in the vicinity of Inlet Drive/Malahat First Nation and other users near Inlet Drive subdivision including Oceanview Improvement District water service; that an appropriate amount of security also be put in place to ensure there is a way of dealing with any deficiencies that may arise with respect to water quality and quantity and further that a hydrological report be prepared for the John's Creek watershed system;*
- 5. a lease agreement or other methods be investigated with respect to the Southlands to ensure the preservation and protection of these sensitive lands.*

and that the proposed bylaws be referred to a public hearing, with Directors Harrison, Giles, Dorey, Kuhn and Duncan delegated to the hearing in accordance with Section 891 of the Local Government Act, and further that the referral of this application to Malahat First Nation, Cowichan Tribes, Tsarlip First Nation, Tsawout First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, BC Transit, Ministry of Environment, Ministry of Community, Sport and Cultural Development, CVRD Engineering and Environmental Services, Capital Regional District, Vancouver Island Health Authority, School District No. 79, Mill Bay Improvement District (Fire Department) be approved.

The amendment bylaws for the application were subsequently presented to the Board and were granted first and seconding reading on July 13, 2011.

The June 22, 2011 Board resolution authorized staff to work with the Bamberton applicants and the respective lawyers to draft the covenants and agreements necessary to address the five conditions identified in the Board resolution. Since that time, the CVRD has engaged a lawyer

and there has been on-going communication between staff, the applicants and the lawyers regarding the structure and content of the legal documents.

The process of preparing the documents has resulted in a number of issues and questions being identified by both the Bamberton applicants and CVRD staff that may not have been apparent when the application was previously reviewed by the EASC and Board. These have resulted in the applicants requesting a change to the zoning amendment bylaw and a different approach to some of the conditions in the June 22, 2011 resolution. This report is intended to update the Committee and confirm if the proposed approach is acceptable.

Discussion:

1. **McCurdy Point Dedication**

The applicants have offered to transfer 12 hectares of land at McCurdy Point as an amenity associated with the rezoning and to possibly satisfy future park land dedication requirements associated with the subdivision of the business park and industrial lands proposed for rezoning. Although a number of terms and conditions for the transfer were initially proposed by the applicants, the transfer has been simplified considerably, with the one significant remaining condition being that the CVRD pass a bylaw under Section 30 of the *Community Charter* to reserve the transferred lands as "park". A further restriction requested by the applicants is a restrictive covenant (as between adjacent land owners) prohibiting commercial, residential, industrial and resource uses by the CVRD or any future owner. If the proposed covenant is accepted, staff advise that no credit for future subdivision be accepted as parkland under Section 941 of the *Local Government Act* is typically accepted without such conditions.

In order to secure the park transfer commitment, a covenant will be registered against the subject lands in favour of the CVRD to prohibit use, building or subdivision until the land is transferred as a fee simple lot to the CVRD. Staff believe the terms and conditions for the McCurdy Point dedication are close to being resolved and we do not anticipate any impediment to finalizing the transfer agreement.

2. **Southlands Protection and Public Access**

The Board directed that "a lease agreement or other method be investigated with respect to the Southlands to ensure the protection and preservation of these sensitive lands". Although public access to the Southlands was not specifically identified in the resolution, the draft lease proposed by the applicants provided for such and staff understand that the applicants have offered to provide public access on the Southlands so this area could be used by the public for hiking and outdoor recreation if the CVRD so chooses.

Staff have been in close contact with the CVRD's lawyer on this matter. The proposed lease required CVRD to take full responsibility for the Southlands, whether it chooses to develop trails or not, including for example rehabilitating the lands should there have been a landslide or other natural disaster. The draft lease also provided an exemption which compromised the goal of protection. This and other proposed terms resulted in the conclusion that a lease is not the preferred instrument in this case; the CVRD's goals can be achieved with a conservation covenant to achieve protection of the land and a Statutory Right of Way (SRW) or an amended (option to) lease to achieve public access, all without taking on the risks and potential liability (and cost) implications of the lease that was initially proposed. The applicants have indicated that this arrangement is generally acceptable, although their preference is for an option to lease rather than a statutory right of way for public access.

Two options have been proposed for the term of the covenant and lease or SRW by the applicants. A five year term (with three year renewals) or a ten year term (with five year renewals) and a clause for early termination has been proposed. Since the language for the termination clause has not been confirmed, staff are not in a position to recommend a preferred option at this point. However, the Committee should be aware that the applicants have advised that they are unable to offer an unconditional ten year term and both of the proposed options limit the minimum protection on the Southlands to five years.

The Committee should also be aware that public access to the Southlands would be very limited, as the applicants do not intend to allow access to the Southlands from the private industrial road. The only available access would appear to be from the Trans Canada Highway pull-off at "split rock". The grades are extremely steep at this location, so it would be very challenging to build trails into the area from this point. Even if trails could be constructed, it would likely not be usable by the general public due the steep grades. Furthermore, the cost of constructing a trail at this location would be excessive and it seems unlikely such expenditure could be justified for land with short-term tenure. Parks staff have advised that if public access to the Southlands is only available from the Highway, it is doubtful resources would be allocated from the Area A parks function for this purpose.

Without the ability to access to the Southlands, staff sees little immediate benefit to securing a lease or right of way for use of the Southlands. The option to exercise this right is being negotiated to allow the possibility of public access in the future while limiting the CVRD's obligation for maintenance and liability on the land.

3. Riparian Area Assessment and Sensitive Ecosystems Inventory

The June 22, 2011 Board resolution specified that a Riparian Area Regulation (RAR) Assessment and a Sensitive Ecosystem Inventory (SEI) be undertaken on all the land proposed for rezoning prior to any of it being developed. It was further required that any sensitive areas identified through these processes be protected through covenants or dedication prior to development.

The reason for this condition is that a detailed assessment of sensitive features on the subject lands has not been completed to date and such assessment work would be necessary to avoid development occurring on environmentally sensitive areas. Rather than have this work proceed in advance of the rezoning decision, staff recommended an alternative that would allow the work to be deferred until after rezoning by securing it with a covenant. The lawyers are continuing negotiations on the terms of such a covenant.

The applicants are prepared to undertake the RAR and SEI assessments for the proposed business park and industrial lands, but are reluctant to undertake such work and to commit to protection measures on the Southlands and other parts of the property where no change in use is proposed. As an alternative, the applicants have proposed limiting the area of F1-A rezoning to just where the Wildplay (eco-adventure) business is proposed above the upper quarry. Although staff has no objection to this approach, it will require an amendment to Zoning Amendment Bylaw No. 3498 and for the Board to grant second reading to the amended bylaw.

Another change that has been proposed is to have the assessment work and protection measures apply to only the phases (i.e. I3, I3A, I4 and F1-A) being developed rather

than have all of the assessment work and protection take place before any development occurs. Staff is supportive of this approach provided appropriate restrictions on development are in place.

4. Fire Protection

The applicants have indicated they are agreeable to providing a draft covenant to restrict subdivision, building and use on the proposed I-3A and I-4 zones on the west side of the Trans Canada Highway until they have provided amended letters patent from Mill Bay Volunteer Fire Department indicating that these lands are in the Mill Bay Fire Protection District "or other fire protection area or fire service area". This was subsequently amended to refer to "public" services, rather than the possibility of dealing with private services. The only exception would be uses currently permitted under F-1 zoning and that are also permitted under the new zoning.

With respect to the conditions for establishing fire protection, those would remain the jurisdiction of the MBVFD; however, we believe that the proponent has agreed in principle to provide a future fire hall for the Improvement District on the west side of the Trans-Canada Highway. The particulars of this property transaction are between the proponent and the MBVFD, but we believe that the site is expected to be about 1 hectare in area and have sewer and water connections from the Business Park available.

Staff do not anticipate any difficulty concluding the fire protection covenant.

5. Ground Water Protection

Groundwater is a natural resource that is not protected by Provincial legislation and local governments do not have direct authority over it. However, potential impacts on ground water are a common concern in the Regional District when land use changes are proposed and it is an important consideration in land use decisions. While there is a natural desire to eliminate all risk inherent in land use applications, total risk elimination is rarely possible. Conventional planning tools, namely the restriction of permitted uses to those less likely to give rise to groundwater contamination, and the enactment of development permit areas to regulate the form and character of development and measures to protect the environment, can usually mitigate risk to an acceptable level. Alternatively, denying a proposed land use change in sensitive areas would eliminate any marginal risk from a proposed land use change where the risk cannot be assessed reasonably or is considered excessively high.

In the June resolution of the Committee, condition #4 indicated that some form of protection of the interests of water users near the mouth of John's Creek is required from activities that would take place in the proposed I-3A lands adjacent to the proposed business park. Initially, the proponents said that the water supply for these sites' community water service would be from a ground source. The downstream residents were concerned not only that aquifer extractions could reduce the yield of their community water service well (and nearby private wells) but also that the light industrial activities that would be occurring on the I-3A site in particular could give rise to a water quality impact.

Based upon the Board's direction to somehow address these concerns prior to going to hearing and in view of the suggestion for "security", staff suggested that one way to protect the interests of these residents would be that the proponents deposit a sum of money with the CVRD (in the range of \$300,000). The purpose of this contribution

would be to cover the costs of a main water trunk line extension to the intersection of Mill Bay Road and Inlet Drive, as well as the Malahat Reserve lands. We suggested that this deposit was not necessary until such time as development of the proposed I-3A and I-4 areas began, however, but the money would be unconditionally offered with the CVRD having sole discretion as to when it would be used. We should clearly state here that the intent of the deposit was not to cover 100% of all possible costs to any downstream user whose water supply may be affected by upstream uses (which in many cases would be difficult if not impossible to prove), but rather would offset these costs to some extent. The applicants did not accept this suggestion. Further, "security" in the sense of a letter of credit to be drawn upon only in certain circumstances has not yet proven viable in that the parties have not been able to agree upon clear and unambiguous triggers for draws.

Following further discussions between staff and the proponents, the possibility of using a bulk surface water source (presumably Oliphant Lake) for the proposed I-3A and I-4 areas was raised and that appears to be where the proponents have settled. This being the case, the proponents are of the opinion that no special measures would be required to protect downstream users, or to possibly connect them to a future community water service. This approach would likely address potential water supply impacts to property owners on the lower end of John's Creek but would not address potential water quality impacts from future industrial uses.

To address potential ground water quality impacts, the applicants have proposed rigorous site design and source controls that would be applied at the time of development. These are proposed to be secured through a covenant that would require an independent professional assessment and then measures to implement any subsequent recommendation. While this is intended to provide groundwater protection measures on future development in addition to what is proposed or possible under development permit powers, these additional measures would not be determined by the CVRD directly. This approach could reduce potential water quality impacts associated with future development on the I3-A lands, although it would not eliminate the risk entirely.

The extent of restriction to be contained in the covenant has not been finalized and further work will be necessary before the applicants and staff agree upon appropriate covenant language.

Summary:

Progress has been made preparing the covenants and legal documents that would allow the Bamberton Business Park OCP and Zoning Amendment Bylaws to proceed to public hearing in accordance with past Board direction. However, further work on the documents is necessary and some acknowledgement from the EASC as to whether or not the general direction and content of the documents would facilitate the advancement of this work.

Although further work on the covenants and documents is necessary, staff and the CVRD lawyer believe the basic terms and conditions are now advanced enough that a public hearing could be scheduled. We believe that outstanding work on the covenants can be completed prior to public hearing or, if necessary, prior to consideration of bylaw adoption. One risk with this approach is that significant changes to the documents or irresolvable issues that are encountered following a public hearing could require a second public hearing. However, as it is not known how the public will view the zoning change and related protection measures and amenities, it seems preferable to hear from the public prior to finalization of legal documents.

Staff are therefore recommending the application proceed to public hearing if the approach described in this report is supported by the Committee.

Dates for a potential public hearing are challenging due to the local election on November 19th. A hearing prior to the election is not possible at this stage and a hearing immediately after the election, although administratively possible, would likely be criticized. It may also be preferable to have Board members that will be considering the bylaws representing the Board at the hearing. For these reasons it is recommended the public hearing be scheduled in January with the Directors for Areas A, C, E, G and I appointed as Board delegates.

Options:

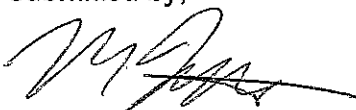
Option 1:

- a) That the request to remove part of the F1-A zoning change from application 01-A-11RS be accepted by bring the following forward for the Board:
 - i) Second reading of Zoning Amendment Bylaw No. 3498 (Bamberton Business Park Industrial) be rescinded;
 - ii) Zoning Amendment Bylaw No. 3498 be amended to remove the F1-A zoning change to all areas of the site except where outdoor recreation is proposed; and
 - iii) Zoning Amendment Bylaw No. 3498, as amended, be considered for second reading.
- b) That staff draft a bylaw under section 30 of the *Community Charter* for future consideration in relation to the reservation of McCurdy Point as park, and proceed with the documents on the basis of such;
- c) That staff continue to secure covenants and associated documents as outlined in the October 25, 2011 staff report and that a public hearing be scheduled in January, 2012.
- d) That Directors from Areas A, C, E, G and I be appointed as hearing delegates in accordance with Section 891 of the *Local Government Act*.

Option 2:

That staff continue to prepare covenants and associated documents, as outlined in the June 22, 2011 resolution and in recognition of the updates further to the October 25, 2011 staff report, and report back to the EASC prior to scheduling a public hearing.

Submitted by,

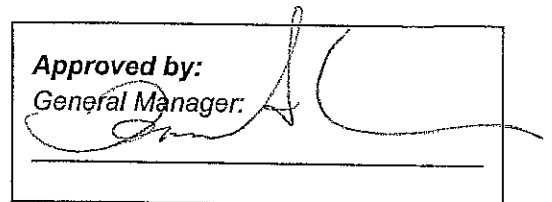


Mike Tippet, MCIP
Manager
Community and Regional Planning Division

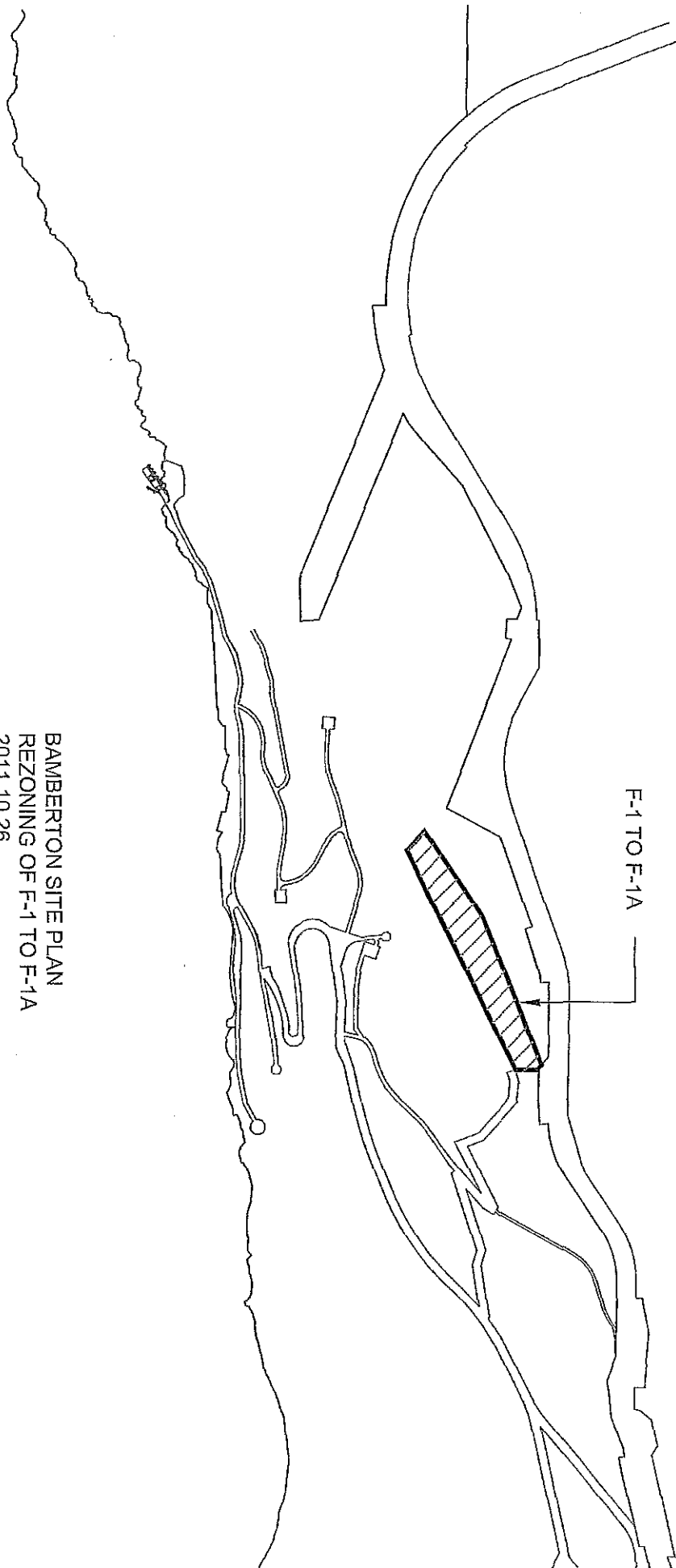


Rob Conway, MCIP
Manager
Development Services Division

Approved by:
General Manager:



BAMBERTON SITE PLAN
REZONING OF F-1 TO F-1A
2011.10.26





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3498

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

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011**".

2. AMENDMENTS

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

a) The following is added after Section 11.2:

I-3 ZONE – BAMBERTON LIGHT INDUSTRIAL 3

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

(a) Permitted Uses

The following principal uses and no others are permitted in an I-3 zone:

- (1) Agriculture, horticulture, silviculture;
- (2) Aquaculture, depuration of shellfish;
- (3) Assembly;

- (4) Boat and/or watercraft building, sales and repair and storage, marine services;
- (5) Building and construction material supply;
- (6) Commercial parking;
- (7) Concrete batch plant and concrete products manufacturing;
- (8) Contractor's workshop and yard;
- (9) Convenience store;
- (10) Equipment sales, repair, storage and rental;
- (11) Electronic equipment manufacturing and repair with accessory sales;
- (12) Feed, seed and agricultural supplies, sales and storage;
- (13) Food preparation and catering, including culinary education services;
- (14) Food and beverage manufacturing, processing, packaging, distribution, and storage, bakery, brewery, excluding fish cannery and abattoir;
- (15) Funeral services;
- (16) Indoor recreational facilities;
- (17) Laboratory, research and development centre;
- (18) Lumber and storage yards, sale of wholesale and retail building supplies;
- (19) Manufacturing;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Offices;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Port facilities;
- (26) Printing and publishing;
- (27) Processing and sale of gardening and landscaping supplies and materials;
- (28) Recreational vehicle manufacturing, with accessory sales;
- (29) Research and development centre;
- (30) Restaurant, coffee shop including take-out, but not including a drive-through;
- (31) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m² in total retail floor area;
- (32) Secondary processing and manufacturing of wood products;
- (33) Software engineering office and accessory uses;
- (34) Technical services;
- (35) Trade/vocational school;
- (36) Warehousing, including mini-warehousing, distribution and forwarding of freight;
- (37) Welding shop, steel and metals fabrication, extrusion, finishing and accessory sales;
- (38) Wholesale sales;

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

- (39) Retail sales accessory to a principal permitted use;
- (40) Single family dwelling-unit accessory to a principal permitted use, subject to Section 11.3(b)(3) below.

(b) Conditions of Use

For any lease area in an I-3 zone:

1. The coverage shall not exceed 60 percent of total lease area for all *buildings and structures*;
2. The *height* of all *buildings and structures* shall not exceed 20 m;
3. Not more than three single family residences are permitted per lease area of land, only in conjunction with a principal permitted use under Section 11.3(a) above;
4. Buildings and structures shall be set back not less than 7.5 metres from any lease area boundary or lot line that abuts a non-industrial zone.
5. Buildings and structures shall be set back not less than 7.5 metres from a Streamside Protection and Enhancement Area (SPEA) as designated in a Riparian Assessment Report.
6. A convenience store shall not be larger than 230 m² in floor area.

(c) Minimum Parcel Size for Subdivision

Subject to Part 13, the minimum *parcel* size in the I-3 Zone is 80 hectares. Notwithstanding this regulation, where a subdivision in the I-3 Zone is proposed to follow a land use zone boundary on an existing parcel that is split-zoned, any area within a single zone may be subdivided below the usual 80 hectare minimum, so long as the subdivision only isolates the entirety of the different zones on that parcel.

(d) Lease Areas

Areas of land in the I-3 Zone may be leased, including leases registered in the Land Title Office by Explanatory Plan, of any size, provided each lease area is of sufficient size to accommodate the other regulations of this Zone and provided it also has a source of water and sewage disposal system that are suitable to the Provincial authorities having jurisdiction. For the purposes of the I-3 Zone only, the regulations concerning use, density and other matters apply to each leased area.

(e) Definition

The definition of "parcel" in Section 3.1 does not apply to lease areas in the Bamberton Light Industrial 3 Zone.

(f) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-3 Zone is 1 space per 48 m² of gross floor area, plus one space per accessory residential dwelling.

11.3A I-3A ZONE – LIGHT INDUSTRIAL 3A

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

(a) Permitted Uses

The following principal uses and no others are permitted in an I-3A zone:

- (1) Agriculture, horticulture, silviculture;
- (2) Aquaculture, depuration of shellfish;
- (3) Assembly;
- (4) Boat and/or watercraft building, sales and repair and storage, marine services;
- (5) Building and construction material supply;
- (6) Commercial parking;
- (7) Contractor's workshop and yard;
- (8) Convenience store;
- (9) Equipment sales, repair, storage and rental;
- (10) Electronic equipment manufacturing and repair with accessory sales;
- (11) Feed, seed and agricultural supplies, sales and storage;
- (12) Food preparation and catering, including culinary education services;
- (13) Food and beverage manufacturing, processing, packaging, distribution and storage, bakery, brewery, excluding fish cannery and abattoir;
- (14) Funeral services;
- (15) Furniture manufacturing with accessory sales;
- (16) Indoor recreation;
- (17) Laboratory, research and development centre;
- (18) Lumber and storage yards, sale of wholesale and retail building supplies;
- (19) Manufacturing;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Offices;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Printing and publishing;
- (26) Processing and sale of gardening and landscaping supplies and materials;
- (27) Recreational vehicle manufacturing, with accessory sales;
- (28) Research and development centre;
- (29) Restaurant, coffee shop including take-out, but not including a drive-through;
- (30) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m² in total retail floor area;
- (31) Secondary processing and manufacturing of wood products;
- (32) Software engineering office and accessory uses;
- (33) Technical services;
- (34) Trade/vocational school;

- (35) Warehousing, including mini-warehousing, distribution and forwarding of freight;
- (36) Welding shop, steel and metals fabrication, extrusion, finishing and accessory sales;
- (37) Wholesale sales;

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

- (38) Retail sales accessory to a principal permitted use;
- (39) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.3A(b)(3) below.

(b) Conditions of Use

For any *parcel* in an I-3A zone:

1. All parcels shall be connected to a community water and community sewer system;
2. The coverage shall not exceed 60 percent of total parcel area for all *buildings* and *structures*;
3. The *height* of all *buildings* and *structures* shall not exceed 20 m;
4. Not more than three single family residences are permitted per parcel of land, only in conjunction with a principal permitted use under Section 11.3A(a) above;
5. A convenience store shall not be larger than 230 m² in floor area;
6. The following setbacks apply in the I-3A Zone:

COLUMN I Type of Line	COLUMN II Setback for Buildings and Structures
Front Parcel Line	4.5 metres
Interior Side Parcel Line	0 metres where the abutting parcel is zoned Industrial 7.5 metres where the abutting parcel is not zoned Industrial
Exterior Side Parcel Line	4.5 metres
Rear Parcel Line	0 metres where the abutting parcel is zoned Industrial 4.5 metres where the abutting parcel is not zoned Industrial
Streamside Protection and Enhancement Area (SPEA)	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the I-3A Zone is 0.1 ha for *parcels* served by a *community water* and *sewer system*.

(d) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-3A Zone is 1 space per 48 m² of gross floor area, plus one space per accessory residential dwelling.

11.4 I-4 ZONE – BUSINESS PARK INDUSTRIAL-COMMERCIAL 4

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

(a) Permitted Uses

The following principal uses and no others are permitted in an I-4 zone:

- (1) Assembly use;
- (2) Auction sales;
- (3) Cabinet making, home improvement products manufacturing and accessory sales;
- (4) Clothing manufacturing, cleaning, repair and storage, with accessory sales;
- (5) Commercial parking;
- (6) Convenience store;
- (7) Day care and nursery school;
- (8) Educational institution;
- (9) Equipment sales, repair, storage and rental;
- (10) Electronic equipment manufacturing and repair with accessory sales;
- (11) Feed, seed and agricultural supplies, sales and storage;
- (12) Food preparation and catering, including culinary education services;
- (13) Food and beverage manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, bakery, brewery, excluding fish cannery and abattoir;
- (14) Funeral services, excluding crematorium;
- (15) Furniture manufacturing with accessory sales;
- (16) Indoor recreation;
- (17) Laboratory, research and development centre;
- (18) Light manufacturing;
- (19) Lumber and storage yards, sale of wholesale and retail building supplies;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Office use;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Printing and publishing;
- (26) Professional offices;
- (27) Recreation facility, including martial arts, boxing and yoga studio;
- (28) Recreational vehicle manufacturing, with accessory sales;

- (29) Research and development centre;
- (30) Restaurant, café, coffee shop including take-out and catering, but not including a drive-through;
- (31) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m² in total retail floor area per enterprise;
- (32) Secondary processing and manufacturing of wood products;
- (33) Software engineering office and accessory uses;
- (34) Technical services;
- (35) Warehousing, including mini-warehousing, self-storage distribution and forwarding of freight;
- (36) Wholesale sales;

The following accessory uses are permitted in the I-4 Zone:

- (37) Retail sales accessory to a principal permitted use;
- (38) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.4(b)(3) below.

(b) Conditions of Use

For any *parcel* in an I-4 zone:

1. All parcels shall be connected to a community water and community sewer system;
2. The *parcel coverage* shall not exceed 60 percent for all *buildings* and *structures*;
3. The *height* of all *buildings* and *structures* shall not exceed 18 m;
4. Not more than three single family residences are permitted per parcel of land, only in conjunction with a principal permitted use under Section 11.4(a) above;
5. A convenience store shall not be larger than 230 m² in floor area;
6. The following minimum *setbacks* apply:

COLUMN I Type of Line	COLUMN II Buildings & Structures
Front Parcel Line	4.5 metres
Interior Side Parcel Line	0 metres where the abutting parcel is zoned Industrial 5 metres where the abutting parcel is not zoned Industrial
Exterior Side Parcel Line	4.5 metres
Rear Parcel Line	0 metres where the abutting parcel is zoned Industrial 4.5 metres where the abutting parcel is not zoned Industrial
Streamside Protection and Enhancement Area (SPEA)	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the I-4 Zone is 0.1 ha for *parcels* served by a *community water and sewer system*.

(d) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-4 Zone is 1 space per 48 m² of gross floor area, plus one space per accessory residential dwelling.

b) The following is added after Section 7.1:

7.1A F-1A ZONE - FORESTRY / OUTDOOR RECREATION(a) Permitted Uses

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

- (1) *Agriculture, silviculture, horticulture;*
- (2) *Bed and breakfast accommodation;*
- (3) *Daycare, nursery school accessory to a residential use;*
- (4) *Home occupation;*
- (5) *Management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards;*
- (6) *Outdoor recreation;*
- (7) *Secondary suite, or small suite;*
- (8) *Single family dwelling;*
- (9) *Office, retail sales and cafeteria accessory to an outdoor recreation use.*

(b) Conditions of Use

For any *parcel* in an F-1A zone:

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m;
- (3) Not more than one single family dwelling shall be permitted on a parcel of land, plus one of either a small suite or secondary suite;
- (4) The following minimum *setbacks* shall apply:

COLUMN I Type of Line	COLUMN II Residential, Recreational & Accessory Buildings & Structures	COLUMN III Forestry, Agricultural and Other Permitted Buildings & Structures
Front Parcel Line	7.5 metres	30 metres
Interior Side Parcel Line	3.0 metres	15 metres

Exterior Side Parcel Line	4.5 metres	15 metres
Rear Parcel Line	7.5 metres	15 metres
Streamside Protection and Enhancement Area (SPEA)	7.5 metres	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the F-1A Zone is 80 hectares.

- c) The following definitions are inserted into Section 3.1:

“light manufacturing” means the manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, distribution, and storage of retail or wholesale consumer products;

“manufacturing” means the manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, treatment, distribution, and storage of products, materials, fabric, substances or compounds;

- d) The definition of “outdoor recreation” under Section 3.1 of Zoning Bylaw 2000 is deleted and replaced with the following:

“outdoor recreation” means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes adventure tourism, archery, *park* or open space, playing field, botanical garden and arboretum, but does not include a golf course;

- e) Section 11.2 (a) is deleted and replaced with the following:

(a) Permitted Uses

The following *uses* and no others are permitted in an I-2 zone:

- (1) Boat buildings, repair and storage;
- (2) Clothing cleaning, manufacture, repair and storage;
- (3) Contractor's workshop, yard and storage;
- (4) Dry land log sorting;
- (5) Equipment repair, sales, storage and rental;
- (6) Feed, seed and agricultural supplies, sales and storage;
- (7) Food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
- (8) Forest products processing, milling and storage, excluding pulp and paper mill;
- (9) Industrial manufacturing, repair, storage and packaging;
- (10) Kennels for the keeping, boarding, raising, training and/or breeding of cats and dogs and animal hospital;
- (11) Lumber and storage yards, sale of wholesale and retail building supplies;

- (12) Manufacturing, repair, treatment and storage of products, materials, fabric or compounds;
- (13) Motor vehicle repair, sales, body repair, painting, wrecking, storage, salvage;
- (14) Modular or prefabricated home structure, and truss manufacturing;
- (15) Outdoor recreation;
- (16) Parking garage;
- (17) Processing and sale of gardening and landscaping supplies and materials;
- (18) Retail and wholesale sale of petroleum products and accessory storage of petroleum products not exceeding 455,000 litres;
- (19) Secondary processing and manufacturing of wood products;
- (20) Recycling, sorting and storage of any substance or material, and excluding external storage of any type of septage, animal material or animal substance;
- (21) Residential suite;
- (22) Restaurant;
- (23) Warehousing, including mini-warehousing;
- (24) Welding shop;
- (25) Wholesale sales;
- (26) Office accessory to a principal use permitted in Section 11.2(a)(1-25);
- (27) Retail sales accessory to a principal use permitted in Section 11.2(a)(1-25);
- (28) One single family dwelling unit per parcel accessory to a use permitted in Section 11.2(a)(1-25).

- f) Section 6.1 (Creation of Zones) is amended by adding the following to the existing table:

	ZONE	ZONE TITLE
<i>Forestry</i>	F-1A	Forestry/Outdoor Recreation
<i>Industrial</i>	I-3	Bamberton Light Industrial
	I-3A	Light Industrial
	I-4	Business Park Industrial/Commercial

- g) Schedule B (Zoning Map) is amended by rezoning Part of Block 176, Part of District Lot 95, Part of District Lot 127, District Lot 135, Part of District Lot 118 and a small part of District Lot 183, all of Malahat Land District, being those areas shown outlined in a thick black line on the Schedule Z-3498 attached hereto and forming part of this Bylaw, from Primary Forestry (F-1) to Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/Commercial 4 (I-4) and Forestry/Outdoor Recreation (F-1A) as indicated on Schedule Z-3498 and adding these new zones to the legend.

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.

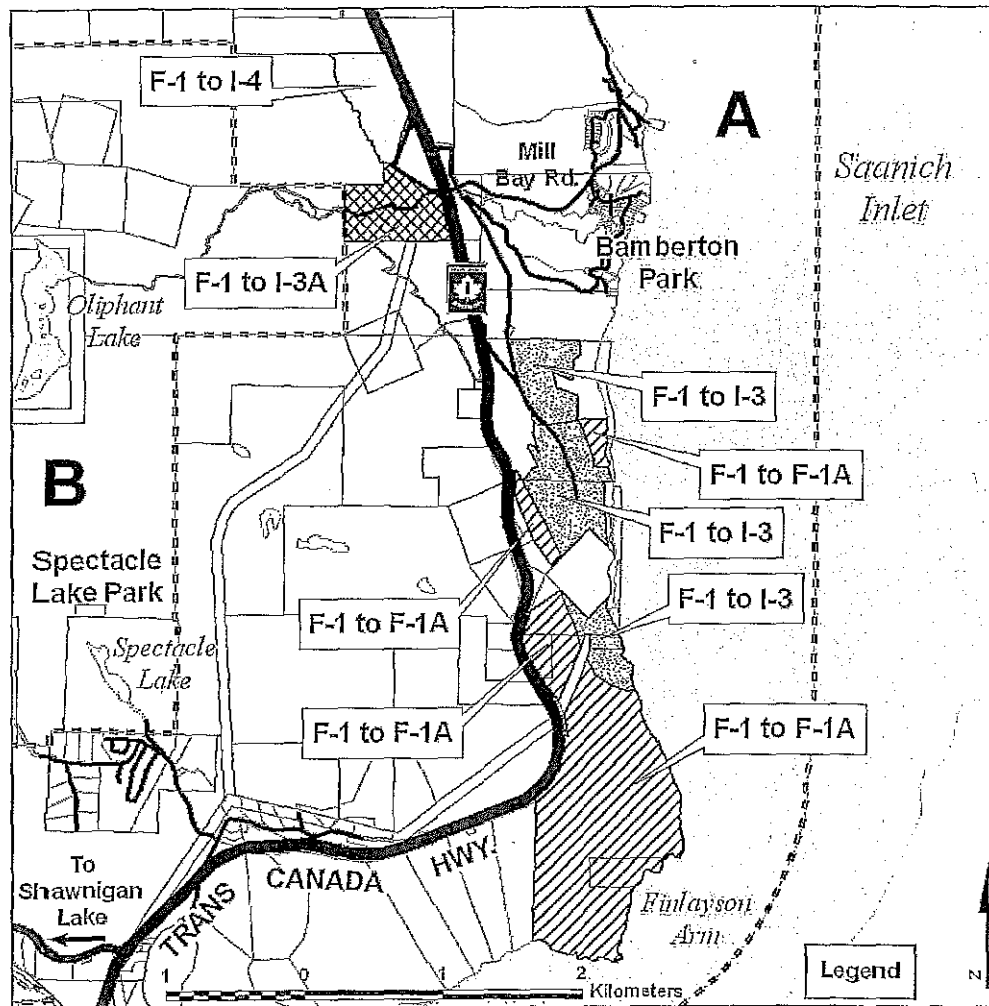
ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary

PLAN NO. Z-3498

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3498
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

Primary Forestry (F-1) TO

Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/Commercial 4(I-4) and Forestry/Outdoor Recreation (F-1A) APPLICABLE

TO ELECTORAL AREA A



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 25, 2011 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Enter into a Trail Licence Agreement with the Coastal Missions Society at 3356 Hillside Road in Saltair; Electoral Area G – Saltair/Gulf Islands;

Recommendation/Action:

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to both enter into a renewable Trail Licence Agreement with the Coastal Missions Society located at 3356 Hillside Road in Saltair for a public trail corridor along the ocean front across private property to access a flight of stairs to the beach; and to obtain a permit to construct with the MoTI for a Beach Access Park in the Hillside Road End under the Electoral Area G Community Parks function.

Relation to the Corporate Strategic Plan:

Promote a *Safe and Healthy Community* - by providing exceptional recreation, cultural and park services:

1. Promote a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and culture services.
2. Promote pedestrian and cyclist friendly roadways and trails between communities and neighbourhoods.
3. Develop a partnerships strategy to ensure parks, recreation and culture planning and coordination occurs throughout the Region.

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

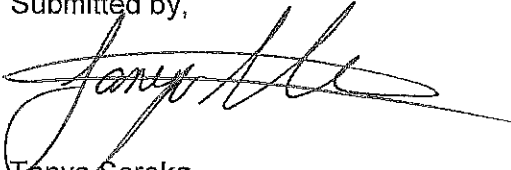
Background:

The Electoral Area G, Saltair/Gulf Islands Parks and Recreation Commission has been in discussion with the Coastal Missions Society located at 3356 Hillside Road in Saltair for a number of years regarding the use of a portion of their land for trail access across their property to an existing flight of stairs for access to the beach.

Parks and Trails staff have been in contact with Coastal Missions and they are agreeable to entering into a renewable Trail Licence Agreement with the CVRD to allow the CVRD Parks and Trails Division to construct a trail from the MOTI Hillside Road end across the Coastal Mission property to the stairs leading to the beach all of which would be covered under the Trail Licence agreement. Parks and Trails staff will also approach the MOTI to apply for a permit to construct

a trail in the undeveloped Hillside Road end which would be funded under the Electoral Area G Community Parks function.

Submitted by,

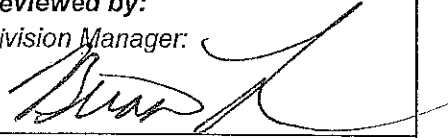


Tanya Soroka
Parks and Trails Division
Parks Recreation and Culture Department

TS/ca
Attachment

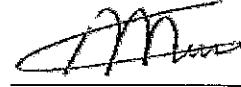
Reviewed by:

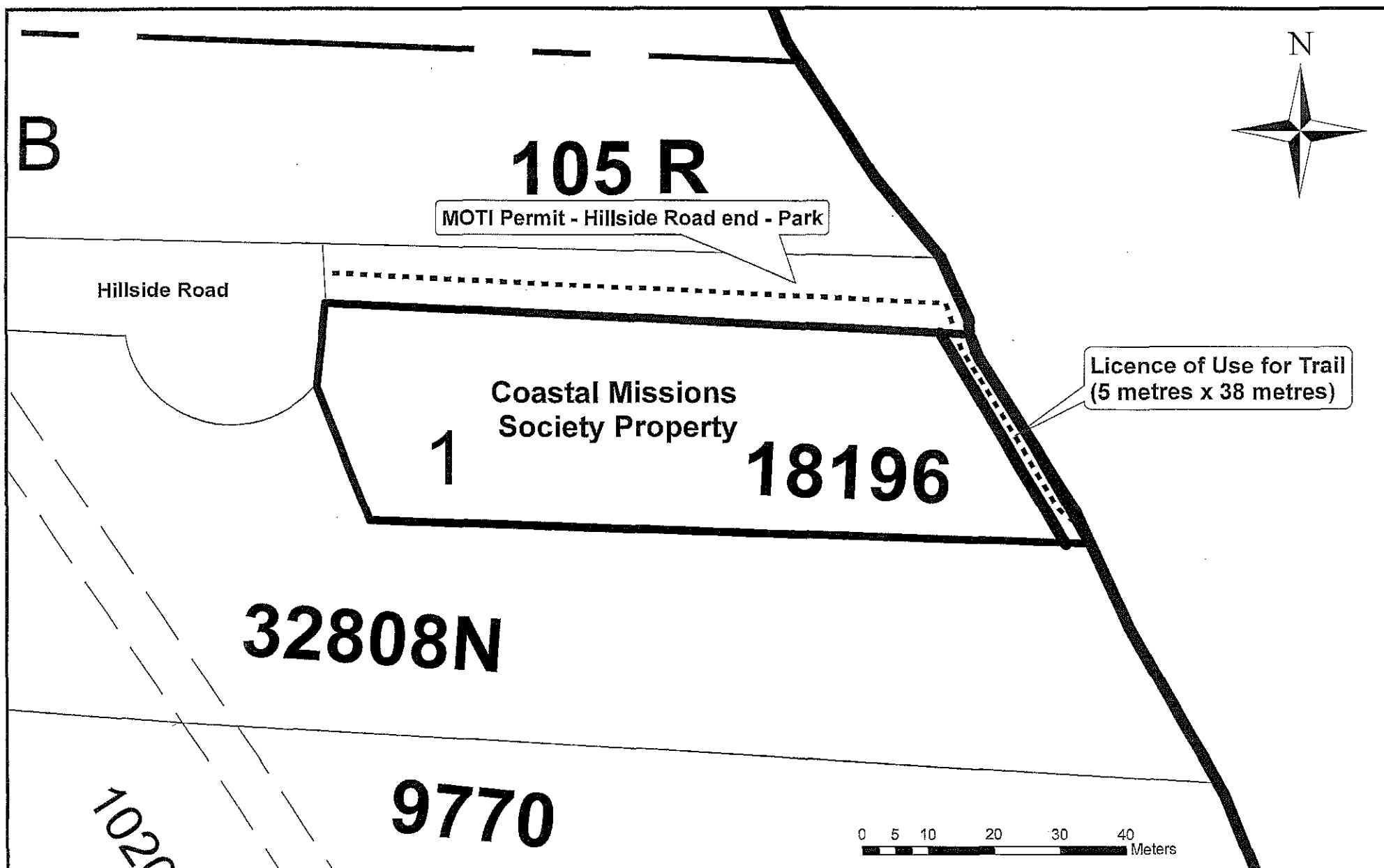
Division Manager:



Approved by:

General Manager:







R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 26, 2011

FILE NO: 1-E-10RS

FROM: Tanya Soroka, Parks and Trails Planner

BYLAW NO:

SUBJECT: Covenant Required for Parkland Dedication and Amenity Contribution for Coulson Rezoning Application – Electoral Area E

Recommendation/Action:

That a covenant be registered in favour of the Cowichan Valley Regional District on lands located at 5241 Koksilah Road (Lot 6, Section 13, Range 6, Quamichan District, Plan 7797) to secure the amenity contribution and the transfer of parkland to the CVRD, and that the Board Chair and Corporate Secretary be authorized to sign the required documents in order to register the covenant.

Relation to the Corporate Strategic Plan:

Provide exceptional recreation, culture and parks services: *Promote pedestrian and cyclist friendly roadways and trails between communities and neighbourhoods.*

Financial Impact: (Reviewed by Finance Division: *n/a*)

Background:

The Coulson rezoning application proposes to rezone the property from a P-1 (Parks and Institutional) to a new Integrated Community Zone in order to allow a mixed-use, mixed residential community consisting of small scale commercial/industrial uses, home-based businesses, as well as approximately 23 dwelling units. The intention is that the property would provide affordable housing and opportunities for local employment. The application has received first and second reading.

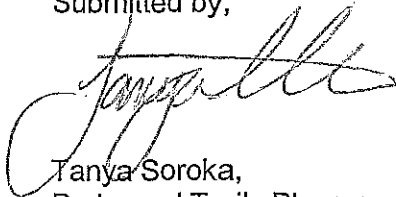
The application was referred to the Electoral Area E Parks Commission and the Commission passed a motion at their February 17, 2011 meeting:

That the following portions of the above described property be deeded to the Cowichan Valley Regional District:

- a) A 3 metre wide portion of the property running the full length of the parcel along the north boundary;*
- b) A 4 metre parcel of the property fronting the length of the west boundary, namely, adjacent the Koksilah Road right of-way;*
- c) A 3 metre parcel of the north-east corner of the property from Boal Road to the northern boundary of the property.*

The applicant also agreed to construct the trail to CVRD standards within the 4 metre parcel along Koksilah Road. A Section 219 Parks Covenant needs to be prepared and registered on the property prior to third reading and final adoption of the bylaws to ensure that the proposed park land area will be transferred to the CVRD. The covenant will also ensure that the trail along Koksilah Road is constructed by the developer to CVRD Trail standards and approved by the CVRD Parks and Trails Division prior to subdivision approval or DP approval. The covenant will be discharged once all the conditions under the covenant have been met.

Submitted by,

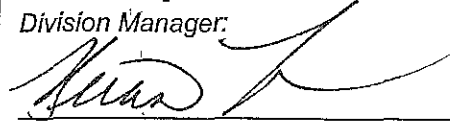


Tanya Soroka,
Parks and Trails Planner
Parks and Trails Division
Parks Recreation and Culture Department

TS/jah

Reviewed by:

Division Manager:



Approved by:

General Manager:





R11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 26, 2011

FILE NO:

FROM: Brian Farquhar, Manager Parks & Trails Division **BYLAW NO:**

SUBJECT: Bush Creek Park Acquisition – Transfer from Reserves

Recommendation/Action:

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$6,500 from the Community Parks General Reserve Fund (Area H – North Oyster/Diamond) for the purpose of completing the acquisition of Bush Creek Park; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Relation to the Corporate Strategic Plan:

Provide exceptional recreation, cultural and park services – Continue with the parkland acquisition program to acquire high priority areas and identify opportunities for funding support and partnerships.

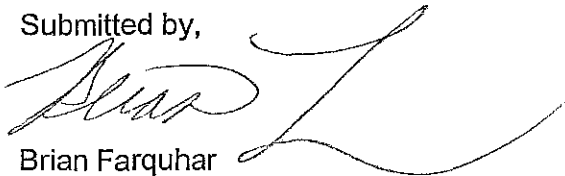
Financial Impact: (Reviewed by Finance Division:)

The Community Parks General Reserve Fund for Electoral Area H Community Parks as of June 30, 2011 had \$154,291 in funds available and the approved 2011 Area H Community Parks budget identifies a \$10,000 Transfer from Reserves under Revenues.

Background:

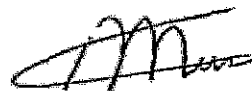
The Regional Board previously approved the rezoning of District Lot 51, Oyster District (PID 009-439-714) which included conditions for significant parkland dedication to the community. The subdivision and transfer of parkland is proceeding. This process has and will involve incidental land transfer and legal costs associated with the parkland acquisition process. Therefore, in order to proceed with the completion of this parkland acquisition, a Transfer from the Community Parks General Reserve Fund H (Area H – North Oyster/Diamond) in the amount of up to \$6,500 is required to cover such costs which otherwise are not covered in the core operation budget for this function approved by the Board.

Submitted by,



Brian Farquhar
Manager, Parks and Trails Division
Parks, Recreation and Culture Department
BF/jah

Approved by:
General Manager:





R12

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 26, 2011

FILE NO: 19-A-11BE

FROM: Nino Morano, Bylaw Enforcement Official

BYLAW NO:

SUBJECT: 2915 Cameron Taggart Road – Unsworth Vineyards Liquor Licence

Recommendation/Action:

Be it resolved that the CVRD does not wish to provide comments or recommendations to the Liquor Control and Licencing Branch with regard to the application for Unsworth Vineyards located at 2915 Cameron Taggart Road.

Relation to the Corporate Strategic Plan:

Financial Impact: (Reviewed by Finance Division: n/a)

Background:

You may recall this matter at the October 18, 2011, EASC meeting where the liquor licence for Unsworth Vineyards was discussed. It has been discovered that the process that was followed had an unexpected omission. The resolution that was provided could only come about as a result of a public process, which did not occur, that includes: comments on the regulatory criteria, whether or not the views of the residents were gathered, how the views of the residents were handled, whether or not endorsement should be issued and provide reasons for the recommendation.

Therefore the EASC needs to decide whether to undertake the public consultation process which would involve a public survey or some form of public meeting or, simply choose the "opt out" option which would turn the public consultation process over to the LCBC. Given that the existing wineries and their associated operations generate very few complaints from residents, staff recommend that the Regional District "opt out" of taking on the public consultation process.

Submitted by,

A handwritten signature in black ink, appearing to be "Nino Morano", is written over the "Submitted by," text.

Nino Morano
Bylaw Enforcement Officer
Inspections and Enforcement Division
Planning and Development Department
NM/jah

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



R13

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 1, 2011

DATE: October 25, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Dog Control Contract

Recommendation/Action:

That the Cowichan Valley Regional District award the Dog Control Contract to the BCSPCA Cowichan and District Branch for a term of three (3) years starting January 1, 2012; that the contract price for 2012 be \$86,808.00 per year including HST which is to be paid out on a monthly basis; and, that the Canadian Consumer Price Index be used to award monetary increases in 2013 and 2014.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division:)

The contract price for Dog Control with the SPCA in 2011 is \$85,104 therefore if the Regional District were to award the contract to the SPCA, the increase in costs for 2012 would be \$1,704 which would have minimal impact on the 2012 budget. It should also be noted that the CVRD receives 86% of the 12% HST costs included in the contract proposals.

Background:

The Regional District has contracted the Dog Control function to the BCSPCA Cowichan District Branch since 2009. As this three (3) year contract ends at the end of this year the EASC gave direction to proceed with a Request of Proposals for another three (3) year contract.

The attached letters and information package (**Appendix A**) were forwarded to the BCSPCA and Coastal Animal Control Services of BC Ltd. requesting that if they were interested they should submit their proposal to assume the Dog Control Contract. We are in receipt of the attached two proposals (**Appendix B and C**).

Analysis

The following Table identifies whether the parties are capable of meeting the requirements as established in the information package provided in the Request for Proposals.

Dog Control Contract Proposal Comparison Oct/2011

Duties/Responsibilities	Applicant	
	Coastal : Option "2"	SPCA
Staffing Commitment	1: Full Time Position (minimum 40hrs/week)	2: Full Time Positions
Pound Open to Public	Monday to Friday 10am – 5pm Saturday 10am – 4pm	Monday to Friday 8am – 5pm Saturday 12pm – 4pm
Minimum 18 Kennels	Yes	Yes
24 hr Emergency Line	Yes	Yes
Euthanize by Lethal Injection	Yes	Yes
Vehicle & Equipment Provided	Yes	Yes
Minimum Patrol Plan	Not specifically addressed	Not specifically addressed
Potential Conflicts That May Affect Service	Contracts with other Municipalities	Prevention of cruelty to animals mandate
Liability Insurance of \$2 million	Yes	Yes
Work Safe BC coverage	Yes	Yes
Contract Price (Including HST)	\$110,880	\$86,808

In general, both proposals meet the requirements established in the Request for Proposals and are capable of operating our dog control function.

Specifically, the Coastal Animal Control Services of BC Ltd. proposal is very professional and addressed every aspect of the service they would provide to the Regional District. As indicated, they presently provide dog control services to the District of North Cowichan, Town of Ladysmith, City of Duncan, Town of Lake Cowichan, City of Nanaimo, Regional District of Nanaimo and Alberni Clayquot Regional District. It should be noted that Coastal Animal Control Services also submitted an **Option 1** in their Proposal which offered a reduced hours per week service (minimum 20 hours/week) for the contract price of \$77,280 (including HST). However, in order maintain consistency in evaluating the two Proposals, Option 2 has only been evaluated in the table above.

The SPCA proposal is not as thorough as the Coastal proposal in outlining the service they would provide. They have relied on the fact that the level of service provided under the existing contract would continue. For example, they have not specifically identified that they will meet the minimum patrol plan. However, it is known that by way of the number of calls they respond to in the electoral areas, they meet the minimum patrol requirement. They also stress that, as a result of their mandate to prevent cruelty to animals, they will provide a level of service greater than that specifically required under the contract.

In conclusion, both proposals meet the requirements outlined in the Request for Proposals. It is also felt that both organizations would do a good job if the dog control contract were awarded to them. As such, staff resort to the lowest bid as the method of deciding which organization should be awarded the dog control contract.

Submitted by,

A handwritten signature in black ink, appearing to read 'Tom R. Anderson', with a long horizontal line extending to the right.

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca
attachments

APPENDIX A



FILE COPY

September 19, 2011

Coastal Animal Control Services of BC Ltd
2202 Herd Road
DUNCAN BC V9L 6A6

Attention: Trevor Hughes

Dear Trevor Hughes:

Re: Dog Control Contract – Request for Proposals

Thank you for interest in submitting a proposal for the dog control and pound services contract as expressed in your letter of August 4, 2011.

We would be pleased to receive a proposal from you which outlines how your organization will meet the responsibilities and requirements of the work outlined in the attached information package. Your proposal should include provision for these services on a fixed yearly fee basis which should include HST. The term of the contract is for three (3) years starting January 1, 2012.

Proposals must be received by the CVRD no later than 11:00 a.m., Thursday, October 6, 2011. Questions regarding this Request for Proposals should be directed to the undersigned at 250-746-2620.

Yours truly,

Tom R. Anderson, MCIP
General Manager
Planning and Development Department

TRA/jnl

Attachment

pc: Joe Barry, Manager (Corporate Secretary), Legislative Services Division, CVRD

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FILE COPY

September 19, 2011

BC SPCA Cowichan & District Branch (Duncan)
7550 Bell McKinnon Road
DUNCAN BC V9L 6B1

Attention: Sandi Trent, Manager

Dear Sandi Trent:

Re: Dog Control Contract – Request for Proposals

As you know, our three (3) year dog control and pound service contract with you will be expiring at the end of this calendar year. We very much appreciate the fine level of service your organization has provided in administering the contract over the last three years and beyond.

We would be pleased to receive a proposal from you which outlines how your organization will meet the responsibilities and requirements of the work outlined in the attached information package. Your proposal should include provision for these services on a fixed yearly fee basis which should include HST. The term of the contract is for three (3) years starting January 1, 2012.

Proposals must be received by the CVRD no later than 11:00 a.m., Thursday, October 6, 2011. Questions regarding this Request for Proposals should be directed to the undersigned at 250-746-2620.

Yours truly,

Tom R. Anderson, MCIP
General Manager
Planning and Development Department

TRA/jnl

Attachment

pc: Joe Barry, Manager (Corporate Secretary), Legislative Services Division, CVRD

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REQUEST FOR PROPOSALS

DOG CONTROL CONTRACT INFORMATION PACKAGE

The Cowichan Valley Regional District is seeking proposals from Dog Control Contractors to administer the CVRD Dog Regulation and Impounding Bylaw No. 3032 and CVRD Noise Bylaw No. 1060 and Parks Bylaw No. 738 as they relate to dogs, for a term of **three (3) years** as of January 1, 2012.

The following is an outline/estimate of the needs and duties of the Contractor on a yearly basis:

- 600 complaints to be investigated and resolved
- 5 general inquiries per day
- 60 dogs impounded
- 24 hour emergency service to be provided 365 days a year
- Patrolling in Electoral Areas in response to complaints and transport of dogs

Responsibilities of Contractor

The Contractor will be required to perform the duties of Domestic Animal Protection Officer and to provide pound keeping services for the Regional District throughout the Electoral Areas of the Regional District, as prescribed by the attached Dog Regulation and Impounding Bylaw and its amendments. In addition, the Contractor will be required to;

- respond to complaints of barking dogs as per the CVRD Noise Bylaw,
- respond to complaints regarding dogs as per the CVRD Parks Bylaw, and
- issue tickets in accordance with CVRD Ticket Utilization Bylaw.

General Responsibilities Include:

- To respond to all dog related complaints and to provide a system of patrols to enforce the provisions of the Bylaws whereby each of the electoral areas of the Regional District are patrolled an average of 1 to 1.5 hours per week, with concentrated patrols from time to time in areas identified or determined by the Regional District as problem areas;
- Provide and maintain accommodation, offices, equipment, supplies and any other facilities which may be required or desirable for the proper use of the pound for the purposes of the Bylaw;
- Provide and maintain a suitable pound containing no fewer than 18 dog kennels for the impoundment and shelter of dogs;
- Keep the offices of the pound open for the service of the public Monday to Friday, from 10:00 a.m. to 5:00 p.m. and on Saturdays from 10:00 a.m. to 2:00 p.m., except statutory holidays;
- Install and monitor a 24 hour/day emergency telephone line and provide emergency response services;
- Receive, feed and care for all dogs that may be delivered or received pursuant to the Bylaw;

- Provide all care and treatment required or desirable for the proper and humane care and maintenance of any dogs impounded or kept in the pound including, but without limiting the foregoing, providing daily a good and sufficient supply of food and water for such animals;
- Provide qualified assistants, attendants and other staff as are required or desirable for the proper administration of the pound and for the efficient performance of the duties of the Domestic Animal Protection Officer;
- Provide and maintain all equipment and vehicles necessary for the provision of the services;
- Provide qualified personnel to administer lethal injections to dogs that must be destroyed;
- To receive and remit to the Regional District all fees, charges, costs and other monies payable to the Regional District pursuant to the Dog Regulation and Impounding Bylaw, with the exception of impounding fees and boarding fees which will be collected in accordance with the Bylaw, and with the amounts reported to the Regional District on a monthly basis on forms approved by the Regional District;
- Indemnify and save harmless the Regional District from and against any and all actions, suits, claims, losses and demands arising out of any wrongful act, default, omission or neglect of the pound, its officers, servants and agents in the operation and management of the Pound or office;
- Maintain a policy of general liability insurance in the amount of \$2,000,000 per single occurrence with the CVRD being named an additional insured (Certificate to be supplied with proposal);
- Provide proof of current registration and number of Work Safe BC coverage;
- Allow the CVRD Bylaw Enforcement Official to enter and inspect the pound; and
- Liaise with the CVRD Bylaw Enforcement Official on major issues such as vicious dog declarations.

Responsibilities of the Regional District

- Administration of the sales program for dog licences;
- Advertising associated with the yearly dog licencing program;
- To supply all necessary licence books, dog tags, Ticket Booklets and Warning Notice Booklets and necessary record forms which the Contractor may reasonably need in the performance of the service;
- Distribution of licences and collection of fees with agents;
- Maintenance of dog licence registry; and
- Liaise with Contractor on major issues.

Financial Information

- The 2011 Dog Control Contract is for \$85,104;
- Contract price increases for the second and third years of the contract shall be in accordance with the Canadian Consumer Price Index as determined in November of each year;
- The cost of the euthanasia of dogs is inclusive within the yearly contract price;
- The Contractor is allowed to retain all impoundment, maintenance and sustenance fees as established by the Dog Regulation and Impoundment Bylaw.

APPENDIX B

RECEIVED
OCT - 3 2017



Municipal Animal Control Bylaw Enforcement

Coastal Animal Control Services of BC Ltd.

Duncan: (250) 748-3395 • TF: 1-888-811-7722 • cacs@telus.net
Nanaimo: (250) 754-1397 • TF: 1-888-754-1397 • animal.shelter@nanaimo.ca

COWICHAN VALLEY REGIONAL DISTRICT

ANIMAL CONTROL & POUND SERVICES

PROPOSAL

Coastal Animal Control Services of BC Ltd.

COASTAL ANIMAL CONTROL SERVICES OF BC LTD

Duncan Location:

2202 Herd Rd
Duncan, BC V9L 6A6
250-748-3395
Toll Free: 1-888-811-7722

Nanaimo Location:

1260 Nanaimo Lakes Rd
Nanaimo, BC V9R 5P4
250-754-1397
Toll Free: 1-888-754-1397

Tom R. Anderson
General Manager,
Planning and Development Department
Cowichan Valley Regional District

October 4th, 2011

Dear Mr. Anderson,

Re: Dog Control Contract – Request for Proposals

Dear Mr. Anderson,

Please accept this proposal for Animal Control and Pound Services.

- Proposal Option 1 is based upon providing a minimum of 20 hours per week of enforcement and patrols for an annual total of \$69,000.00 plus HST.
- Proposal Option 2 is based upon a minimum of 40 hours per week of enforcement and patrols for an annual total of \$99,000.00 plus HST.

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Proposal Option 2	9
Closing Comment	10
Appendices	
<i>Government References</i>	<i>(i)</i>
<i>Work Safe BC Letter</i>	<i>(ii)</i>
<i>Insurance Declaration Form</i>	<i>(iii)</i>
<i>Company Brochure</i>	<i>(iv)</i>

Introduction

Coastal Animal Control Services of BC Ltd is the largest independently owned and operated animal control provider on Vancouver Island.

As a professional animal control agency committed to proper bylaw enforcement and education, we represent Local Governments with integrity to ensure a positive public image at all times.

The practices and philosophy that my company promotes on a daily basis are sound and common sense in nature. We are dedicated to public safety and strive to make a positive impression within the communities we serve. Our objective is to achieve voluntary compliance through the use of tact and diplomacy in order to keep costs low. These are fundamental principles that we promote on a daily basis.

As a proponent of community safety, we take our responsibilities very seriously. We believe many dog attacks can simply be prevented with the correct balance of enforcement and education.

We currently have animal control contracts with seven (7) local governments on Vancouver Island. These governments are: The City of Nanaimo, Nanaimo Regional District, District of North Cowichan, City of Duncan, Town of Ladysmith, Town of Lake Cowichan and the Alberni Clayquot Regional District. We are also presently in talks with the Snuneymuxw First Nation.

All enforcement activities for the CVRD would be administered from our Duncan location at 2202 Herd Rd.

We have 50 kennels available at this facility and take great pride in ensuring our kennels are kept sanitary and free of odour and noise.

We are familiar with all aspects of animal care and husbandry and routinely administer vaccinations and a wide range of medications. Our staff is instructed on the best practises for cleanliness, animal socialization and behavioural therapy.

We have spearheaded spay and neuter programs that are supported by many veterinary clinics on Vancouver Island. All animals adopted through our shelters are fixed through the discounted rates provided by these clinics.

Bylaw Enforcement

Our Animal Control agency acts as a department of the government that we serve. Our conduct within the community is exemplary at all times. All of our Animal Control Officers are fully uniformed and our service vehicles are clean, new and clearly marked.

It is important to note that all of our service calls are attended in person at the location of offence and not handled by telephone. In this way, our officers are at the scene, are able to interpret and work with the dog owner in suggesting solutions that are practical and attainable.

All service calls are prioritized depending upon the current infraction. Dangerous dogs, Police drug raids and arrests are immediately attended. Other liability issues such as dogs at large on busy roadways where a motor vehicle incident could occur are also immediately attended.

Some situations concerning dangerous dogs are responded to and investigated based on the potential for liability. Officers are dispatched to conduct fence checks on a regular basis to ensure the structural integrity of a fence before the dog is able to get loose and inflict damage. Many dangerous situations are prevented in this way.

We instil through our enforcement duties, the importance of being responsible and considerate of other people. Often, a dog problem is just an extension of a people problem. Once people can assume responsibility, the problem is usually resolved quickly. Our officers are trained to promote this methodology on a daily basis.

Every call is treated as if it was a situation pending court. All officers are trained to gather all information pertinent to the investigation at hand. In dangerous dog situations this information would include statements from victims and witnesses, photographs of bite wounds and torn clothing, photographs of the dog in question or the animal wounded, doctor's notes and prescriptions, veterinary bills and reports and full officer narrative.

Every time an officer speaks to the owner of a dog, or witness etc. everything is documented. We can later establish motives, lack of responsibility or contempt for community safety based on these conversations. In this way, if future attacks take place and fines are issued, we can prove in court that the attack was not an isolated situation but rather a result of a long pattern of behaviour. This will ensure a conviction.

In non-aggressive situations, the same degree of meticulous documentation of facts is necessary in order to substantiate a fine for nuisance infractions. Every time an officer enters onto a property or speaks with an individual on private property during an investigation, a warning notice is left as a receipt of our visit. In this way, a paper trail is initiated and used to corroborate the number of warnings prior to the issuance of a fine.

During an investigation we may encounter an owner of a dangerous dog wishing to relinquish custody of their dog to Animal Control. Every vehicle is equipped with surrender forms and the investigating officer must ensure the dog owner has read, signed and understands completely that once surrendered they will not be getting the dog back. We accept dangerous dogs for free and absorb these costs for the benefit of the community. Every aggressive dog surrendered to us in this way prevents the possibility of future injury to a third party and prevents the expenditure of additional officer resources at some point in the future.

When investigating dangerous dog calls, our first priority is to ensure that the dog is no longer able to inflict harm. We will inform the dog's owner that an investigation is being conducted and that the dog must be strictly contained until notified otherwise. We then gather evidence and information needed in determining the appropriate course of action required to remedy the situation. In the meantime however, the dog's activities are restricted.

In serious bitings, we may seize a particular dog if no containment exists to protect the community or if the damage inflicted warrants such an action. In severe cases we may apply for a court order to have a dog destroyed. This is quite rare however as most situations are resolved through diplomacy and the dog's owner building the appropriate containment required to prevent a reoccurrence.

We are conscious of the costs associated with court proceedings and try to resolve situations peaceably through engaged dialogue with the dog's owner. This works the majority of the time.

Emergency Service

24 hour Emergency service will be provided at no additional cost.

An answering machine at the pound will allow the general public the opportunity to leave non-emergency messages to be responded to on the next business day.

An emergency contact number links the caller directly to the Animal Control Officer on duty for that night. The on call officer will advise the caller on how and when the matter will be attended. In this way, all emergency calls are dealt with directly through our Enforcement Officer and not through a third party paging company.

Since we have a caretaker living on site, we will accept stray dogs from the public at any hour. In an after-hours situation, if a member of the community cannot deliver a stray dog to us, we will promptly pick it up on the next business day.

All police matters will constitute an emergency. We will assist the police with the removal of dogs during arrests, traffic violations and motor vehicle incidents

Euthanasia

All euthanasia will be performed by lethal injection. All costs associated with euthanasia and disposal will be absorbed by my company with no cost to the Cowichan Valley Regional District.

Licencing

Dog licences will be promoted at every opportunity.

If the Regional District is interested in increasing licence revenues, I would be happy to submit a proposal specific to licencing which would cover realistic projections and obtainable goals. It would detail my costs in labour and administration, my company's expected commission and the CVRD's projected revenue gains.

Proposal Option 1

- In this proposal, an officer would be employed and committed to spending a minimum of 20 hours per week patrolling and enforcing the provisions of the *Dog Regulation and Impounding Bylaw*.
- Our support staff would handle all incoming dog related complaints, paperwork and the coordination of patrols for each of the electoral areas in order for the officer to be in the field for the duration of their shift.
- This officer would be placed into the emergency call out rotation whereby they would respond to any emergency situation throughout the night and on weekends. This rotation also involves other staff already employed.
- A new service vehicle clearly marked as an animal control vehicle will be supplied for this position. It will have an emergency light bar mounted on its roof and be equipped with all dangerous dog apprehension gear.
- This position will efficiently look after all dangerous dog situations, confined dog calls and most nuisance complaints. I believe it is an excellent cost effective approach to providing these services in an efficient manner.

Proposal Option 1 Contract Price

- An annual amount of **\$69,000.00** plus HST would be required to conduct the enforcement work as described on the CVRD's behalf.
- The contract price shall be increased for the second and third years of the contract term in accordance with the Canadian Consumer Price Index.

Proposal Option 2

- In this proposal, an officer would be committed to spending a minimum of 40 hours per week patrolling and enforcing the provisions of the *Dog Regulation and Impounding Bylaw*.
- The benefit of having a full time officer conducting investigations eliminates any back log of non-aggressive complaints as the officer has time to respond to all complaints on a daily basis.
- Foot patrols of area parks that require enforcement from time to time will be conducted as needed.
- This officer would be placed into the emergency call out rotation whereby they would respond to any emergency situation throughout the night and on weekends. This rotation also involves other staff already employed.
- A new service vehicle clearly marked as an animal control vehicle will be supplied for this position. It will have an emergency light bar mounted on its roof and be equipped with all dangerous dog apprehension gear.
- I believe this proposal option would be the optimal solution for the CVRD based on population and logistics of travel.

Proposal Option 2 Contract Price

- An annual amount of **\$99,000.00** plus HST would be required to conduct the enforcement work as described on the CVRD's behalf.
- The contract price shall be increased for the second and third years of the contract term in accordance with the Canadian Consumer Price Index.

Closing Comment

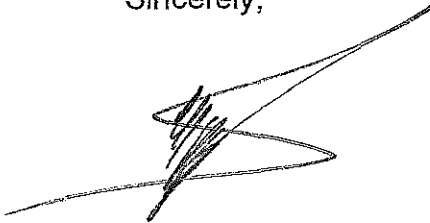
Coastal Animal Control Services is a progressive company dedicated to furthering public education concerning responsible pet ownership. Through proper enforcement of animal bylaws combined with ongoing education we feel the animal control packages as proposed here will have a positive and lasting effect on the community.

I would be happy to enter into a contract with the Cowichan Valley Regional District at the aforementioned contract price plus HST, as indicated in this proposal.

I would encourage the Cowichan Valley Regional District to enquire with the other local governments that my company provides animal control services for, as I believe you will find that we have an impeccable track record of professionalism and accountability.

If my company is awarded this contract, we will diligently work on the CVRD's behalf in an organized and efficient manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Hughes', with a long horizontal line extending to the left.

Trevor Hughes
Chief Executive Officer
Coastal Animal Control Services of BC Ltd.

2011-06-29

To Whom It May Concern

Letter of Recommendation For Coastal Animal Control Services of BC

It is with pleasure that I provide a letter of recommendation for Coastal Animal Control Services.

Coastal Animal Control Services provides the City of Nanaimo with full Animal Control and has done so since Jan. 2010.

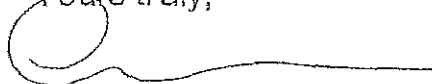
We appreciate the high level of quality service Coastal provides and their efficiency in carrying out all Animal Control matters on behalf of the city.

We are comfortable with Coastal representing the City during media interviews concerning animals and enforcement.

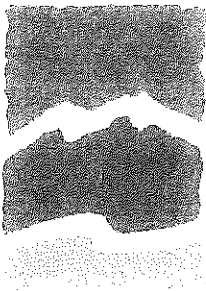
Their professionalism in both conduct and investigative procedure is an asset to the City. I would highly recommend this company to any Municipal Government seeking an Animal Control agency.

Please contact me @ (250) 755-4474 should further information be required

Yours truly,



Randy Churchill
Manager of Bylaw, Regulation & Security
City of Nanaimo



REGIONAL
DISTRICT
OF NANAIMO

June 23, 2011

TO WHOM IT MAY CONCERN:

Dear Sir/Madam:

RE: Letter of Reference

Coastal Animal Control Services of BC Ltd. has been providing animal control enforcement services to the Regional District of Nanaimo since January, 2010. They administer and enforce our bylaws throughout seven electoral areas and one municipality under the terms of the contract. Trevor Hughes and his staff carry out their duties with a high degree of tact, diplomacy and professionalism and continually go the "extra mile" in representing the Regional District of Nanaimo.

Yours truly,

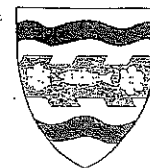
Tom Arnet, Manager
Building, Bylaw and Emergency Planning Services
Regional District of Nanaimo

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

Municipality of North Cowichan



7030 Trans Canada Highway, Box 278
Duncan, BC V9L 3X4

Telephone: (250) 746-3100
Fax: (250) 746-3133
www.northcowichan.ca

June 22, 2011

To whom it may concern

Re: **Letter of Reference**

Coastal Animal Control Services of BC Ltd. has been providing continuous animal control services for the Municipality of North Cowichan for over 36 years.

They enforce the provisions of our Animal Control Bylaw with tact, diplomacy and professionalism on a daily basis. The current owner, Trevor Hughes, has run the operation for the past nine years and provides a high quality service.

Coastal has continually gone above and beyond the call of duty while representing the Municipality.

Sincerely

A handwritten signature in cursive script that reads "Dave Devana".

Dave Devana
Chief Administrative Officer

devana@northcowichan.ca



CITY OF DUNCAN

June 22, 2011

Coastal Animal Control Services of BC Ltd.
2202 Herd Road,
Duncan, BC, V9L 6A6

To whom it may concern:

Re: Coastal Animal Control Services

Please accept this letter in support of Coastal Animal Control Services of BC Ltd.

Coastal Animal Control Services of BC Ltd. has been providing the City of Duncan with full Animal Control since January 1st, 2008.

They have always represented the City in a very professional manner and have been pro-active in educating the public regarding proper animal care and control.

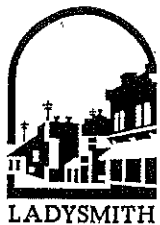
They are very dedicated to public safety and have proven themselves to be a positive element within our community. We look forward to many more years of their high calibre service.

Should you require any further information, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter de Verteuil".

Peter de Verteuil
Director of Finance and Deputy Director of Corporate Services



TOWN OF LADYSMITH

410 Esplanade, P.O. Box 220, Ladysmith, BC V9G 1A2
Municipal Hall (250) 245-6400 • Fax (250) 245-6411 • info@ladysmith.ca • www.ladysmith.ca

June 22, 2011

To Whom It May Concern

RE: LETTER OF REFERENCE FOR COASTAL ANIMAL CONTROL SERVICES

I am pleased to provide this Letter of Reference for Coastal Animal Control Services.

The Town of Ladysmith has contracted Coastal Animal Control Services for dog control for over 7 years. In that time we have had reliable and conscientious Animal Control Officers providing an important service in our community at least 3 days a week. In addition to regular patrols, an Animal Control Officer is sent out to investigate whenever a complaint is called in,

After dealing with any complaints or picking up loose dogs, Officers stop by City Hall to update staff on the status. Any information on impounded unlicensed dogs is placed on an information sheet in the foyer. Any tickets or warnings issued are handed over for follow up by our Bylaw Enforcement Officer.

The Animal Control Officer visits City Hall at least once a week regardless of complaints to update the impound sheet and get a record of any new tags that have been sold. They are always polite and very patient about letting the front staff deal with the patrons of the Town of Ladysmith, before helping them out.

Coast Animal Control Services mails out reminders to previous year dog owners a few times a year. Licence sales go up every time a mail out is done, so it does bring people into compliance.

In reflection of the Town's satisfaction with the performance of Coastal Animal Control Services, we have recently renewed their contract. I would highly recommend this company for their effective and compassionate animal control.

Sincerely,

Ruth Malli,
City Manager



June 21, 2011

File: Contract

To Whom It May Concern:

Re: Coastal Animal Control Services Ltd.

This is to confirm that the Town of Lake Cowichan is utilizing the services of the above company for the following:

- Supply of animal shelter services for impounded dogs;
- Destruction of animals on a fee for service basis; and
- Periodic pick-up of dogs authorized by Town personnel..

We have contracted with the Coastal Animal Control Services for the services referred to since 2002. We are very pleased with the level of service provided to date.

Yours truly,

Joseph A. Fernandez
Chief Administrative Officer



Assessment Department	Location	Clearance Section
Mailing Address	6951 Westminster Highway	Telephone 604 244 6380
PO Box 5350	Richmond BC	Toll Free within Canada
Station Terminal	V7C 1C6	1 888 922 2768
Vancouver BC V6B 5L5	www.worksafebc.com	Fax 604 244 6390

Cowichan Valley Regional District
175 Ingram Street
DUNCAN, BC V9L 1N8

October 04, 2011

Person/Business : COASTAL ANIMAL CONTROL SERVICES OF B.C. LTD
263517 AQ (023)

We confirm that the above-mentioned account is currently **active and in good standing.**

This firm has had continuous coverage with us since February 26, 1980 and has satisfied assessment remittance requirements to **October 01, 2011.**

The next payment that will affect this firm's clearance status is due on October 20, 2011.

This information is only provided for the purposes of Section 51 of the *Workers Compensation Act*, which indicates that a person using a contractor or subcontractor to perform work may be responsible for unpaid assessments of the contractor or subcontractor.

Employer Service Centre
Assessment Department

Clearance Reference # : C126504979
CLRA1A-7

Now you can report payroll and pay premiums online.

Visit www.worksafebc.com

Please refer to your account number in your correspondence or when contacting the Assessment Department.

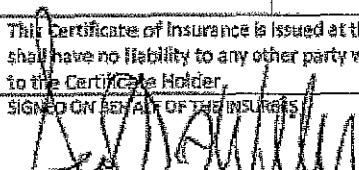
To alter this document constitutes fraud.

LMG Pringle Insurance Brokers

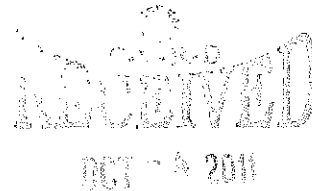
The Landmark Building
200-2640 Beverly St.
Duncan, BC V9L 5C7

CERTIFICATE OF INSURANCE

This is confirmation that the following Certificate Holder is added as an "Additional Insured"

THIS CERTIFICATE IS ISSUED TO Cowichan Valley Regional District					
CERTIFICATE HOLDER NAME Cowichan Valley Regional District				CONTRACT/PURCHASE ORDER NO.	
CERTIFICATE HOLDER ADDRESS 175 Ingram Street, Duncan, BC V9L 1N8					
And certifies that policies of insurance as herein described have been issued to the insured(s) named below and are in full force and effect					
INSURED	NAME Coastal Animal Control Services of BC Ltd.				
	ADDRESS 2202 Herd Road, Duncan, BC V9L 6A8				
INTEREST OF CERTIFICATE HOLDER	PROVIDE DETAILS Animal Control Contractor -- bylaw enforcement, kennel, pet adoption, grooming Ongoing Contract				
TYPE OF INSURANCE	COMPANY NAME AND POLICY NO.	EXPIRY DATE Y M D			LIMIT OF LIABILITY/AMOUNT
COMMERCIAL GENERAL LIABILITY (INCLUDES CROSS LIABILITY; SEVERABILITY OF INTEREST; BROAD FORM PROPERTY DAMAGE; AND NON-OWNED AUTOMOBILE)	Intact Insurance Company Policy #5V2183674	11	11	02	\$2,000,000.00
AUTOMOBILE LIABILITY (OWNED OR LEASED VEHICLES)					PRIMARY \$ _____ EXCESS \$ _____
UMBRELLA LIABILITY					LIMITS \$ _____ EXCESS OF \$ _____
COURSE OF CONSTRUCTION (BUILDERS ALL RISK)					LIMITS \$ _____
PROPERTY ALL RISK, \$1,000.00 Deductible					DETAILS
OTHER					DETAILS \$ _____ \$ _____
This Certificate of Insurance is issued at the request and for the benefit of the Insured and the Certificate Holder. Lomas-Milne Group Inc. shall have no liability to any other party who places any reliance hereon. The Insurer shall provide thirty (30) days prior notice of cancellation to the Certificate Holder.					
SIGNED ON BEHALF OF THE INSURED 		PRINT NAME AND AGENCY/BROKERAGE NAME Scott Wilkins/LMG Pringle Insurance Brokers			DATE SIGNED Y M D 11 10 04

APPENDIX C



Sandi Trent
Branch Manager
Cowichan & District Branch BCSPCA
250-746-4633

October 1st 2011

Cowichan Valley Regional District
Tom Anderson
Manager
Development Services Department

RE: ANIMAL CONTROL CONTRACT 2012

Dear Mr Anderson:

It has once again been a pleasure to fulfill our 3 year contractual duties with your department.

The past years have been busy (please see attached animal control summary for previous 3 yrs).

As you are aware, the BCSPCA is a registered non-profit society. With the exception of our mutual contract, the Cowichan & District SPCA is funded entirely on donations. We rely on our community for support and in turn we are relied on by the community to care for stray and unwanted animals, including their medical needs. Our emergency response is available 24 hours a day (as dictated by our previous contract). And is in fact, available to all municipalities. Our cruelty department is also kept busy responding to incoming calls on abused and neglected animals in the valley.

Though there currently are no provisions for stray cats within the CVRD, our shelter has taken, housed, and treated medically when necessary over 400 cats over the past three years. I believe this is an important community service we offer for the Regional District.

Currently, the remuneration for fulfilling the contract with the CVRD covers the expense of two staff members and part of our vehicle operating costs.

The Cowichan Branch of the BCSPCA would certainly like to extend our Animal Control Contract with the Regional District.

We would like to request your consideration of a cost of living increase of 2% over our present contract to cover the increased fixed costs for a (3) three year tenure, with further COLS each year . This would provide a 2012 fee (including HST) of \$86,808 .

We thank you in advance for your continued support and promise to continue supplying our community with the service they have come to rely on.

Sincerely,

Sandi Trent



Branch Manager
BCSPCA Cowichan & District

Animal Control Summary

Date Generated: Oct 3 2011
Date Range: Jan 1 2011 To Oct 3 2011
Animal Type:

Agency: Cowichan Valley Regional District

Source	Dog	Puppy	Cat	Kitten	Total
Carried In From Previous Period	21	8	34	23	86
ACO Impound	27	0	0	0	27
Ambulance	7	2	5	1	15
Emergency Boarding	2	0	0	0	2
Humane Officer Surrendered	0	0	63	8	71
Owner Surrender	8	3	16	55	82
Returns	1	0	9	2	12
Shelter Offspring	0	0	0	5	5
Stray	43	7	40	63	153
Total	109	20	167	157	453

Status	Dog	Puppy	Cat	Kitten	Total
Adopted Altered	34	11	87	100	232
DOA	2	0	0	0	2
Escaped	0	0	2	0	2
Euthanized	0	0	1	0	1
Euthanized by Offsite Vet	2	1	15	4	22
Redeemed	51	1	12	2	66
Released to Owner at Vet	1	0	1	0	2
Returned Surrender	1	0	0	0	1
Unassisted Death	0	0	2	6	8
Unassisted Death - In Foster	0	0	0	1	1
Total	91	13	120	113	337

Dispatch	Total
Abandoned	3
Aggressive Dog At Large	54
Animal Abandoned	3
Animal Control Complaints	384
Animal Hoarding	2
Breeder - Dogs	3
Breeder - Small Animals	1
Cat Hit By Car	6
Compassionate Board Pick Up	2
Confined	2
Confined Space	4
Dog At Large	29
Dog Attacking Livestock	10
Dog Bite - Other Dog/animal	14
Dog Bite - Person	8
Dog Hit By Car	9
Dog Tethered	11
Down	3
Food, Water, Shelter	14
Harsh Training/discipline	4
Injured	14
Injured Livestock	1
Injured Wildlife (not Birds)	2
Large Animal Hit By Car	1
Livestock At Large	1
Living Conditions	26
Neglected	24
No Food	4
No Shelter	3
No Treatment	8
No Water	6
Noise Complaint	54
Overcrowding	3
Physical Abuse	9
Sick/diseased Animal	7

Stray	2
Stray Dog Pickup	24
Threatening	2
Trapping	3
Unlawful Killing	1
Vicious Dog Attack	7

Animal Control Summary

Date Generated: Sep 26 2011
Date Range: Jan 1 2010 To Dec 31 2010
Animal Type: Dog

Agency: Cowichan Valley Regional District

Source	Dog	Total
Carried In From Previous Period	28	28
ACO Impound	52	52
Ambulance	7	7
Emergency Boarding	1	1
Owner Surrender	31	31
Returns	4	4
Stray	56	56
Total	179	179

Status	Dog	Total
Adopted Altered	67	67
Adopted Unaltered	7	7
DOA	0	0
Euthanized	0	0
Euthanized by Offsite Vet	0	0
Redeemed	81	81
Released	1	1
Released to Owner at Vet	0	0
Unassisted Death	1	1
Unassisted Death - In Foster	0	0
Total	157	157

Dispatch	Total
Abandoned	4
Aggressive Dog At Large	50
Animal Abandoned	3
Animal Control Complaints	560
Animal In Hot Car	1
Breeder - Dogs	1
Breeder - Other	1
Cat Hit By Car	17
Compassionate Board Pick Up	2
Confined	2
Document Delivery	1
Dog At Large	58
Dog Attacking Livestock	5
Dog Bite - Other Dog/animal	17
Dog Bite - Person	12
Dog Hit By Car	5
Dog Tethered	23
Food, Water, Shelter	20
Harsh Training/discipline	3
Home Check	1
Inadequate Shelter	4
Injured	20
Injured Wildlife (not Birds)	1
Licence Check	2
Living Conditions	41
Neglected	44
No Food	10
No Shelter	10
No Treatment	16
No Water	14
Noise Complaint	88
Other Bylaw Complaint	2
Overcrowding	1
Owner Assist	1
Physical Abuse	4
Police Assistance	2
Sick/diseased Animal	9

Stray	5
Stray Dog Pickup	47
Transport	1
Unlawful Killing	2
Vicious Dog Attack	10

Animal Control Summary

Date Generated: Sep 26 2011
Date Range: Jan 1 2009 To Dec 31 2009
Animal Type: Dog

Agency: Cowichan Valley Regional District

Source	Dog	Total
Carried In From Previous Period	35	35
ACO Impound	46	46
Ambulance	4	4
Emergency Boarding	1	1
Humane Officer Surrendered	2	2
Owner Surrender	21	21
Returns	8	8
Shelter Offspring	0	0
Stray	39	39
Total	156	156

Status	Dog	Total
Adopted Altered	76	76
Adopted Offsite	0	0
Adopted Unaltered	4	4
DOA - Final Disposition	0	0
Escaped	0	0
Euthanized	0	0
Euthanized by Offsite Vet	1	1
Redeemed	48	48
Released	1	1
Released to Owner at Vet	2	2
Unassisted Death	0	0
Unassisted Death - In Foster	0	0

Total	132	132
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<u>Dispatch</u>	<u>Total</u>
Abandoned	5
Aggressive Dog At Large	66
Animal Abandoned	4
Animal Control Complaints	559
Animal In Hot Car	2
Animal Trapped In Drain	1
Breeder - Dogs	3
Breeder - Small Animals	1
Cat Hit By Car	7
Compassionate Board Pick Up	2
Confined	6
Confined Space	3
Dead Animals	1
Dog At Large	51
Dog Attacking Livestock	6
Dog Bite - Other Dog/animal	19
Dog Bite - Person	16
Dog Hit By Car	12
Dog Tethered	23
Dogfighting	2
Down	3
Food, Water, Shelter	26
Harsh Training/discipline	15
Inadequate Shelter	3
Injured	18
Licence Check	3
Living Conditions	35
Neglected	40
No Food	14
No Shelter	7
No Treatment	8
No Water	16
Noise Complaint	70

Overcrowding	2
Police Assistance	1
Sick/diseased Animal	15
Stray	3
Stray Dog Pickup	45
Unlawful Killing	2
Vicious Dog Attack	3

C1



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Giles Area C

Grantee: Grant Amount \$ 500.00

NAME: Cowichan Foundation

ADDRESS: 202-58 Station Street
Nanaimo, BC V9L 1G4

Contact Phone No: 250-748-1013

PURPOSE OF GRANT: To assist Cowichan Valley
students further their education

REQUESTED BY: G. Giles
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0107-113	500.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

COWICHAN FOUNDATION

SEP 26 2011

C/O 202 - 58 Station Street
Duncan, British Columbia
V9L 1M4
Tel: (250) 748-1013
Fax: (250) 748-2733

September 26, 2011

CVRD
175 Ingram St.
Duncan, BC V9L 1N8

Attention: Gerry Giles

Dear Supporter:

Delivered by hand

Original	Copies to:
Board:	
Committees:	
Date:	Oct 6/11
File #	

RE: COWICHAN FOUNDATION

Once again, we approach you for consideration of a donation to our ongoing programs on behalf of the Cowichan Valley.

Our year has had both lows and highs.

Our president, Cowichan Valley medical icon Dr. Owen Gloster, died this spring. At the last meeting of the board which he chaired in December 2010, we granted a substantial forgivable loan to Arcadian Daycare to allow a first-nations employee to improve her educational qualifications. This was very much in line with Owen's reasons for supporting and working with the Foundation and he was very pleased at our action.

Following Owen's death, our board established a permanent Dr. Owen Gloster Memorial Scholarship in the annual sum of \$1,000.00 to be presented to a Cowichan Valley student in attendance at Vancouver Island University pursuing studies in the general field of public health.

We have had considerable sums provided to help establish that permanent memorial award, a fitting tribute in a field which was very close to Owen's heart.

The Foundation has had a very busy year, having been involved in providing charitable receipts with respect to the Cowichan Wheels event (formerly the Rick Hansen Wheels in Motion event) held in Duncan on June 12, as well as significant assistance to the Kinsol Trestle rehabilitation project by way of providing charitable receipts to members of the public who provided substantial support. Both these projects were very well received by the public and were, in fact, providers of nominal fees to the Foundation for services rendered.

We are in the process of developing a website and will provide you with further information when that has been completed. In keeping with our tightfisted approach in receiving funds by way of donation, we have been successful in arranging for Island Savings Credit Union to pay for the development of our website; Island Savings will receive credit on that site for this contribution.

We did receive one large bequest from the estate of a Cowichan Valley resident who, we were advised by her solicitor, was particularly impressed with our ongoing assistance to post-secondary students from the Cowichan Valley.

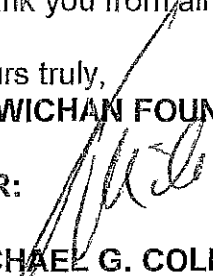
The Cowichan Foundation has grown to become a considerable and positive contributor to the Cowichan Valley and its residents. And it must be said that this could not have come about without your ongoing support!

We are pleased to invite your further contribution. Funds received before December 31, 2011 will be eligible for charitable tax receipts.

Thank you from all the directors for your consideration.

Yours truly,
COWICHAN FOUNDATION

PER:


MICHAEL G. COLEMAN
MGC/kd

C2



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director

Giles

Area

C

Grantee:

Grant Amount \$ 2240.00

NAME:

Branchwate Estates Improvement District

ADDRESS:

Contact Phone No:

250-743-3363

PURPOSE OF GRANT:

To assist in the installation
of aquifer protection signs.

REQUESTED BY:

G. Giles

Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0389-113	2240.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL

[Signature]

VENDOR NO.

Disposition of Cheque:

Mail to above address:

Return to

Attach to letter from

Other

Approval at Regional Board Meeting of

Finance Authorization

September 26, 2011

Ms. Gerry Giles
Chair, CVRD Board

Re: Aquifer Protection Signage for Area C

Dear Ms. Giles,

The trustees of the Board of Braithwaite Estates Improvement District has identified a need for Aquifer Protection signs throughout our area. Our aquifers are of paramount importance as they supply water for drinking, irrigation, livestock and other uses all to promote a healthy community and to ensure the continued sustainable growth of same. We have done our due diligence by sourcing designs for the signs, exploring strategic locations and contacting the Ministry of Highways regarding their regulations. We have an agreement in principle with Mr. Ross Deveau, from the Ministry of Highways, that we can go ahead and pursue the purchase of the signs as he feels confident our locations will be satisfactory to his department. He will be conducting a site tour later this month. He may be reached at 250 952-4511 if you have any questions regarding his endorsement.

We have identified eight (8) key locations for the signs and the signs themselves, including installation, cost \$250.00 each plus HST for a total of \$2240.00

Our locations are as follows:

North end of Dougan's Lake within the boundary of Area C
North end of Cobble Hill/Shawnigan Lake Road as one enters off of the TCH
South end of Cobble Hill/Shawnigan Lake Road within the boundary of Area C
South end of TCH (Baycedar Mall) within the boundary of Area C
South end of Telegraph Road within the boundary of Area C
North end of Telegraph Road within the boundary of Area C
On TransCanada Highway, near Fisher Road, travelling south
On TransCanada Highway, near Fisher Road, travelling north

We respectfully request a grant in aid to cover the costs of the purchase and installation of these signs. If you have any questions concerning our request, may I ask you to please contact our trustee, Katherine Barwick, (743-3363) and she will see that the Board responds quickly to address same.

Yours truly,



Michael Croft, Chair

Braithwaite Estates Improvement District



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director IAN NIDINARD Area D.

Grantee:

Grant Amount \$ 885⁰⁰/₁₀₀

NAME: COWICHAN ENERGY ALTERNATIVES

ADDRESS: 1-55 STATION ST. SUITE #1
DUNCAN BC. V9L 1M2

Contact Phone No: MILES PHILLIPS 250-597-1491

PURPOSE OF GRANT: SUPPORT TO KICK-START

AWARENESS INITIATIVE FOR DESIGN AND

COSTING PROCESS FOR A KIOSK TO COLLECT

REQUESTED BY: Lea L. Lennard RESIDENTIAL COOKING OIL,
Director Requesting Grant IN LOCAL COMMUNITIES.

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0390 - 114</u>	<u>885.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



Cowichan Energy Alternatives

1755 Station Street, Suite 1, Duncan, BC V9L 1K2

250-507-1491 ext • 250-507-1492 fax • www.cowichanenergy.org

Lori Iannidinardo
Director, Electoral Area D – Cowichan Bay - CVRD
175 Ingram Street, Duncan, BC V9L 1N8

October 13, 2011

Dear Lori,

Re: Request for \$885 Funding

Greetings from Cowichan Energy Alternatives (CEA). This has been an exciting year that has seen us, with CVRD support, open our biodiesel processing plant at Bings Creeks, greatly expand the number of restaurants from which we collect waste vegetable oil, and host an international biofuels conference. And today, we'd like to invite you to participate in yet another innovative initiative before the year closes.

In addition to the restaurants we already serve, residential cooking is a significant source of waste vegetable oil and a significant challenge to the waste stream. We aim to place a collection bin at central, visible 24-hour locations throughout the Cowichan Valley, and launch an accompanying public awareness campaign.

CEA is proposing this project as a public service – the ROI for us is actually very small considering the volumes we'll be able to process versus the work to collect and sort. However, the benefit to the community and environment is considerable:

- ✓ Decreased CVRD maintenance costs by diverting residential waste oil's "Fats, Oils and Greases (FOGS)" from the waste stream
- ✓ Increased public awareness and action around this waste issue
- ✓ Positive publicity for the CVRD and its directors for cutting-edge environmental leadership

At this time, we are asking your support to help kick-start this initiative. Specifically, we need funding to (a) complete the design and costing process for the kiosk, and (b) design the public awareness campaign that will ensure the success of the initiative. Our full budget for this preparatory phase is \$1,000. We are requesting **\$885** from Area D, and will contribute the rest from our own budget.

Thank you for your support,

Miles Phillips
President



Ministry of Community,
Sport and Cultural
Development

Local Government Infrastructure
and Finance Branch
PO Box 9838 Stn Prov Govt
(4th Floor - 800 Johnson Street)
Victoria, BC V8W 9T1

INI
CIRCULAR

Circular No. 11:15
ARCS File #: 195-20

October 21, 2011

To: All Mayors in Council; Chief Administrative Officers;
Corporate Officers and Financial Officers

Re: Community Recreation Program - Application Intake

The Province of British Columbia will provide \$30 million in funding to communities to give B.C. families greater access to recreational infrastructure so they can enjoy the benefits of increased physical activity and community involvement.

The program aims to invest in those capital projects that make communities healthier, more active places in which to live.

The Local Government Infrastructure and Finance Branch will be partnering with the Ministry of Community, Sport and Cultural Development's Sports Branch, and the Ministry of Health – Chronic Disease/Injury Prevention and Built Environment Branch for their expertise and knowledge.

Applications for this program may be submitted between October 21, 2011 and December 28, 2011. For an application package, please go to the website:
http://www.cscd.gov.bc.ca/lgd/infra/infrastructure_grants/community_recreation_program.htm.

Municipalities may submit **one** application, regional districts may submit up to **three** applications for funding.

If you need further information about the Community Recreation Program, please contact the Local Government Infrastructure and Finance Branch, Ministry of Community, Sport and Cultural Development by telephone at: 250-387-4060 or email: Infra@gov.bc.ca.

Original signed by:

Renée Audy
A/Director
Infrastructure and Engineering

INA2

Minutes of the Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Meeting of October 20th, 2011 held at the Glenora Community Hall at 7:00 p.m.

Present: Frank McCorkell, Chair, Ron Smith, Director Loren Duncan, John Ramsey, Mike Lees, Larry Whetstone, Howard Heyd, Patty John, Irene Evans, Brian Farquhar, CVRD Parks & Trails Manager

Call to Order: The meeting was called to order at 7:05 p.m.

Minutes: The minutes of the August 30, 2011 meeting were distributed prior to the meeting and reviewed by all commission members. Frank McCorkell mentioned that the community picnic held at the Glenora Trails Head Park was very successful and there was an overwhelming positive feed back with respect to the park's development from those attending. Brian Farquhar added that of all the Commissions that hold a similar appreciation event ours seems to be the best attended.

Business Arising:

1. Boys Road Kiosk: The Commission was informed that the kiosk has not been built yet (but the material has been acquired), nor has the final format for the presentation of the information on the panels. This will be done in the near future. There was also discussion about the trail between Boys Road heading south to Allenby Road and on the south towards Miller Road.

2. Cowichan River Bridge Crossing Study: There was a feeling that this study should be put on hold. However, there may be an opportunity to acquire additional parkland to assist with this project. This and other matters regarding this project should be discussed in greater detail at another Commission meeting.

New Business:

1. 2012 Draft Budget

Brian Farquhar presented the Commission members with the draft budget. He first outlined what was spent and on the various major projects during the present fiscal year. In the upcoming (2012) budget there is a proposal for a slight increase in the tax requisition. Also, Ron Smith suggested the Fairbridge Park budget be increased to \$2,000 so some additional work could be tackled over and above that undertaken by the summer staff.

The maintenance for the grass play field at Cowichan Station was also discussed and the Commission was in agreement that the grass be only cut 10 times in 2012 instead of 20 times with more cuttings taking place earlier in the year (during the growing season) and fewer later in the fall. The Commission also said the maintenance contract will only be for the field on the south side of Koksilah Road.

At this point there was discussion about both the major and minor projects that were undertaken in 2011 and the Commission outlined a number of projects that could be done with the proposed budget of \$137,835. The Commission presented a number of projects that could be tackled and these were duly noted by Brian Farquhar and will be reflected in the budget.

2. Sahtlam Community Meeting

Mike Lees suggested that the CVRD mail the survey to all households on the Sahtlam rural postal route. It was suggested by the Commission that the survey be slightly revised. Since it will not only include those living within Electoral Area E that another question be added asking the respondents to mention where they live. Also, that residents be requested to return the questionnaire as soon as possible and that they could be dropped off at the Sahtlam Fire Hall on

Area E Park and Recreation Commission Meeting of October 20, 2011, continued

specific days. The Commission was in agreement with this suggestion and it is requested the parks department assist Mike in getting the survey distributed as soon as possible so the results could be reviewed at the next Commission meeting in late November.

3. Area D Parks and Trails Master Plan

There was a brief discussion regarding the master plan for Area D (Cowichan Bay) and the possibility of linking their trails system to ones in the Cowichan Station community (Area E). The map for their plan indicated three locations and the Area E Parks and Recreation Commission will consider joining our trails to theirs when our plan is being prepared in the future.

4. Rural Road Right-of-Way and Shoulder Improvements

This matter was brought up at the last Commission meeting and Brian Farquhar suggested that this would be an opportune time to do a 'shoulder widening vision' outlining work that could be undertaken as each of the major roads (or sections of roads) are repaved or improved. This will be undertaken at our next meeting.

The meeting moved into closed session.

The closed session meeting rose without report and returned to regular session.

5. Proposed Rezoning of 4695 Cowichan Lake Road

The memorandum on this application was distributed and reviewed by the Commission. After review the Commission was in agreement with the recommendation and that there be a 10 metre wide park/trail dedication made on the east side of the property and deeded to the CVRD as a fee simple title. Furthermore, it was recommended that an appropriate fence be constructed by the present property owners, at their cost, along the length of the parks boundary in a location and of a standard that meets the CVRD specifications.

6. Petition from Some Residents near the Eagle Heights Park

A petition was received from home owners, all who lived on Dogwood Road in the Eagle Heights area with regard to the small pocket park in their neighbourhood. Prior to making any decision on the park's future use or uses the Commission will do an on-site review at a later date.

7. Expansion of the Glenora Trails Head Park Public Parking

With the popularity of the park there is a need to provide another 'overflow' parking area. This could be located just to the east of the pump house and the project will be undertaken in 2011, and costs reflected in the budget.

Next Meeting

The next meeting will be held on Tuesday, November 22nd at the Glenora Community Hall.

Adjournment

The meeting adjourned at 9:50 p.m.

IN3

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

DATE: October 11, 2011

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time in Youbou Lanes, Youbou, BC. Called to order by chair at 7:01pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson: Gerald Thom

Members: Dave Charney, Dan Nickel, Gillian Scott, Ken Wilde

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Secretary: Tara Daly

REGRETS:

GUESTS: Ryan Dias, CVRD

ACCEPTANCE OF AGENDA

*It was Moved and Seconded to accept the agenda with additions under Old Business
Bear Proof Garbage Cans and under New Business
Lifeguard Shack and Little League Park Concession included with Budget and
Price Park Boundary Adjustment and
BC Hydro Hazard Tree Risk Assessment.*

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of September 13, 2011 be accepted.

MOTION CARRIED

BUSINESS ARISING

- None

CORRESPONDENCE

- None

DIRECTOR'S REPORT

- **Lake Accesses** ~ several people have approached Director Kuhn about the Highways Public accesses; he has approached Brian Farquhar about costs of taking over; R. Dias said the Capital Regional District has an agreement with Ministry of Highways and Infrastructure that is being looked at; possibly lean towards a 5-year permit agreement rather than purchase; identify a few to begin with rather than all; G. Thom has a map of the accesses that he will bring to the next meeting
- **Arbutus Park** ~ CLR will not pay towards upgrades and/or new buildings at the park; discussion held about the possibility of charging users; building with two (2) toilets and two (2) sinks per side with lifeguard and storage space in middle is needed; CVRD is looking into putting Grant applications forward to the Provincial Government with the announcement by

Premier Christy Clark's \$30 million Recreation Grant monies available; Commission should think about donations to help defray the costs

COWICHAN LAKE RECREATION

- **Hallowe-en Party** ~ annual gathering at Youbou Community Hall on October 31st; costume judging, Haunted House, free hotdogs, fireworks

CHAIRPERSON'S REPORT

- None

COWICHAN VALLEY REGIONAL DISTRICT

- **Marble Bay Park** ~ signage has been updated to reflect the trail extension and difficulty

OLD BUSINESS

- **Community Survey** ~ as M. Stewart received no responses, this will be reviewed at a later date; if Commission members have any ideas they can email M. Stewart
- **Broom Puller** ~ Pallisers don't have it; R. Dias will check their equipment to see if it's there; it is CVRD property

NEW BUSINESS

- **Little League Park Concession** ~ the cooking area needs freshening with maintenance being done on the screen above the grill and the vent; the hot water tank and the fridge don't work; discussion by Commission about which direction should be taken; not used a great deal, OAPs use during Labour Day Weekend, Slow Pitch uses a BBQ and coolers; it's important to have the washroom facilities; R. Dias will check into what exactly needs to be done and costs
- **Price Park** ~ Bear Proof Garbage Cans are situated so that the back door for emptying and changing the bag is too close to the park sign; R. Dias will check into
- **Boundary Adjustment** ~ Tanya Soroka, CVRD Parks Planner has suggested that this long standing situation be resolved

It was Moved and Seconded that the part of the trail through Price Park that cuts across Lot 27 Miracle Way be surveyed, at the owner's request,

AND THAT the total costs (survey and legal) be split 50/50 between the owner of Lot 27 and Youbou/Meade Creek Parks

AND THAT at least two (2) estimations be sought from Land Surveyors

MOTION CARRIED

M. Stewart opposed

- **Hazard Tree Risk Assessment** ~ BC Hydro approached unsolicited CVRD with concerns of some danger trees – in Price Park there are four (4) Douglas Firs and one (1) Big Leaf Maple and in Lubin Park there is one (1) dead Alder; this is a pro-active program by BC Hydro with no cost to the Commission; R. Dias noted they have asked to be on site when the trees will be removed to determine what will be done with the fallen trees and also to ensure that, if possible, the trees be only taken down to 'habitat height of the surrounding trees'; there is currently no policy for tree cutting or removal in parks but one will be coming forward to the CVRD Board
- **Safety Audit** ~ done by CLR; corporate responsibility is to inform the Commission and to put in place the suggestions; some of the concerns include signage upgrade, signage on dock informing where it's safe to dive, replace diving board, handrail on concrete wall, replace boomsticks with swim floats

- **Summer Student Crew** ~ four (4) days is not really enough time to make a difference; this coming summer will see the crew reporting to Youbou allowing them to work eight (8) hour days rather than being paid travelling time; Commission decided to put five (5) days in the 2012 Budget; R. Dias suggested the Commission think of the Summer Crew as supplemental maintenance; some ideas brought up were trail maintenance, Little League Park backstop painting, Little League Park concession clean-up
- **Five Year Plan** ~ R. Dias urged the Commission to look seriously at 5-year plans for all parks
- **Reserve Amount** ~ R. Dias will email amount
- **Grant Application** ~ hopefully B. Farquhar will have further information on the progress of the grants

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned 9:25pm.

MOTION CARRIED

NEXT MEETING

November 8, 2011

7pm at Youbou Upper Hall

/s/ Tara Daly
Secretary

IN4

AREA 'C' COBBLE HILL ADVISORY PLANNING COMMISSION MEETING

THURSDAY, OCTOBER 13TH, 2011

COBBLE HILL HALL DINING ROOM

MINUTES

Chair de Paiva called the meeting to order at 7:26 p.m.

Agenda: Moved/seconded *that the Agenda be adopted as circulated.* Carried

Minutes: Moved/ seconded *that the Minutes of September 8th, 2011 be adopted as circulated.* Carried

Present: Rod de Paiva - Chair, Robin Brett, Rosemary Allen, Dave Lloyd, David Hart, Brenda Krug

Regrets: Jens Leibgott, Joanne Bond, Don Herriot and Jerry Tomljenovic

Also Present: Kevin Lamont, Bill Motherwell, Dennis Remmie, Gar Clapham, Gerry Giles Regional Director Area 'C', John Krug Alternate Director Area 'C'

New Business:

- Application 2-C-11ALR (Lamont for Motherwell): Mr. Kevin Lamont presented the application for Ms Motherwell and answered questions from members of the Commission regarding the subject property. The APC members then considered the application with most being in favour while there was concern regarding the Official Community Plan's provisions regarding agricultural land. It was duly moved/seconded *that the application be recommended as it is permitted under section 946 of the Local Government act of British Columbia.* Carried
- Chair de Paiva brought to the attention of the APC an application in Area 'A' that would see land rezoned from agricultural to industrial and indicated this item would be discussed by the joint APC as it is outside of the Village Core of Mill Bay.

Director's Report:

- Director Giles reported on several local matters.

The next meeting of the APC will be on Thursday, November 10th, 2011.

Adjournment: 8:22 p.m