



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
May 15, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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6. <u>NEW BUSINESS</u>	
7. <u>PUBLIC/PRESS QUESTIONS</u>	

8. CLOSED SESSION

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

CSM1 Minutes of Closed Session EASC Meeting of May 1, 2012 129-130

CSR1 Verbal Report, Tom Anderson, General Manager - Litigation [Section 90(1)(g)]

CSR2 Verbal Report, Tom Anderson, General Manager - Employee Relations [Section 90(1)(c)]

9. ADJOURNMENT

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

Director M. Walker
Director B. Fraser
Director I. Morrison

Director M. Marcotte
Director G. Giles
Director L. Iannidinardo

Director P. Weaver
Director L. Duncan
Director M. Dorey

M I

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, May 1, 2012 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director M. Walker, Chair
Director L. Iannidinardo
Director P. Weaver
Director I. Morrison
Director B. Fraser
Director L. Duncan
Director G. Giles
Director M. Marcotte
Director M. Dorey

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Brian Duncan, Manager
Alison Garnett, Planner I
Warren Jones, Administrator
Rob Hutchins, Board Chair
Dana Leitch, Planner II
Ann Kjerulf, Planner III
Rachelle Rondeau, Planner I
Tanya Soroka, Parks and Trails Planner
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding 14 items of listed New Business, two items of listed Closed Session items (add-on to CSR2, and closed session parks minutes), adding three additional new business items, and moving agenda item NB14 after D2.

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 April 17, 2012, EASC meeting be amended on page 3 by adding the following referral agency to R6, #1, point 2: "South Cowichan RCMP" and that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - deLure

George deLure was present on behalf of concerned Youbou residents regarding Application No. 1-I-09RS (Cottages at Marble Bay). Mr. deLure advised he is also a member of the Area I APC, and he distributed further information to Committee members. Area I residents request that traffic flow issues be resolved prior to any future development in Marble Bay Bald Mountain peninsula lands.

The Committee directed questions to the delegate.

The Chair thanked the delegate for attending.

D2 - Bamford

Mike Fall was present on behalf of Gordon Bamford and concerned Area H residents regarding Application No. 1-H-11ALR (Ray Smith). Mr. Fall advised he is also a member of the Area H APC, and he distributed further information to Committee members. Area H residents request that the subject property be preserved for food production.

There were no questions to the delegate.

The Chair thanked the delegate for appearing.

STAFF REPORTS

NB14 – Contaminated Soil

Tom Anderson, General Manager, reviewed Staff Report dated May 1, 2012, regarding Contaminated Soils.

A general discussion ensued.

It was Moved and Seconded

WHEREAS much of the area of the Cowichan Valley Regional District (CVRD) is underlain with significant aquifers; and

WHEREAS large numbers of residents of the Cowichan Valley rely on these aquifers for their potable water supply; and

WHEREAS residents of the Cowichan Valley have chosen to live in an area that has been minimally disturbed by industrial activity and wish to ensure that measures are taken to preserve these values; and

WHEREAS residents in specific areas have concerns about treatment of contaminated soils on sites in the Cowichan Valley; and

WHEREAS with expected growth and development on Vancouver Island there will be a continuing need for soil relocation; some of which may contain some degree of contamination; and

WHEREAS some estimates point to the need to find a place for hundreds, if not thousands, of truckloads of soil – most of which will be harmless, but some requiring varying degrees of treatment for contaminants; and

WHEREAS the CVRD lacks direct regulatory control of soil relocation and contamination treatment; and

WHEREAS the sources of soils being relocated in the Cowichan Valley are often outside the regional district boundaries; and

WHEREAS control over soils relocation and contaminated soils treatment rests largely with the provincial government; and

WHEREAS the CVRD has no desire to block movement of soils into the region; and

WHEREAS the CVRD wishes to work with senior levels of government and neighbouring local government jurisdictions to ensure that there is a cooperative and collaborative approach to managing this strategic issue in the interest of local residents.

THEREFORE, be it resolved that the Cowichan Valley Regional District formally request other local governments join with the CVRD's petition that provincial and federal agencies develop policies and procedures that will be sensitive to local concerns in managing this strategic issue that would include, but not be limited to:

1. Develop an easily accessible regional database that would identify the source and ultimate destination of soils being relocated within and across local government bodies;
2. Develop a working protocol to ensure local governments are informed in a timely manner about applications for soils relocation and/or treatment (this would include input from local government on any specific application);
3. Make it clear that those receiving relocated soils must be able to certify the safety of those soils for use as fill;
4. Clearly identify site requirements for businesses wishing to receive relocated soils and for those wishing to engage in contaminated soils treatment;
5. Develop and implement a public education program targeted toward those involved in the land development business to ensure broadly based appreciation and understanding of the rules and regulations regarding soils relocation and contaminated soils treatment; and
6. Staff prepare a full report to bring the CVRD Board up-to-date on the issues of contaminated soil, including inviting Ministry of Environment representatives to make a presentation to the CVRD Board.

MOTION CARRIED

**R1 – Schools
Heritage Society**

Ann Kkerulf, Planner III, reviewed staff report dated April 10, 2012, regarding Cowichan Valley Schools Heritage Society.

Lois Joyce of the Cowichan Valley Schools Heritage Society was present regarding the Society's request for a letter of support for their tribute to educational history in the Cowichan Valley and plans to erect commemorative signage at historic school sites. Ms. Joyce advised that they need local government support in order to be eligible for a grant and noted that they already have support from the Municipality of North Cowichan and City of Duncan.

The Committee directed questions to Ms. Joyce.

It was Moved and Seconded

1. That the CVRD approves of the initiative by the Cowichan Valley Schools Heritage Society to recognize former and historic public schools within the region and that a letter of support be forwarded to the Society supporting the tribute to educational history in the Cowichan Valley.
2. That the following school sites be added to the CVRD Community Heritage Register: Bench #1 School, Area D – Cowichan Bay, Cobble Hill High School, Area C – Cobble Hill; Bamberton School, Area A – Mill Bay; Kissinger School, Area I – Youbou; and Honeymoon Bay School, Area F – Cowichan Lake South.

MOTION CARRIED

R2 - Bourque

Dana Leitch, Planner II, reviewed staff report dated April 25, 2012, regarding Application No. 1-I-09RS (Rick Bourque/Cottages at Marble Bay), to rezone 50 parcels in Marble Bay to permit occupancy of the existing recreational cottages from 22 weeks to up to 52 weeks in a calendar year.

Rick Bourque, applicant, was present and provided further information in support of the application.

The Committee directed questions to staff and applicant.

It was Moved and Seconded

1. That Application No. 1-I-09RS (Rick Bourque/Cottages at Marble Bay) be referred to a public meeting.
2. That the CVRD forward a letter to the Ministry of Transportation and Infrastructure expressing local government and public concerns regarding traffic flow/safety/road access/intersection issues in the Meade Creek/Youbou Road/Marble Bay Road areas.

MOTION CARRIED

R3 - Smith

Rachelle Rondeau, Planner I, presented staff report dated April 23, 2012, regarding Application No. 1-H-11ALR (Raymond/Robin Smith) to construct a second dwelling at 13150 Cameron Road.

Raymond Smith, applicant, was present, and distributed further information to Committee members.

The Committee directed questions to staff and applicant.

It was Moved and Seconded

That Application No. 1-H-11ALR (Raymond/Robin Smith) be referred to the next Regional Agricultural Advisory Commission meeting for review and comment.

MOTION CARRIED

R4 - Daviau

Dana Leitch, Planner II, reviewed staff report dated April 25, 2012, regarding Application No. 1-C-12DVP (Susan/Dominique Daviau) to permit construction of a single family dwelling on property on Lot 2, Soren Place, Area C.

Susan Daviau, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That Development Variance Permit Application No. 1-C-12DVP by Susanne and Dominique Daviau to vary Section 8.3 (b)(3) of Zoning Bylaw No. 1405 by reducing the minimum setback from a front parcel line from 7.5 metres to 4.5 metres on Lot 2, Section 13, Range 6. Shawnigan District, Plan VIP86182, for the purpose of constructing a single family residential dwelling, be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.

MOTION CARRIED

R5 - Creelman

Rachelle Rondeau, Planner I, reviewed staff report dated April 25, 2012, regarding Application No. 6-B-12DP (Beckett/Creelman) to permit subdivision of one lot at 2657 Nora Place.

John Beckett, applicant, was present.

There were no questions from Committee members.

It was Moved and Seconded

That Application No. 6-B-12DP submitted by John Beckett on behalf of Shelley Creelman for subdivision of one lot on Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 (PID: 004-623-126) be approved, subject to:

- a) Tree removal being limited to the general building site and driveway locations, and retention of a treed 3 – 4.5 metre buffer area on the north and east side of subject property; and
- b) Rainwater to be managed on site, with confirmation at the time of building permit from an engineer or professional with experience in rainwater management that post-development runoff does not exceed pre-development runoff for a five year storm event.

MOTION CARRIED

R6- All Sports

Rachelle Rondeau, Planner I, reviewed staff report dated April 25, 2012, regarding Application No. 1-F-11RS (All Sports Lands Ltd./Honey Pot Pub) to rezone the subject property at 10045 South Shore Road in Honeymoon Bay from C-5 to C-3 to permit additional commercial uses.

Mark Coombs, applicant, was present.

The Committee directed questions to staff and applicant.

It was Moved and Seconded

1. That CVRD Bylaws No. 3595 and 3596 – Area F – Cowichan Lake South/Skutz Falls Official Community Plan and Zoning Amendment Bylaws (All Sports Lands Ltd.), 2012 be forwarded to the Regional Board for consideration of First and Second reading;
2. That agency referrals to the Ministry of Transportation and Infrastructure, Ministry of Public Safety and Solicitor General – Liquor Licensing Branch, Vancouver Island Health Authority, Lake Cowichan First Nation, and Honeymoon Bay Volunteer Fire Department be accepted.
3. That a Public Hearing be held with Directors Morrison, Weaver and Iannidinardo named as delegates of the Board.

MOTION CARRIED

R7 - Crompt

Alison Garnett, Planner I, reviewed staff report dated April 24, 2012, regarding Application No. 7-G-10DP (Brian/Sandra Crompt) to legalize previous construction of a retaining wall and add steps to the sloped footpath on property located at 3900/3901 Linton Circle in Saltair.

There were no questions from Committee members.

It was Moved and Seconded

That Application No. 7-G-10DP be approved, and that a development permit be issued to Brian and Sandra Crompt for Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 to legitimize previous construction of a retaining wall and add steps to the sloped footpath, subject to:

- Remediation of the foreshore, in accordance with the Marine Foreshore Remediation Plan and attached planting scheme;
- An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with planting scheme, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
- The portion of the block extending beyond the high water mark is removed, in accordance with CN Ryzuk Geotechnical letter, dated May 12, 2011, and that this work be completed by August 9, 2012.

MOTION CARRIED

R8 – Beausoleil/Day

Alison Garnett, Planner I, reviewed staff report dated April 24, 2012, regarding Application No. 1-I-11DP (Beausoleil/Day) to permit expansion to a recreation cabin located on Block 1, on the north side of Bald Mountain Peninsula.

Karen Day/Duane Beausoleil, applicants, were present.

The Committee directed questions to the applicants.

It was Moved and Seconded

That Application No. 1-I-11 DP (Beausoleil & Day) be approved, and that a development permit be issued to authorize the previously constructed 60 m² expansion to a recreational cabin on Block 1, Cowichan Lake District, Plan 775, PID: 000-913-847, subject to:

1. Compliance with the measures and recommendations outlined in RAR Assessment 2206 by Madrone Environmental Services, dated November 15, 2011;
2. An environmental monitor is present and provides professional advice during any required works to the foundation of the building; and
3. Prior to August 9, 2012,
 - An irrevocable Letter of Credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with SPEA enhancement, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
 - Registration of a restrictive covenant, which will protect the 30 metre Streamside Protection and Enhancement Area in perpetuity.

MOTION CARRIED

R9 – Strata Plans

Mike Tippet, Manager, reviewed staff report dated April 25, 2012, regarding Strata plans.

It was Moved and Seconded

That staff be directed to prepare a sample amendment bylaw for a zone with a specific bare land strata example for Committee review.

MOTION CARRIED

R10 – Vacation Rentals

Rob Conway, Manager, reviewed staff report dated April 25, 2012, regarding vacation rentals of single family dwellings.

It was Moved and Seconded

That staff be directed to prepare a policy outlining circumstances under which enforcement will be pursued against vacation rentals of single family dwellings.

MOTION CARRIED

CORRESPONDENCE

**C1 – Funding
Request**

It was Moved and Seconded

That the letter dated March 12, 2012, from Regional District of North Okanagan regarding funding request for their Annexation Impact Study, be received and filed.

MOTION CARRIED

**C2 to C9 – Grants in
Aid**

It was Moved and Seconded

That the following grants in aid be approved:

1. That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$500 be given to BC Farm Women's Network to assist with costs associated with the 25th annual seminar and AGM.
2. That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$500 be given to Cowichan Valley Jolly Dragons Senior Dragon Boat Team to assist with team expenses.
3. That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$1,000 be given to Shawnigan Cobble Hill Farmers Institute and Agricultural Society to assist with expenses for the 103rd annual Cobble Hill Fall Fair.
4. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$500 be given to Cowichan Green Community to assist with printing costs of the 2012 Food Map.
5. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$300 be given to Shawnigan Cobble Hill Farmers Institute and Agricultural Society to assist with expenses for the 103rd annual Cobble Hill Fall Fair.
6. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$500 be given to Cowichan Valley Jolly Dragons Senior Dragon Boat Team to help with race entry fees.
7. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$500 be given to BC Farm Women's Network to assist with expenses to attend the October 2012 seminar.
8. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$2,000 be given to Cowichan Energy Alternatives Society to assist with their cooking oil collection program.

MOTION CARRIED

INFORMATION

IN1 to IN3 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area F APC meeting of April 2, 2012
- Minutes of Area F Parks meeting of April 2012
- Minutes of Area I Parks meeting of April 10, 2012

MOTION CARRIED

NEW BUSINESS

NB1 to NB2 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area H APC meeting of March 8, 2012
- Minutes of Area E Parks Commission meeting of April 26, 2012

MOTION CARRIED

**NB3 to NB12 – Grants
in Aid**

It was Moved and Seconded

That the following grants in aid be approved:

1. That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$450 be given to Lake Days Society to support the annual Breakfast in the Town event.
2. That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$200 be given to Cowichan Green Community to assist with production of the 2012 food map.
3. That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$500 be given to Lake Cowichan Secondary School to provide an annual bursary for a 2012 graduating student.
4. That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$500 be given to Cowichan Lake and River Stewardship Society to support their fish habitat signage project.
5. That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$7,500 be given to Cowichan Lake District Chamber of Commerce to support Cowichan Lake info visitor centre 2012 operations.
6. That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$1,500 be given to Cowichan Lady of the Lake Society to support their 2012 ambassador's event.

7. That a grant in aid, Electoral Area A – Mill Bay/Malahat, in the amount of \$300 be given to Shawnigan Cobble Hill Farmer's Institute and Agricultural Society to help with costs to place an ad in local newspapers.
8. That a grant in aid, Electoral Area A – Mill Bay/Malahat, in the amount of \$500 be given to Cowichan Valley Jolly Dragons Senior Dragon Team to help with boat usage fees.
9. That a grant in aid, Electoral Area I – Youbou/Meade Creek, in the amount of \$500 be given to Lake Days Celebration Society to help with their 2012 Breakfast in the Town event.
10. That a grant in aid, Electoral Area I – Youbou/Meade Creek, in the amount of \$500 be given to Cowichan Valley Community Radio Society to assist with costs to provide emergency broadcast services.

MOTION CARRIED

NB13- Marble Bay

It was Moved and Seconded
That the letter dated April 11, 2012, from the University of Victoria, regarding the Jeanne Simpson Field Studies property in Marble Bay, be received and filed.

MOTION CARRIED

NB14 – Contaminated Soil

Dealt with earlier in the agenda.

NB15 and NB16 – Grants in Aid

It was Moved and Seconded
That the following grants in aid be approved:

1. That a grant in aid, Electoral Area B – Shawnigan Lake, in the amount of \$500 be given to Brandy Gallagher (OUR Ecovillage) to support Ecovillage educational events.
2. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$3,000 be given to Cittaslow Cowichan to support community development coordinator work.

MOTION CARRIED

Director Bruce noted that his grant in aid to OUR Ecovillage replaces his previous grant in aid to Ecostravaganza which has been cancelled.

**NB16 – Road
Improvements**

Director Duncan provided an update to a meeting he recently attended with Mainroad Contractors to discuss road issues in Area E. Director Duncan suggested that the CVRD work with BC MoT over the next few years to acquire gas tax monies for road improvements such as bicycles and walking paths.

A general discussion ensued. Some Directors expressed non-interest in using gas tax monies for road improvements such as bike paths.

RECESS

The Committee adjourned for a five minute recess.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 7:07 p.m.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:16 pm.

Chair

Recording Secretary



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 15, 2011

DATE: May 15, 2012

FILE NO: 4-B-11 RS

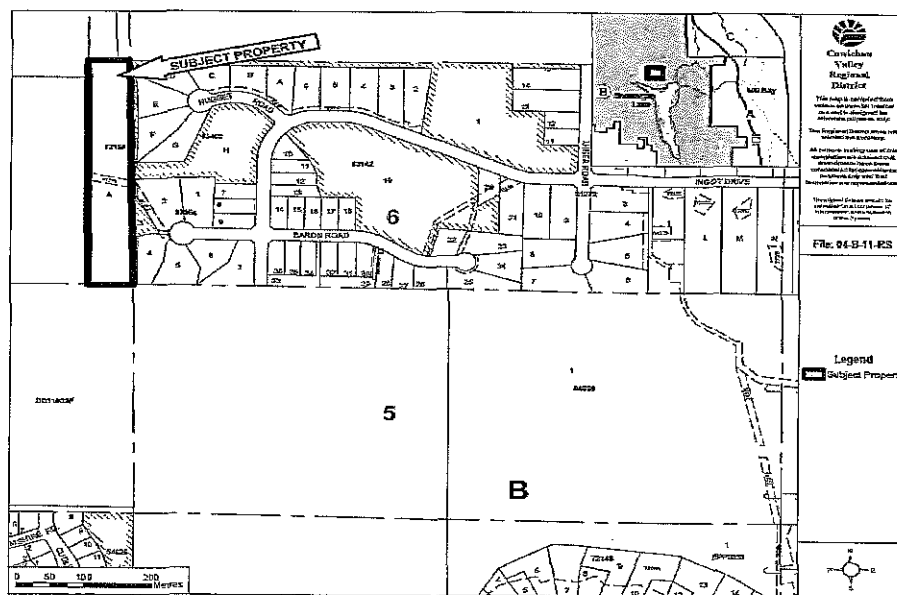
FROM: Dana Leitch, Planner II

BYLAW NO: 985 & 3510

SUBJECT: Rezoning Application No. 4-B-11RS (Steve Hornick & Janice Anderson)

Recommendation/Action:

- a) That the Zoning and OCP amendment bylaws for Application No. 4-B-011RS (Hornick and Anderson) be forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Fraser, Walker, and Marcotte as delegates, subject to the following being submitted in a form acceptable to the:
 1. A Wildland Urban Interface Fire Hazard Assessment
 2. Draft Parks Covenant
3. That prior to final adoption of the amendment bylaws that the applicants provide written confirmation to the CVRD that the subject property has been included in the Shawnigan Lake Fire Protection Improvement District so that fire protection is provided to the property.
4. That the Board Chair and Corporate Secretary be authorized to sign a Section 219 covenant to secure park land dedication, with the cost of preparing the covenant borne by the applicants.



Relation to the Corporate Strategic Plan: N/a

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

Background Information:

Location: 3011 Gregory Road, Shawnigan Lake

Legal Description: Lot A, Section 6, Range 1, Shawnigan District, Plan VIP72158 (PID: 024-988-634)

Date Application and Complete Documentation Received: November 2011

Owners: Steve Hornick & Janice Anderson

Applicant (Agent): Steven Hornick & Denise Kors

Size of Parcel: ± 2.52 ha (±6.23 acres)

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

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Forestry (zoned F-1)

South: Forestry (zoned F-1)

East: Suburban Residential Subdivision (zoned R-2)

West: Forestry (zoned F-1)

Agricultural Land Reserve Status: The property is not located in the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a stream planning areas with possible fish presence located on the subject property. A site visit confirmed the presence of watercourses on the property.

Archaeological Site: None identified

Existing Plan Designation: Rural Residential

Proposed Plan Designation: Same As Above

Existing Zoning: Primary Forestry (F-1)

Min lot size under existing zoning: 80 hectares

Proposed Zoning: Suburban Residential (R-2)

Minimum Lot Size Under Proposed Zoning:

0.4 ha for parcels serviced by a community water and community sewer system;

0.4 ha for parcels serviced by a community water system only; and

1.0 ha for parcels not serviced by either a community water or community sewer system

Services:Road Access: Proposed Strata RoadWater: Shawnigan Lake North Water System (Community Water)Sewage Disposal: On site (septic)***Property Context***

The subject property is a 2.52 ha forestry parcel located immediately west of the suburban residential subdivision on Baron Road and Ingot Drive in Electoral Area B – Shawnigan Lake. Currently on the property are two dwellings and the parcel is serviced by a well and two septic systems. The subject property is generally level and has been logged in the past. **The subject property is located outside of the Shawnigan Lake Village Containment Boundary.**

The property is zoned F-1 (Primary Forestry) and designated Rural Residential (RR) in the South Cowichan Official Community Plan. The land use surrounding the subject property is mainly forestry with the exception of the suburban residential subdivisions to the east. The forestry parcels surrounding the property range from ± 8.0 ha (20 ac) to ± 51 ha (126 ac). A majority of the suburban residential lots on Baron Road are 0.14 ha (0.35 ac) in size and the properties along Nugget Road are ± 0.36 ha (0.88 ac) in size. Suburban Residential properties further east along Ingot Drive are ± 1.0 ha (2.5 ac) in size and lots along Miner Road range in size from ± 0.16 ha (0.40 ac) to ± 0.40 ha (1.0 ac).

Although the immediate area is still characterized by forestry uses, smaller lot residential subdivisions have developed in this area over the past 10 years. For example, a majority of the lots east along Nugget and Baron Roads (which are zoned R-2) were created by subdivision in 2006. The lots along Miner Road were created in 2006 and the lots along Ingot Drive were created by subdivision in 2002.

Proposal

The applicant is requesting the subject property be rezoned in order to subdivide the property into four bare land strata lots. The proposed lots range in size from ± 0.41 ha (1.0 acre) to ± 0.74 ha (1.8 ac). The parcel is currently ± 2.52 ha (6.23 acres) and has no subdivision potential under the current zoning. The applicants have submitted a conceptual subdivision plan that shows four proposed strata lots accessed via an easement road off Baron Road.

Site Access

Road access is proposed from a strata road off of Baron Road.

Fire Protection

This property is not within a Fire Protection Service Area, although the Shawnigan Lake Fire Protection Service Area boundary is located immediately east of the property. The applicant has recently advised staff that he has made an application to be incorporated into the Shawnigan Lake Fire Improvement District.

Wildfire Interface

The subject property is rated as extreme on the CVRD Wildland Urban Interface Map. Properties that are rated as extreme on this map are subject to specific development permit guidelines contained within the South Cowichan Rural Development Permit Area which will need to be addressed at the development permit stage. As part of the rezoning application, staff have requested that the applicants complete a Wildland Urban Interface Fire Hazard Assessment. This assessment will assist in outlining specific site design and development

techniques that will aid in mitigating/preventing Wildfire in the urban interface zone and recommendations of the study may need to be secured.

Servicing

The subject property is located within the Shawnigan Lake North Community Water System Service Area. The applicant is proposing to connect the subdivided lots to the Shawnigan Lake North Community Water system which is a system that is owned and operated by the Cowichan Valley Regional District.

The applicant has indicated that the lots will be serviced by individual septic fields. Requirements for on-site sewage disposal would be established by VIHA at the time of subdivision.

Park Dedication

If the proposed zoning amendment is granted and the land is subdivided, park land dedication or cash-in-lieu under Section 941 of the *Local Government Act* is required.

The CVRD Parks and Trails Division and the Shawnigan Lake Parks Commission have both reviewed this application and their comments are discussed later in this report.

Policy Context

Zoning

This proposal involves rezoning the subject property from F-1 (Primary Forestry) to R-2 (Suburban Residential) to permit a four lot subdivision. The current F-1 zone has a minimum parcel size of 80 hectares and permits the following:

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

In order for the property to be subdivided, a Zoning Bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to a residential zone that permits the following uses:

- (1) Single family dwelling or mobile home;
- (2) Agriculture, horticulture
- (3) Home occupation – domestic industry;
- (4) Bed and breakfast accommodation;
- (5) Daycare nursery school accessory to a residential use; and
- (6) Small suite or secondary suite.

As this proposal involves subdivision, minimum lot size relative to zoning and level of servicing is a primary consideration. The table below provides a summary of relevant minimum parcel sizes from Zoning Bylaw No. 985.

ZONE	MINIMUM LOT SIZE
R-2 Suburban Residential	0.4 ha with community water & sewer 0.4 ha with community water only 1 ha without community water or sewer

The size of the proposed lots in this application, ranging from 0.41 ha (1.0 acre) to 0.74 ha (1.8 acre) complies with the minimum lot size requirements for suburban residential zones providing the subject property is serviced by a community water system.

We note that the current lot size and zoning permits a small suite (with a floor size limit of 74 m²) or secondary suite (with a floor size limit of 60 m²). If the applicant is successful in this rezoning process and the property is rezoned, the newly created parcels would permit a small suite or secondary suite on each of them in addition to a single family dwelling.

For your reference, a copy of the F-1 and R-2 zones is attached to this report

Official Community Plan:

The following policies are relevant to this application:

Policy 8.1: A fundamental theme of this plan is that new residential development, should help to contribute toward 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. When an application is received to rezone land for residential uses within the Plan area, the Regional Board will apply amenity zoning, whereby the land density may be increased through rezoning on the condition that community amenity contributions are provided to enhance the character of the Plan area.

Policy 13.1.2: The Rural Residential Designation (RR) is intended to accommodate a range of rural lifestyle options outside of village containment boundaries, and to provide a buffer between resource lands (agriculture and forestry) and residential parcels, to reduce the potential for land use conflicts and provide a rural residential housing option.

Policy 13.1.4: Lands designated as Rural Residential (RR) are located outside of the village containment boundaries and are intended to remain rural. New community water or sewer systems will not be permitted outside of the village containment boundaries. For parcels that are connected to an existing community water system, the implementing zoning bylaw will allow for a minimum parcel size of 0.4 ha.

Policy 13.1.5: To encourage tourism opportunities, bed and breakfast operations will be permitted within the Rural Residential Designation (RR), provided that the bed and breakfast accommodation is contained within a principal single family dwelling and limited to not more than three rooms for guest accommodation.

Policy 13.1.6: Daycare centres for up to 8 persons, within single family residences, will be permitted within the Rural Residential Designation (RR), in accordance with the *Community Care Facilities Act*.

Policy 13.1.7: To provide an additional affordable housing option, one single family dwelling and one secondary suite or a secondary dwelling unit will be permitted in the Rural Residential Designation (RR), provided that:

- a. the subject parcel is at least 1.0 ha in size, or
- b. the parcel is at least 0.4 ha in size and is connected to a community water system

Policy 13.1.8: The implementing Zoning Bylaw will allow for a home occupation on a parcel within the Rural Residential Designation (RR), where a principal single family dwelling is located, provided that the home occupation use is in keeping with the residential character of adjacent residential areas. Uses that may be unsightly or create a nuisance by noise, dust, and odour will be prohibited.

Referral Agency Comments

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

- **Shawnigan Lake Volunteer Fire Department** – *The Shawnigan Fire Department recommends the land owner petition the Shawnigan Improvement District for inclusion into the District so that fire protection can be provided. Clarification needs to be provided as to where the homes will be addressed from Baron Road or Gregory.*
- **Vancouver Island Health Authority (VIHA)** - *Approval recommended subject to the following conditions: each lot is to connect to a community water system and during the subdivision phase, the applicant will be required to meet VIHA's Subdivision Standards for minimum native soil depth for each proposed lot.*
- **Ministry of Transportation and Infrastructure** - *Approval recommended subject to the existing emergency access over the property is to be maintained on title.*
- **School District No. 79** - *Interests Unaffected.*
- **CVRD Parks and Trails Division, Parks, Recreation & Culture Department** – *If the lot is rezoned from F1 to R2 the Shawnigan Lake Parks Commission concurs with the recommendations made by CVRD Parks Dept. (CVRD Memo to Parks Commission, April 12, 2012), recommending:*
 - *A 7 metre wide trail corridor along N boundary running E-W (in order to continue the Silvermine Trail W towards the Kinsol Trestle. This corridor would link the existing section of Silvermine Trail to Crown Land to the W, thereby continuing the trail linkage as proposed in the Shawnigan Lake Community Parks and Trails Master Plan.)*

In addition, in accordance with new amenity zoning provided in the new South Cowichan OCP, the Commission would like to request:

- *That on the N boundary, the property owner constructs the trail to CVRD Parks Dept. standard.*
- *That the property owner install live fencing (deciduous trees/shrubs) beside existing and proposed trails along the northern and eastern boundary of the property.*

Motion Carried

Could you please let the applicant know of the Parks comments and if they have any questions they can contact me. If the applicant is agreeable and an updated plan identifying the park areas is provided to the Parks Department, then a Section 219 Covenant will be placed on the property stating that the park areas will be dedicated to the CVRD as separately titled lots at the subdivision stage and that the trail will be constructed to CVRD standards prior to subdivision approval. Once the park has been dedicated and the trail constructed, the Section 219 Covenant will be discharged. The

Section 219 Covenant will be drafted up through our lawyer and the costs for preparing the Covenant will be borne by the applicant.

Please add a resolution to go to the Board to allow the CVRD to enter into a Section 219 Covenant and to authorize the Board Chair and Corporate Secretary to sign the necessary documents. Also, in the resolution please add that the developers will pay for all legal costs in the preparation of the Section 219 Covenant. I will wait to hear from you further on this application.

- **CVRD Public Safety Department** – *This property is located within the Shawnigan Lake RCMP Detachment area, is within the British Columbia Ambulance (Station 137) Mill Bay response area, and is within the boundaries of the CVRD Regional Emergency Program.*

The Public Safety Department has the following concerns regarding the proposed subdivision:

- *The proposal is not within the Shawnigan Lake Fire Protection Improvement District response area and their input may further affect Public Safety concerns/comments. In addition to being forwarded to the Shawnigan Lake Fire Department, this proposal should also be reviewed by the Shawnigan Lake Fire Protection Improvement District.*
- *The Community Wildfire Protection Plan has identified this area as an extreme risk for wildfire that means that this area will support aggressive Crown Fires and fire suppression is not expected to be successful.*
- *FireSmart principles must be adhered to.*
- *All driveways must be designed to allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.*
- *Bridges must be able to support MoTI standard weight loads for emergency vehicles.*
- **CVRD Engineering and Environmental Services** – *The property is within the CVRD Shawnigan Lake North Water System and is capable of connection. The properties will be subject to water connection and conservation fees for the proposed newly developed lots, if approved.*
- **Malahat First Nation** – no comments received.
- **Cowichan Tribes** – No comments received.

Advisory Planning Commission Comments

The Joint South Cowichan Advisory Planning Commission reviewed this application at its meeting March 22, 2012 made the following recommendation:

It was moved and seconded that the Joint APC Support Proposal 4-B-11RS.

MOTION CARRIED (7-2)

Development Services Division Comments

Land Use

The land uses surrounding the subject property are mainly forestry uses; however, a number of smaller lot rural residential subdivisions have developed in this area over the last 10 years. A majority of the lots immediately east on Nugget and Baron Roads, which are zoned R-2, were created by subdivision in 2006. The lots along Miner Road were created in 2006 and the lots along Ingot Drive were created by subdivision in 2002. The Shawnigan

Beach Estates, an urban residential subdivision, zoned R-3 and located to the south of the property, was established in the 1980s.

A review of the applicant's conceptual subdivision plan indicates that the proposed zoning and lot sizes are consistent with the minimum lot sizes which are established in the zoning bylaw and reiterated in OCP policy. The OCP supports the creation of rural residential lots of 0.4 ha (with a connection to community water) to 4.0 ha outside the Village Containment Boundary to accommodate a rural residential lifestyle option and to provide a buffer between resource lands (forestry and agriculture) and residential lands.

Fire Protection

The subject property is not located within the Shawnigan Lake Fire Protection Service Area. Both the CVRD Public Safety Department and the Shawnigan Lake Fire Department had an opportunity to provide comments on this proposal and have recommended the land owners petition the Shawnigan Lake Improvement District so that the property can be included into the Improvement District. The land owners have informed planning staff that they are in the process of petitioning the Improvement District to be included in the Fire Protection Service Area. If this application moves forward the property should be included into the Shawnigan Lake Improvement District so that fire protection is addressed. Therefore, as a condition of adoption of the amendment bylaws staff are recommending that this property be included within the Shawnigan Lake Fire Protection Improvement District.

Wildland Urban Interface Assessment

Because the subject property is rated as extreme risk for Wildfire staff requested that the applicant complete a Wildland Urban Interface Fire Hazard Assessment. The applicant has advised CVRD staff that he is pursuing the assessment. Staff recommends that this assessment be completed prior to a public hearing being scheduled. Recommendations of the assessment report may need to be incorporated into the development approval should the Board decide to approve the bylaws.

Parkland Dedication

During the application referral process the CVRD Parks and Trails Division and the Electoral Area B – Shawnigan Lake Parks Commission made a series of recommendations. A site visit was conducted on May 9, 2012 to discuss the details of the park land dedication and it was agreed that the 5% park dedication requirement under the *Local Government Act* would be satisfied by the dedication of a minimum 7 metre wide trail corridor along the North boundary of proposed Strata Lot L 1 running East-West so that the Silvermine Trail could be continued West towards the Kinsol Trestle. This corridor would link the existing section of Silvermine Trail to Crown Land to the West, thereby continuing the trail linkage as proposed in the Shawnigan Lake Community Parks and Trails Master Plan.

Additionally the applicant has agreed to install fencing (i.e. a mix between split rail fencing and deciduous trees and shrubs running in a north/south direction along the south east boundary of the property adjacent to the Silvermine Trail in order to provide some level of privacy for residents living on proposed Strata Lot 4. Also the applicant will be installing some fencing and pockets of deciduous trees and shrubs running north/south along the eastern boundary of proposed Strata Lot 2 to fill in some gaps of vegetation along Silvermine Trail. Also, some gaps in vegetation running along the eastern boundary of proposed Strata Lot 1 will be filled. The land transfer to the CVRD and the timing of the transfer of land will be addressed in a covenant and registered on title prior to adoption of the bylaws. The costs associated with preparing the covenant will be the responsibility of the applicants.

Amenity Contribution – South Cowichan Official Community Plan Policy 8.1 & 8.2

A fundamental theme of the new South Cowichan Official Community Plan (SCOCP) is that rezoning for new residential development should contribute toward necessary community amenities to ensure that amenity deficits are not perpetuated and that new residential development does not negatively impact existing amenities. SCOCP Policy 8.1 and Policy 8.2 deal specifically with amenity zoning. Even though the new residential development being proposed with this application is relatively small in scale (4 strata lots) Policy 8.1 of the SCOCP suggests that some form of community amenity should be provided.

The applicant has offered the 7 metre wide trail corridor and payment for construction of the trail as an amenity contribution. This commitment is for the applicant to construct the trail to Parks standards or to provide funds (i.e. 125% of the cost) in the form of an irrevocable letter of credit or cash to the CVRD to pay for the construction of the trail corridor. A covenant to this effect will be registered on title prior to adoption of the bylaws. The covenant will address the timing of the construction of the trail and details about the cost of trail construction. Staff feel that this is a reasonable amenity contribution considering the scale of the proposed development.

South Cowichan Development Permit Area

It should be noted that if the rezoning application is approved and the land is subdivided and developed, the applicant will need to obtain a Development Permit from the Cowichan Valley Regional District prior to the subdivision of the land. The development permit will address site specific issues such as: the management of invasive weeds, rainwater management, environmental protection, the protection of riparian areas and sensitive ecosystems, and the mitigation and prevention of wildfires.

Development Variance Permit

The applicant has indicated that as part of the subdivision application to the Ministry of Transportation and Infrastructure the 10 metre wide easement land presently located on the west side of 2271 Baron Road (existing Lot 2 and proposed Lot A) will be consolidated with the property located at 3011 Gregory Road in order to achieve access to the subdivision. This consolidation will create the need to vary the distance between the single family residence located on Lot 2 and the side interior parcel line. Therefore, prior to subdivision approval the applicant will need to obtain a development variance permit.

Riparian Areas Protection

The applicant has obtained a draft riparian areas assessment by Enkon Environmental Ltd. and has worked with this consultant to locate the high water marks, design the lot layout for the subdivision and determine the appropriate setbacks from the watercourses for buildings and structures. A review of the report indicates that there are two unnamed watercourses on the property that flow into other unnamed watercourses that are tributaries to Shawnigan Creek. There is also the presence of riparian vegetation surrounding both watercourses. In the site plan included within the assessment report, the QEP has illustrated that the proposed subdivision layout can accommodate the building lots and that all building lots can respect the Streamside Protection and Enhancement Area established. The preliminary site assessment has been attached to this report for your information. Prior to subdivision approval the applicant will need to apply for and obtain an approved Development Permit to address environmental protection measures.

Overall this application is consistent with SCOCP Policies on Rural Residential lands and meets a majority of the criteria listed when consideration is given to rezoning residential lands outside the Shawnigan Village area. Specifically, the property:

- *is not located within the Shawnigan Watershed Boundaries;*
- *is adjacent to existing R-2 zoned lands;*
- *has been designated as Rural Residential within the SCOCP;*
- *is within close proximity to Shawnigan Village; and*
- *accommodates a rural residential lifestyle option outside the Village Containment Boundary.*

Options:

Option 1:

- a) That the Zoning and OCP amendment bylaws for Application No. 4-B-011RS (Hornick and Anderson) be forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Fraser, Walker, and Marcotte as delegates, subject to the following being submitted in a form acceptable to the:
 1. A Wildland Urban Interface Fire Hazard Assessment
 2. Draft Parks Covenant
- c) That prior to final adoption of the amendment bylaws that the applicants provide written confirmation to the CVRD that the subject property has been included in the Shawnigan Lake Fire Protection Improvement District so that fire protection is provided to the property.
- d) That the Board Chair and Corporate Secretary be authorized to sign a Section 219 covenant to secure park land dedication, with the cost of preparing the covenant borne by the applicants.

Option 2:

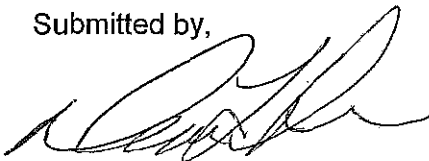
That application No. 4-B-11RS (Hornick and Anderson) and draft amendment bylaws be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting.

Option C:

That Application No. 4-B-11RS (Hornick and Anderson) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

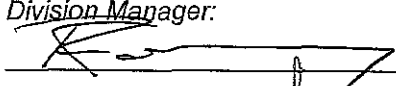

Option 1 is recommended.

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning and Development Department

DL/ca
Attachments

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

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

The Regional District does not
warrant the accuracy.

All persons making use of this
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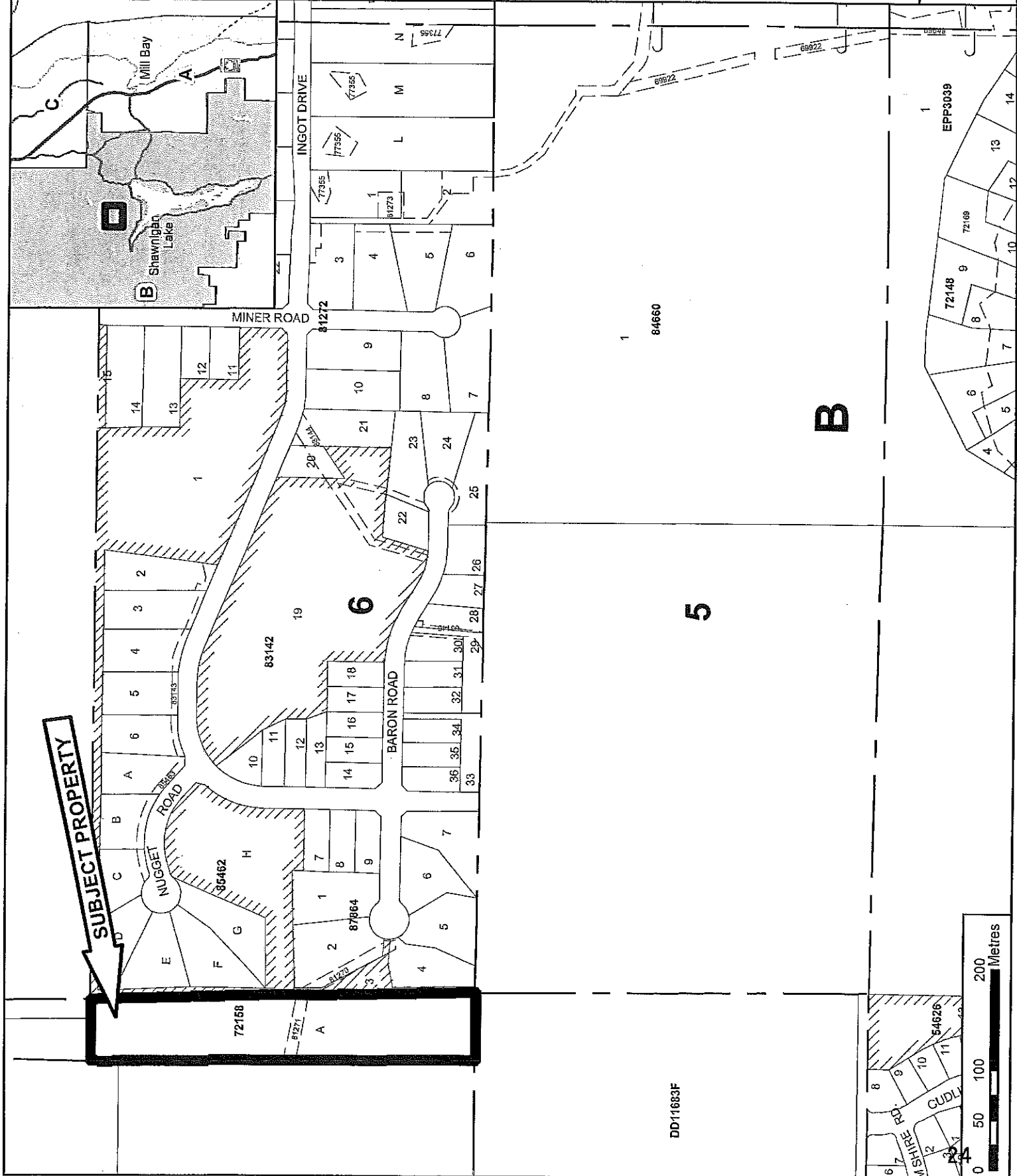
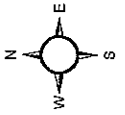
The original Bylaws should be
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interpretation and application
of the Bylaws.

File: 04-B-11-RS

Legend



Subject Property





Cowichan
Valley
Regional
District

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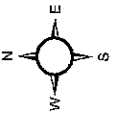
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ZONING

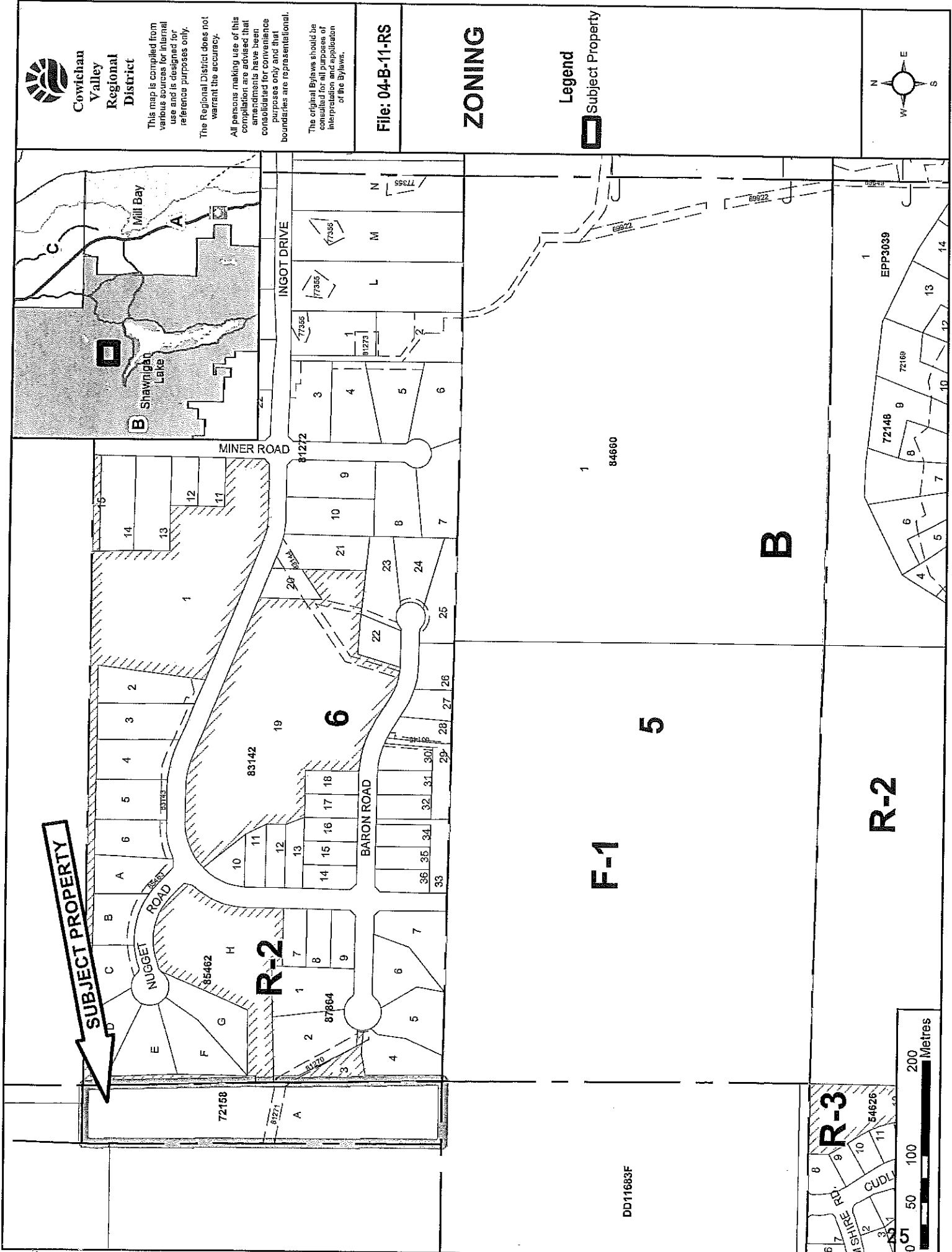
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Subject Property



SUBJECT PROPERTY



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R-2

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R-2

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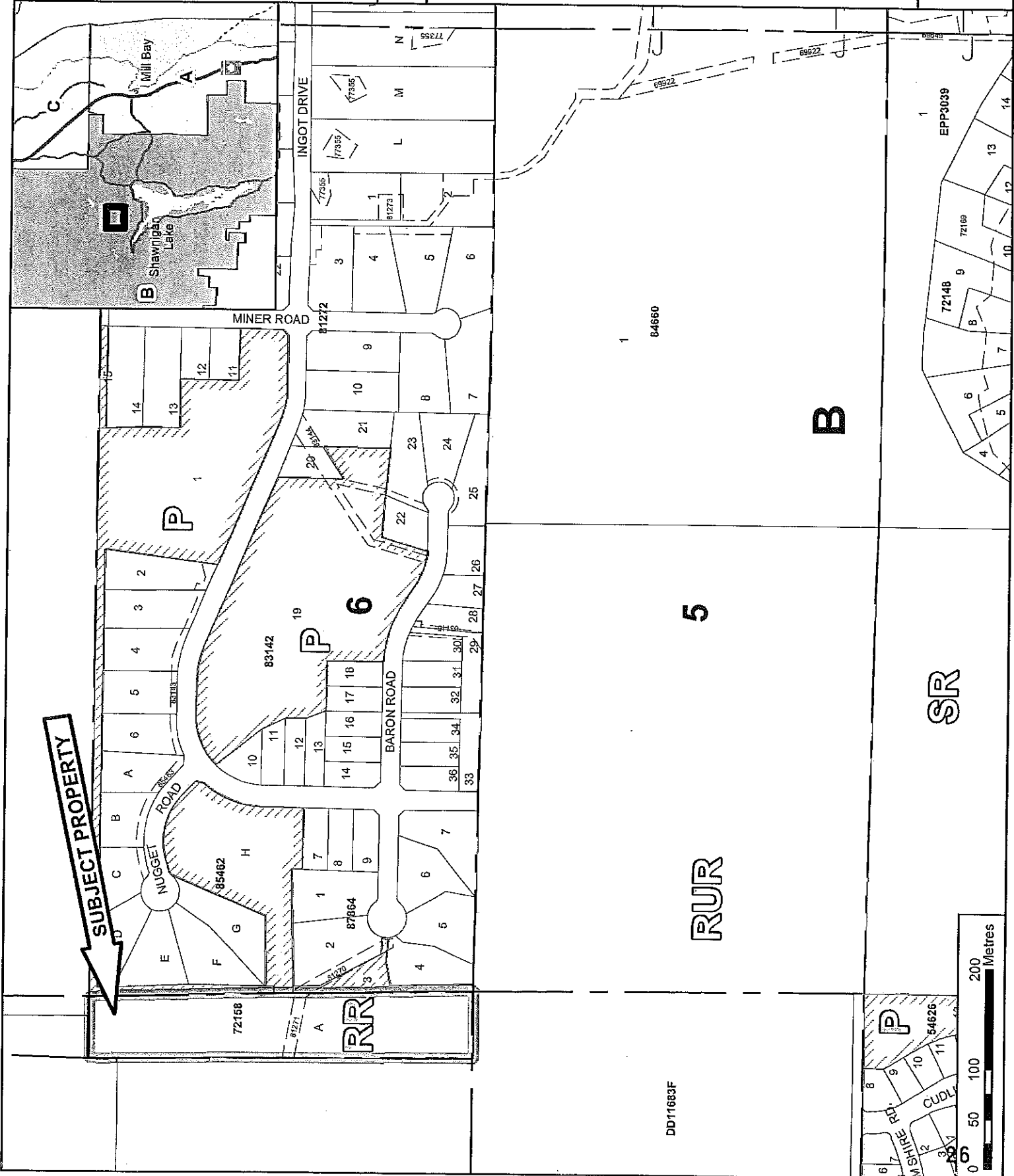
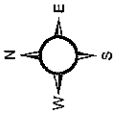
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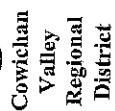


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Subject Property





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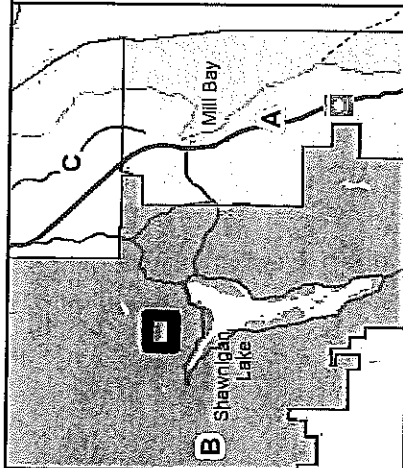
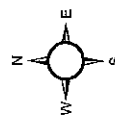
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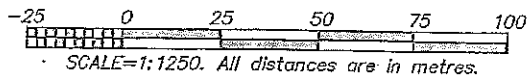
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 04-B-11-RS

**Orthophoto
(2002)**



PROPOSED DEVELOPMENT PLAN OF LOT A, RANGE 1,
PLAN VIP72158 AND LOT 2, RANGE 2, PLAN VIP87864,
BOTH IN SECTION 6, SHAWNIGAN DISTRICT.



LEGEND

Lot dimensions are subject to vary.

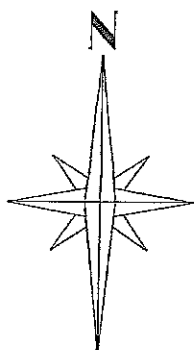
- ⊙ Denotes Standard Capped Post found previously.
- ⊙ Denotes Standard Iron Post found previously.
- CP Denotes Common Property
- SL Denotes Strata Lot
- HWM Denotes "High Water Mark" flagging by ENKON

NOTE: Lot A is subject to:
Easement ET61410, ET61411 & ET61412
Statutory Right of Way FA36548, FA36549 & FA79819

NOTE: Lot 2 is subject to:
Easement FA79817 & FB343332
Statutory Right of Way FA36540, FA36541 & FB49678
Statutory Building Scheme FB343333

Original lot area Lot A, Plan VIP72158 = ± 2.52 Ha.
Original lot area Lot 2, Plan VIP87864 = ± 0.535 Ha.

Wet areas beyond Lot A, Plan VIP72158
were surveyed in February 2005.



BLOCK A
OF
DISTRICT LOT 11

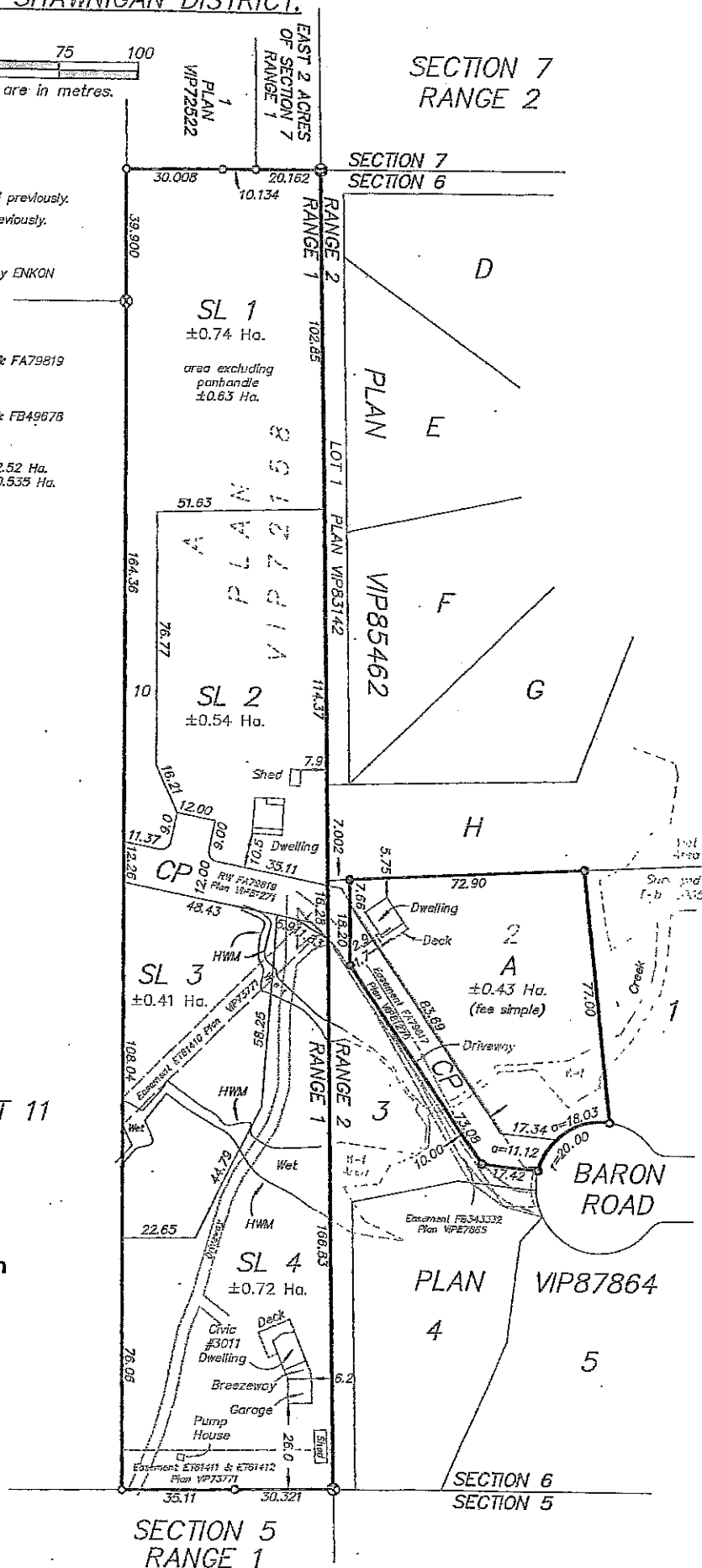
Conceptual Subdivision Plan

This Plan lies within the
Cowichan Valley Regional District.

File: SD-SH-SUB3

Date: November 9, 2011

Island Land Surveying Ltd.
1-15 Cadillac Avenue
Victoria, B.C. V8Z 1T3
TEL 250.475.1515 fax 250.475.1516
www.islandsurveying.ca



7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an F-1 Zone:

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

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

8.3 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-2 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres; and
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural & Accessory Use	COLUMN IV Accessory Residential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	4.5 metres

PART FOURTEEN**AREA SHAPE AND DIMENSIONS OF PARCELS**

- 14.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 14.2, 14.11, and 14.12 be in accordance with the following table based on the method of sewage disposal and water supply:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served By Community Water or Sewer
A-1 Primary Agricultural	12 ha	12 ha	12 ha
A-1A Modified Primary Agricultural	12 ha	12ha	12 ha
A-2 Secondary Agricultural	2 ha	2 ha	2 ha
F-1 Primary Forestry	80 ha	80 ha	80 ha
F-1A Primary Forestry – Kennel	20 ha	20 ha	20 ha
F-2 Secondary Forestry	4.0 ha	4.0 ha	4.0 ha
R-1 Rural Residential	2 ha	2 ha	2 ha
R-1A Limited Rural Residential	2 ha.	2 ha.	2 ha.
R-2 Suburban Residential	0.4 ha	0.4 ha	1.0 ha
R-2A Limited Suburban Residential	1.0 ha	1.0 ha	1.0 ha
R-3 Urban Residential	0.2 ha	0.2 ha	1.0 ha
R-4 Rural Community Residential	8 ha.	8 ha.	8 ha.
R-6 Urban Residential (Mobile Home)	0.8 ha	0.8 ha	1.0 ha
MP-1 Mobile Home Park	2 ha ¹	2 ha ¹	2 ha ¹
C-1 Village Commercial	1100 sq.m.	1675 sq.m.	1.0 ha.
C-2A Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-2B Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2 Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-3 Service Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-4 Tourist Recreation Commercial	0.8 ha	0.8 ha	0.8 ha
C-5 Neighbourhood Pub	1100 sq. m.	1675 sq. m	0.8 ha
P-1 Parks and Institutional	0.2 ha	0.4 ha	1.0 ha
P-2 Parks and Recreation	20 ha	20 ha	20 ha
I-1 Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1A Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1B (Sawmilling)	1.0 ha	1.0 ha	1.0 ha
I-1C (Light Industrial)	0.2 ha	0.4 ha	0.8 ha
I-3 Medium Industrial	0.2 ha	0.4 ha	1.0 ha
I-5 Eco-Industrial	1 ha	1 ha	1 ha



C.V.R.D.

JOINT SOUTH-END ELECTORAL AREA APC MEETING

Day: Thursday

Date: March 22, 2012

Place: Shawnigan Community Centre

Address: 2804 Shawnigan Lake Road

Time: 7:00 PM.

MINUTES

PRESENT:

APC:

Roger Painter	Area B (Shawnigan) APC Chair and Chair for this Joint Meeting
Sara Middleton	Area B (Shawnigan) APC Vice-Chair
Dave Hutchinson	Area B (Shawnigan) APC Member
Grant Treloar	Area B (Shawnigan) APC Member
Bruce Stevens	Area B (Shawnigan) APC Member
Ted Stevens	Area A (Mill Bay) APC Chair
Cliff Braaten	Area A (Mill Bay) APC Vice-Chair
Rod de Paira	Area C (Cobble Hill) APC Chair
Jens Liebgott	Area C (Cobble Hill) APC Vice-Chair

CVRD:

Bruce Fraser	Area B Director
Kelly Musselwhite	Area B Alternate Director

Applicants:

Steve McLeod, Robert McLeod and Christian Gaujous for Proposal 3-B-11RS
Steve Hornick and Denise Kors for Proposal 4-B-11RS

ORDER OF BUSINESS:

- 1. Introductions**
- 2. Call to Order**
- 3. Chair Explanation of Meeting Procedure**
- 4. Acceptance of Agenda**
It was agreed to revise the agenda so that the discussion and recommendations regarding each proposal would immediately follow the presentation by the applicant.
- 5. Presentation by Steve McLeod for Proposal 3-B-11RS (2373 Peterbrook Road)**

6. APC Discussion Regarding Proposal 3-B-11RS

- The applicant's presentation was clear and well prepared. It including a promising conceptual design incorporating several commendable features.
- The main concern for the APC was the location of the subject property relative to adjacent F-1 parcels. Allowing this parcel to be rezoned could create pressure for similar proposals contrary to the objectives of OCP Policy 7.5 concerning forest lands.
- It was observed that the subject property slopes from north to south towards the West Arm of Shawnigan Lake. Although the Watershed Map (p.32 of the OCP) does show the parcel to be just outside of the watershed, this should be checked and the boundary adjusted if necessary.
- The rezoning application states that the water supply would be from the Shawnigan Lake North Water System. Questions were raised about the current status and capacity of this service and, incidentally, of the Shawnigan Beach Estates Sewer System. It was agreed that a request be made to the CVRD Engineering Department for a detailed status report of both these systems. It was thought that this information would be valuable as a general reference for the APC.

7. Motion

It was Moved and Seconded that the Joint APC **not support** Proposal 3-B-11RS.
MOTION CARRIED (8-1)

8. Presentation by Steve Hornick and Denise Kors for Proposal 4-B-11RS**9. APC Discussion Regarding Proposal 4-B-11RS**

- The applicant's presentation was clear and well prepared.
- Although the APC had similar concerns to the previous proposal with regard to OCP Policy 7.5 concerning forest lands, the fact that subject property did not intrude significantly into adjacent F-1 parcels, and also that the OCP designation is already Rural Residential, were clearly points in its favour.

10. Motion

It was Moved and Seconded that the Joint APC **support** Proposal 4-B-11RS.
MOTION CARRIED (7-2)

11. Director's Report

Area B Director Bruce Fraser took part in a general discussion about the structure and process of the new Joint South-End APC. There was concern that some referrals, even though they are located outside of Village Containment Boundaries, are not significant enough to warrant the Joint APC process and would be more appropriately handled by the local APCs. It was also observed that the local APC members who do not participate with the Joint APC will miss out on relevant issues. One comment was that all the local APC members should participate in the Joint APC when the referral is in their Area. Director Fraser suggested that local members attend as observers in the short term and that the CVRD Board would likely be amenable to requests to improve the process after a review period. Roger Painter volunteered to follow up on this issue.

12. Meeting Adjourned at 9 pm.

Riparian Areas Regulation: Assessment Report

Date **December 9, 2011**

I. Primary QEP Information

First Name	Ann	Middle Name	Marie
Last Name	Matteson		
Designation	R.P.Bio.	Company	ENKON Environmental Ltd.
Registration #	2190	Email	amatteson@enkon.com
Address	Suite 310-730 View Street		
City	Victoria	Postal/Zip	V8W 3Y7
Prov/state	BC	Country	Canada
		Phone #	250-480-7103

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

First Name	Denise	Middle Name	
Last Name	Kors		
Designation	P.Eng.	Company	Kors Development Services Inc.
Registration #	18065	Email	denise@korsdevelopment.com
Address	7068 Brentwood Drive		
City	Brentwood Bay	Postal/Zip	V8M 1B6
Prov/state	BC	Country	Canada
		Phone #	250-544-4017

III. Developer Information

First Name	Steve	Middle Name	
Last Name	Hornick		
Company			
Phone #	(250) 929-3902	Email:	shornick@shaw.ca
Address	2271 Baron Road		
City	Cobble Hill	Postal/Zip	V0R 1C6
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision: 6 or less Single Family Lots		
Area of Development (ha)	1.85	Riparian Length (m)	138
Lot Area (ha)	2.49	Nature of Development	redevelopment
Proposed Start Date	2012-01-01	Proposed End Date	2013-12-31

V. Location of Proposed Development

Street Address (or nearest town)	3011 Gregory Road		
Local Government	Cowichan Valley Regional District	City	Cobble Hill
Stream Name	Shawnigan Creek - Unnamed Creek- unnamed tributary		
Legal Description (PID)	024-988-634	Region	Vancouver Island
Stream/River Type	Watercourse, Wetland	DFO Area	South Coast
Watershed Code	920-235800-36300, 10, 451699, 5390523		
Latitude	48	39	59
Longitude	123	39	24

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

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

Aquatic Resources

The two drainages on this property are unnamed watercourses that both flow into another unnamed watercourse (WSC 920-235800-36300) which is a tributary to Shawnigan Creek (WSC 920-235800).

Drainage 1 is the northern most aquatic feature located on this property and appears to originate from water accumulating on the surface of a small access roadway. Historic land use within the area have altered the terrain within this area making determination of the headwaters challenging. At the time of this survey there were no flows present within this channel. The channel flows in a south easterly direction for approximately 53 m before discharging into Drainage 2 to the east of the property boundary. There is a driveway culvert located on this watercourse.

Drainage 2 is the southern most aquatic feature located on this property and originates from the hillside to the southwest of the property. This watercourse is slightly wider and is more clearly defined than Drainage 1 and contained pockets of water during this survey indicating that it is likely a permanent water source. There is a driveway culvert located on this watercourse. Drainage 2 flows in a northeasterly direction before entering a small wetland area. From this wetland it then flows in a northeasterly direction before discharging into Unnamed Creek (WSC 920-235800-36300).

Riparian vegetation surrounding both watercourses is comprised of a mix of red alder, western redcedar, Douglas-fir, bigleaf maple, salmonberry, Himalayan blackberry, trailing blackberry, sword fern, salal, red elderberry, bracken fern and skunk cabbage.

There are two sewer treatment ponds located to the immediate west of these properties. After speaking with the project engineer it appears that these ponds do not connect to Drainage 1 as indicated in online mapping (i.e. Habitat Wizard).

Fisheries Resources

There are no FISS records for either of the two watercourses located on this property or the watercourse that they flow into. FISS (2012) records indicate

however that fish are present within Shawnigan Creek and Lake. FISS records indicate that that Coho, Brown Trout, Kokanee, Rainbow Trout and Cutthroat Trout are all present within the reaches up to Shawnigan Lake.

ENKON did not conduct a fish assessment to determine if fish are present on the subject lot. Additionally these watercourses were not examined downstream of the property to determine limits to upstream fish migration (i.e. barriers). Regardless of fish presence these two watercourses do provide a flow and food/nutrient supply to known fish bearing waters.

Habitat Description

Drainage 1 (Reach 1) canopy closure was 20% and available cover (20%) for the creek consisted of 30% large woody debris, 5% undercut banks, 50% overhanging vegetation, 5% instream vegetation, 5% deep pools and 5% boulders. Reach 3 of Drainage 2 has a canopy closure was 40% and available cover (30%) consisted of 30% large woody debris, 5% undercut banks, 30% overhanging vegetation, 20% instream vegetation, 10% deep pools and 5% boulders. Reach 4 of Drainage 2 has a canopy closure of 40% and available cover of 30% which consisted of 30% large woody debris, 5% undercut banks, 40% overhanging vegetation, 5% instream vegetation, 10% deep pools and 10% boulders.

Substrates within both watercourses were comprised of a mix of fines/organics mixed with pockets of gravels and cobbles. Occasional boulders were noted.

Project Description

The current development plan for this site is to subdivide the parent lot into an additional three lots. The south eastern corner of the property has been recently developed by the addition of a single residence which is accessed from Gregory Road. Access to the proposed remaining three lots (SL1-3) will be from Baron Road (paved roadway). There are already existing driveways on the site and there will not be a further requirement for additional stream crossings or site access roadway construction.

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: December 9, 2011

Description of Water bodies involved (number, type)

Stream	2
Wetland	1
Lake	
Ditch	

Number of reaches 3

Reach # 1

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

Channel Width(m)		Gradient (%)	I, <u>Ann Matteson</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
downstream	3.60	2.5	
	2.65		
	2.80		
	2.40		
	3.70		
	2.90		
	3.00	2.5	
	1.90		
upstream	1.70		
	2.50		
	1.60		
Total: minus high /low	23.45		
mean	2.61	2.5	
	R/P	C/P	S/P
Channel Type	X		

Site Potential Vegetation Type (SPVT)

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

Form 1
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Polygon No:
SPVT Type

--	--	--

Method employed if other than TR

--

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: **1** If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 10

Litter fall and insect drop ZOS (m) 10

Shade ZOS (m) max 7.83 South bank Yes ☒ No ☐

Ditch Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)

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

SPEA maximum 10 (For ditch use table3-7)

Segment No: **2** If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 10

Litter fall and insect drop ZOS (m) 10

Shade ZOS (m) max 7.83 South bank Yes ☐ No ☒

SPEA maximum 10 (For ditch use table3-7)

I, Ann Matteson, hereby certify that:

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

Comments

Segment 1 is right bank, Segment 2 is left bank.

SPEA to be measured from the flagged high water mark by a horizontal measure. This must be established prior to construction works commencing and must be clearly marked using high visibility snow fencing.

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: December 9, 2011

Description of Water bodies involved (number, type)

Stream	2
Wetland	1
Lake	
Ditch	
Number of reaches	3
Reach #	3

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

	Channel Width(m)	Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low		
mean		
	R/P	C/P S/P
Channel Type		

I, Ann Matteson, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Hornick;

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

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

Site Potential Vegetation Type (SPVT)

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

Method employed if other than TR

Method employed if other than TR

Form 1
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	LC	SH	TR	
SPVT Type				
Polygon No:				
SPVT Type				Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

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

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	30	South bank	Yes		No
SPEA maximum	15	(For ditch use table3-7)			

I, Ann Matteson, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Hornick;

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

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

Comments

Segment 1 is right bank, Segment 2 is left bank.

SPEA to be measured from the flagged high water mark by a horizontal measure. This must be established prior to construction works commencing and must be clearly marked using high visibility snow fencing.

Form 1
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2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: December 9, 2011

Description of Water bodies involved (number, type)

Gillespie Creek wetland tributary

Stream	2
Wetland	1
Lake	
Ditch	
Number of reaches	3
Reach #	4

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

Channel Width(m)		Gradient (%)	I, <u>Ann Matteson</u> , hereby certify that: i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; j) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u> ; k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and l) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point	3.7	2.5	
downstream	2.8		
	1.7		
	1.9		
	2.1		
	2.0		
	4.0	2.0	
	3.8		
	3.1		
	2.9		
upstream	3.3		
Total: minus high /low	25.6		
mean	2.84	2.25	
	R/P	C/P	S/P
Channel Type	X		

Site Potential Vegetation Type (SPVT)

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

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

Polygon No:
 LC SH TR
 SPVT Type

Method employed if other than TR

Polygon No:
 SPVT Type

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment 1
 No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)

Litter fall and insect drop ZOS (m)

Shade ZOS (m) max

South bank Yes ☒ No ☐

Ditch Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)

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

SPEA maximum (For ditch use table3-7)

Segment 2
 No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)

Litter fall and insect drop ZOS (m)

Shade ZOS (m) max

South bank Yes ☐ No ☒

SPEA maximum (For ditch use table3-7)

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

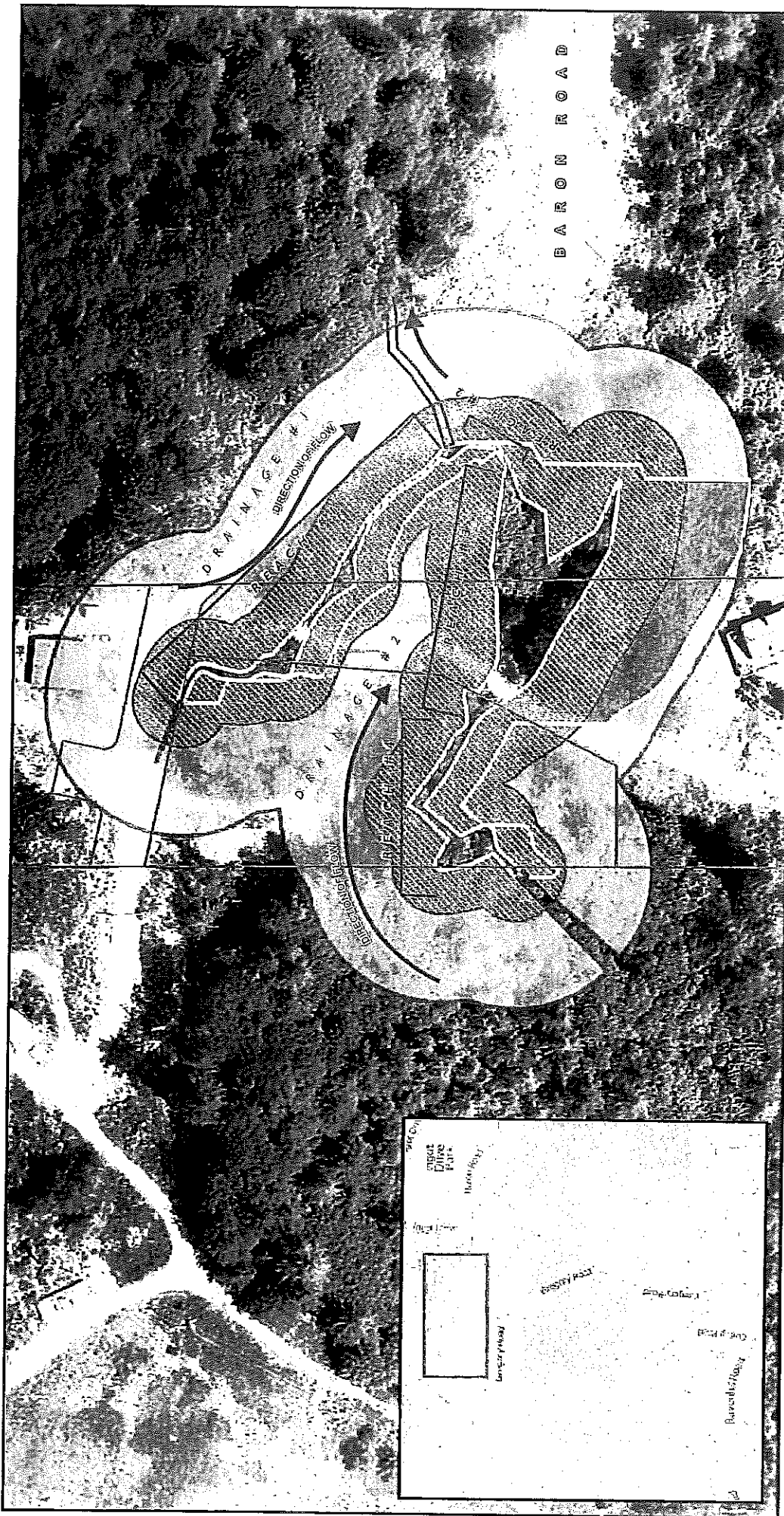
Comments

Segment 1 is right bank, Segment 2 is left bank.

SPEA to be measured from the flagged high water mark by a horizontal measure. This must be established prior to construction works commencing and must be clearly marked using high visibility snow fencing.

Section 3. Site Plan

Site Plan



Legend

- Creek
- Project Boundary
- High Water Mark
- Shade Zone Of Sensitivity
- Leaf Litter \ Insect Drop Zone Of Sensitivity
- Large Woody Debris \ Channel Stabilization Zone Of Sensitivity
- Streamside Protection & Enhancement Area
- Riparian Assessment Area

Gregory Road

Riparian Areas Assessment

Figure 1

02/17/2012

ENKON
Environmental Ltd.

Map Projection: UTM, NAD83, 10N

0004FigureRAA.mxd

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	This survey is for informational purposes for prospective buyers and as such no trees will be removed until such time that the lot has been sold and development permit applied for. An updated RAR report will be submitted at this time with the site specific development plan if works are proposed within the 30 m assessment area.
<p>I, <u>Ann Matteson</u>, hereby certify that:</p> <p>m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>n) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u>;</p> <p>o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
2. Windthrow	This survey is for informational purposes for prospective buyers and as such no trees will be removed until such time that the lot has been sold and development permit applied for. An updated RAR report will be submitted at this time with the site specific development plan if works are proposed within the 30 m assessment area.
<p>I, <u>Ann Matteson</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
d. Slope Stability	This survey is for informational purposes for prospective buyers. If any earth moving works are proposed within the 30 m assessment area then a slope stability assessment must be conducted and an updated RAR report will be submitted at this time with the site specific development plan.
<p>I, <u>Ann Matteson</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the <u>Steve Hornick</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
e. Protection of Trees	This survey is for informational purposes for prospective buyers and as such no trees will be removed and no earth moving will occur until such time that the lot has been sold and development permit applied for. If works are proposed within the 30 m assessment area an updated RAR report will be submitted at this time with the site specific development plan and Tree Protection Plan.
<p>I, <u>Ann Matteson</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the <u>Steve Hornick</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods</p>	

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

set out in the Schedule to the Riparian Areas Regulation	
d. Encroachment	This survey is for informational purposes for prospective buyers and as such no trees will be removed and no earth moving will occur until such time that the lot has been sold and development permit applied for. If works are proposed within the 30 m assessment area an updated RAR report will be submitted at this time with the site specific development plan.
I, <u>Ann Matteson</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Sediment and Erosion Control	This survey is for informational purposes for prospective buyers and as such there will be no lot clearing until such time that the lot has been sold and development permit applied for. If works are proposed within the 30 m assessment area an updated RAR report will be submitted at this time with the site specific development plan and Sediment and Erosion Control Plan.
I, <u>Ann Matteson</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the <u>Steve Hornick</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Stormwater Management	This survey is for informational purposes for prospective buyers and as such there will be no lot clearing until such time that the lot has been sold and development permit applied for. If works are proposed within the 30 m assessment area an updated RAR report will be submitted at this time with the site specific development plan and Stormwater Management Plan.
I, <u>Ann Matteson</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Floodplain Concerns (highly mobile channel)	There were no floodplain concerns noted during this survey.
I, <u>Ann Matteson</u> , hereby certify that: f. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; g. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Hornick</u> ; h. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

ENVIRONMENTAL MONITORING

An environmental monitor must be retained before the initiation of any construction works. An environmental monitoring program must be established for the duration of construction. A site visit must occur before any construction takes place to discuss sediment and erosion control measures. If any heavy rain events occur during the construction period or when there are exposed soils a site visit by the Environmental Monitor will be necessary. If construction works are anticipated to run during the winter months a minimum of a weekly site visit is recommended. During periods of heavy rainfall more frequent site visits may be needed if issues on the site are noted.

Prior to any construction works commencing the SPEA must be measured horizontally from the high water mark and high visibility snow fencing must be installed along this boundary to protect the setback from development. This barrier must be in place and maintained for the duration of construction.

Maintaining the recommended SPEA zones and undertaking sediment and erosion control measures and having a monitoring program in place will ensure that construction will not cause HADD. Once construction has been completed a site visit will be necessary in order to check on the status of the SPEA and to sign off on a post development report within 6 months of the completion of the development.

Section 6. Photos



Photo 1. Upstream view of Drainage 1 (Reach 1).

Form 5 – Photo Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

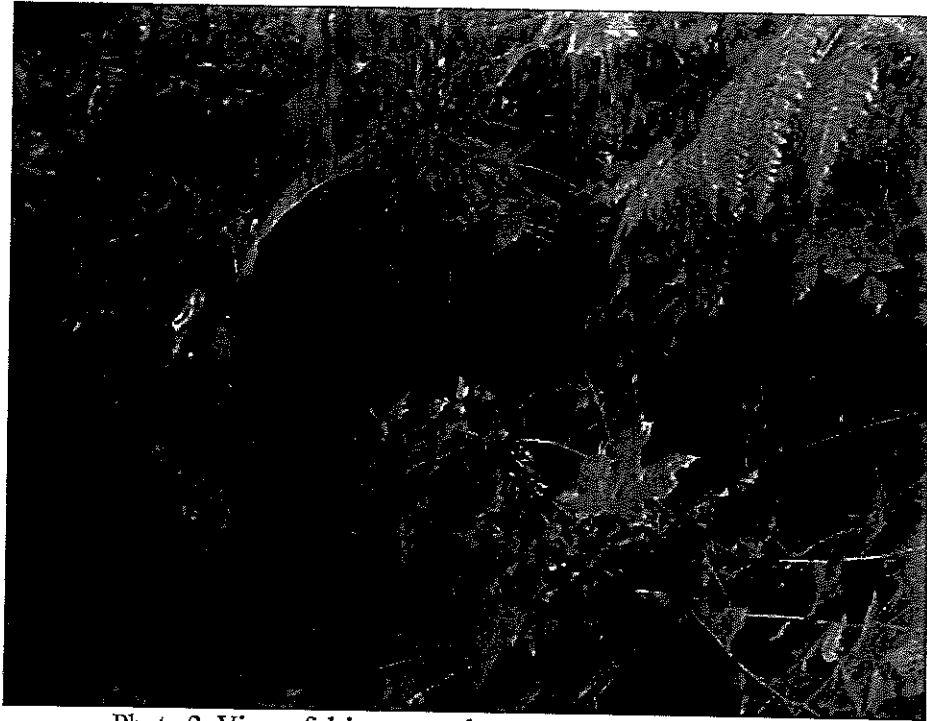


Photo 2: View of driveway culvert on Drainage 1 (Reach 1)



Photo 3: View of Drainage 2 (Reach 3) wetland.

Form 5 – Photo Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

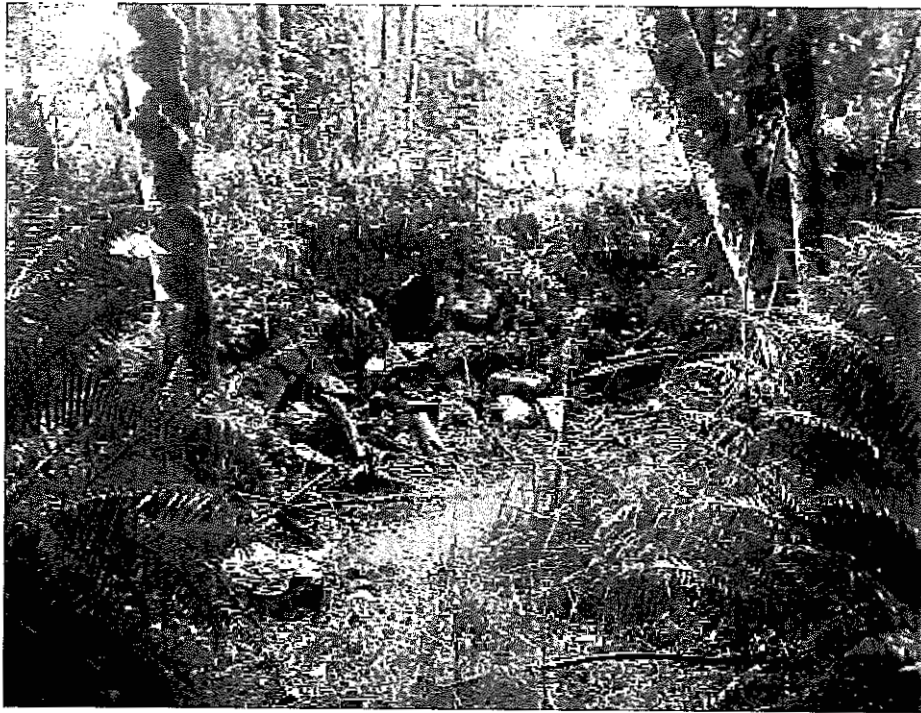


Photo 4: Downstream view of Drainage 2 driveway culvert.



Photo 5: Upstream view of Drainage 2.



Photo 6: Upstream view of Drainage 2 (Reach 4).

Section 7. Professional Opinion

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

Date December 9, 2011

1. I/We Ann M Matteson, R.P.Bio.,

hereby certify that:

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

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

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed) **Email from MOE and DFO is attached**
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

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

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



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING Of May 15, 2012

DATE: May 9, 2012

FILE NO: 2-G-12DP

FROM: Alison Garnett, Planner I

BYLAW NO:

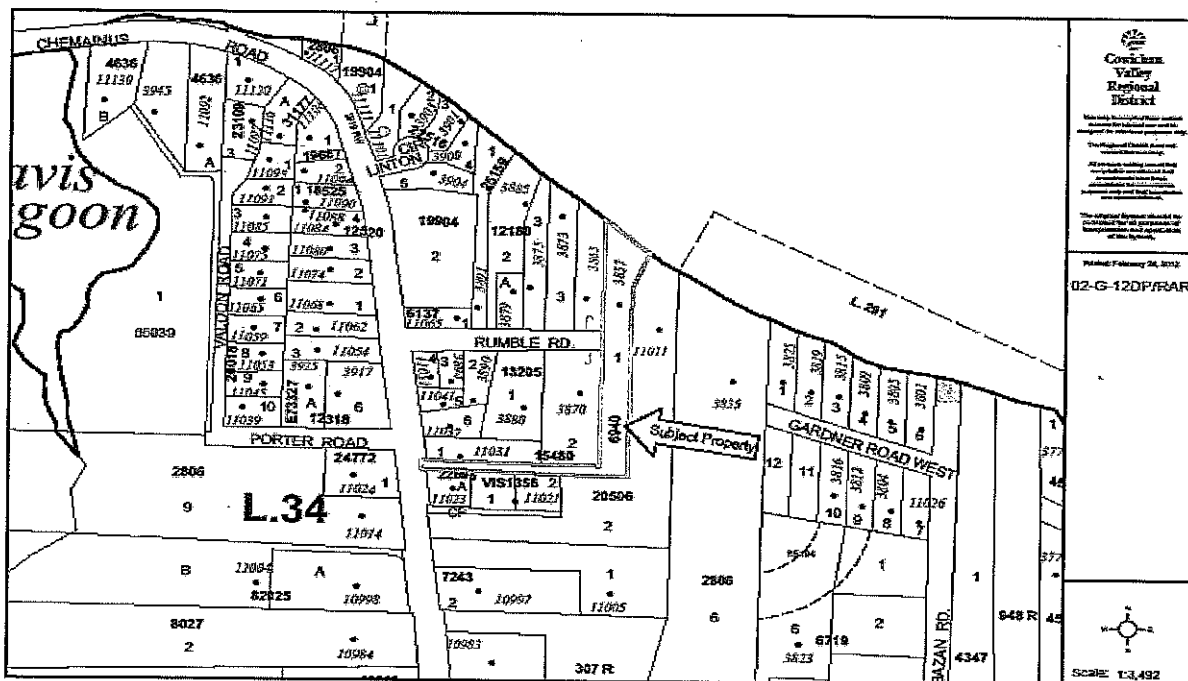
SUBJECT: Application No. 2-G-12DP (Lamont for Ethier)

Recommendation/Action:

That application 2-G-12DP be approved, and that a development permit be issued to Bill and Shelley Ethier for Lot 1, District Lot 34, Oyster District, Plan 6940, to permit construction of a single family home, subject to compliance with the Geotechnical Slope Assessment by Lewkowich Engineering, dated December 9, 2011.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A



Site Context:**Location of Subject Property:** 3857 Rumble Road**Legal Description:** Lot 1, District Lot 34, Oyster District, Plan 6940 (PID 005-794-170)**Date Application Received:** February 28, 2012**Owner:** Shelley and Bill Ethier**Applicant:** Kevin Lamont**Size of Parcel:** ± 0.6 ha (1.5 acres)**Existing Zoning:** R-3 (General Residential)**Minimum Lot Size:** 0.4 ha for parcels serviced by a community water system only**Existing Plan Designation:** General Residential**Existing Use of Property:** Unoccupied building**Existing Use of Surrounding Properties:****North:** Ocean**South:** Residential**East:** Residential**West:** Residential**Road Access:** Rumble Road**Water:** Saltair Water**Sewage Disposal:** Proposed on-site septic system**Environmentally Sensitive Areas:** The subject property is located along the sensitive ocean shoreline.**Archaeological Site:** We do not have record of any archaeological sites on the subject property.**Background:**

The subject property is a long, narrow lot adjacent to Stuart Channel in Saltair. The parcel is situated within the Ocean Shoreline Development Permit Area, which was established to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The property is zoned R-3 (General Residential). Access to the site is provided by a narrow dirt driveway from Rumble Road. There is a dilapidated structure, previously used as a residence, which is located a few meters from the top of bank. The majority of the lot is treed, and numerous invasive plant species have colonized the site. Access to the beach is possible by a footpath that travels diagonally across the slope.

The property owners propose to remove the dilapidated structure and construct a new residence and attached garage. This work will require removal of various trees on the site, and widening and resurfacing the existing driveway. The proposed location of the new home is a relatively flat area of the lot, setback 16 metres from the high water mark and 8 metres from the top of bank.

The applicant has submitted a report prepared by Lewkowich Engineering, to address safety concerns associated with building within the Ocean Shoreline Development Permit Area. The primary purpose of the report is to determine an appropriate siting for the residence. The

Lewkowich report also notes that foreshore erosion protection is recommended for the site if the slope regresses 0.6 metres from its present position. Approval from the CVRD and Department of Fisheries and Oceans is required prior to undertaking any of these works. Mitigation measures, such as presence of vegetation cover or rock landscape work on the slope, is encouraged as a means to control surface erosion on the slope. Other recommendations provided in the report will be applicable at the Building Permit stage of development.

Development Permit Guidelines:

The subject property is located within the Ocean Shoreline Development Permit Area (DPA). As such, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction, in accordance with Saltair Official Community Plan Bylaw No. 2500. The following section outlines how the proposed development addresses the Ocean Shoreline DPA guidelines.

- (a) **Retention of natural vegetation** – The attached site plan identifies the trees that are proposed for removal. The written description of the property explains that the location of the proposed house is the least vegetated of the entire site, as it appears to have been the open yard for the previous residence.
The Lewkowich report notes that trees with substantial root masses are located on the slope, and are important for providing erosion control.
- (b) **Road and Driveway Design** – The existing driveway will be widened and resurfaced with gravel. No part of the driveway will be within 30 metres of the high water mark.
- (c) **Footpaths** – There is an existing footpath that travels diagonally across the slope to the beach. The Lewkowich Engineering report notes incidents of erosion along this path, and recommends landscape rock work and erosion protection.
- (d) **Site preparation minimized** – The applicant has stated that minimal trees will be removed as part of the site preparation.
- (e) **Imperviousness figures** – Impervious surfaces prevent the natural infiltration of rainwater and alter natural hydrological processes. The increased generation of rainwater exacerbates erosion problems. Additionally, pollutants do not have the benefit of a natural infiltration process, and instead travel across hard surfaces directly into marine areas.
The applicants have calculated the proposed impermeable surfaces resulting from the home and garage will be 5.3% of the parcel.
The Lewkowich Engineering report provides recommendations for managing the rain and stormwater that will accumulate on the site.
- (f) **Public Access** – Public access along the marine waterfront will not be affected.
- (g) **Location of Retaining Walls** – There is no existing or proposed retaining wall.
- (h) **Soft Erosion Control Methods** – This guideline encourages soft erosion control methods rather than hard armouring. Although not applicable at present, this guideline should be considered if erosion control is required in the future.
- (i) **Materials Used for Retaining Walls** – N/A.
- (j) **Vegetation along Retaining Walls** – N/A.
- (k) **Retaining wall appearance** – N/A.
- (l) **Retaining wall with fence** – N/A.
- (m) **Best Management Practices** – Generally speaking, best management practices for shoreline development are to retain natural soils and vegetation, reduce hard impermeable surfacing, encourage natural retention and filtration of rain water, and reduce the use of polluting materials.

Advisory Planning Commission Comments:

Members of the Area G Advisory Planning Commission reviewed this application at a meeting held May 2, 2012, and made the following recommendation:

"That the Advisory Planning Commission recommend approval of the application, subject to the condition that the recommendations of the geotechnical report be adhered to. – Carried Unanimously"

Recommendation:

Staff recommend that the application be approved as proposed in the attached plans, subject to adhering to the recommendations of the geotechnical engineer's report.

- A. That application 2-G-12DP be approved, and that a development permit be issued to Bill and Shelley Ethier for Lot 1, District Lot 34, Oyster District, Plan 6940, to permit construction of a single family home, subject to compliance with the Geotechnical Slope Assessment by Lewkowich Engineering, dated December 9, 2011.
- B. That application No. 2-G-12-DP respecting Lot 1, District Lot 34, Oyster District, Plan 6940 be referred back to staff.

Submitted by,

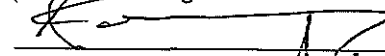


Alison Garnett, Planner I
Development Services Division
Planning and Development Department

AG/ca
Attachments

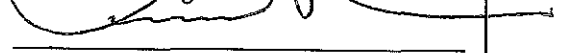
Reviewed by:

Division Manager:



Approved by:

General Manager:





COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 2-G-12 DP

DATE: May 8, 2012

REGISTERED PROPERTY OWNER(S):

Bill and Shelley Ethier - DRAFT

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 any and all buildings, structures and other development located on those lands within the Regional District as described below (legal description):

*Lot 1, District Lot 34, Oyster District, Plan 6940
(PID: 005-794-170)*

3. Authorization is hereby given to authorize the construction of a single family home, subject to compliance with the Geotechnical Slope Assessment by Lewkowich Engineering, dated December 9, 2011.
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 Schedule is attached:

Schedule A – Geotechnical Slope Assessment by Lewkowich Engineering, dated December 9, 2011

Schedule B – Site Plan of 3857 Rumble Road, dated February, 2012

and it forms part of this Permit.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO XXXX,
DATED XXXX.

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 XXXX other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date



**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.

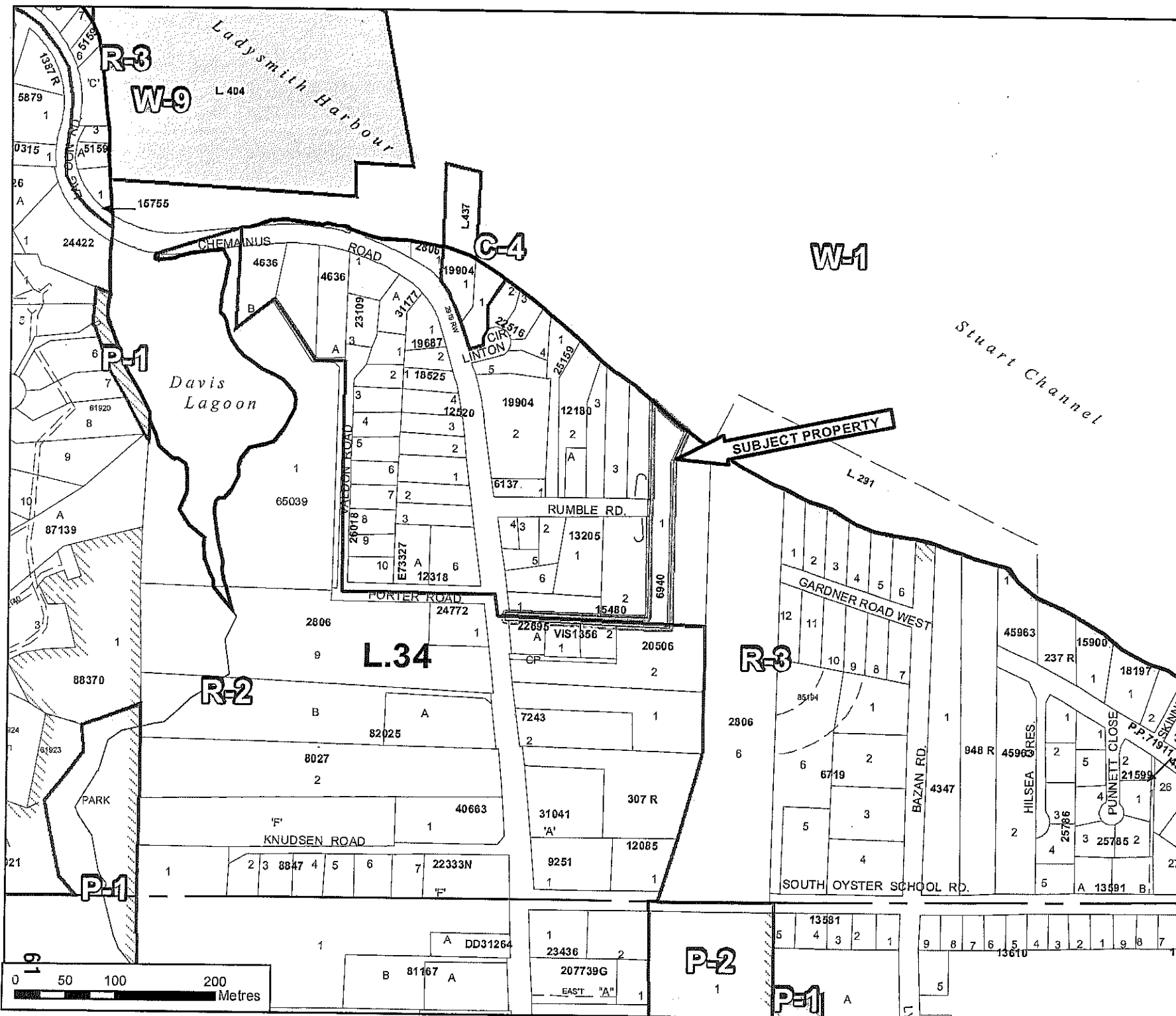
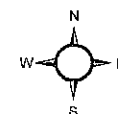
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File:
02-G-12-DP-RAR

ZONING

Legend

-  Subject Property
-  Zoning G





Cowichan
Valley
Regional
District

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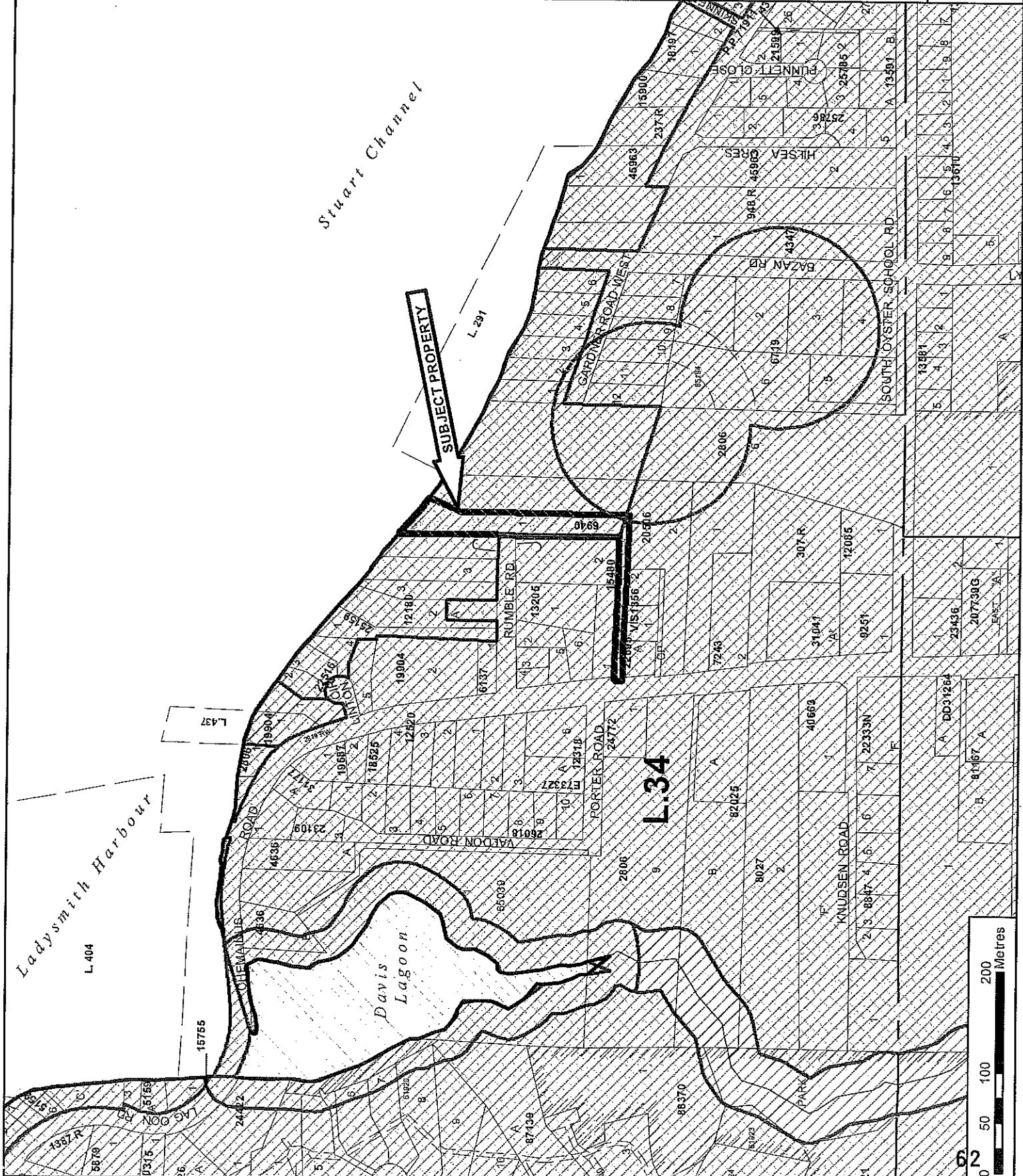
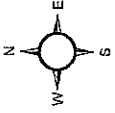
File:

02-G-12-DP-RAR

DPA

Legend

- Subject Property
- OTHER DPA
- RIPARIAN AREAS
- REGULATION DPA



KEVIN LAMONT
PROJECT FACILITATOR LTD.
3946 Knudsen Road Ladysmith, B.C., V9G 1Z4
Phone: (250) 416-9050
Toll Free Fax: (866) 536-1498
E-Mail: facsub@shaw.ca



February 11, 2012

CVRD Board Members
Administration Staff
Cowichan Valley Regional District
Duncan, BC

Re: Development Permit Application
Lot 1, D.L. 34, Oyster District, Plan 6940
3857 Rumble Road

Dear Board Members;

Please accept the attached documents and the accompanying rationale below as justification to consider the placement of a proposed residence within the 30m designated area of the Saltair OCP, Ocean Shoreline Development Permit Area.

This property of approximately 1.6 acres in size was recently purchased by Shelley and Bill Ethier with the intent to construct their "dream home" on the waterfront. The proposed home and associated site development has been designed to ensure the land is developed utilizing ecologically sensitive land development practices. The property has been primarily undeveloped in its history with a small decayed cabin existing within 2-3 metres of the top of bank to the foreshore.

The majority of the property has a well established second growth forest with an abundance of indigenous understorey species that the owners plan to retain as a buffer to adjacent residential properties. The property is also characterized by a steeper, consistent slope down from Rumble Road towards the ocean with a more level area ranging from the top of bank at the foreshore to a distance of 35 to 45 metres away from the ocean (see the attached topographical drawing by R.J. Turner Land Surveying Inc.). This "more level" bench area is substantially cleared of trees and understorey as part of the old cabin homestead siting. Unfortunately, a large portion of this area has offered prime growth area for invasive blackberry brambles and English Ivy dominating the ecosystem where located. Some Ivy has continued to push into the mature forested area of the property. It is the intent of the owners to remove as much of the blackberry brambles and English Ivy as possible.

In the site planning for the development of the property we have focused on the following criteria:

- Minimize the removal of existing trees on the property
- Ensure protection of the foreshore and the adjacent ecologically sensitive area
- Protect the established trees that are located adjacent to the foreshore as a protective root structure to limit long term erosion (see recommendations in the attached geotechnical report by Lewkowich Engineering Associates Ltd.)

- Take advantage of the natural bench area for driveway turnaround and home placement to minimize the need for extensive excavation and subsequent import of fill materials which ultimately protects the established forest further up the steeper portion of the site
- Minimize the amount of impervious materials that could contribute to storm water erosion concerns

Based on the above criteria we have created a concept for the development of the land and buildings that appears to meet the intent of the Ocean Shoreline Development Permit Area as well as minimizing the impact on the ecosystem beyond the 30 meter setback line and being affordable for the owners. The family home has been designed with a footprint of approximately 3580 square feet (2515 square feet of living space with a 1065 square foot attached garage) with a lower level to limit the overall footprint area and to fit the topography. The driveway is partially constructed and will follow down a new BC Hydro easement on the west side of the property and will be finished in gravel chip to ensure a minimal impact on the total impervious area. The home and garage will cover approximately 5.3% of the property. A geotechnical report has been prepared by Lewkowich Engineering Associates Ltd., indicating an appropriate means to handle the rain water collection of the building roof and drainage of the surrounding site (see attached).

The placement of the residence at 16 metres from the high water mark respects the foreshore and the setbacks established by the CVRD and MOE (15 metres from high water mark) and by the geotechnical report (8 metres from top of bank). The development of the site also respects the established natural boundary of trees located on the steep slope between the upper bench and the sea below, whose root structures protect the long term erosion of the property while serving as a natural vegetative buffer for the seashore ecosystem.

We have conducted an extensive review of the best location for the residence with the specific intent to minimize the impact on the foreshore, adjacent upland and the established natural vegetation of the entire acreage and to concentrate development in the area that has historically been the home site and orchard. The consequences of having to site the residence to the full 30m setback would be that the home would reside on and above the topographically level bench area and a new driveway turn-a-round would need to be created in the steep terrain portion of the property. This would require extensive excavation into the steep bank and would necessitate large and expensive retaining walls to ensure safety of life and property. Of greatest loss would be the extensive destruction of the natural forest ecosystem that has remained intact on this small acreage. The proposed location of the new septic field will be within the forested area with minimal impact on the established ecosystem (see attached letter from Bowater Backhoe Services).

We trust that CVRD Board members and staff understand the challenges we face in developing this property and can support our concept for eco-sensitive siting of this residence and associated site works. Please do not hesitate to contact us for clarification on any aspects of our proposal.

Respectfully



Kevin Lamont Project Facilitator Ltd.
On behalf of Shelley and Bill Ethier



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

Ethier Lamont
3946 Knudsen Road
Ladysmith, BC, V9G 1Z4

File No: G9660.01
December 9, 2011

Attention: Kevin Lamont

PROJECT: Residential Development, 3857 Rumble Road, Chemainus (CVRD), BC

SUBJECT: Geotechnical Slope Assessment

Dear Mr. Lamont:

1. INTRODUCTION

Lewkowich Engineering Associates Ltd. was retained to conduct a slope assessment of the above noted property including a recommendation regarding a safe setback distance from the top of the bank. The property is located at the end of Rumble Road at Civic Address '3857' in the Cowichan Valley Regional District, BC. This report provides a summary of our findings and recommendations.

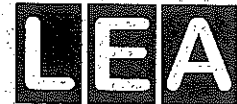
2. BACKGROUND

We understand that as a condition for residential development, the Cowichan Valley Regional District requires a geotechnical report from a professional engineer to assess any natural slope or landslide hazards with respect to the development. Our report also includes recommendations concerning seismic issues, site clearing, vegetative retention, development usage and storm water disposal on the property.

3. ASSESSMENT OBJECTIVES

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 1. Determine whether the land is considered safe for the use intended (defined for the purposes of this report as the construction of a new residence, including the installation of associated civil works and services), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the

Client: Ethier Lamont c/o Kevin Lamont
File: G9660.01
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Date: December 9, 2011
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recommendations in this report are followed. Please see Appendix 'D' for the steep slope assurance statement.

- ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and works and services are developed and maintained safely for the use intended.
- iii. Acknowledge that the Approving and/or Building Inspection Officer(s) may rely on this report when making a decision on application for the development of the land

4. SITE CONDITIONS

- a. A site reconnaissance was conducted by LEA on December 5, 2011. The 0.69 hectare (1.7 acre) ocean front property is located on the southwest side of the Georgia Strait, just south of Saltair, in the Cowichan Valley Regional District, B.C. The lot is a narrow, 'L' shaped piece of land that possesses a single level approximately 7m above the ocean that lies to the east of the subject property. The slope begins as a gradual incline about 20m west of the shore line and gradually slopes downward to the east to a point approximately 5m east of the east property line where the slope increases to an approximate 60 degree angle from horizontal. This point of abrupt slope change is considered top of slope. There is an existing decayed residence on the lot approximately 2-3 m from the crest of the slope.
- b. This report considers the siting of a proposed residence on the eastern portion of the lot, above the slope on the relatively flat upper portion. Access is gained from Rumble Road, which touches the center of the main east-west leg of the lot (see Figure 1). Exposed soil visible at various points across the slope consists of dense, impermeable, silty sand (glacial till) with a surface layer of low to moderately permeable sandy silty gravel across the flat upper portion of the lot and down the slope. A trail has been incised diagonally down the slope, some time in the past, in order to gain easy foot access to the water. The trail would

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benefit from some landscape rock work and erosion protection. Some portions of the lower slope and shoreline had been provided with rock erosion protection. Signs of instability such as pistol-butted trees or tension cracks were observed, which indicates some migration of the surface soils over the long term. Seepage was observed on the lower portions of the slope, playing over the glacial till surface. Historical water courses along the property boundaries and lower slope displayed excellent erosion resistance in the glacial till soil. Freshly eroded, non vegetated surfaces were noted in the till, above the shoreline on the lower portions of the slope, particularly where the rock armouring was absent or less than nearby areas. Several trees with substantial root masses were noted on the slope, playing an integral role in the erosion resistance of the soils.

- c. Existing development near the study area consists of small single family residential developments.
- d. The vegetation in the upper flat area includes sparsely distributed mature trees with native vegetation and blackberry brambles.

5. SLOPE DISCUSSION AND RECOMMENDATIONS

- a. In general, slope stability is controlled by the following factors: The strength of the bank soil/bedrock, the slope gradient, the vegetation coverage, the groundwater condition, the design seismic event magnitude effect on structures on or near the slope, and the inherent natural response of the soils/bedrock to a design seismic event and the potential for the ocean to act on the toe of the slope. The top of slope setback in this case is designed to provide a boundary, beyond which a building may be situated and not be affected by (or trigger) a slide event.
- b. A setback of approximately 8m from the top of slope has been established from the top of slope, after consideration of the slope's geometry. The setback is felt to accurately define a safe location for residential building. It is recognized that foreshore erosion is the main danger to the long term regression of this slope. Foreshore erosion protection is

Client: Ethier Lamont c/o Kevin Lamont
File: G9660.01
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recommended for this site in order to maintain the slope and to preserve the property. In the event that the slope regresses 0.6m from its present position, immediate slope erosion protection measures shall be implemented. They may take the form of foreshore armouring with rock, geotextile – rock filled gabions or mats, or other methods approved by a qualified engineering professional. It is noted that several agencies such as DFO and the CVRD will have to be notified and give approval, before starting these works. Further recommendations pertaining to foreshore protection works may be supplied upon request.

- c. A tentative minimum depth of footing along the 8m setback line of 1.2m is recommended. The footing elevation may then be stepped up 0.6m at a point 3.0m further west of the setback line, this pattern being repeated to the west edge of the residence. These values may be modified as further information of the site soils is obtained from other sources particularly from the footing excavation. The footings should be provided with at least 0.6m of earthen cover after construction to protect the bearing soils from freeze/thaw. The excavation should be reviewed by the undersigned or other qualified professional prior to the placement of footing concrete.
- d. The foundation excavation should be supplied with a drainage system that will collect and direct ground water to a point lower on the slope, near the shore. The ground water may be dispersed with a splash pad made of landscape rocks or a buried lateral exfiltration pipe (a 3m long 100mm dia. perforated pipe covered with drain rock, filter-cloth and topsoil). Water must not be allowed to sit on an elevated location near the slope. The final configuration should be reviewed by the undersigned.
- e. A design bearing value of 150kPa may be applied to silty sand glacial till soils supporting residential foundations. This value may be modified upon further inspection by the undersigned of the soil during the footing excavation operation. The site may be considered Seismic Site Class 'D' (stiff soils).

Client: Ethier Lamont c/o Kevin Lamont
File: G9660.01
Project: 3857 Rumble Road, CVRD, B.C.
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- f. Surface drainage from the top of property and storm water from the roof drains should be directed to the bottom of the slope through a solid pipe to a suitable dispersal structure. The presence of vegetation cover or rock landscape features on the slope is to be promoted as a method to control surface erosion on the slope.
- g. Earthen fill within the setback area shall be prohibited, without approval by a qualified professional.
- h. Sundecks and ancillary structures (such as gazebos) may be located within the setback area. However, the foundations for these structures should not be connected to, or form an integral part of, the foundations for the residence. Further, ancillary structures should also be completely separate from the structure of the residence. Note: any structure or feature within the setback area could be adversely impacted through the eventual retrogression of the slope crest described above. Due to the proximity of the drop off to the east of the building site, it is recommended that a physical barrier be established to prevent inadvertent travel over the slope's edge.
- i. Ponds or swimming pools (except hot tubs) shall only be installed following engineering input to evaluate the adequacy of the lining installation, piping, and drainage. In-ground lawn irrigation systems should be discouraged within the setback area or shall be installed by qualified and experienced personnel and be maintained on a regular schedule, to mitigate the potential for leaks. Septic fields are forbidden in the setback area.
- j. A Geotechnical Engineer familiar with the local slope conditions shall review development plans for residential structures. These plans should include foundation and grading plans. The footing excavation shall be assessed at the time of construction for geotechnical concerns, such as bearing capacity and slip planes.

Client: Ethier Lamont c/o Kevin Lamont
File: G9660.01
Project: 3857 Rumble Road, CVRD, B.C.
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6. GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE

- a. The BC Building Code requires that a geotechnical engineer be retained to provide Geotechnical Assurance services for the construction of buildings. Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during construction.

7. ACKNOWLEDGEMENTS

- a. Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector of the Cowichan Valley Regional District as a precondition to the issuance of a building or development permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.
- b. We acknowledge that this report has been prepared solely for, and at the expense of, the owner of the subject land. We have not acted for or as an agent of the Cowichan Valley Regional District in the preparation of this report.

8. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of widely spaced subsurface explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided.

Client: Ethier Lamont c/o Kevin Lamont
File: G9660.01
Project: 3857 Rumble Road, CVRD, B.C.
Date: December 9, 2011
Page: 7 of 7



9. CLOSURE

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,

Lewkowich Engineering Associates Ltd.

A circular professional engineer's seal for the Province of British Columbia. The seal contains the text 'PROFESSIONAL ENGINEER', 'PROVINCE OF BRITISH COLUMBIA', and the name 'D. G. CLARK' with the number '# 30208'. A handwritten signature is written over the seal, and the date '12/11' is written to its right.

Darron G. Clark, P. Eng.
Geotechnical Engineer

Attachments: Site Plan, Setback Drawing, Appendix D (Steep Slope Assurance Statement).

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

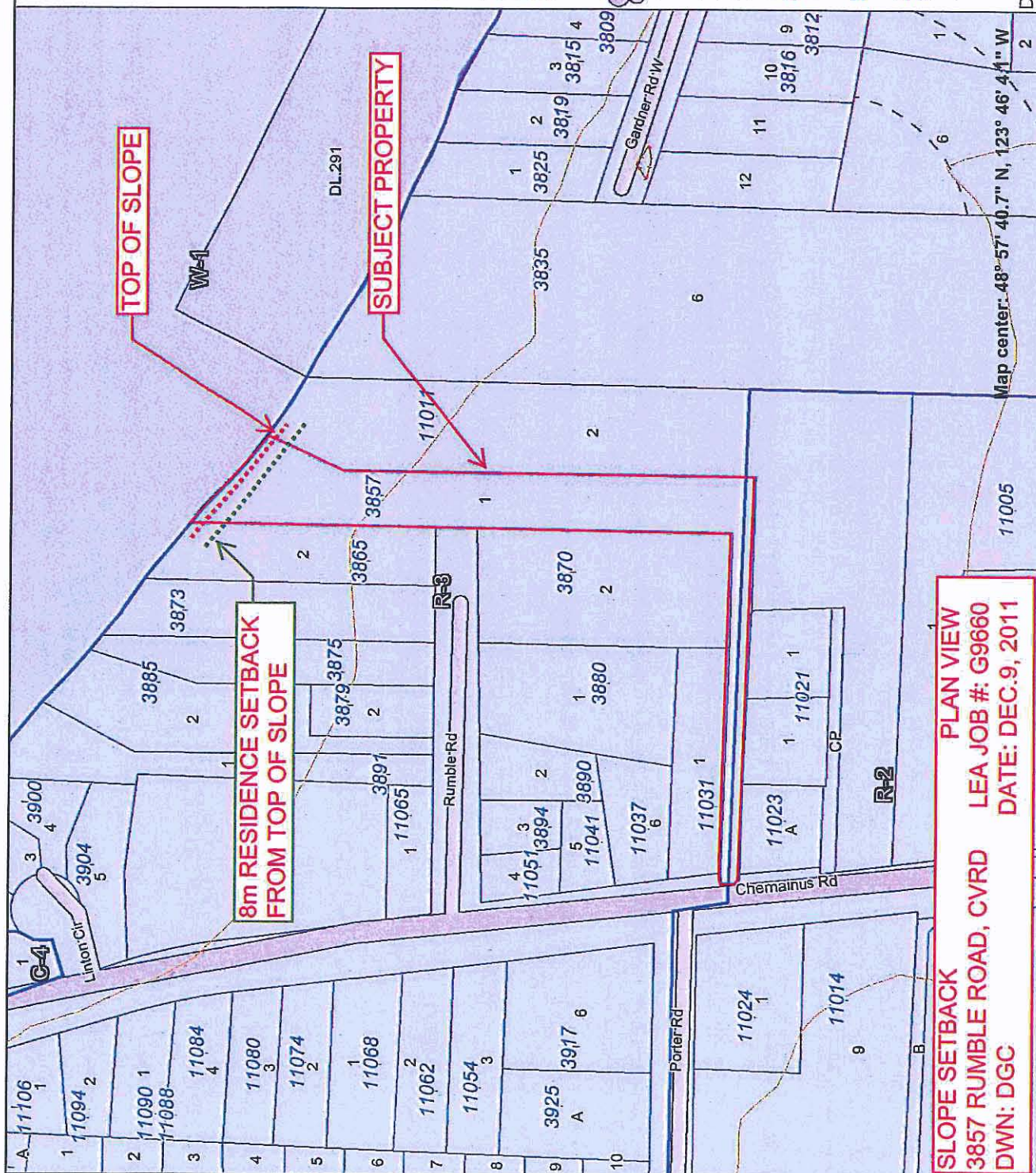
Legend

- Addresses
- Zoning Outline
- CONTOURS (20m)
- Index Contour
- Index Contour Depression
- Intermediate Contour
- Indefinite Intermediate Contour
- Intermediate Contour Depression
- Points of Interest
- Roads
- Highway
- Road
- Foreshore
- PARCEL_ARC
- BDEALNS
- BDRDLNS
- RDOTHNGZ
- Parcel Arcs
- First Nations
- CVRD Drainage Service
- CVRD Street Lighting
- CVRD Sewer Systems
- CVRD Water Systems
- Parks by Community
- PARKS
- Park Boundaries



Date Printed: 23/11/2011 11:18:07

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



SLOPE SETBACK
3857 RUMBLE ROAD, CVRD
DWN: DGC

PLAN VIEW
LEA JOB #: G9660
DATE: DEC.9, 2011

Site Plan showing:

Lot 1, District Lot 34,

Oyster District, Plan 6940.

Civic Address: 3857 Rumble Road



Distances and elevations shown are in metres.
Elevations are based on an assumed datum.

Certified correct this 12th day of October, 2011.

B.C.L.S.

(This document is not valid unless originally signed and sealed.)

Legend

- UPo Denotes Utility Pole
- Denotes Tree
- 8.63 Denotes Spot Elevation
- Denotes Iron Pipe Found
- Denotes Iron Post Found

**Lot 2
Plan 15480**

**Lot 1
Plan 6940**

**Lot 2
Plan 20506**

**Rumble
Road**

Stuart Channel

**SLOPE SETBACK DRAWING
3857 RUMBLE ROAD, CVRD
DWN: DGC**

**PLAN VIEW
LEA JOB #: G9660
DATE: DEC.9, 2011**

R. J. Turner Land Surveying Inc.
Box 458, 20 Warren Street
Ladysmith, B.C.
V8G 1A3
250-245-9777
File: RT-83

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the *APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, 2006* ("APEGBC Guidelines") and is to be provided for *landslide assessments* for the purposes of the *Land Title Act*, *Community Charter* or the *Local Government Act*. Italicized words are defined in the *APEGBC Guidelines*.

To: The Approving Authority
Cowichan Valley Regional District
175 Ingram Street, Duncan, British Columbia V9L 1N8
Jurisdiction and address

Date: December 9, 2011

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption

For the Property: 3857 Rumble Road; Lot 1, DL 34, Oyster District, Plan 6940

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☐ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - ☒ 6.2 estimated the *landslide hazard*
 - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the Approving Authority has adopted a *level of landslide safety* I have:
 - ☐ 7.1 compared the *level of landslide safety* adopted by the Approving Authority with the findings of my investigation
 - ☐ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the Approving Authority has **not** adopted a *level of landslide safety* I have:
 - ☐ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used

- ☒ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
☒ 8.3 compared this guideline with the findings of my investigation
☒ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
☒ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
☒ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- ☐ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
☒ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that

Check one

- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered covenants.
☐ without any registered covenant.

- ☐ for a development permit, as required by the *Local Government Act* (Sections 919.1 and 920), my report will "assist the *local government* in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit"

- ☒ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- ☒ with one or more recommended registered covenants.
☐ without any registered covenant.

- ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the *Local Government Act* (Section 910), "the development may occur safely."

- ☐ for flood plain bylaw exemption, as required by the *Local Government Act* (Section 910), "the land may be used safely for the use intended."

Darron Clark, P.Eng.

Name (print)

Signature

Address

Phone

Suite 2E, 2569 Kenworth Road

Nanaimo, BC V9T 3M4

250-756-0355

December 9, 2011

Date

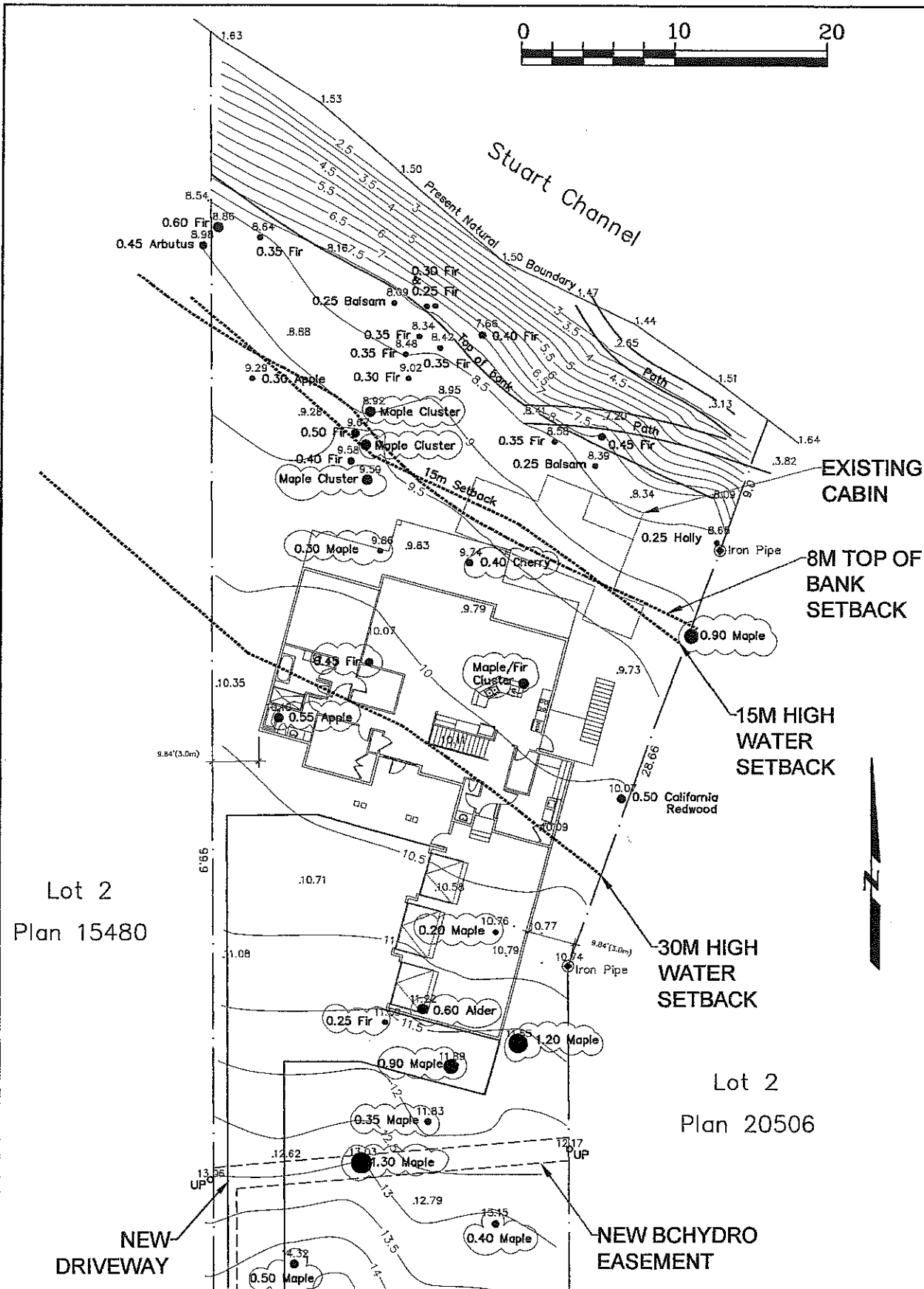


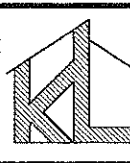
If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Lewkowich Engineering Associates Ltd.

and I sign this letter on behalf of the firm.

(Print name of firm)



 <p>KEVIN LAMONT PROJECT FACILITATOR LADYSMITH, B.C. PHONE: 250-416-9050</p>	<p>PROJECT NAME:</p> <p>PROPOSED HOME THE ETHIERS</p>	<p>DRAWING NAME:</p> <p>SITE PLAN (ENLARGED)</p>
<p>SCALE: N.T.S.</p> <p>DRAWN BY: K.J.L.</p>	<p>FILENAME: LAMONT</p> <p>DATE: FEB. 2012</p>	<p>DRAWING NO.</p> <p>A2 OF 4</p>



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING May 15, 2012

DATE: May 8, 2012

FILE NO: 1-G-12DP

FROM: Alison Garnett, Planner I

BYLAW NO:

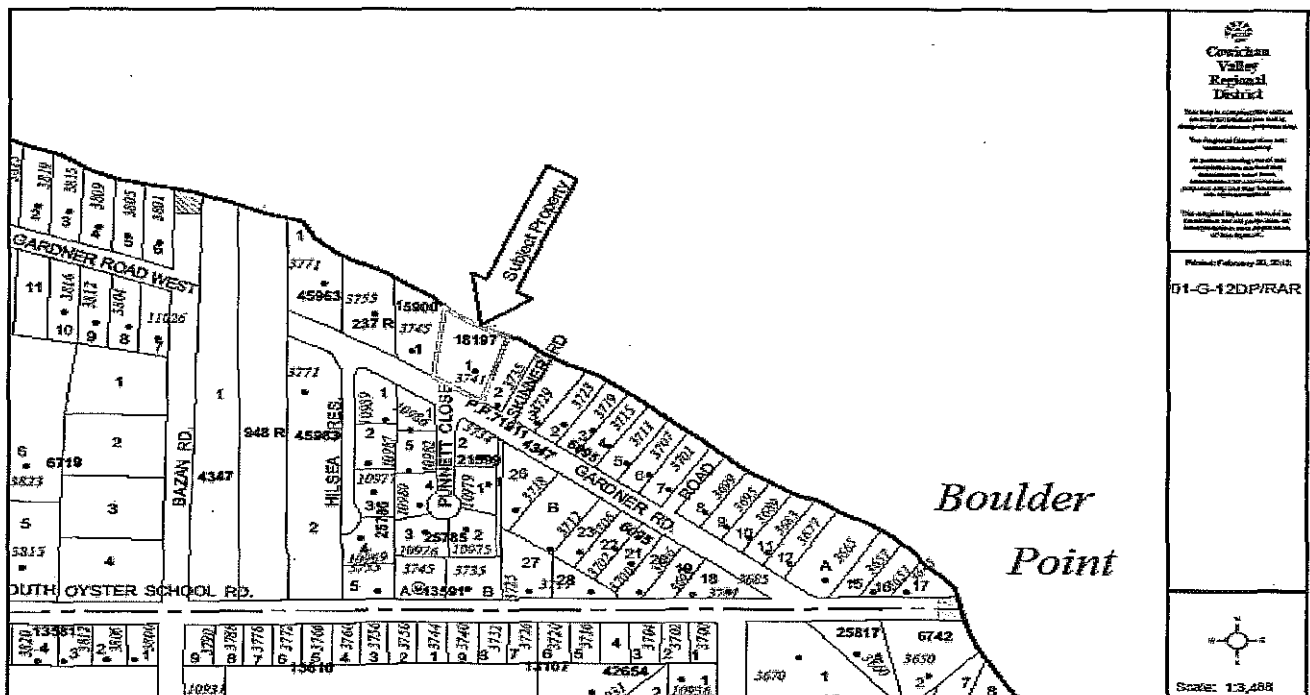
SUBJECT: Application No. 1-G-12DP (Muir for Neil)

Recommendation/Action:

That application 1-G-12DP be approved, and that a development permit be issued to Deborah and Stephen Neil for Lot 1, District Lot 34, Oyster District, Plan 18197, to permit removal of the existing residence and construction of a single family home, subject to compliance with the Preliminary Geotechnical Assessment by Levelton Consultants, dated March 21, 2012.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A



Site Context:**Location of Subject Property:** 3741 Gardiner Road**Legal Description:** Lot 1, District Lot 34, Oyster District, Plan 18197 (PID: 003-882-705)**Date Application Received:** February 20, 2012**Owner:** Deborah and Stephen Neil**Applicant:** Bruce Muir**Size of Parcel:** ± 0.26 ha (0.5 acre)**Existing Zoning:** R-3 (General Residential)**Minimum Lot Size:** 0.4 ha for parcels serviced by a community water system only**Existing Plan Designation:** General Residential**Existing Use of Property:** Residential**Existing Use of Surrounding Properties:**

North: Ocean
South: Residential
East: Residential
West: Residential

Road Access: Gardiner Road**Water:** Saltair Water**Sewage Disposal:** On site septic system**Environmentally Sensitive Areas:** The subject property is located along the sensitive ocean shoreline.**Archaeological Site:** We do not have record of any archaeological sites on the subject property.**Background:**

The subject property is a 0.2 ha lot adjacent to Stuart Channel in Saltair. The zoning of the property is R-3 (General Residential). The parcel is situated within the Ocean Shoreline Development Permit Area, which was established to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The lot is sloped in the direction of Stuart Channel. There is a retaining wall on the south side of the existing residence, and a second retaining wall along the shoreline. There is an existing residence and shop located on the property. Concrete stairs, a patio and the 2 metre high concrete retaining wall are located along the bank. The majority of the site has been landscaped and consists of lawn or non-native vegetation. Access to the lot is via paved driveway from Gardiner Road.

The owners intend to remove the existing residence, and replace it with a larger structure in approximately the same location. The new residence will extend 3 metres closer to the ocean than the original residence. The setback from the natural boundary will be measured from the deck's foundation, and appears to be 20 metres.

A geotechnical study by Levelton Consultants has been submitted, and provides assurance that the project is safe for the intended residential use, provided the report's recommendations are followed. The majority of the recommendations will apply at the building permit stage. Additional recommendations are to maintain or improve the condition of the retaining wall, and ensure the appropriate collection and disposal of runoff from paved and roof areas.

Development Permit Guidelines:

The subject property is located within the Ocean Shoreline Development Permit Area (DPA). As such, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction, in accordance with the Saltair Official Community Plan Bylaw No. 2500. The following section outlines how the proposed development addresses the Ocean Shoreline DPA guidelines.

- (a) **Retention of natural vegetation** – Natural vegetation on the site is limited to areas along the foreshore, and these areas will be unaffected by the proposed development.
- (b) **Road and Driveway Design**– The existing driveway will be repaved. The guideline encourages porous surfacing materials. When paving is proposed, run-off should be controlled and filtered to avoid both erosion and the transfer of materials into the ocean.
- (c) **Footpaths** – There is no proposed change to the existing staircase along the shoreline.
- (d) **Site preparation minimized** – The applicant has stated that site preparation will be minimal, and all within the area of the existing residence.
- (e) **Imperviousness figures** – Impervious surfaces prevent the natural infiltration of rainwater and alter natural hydrological processes. The increased generation of rainwater exacerbates erosion problems. Additionally, pollutants do not have the benefit of a natural infiltration process, and instead travel across hard surfaces directly into marine areas.
The applicants have calculated the proposed impermeable surfaces resulting from the home, garage, shop and driveway will be 24% of the parcel.
- (f) **Public Access** – Public access along the marine waterfront will not be affected.
- (g) **Location of Retaining Walls** – There are no proposed changes to the works along the shoreline.
- (h) **Soft Erosion Control Methods** – N/A
- (i) **Materials Used for Retaining Walls** – N/A
- (j) **Vegetation along Retaining Walls** – The applicants have not indicated whether there is an opportunity to enhance the native vegetation along the shoreline, or to improve the visual appearance of the retaining wall from the beach perspective.
- (k) **Retaining wall appearance** – N/A
- (l) **Retaining wall with fence** – N/A
- (m) **Best Management Practices** – Generally speaking, best management practices for shoreline development are to retain natural soils and vegetation, reduce hard impermeable surfacing, encourage natural retention and filtration of rain water, and reduce the use of polluting materials.

Advisory Planning Commission Comments:

Members of the Area G Advisory Planning Commission reviewed this application at a meeting held May 2, 2012, and made the following recommendation:

"That the Advisory Planning Commission recommends approval of the application, subject to the condition that the recommendations of the geotechnical report be adhered to. – Carried Unanimously"

Planning Division Comments:

This application appears to meet the relevant guidelines of the Ocean Shoreline Development Permit Area. Staff recommend that the application be approved, subject to complying with the recommendations of the geotechnical engineer's report.

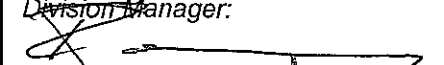
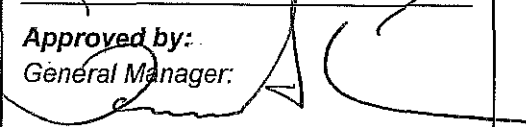
- A. That application 1-G-12DP be approved, and that a development permit be issued to Deborah and Stephen Neil for Lot 1, District Lot 34, Oyster District, Plan 18197, to permit deconstruction and construction of a single family home, subject to compliance with the Preliminary Geotechnical Assessment by Levelton Consultants, dated March 21, 2012.
- B. That application No. 1-G-12-DP respecting Lot 1, District Lot 34, Oyster District, Plan 18197 be referred back to staff.

Submitted by,



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

AG/ca
Attachments

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



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 1-G-12 DP

DATE: May 8, 2012

REGISTERED PROPERTY OWNER(S):

Deborah and Stephen Neil - DRAFT

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 any and all buildings, structures and other development located on those lands within the Regional District as described below (legal description):

*Lot 1, District Lot 34, Oyster District, Plan 18197
(PID: 003-882-705)*

3. Authorization is hereby given to authorize the removal and re-construction of a single family home, subject to compliance with the Preliminary Geotechnical Assessment by Levelton Consultants, dated March 21, 2012.
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 Schedule is attached:

Schedule A – Preliminary Geotechnical Assessment by Levelton Consultants, dated March 21, 2012.

Schedule B – Site Plan of 3741 Gardner Road A2, dated February 18, 2012

and it forms part of this Permit.

**ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO XXXX,
DATED XXXX.**

**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 XXXX other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date



**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.

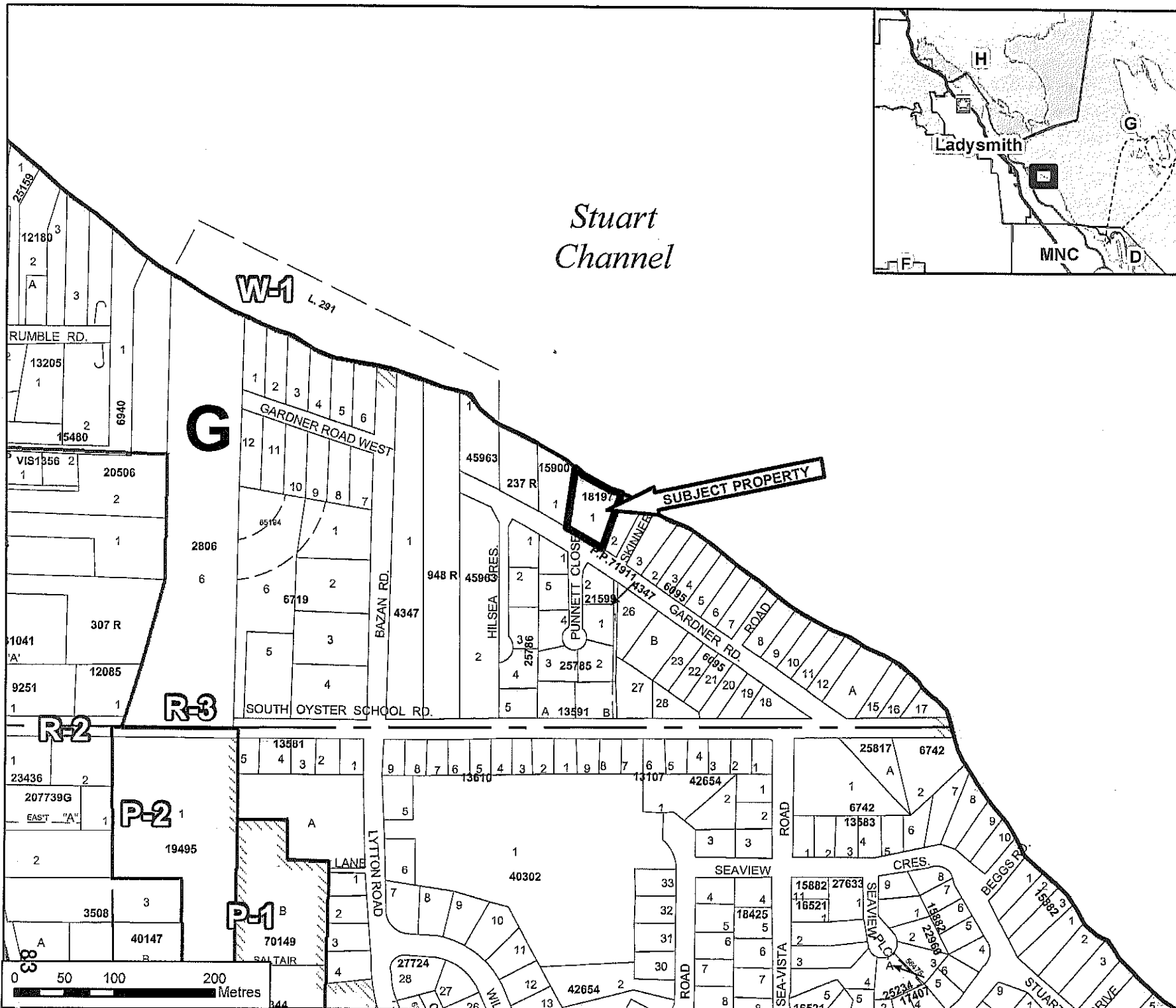
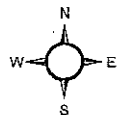
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-G-12-DP-RAR

ZONING

Legend

-  Subject Property
-  Zoning G





**Cowichan
Valley
Regional
District**

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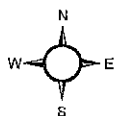
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-G-12-DP-RAR

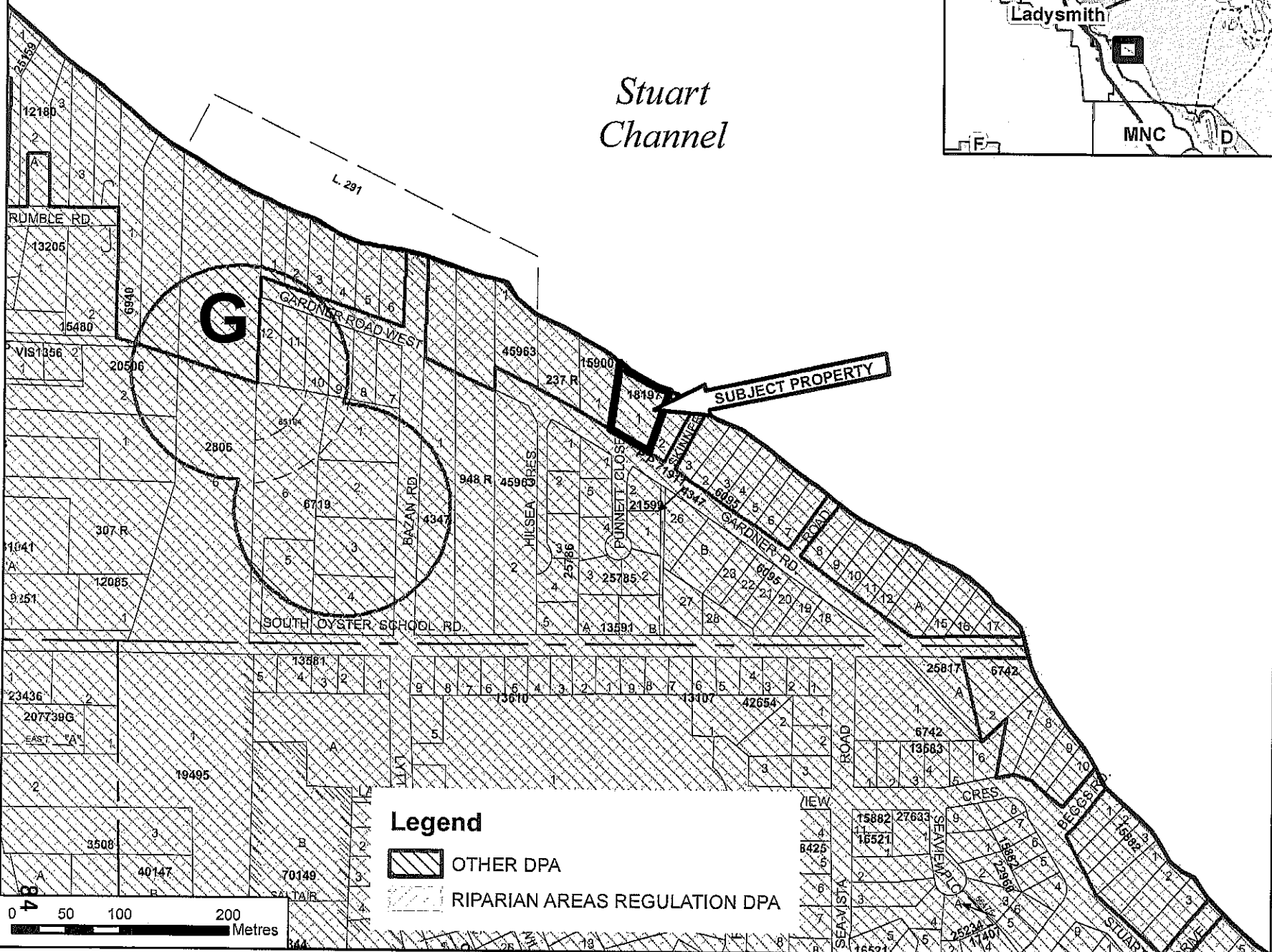
DPA

Legend

 Subject Property



Stuart Channel



Legend



OTHER DPA



RIPARIAN AREAS REGULATION DPA

0 50 100 200
Metres

STUART CHANNEL

PRESENT NATURAL BOUNDARY

NATURAL BOUNDARY BY PLAN 18197 AND CONCRETE RETAINING WALL

5.5

25

26

26

27

28

29

30

31

32

33

34

35

41.12

34

35

GARDNER ROAD

NEIL RESIDENCE

3741 GARDNER
SALT AIR BC

matthewsdesign

2500 818-4112 www.matthewsdesign.ca

SITE PLAN

A2

Scale: 1/8" = 1'-0"
File: 11_2012
David Matthews
Project # 1201
Issued: February 19, 2013



21 March 2012
File Ref.: VI12-0549

Levelton Consultants Ltd.

Vancouver Island Region

#8 – 2663 Kilpatrick Avenue
Courtenay, BC V9N 7C8
Canada
Tel: 250-334-9222
Fax: 250-334-3955
e-mail: courtenay@levelton.com

1935 Bollinger Road
Nanaimo, BC V9S 5W9
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Fax: 250-753-1203
e-mail: nanaimo@levelton.com

760 Enterprise Crescent
Victoria, BC V8Z 6R4
Canada
Tel: 250-475-1000
Fax: 250-475-2211
e-mail: victoria@levelton.com

Construction Materials
Building Science
Geotechnical
Metallurgy and Corrosion
Environmental
Physical Testing

Mr. Steve Neil
3741 Gardner Road
Ladysmith, BC V9G 2A3

**Re: Preliminary Geotechnical Assessment
Proposed Single-Family Residence
3741 Gardner Road, Saltair**

1.0 INTRODUCTION

As requested, Levelton Consultants Ltd. (Levelton) has carried out a preliminary geotechnical assessment relating to the proposed demolition and construction of a single-family residence at 3741 Gardner Road in Saltair.

It is understood that the subject property is within the *Ocean Shoreline Development Permit Area* and the Cowichan Valley Regional District (CVRD) requires a geotechnical assessment report in support of an application for a Development Permit. The assessment is to confirm that, from a geotechnical perspective, the "land may be used safely for the use intended".

The purpose and scope of the assessment were presented in a proposal dated 7 March 2012 (Levelton file reference: PR12-0567). Authorization to proceed with the work was received from the property owner (Mr. Steve Neil) on 9 March 2012.

The following presents a summary of the observations made during a site reconnaissance and provides preliminary geotechnical discussions and recommendations relating to the proposed development.

2.0 BACKGROUND REVIEW

Prior to the site reconnaissance, Levelton reviewed available background information relating to the site and local area.

The BC Department of Lands and Forests landforms map (92 B/13 – 1972) indicated that the local area is generally underlain by thin colluvial veneer over sandy morainal soils (glacial till).



The surficial geology map produced by the BC Geological Survey Branch (Open File 1993-27) indicated that the area was underlain by granular (sands/gravels) deposits of fluvial origin with glacial till being exposed in the higher elevations to the south of the property.

Architectural drawings prepared by Matthews Design (drawing reference: #1201) indicate that the existing residence and garage will be completely demolished and replaced with a new, larger building in essentially the same location. The existing shop building will remain. The north footing line for the new residence will extend a maximum of about 3 m to the north of the existing building footprint. There will be a deck along the entire north side of the residence that will be supported on a series of column footings. The drawings indicated that the south wall of the garage will extend at least 4 m toward Gardner Road.

3.0 SITE RECONNAISSANCE

A geotechnical engineer from Levelton visited the site on 12 March 2012. The following is a summary of the observations made during the site reconnaissance:

- The subject site is located on the north side of Gardner Road in the Saltair area south of Ladysmith, BC (Figure 1). The site is bounded on the north by the shoreline of Stuart Channel and on the east and west by existing single-family residences;
- The site has been developed with an existing residence with a detached garage and a separate workshop building. The majority of the lot has been landscaped with lawns and gardens. Vehicle access from Gardner Road was via a paved driveway in the southeast corner of the lot;
- The shoreline slope was supported by a concrete retaining wall that extended the full width of the property. There was a small deck/seating area built into the wall near its northeast corner. To the west of the deck, the wall was comprised of cast-in-place concrete (Photo 1). To the east, the wall consisted of modular concrete blocks (Photo 2). The wall was vertical and typically about 2 m in height. The slope above the wall sloped up at about 25° to 30° (as measured from horizontal) to an overall height (from beach level) of about 5 to 6 m;
- In general, the ground surface to the south of the shoreline crest sloped up moderately to the south toward Gardner Road. It is understood that the backyard area (Photo 3) contains a septic field. The horizontal distance from the north footing line of the existing residence and the crest of the shoreline slope was approximately 21 m;



- The existing house and garage was constructed 'into' the natural slope and the yard area on the upslope (i.e., south) side of the garage was supported by a retaining wall (Photos 4 and 5). The moderate gradient of the natural slope extended outside of the southern property line and continued well beyond Gardner Road (Photo 6);
- There were no areas of wet ground or soft surficial soils observed at the site. Further, no water courses or signs of concentrated runoff and/or surface flows were noted; and
- A cursory visual review of the house/garage and retaining wall did not indicate any obvious evidence of substantial settlements or distress.

4.0 DISCUSSION AND RECOMMENDATIONS

Based on the background information review and on the observations made during the field reconnaissance, there do not appear to be any substantial or insurmountable geotechnical constraints that would preclude the proposed demolition/construction from being carried out. As such, the project would be geotechnically feasible, provided that the following discussion and recommendations are implemented:

1. Levelton should review the structural engineering drawings for the proposed residence to confirm that the assumed soil parameters used in design are consistent with the conditions anticipated in the field;
2. The demolition of the existing house/garage should include complete removal of the footings and foundation elements. New foundations should be extended to bear on compact/dense natural granular soils or compacted engineered fill placed above a suitable subgrade;
3. Levelton should review the excavated subgrades in the field to confirm suitability for placement of footings and/or engineered fill;
4. Collected runoff from paved and roof areas should be collected and disposed of in a manner that will not result in erosion and/or degradation of soils within the yard area or the shoreline slope;
5. The retaining wall along the shoreline should be maintained in its current condition or better; and
6. Grading of the yard area between the residence and the crest of the shoreline slope should not be carried out if it creates a significant increase in the height of the shoreline slope. Any proposed grading within this area should be reviewed by a geotechnical engineer.



Under these conditions, it is considered, from a geotechnical perspective, that the land where the proposed house and garage are to be located may be used safely for the use intended (single-family residence).

5.0 CLOSURE

This report has been prepared for Mr. Steve Neil according to the attached Terms of Reference for Geotechnical Reports. Elmworth Construction Ltd. and the Cowichan Valley Regional District are considered to be authorized users of this report, subject to the terms and conditions under which it was prepared.

We trust that the information provided above meets your current requirements. If you have any questions, or require additional information, please do not hesitate to contact the undersigned.

LEVELTON CONSULTANTS LTD.

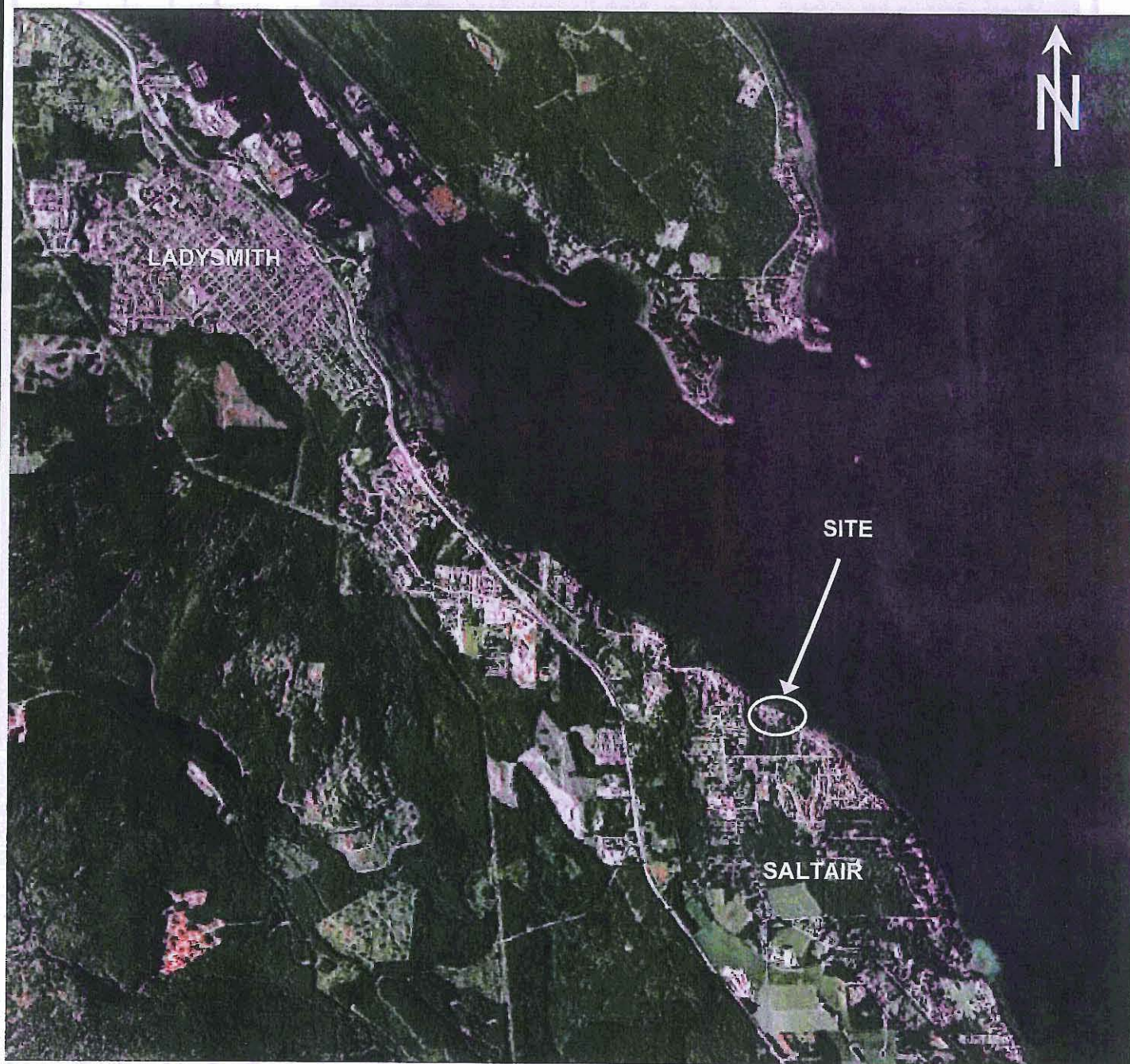
A circular professional engineer seal for the Province of British Columbia. The seal contains the text "PROFESSIONAL ENGINEER", "PROVINCE OF BRITISH COLUMBIA", and "I.W. OXLAND". A handwritten signature "Tom W. Oxland" is written over the seal, and the date "21 MAR 2012" is stamped across it.

Review by:

Per: Tom Oxland, P.Eng.
Senior Geotechnical Engineer

Don Kaluza, P.Eng.
Senior Geotechnical Engineer

Attachments: Figure 1 – Site Location Plan
Site Photographs
Terms of Reference for Geotechnical Reports



LEVELTON

PROJECT:

3741 GARDNER ROAD, SALTAIR

TITLE:

SITE LOCATION PLAN

CLIENT:

MR. STEVE NEIL

FIGURE NO.:

1

DATE:

MARCH 2012

FILE NO.:

VI12-0549

SCALE:


NTS



Photo 1.
Cast in place concrete seawall – looking west from beach deck.



Photo 2.
Concrete block seawall – looking east from deck.

 <p>LEVELTON</p>	<p>PROJECT: 3741 GARDNER ROAD, SALT AIR</p>
<p>PHOTOS NO.: 1 and 2</p>	<p>TITLE: SITE PHOTOGRAPHS – 12 MARCH 2012</p>
	<p>CLIENT: MR. STEVE NEIL</p>
	<p>DATE: MARCH 2012</p>
	<p>FILE NO.: VI12-0549</p>

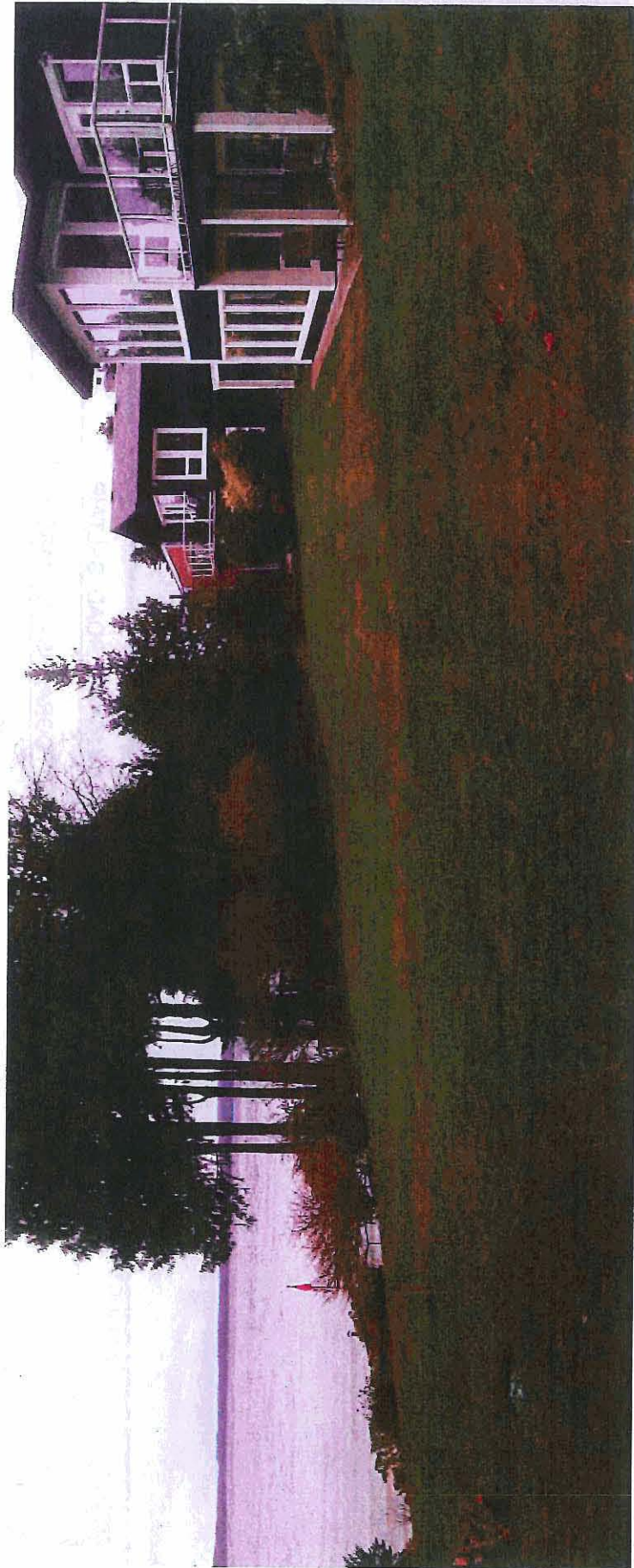


Photo 3.
Looking east across lawn area. Existing residence on the right.



	PROJECT: 3741 GARDNER ROAD, SALT AIR
PHOTO NO.: 3	TITLE: SITE PHOTOGRAPHS – 12 MARCH 2012
	CLIENT: MR. STEVE NEIL
	DATE: MARCH 2012
	FILE NO.: VI12-0549



Photo 4.
Existing garage looking east.



Photo 5.
Upper yard area looking west from driveway.
Existing garage is on right.

 LEVELTON PHOTOS NO.: 4 and 5	PROJECT:	3741 GARDNER ROAD, SALT AIR
	TITLE:	SITE PHOTOGRAPHS – 12 MARCH 2012
	CLIENT:	MR. STEVE NEIL
	DATE:	MARCH 2012
	FILE NO.:	V112-0549

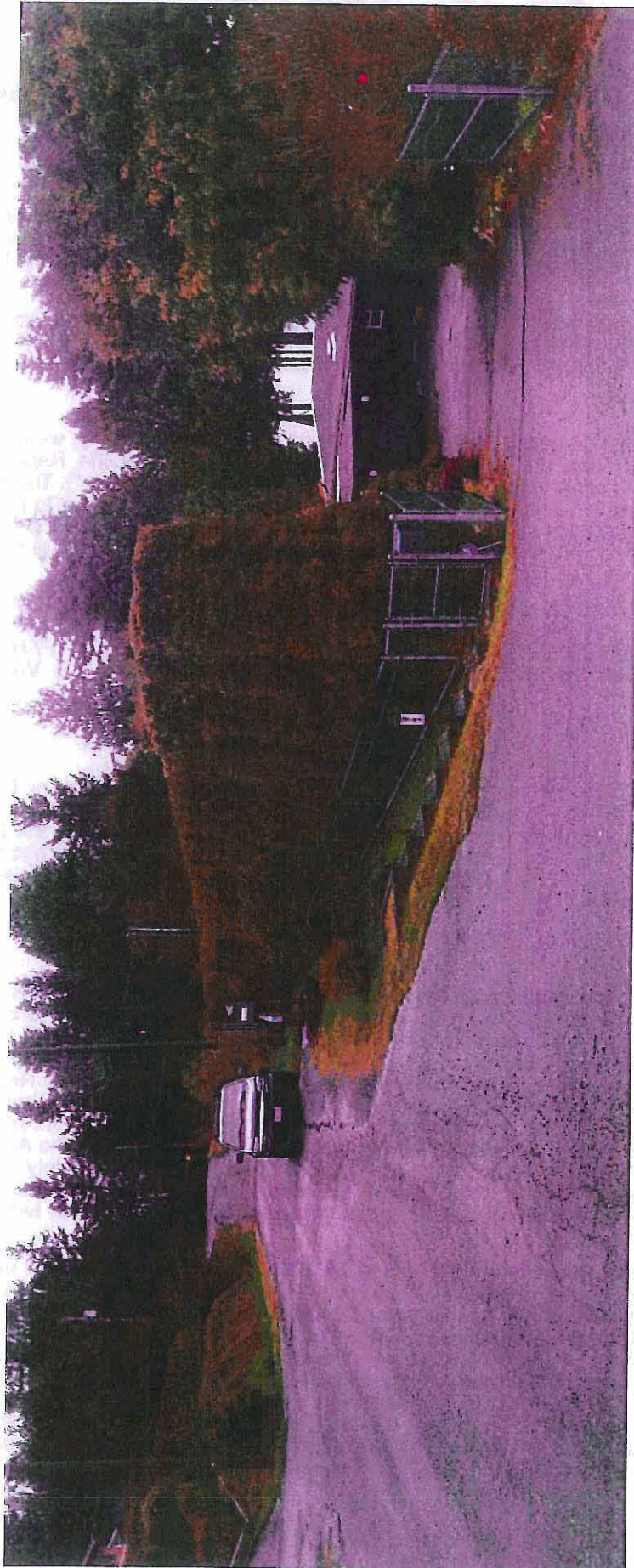



Photo 6.
Looking west along Gardner Road. Entrance to subject property is on the right.
The existing residence is visible at the end of the driveway.

	PROJECT:	3741 GARDNER ROAD, SALTAR	
	TITLE:	SITE PHOTOGRAPHS – 12 MARCH 2012	
	CLIENT:	MR. STEVE NEIL	
	DATE:	MARCH 2012	FILE NO.: VI12-0549
PHOTO NO.: 6			



LEVELTON

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TERMS OF REFERENCE FOR GEOTECHNICAL REPORTS ISSUED BY LEVELTON CONSULTANTS LTD. (continued)

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R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING of May 15, 2012

DATE: May 9, 2012

FILE No: 1-E-12 DVP

FROM: Alison Garnett, Planner I

BYLAW No: 1840

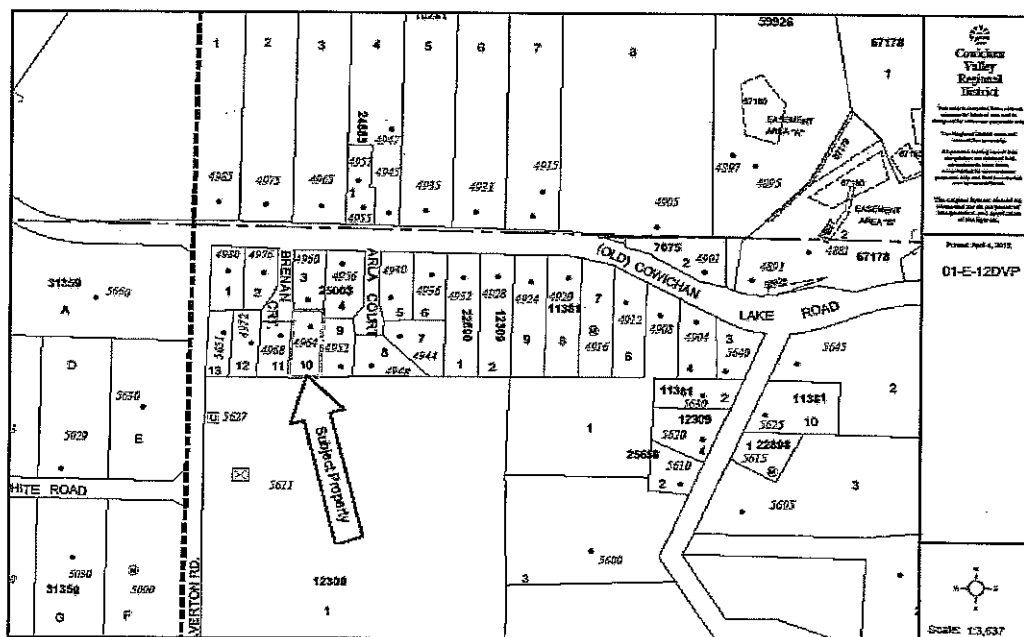
SUBJECT: Development Variance Permit Application 1-E-12 DVP
(Amanda & Ross McKenzie)

Recommendation/Action:

That the application by Amanda and Ross Mackenzie for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 by increasing the size limit of a residential accessory building from 100 m² to 115 m² for Lot 10, Section 8, Range 6, Sahtlam District, Plan 25003 (PID: 002-853-531), be approved.

Relation to the Corporate Strategic Plan: N/A

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



Background:

Location of Subject Property: 4964 Brenan Court

Legal Description: Lot 10, Section 8, Range 6, Sahtlam District, Plan 25003 (PID: 002-853-531)

Date Application Received: April 3, 2012

Owner & Applicant: Amanda and Ross McKenzie

Size of Lot: 1500 m²

Existing Zoning: R-2 (Suburban Residential)

Minimum Lot Size: 2 ha

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Use of Surrounding Properties:

North, East and West: Residential

South: Recently rezoned light industrial to R-6 (Cherry Blossom Estates). Land is currently vacant.

Road Access: Brenan Court

Water: On site

Sewage Disposal: On site

Environmentally Sensitive None identified

Areas:

Archaeological Site: None have been identified

The Proposal:

The subject property is zoned R-2 (Suburban Residential) and is located on Brenan Court, near the intersection of Culverton Road and Cowichan Lake Road. The lot is approximately 1500 m², and there is currently a single family home and shed constructed on the property, as shown on the attached sketch plan.

The applicants propose to construct an approximately 115 m² (1200 ft²) shop near the southern boundary of the subject property, in what is currently open yard. The building complies with the required setback to property lines and height limit of the R-2 zone. The Electoral Area E Zoning Bylaw limits the size of an accessory residential building to 100 m² (1076 ft²), and the applicants wish to increase the size limit by a maximum of 15 m². The applicants have stated that the residential accessory building will be used to store a boat and trailer, and for general workshop use. The parcel coverage in the R-2 zone is 30%, and will not be exceeded with construction of the proposed building.

The land immediately south of the subject property was the subject of a recent rezoning application for medium density residential development. Since that parcel has not yet been subdivided or developed, prospective neighbouring property owners cannot be contacted.

However staff are of the opinion that the requested increase in size limit of this accessory building would have a negligible impact on adjacent properties.

Surrounding Property Owner Notification and Response:

A total of 19 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No comments have been received to date.

Options:

1. That the application by Amanda and Ross Mackenzie for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 by increasing the size limit of a residential accessory building from 100 m² to 115 m² for Lot 10, Section 8, Range 6, Sahtlam District, Plan 25003 (PID: 002-853-531), be approved.
2. That the application by Amanda and Ross McKenzie (1-E-12 DVP) be denied.

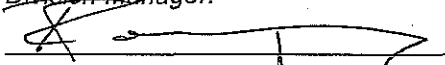

Option 1 is recommended.

Submitted by,



Alison Garnett,
Planner I
Planning and Development Department

AG/ca

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



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 1-E-12 DVP

DATE: May 9, 2012

REGISTERED PROPERTY OWNER(S):

Amanda and Ross McKenzie- DRAFT

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:
Lot 10, Section 8, Range 6, Sahtlam District, Plan 25003 (PID: 002-853-531)
3. Zoning Bylaw No. 1840 applicable to Section 5.2(e), is varied as follows: the size limit of a residential accessory building is increased from 100m² to 115 m².
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Sketch Plan of subject property
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.
7. AUTHORIZING RESOLUTION NO. *[from Board Minutes]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* 2009.

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 (signature)

Print Name

Print Name

Date

Date



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.

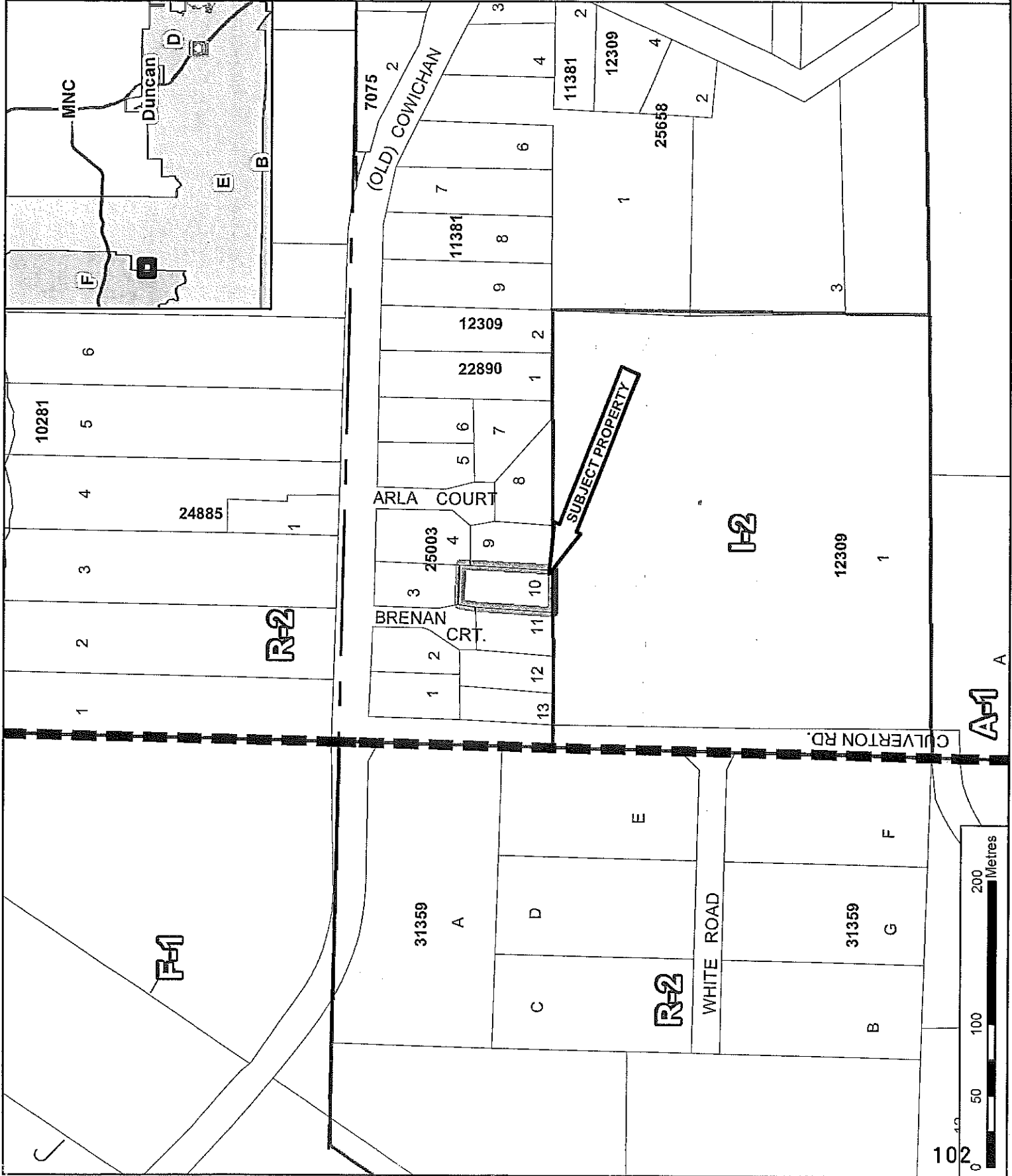
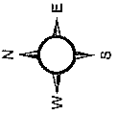
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

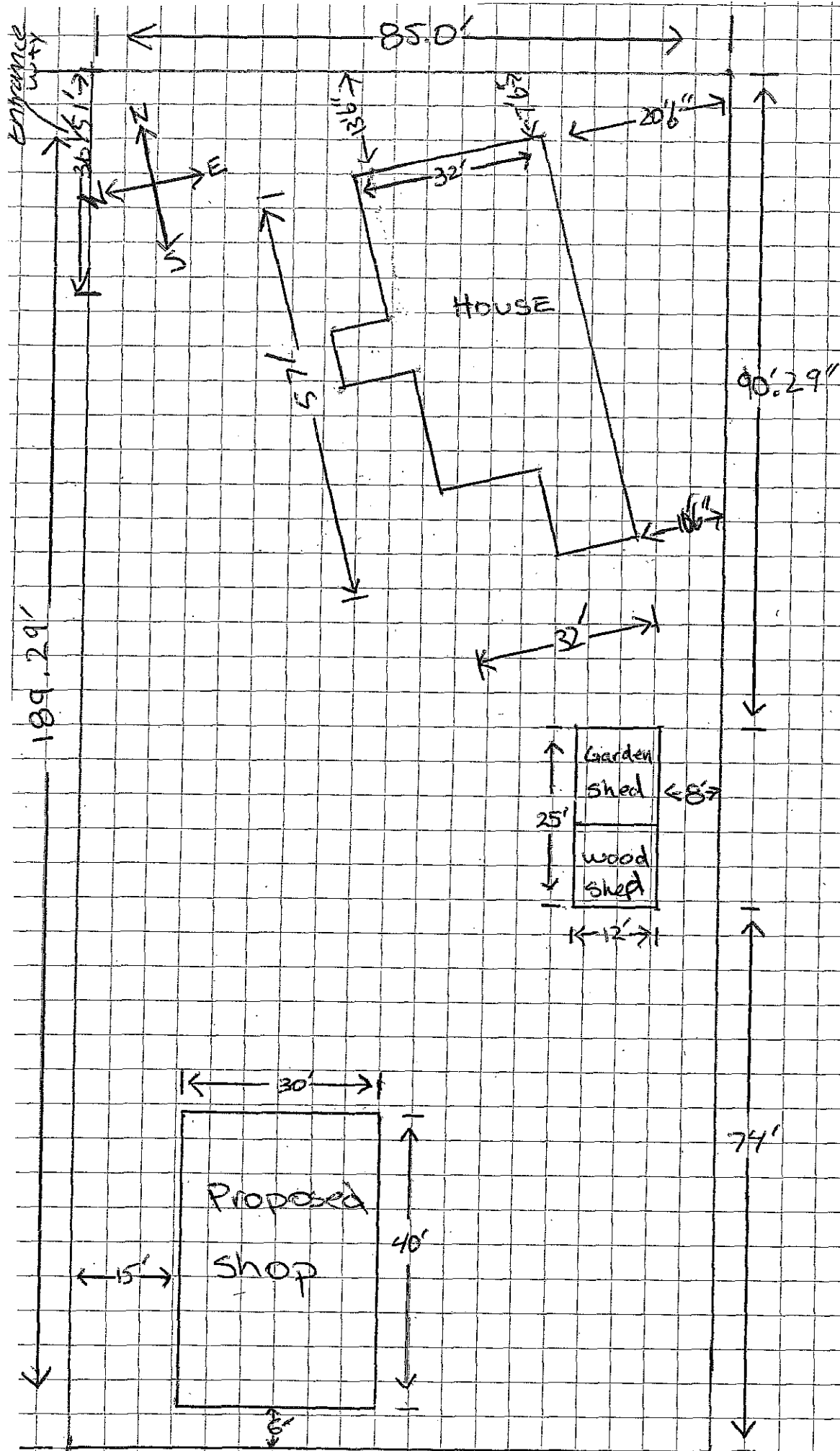
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ZONING

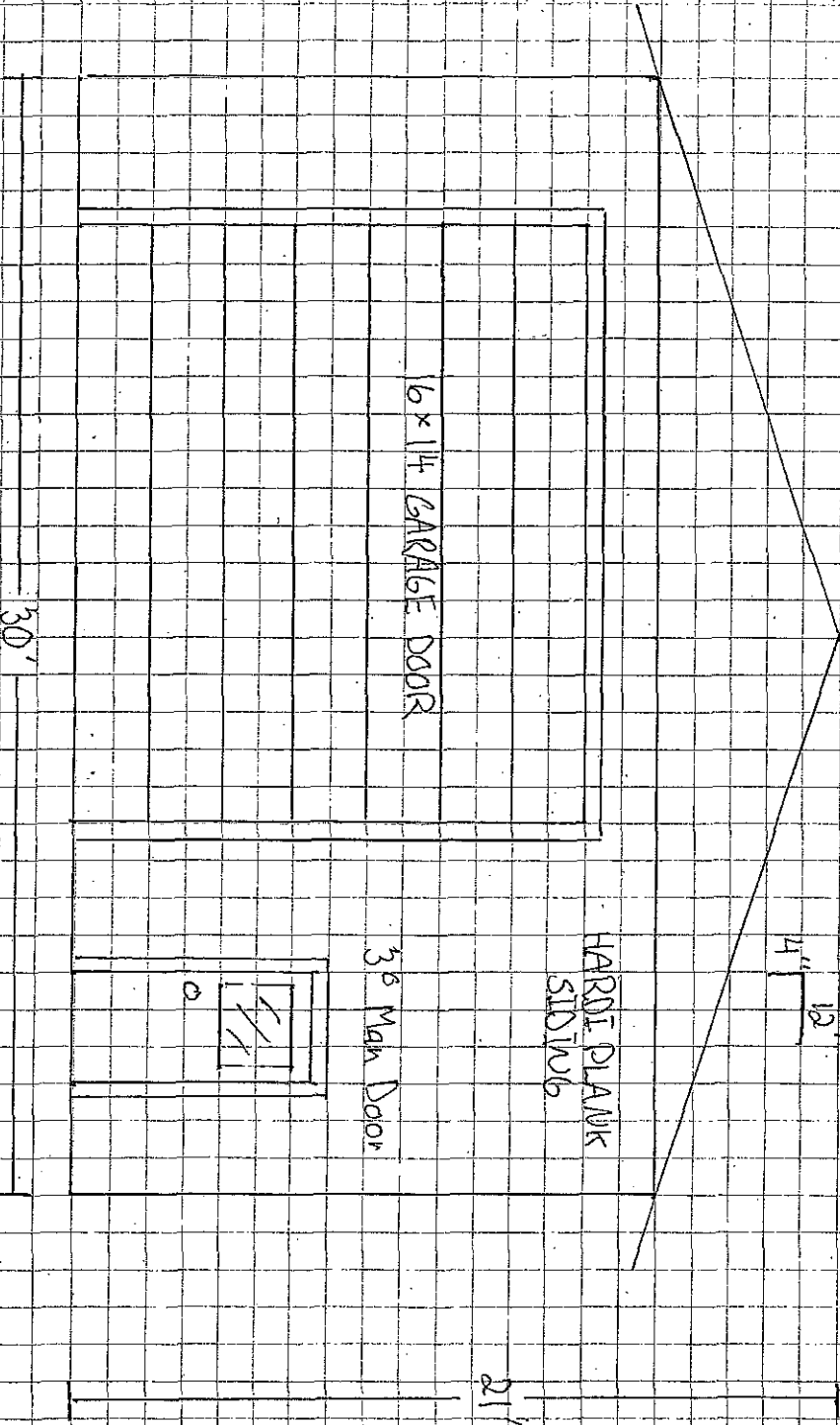
Legend

-  Subject Property
-  Zoning E

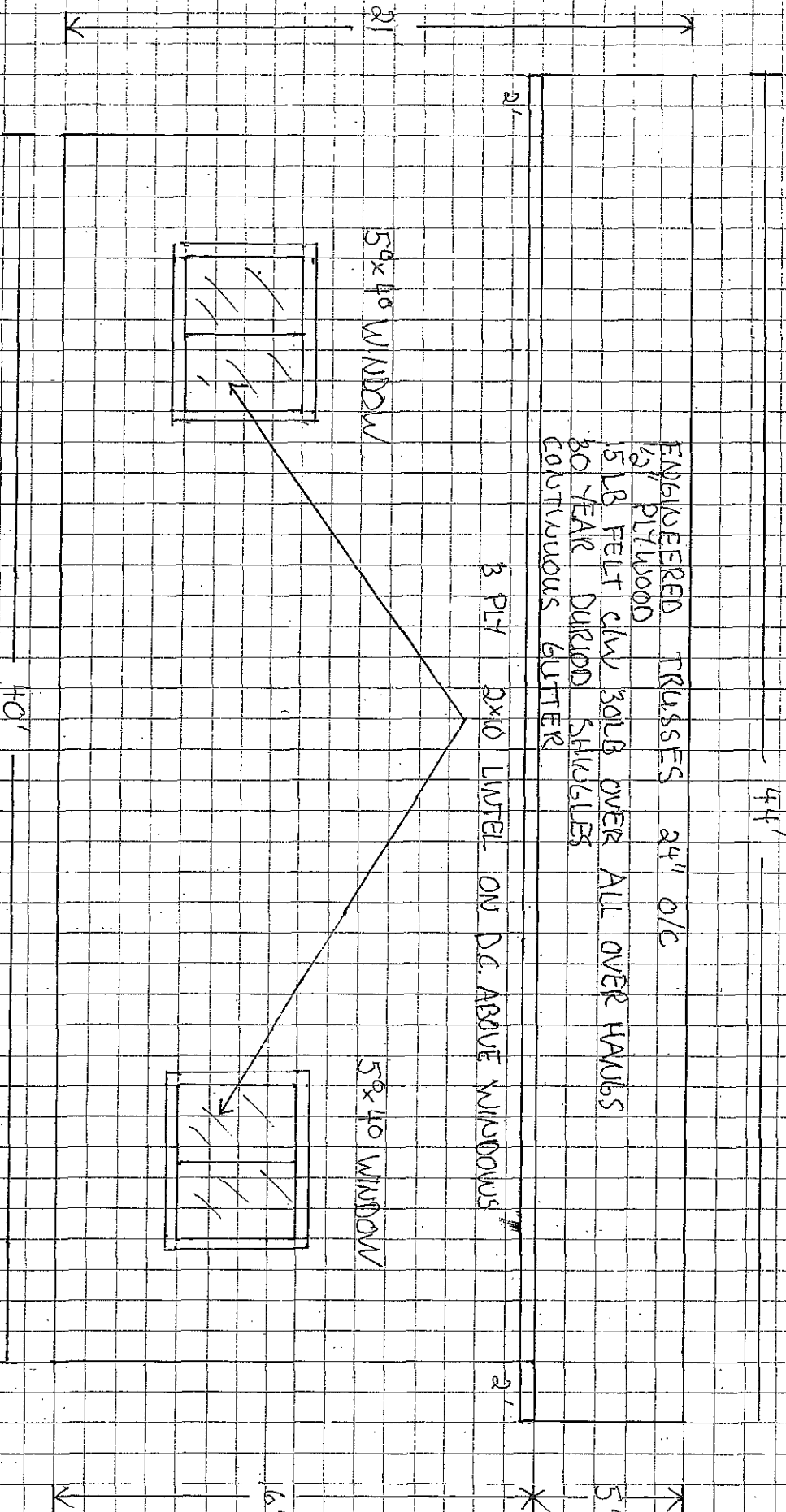




RIGHT & LEFT ELEVATION



REAR ELEVATION





R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 15, 2012

DATE: May 8, 2012

FILE NO: 3360-01-
D/CB/FLO

FROM: Ann Kjerulf, Planner III

BYLAW NO:

SUBJECT: Cowichan Bay Float Home Regulations

Recommendation/Action:

That the CVRD solicit a minimum of three quotations from environmental consultants to conduct an environmental study to determine how to minimize the impacts of float homes on the estuarine environment by appropriate siting, setbacks, and dimensions within water lease boundaries, and enter into a contract to complete the work with the value of the contract not to exceed \$8,000.

Relation to the Corporate Strategic Plan:

The Corporate Strategic Plan, under the broad topic of Healthy Environment, includes an objective to "protect the environment from harm" including a strategic action to "develop policies and guidelines to protect sensitive areas".

Financial Impact: (Reviewed by Finance Division: *SEN*)

\$10,000 was included in the 2012 budget for completion of the Area D – Cowichan Bay Official Community Plan. The budgeted amount was intended to cover expenses related to advertising, community meetings, and any necessary consulting services needed to complete the Plan. The estimated expenditure from the Area D – Cowichan Bay OCP budget for the environmental study related to Cowichan Bay float homes is not expected to exceed \$8,000. This would leave sufficient funds in the OCP budget related to advertising and community consultation.

Background:

CVRD staff have been researching concerns regarding the direct discharge of liquid waste from unregulated float homes in Cowichan Bay Village. Engineering and Environmental Services and Planning and Development staff brought reports forward to the Engineering & Environmental Service Committee on January 12, 2012 and, subsequently, to Electoral Area Services Committee on February 21, 2012. At the February 21st meeting, the Electoral Area Services Committee moved the recommendation, "that staff initiate a process to amend the Electoral Area D Cowichan Bay Official Settlement Plan Bylaw No. 925 and Electoral Area D Zoning Bylaw No. 1015 to regulate float homes in Cowichan Bay Village".

Discussion:

Since the meeting, staff have consulted with a variety of agencies including the Cowichan Estuary Environmental Management Committee (CEEMC), Ministry of Environment, Transport

Canada, Cowichan Bay Volunteer Fire Department and the Vancouver Island Health Authority. Staff have also consulted with marina operators and residents of float homes and live-aboard vessels in Cowichan Bay. A community meeting was held on April 26, 2012 with approximately 50 community members in attendance.

There is general agreement that float homes need to be connected to the Cowichan Bay Sewer System. However, in terms of creating an amending bylaw to permit float homes there are some outstanding information gaps including, namely, appropriate siting, setbacks, dimensions, and the maximum permissible number of float homes in Cowichan Bay. These were noted by members of the CEEMC at its meeting held April 12. Consequently, the CEEMC passed a motion requesting that the CVRD conduct an environmental study to determine how to minimize the impacts of float homes on the estuarine environment by appropriate siting, setbacks, and dimensions within water lease boundaries.

Conclusion:

Staff had not specifically budgeted for consulting services in conjunction with the proposed amendment to the Area D Zoning Bylaw. However, funds are available within the Area D – Cowichan Bay OCP budget to conduct the study as requested by the CEEMC, and it is the opinion of the staff that this expenditure would not jeopardize completion of the OCP process. With consideration for the three options presented below, staff hereby request permission to contract an environmental consultant to complete the work requested by the CEEMC in order to properly regulate float homes in Cowichan Bay. The options are as follows:

Options:

Option A: That the CVRD solicit a minimum of three quotations from environmental consultants to conduct an environmental study to determine how to minimize the impacts of float homes on the estuarine environment by appropriate siting, setbacks, and dimensions within water lease boundaries, and enter into a contract to complete the work with the value of the contract to not exceed \$8,000 (preferred option).

Option B: That the CVRD solicit a minimum of three quotations from environmental consultants to conduct an environmental study to determine how to minimize the impacts of float homes on the estuarine environment by appropriate siting, setbacks, and dimensions within water lease boundaries, and return to the EASC with a request for approval to enter into a contract with one of the consultants;


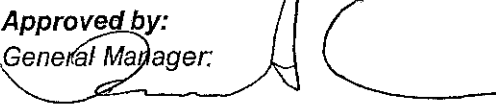
Option C: That the CVRD not pursue a contract with an environmental consultant for the purpose of preparing an environmental study to determine how to minimize the impacts of float homes on the estuarine environment.

Submitted by,



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

AK/ca

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



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 15, 2012

DATE: May 8, 2012 FILE NO: 6-A-11SA
FROM: Rob Conway, Manager BYLAW NO: 985
SUBJECT: Mill Bay Marina – Subdivision and Building Permit Covenant

Recommendation/Action:

That the Board Chair and Corporate Secretary be authorized to execute a Section 219 Covenant to allow the subdivision of Block C, Sections 1&2, Range 9, Shawnigan District, Except Part in plans 29781 and 30142 (Mill Bay Marina) and the issuance of a building permit for 14 townhouse dwellings in advance of a completed sewer connection to the Sentinel Ridge sewer treatment plant.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Following rezoning of the Mill Bay Marina property in October, 2011, the developers obtained a development permit for a 14 unit townhouse development and preliminary layout approval for subdivision of the property. Although the property is within the Sentinel Ridge Sewer Service Area, it will be necessary for the developer to construct a sewer force main from the site to the treatment plant. Normally an installed sewer connection would be required before final subdivision approval and before building permits are issued.

As the Sentinel Ridge sewer treatment plant is approximately 2 kilometers from the marina site, construction of the force main is expected to take a number of months, commencing this summer. The developers have requested approval to complete the subdivision and to commence construction on the townhouses concurrently with construction of the force main sewer.

Staff Comments:

Staff does not object to the developer completing the subdivision and commencing construction of the townhouses before the sewer connection is installed and is operational, provided the following conditions can be met:

1. Approval from the Ministry of Transportation and Infrastructure is provided in writing confirming the route and permission to construct a force main sewer and associated works between the Lands and the Sentinel Ridge Sewer Treatment Plant;

2. Approval in writing for the design of the force main sewer and associated works from the Lands to the Sentinel Ridge Sewer Treatment Plant from the Transferee's Engineering and Environment Department;
3. Provision of security, in the form of an irrevocable letter of credit, for the cost of all unconstructed works of the force main sewer between the Land the Sentinel Ridge Sewer Treatment Plant, in an amount equal to 125% of the cost of completing the construction of the said works, as estimated by a professional engineer engaged by the Transferor, such estimate to be subject to the approval of the Transferee's Engineering and Environment Department;
4. Registration of a Section 219 Covenant on the Land to prohibit any occupancy or use of buildings constructed on the Lands until the force main sewer extension and related works referred to in this Agreement have been completed to the satisfaction of the Transferee, such that the Lands are fully serviced with community sewer sufficient for the proposed development of the Lands.

The developer has agreed to these conditions and has submitted a draft covenant that incorporated the conditions. A copy of the draft covenant is attached to this report.

It should be noted that conditions that were established at the time of rezoning (substantial completion of the marina, dedication of the waterfront walkway, reconstruction or bonding of the Handy Road boat launch) still apply and will need to be addressed before building permits are issued.

Options:

1. That the Board Chair and Corporate Secretary be authorized to execute a Section 219 Covenant to allow the subdivision of Block C, Sections 1&2, Range 9, Shawnigan District, Except Part in plans 29781 and 30142 (Mill Bay Marina) and the issuance of a building permit for 14 townhouse dwellings in advance of a completed sewer connection to the Sentinel Ridge sewer treatment plant.
2. That subdivision approval and issuance of building permits be withheld until an operational force main sewer extension between Block C, Sections 1&2, Range 9, Shawnigan District, Except Part in plans 29781 and 30142 (Mill Bay Marina) and the Sentinel Ridge sewer treatment plant is installed.

Option 1 is recommended.

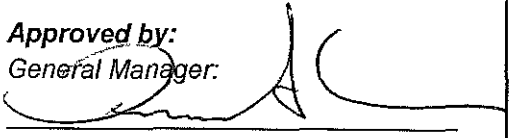
Submitted by,



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

RC/ca

Approved by:
General Manager:



Draft

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

--

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

MULLIN DEMEO

Lawyers

1626 Garnet Road

Victoria

BC V8P 3C8

250-477-3327

File No: Mill Bay 56482/JM/rg

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

LOT 3, SECTIONS 1 AND 2, RANGE 9, SHAWNIGAN DISTRICT, PLAN VIP

STC? YES ☐

3. NATURE OF INTEREST

Covenant

Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Section 219

over CA2318175 and CA2318176

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

MILL BAY MARINA INC. (INC. NO BC0883685) AND ISLAND SAVINGS CREDIT UNION

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

COWICHAN VALLEY REGIONAL DISTRICT

175 INGRAM STREET

DUNCAN

V9L 1N8

BRITISH COLUMBIA

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Y	M	D

Transferor(s) Signature(s)

**MILL BAY MARINA INC. by its
authorized signatory(ies):**

Name: _____

Name: _____

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 3 of 7 pages

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y

M

D

ISLAND SAVINGS CREDIT UNION,
by its authorized signatory(ies):

Name:

Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferors are the registered owners in fee-simple of those lands and premises located within the Cowichan Valley Regional District, in the Province of British Columbia, more particularly described as:

PID:

Lot 3, Sections 1 and 2, Range 9, Shawnigan District, Plan VIP _____

(the "Lands");

- B. The Transferee is the Cowichan Valley Regional District;
- C. The Transferor has requested permission to subdivide the parent title to the Lands before it is serviced with community sewer and has agreed to registration of a Covenant against title to the Lands to allow for subdivision of the Lands in advance of the Lands being serviced with community sewer.
- D. The Transferee has requested and the Transferor has agreed to grant a Covenant pursuant to Section 219 of the *Land Title Act* to prohibit the construction of any buildings or structures on the Lands unless this Covenant has been discharged.
- E. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building may be granted in favour of the Transferors and may be registered as a charge against the title to that land.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act* , and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Transferors by the Transferee (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1. The Transferor or anyone deriving through the Transferor title to the Lands or any part thereof shall not construct, nor permit to be constructed, any building or structure on the Lands and shall not subdivide the Lands, including but not limited to a subdivision under the *Strata Property Act* (whether building strata or bare land strata), until the force main sewer extension and related works referred to in this Agreement have been completed to the satisfaction of the Transferee, such that the Lands are fully serviced with community sewer sufficient for the proposed development of the Lands.
2. Notwithstanding Section 1, the Transferee may authorize, in its sole discretion, the

construction of buildings or structures if the following conditions have been satisfied:

- a) Approval from the Ministry of Transportation and Infrastructure is provided in writing confirming the route and permission to construct a force main sewer and associated works between the Lands and the Sentinel Ridge Sewer Treatment Plant;
 - b) Approval in writing for the design of the force main sewer and associated works from the Lands to the Sentinel Ridge Sewer Treatment Plant from the Transferee's Engineering and Environment Department;
 - c) Provision of security, in the form of an irrevocable letter of credit, for the cost of all unconstructed works of the force main sewer between the Land the Sentinel Ridge Sewer Treatment Plant, in an amount equal to 125% of the cost of completing the construction of the said works, as estimated by a professional engineer engaged by the Transferor, such estimate to be subject to the approval of the Transferee's Engineering and Environment Department;
 - d) Registration of a Section 219 Covenant on the Land to prohibit any occupancy or use of buildings constructed on the Lands until the force main sewer extension and related works referred to in this Agreement have been completed to the satisfaction of the Transferee, such that the Lands are fully serviced with community sewer sufficient for the proposed development of the Lands..
3. Upon completion of the works referred to in Section 2 of this Agreement, to the satisfaction of the Transferee, the Transferee, at the request and sole cost of the Transferor, shall execute a registerable discharge of this Covenant.
 4. The Transferors shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
 5. The Transferors hereby release and forever discharge the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferors can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferors may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;

- (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
6. At the Transferors' expense, the Transferors must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.
 7. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferors.
 8. Time is of the essence of this Agreement.
 9. The Transferors covenant and agree for themselves, their heirs, executors, successors and assigns, that they will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferors as personal covenants only during the period of their respective ownership of any interest in the Lands.
 10. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferors other than those contained in this Agreement.
 11. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
 12. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
 13. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
 14. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Lands.
 15. The Transferors agree to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.

16. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
17. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
18. ISLAND SAVINGS CREDIT UNION, the registered holder of a charge by way of Mortgage and Assignment of Rents against the Lands and registered under No. CA2318175 and CA2318176, respectively (the "**Charge**") in the Land Title Office at Victoria, British Columbia, for and in consideration of the sum of One (\$1.00) Dollar paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

The Transferors and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1, 2 and 3) attached hereto.



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 15, 2012

DATE: May 7, 2012 FILE NO: South Cowichan
Zoning Bylaw

FROM: Mike Tippet, Manager, Community & Regional Planning BYLAW NO: 3520

SUBJECT: Expanded referral list for the South Cowichan Zoning Bylaw

Recommendation/Action:

That in addition to the referral agencies already directed by the Committee in April, that the draft South Cowichan Zoning Bylaw and the complementary South Cowichan Official Community Plan (OCP) amendment bylaw be also forwarded to:

- Capital Regional District
- City of Langford
- Ministry of Community, Sport and Cultural Development
- Garnett Creek Water Users
- Cowichan Bay Waterworks District
- Braithwaite Improvement District
- Meredith Road Improvement District
- Cobble Hill Improvement District
- Wace Creek Water Service
- Carlton Improvement District
- Sylvania Improvement District
- Oceanview Improvement District
- Mill Bay Waterworks District
- Miller Water Supply
- Burnham Water Utility
- Lidstech Holdings Ltd.
- Mill Springs Sewer Utility

Relation to the Corporate Strategic Plan:

This zoning bylaw implements the South Cowichan Official Community Plan, which in turn implements key elements of the Corporate Strategic Plan.

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

Background:

Staff has been preparing referral packages for the proposed South Cowichan Zoning Bylaw and we believe that the referrals should also go to the Ministry responsible for local governments, two adjacent local governments and the independent water and larger sewer service areas within Electoral Areas A, B and C.

Submitted by,

Mike Tippet, MCIP
Manager
Community and Regional Planning Division

Approved by:
General Manager:

INI

Area A Parks & Recreation Commission

Meeting March 15th, 2012 at Brentwood College

Regrets: David Gall, Greg Farley

Present: Ron Parsons, Joan Pope, Clyde Ogilvie (acting chairperson), April Tilson, Cathy Leslie, Director Walker

Guests: Jenny McKenzie and friend

Meeting called to order at 7:05 pm

Introduction of guests: Jenny McKenzie and friend - history of their many concerns regarding their property and their reasons for attending the meeting.

1. Ongoing Business:

A. 2012 Area A PRC Budget: Director Walker reported that the budget was presented at the CVRD board meeting. It will get final approval March 28th.

B. Area A PRC 2012 Priority Items:

Hollings Creek – bridge and trail to end near Tim Hortons. Budget \$10,000 for trail and approaches. Approaches to bridge need gravel etc. for stabilization. Brian Farquhar is aware. David Gall to ask Ryan about trail connections to bridge and report back to PRC members next meeting.

Mill Springs Trail – discussion re: trail improvement around Boompond Rd

Deloume Park – Discussion followed about notifying the homeowner/strata group, a need for more specific budget information, specialized equipment or not, and arranging a meeting with all interested parties. Decided that the Mill Springs strata group, Ryan, Area A PRC and Tanya should meet early-mid April.

Mill Bay Wharf - needs repairs to pilings etc. Ryan and Brian will get a proper survey.

Repairs will be done with any left over budget monies.

2. New Business: Commission member asked for an update on current projects - perhaps by Director Walker at every meeting.

3. Updates:

Ocean Terrace – parks are to be developed like the original plan that was shown to the community, they will be phased in with the overall project.

Partridge Rd – discussion re: trail

Marina at Handy Rd – sewer system is being constructed and will connect to Sentinel Ridge's system. No beach access in front of Marina at present for public, Brian F knows. The work on the boat launch will begin in Spring. They will have to dredge a little. First Nations midden and remains are still a concern on the site.

Benko Rd – discussion about a potential apartment building with a large portion of green space.

Meeting Adjourned 8:25 pm

Next Meeting: April 19th, 2012, 7 pm at Brentwood College

IN 2

Area A Parks & Recreation Commission

Meeting Apr 19th, 2012 at Mill Springs (Deloume) park

Regrets: April Tilson, Ron Parsons

Present: Joan Pope, Clyde Ogilvie, Greg Farley, Dave Gall, Cathy Leslie,
Director Walker

Guests: Ryan Dias - CVRD Parks Operation Superintendent Parks & Trails

1. Ongoing Business:

A. Quotes for Government Wharf pile replacement:

Ryan has received 3 quotes from \$2500-\$25,000. After some discussion, it was decided that Ryan may contact Ruskin Construction to do another assessment of the pilings since they have worked for Brentwood College on their docks etc.

B. Mill Springs (Deloume) Park:

After some discussion and regret that there wasn't a Mill Springs strata member present to provide input about community wishes and equipment, it was decided that Ryan will use a budget of \$40,000 to do various estimates for us regarding playground equipment/amenities. He will bring us these estimates at a later date, for example, the costs of a swingset and hoop for basketball court, etc. Ryan may be able to get our equipment costs lessened if he adds them in with another parks' equipment order.

After discussion, it was decided that the focus for now will be on the unfinished area that will be used for smaller children. Perhaps pea gravel will be used; however, this will not be "accessible". This area should be ready for summer. Ryan has a bench and sign for the park already to be added.

Ryan discussed that natural elements such as the ones described in the article submitted by April cannot be used at this time because the unfinished area is too small and would not meet CSA approval for potential falls, etc. Also, there are at least some elements (a grassy hill, some trees, a flat court surface) that can potentially provide different types of play. In the future there will be a covered area, hopefully next year.

Next Meeting: May 17th, 2012, 7 pm at Brentwood College

IN3

Area B, Shawnigan Lake Parks and Recreation Commission , April 19, 2012

Attendees: Catherine Whittome, Bill Savage, Lori Treloar, Gaileen Flaman, Scott Overhill, Margaret Symon

GP: Brian Jackson

Scribe: Catherine Whittome

Meeting called to order at 6:35 p.m.

Minutes of March 15, 2012 approved, with minor change (Island Timberlands, not TimberWest, leases Jack Fleetwood Trail to CVRD)

Business Items:

Shawnigan Hills Athletic Park:

- Landscaping newly implemented around new washroom facility; shrubs and trees have been planted.
- Current gate keeper is unable to continue duties; new gate keeper is required (with additional duties of locking/unlocking washroom facility). Duties come with remuneration.

Over the recent past, gate has been left open at night, with resultant signs of disturbance (beer cans, litter).

- Gaileen Flaman received from Graham Gidden/Michael Miller a number of pamphlets from different playground equipment companies featuring items suitable for proposed tot lot playground at Shawnigan Hills. Gaileen Flaman presented her recommendations to commission members. Discussion about ideal user group age range, features that would minimize potential vandalism).

Motion: The Shawnigan Lake Parks Commission and Recreation Commission accepts the conceptual tot lot playground design components, and following final approval by the commission (by email), endorses the purchase of the materials and development of the tot lot by the CVRD Parks Dept. **Motion carried.**

- Tabled the date for the Opening of the New Washroom facility/Silvermine Trail/Tot Lot – pending completion of tot lot (when the weather should be better).

Shawnigan Beach Estates:

- The commission would like an update from the bylaw enforcement officer on the encroachment into the Green Belt (specific site discussed with Brian Farquhar at commission meeting in 2011).
- The Greenbelt map that has been posted on at the Gregory/McKean entrance of the Shawnigan Lake Beach Estates has been covered over with other people's notices.

Shawnigan Triathlon-

- Continued pressure from the Triathlon company to supply pro-bono services. Commission feels as the triathlon is a “for profit” enterprise, it is their responsibility to pay for expenses related to the triathlon usage of West Shawnigan Park and the TransCanada Trail – including park and trail usage (boarding up washrooms during weekend event, any grading of TCT, moving boulders and replacing when done on spur trail, repairing any damage to grass/other areas of park resulting from triathlon-related equipment. CVRD Parks Dept. supports commission.
- The commission feels the triathlon company should be leaving a lasting legacy in the Shawnigan community (i.e., significant contribution to Kinsol Trestle). As the 6th Shawnigan Triathlon approaches, so far, the previous 5 year’s events have left behind a core of exhausted local volunteers.

Memory Island

- No Update

Shawnigan Focus

- Congratulations on your 1st Year Anniversary (March 18, 2012)!

Road Ends

Motion: To reiterate previous motions from past years, request that the 2005 Road End Study be deemed as complete, and released in complete format to the commission.

Motion carried.

Discussion about parking at Bell-Irving road end. Island residents use Bell-Irving for overnight parking. Bell-Irving is a designated fire department drafting location. Island residents may need to consider an alternate parking/access point.

New Business:

Proposed Rezoning Lot A, Range 1, Plan VIP72158 and Lot 2, Range 2, Plan VIP87864, both in Sec. 6, Shawnigan District.

Motion: If the lot is rezoned from F1 to R2 the Shawnigan Lake Parks Commission concurs with the recommendations made by CVRD Parks Dept. (CVRD Memo to Parks Commission, April 12, 2012), recommending:

- a 7 meter wide trail corridor along N boundary running E-W (in order to continue the Silvermine Trail W towards the Kinsol Trestle. This corridor would link the existing section of Silvermine Trail to Crown Land to the W, thereby continuing the trail linkage as proposed in the Shawnigan Lk Community Parks and Trails Master Plan.)
- a 4-m wide strip of park land running N/S along the SE boundary adjacent to the park land to the E of the subject property (to permit widening the current trail corridor from 6 to 10 m in order to divert the Silvermine Trail around a rock outcrop)
- In addition, in accordance with new amenity zoning provided in the new South Cowichan OCP, the Commission would like to request:
- that, on the N boundary, the property owner construct the trail to CVRD Parks Dept.

standards

- that the property owner allow thru-access for pedestrian access via the existing gravel road between the west end of Baron Road and the CVRD Water Treatment Area AND
- that the property owner install live fencing (deciduous trees/shrubs) beside existing and proposed trails along the northern and eastern boundary of the property. **Motion carried.**

Recreation and Parks Symposium

- May 2012 Gaileen Flaman will email the information to the commission.

Cairn Park

- Shawnigan Lake Business Association is selling ads for the sign at Cairn Park. According to CVRD Parks Dept, Cairn Park is not parkland owned by the CVRD, but it is managed by the CVRD; therefore CVRD bylaws apply: no advertising in parks. Update requested from Area Director.
- Commission feels that Cairn Park is an appropriate location to have a map of Shawnigan Lake and the Kinsol Trestle.

Shawnigan Lake Water:

- Discussion on what we can do as a commission to help support the Shawnigan Lake Watershed Committee and save our lakes drinking water.

Meeting adjourned at 8:10 p.m.

IN 4

Minutes of the Cobble Hill Parks and Recreation Commission meeting held on Thursday, April 26th 2012 at 7:00 p.m. in the Cobble Hill Hall on Watson Avenue in the Cobble Hill Village.

Those present: John Krug – Chair, Gord Dickenson, Bill Turner, Ruth Koehn, Al Garside, Jennifer Symons, Lynn Wilson and Director Gerry Giles.

Regrets: Dennis Cage, Annie Ingraham, Alan Seal.

The meeting was called to order by Chair Krug at 7:00 p.m.

Moved/second

that the agenda be adopted as amended by adding the following items: Galliers Park light, donation to the CVRD/Cobble Hill Common, Cedar product and pot holes at the south entrance to the Train Station Park.

MOTION CARRIED

Moved/second

that the minutes of the March 22nd 2012 parks meeting be adopted as circulated.

MOTION CARRIED

Old Business:

1. Director Giles explained the ALC decision on the property the parks commission had an agreement to purchase. After review, it was

Moved/second

that the Cobble Hill Parks Commission reaffirm that the acquisition of this property would:

- protect the agricultural land to the north of the property
- ensure the property remains within the Agricultural Land Reserve
- be available for future food crop production or community gardens
- fit with the commission's vision of growing/eating locally produced food
- enhance the community's desire to support the Agri-park concept, and
- be a valuable community asset both now and in the future.

MOTION CARRIED

2. The Cobble Hill Common was discussed and commission members were brought up to date on activities there. The bare root fruit trees and berry bushes have been planted. Those who worked on the tree planting project are: Dennis Cage, David Symons, John Krug, Al Garside, Mary Ann Watson, Ranjit Bains, Bill Turner, John Giles, Gord Dickenson, Alan Seal, Andy Cage, George from Island Irrigation, the Evergreen Independent School students and me. Fencing and staking around the trees still needs to be done. Director Giles mentioned the Liberty apple tree that had been anonymously gifted to the people of Cobble Hill by someone who had planted it in the Common over the course of the last weekend. John Krug, Dennis Cage and CVRD staff met to work out the pathway locations and Graham Gidden will provide a sketch of the layout. It was agreed that we

need another holding pond for water collection and this will be worked into the main entrance design. It was also mentioned that Susan Paul donated and planted over a thousand daffodils around the fruit trees at the Common.

3. Ruth provided drawings for the Cobble Hill Common kiosk and prices for two of the designs will be obtained by Ruth.
4. Discussion took place on the use of the Cobble Hill Common for the Cobble Hill Fair.

Moved/second

that the Cobble Hill Parks and Recreation Commission recommend the CVRD approve the use of the Cobble Hill Common by the SCHFIAS for events during the Cobble Hill Fair.

MOTION CARRIED

5. The planning grant for the Cobble Hill Common was reviewed. It was agreed that John Krug would represent the Commission on a committee formed to provide input into the planning grant project. Al Garside will be John's alternate in the event that one is needed. Director Giles will circulate the Age Friendly Grant application to commission members.

New Business:

6. Conditions at the bike park were discussed at length. Two regular bike park users have reported the facility is being poorly maintained... the jumps are being manipulated and changed by some park users... there are holes in some of the ride paths and some of the routes are in poor condition making them dangerous for riders; consequently, some are getting hurt. It was felt that the young people who use the park should be engaged in a Saturday afternoon workshop to determine what would make the park better. It was agreed that the CVRD, SIMBS and perhaps some commission members should organize this session. It was also suggested when the washroom is built storage space for bike park tools should be provided there. Questions asked were: has a bike park club been formed? If so, how are they engaging riders and do the more experienced riders mentor the younger or newer riders? It was agreed that Director Giles would contact Dan Brown to express concern about the apparent condition of the bike park.
7. It was noted the Dog Park water had just been turned back on. This is far too late in the season and consideration should be given to separating the dog park/lawn watering system this year.
8. The light at the Galliers Park was considered as a complaint has been received regarding the light pollution it produces. It was,

Moved/second

that the light in Galliers Park be put on a timer and that staff ensure the light head is pointed as much as it can be toward the ground.

MOTION CARRIED

9. The donation made toward the Cobble Hill Common by Sandra McIntosh was noted and it was,

Moved/second

that a thank you card be sent to Sandra McIntosh by the Cobble Hill Parks Commission.

MOTION CARRIED

10. Cedar suitable for making posts or rails can become available through the Rotary Club of South Cowichan. Director Giles will check to see if it is a product the Commission could use.
11. Bill Turner discussed the situation with the never ending potholes at the south entrance to the train station park. These potholes also exist at the entrance to Quarry Nature Park. Ryan Lendrum is apparently going to get a quote to have the aprons to these areas paved. Signage is also needed to how the out lane so that people exit the park in the correct manner.

12. Moved/second

That a thank you card be sent to Susan Paul for the thousand daffodils she planted at the Common.

MOTION CARRIED

The next meeting is to be scheduled at the call of the Chair.

Meeting adjourned at 8:55 p.m.

John Krug - Chair

IN 5

Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
May 2, 2012

In attendance: Ted Brown, Karen Porter, John Silins, Greg Taylor, Director Mel Dorey

The Meeting was called to order at 2:00 p.m. by Chairman Ted Brown

Application to construct a single family dwelling (Development Permit Application No. 2-G-12DP Lamont for Ethier)

Kevin Lamont and Bill Ethier appeared in support of this application. The subject land is a waterfront property within the Ocean Shoreline Development Permit Area located at 3857 Rumble Road. Mr. Lamont summarized the purpose of the application which is to permit the construction of a new house on the property. The proposed house will be located on the site of the old homestead and will require only minimal tree removal. No trees will be removed in the waterfront bank area and an access trail to the beach is already in place. The applicant understands that a future development permit would be required should any alterations to this area be needed at some point in the future.

A geotechnical slope assessment has been conducted for the property and this assessment sets out a number of recommendations with respect to how development should be undertaken for this site. The applicant confirmed that storm water runoff from the site will be collected and discharged to the beach by means of a pipe. He also noted that representatives of the geotechnical engineering firm will inspect the site at key stages of the construction process.

Following discussion of the application, the following motion was made:

"That the Advisory Planning Commission recommend approval of the application subject to the condition that the recommendations of the geotechnical report be adhered to."

Carried Unanimously

Application to construct a single family dwelling (Development Permit Application No. 1-G-12DP Muir for Neil)

Bruce Muir appeared in support of the application. The subject land is a waterfront property within the Ocean Shoreline Development Permit Area located at 3741 Gardiner Road. Mr. Muir summarized the purpose of the application which is to permit the construction of a new house on the property following removal of the existing dwelling. The new dwelling will be built in the same location of the existing house but will require a slightly larger footprint. There is an existing retaining wall along the beach on this property and no changes to the foreshore area or bank will be made. Minimal excavation will be

required for the new dwelling given its location over the same footprint as the original building.

The owners intend to “deconstruct” the existing house rather than demolish it in order that much of the materials from this building can be salvaged and used elsewhere. As required by the OCP a geotechnical assessment for the property has been undertaken containing recommendations as to how construction should proceed. Mr. Muir noted that a new septic system will be put in place and that the existing storm water drainage pipe to the beach will be retained.

Following discussion of the application, the following motion was made:

“That the Advisory Planning Commission recommend approval of the application subject to the condition that the recommendations of the geotechnical report be adhered to.”

Carried Unanimously

Proposed Expansion to the Peerless Road Drop-off Depot

Members of the APC noted that a major expansion to the Peerless Road Drop-off Depot has been proposed by the CVRD and that any approvals required for this expansion fall within the jurisdiction of the Town of Ladysmith. Discussion of this matter led to the identification of two important questions which the APC would appreciate receiving feedback on:

1. As a matter of general procedure, to what extent is a local government required to notify an adjacent jurisdiction about any major development that immediately abuts that jurisdiction and what opportunities are available to a neighboring APC to provide input with respect to that development?
2. With respect to the proposed expansion to the Drop-off Depot what steps are being taken to ensure there is no negative environmental impact (e.g., groundwater contamination) on nearby lands?

The APC anticipates that there will be an upcoming orientation session for the Commission by CVRD staff and would hope that these questions could be discussed as part of that session.

Ted Brown
Chairman
Saltair Advisory Planning Commission