



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
June 19, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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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.

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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. Iannidinaro

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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, June 5, 2012 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Rob Conway, Manager
Brian Duncan, Manager
Rob Hutchins, Board Chair
Ryan Dias, A/Manager
Maddy Koch, Planning Technician
Rachelle Rondeau, Planner I
Alison Garnett, Planner I
Dana Leitch, Planner II
Jennifer Hughes, Recording Secretary

APPROVAL OF AGENDA

The Chair welcomed MLA Doug Routley and the audience to the EASC meeting.

The Chair noted changes to the agenda which included adding six (6) new business items.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the May 15, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Durnford

Sherry Durnford was present regarding the former Seaside Trailer Park property located at 11255 Chemainus Road in Electoral Area G – Saltair/Gulf Islands. She advised that they have also booked a delegation request for the June 13th Regional Board meeting to address their issues. Ms. Durnford distributed to Committee members further information dated June 5, 2012, regarding Address to the Electoral Area Directors and she reviewed the information provided.

Doug Routley, MLA, reviewed the events that led up to and after the eviction of the Seaside Trailer Park homeowners noting it has been an extremely stressful process.

Committee members and staff directed questions to Mr. Routley.

Mr. Conway gave a brief update on the community meeting that was held on May 16th regarding the subject property and he answered further questions from the Directors regarding the past and present status of the property.

Ray Bradford, resident and immediate neighbour, stated his concerns about the proposed density and impact the development will have on his subject property and he distributed an information sheet with regard to sewerage system regulations.

Bob Devine, previous Seaside Trailer Park resident, addressed the Committee explaining the issues he faced with regard to his eviction.

Ms. Durnford thanked the Committee for listening to their concerns.

The Committee directed questions to staff.

It was Moved and Seconded

That the "Address to the Electoral Area Directors" information package dated June 5, 2012, from Sherry Durnford be directed to staff and further that staff prepare a report for the EASC on the issue of zoning, non conforming use and other items raised on the subject property located at 11255 Chemainus Road.

MOTION CARRIED

The Chair thanked the delegates for attending.

STAFF REPORTS

R1 - Boggs

Maddy Koch, Planning Technician, reviewed staff report dated May 30, 2012, regarding Application No. 4-C-11DVP (Linda and Keith Boggs) to legalize an existing RV cover located at 1046 Braithwaite Drive.

Linda and Keith Boggs, applicants, were present.

The Committee directed questions to staff and the applicants.

It was Moved and Seconded

That Application No. 4-C-11DVP by Linda and Keith Boggs respecting Lot 19, Section 14, Range 8, Shawnigan District, Plan 24753 Except Parcel A (DD H43061) to reduce the setback to the front parcel line from 7.5 metres to 3.6 metres for the purpose of legalizing an existing RV cover, be approved, subject to the appropriate screening from Braithwaite Drive using either shrubbery or lattice work being put in place.

MOTION CARRIED

R2 – Brundrige/Snell

Rachelle Rondeau, Planner I, reviewed staff report dated May 29, 2012, regarding Application No. 1-C-12ALR (Stuart Brundrige and Judith Snell) to construct a second dwelling on property located at 4060 Telegraph Road.

Stuart Brundrige and Judith Snell, applicants, were present.

There were no questions for staff or the applicant.

Director Giles and other Directors complemented the applicants for making the subject property a viable working farm for the community.

It was Moved and Seconded

That Application No. 1-C-12ALR, submitted by Stuart Brundrige and Judith Snell, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

**R3 – Mark
Wyatt/Malahat
Holdings**

Dana Leitch, Planner II, reviewed staff report dated May 28, 2012, regarding Application No. 1-A-11TUP (Mark Wyatt/Malahat Holdings) to consider the issuance of a Temporary Use Permit to allow rock processing (8.0 ha of District Lot 72, Malahat District, Except Those Parts in Plans 518W and 49974 and VIP86314).

Mark Wyatt, applicant, was present.

There were no questions for staff or the applicant.

It was Moved and Seconded

That notice be given that the Cowichan Valley Regional District Board intends to issue a temporary use permit to Malahat Holdings (Application No. 1-A-11TUP) to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 for a period of three years in accordance with Section 921 of the *Local Government Act*.

MOTION CARRIED

**R4 – Mark
Wyatt/Malahat
Holdings**

Dana Leitch, Planner II, reviewed staff report dated May 28, 2012, regarding Application No. 2-A-12DP (Mark Wyatt/Malahat Holdings) to permit a rock processing operation on a 8.0 ha parcel located on the Trans Canada Highway, south of Butterfield Road, Mill Bay.

Mark Wyatt, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 2-A-12DP submitted by Mark Wyatt on behalf of

Malahat Holdings Ltd. for District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP86314 (PID: 009-359-320) be approved subject to compliance with the Best Management Practices for Invasive Weed Species prepared by Strathcona Forestry Consulting dated February 29, 2012 and the Temporary Use Permit Report prepared by David Polster, R.P. Biologist dated April, 2012.

MOTION CARRIED

R5 – Didier

Alison Garnett, Planner I, reviewed staff report dated May 29, 2012, regarding Application No. 2-B-12DP/RAR/VAR (Didier) to authorize the construction of a balcony and vary the setback from a watercourse from 15 metres to 13.5 metres located at 2294 Renfrew Road.

Marcel Didier, applicant, was present.

The Committee directed questions to staff and the applicants.

It was Moved and Seconded

That Application No. 2-B-12DP/RAR/VAR (Didier) on Lot 2, District Lot 18, Shawnigan District, Plan 29378 be approved, which would authorize the construction of a balcony and vary the setback from a watercourse from 15 metres to 13.5 metres, subject to:

- Compliance with RAR report No. 2321, including recommended replanting and invasive plant species removal; and
- Receipt of a letter of credit in a form suitable to the CVRD, equivalent to 125% of the costs associated with replanting and invasive plant removal, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional.

MOTION CARRIED

R6 – Topping/Quek

Alison Garnett, Planner I, reviewed staff report dated May 30, 2012, regarding Application No. 6-A-09RS (Topping/Quek) to rezone property located at Boulding and Benko Roads, Mill Bay.

Mel Topping and Angela Quek, applicants, were present.

There were no questions for staff or the applicant.

It was Moved and Seconded

That Application No. 6-A-09RS (Topping/Quek), as per the applicant's second request, be held in abeyance until December 31, 2012.

MOTION CARRIED

**R7 – Cobble Hill
Commons Housing
Project**

Ann Kjerulf, Planner III, reviewed staff report dated May 25, 2012, regarding Cobble Hill Commons Housing Project.

It was Moved and Seconded

1. That staff undertake a housing needs assessment and associated

community engagement program in relation to the Cobble Hill Commons site with the assistance of a professional planning consultant and in cooperation with a project advisory committee; and

2. That Lois Turner, John Krug, Linden Collette, Roger Painter, Judith Blakeston and Rosemary Allen be appointed to the Cobble Hill Commons project advisory committee.

MOTION CARRIED

R8 – Referrals to Oceanview Improvement District

Rob Conway, Manager, reviewed staff report dated May 28, 2012, regarding Referrals to Oceanview Improvement District.

It was Moved and Seconded

That staff be directed to forward the draft letter prepared by Rob Conway, Manager, to the Oceanview Improvement District regarding Water Protection Covenant – Bamberton Lands.

MOTION CARRIED

R9 – Commercial Uses in Area E Parks and Institutional (P-1) Zone

Rob Conway, Manager, reviewed staff report dated May 28, 2012, regarding Commercial Uses in Area E Parks and Institutional (P-1) Zone.

It was Moved and Seconded

That the Staff Report dated March 28, 2012, from Rob Conway, Manager, regarding Commercial Uses in Area E Parks and Institutional (P-1) Zone be received, and further, that staff prepare a report for a future meeting regarding the implications of commercial uses in the P-1 Zone.

MOTION CARRIED

R10 – The Paperless Movement

Tom R. Anderson, General Manager, reviewed staff report dated May 29, 2012, regarding The Paperless Movement.

It was Moved and Seconded

That the CVRD Planning & Development Department proceed with their endeavours to go paperless and begin to email all correspondence to Electoral Area Directors.

MOTION CARRIED

INFORMATION

IN1, IN2 and IN4 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area I – Youbou/Meade Creek Parks & Recreation Commission meeting of May 8, 2012.
- Minutes of Area F - Cowichan Lake South/Skutz Falls Parks & Recreation Commission meeting of May, 2012.
- Minutes of Area C Cobble Hill Parks and Recreation Commission meeting of May 22, 2012.

MOTION CARRIED

IN3 - Minutes

It was Moved and Seconded

That staff prepare a report to the EASC with regard to creating a special reserve fund for the construction of a bridge across the Cowichan River linking the Glenora and Sahtlam areas.

MOTION CARRIED

It was Moved and Seconded

Minutes of Area E – Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission meeting of May 17, 2012, be received and filed.

MOTION CARRIED

**IN5 – April 2012
Building Report**

It was Moved and Seconded

That the April, 2012 Building Report be received and filed.

MOTION CARRIED

**IN6 – Letter dated
March 26, 2012, from
SIE regarding Soil
Quality Assessment
(Don Mann
Excavating Ltd.**

It was Moved and Seconded

That the letter dated March 26, 2012, from SIE (South Islands Environmental) regarding Environmental Services – Chemical Characterization of Soil, Horse Creek Property, Shawnigan Lake Road, Shawnigan Lake, BC., be received and filed and further that the letter be forwarded to the Ministry of Environment for comment as to its interpretation and viability.

MOTION CARRIED

NEW BUSINESS

NB1 – NB5

It was Moved and Seconded

- That the Minutes of Area C – Cobble Hill Advisory Planning Commission meeting of May 10, 2012, be received and filed.
- That a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$3,500.00 be given to the Caycuse Volunteer Fire Department to assist with funding operations relating to fire protection, medical assistance and motor vehicle accidents around West Cowichan Lake.
- That a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$2,500.00 be given to the Honeymoon Bay Volunteer Firemen's Association to assist in deferring the cost of the annual "Bay Days" fireworks display to take place on Saturday, June 30, 2012.
- That a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$1,000.00 be given to the Cowichan Valley Community Radio Society to support operations and pursuit of a full community radio broadcasting license and direction of \$500.00 of this Grant to the "Summer Nights" program for 2012.
- That a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$1000.00 be given to the Cowichan Lake Salmonid Enhancement Society to support spring/summer coho fry salvage.

MOTION CARRIED

**NB6 – Contaminated
Soil**

It was Moved and Seconded

WHEREAS the Cowichan Valley Regional District and the Minister of Environment have entered into an agreement to work collaboratively on the issue of soil movement and dumping into areas within the region and

WHEREAS South Island Aggregates has made an application to the Ministry of Energy Mines for a reclamation permit and to the Ministry of Environment to use contaminated soil as fill for the reclamation of its Stebbings Road Quarry and

WHEREAS there is considerable public concern about the potential for contamination arising from the site entering Shawnigan Creek, its tributaries and ultimately Shawnigan Lake which is a source of public drinking water and

WHEREAS the Ministry of Environment's public consultation requirement does not specify the need for a public meeting to enable Shawnigan residents to ask questions of the proponent or the Ministries involved in open public session

BE IT RESOLVED THAT:

The Electoral Area Services Committee recommend that the CVRD take the initiative to convene a public meeting at its earliest convenience in collaboration with the Minister of Environment and inviting representatives of South Island Aggregates, the Ministry of Environment and the Ministry of Energy & Mines to participate and,

That a thorough record of the public questions, answers given and comments made be prepared and provided to the Statutory Decision Maker of the Ministry of Environment as part of the public submissions regarding the proposed quarry reclamation.

That the CVRD announce its intentions and the date of the public meeting by June 7, 2012.

MOTION NOT VOTED ON

It was Moved and Seconded

That NB6, dated June 5, 2012, regarding Contaminated Soil Recommendation submitted by Director Bruce Fraser be referred to the CVRD's Soil Relocation Sub-Committee.

MOTION CARRIED

Director Marcotte left the meeting at 6:20 p.m.

RECESS

The Committee took 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 6:25 p.m.

RISE

The Committee rose without report at 8:05 p.m.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:05 p.m.

Chair

Recording Secretary



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 13, 2012

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW No:

SUBJECT: Agricultural Adaptation Strategies Project

Recommendation/Action:

That the Electoral Area Services Committee give consideration to participating in the BC Agricultural Council's Agricultural Adaptation Strategies Project, and Depending on the time sensitive nature required of any Regional District approval, that the Project Outline be forwarded to the Regional Agricultural Advisory Commission for information and comment.

Relation to the Corporate Strategic Plan:

Numerous strategic actions within the Corporate Strategy promote the sustainability of agriculture and adaptation to climate change.

Financial Impact: (Reviewed by Finance Division: SEM)

The Project Outline indicates that there will be in-kind or financial resources required from the Regional District which may amount to a total commitment of \$10,000. Further explanation of this commitment will be forthcoming from representatives of the BC Agriculture Climate Action Initiative at the Committee meeting.

The BC Agriculture Climate Action Initiative is a project of the BC Agricultural Council. The BC Agricultural Council is a non-profit, non-governmental organization. The BC Agricultural Climate Action Initiative is funded by the Investment Agriculture Foundation, Agriculture and Agrifood Canada and the BC Ministry of Agriculture.

Background:

The BC Agriculture and Food Climate Action Initiative is initiating a pilot project with 2-3 communities in BC which will develop regional agricultural adaptation strategies involving local government, and agriculture industry representatives. Attached is a covering letter, Project Outline and Partnership Outline that provides further detail as to the background and key activities proposed.

In light of the significance of the Agricultural sector to this region, the commitment this Regional District has made to promote and enhance agricultural by way of the recently completed Cowichan Region Area Agricultural Plan and the establishment of the Regional Agricultural Advisory Commission, it would appear that this initiative is in line with many of the goals and objectives of this organization.

Submitted by,

A handwritten signature in black ink, appearing to read 'Tom R. Anderson', with a long horizontal line extending to the right.

Tom R. Anderson,
General Manager
Planning & Development Department

TRA/ca
attachment

Tom Anderson

Subject: Agricultural Adaptation Strategies Project
Attachments: CAI_RegionalAdaptPlanPilot.docx

From: Erica Crawford <ericac@uvic.ca>
Date: June 4, 2012 4:59:21 PM PDT
To: "ds@cvrld.bc.ca" <ds@cvrld.bc.ca>
Subject: Agricultural Adaptation Strategies Project

Dear Tom Anderson,

I am writing on behalf of the BC Agriculture and Food Climate Action Initiative, a project of the BC Agriculture Council, to introduce a new project that we are currently developing. Your name was suggested to us by Wayne Haddow at the BC Ministry of Agriculture.

Building on key priorities that developed out of the province-wide climate change Risk and Opportunity Assessment we conducted with the agriculture industry last year, we are now initiating a pilot project with 2-3 communities in BC. This project will be to develop regional agricultural adaptation strategies, involving local government and agriculture industry representatives as core partners, and with the support of the BC Ministry of Agriculture.

The Cowichan region is one of those that was of interest based on our work last year, due to its particular qualities in terms of climate and the agricultural sector. I am attaching a draft outline of the project, and would be interested in speaking with you to see if this might be something that the CVRD would be interested in being part of.

Please feel free to contact me by email or phone at your convenience, or I will follow up with you in a couple of days. I look forward to speaking with you.

Best Regards,
Erica

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"In tackling the challenges associated with climate change, the BC agriculture sector cannot (and should not) act in isolation. There is immense potential benefit in cultivating partnerships with others – across economic sectors, government departments and jurisdictions – interested in achieving similar outcomes."

– BC Agriculture Climate Change Action Plan

Background

The BC Agriculture & Food Climate Action Initiative is a project of the BC Agriculture Council, with an industry-led Advisory Committee. The Initiative's priorities are guided by the *BC Agriculture Climate Change Action Plan* which outlines actions to support the sector with both greenhouse gas mitigation and adapting to the impacts of climate change.

To address one of the highest priority items in the *Action Plan*, the Initiative has recently completed an assessment of the BC agriculture sector's risks and opportunities associated with climate change. This Assessment is a first step in strengthening understanding of the potential impacts of climate change for agriculture. It clearly identifies a number of areas of risk and the importance of collaboration to support the sector to adapt.

In every region of the province, critical agricultural adaptation issues are linked to physical resources and decision-making processes beyond the individual farm. Some of the most common areas of concern are water management (supply, storage, drainage and ditching), emergency planning and management, land use and zoning, economic development and regional infrastructure. For this reason, this pilot project is focused on crafting adaptation strategies in partnership with industry organizations and local governments.

The overall goal of this project is active and long-term integration of agricultural adaptation into local government and industry partner planning and decision-making, enhancing resilience of the agriculture sector and the region.

Building on the information developed in the Adaptation Assessment, this project will:

- Integrate and enhance regional climate change projections/impacts information gathered through the Adaptation Assessment
- Identify agricultural adaptation priorities to address climate change impacts for the region
- Identify adaptation measures or risk controls to address these priorities in the regional context
- Explore how to integrate strategies and associated actions into agriculture sector and local government processes, programs and planning; and
- Establish a "living" action and monitoring strategy



Regional Agricultural Adaptation Strategies | 2012/2013

Pilot Project

Project outline: key activities

April to August 2012

Step 1: Building collaboration

- Conduct background research
- Provide presentations of the Adaptation Assessment findings
- Meet with industry organizations, and with local/regional governments, regarding current key areas of concern, priorities and their current planning/decision-making context
- Develop a regional Action Committee (may piggy-back on existing committee or body) to guide and provide input throughout project, and lead implementation

April to September 2012

Step 2: Filling information gaps and developing the approach

- Draft a region-specific adaptation strategy development process that addresses specific needs and priorities within the region (and reflects current decision-making context), in collaboration with partners
- Gather and develop information resources to support adaptation strategy process

September to December 2012

Step 3: Adaptation Strategy Workshops

- Conduct one or two workshops to engage partners in development of regional adaptation strategies including:
 - Identification of immediate and future adaptation priorities
 - Assessing possible risk control measures and adaptation options
 - Key areas for action and centres of responsibility
 - Mechanisms for ongoing integration into existing planning and processes (both industry and government)

January to March 2013

Step 4: Findings, reporting and communications

- Results of the regional consultation and adaptation strategy workshops will be combined into a "Regional Agricultural Adaptation Strategies Summary"
- An action and monitoring strategy will be developed with partners
- A final roll-up report from regional pilots will be developed and made available to other industry organizations and governments in BC



Role of industry & local government partners

- Participation in Action Committee and workshops
- Provision of knowledge/expertise
- Commitment of in-kind and/or financial resources to the project
- Playing a central role in integrating and implementing the resulting strategies

Benefits of participation

- Improved regional, community, government and industry understanding of potential climate change impacts and adaptation strategies
- Strengthened collaboration between the agricultural sector, regional/local government and provincial governments
- Potential to significantly improve available data for regional level planning and decision-making, and to identify critical informational and resource gaps
- Opportunity to integrate understanding of agricultural adaptation into community, regional and industry planning and decision-making
- Participation in the first regional agricultural climate change adaptation strategies in the province. Partnering regions will be featured in “best practice” communications materials to be shared with other communities.

DRAFT



Defining the specifics of the partnership and roles/responsibilities will be done jointly when the project begins. For this reason, the outline below is flexible. The role and expectations of the “Action Committee” are outlined at the end of the document. Clear definition of roles and expectations is important and we see this as the first step in the project development. We’re open to receiving input and would further develop the details in collaboration with project partners.

Key Partners

BC Agriculture & Food Climate Action Initiative

The Initiative is responsible for the project, including developing draft materials, engaging with all partners and completing final deliverables¹. With the exception of the contributions noted in the partner sections below, the Initiative will cover project costs including additional expertise required to fill information gaps to develop the regional adaptation strategies (eg. climate data).

Local government

Local government participation will include sharing of information and knowledge and providing approximately \$10,000 of in-kind and/or financial support. This will include staff time for participation in the Action Committee and workshops, as well as additional provision of information/resources, review of materials and documents and assistance with local outreach and workshop organization. We request that a main point of contact be designated from the organization, with terms of this relationship to be determined and agreed to as part of the partnership arrangement. Other suggested contributions include provision of meeting rooms and catering for the workshops.

Industry² organizations/producers

Likewise, we would request that a main point of contact be designated from key agricultural organizations, with terms of these relationships to be determined and agreed to as part of the partnership arrangement. A small number of industry representatives will be part of the Action Committee (defined below) and will provide periodic input throughout the project to help guide project activity. A slightly broader group of producers and agriculture organization representatives will be consulted for specific information during the background development of the project (perhaps via telephone or one-on-one discussions). A broader group of producers will also be invited to participate in the workshops.

¹ Specifically: a summary of regional agricultural adaptation strategies; an action and monitoring strategy involving project partners, and; communications materials documenting lessons learned from the pilot projects, for distribution to other industry organizations and governments in BC.

² “Industry” in this document refers specifically to the agriculture industry

Action Committee participants

A small group will be engaged to advise the project, which we are defining as an "Action Committee."
Estimated time commitment for each element of the process is provided below.

- Participation in initial partnership building meeting (establishment of the committee, finalizing the region-specific process) (3-4 hours)
- Provision of periodic input/expertise and review of draft documents (6-10 hours over period of 10 months)
- Participation in 2 workshops (3-5 hours each during "quiet" times for producers)
- Review of final documents (2-4 hours)
- We will consult with Action Committee members regarding windows when activity is impossible or not desirable, as well as their time limitations – this will help us to adjust our process and time activities to suit participants to the best of our ability

DRAFT



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 19, 2012

FILE NO: 1-I-12DVP

FROM: Maddy Koch, Planning Technician

BYLAW NO: 2465

SUBJECT: Application No. 1-I-12DVP (Holm)

Recommendation/Action:

That application No. 1-I-12DVP by Cordell Holm for a variance to Section 5.3(4) of Bylaw No. 2465, to reduce the required interior side parcel line setback from 3 metres to 2 metres on Lot 25, Block 5, Cowichan Lake District, Plan 51348 (PID: 016-771-630) **be denied**.

Relation to the Corporate Strategic Plan: N/A

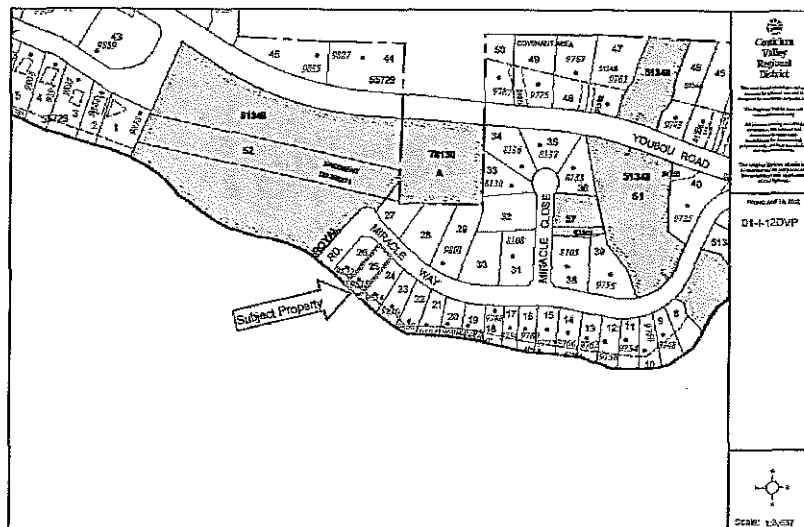
Financial Impact: (Reviewed by Finance Division: N/A)

Background:

We are in receipt of an application to vary the minimum interior side yard setback from 3 metres (± 9.8 feet) to 2 metres (± 6.56 feet).

Location of Subject Property: 9818 Miracle Way

Legal Description: Lot 25, Block 5, Cowichan Lake District, Plan 51348 (PID: 016-771-630)



Date Application and Complete Documentation Received: April 17, 2012

Owner: Marian Van Wieren and Leroy Van Wieren

Applicant: Cordell Holm

Size of Parcel: 0.126 hectares (±0.31 acres)

Zoning: LR-2 (Lakefront Residential)

Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Lake Cowichan
South:	Residential and Price Park
East:	Residential
West:	Residential and Lake Cowichan

Services:

<u>Road Access:</u>	Miracle Way
<u>Water:</u>	Youbou Water System Service
<u>Sewage Disposal:</u>	On site

Agricultural Land Reserve Status: Out

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

Archaeological Site: None Identified

Background/ Proposal

The subject property is approximately 0.3 acres in size and zoned LR-1 (Lakefront Residential 1). A single family dwelling is currently located on the lakefront subject property. The property slopes down to the treed shoreline.

The applicant is proposing to construct a garage in front of the dwelling, 2 metres from the interior-side parcel line. Zoning Bylaw No. 2465 requires a 3 metre setback to the interior-side parcel line in the LR-1 zone, so a one metre variance is being requested.

The property owner cited the following reasons for the variance request:

"The reason for the variance.....is to ensure the garage meets the aesthetics of the area (note the immediate neighbour's garage is also much less than 3 metres [from the property line]). Also to allow a design that fits the house without blocking one of the windows, also to fit a normal vehicle or a boat. The space for a garage is limited and the variance helps the design, fit and aesthetics of the area."

Surrounding Property Owner Notification and Response:

A total of 14 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, one letter in opposition and one letter in favour of the variance has been received.

Staff Comments:

During a site visit, it appeared that there is adequate room to locate the garage so that it meets the 3 metre setback, without causing hardship or significant compromises to the size or shape of the accessory building. The only feedback received from adjacent property owners was negative. For these reasons, staff recommend the application be denied.

Options:

1. That application No. 1-I-12DVP by Cordell Holm for a variance to Section 5.3(4) of Bylaw No. 2465, to reduce the required interior side parcel line setback from 3 metres to 2 metres on Lot 25, Block 5, Cowichan Lake District, Plan 51348 (PID: 016-771-630) be **approved** subject to a legal survey confirming compliance with approved setbacks.
2. That application No. 1-I-12DVP by Cordell Holm for a variance to Section 5.3(4) of Bylaw No. 2465, to reduce the required interior side parcel line setback from 3 metres to 2 metres on Lot 25, Block 5, Cowichan Lake District, Plan 51348 (PID: 016-771-630) be **denied**.

Option 2 is recommended.

Submitted by,

Maddy Koch

Maddy Koch
Planning Technician
Development Services Division
Planning and Development Department

MK/ca
Attachments

<p>Reviewed by: Division Manager:</p> <p><i>[Signature]</i></p> <p>Approved by: General Manager:</p> <p><i>[Signature]</i></p>
--



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.

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

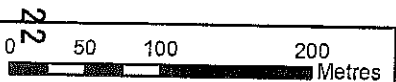
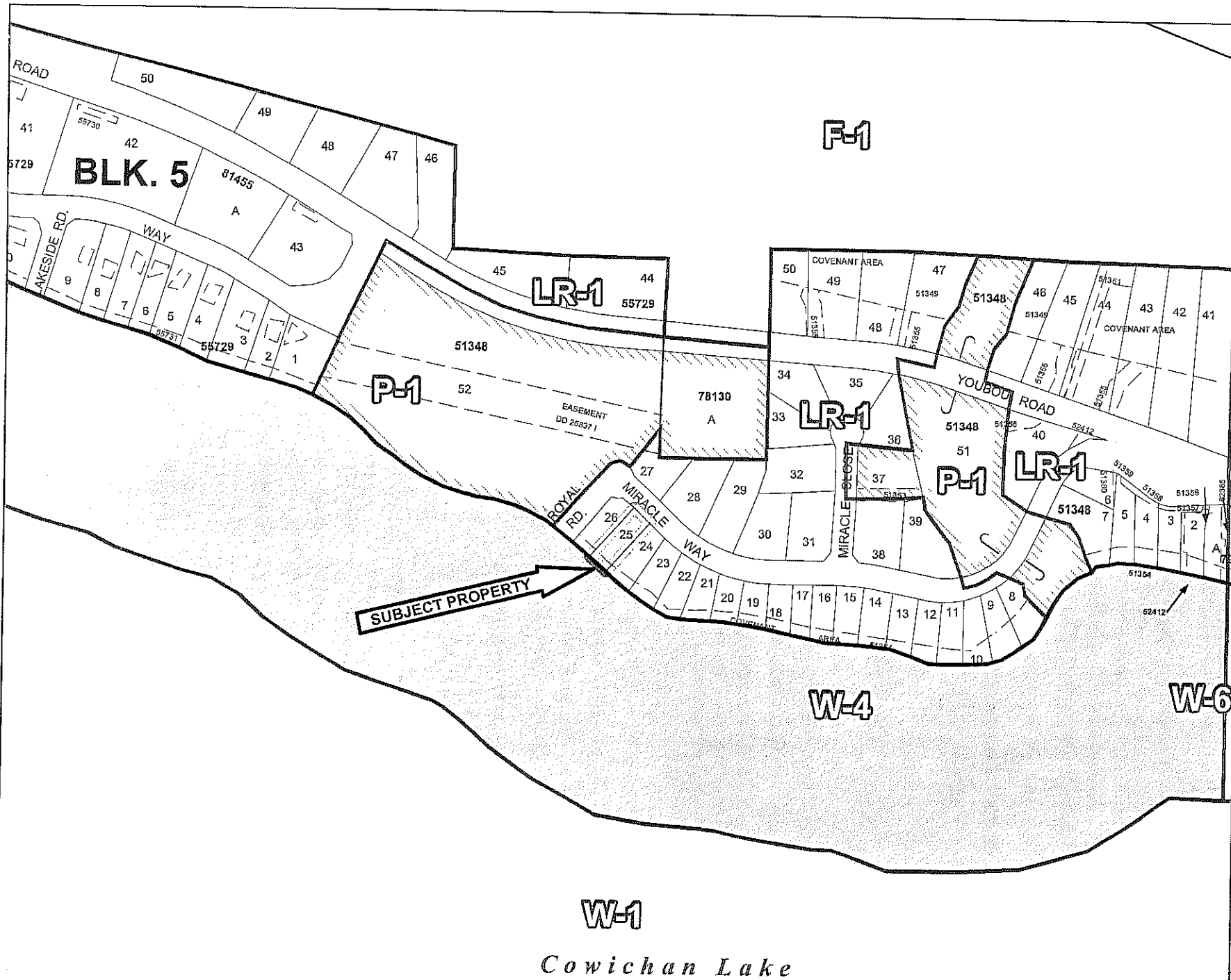
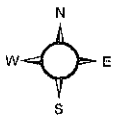
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-I-12-DVP

ZONING

Legend

- Subject Property
- Zoning I



Maddy Koch

Subject: FW: Variance opposition

Hi Maddy;

With Regard to the Application for a Variance Permit on Lot 25, My Property is lot 28 across the St. I adversely am not effected by this Neighbor.

But, I do not approve of this change, incase it gets approved & every other Neighbor's has that option as well?, In the future? Then I will be affected by this Decision.

I do not want any Garages or Homes any closer to my Property lines then originally planned.

Regard's, Christopher J O'Neill

Property owner of ; Miracle Way, Lot # 28, Block 5 – plan 51348 , Cowichan Lake Land District.

Home- Address - # 307-2450- Cornwall Ave.

Vancouver B.C.

V6K1B8

Maddy Koch

From: Planning and Development
Sent: Wednesday, June 13, 2012 4:08 PM
To: Maddy Koch
Subject: FW: file # 1-I-12DVP (holm)

From: Bee Greenway exWoywitka [<mailto:beeumz@hotmail.com>]
Sent: Wednesday, June 13, 2012 11:26 AM
To: Planning and Development
Cc: Van Wieren Roy & Marion
Subject: file # 1-I-12DVP (holm)

To whom it May concern:

Re: Development Variance Permit for 9818 Miracle Way, Youbou

I own the property adjacent to the subject property, on the east side. 9814 Mlracle Way, Youbou. Shown as Lot 24 on your plan.

I have no objection to this request for a variance.

Bee Greenway
(250) 748-0242

5.4 **LR-2 LAKEFRONT RESIDENTIAL 2 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-2 Zone:

1. **Permitted Uses**

The following principal uses and no others are permitted in the LR-2 Zone:

- a. Single-family dwelling;

The following accessory uses are permitted in the LR-2 Zone:

- b. Bed and breakfast accommodation;
- c. Home occupation.

2. **Minimum Parcel Size**

The minimum parcel size in the LR-2 Zone is 1600 m².

3. **Density Averaging**

Notwithstanding the provisions of Section 3.25 of this Bylaw (Density Averaging), the minimum parcel size provisions of the LR-2 zone as specified in Section 5.4.2 above, may be varied with respect to parcels created by means of density averaging provided that:

- a. the number of allowable lots is calculated by the gross area of lands zoned LR-2, divided by the minimum parcel size;
- b. the smallest parcel so created is not less than 1000 m²;
- c. parcels created pursuant to this regulation are of a configuration that allows an adequate building envelope.

4. **Setbacks**

The following minimum setbacks apply in the LR-2 Zone:

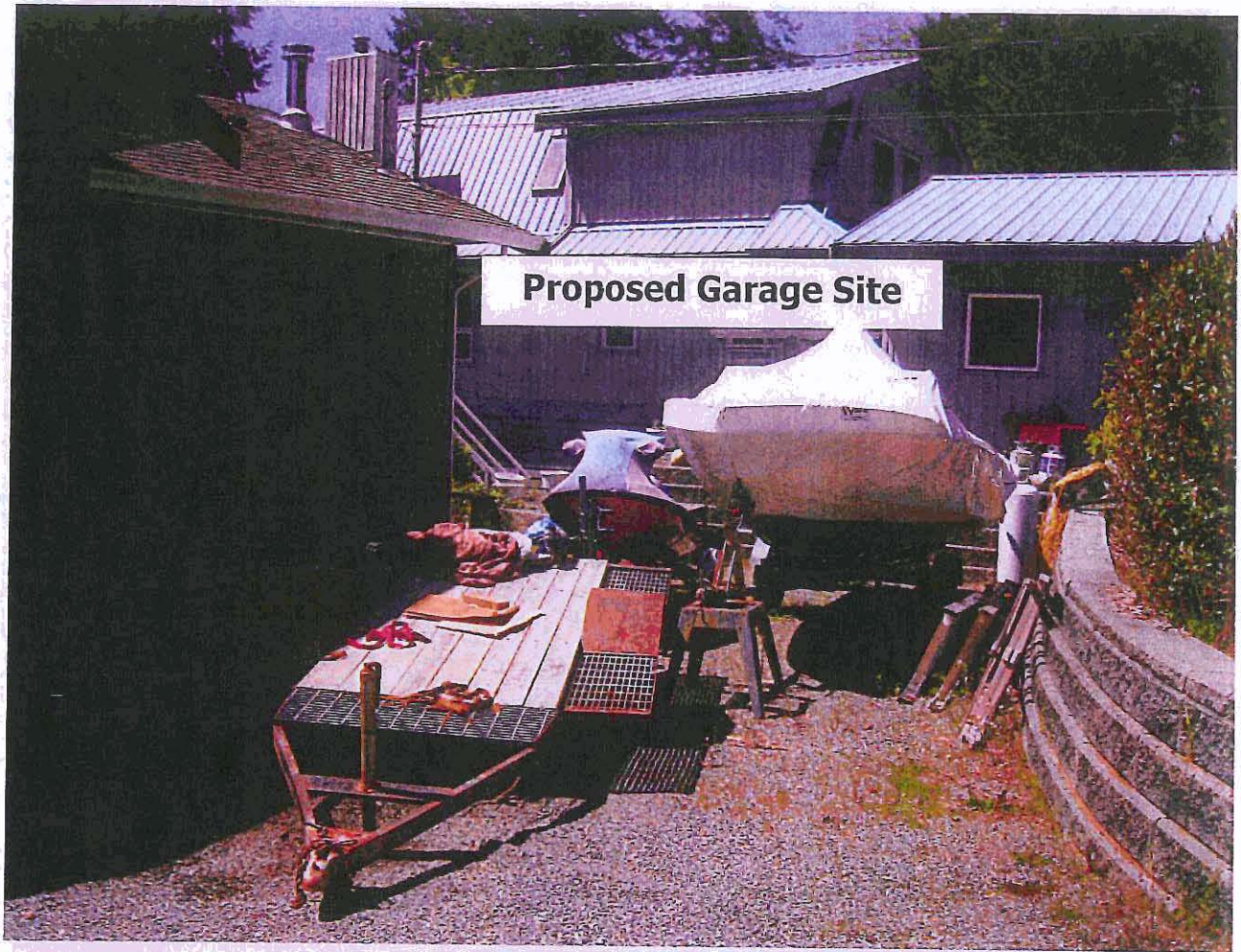
Type of Parcel Line	Residential and Accessory Buildings and Structures
Front parcel line	7.5 metres
Interior side parcel line	3.5 metres
Exterior side parcel line	4.5 metres
Rear parcel line (lakefront)	15 metres

5. **Height**

In the LR-2 Zone, the height of all principal buildings and structures must not exceed 10 metres, and the height of all accessory buildings and structures must not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. **Parcel Coverage**

The parcel coverage in the LR-2 Zone must not exceed 30 percent for all buildings and structures.





COWICHAN VALLEY REGIONAL DISTRICT

DRAFT DEVELOPMENT VARIANCE PERMIT

NO: 1-I-12DVP DRAFT

DATE: JUNE 13, 2012

TO: LEROY AND MARIAN VAN WIEREN

ADDRESS: 126 PARMENTER CRESCENT

FORT MCMURRAY, AB T9K 1L8

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 25, Block 5, Cowichan Lake District, Plan 51348 (PID: 016-771-630)

3. Zoning Bylaw No. 2465, applicable to Section 5.3(4), is varied as follows:
The interior side parcel line setback is varied from 3 metres to 2 metres to allow the construction of a garage in accordance with the attached site plan, subject to a legal survey confirming compliance with approved setbacks.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XXXXX 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 LEROY AND MARIAN VAN WIEREN other than those contained in this Permit.

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 13, 2012

FILE No: 2-F-12 DP

FROM: Alison Garnett, Planner I

BYLAW No:

SUBJECT: Development Permit Application No. 2-F-12 DP
(Hignell)

Recommendation/Action:

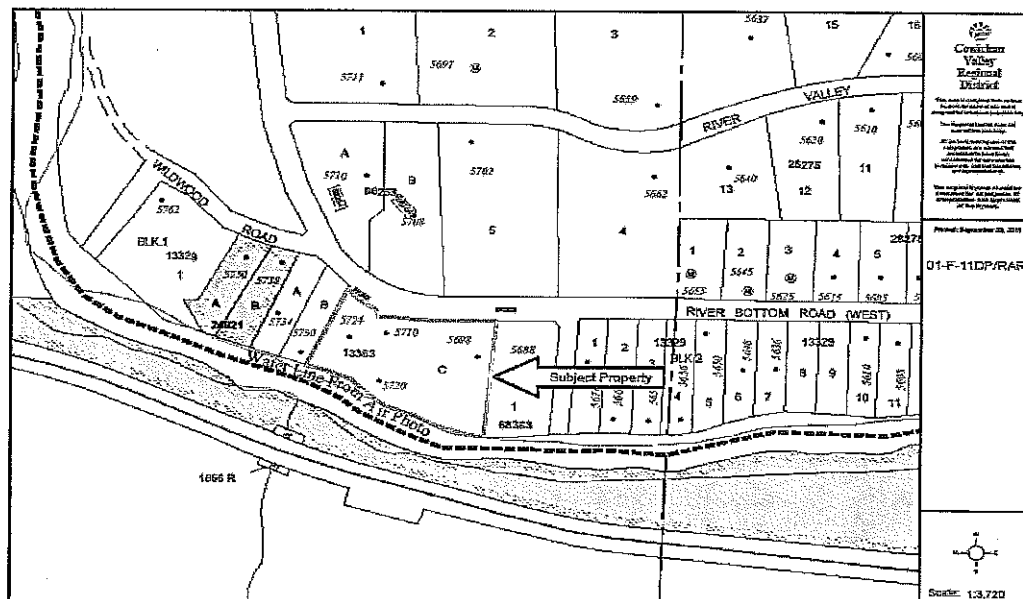
That Application No. 2-F-12DP (Hignell) be approved, and that a development permit be issued to permit an addition to the existing residence on Lot 2, Section 7, Range 1, Sahtlam District, Plan EPP18497.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property: 5698 Riverbottom Road (West)



<u>Legal Description:</u>	Lot 2, Section 7, Range 1, Sahtlam District, Plan EPP18497
<u>Date Application Received:</u>	April 2, 2012
<u>Owner and Applicant:</u>	David and Valerie Hignell
<u>Size of Parcel:</u>	0.5 hectares
<u>Zoning:</u>	RC-5 (River Corridor 5)
<u>Minimum Lot Size:</u>	0.4 ha
<u>Existing Plan Designation:</u>	River Corridor
<u>Existing Use of Property:</u>	Residential
<u>Existing Use of Surrounding Properties:</u>	North, East and West: Residential South: Cowichan River
<u>Road Access:</u>	Riverbottom Road West
<u>Water:</u>	On-site well
<u>Sewage Disposal:</u>	On-site sewage system
<u>Contaminated Site Profile Received:</u>	Declaration pursuant to the <i>Environmental Management Act</i> signed by owners.
<u>Agricultural Land Reserve Status:</u>	The subject property is not within the ALR.
<u>Environmentally Sensitive Areas:</u>	The subject property is located along the Cowichan River. According to the <i>Hardy BBT Floodplain and Erosion Potential Mapping (1989)</i> , the subject property is located partially within Zone A (defined as land that is unconditionally unsuitable for development) and partially within Zone B (defined as conditionally suitable for development)
<u>Archaeological Sites:</u>	The CVRD has no knowledge of an archaeological site on the subject property.

Planning Division Comments:

The subject property was recently rezoned from C-4 Tourist Commercial to RC-5 River Corridor 5, to convert the permitted uses of the property from commercial to residential, and to permit a 3 lot subdivision.

The subdivision has recently been registered, and the applicants are now proposing an addition to a building that was previously used as tourist accommodation cabin, but is now the primary residence on the subject lot. The size of the proposed addition is 30 m² or 320 ft². The cabin is located approximately 60 metres from the natural boundary of the Cowichan River.

The subject property is located in the Cowichan River Development Permit Area (DPA), in accordance with Official Community Plan (OCP) Bylaw No. 1490. The OCP justifies the designation of the Cowichan River DPA to protect the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions.

The Cowichan River DPA guidelines are outlined in Section 14.3.5 of the OCP, and the points below discuss how the proposed development addresses each of these guidelines.

- A. Requirement for geotechnical study-** According to the *Hardy BBT Floodplain and Erosion Potential Mapping (1989)*, the subject property is located partially within Zone A (defined as land that is unconditionally unsuitable for development) and partially within Zone B (defined as conditionally suitable for development). Previous geotechnical studies of the subject property were required in 1998 and 2007, and appear to sufficiently address this guideline as they indicate that risk to the subject property for soil erosion or major channel relocation is remote.

Staff have not requested additional geotechnical assessment for this current application. A report from CN Ryzuk engineers is attached to this report, which was submitted by the applicants as part of a development permit application in 2007. That application was with respect to an addition to a separate building, also used as a tourist accommodation cabin. That particular cabin is located upriver on the parent parcel, and with a lesser setback to the river.

- B. Floodplain protection** – Covenant EM124348 was registered in the name of the CVRD and the Crown in 1998, which requires floor systems of any new construction on the parent parcel to be elevated above 73.1 metres. The 200 year floodplain elevation of this property is 72.6 metre, and the elevation at the proposed construction site is 73 metres. This covenant appears to sufficiently address flooding protection, and the building permit will enforce the required elevation for the addition.

The CN Ruzuk report from 2007 provides general recommendations for floodplain protection during construction, which the CVRD Building Inspection Division will incorporate as part of the building permit conditions.

- C. Protection of riparian vegetation** – The proposed construction is further than 30 metres from the natural boundary of the Cowichan River, therefore riparian areas are not affected by this application and the Riparian Areas Regulation is not applicable.

Covenant EM12348 also requires that no buildings can be constructed within 30 metres from the natural boundary of the Cowichan River.

- D. Dedication of 30 metre riparian area** – This guideline is not applicable to a single family residential building.

Advisory Planning Commission Comments:

As directed by the Area Director, this application was not reviewed by the Electoral Area F Advisory Planning Commission (APC). We note that the APC was supportive of the rezoning and subdivision application of the parent parcel.

Recommendation:

As this application appears to substantially meet the guidelines of the Cowichan River Development Permit Area, **Option A is recommended.**

Option A:

That Application No. 2-F-12DP (Hignell) be approved, and that a development permit be issued to permit an addition to the existing residence on Lot 2, Section 7, Range 1, Sahtlam District, Plan EPP18497.

Option B:

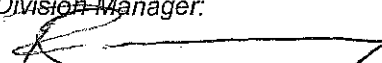
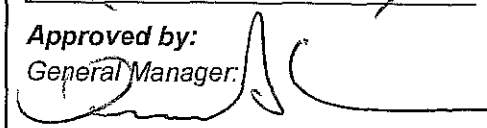
That application No. 2-F-12 DP not be approved in its current form, and that the applicant be directed to revise the proposal.

Submitted by,



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

AG/ca

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



Cowichan
Valley
Regional
District

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

The Regional District does not
warrant the accuracy.

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

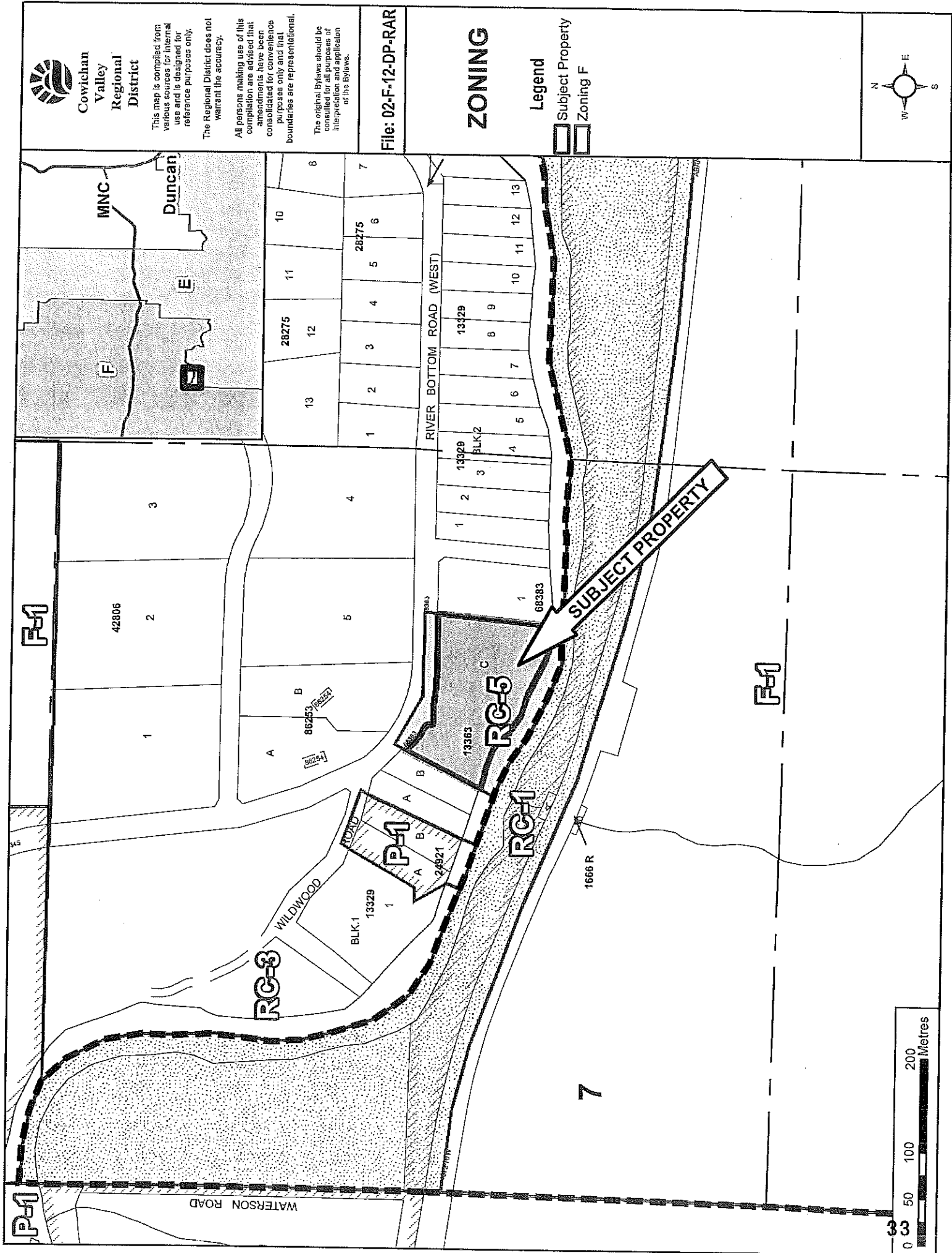
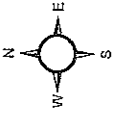
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

File: 02-F-12-DP-RAR

ZONING

Legend

- Subject Property
- Zoning F

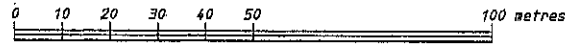


PLAN of Proposed Work

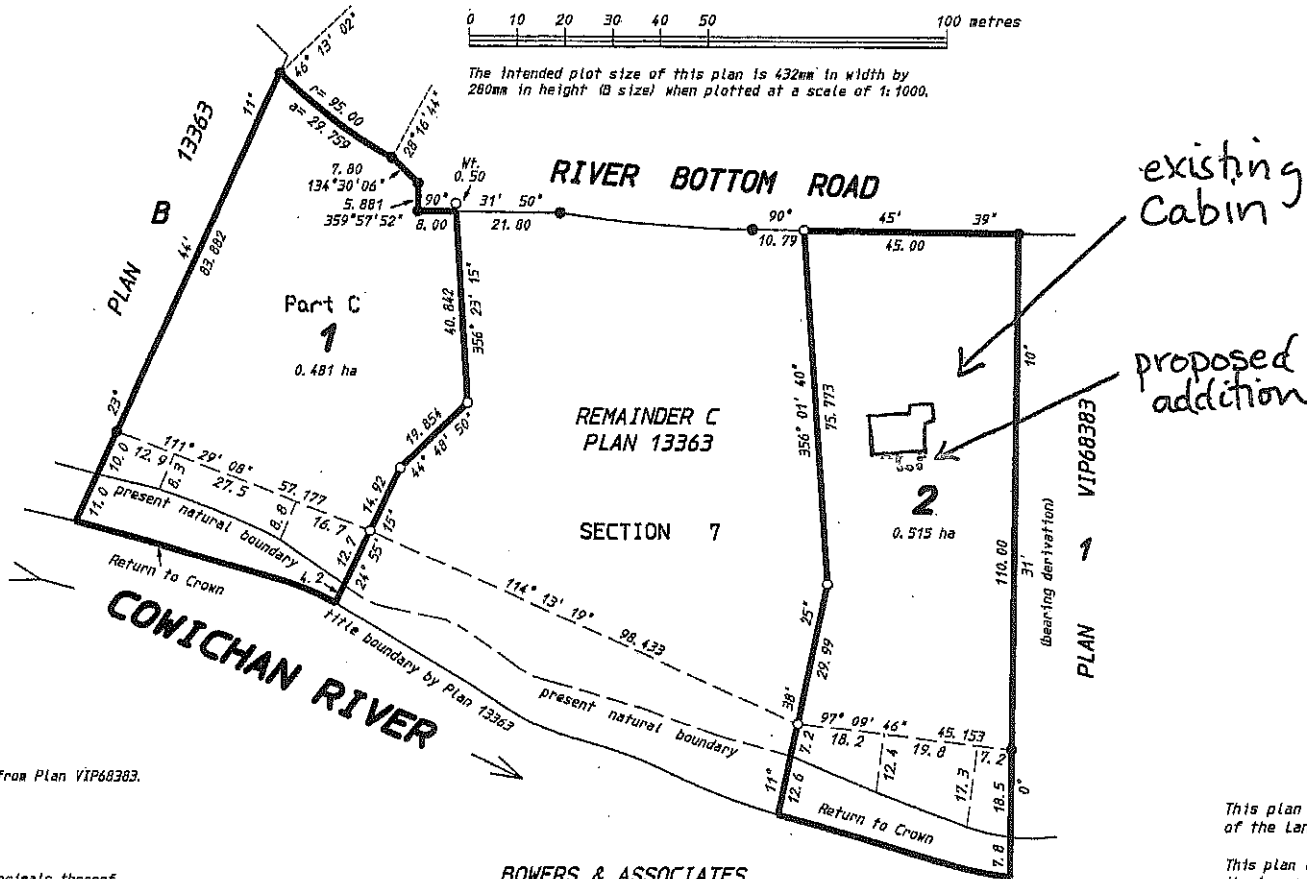
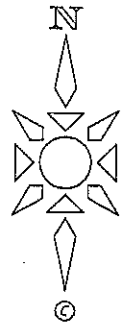
SUBDIVISION PLAN OF PART OF LOT C SECTION 7, RANGE 1, SAHTLAM DISTRICT, PLAN 13363, EXCEPT THAT PART IN PLAN VIP68383.

PLAN EPP 18497

BCGS 92B.071



The intended plot size of this plan is 432mm in width by 280mm in height (B size) when plotted at a scale of 1:1000.



LEGEND

Astronomic bearings were derived from Plan VIP68383.

- standard iron post found.
- standard iron post placed.

All distances are in metres and decimals thereof.

Note:

This plan shows one or more witness posts which are not set on the true corner. Unless otherwise shown, witness posts are set on the property line or the production thereof.

BOWERS & ASSOCIATES
2856 CASHWELL STREET,
CHEMAINUS, B.C., V0R 1K3
PHONE/FAX: 250-246-4928
File: 3882

This plan lies within the Cowichan Valley Regional District.

This plan need not comply with Section 75 (1) (c) of the Land Title Act.

This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure.

The field survey represented by this plan was completed by Philip J. Bowers, BCLS on the 6th day of March, 2012 : ECP # 133811.

C.N. RYZUK & ASSOCIATES LTD.

Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

August 8, 2007

File No: 8-2391-2

Sathlam Lodge and Cabins
R.R. #2, 5720 Riverbottom Road
Duncan, BC
V9L 1N9

Attn: Mr. D. Hignell

Dear Sir:

Re: Proposed Addition to Cabin
5720 Riverbottom Road - Duncan, B.C.

As requested, we attended the referenced site on June 15 to assess the geotechnical conditions as they relate to the proposed addition to one of the existing cabins. The property is located within the Cowichan River Development Permit Area, which is a designated area along much of the river corridor where development activities are regulated to reduce the risk associated with bank erosion and flooding hazards. We have had previous involvement at this site, dating back to 1998, at which time we assessed another portion of the property for proposed development. We have recently reviewed relevant available information such as historical stereo sets of B.C. government aerial photographs, erosion hazard reports and floodplain maps, with the objective to determine whether the referenced property would be considered safe for the use intended with respect to the proposed addition. Our comments and recommendations are presented herein, and are subject to the attached Terms of Engagement.

The site is generally located on the south side or left bank (looking downstream) of Cowichan River, is bounded to the east and west by similar residential/recreational properties, and to the north by Riverbottom Road. A main residence (lodge) and a number of accessory buildings (cabins) are present on the site, with relatively large coniferous trees noted about the property. We understand that the proposed addition would be located on the west side of the existing structure some 32 m from the edge of bank and would occupy a footprint of some 95 to 140 m².

In the vicinity of the cabin site, the river channel is characteristically unconfined in the upstream and downstream areas, however, is relatively confined adjacent to the site, with evidence that the opposite bank is bedrock controlled. The sediment transport regime of the river adjacent to the site is such that sediment is carried from the upper portion of the reach through to beyond the next

C.N. RYZUK & ASSOCIATES LTD.

August 8, 2007

Proposed Addition to Cabin
5720 Riverbottom Road - Duncan, B.C.
Page 2

bend, with the upstream and downstream sections being considered depositional reaches and the section in between, adjacent to the site, being a transport reach. There is evidence of recent lateral and vertical instability in the channel both upstream and downstream where the channel is less confined, however, the section of channel or reach adjacent to the site shows no indication of lateral or vertical instability itself.

We have reviewed the historical air photos (from 1958, 1972, 1993, and 2005 orthophoto) which confirm that there has been substantial channel migration upstream and downstream of the subject site, however, the most recent photos indicate that channel restabilization is occurring in these areas. However, as noted, the subject site is on the inside bend of a bedrock controlled, partially confined reach that is not prone to substantial channel change. This is reflected in the photographs which confirm that there has been essentially no detectable changes in river morphology adjacent to the site over the period of photo record reviewed (from 1958 to present), which is consistent with our past experience in the area in which we have not observed any significant changes since our involvement in 1998.

Numerous studies have been undertaken to assess the erosion and flood hazard adjacent to Cowichan River. In 1989, erosion hazard mapping was undertaken by Hardy BBT Ltd. which resulted in the designation of three hazard zones: reflecting an increased risk to development due to flooding and bank erosion. Generic recommendations were provided on to basis of each of the hazard zones, however, the recommendations at that time were based on relatively sparse surveys.

Additional more detailed floodplain mapping was undertaken by the Federal and Provincial Governments in 1997, with 1:5,000 scale floodplain maps clearly delineating the 1 : 20 and 1 : 200 year return period flood levels along Riverbottom Road. The 0.6 m provision for freeboard is due to hydrologic and hydraulic uncertainties in the calculations and accommodates potential for waves, surges etc.. The floodplain mapping with respect to the subject property indicates that the 1 : 20 and 1 : 200 year return period flood elevations are 72.3 m and 72.6 m Geodetic, respectively.

Based on our past experience and considering the site conditions, we believe that the risk of erosion or channel migration posing a threat to the proposed addition is remote. We do not expect river bed aggradation to result in vertical instability and it is unlikely that large scale channel changes laterally would occur for 1:200 year design event. Accepting that large scale migration of the active river channel that would affect the development is unlikely, we do not foresee a risk of erosional hazard to the subject site given the distance from the active channel. Furthermore, we do not expect the water velocities to be sufficient enough to cause extensive soil erosion during a design event where water levels may be to the depth indicated above. It is possible that some finer grained soils comprising flower gardens etc. may be washed away, however this is considered insignificant in terms of hazard to the proposed development. It is our opinion, however, that the

C.N. RYZUK & ASSOCIATES LTD.

August 8, 2007

Proposed Addition to Cabin
5720 Riverbottom Road - Duncan, B.C.
Page 3

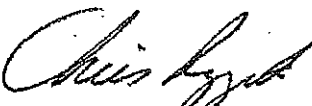
underside of floor joist should be located above the predicted 200 year flood level to minimize flood flow damage to the habitable structure.

Section 56 of the Community Charter requires a report certified by a qualified professional stating that the land may be used safely for the use intended is required prior to issuance of a building permit. In such an instance that the land is only safe for the use intended subject to certain conditions specified in the professional's report, then it would be necessary for the owner of the land to covenant to use the land as is safe for the use intended and as specified in the professional's report.

Considering the above, it is our opinion that development as proposed is not subject to hazard from major channel relocation nor is it at risk due to soil erosion within the active channel or nearer during a 1:200 year flood event. However, on the basis of the predicted flood water elevations, we suggest that for the land to be used safely for the use intended, it would be necessary to maintain the finished floor elevations of the addition higher than the predicted 200 year return period flood water elevation. As well, the building cladding below the flood level should be resistant to damage by wetting, and the building foundation walls should be detailed to permit inflow of flood waters (to equilibrate hydrostatic pressure). In similar situations, a crawlspace with the foundations at a lower elevation and the underside of the main floor above the flood water elevation has been a viable option, although no electrical connection or utilities/facilities affected by water should be below the 200 year flood level unless waterproofed. It is important for any future owners to recognize that the proposed development is within a flood plain that is expected to be inundated during flood events. As such, it may be necessary to register a covenant advising any future owners of the risk of flooding so that the crawlspaces do not end up being used as storage for items that could be water damaged.

We hope the preceding information is suitable for your purposes at present, and that it is consistent with your account of our discussions in this regard. If we can provide further information or clarification at this time, please call us. Thank you for this opportunity to be of service to you.

Yours very truly,
C.N. Ryzuk & Associates Ltd.

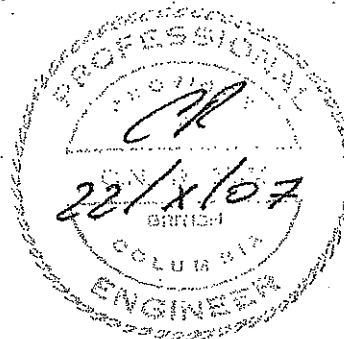


S.W. Moore, P.Geo.
Geoscientist

/SWM

Attachment - Terms of Engagement

C.N. Ryzuk & Associates Ltd.





CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-F-12 D P

DATE: June 13, 2012

TO: DAVID AND VALERIE HIGNELL - DRAFT

ADDRESS: 5720 RIVERBOTTOM ROAD WEST RR #2

DUNCAN BC V9L 1N9

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 2, Section 7, Range 1, Sahtlam District, Plan EPP18497 (PID: 028-832-337)
3. Authorization is hereby given for the construction of an addition to the single family home, in accordance with the attached plan.
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 – Sketch Plan of Proposed Work
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF JULY, 2012.

Tom Anderson, MCIP
Manager, Planning and Development

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

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

Signature

Witness



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 13, 2012 **FILE NO:** 1-A 12 DP
FROM: Rachelle Rondeau, MCIP Planner I **BYLAW NO:** 3510
SUBJECT: Application No. 1-A-12DP
(David McKerrell, Island Marine Construction)

Recommendation/Action:

That application No. 1-A-12 DP submitted by Island Marine Construction on behalf of Peter and Jane Beverly Gibson for re-construction of a seawall on Lot 1, District Lot 1G and Section 1, Range 9, Shawnigan District, Plan 46201, Except that Part in Plan VIP 53096 (PID: 009-818-871) be approved subject to:

- a) Development shall be carried out in strict compliance with the reports prepared by Levelton Consultants Ltd. dated March 20, 2012 and Polster Environmental Services Ltd. dated June 2, 2012;
- b) A letter of credit for 125% of the value of the vegetation/restoration recommended in the Polster Environmental Services Ltd.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property: 2643 Mill Bay Road

Legal Description: Lot 1, District Lot 1G and Section 1, Range 9, Shawnigan District, Plan 46201, Except Part in Plan VIP53096 (PID: 009-818-871)

Date Application and Complete Documentation Received: April 13, 2012

Owner: Peter and Beverly Gibson, and John and Dorothy Gibson

Applicant: Island Marine Construction Ltd.

Size of Parcel: 4650 sq. m (1.14 acres)

Property Context:

This property is located on the waterfront of Mill Bay, south of the Mill Bay marina. There was previously a seawall along the foreshore consisting of several rows of interlocked tires. On the upper portion of the bank, portions of the seawall are still intact and in good repair. As described in the attached letter, in March 2012, a severe storm destroyed the lower portion of the seawall. The owners would like to reconstruct the lower portion of the seawall as soon as possible and have engaged the services of Levelton Consultants for the geotechnical and design of the seawall, and Polster Environmental Services Ltd. to address marine riparian restoration/enhancements for the seawall.

From the top of the bank to the beach, the slope is approximately 6 m high. At its closest point, the existing dwelling is located 3 metres from the top of the bank, and there is a shed as close as 1 m.

Proposal:

An application has been made to obtain a development permit for construction of a seawall in accordance with the Marine Riparian guidelines of the Mill Bay Village Development Permit Area.

The geotechnical consultants have recommended that a stacked boulder retaining wall be constructed at the toe of the lower slope at the level of the beach. The seawall would consist of three rows of boulders (rip rap), with the first row being buried halfway below the existing level of the beach. The boulders would be approximately 1-1.5 m in diameter as illustrated on the attached drawings, and be similar to those installed at the Mill Bay marina.

Policy Context:

The property is within the Mill Bay Village Development Permit Area, which specifies guidelines regarding marine riparian areas.

Development Permit Area Guidelines

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

For the Committee's reference, the following guidelines are applicable to retaining walls or other similar structures.

Section 11.4.6 A(6)

Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist.

- The proposed seawall was designed by an engineer who proposed temporary and permanent remediation. Permanent remediation consists of a seawall constructed of boulders (rip rap) as shown on the attached drawing.

Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage.

- The proposed seawall is to replace an existing one that was destroyed in a recent storm.

The height of any tier of such a structure should be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of a massive barrier-like walls and enhance the stability of such works.

- The ultimate height of this seawall may be taller than 2 metres in height, but the boulders will be stacked at a $\frac{3}{4}$ H:1V slope no more than 2.5 boulders high.

Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings.

- The applicants are not constructing a retaining wall to gain more land area, they are re-constructing a seawall to protect the base of the slope. The upper slope will not be altered from its current vegetated state. The interlocked rows of tires have also been installed on the upper slope and are currently screened from view by natural vegetation.

Section 11.4.6 A(7)

Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted.

- The proposed seawall is not a large block wall, rather it will consist of 3 rows of boulders.

Section 11.4.6 A(9)

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

- The applicants have engaged the services of Polster Environmental Services to provide recommendations on marine riparian enhancements for the seawall. The report provides recommendations on the backfill material (to encourage natural succession), as well as the type of plants that can be established including Scouler's Willow, Sitka Willow, Red Alder, Nootka Rose, and Salmonberry. The report indicates that these recommendations should be incorporated at the time of construction of the seawall to ensure successful restoration as well as improve the appearance of the rip-rap wall.

Advisory Planning Commission (APC) Comments:

Development permit applications pursuant to only marine riparian guidelines are delegated, therefore this application has not been referred to the APC.

Planning Division Comments:

Construction of the seawall is time-sensitive, and the applicants would like to begin construction of the seawall as soon as possible to coincide with an upcoming fisheries window. The proposed seawall will be an improvement over the previous one that was constructed by interlocking tires. In accordance with the guidelines noted above, and due to the house's close proximity to the top of the bank and limited area to work with, the recommendations of the geotechnical engineer are a primary consideration. Additionally, restoration and revegetation of the slope will be conducted in accordance with the environmental report.

Staff are recommending approval of the development permit application as it complies with the marine riparian guidelines.

Options:

- 1) That application No. 1-A-12 DP submitted by Island Marine Construction on behalf of Peter and Jane Beverly Gibson for re-construction of a seawall on Lot 1, District Lot 1G and Section 1, Range 9, Shawnigan District, Plan 46201, Except that Part in Plan VIP 53096 (PID: 009-818-871) be approved subject to:
 - a) *Development shall be carried out in strict compliance with the reports prepared by Levelton Consultants Ltd. dated March 20, 2012 and Polster Environmental Services Ltd. dated June 2, 2012.*
 - b) *A letter of credit for 125% of the value of the vegetation/restoration recommended in the Polster Environmental Services Ltd.*
- 2) That application No. 1-A-12 DP submitted by Island Marine Construction on behalf of Peter and Jane Beverly Gibson for re-construction of a seawall on Lot 1, District Lot 1G and Section 1, Range 9, Shawnigan District, Plan 46201, Except that Part in Plan VIP 53096 (PID: 009-818-871) be denied, and the applicant be directed to revise the application.

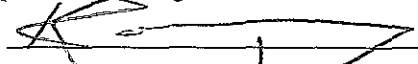
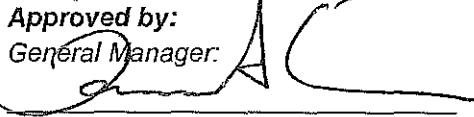
Option 1 is recommended.

Submitted by,



Rachelle Rondeau, MCIP
Planner I
Planning and Development Department

RM/ca

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



Covichan Valley Regional District

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

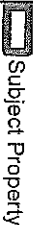
The Regional District does not warrant the accuracy.

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

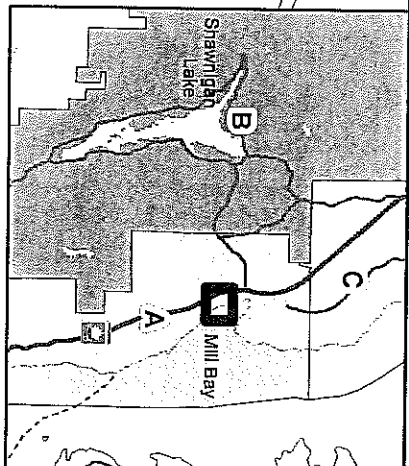
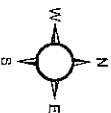
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-A-12-DP-VAR

Legend



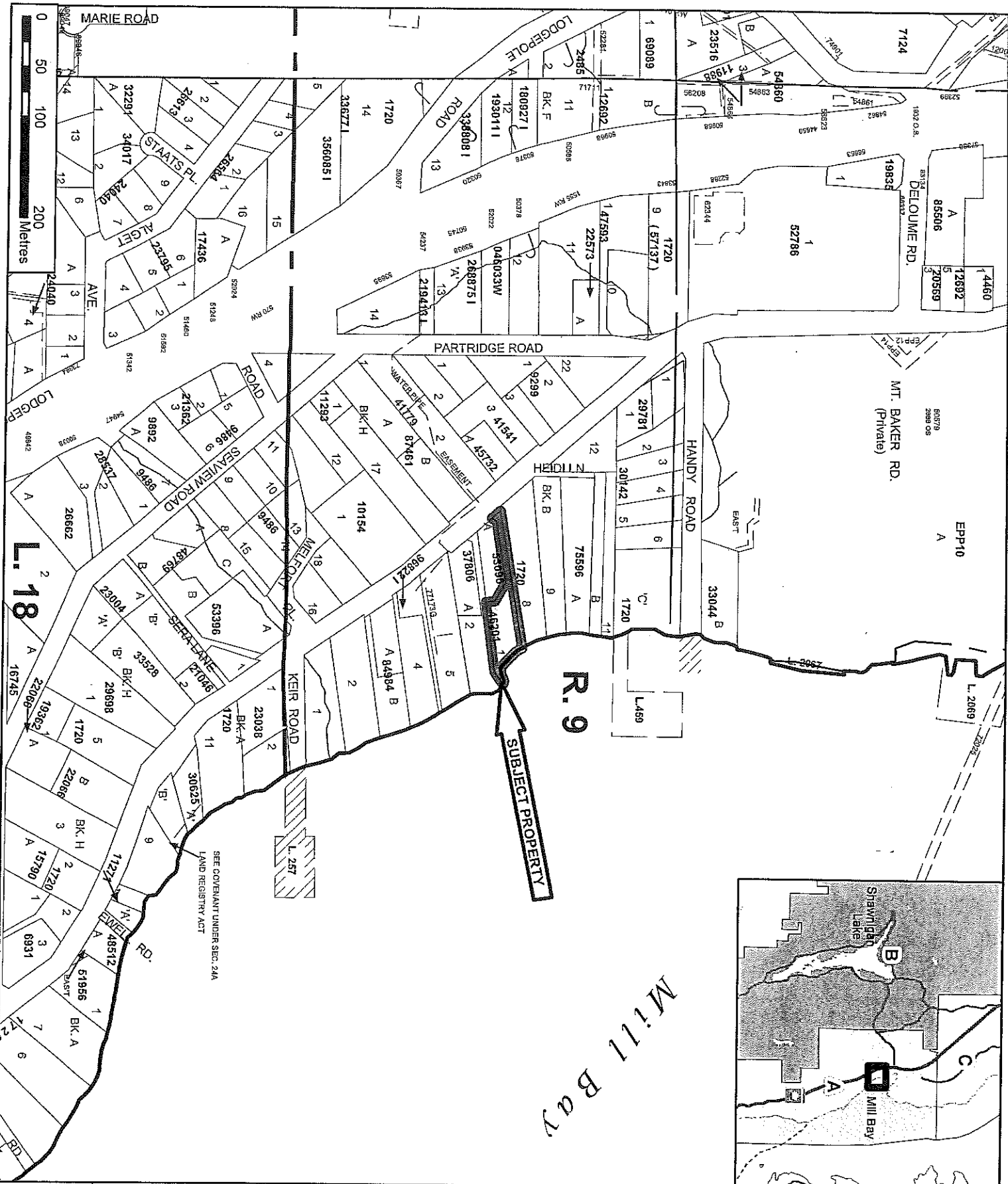
Subject Property



Mill Bay

R. 9

SUBJECT PROPERTY



L. 18

0 50 100 200 Metres



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-A-12-DP-VAR

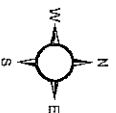
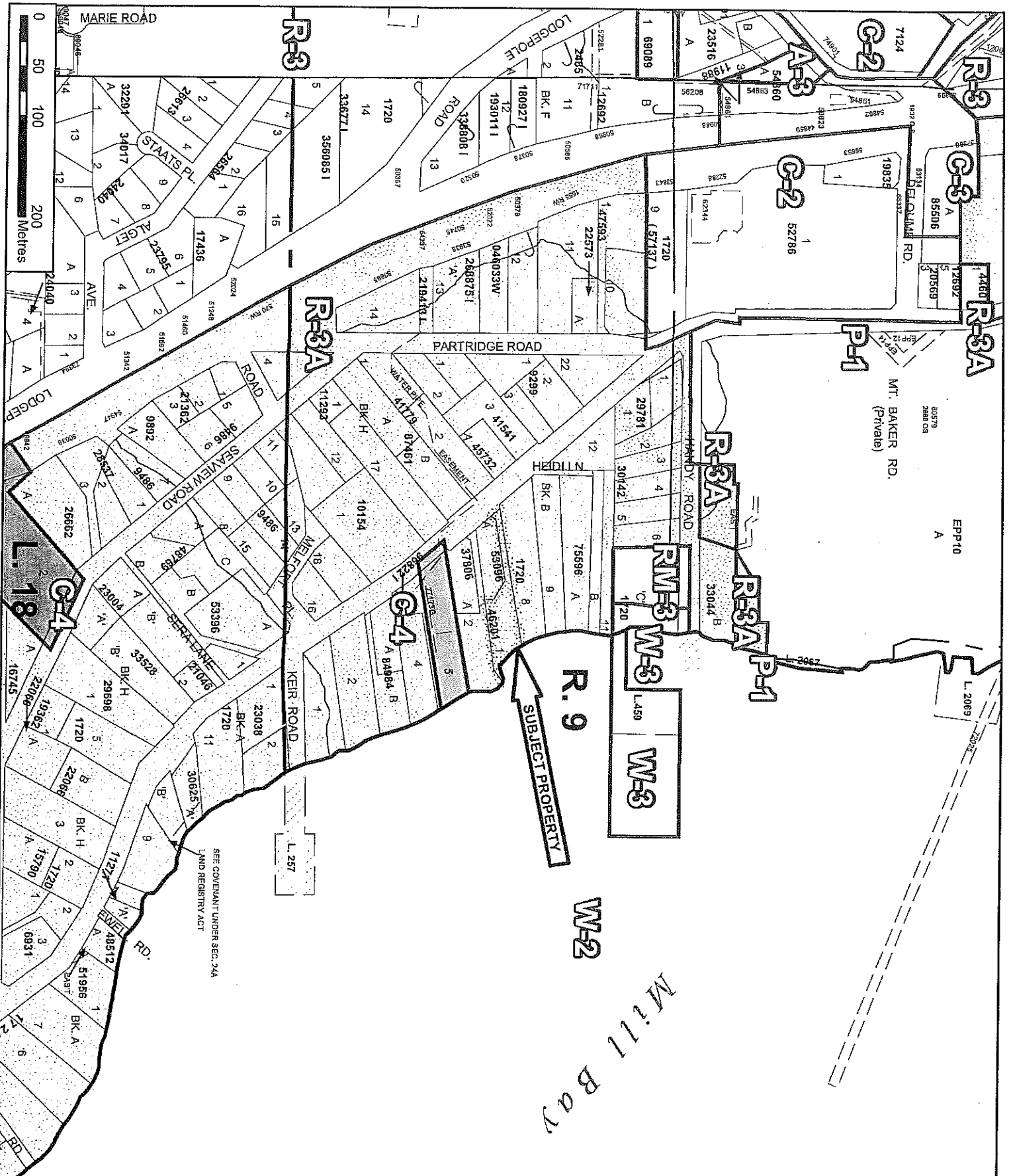
ZONING

Legend

-  Subject Property
-  Zoning A

R. 9
SUBJECT PROPERTY

W-2
Mill Bay



Schedule "A"

The application before you is a request to repair and renew a forty year old seawall that was destroyed during the severe storm of March 12, 2012. The subject wall was originally constructed from interlocked tires and was well maintained.

The recent addition of a large Wave Attenuator at the Mill bay Marina has caused a major change to the storm flow of the sea. This change has caused a shift in a variety of the features along the shoreline and as we believe was fundamental in the destruction of the old seawall.

Features on the subject property are now grossly exposed to erosion from bad weather. A professional geotechnical engineering company, Levelton Consultants Ltd. has been engaged and their report and recommendations are included as part of this application.

We propose to repair the seawall as per the Levelton recommendations. Several other softer methods have been discussed but simply fall short of the requirement of an enduring solution.

After discussing this issue with the Barbara Biss, Ministry of Forests, Lands and Natural Resource Operation, the stewards of the Provincial Crown it was granted that we may use up to one meter of land seaward of the Natural Boundary of the Sea to establish the base for the Seawall.

**B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON
LOT 1, DISTRICT LOT 1G AND SECTION 1, RANGE 9, SHAWNIGAN
DISTRICT, PLAN 46201, EXCEPT PART IN PLAN VIP53096.**

Civic address - 2643 Mill Bay Road, Mill Bay (PID 009-818-871)

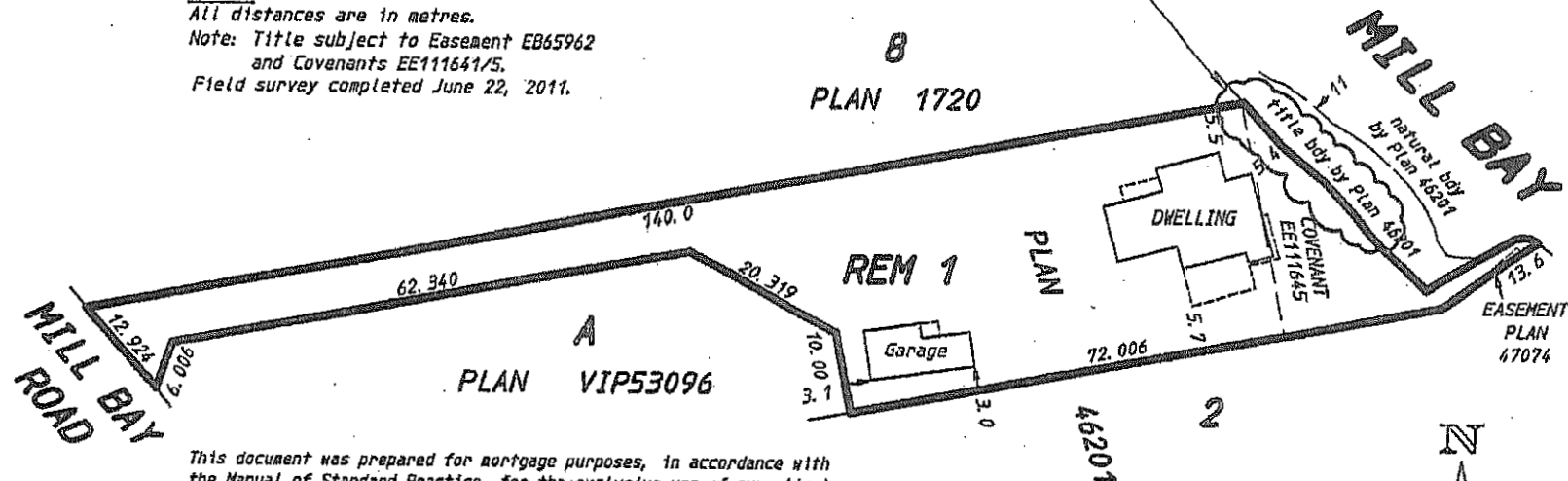
EXTEND OF SHORELINE WORKS

LEGEND

All distances are in metres.

Note: Title subject to Easement EB65962
and Covenants EE111641/5.

Field survey completed June 22, 2011.



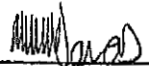
This document was prepared for mortgage purposes, in accordance with the Manual of Standard Practice, for the exclusive use of our client.

The surveyor accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document.

This document shows the relative location of the surveyed structures and features with respect to the registered boundaries of that land, and is not a boundary survey.

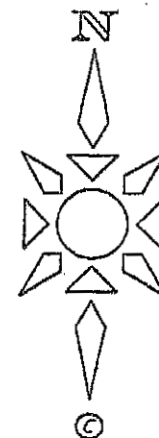
All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.

Certified correct this 24th day of June, 2011.


B. C. L. S.
This document is not valid unless originally signed and sealed.

BOWERS & ASSOCIATES

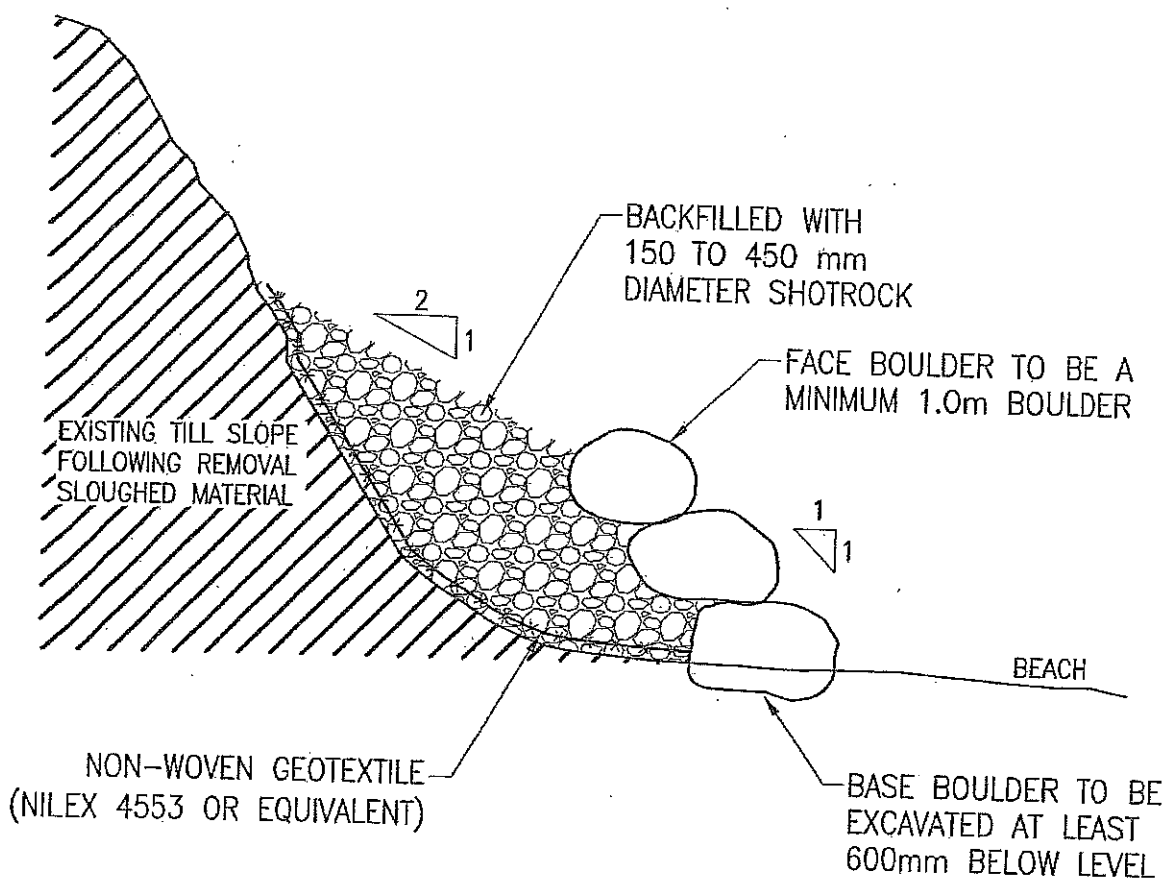
B. C. LAND SURVEYOR
2856 Caswell Street
Chemainus, B. C., V0R 1K3
phone/fax: 250-246-4928



PROJECT:	EROSION PROTECTION - 2643 MILL BAY ROAD
CLIENT:	PETER & BEV GIBSON
TITLE:	PROPOSED RETAINING WALL
THIS DRAWING IS THE SOLE PROPERTY OF LEVELTON CONSULTANTS LTD. AND CANNOT BE USED OR REPRODUCED IN ANY WAY WITHOUT THE EXPRESSED WRITTEN CONSENT OF LEVELTON. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES OR OMISSIONS TO LEVELTON.	

DATE:	MAY 2012
DESIGN BY:	-
DRAWN BY:	GDC
CHECKED BY:	TAM
SCALE:	AS SHOWN
PROJECT No.:	V112-0563-00

	FIGURE NO.:
	1



SCALE (m)



PROJECT:

EROSION PROTECTION - 2643 MILL BAY ROAD

CLIENT:

PETER & BEV GIBSON

TITLE:

PROPOSED RETAINING WALL

THIS DRAWING IS THE SOLE PROPERTY OF LEVELTON CONSULTANTS LTD. AND CANNOT BE USED OR DUPLICATED IN ANY WAY WITHOUT THE EXPRESSED WRITTEN CONSENT OF LEVELTON. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES OR OMISSIONS TO LEVELTON.

DATE:

MAY 2012

DESIGN BY:

TAM

DRAWN BY:

GDC

CHECKED BY:

TAM

SCALE:

AS SHOWN

PROJECT No.:

VI12-0563-00



FIGURE NO.:

2



March 20, 2012
File Ref: VI12-0563-00

Levelton Consultants Ltd.
Web Site: www.levelton.com

Peter and Beverly Gibson
2643 Mill Bay Road
Mill Bay, BC
V0R 2P1

Vancouver Island Region

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

**Re: Report of Geotechnical Assessment
Seawall Collapse Review
2643 Mill Bay Road, Mill Bay, BC**

1.0 INTRODUCTION

1935 Bollinger Road
Nanaimo, BC
Canada V9S 5W9
Tel: 250 753-1077
Fax: 250 753-1203
E-Mail: nanaimo@levelton.com

As requested, Levelton Consultants Ltd (Levelton) has completed a geotechnical review of the existing foreshore conditions at the above captioned site. Our site visit was carried out on March 13, 2012, following the collapse of the foreshore seawall on the previous day.

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

It is understood that the seawall that had been constructed along the foreshore slope of the property failed during a severe storm on March 12, 2012. The seawall had been constructed of tires and is understood to have been in place for at least 40 years. It is likely that the cause of the failure was undermining due to high tides and storm surges during a significant wind storm. At the time of our site visit, there were two failure scarps observed within the foreshore slope and the majority of the tire seawall had been relocated onto the beach.

*Construction Materials
Building Science
Geotechnical
Metallurgy and Corrosion
Environmental
Physical Testing*

During our site meeting, discussions were carried out regarding temporary and permanent measures that should be taken to control future sloughing and erosion of the foreshore slope. This report presents a summary of our discussions and provides recommendations for erosion protection in order to prevent further loss of property. It is recommended that this report be used as a conceptual design for remedial works. Any contractor planning on constructing the proposed seawall should be in touch with Levelton prior to mobilizing to the site.



2.0 SITE CONDITIONS

The site is a panhandle lot located on the east side of Mill Bay Road. The property has foreshore access by way of a walkway down to the Mill Bay beach at the east edge of the property. The foreshore slope down to the beach is approximately 6 m in height with the walking path creating a bench within the slope. The nearest point of the house is located approximately 3 m from the crest of the upper slope. There is a boathouse that exists on the benched portion of the slope, in the southeast corner of the property.

The soil conditions on the site were visually reviewed within the two failed scarps and elsewhere along the toe of the lower slope where erosion had scoured the toe of the bank. The sloughed soil was observed to be a mixture of sand and gravel with some cobbles and fine-grained materials. Inclusions of organic topsoil and its general composition indicates that it is a fill material, that is likely to have been installed at the time of the tire seawall. Exposures of very dense, cemented, glacial till were observed at the toe of the slope where erosion has had the opportunity to penetrate the sloughed soil and/or seawall. Based on our knowledge of this area, it is expected that the native till exists throughout the natural slope and it is anticipated that the house footings are founded on the native till.

The two areas of failure are located in the southern half +/- of the lower slope, i.e. below the walking path. The southernmost failure area is larger and extends back to the edge of the walking path. It is noted that the boathouse is located immediately across the path from the edge of the scarp, which was measured to be approximately 1.0 m away. The soils exposed at the crest of the failure scarp are the fill materials and it is not known whether the boathouse is constructed atop the native till or the fill materials. Based on its proximity, it is estimated that at least a portion of the boathouse is founded on the fill materials.

The two failed areas are characterized by a steep failure scarp at the crest of the slope and two areas of sloughed materials at the toe of the slope. Measurements taken on the lower slope that has remained intact indicates that the slope is angled at 40 degrees. Several trees observed on the slope have significantly bowed trunks, indicating soil creep within the surficial soils over many years.

The upper slope (above the walking path) has also been constructed using tires and remains in good condition. The tires have been battered back at an approximate 1/2H:1V face angle. There was no evidence of movement within the wall or the backfill immediately behind the upper wall.



3.0 DISCUSSION AND RECOMMENDATIONS

3.1 General

Based on our initial site walkover on March 13, 2012, it is evident that the collapsed seawall has led to slope instability of the fill materials, likely placed at the time of seawall construction. The native till soils are very dense and are not prone to collapse unless severely undermined. It is recommended that a seawall be re-constructed as soon as possible to control further toe erosion due to high tide and wave action. Our recommendations include advice directed towards temporary and permanent measures of slope remediation.

It is expected that the conceptual design provided herein will require beach access for vehicles and equipment. There will be one or more permits required to grant access and it is recommended that a contractor with knowledge of the permitting requirements be hired. It is expected that the construction will need to be scheduled in accordance with a fisheries window, which will be subject of beach access permitting.

3.2 Temporary Remediation

As the permitting and beach access process can take weeks or months before equipment can be scheduled to access the beach, it is recommended that some temporary measures be carried out to control further sloughing beyond the existing condition of the lower slope. These remedial measures are such that they can be performed by hand.

It is recommended that the salvaged tires be re-located back to the toe of the slope and weighed down with beach rock to provide some form of toe protection. If possible, it is recommended that the tires are stacked two or three high to provide protection against wave action. The upper tires should be set back from the lower row by at least 300 mm to create an appropriate wall batter. As this will not be as well established as the former seawall, regular monitoring of the tires should be performed by the homeowners to ensure that they are staying in place.

It is also recommended that the two failure scarps be covered with a heavy duty poly to control potential accumulation of rain water within the exposed soil. It is recommended that the poly is securely fastened at the crest of the slope by placement of existing bricks or sand bags. The poly should extend down to the toe of the exposed soil and be secured in such a way that it will not blow away in the wind but will allow any groundwater that is traveling out of the scarp to exit down to the beach.



3.3 Permanent Remediation

For permanent remediation of the seawall, it is recommended that a stacked boulder retaining wall be constructed at the toe of the lower slope, at the level of the beach. The base row of boulders should be installed at least 500mm below the existing level of the beach. The boulders that will comprise the face of the wall should be 1.0 to 1.5 m in diameter and angular to sub-angular. The boulder wall should be constructed to two to three boulders in height with an approximate $\frac{3}{4}H:1V$ face batter.


Backfilling should be carried out with well-graded, 600 mm minus, angular shotrock material. It is recommended that the existing sloughed material be removed as well as the vegetation within the lower half of the foreshore slope. Following excavation on the lower slope, it is recommended that the exposed soil be covered with a medium weight, non-woven geotextile to provide a separation layer between the existing fill soils and imported shotrock material. The purpose of the geotextile separation layer is to prevent migration of the finer grained material. The shotrock fill should be sloped up to meet the existing lower embankment at a maximum 2H:1V slope. It is considered appropriate to top dress this shotrock fill slope with topsoil or other growing medium to allow for vegetation to re-establish itself on the lower foreshore slope.

4.0 CLOSURE

This report has been prepared in accordance with the attached Terms of Reference for Geotechnical Reports, which are an integral part of this report.

We trust that it meets your immediate requirements. If you required further information, please contact the undersigned.

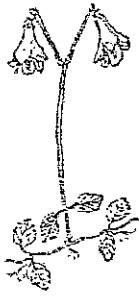
Yours truly,
LEVELTON CONSULTANTS LTD.


Per: Alec Morse, P.Eng.
Geotechnical Engineer



Reviewed by: Steven Scotton, M.A.Sc., P.Eng.

Attachments: Terms of Reference for Geotechnical Reports



**Polster
Environmental
Services Ltd.**

Genevieve R. SINGLETON
David F. POLSTER

June 2, 2012

Peter and Beverly Gibson
2643 Mill Bay Road
Mill Bay, BC
V0R 2P1

Dear Peter and Beverly,

Re: Riparian Enhancements for Proposed Shoreline Protection

Further to our site inspection earlier today and my review of the following materials:

1. The geotechnical report prepared by Alec Morse, P.Eng. of Levelton Consultants Ltd. (March 20, 2012);
2. The two memoranda (May 25th and May 31st, 2012) prepared by Levelton; and
3. The development permit submitted to the Cowichan Valley Regional District on your behalf by David McKerrell (Island Marine Construction Ltd. Saltspring Island, April 11, 2012.

I am pleased to provide the following recommendations for riparian enhancements associated with the proposed shoreline protection (Levelton May 31st memo, Figure 2). The recommendations outlined below are in keeping with the "Greenshores" philosophy. The proposed shoreline protection will consist of two to three rows high of 1 to 1.5 m boulders backed by well graded 600 mm minus shot-rock underlain by a filter fabric. Avoid the use of gabion baskets in coastal situations as the galvanizing on the baskets can introduce toxic levels of zinc into the local environment.

The riparian restoration will consist of two treatment zones; the face boulders and the backfill. Recommended treatments for these two zones will make use of the natural processes that would normally serve to revegetate coarse rock sites over time (Polster and Bell 1980). The slow accumulation of organic matter and fine particles in the interstitial spaces between coarse rocks serves as a rooting zone for pioneering species (Polster 2009). By placing fine textured materials with the large boulders as they are positioned the process of restoration can be greatly expedited. Similarly, if the 600 mm minus shot-rock has a minimum of 20% passing a 200 mesh screen (coarse silt sized particles) then nutrients and moisture will be held and allow vegetation to grow. In addition, having the recommended 20% "fines" in with the 600 mm minus shot rock will avoid the need for the filter fabric and will allow the established vegetation to root freely into the native soils of the slope.

.../2

Revegetation of the proposed shoreline protection should follow the natural successional processes that operate in the area (Polster 1989; Walker et al. 2007). Pioneering species such as Scouler's Willow (*Salix scouleriana*), Sitka willow (*Salix sitchensis*) and Red Alder (*Alnus rubra*) as well as shrubby species such as Nootka Rose (*Rosa nutkana*) and Salmonberry (*Rubus spectabilis*) can be established on the protection. The willows can be established as un-rooted cuttings in the joints between the face boulders with the Sitka willow planted lower on the slope as it is more tolerant of salt spray. Container grown seedlings of Nootka Rose can also be planted between the large boulders as this species is also reasonably salt tolerant. The Salmonberry and Red Alder should be planted higher on the slope. Additional species such as Swordfern (*Polystichum munitum*), Dull Oregon-grape (*Berberis nervosa*) and Trillium (*Trillium ovatum*) can be planted under the pioneering species as the site matures.

Planting should be conducted in the fall when the fall rains start so that the plants have a chance to become established through the winter. Early spring is a time of root growth for many species including the ones suggested for this site. Planting in the fall will allow the plants to take advantage of the moderate conditions to become well established before the heat of the summer. Care should be taken to provide watering during the first summer season so the plants can get well established. Subsequent irrigation should be unnecessary.

Careful attention to details will ensure the riparian values that are currently associated with this slope are re-established following the remedial works. Building the revegetation details into the shoreline protection rather than trying to conduct the restoration after the protection has been installed will also ensure the visual impacts of a rip-rap slope are ameliorated as well

Sincerely,
POLSTER ENVIRONMENTAL SERVICES LTD.



David F. Polster, M.Sc., R.P. Bio.
Plant Ecologist

REFERENCES CITED

- Polster, D.F. 1989. Successional reclamation in Western Canada: New light on an old subject. Paper presented at the Canadian Land Reclamation Association and American Society for Surface Mining and Reclamation conference, Calgary, Alberta, August 27-31, 1989.
- Polster, D.F. 2009. Natural Processes: The Application of Natural Systems for the Reclamation of Drastically Disturbed Sites. paper presented at the B.C. Technical and Research Committee on Reclamation, BC Mine Reclamation Symposium. Cranbrook, B.C. September 14-17, 2009.
- Polster, D.F. and M.A.M. Bell. 1980. Vegetation of talus slopes on the Liard Plateau, British Columbia. *Phytocoenologia* 8(1) 1-12.
- Walker, L.W., J. Walker and R.J. Hobbs. 2007. Linking Restoration and Ecological Succession. Springer. New York, N.Y. 190 pp.



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-A-12DP

DATE:

TO: PETER AND JANE BEVERLY GIBSON

ADDRESS: 2643 MILL BAY ROAD

MILL BAY, BC V0R 2P1

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:

*Lot 1, District Lot 1G and Section 1, Range 9, Shawnigan District, Plan 46201,
Except Part in Plan VIP53096 PID: 009-818-871*

3. Authorization is hereby given for construction of a seawall in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:
 - *Development shall be carried out in strict compliance with the reports prepared by Levelton Consultants Ltd. dated March 20, 2012 and Polster Environmental Services Ltd. dated June 2, 2012;*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached, and forms a part of this permit:
 - *Schedule A – Site Plan and Proposed Retaining Wall*
 - *Schedule B – Report of Geotechnical Assessment Seawall Collapse Review completed by Levelton Consultants Ltd. dated March 20, 2012*
 - *Schedule C – Riparian Enhancements for Proposed Shoreline Protection completed by Polster Environmental Services Ltd. dated June 2, 2012*

and it forms part of this Permit.



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 13, 2012

FILE NO: 5-E-12
DP/RAR/VAR

FROM: Rachelle Rondeau, MCIP Planner I

BYLAW NO: 1840

SUBJECT: Application No. 5-E-12DP/RAR/VAR - REVISED
(Donna Corby)

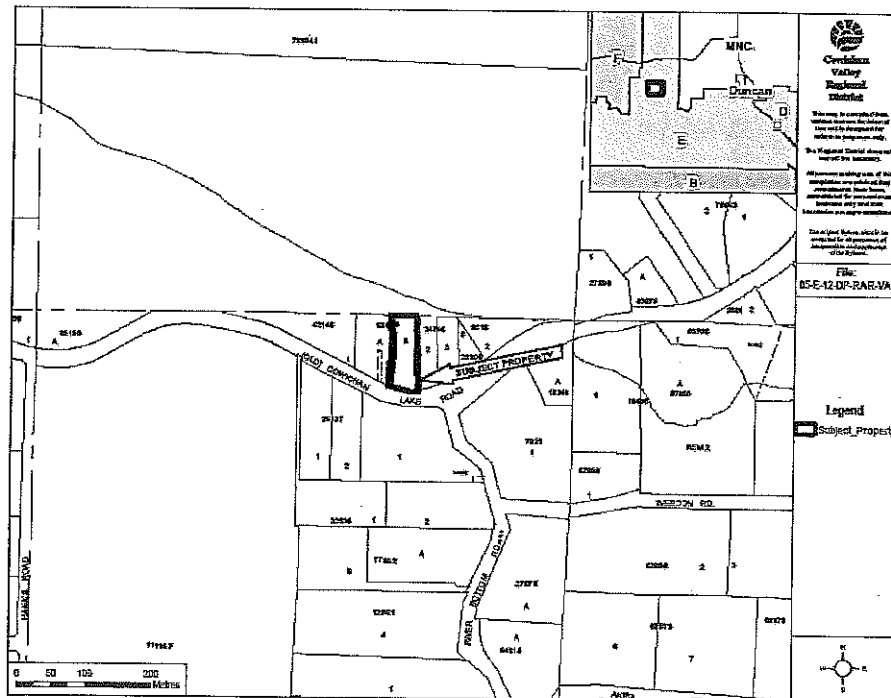
Recommendation/Action:

That Application No. 5-E-12 DP/RAR/VAR by Donna Corby for a variance to Section 5.18 of Bylaw No. 1840 in order to reduce the required from a Streamside Protection and Enhancement Area setback from 30.6 metres down to 20 metres on Lot B, Section 8, Sahtlam District, Plan VIP53018 (PID: 017-475-503) be approved subject to compliance with the recommendations of RAR Report No. 2294 and in accordance with the revised site plan.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:



Location of Subject Property: 4547 Cowichan Lake Road

Legal Description: Lot B, Section 8, Range 8, Sahtlam District, Plan VIP53018 (PID: 017-475-503)

Date Application and Complete Documentation Received: February 28, 2012

Owner: Donna and Allen Corby

Applicant: Donna Corby

Size of Parcel: 0.401 ha (1 acre)

Zoning: R-2 (Suburban Residential)

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Cowichan Valley Trap and Skeet Club (R-2)
South:	Residential (R-2)
East:	Residential (R-2)
West:	Residential (R-2)

Services:

<u>Road Access:</u>	Cowichan Lake Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On-site septic system

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: Currie Creek travels through the property.

Archaeological Site: None Identified

Proposal

A Development Permit with Variance was approved by the Regional Board at its April 11, 2012 meeting (resolution 12-96.28) to allow the placement of a double-wide mobile home on a foundation within the setback area from a Streamside Protection and Enhancement Area (SPEA).

There is an existing single wide mobile home on the property approximately 16 m from the creek, however this is entirely within the SPEA for Currie Creek. The owners originally intended to replace this mobile home with a double-wide mobile and construct a new foundation. However, although existing structures on a foundation are grandfathered under the RAR regulation, it is not permitted to increase the footprint within the SPEA. Therefore, a new site outside the SPEA was required.

As noted in the original staff report (5-E-12 DP/RAR/VAR), the property is bisected by Currie Creek. To the north of the creek there is currently no access or development. To the south of the creek are the SPEA, septic tank and field, and several large cedar trees. The proposed location is the only suitable location for the dwelling that is mostly out of the SPEA.

For the Committee's reference, the Electoral Area E Zoning Bylaw specifies a setback of 20 metres or 7.5 metres from the SPEA whichever is greater. The SPEA in this case was determined to be 23.1 metres, which would have required a setback of 30.6 metres from the creek. The original variance granted a reduced SPEA setback, which allowed placement of the dwelling 25.9 metres from the creek. However, a recent survey provided by the applicant indicated that due to the bend in the stream the proposed location of the dwelling is partially within the setback area.

Further measurements done by the Qualified Environmental Professional (QEP) indicate that the proposed location of the dwelling is 27.1 metres and 20 metres from the creek on the northwest and northeast corners respectively.

The Ministry of Forests, Lands and Natural Resource Operations has suggested a SPEA bend may be appropriate in this case. The extent of the encroachment into the SPEA is approximately 8 m², however the entire existing footprint of the current mobile home will be removed from the SPEA, which is successful in terms of the RAR.

Surrounding Property Owner Notification and Response:

Notification of adjacent property owners occurred when the variance was initially considered. A total of 8 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. At that time, no comments were received, and this modification of the proposed variance is felt to be within the scope of consideration without further notification.

Planning Division Comments:

Due to the location and bend of the creek, a sliding setback is required. At the closest point, the dwelling would be 20 metres from the creek and at the furthest point it would be 27.1 m, which complies with the regular watercourse setback. Currently, the majority of the SPEA and the property south of the creek is lawn and septic field. If this proposed variance is approved, the QEP will prepare the amendment to the RAR report and site plan, and to specify any additional measures for restoration.

If the variance is not approved, the applicant will be required to place the dwelling closer to the front property line, which would necessitate removal of at least one large cedar tree, or be required to locate the dwelling on the north side of the creek, which is not practical given the location of the existing septic system and requirement to build a bridge over the creek. In the future, if any construction is proposed on the northern side of the creek, approval under Section 9 of the *Water Act*, and potentially a further RAR report would be required.

The applicant has significantly altered the original building proposal to remove the existing mobile home from the SPEA, and locate the new dwelling in the only area that would cause the least disturbance to the SPEA and the mature cedar trees on the property.

Staff recommend approval of the Development Permit with Variance.

Options:

1. That Application No. 5-E-12 DP/RAR/VAR by Donna Corby for a variance to Section 5.18 of Bylaw No. 1840 in order to reduce the required Streamside Protection and Enhancement Area setback from 30.6 metres down to 20 metres on Lot B, Section 8, Sahtlam District, Plan VIP53018 (PID: 017-475-503) **be approved** subject to compliance with the recommendations of RAR Report No. 2294 and in accordance with the revised site plan.

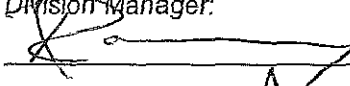
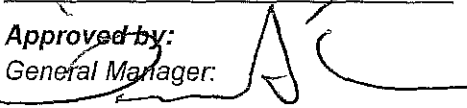
2. That Application No. 5-E-12 DP/RAR/VAR by Donna Corby for a variance to Section 5.18 of Bylaw No. 1840 in order to reduce the required Streamside Protection and Enhancement Area setback from 30.6 metres down to 20 metres on Lot B, Section 8, Sahtlam District, Plan VIP53018 (PID: 017-475-503) **be denied**, and that the applicant site the dwelling in accordance with the previous variance granted (5-E-12 DP/RAR/VAR), which allows construction of a dwelling 25.9 metres from the creek.

Option 1 is recommended.

Submitted by,



Rachelle Rondeau, MCIP Planner I
Development Services Division
Planning & Development Department

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

RR/ca



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.

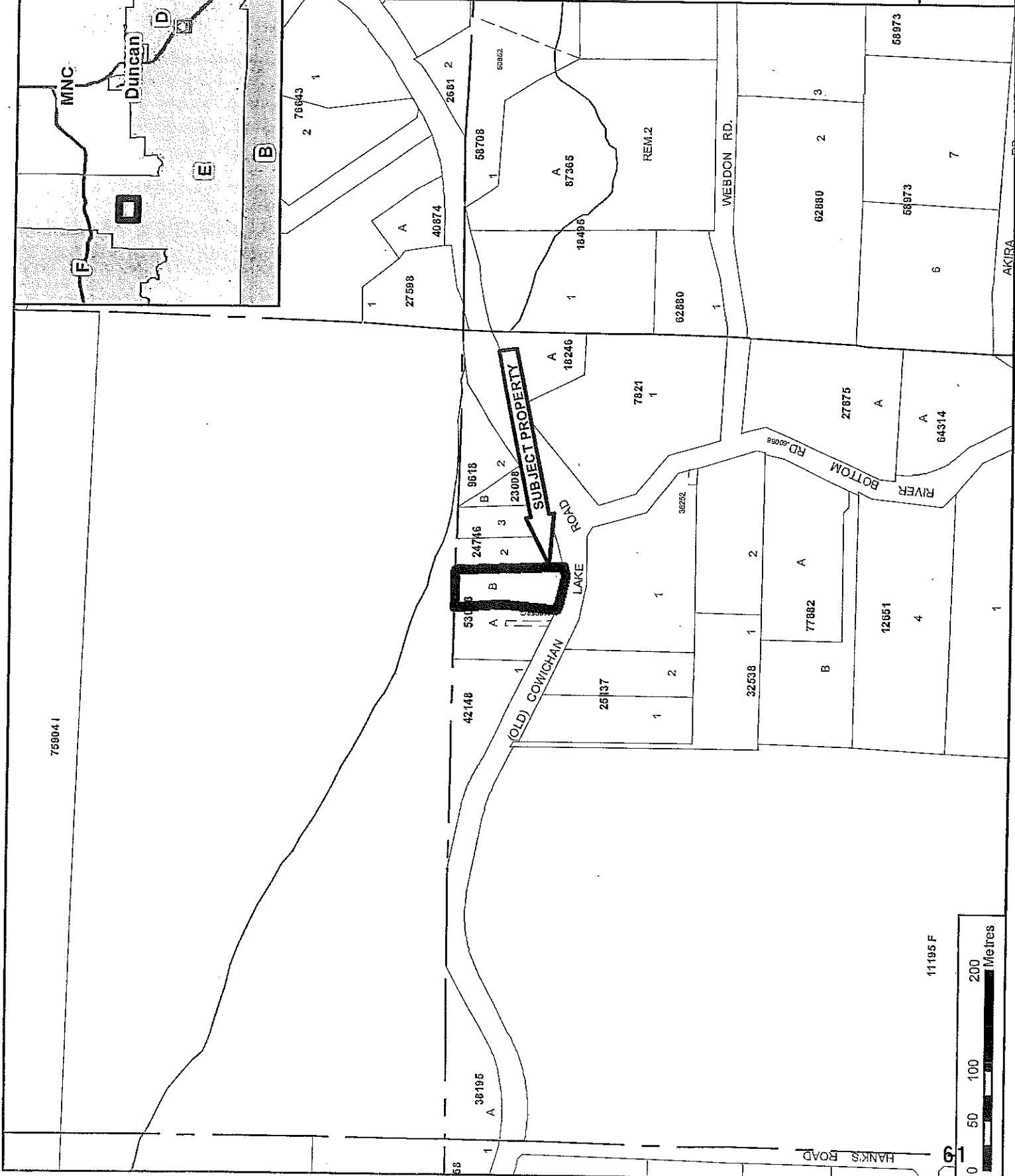
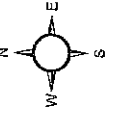
File:

05-E-12-DP-RAR-VAR

Legend



Subject Property



F

75904.1



Cowichan
Valley
Regional
District

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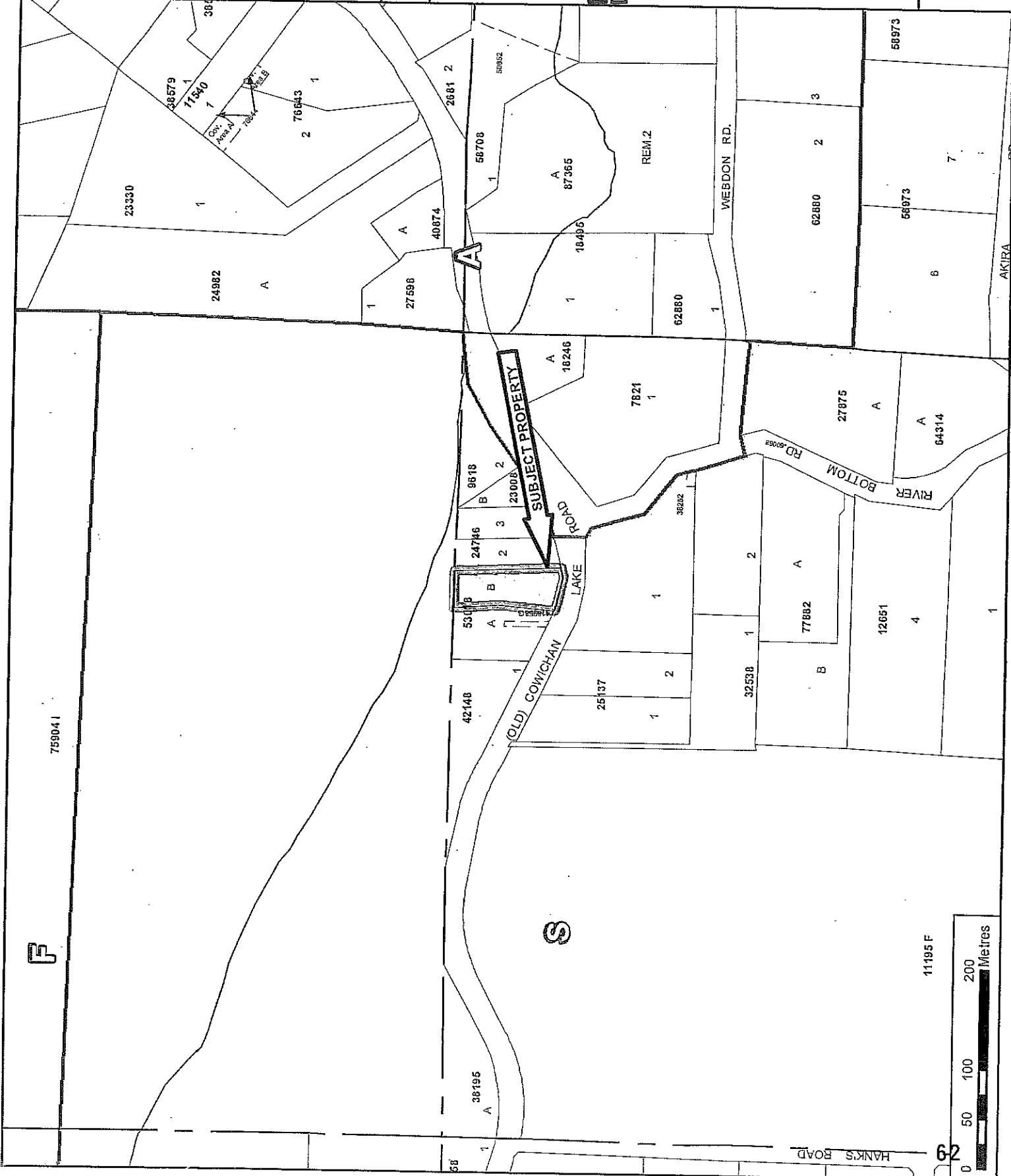
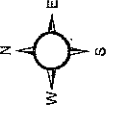
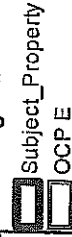
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File:

05-E-12-DP-RAR-VAR

OCP

Legend





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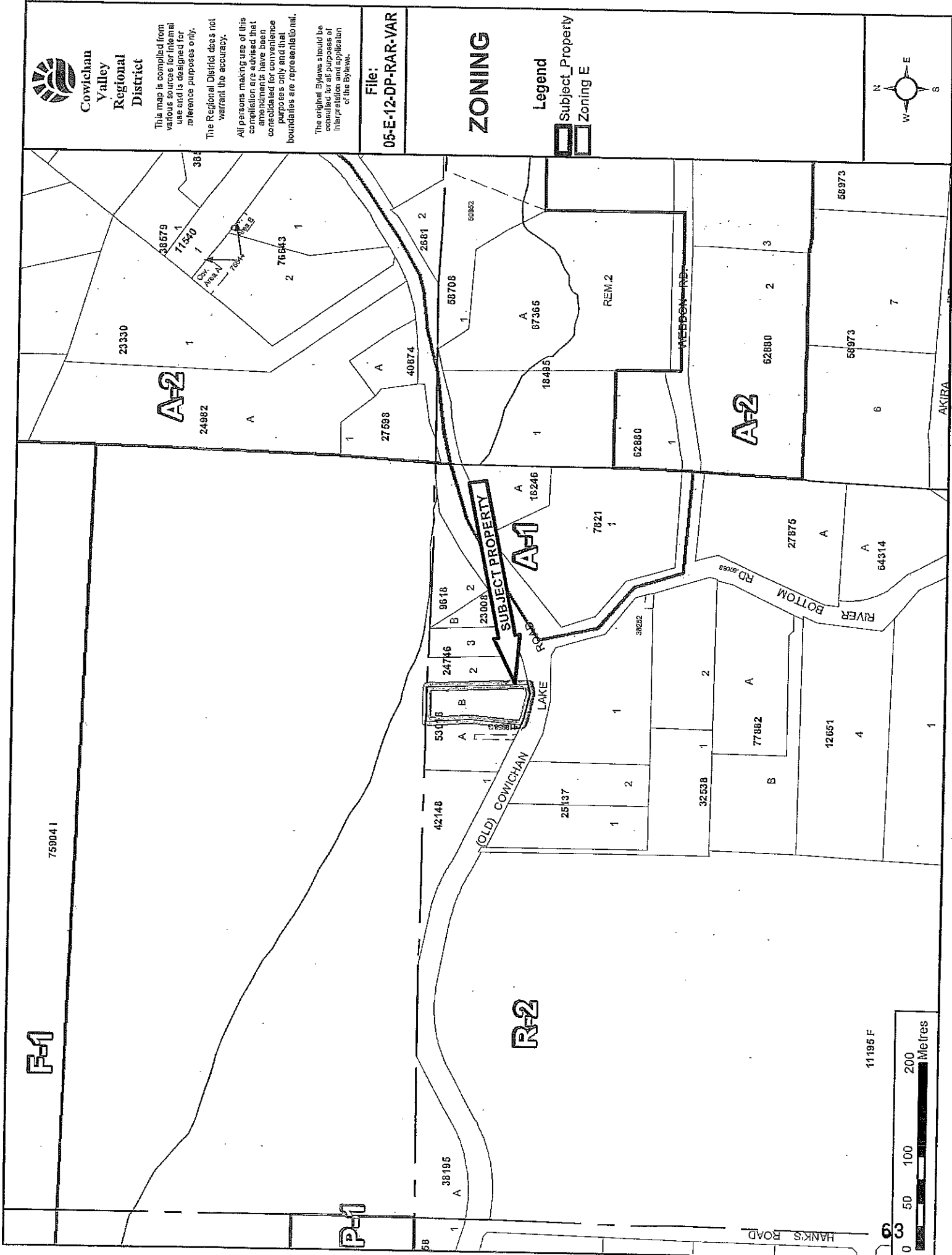
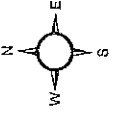
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File:

05-E-12-DP-RAR-VAR

ZONING

Legend



**SKETCH SHOWING RIPARIAN SETBACK FOR
LOT B, SECTION 8, RANGE 8,
SAHTLAM DISTRICT,
PLAN VIP53018.**

SCALE 1 : 500



All distances are in metres.

Note: Lot B lies within the Cowichan Valley Regional District, Area E, is Zoned R-2, & Lies within the Riparian Areas Regulation Development Permit Area.

Bylaw setback requirements are as follows:

Residential buildings :	
Front	7.5 m
Side (Interior)	3.0 m
Side (Exterior)	4.5 m
Rear	4.5 m

Note: Lot B is subject to the following charges;

Covenants EE104776 & EE104778

S. R. W. 's FB270193 & FB270194

Section 9 Range 8

Riparian Area Regulation
- Setback 23.1 m as per
Trystan Willmott.

Stream Side Protection &
Enhancement Area
- Setback 7.5 m
- Variance to 2.5m

15.0m Setback as per
Covenant EE104778

PLAN

B

VIP53018

2
PLAN
24746

Riparian Boundary
as flagged by
Trystan Willmott
B. Sc., A. Sc. T.

"DOUBLE-WIDE"
FOOTPRINT -

23.1m SPEA.

/// = Encroachment
into SPEA ("new").

Extending existing
footprint = ~ 48 m² of
new encroachment (~22m²
Building on new retained)
footprint = ~ 8 m² of
new encroachment.

IRON SURVEY POST (typ)

SURVEY POST
NOT FOUND

COWICHAN

LAKE

ROAD

KENYON WILSON

PROFESSIONAL LAND SURVEYORS

221 CORONATION AVE.

DUNCAN, B. C. V9L 2T1 (250) 746-4745

FILE 12-7364. RAR May 15, 2012

56'
24'
Double Wide for
Reference Purposes



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 13, 2012

FILE NO: 1-I 09 RS

FROM: Dana Leitch, Planner II

BYLAW NO: 2465 & 2650

SUBJECT: Application No. 1-I-09RS
(Rick Bourque) for the Cottages at Marble Bay

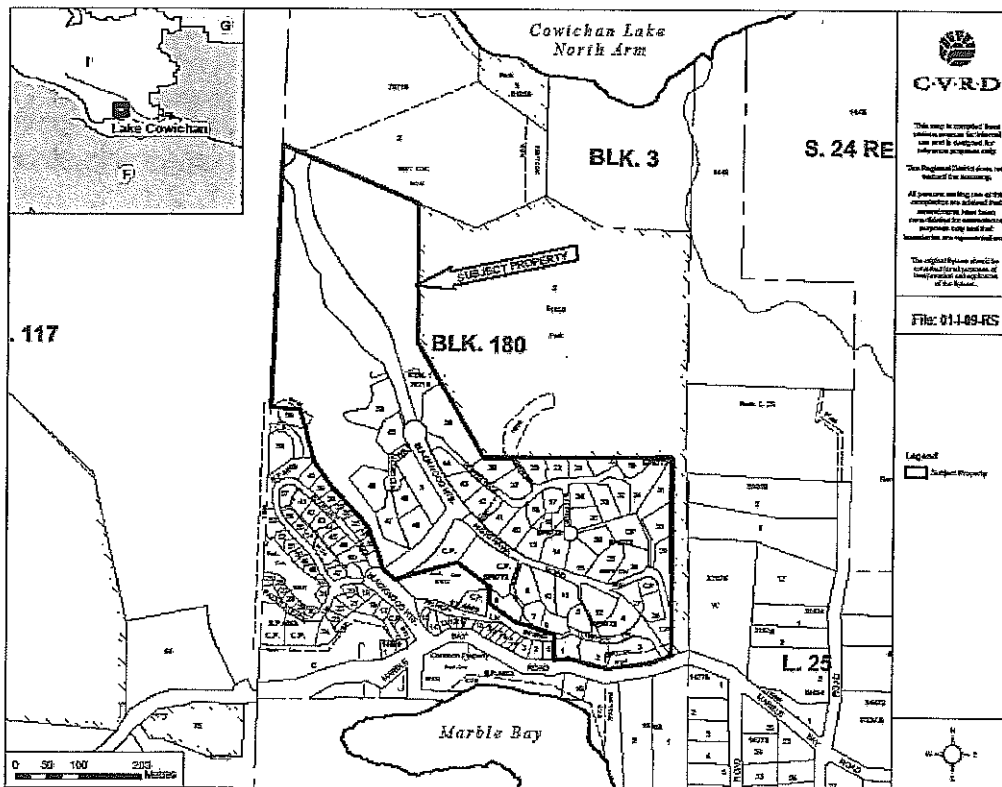
Recommendation/Action:

Direction from the Electoral Area Services Committee is required.

Relation to the Corporate Strategic Plan: N/A

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

Location Map:



Purpose:

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

Background:

This application was reviewed by the Electoral Area Services Committee (EASC) at their May 1, 2012 meeting. At this time the Committee recommended:

1. *"That application No. 1-I-09 RS (Rick Bourque/Cottages at Marble Bay) be referred to a public Meeting; and*
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 and access/intersection issues in the Meade Creek/Youbou Road and Marble Bay Road Areas."*

Public Meeting May 24, 2012

A public meeting was held on this application on May 24, 2012 and there were 12 members of the public present along with CVRD staff, the applicant and the Electoral Area I Director. A copy of the public meeting minutes have been attached to this report for your reference.

Development Services Division Comments:

Rather than sending the Ministry of Transportation and Infrastructure a letter expressing local government and public concerns regarding traffic flow/safety/road and access/intersection issues in the Meade Creek/Youbou Road and Marble Bay Road areas a special meeting was arranged by CVRD staff and was held on May 23, 2012 at the CVRD office. The Electoral Area I Director, CVRD staff, Ministry of Transportation staff and the applicant were present at the meeting.

At this meeting, community concerns regarding the Meade Creek/Youbou Road and Marble Bay road intersections, traffic flow issues and road safety were identified by CVRD staff and the Electoral Area I Director. As a result, the Ministry of Transportation staff is knowledgeable and aware of the local issues surrounding these intersections and local concerns regarding traffic and safety on these roads. Ministry staff also indicated that the Meade Creek/Youbou Road intersection improvements have been flagged and are now on the Ministry's radar and improvements to this intersection will be incorporated into the Ministry of Transportation and Infrastructure's five year plan.

Development Services Staff feel that the request made by the Committee to write a letter to Ministry of Transportation and Infrastructure expressing local government and public concerns regarding traffic flow/safety/road and access/intersection issues in the Meade Creek/Youbou Road and Marble Bay Road areas was satisfied through the meeting held on May 23, 2012. Therefore, the letter has not been sent. If the Committee feels that a letter still needs to be sent staff would be happy to prepare a letter and forward it to the Ministry of Transportation and Infrastructure.

Development Services Staff have recommended that this application move towards the public hearing at previous Committee meetings held on November 1, 2011 and May 1, 2012. At their April 3, 2012 meeting, the Electoral Area I Advisory Planning Commission also recommended this application be forwarded to a public hearing. Because there were no new issues identified at the public meeting staff feel comfortable in moving this application to the public hearing stage. However, staff are seeking direction on this application from the EASC.

Options

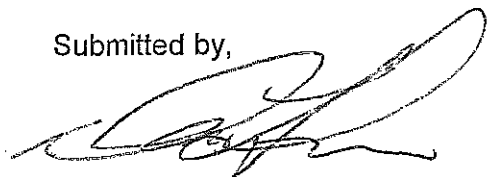
Option 1:

- a) That the Zoning and OCP amendment bylaws for Application No. 1-I-09RS (VanIsle Waterfront Development Corporation) be forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Weaver, Morrison and Dorey as delegates, subject to the following being submitted in a form acceptable to the CVRD prior to scheduling a hearing:
 - 1. A draft covenant that would prohibit further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
 - 2. A draft covenant requiring that at the time of subdivision of the remaining lands to the north, that the applicant work with the CVRD Parks and Trails Division to establish an east-west trail link of not less than 7 metres in width; and
 - 3. A draft covenant requiring the repair or removal of the underperforming fire hydrant in the development.
- c) That CVRD staff be authorized to release Covenant No. EX044069 over Lot 3, Block 180, Cowichan Lake District, Plan VIP78710 if rezoning Application No. 1-I-09RS is approved and the amendment bylaws are adopted by the CVRD Board.

Option 2:


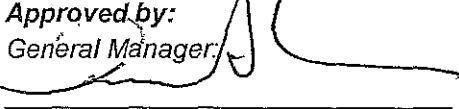
That Application No. 1-I-09RS (VanIsle Waterfront Development Corporation), be denied.

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning & Development Department

DL/ca
Attachments

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



PUBLIC MEETING MINUTES
Rezoning Application No 1-I-09RS (Van Isle Development Corporation Development Proposal)
Electoral Area I – Youbou/Meade Creek

Following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 1-I-09RS (Van Isle Development Corporation), applicable to Electoral Area I – Youbou/Meade Creek, held on Thursday, May 24, 2012, in the Youbou Community Hall (Lower Hall), 8550 Hemlock Street, Youbou, BC at 7:00 p.m.:

CHAIRPERSON Director P. Weaver, Electoral Area I – Youbou/Meade Creek, Chairperson

CVRD STAFF PRESENT Mr. M. Tippet, Manager, Planning & Development Department
Ms. D. Leitch, Planner II, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:
There were 12 members of the public present.

CALL TO ORDER Director P. Weaver chaired the Public Meeting and called the meeting to order.

Director Weaver introduced the CVRD Staff present and the applicant, Rick Bourque, Van Isle Waterfront Development Corporation.

CORRESPONDENCE 1) CVRD Power Point Presentation (EXHIBIT 1).

Mike Tippet

- Original Rezoning Application was received January 2010 and the first request was that the property be rezoned to allow year round residency on the buildings that have been constructed on the site.
- Site presently looks like a residential neighbourhood but noted that it is in the Tourist Recreation Commercial Zone.
- Approximately 20 years ago the property was first rezoned to the Tourist Recreation Commercial Zone which permitted the recreational cottage development.
- Present zoning states that an owner or occupant of a C-4 Zone can only reside on it 22 weeks per calendar year.
- The site has now been developed to the highest available density. The question has arisen with regard to the CVRD's definition of community water system and community sewer system as those definitions specifically state there must be a minimum of 50 connections and the dilemma that the CVRD faced was whether to approve the highest density available prior to it officially becoming a community sewer and water system service, which was done.
- Woodland Shores development located west of the subject property has started development and there is an agreement in place that states that all future development at Marble Bay will hook into the Bald Mountain sewer and water systems, and CVRD staff believe that the existing 50 lots at Marble Bay Cottages should also be connected to this community sewer system.

Dana Leitch

Ms. Leitch gave a Power Point presentation (EXHIBIT 1) and explained the following with regard to Rezoning Application No. 1-I-09RS:

- 50 strata lots are contained within this proposal and an upland portion.
- The applicant is proposing to rezone to permit the occupancy of the recreational cottages for up to 52 weeks in a calendar year.
- 50 strata lots range in size from: 940 m² to 5700 m² and the upland remainder is approximately 20 acres.
- Of the 50 strata lots, 33 lots have been sold, 19 of them have recreational cottages built on them and 17 strata lots remain vacant.
- Subject properties are located 2 km from Youbou Road.
- Site is zoned as Tourist Recreational Commercial 4, which allows for high density tourist accommodation and it permits such uses as:
 - a golf course, pitch-and-putt course and driving range, including clubhouses, pro shops
 - a hotel
 - a campground
 - resort
 - marina operations
 - Restaurant
 - among other uses

And also permits the following accessory uses:

- accessory buildings, retail sales; and a single family dwelling.
 - A new recreational zone is being proposed for the subject properties called the LR-11 Zone: The Lakeview Residential 11 Zone as the CVRD does not have an existing zone in place that would explicitly sanction the occupancy of recreational/commercial cottages for more than 22 weeks per calendar year. The applicant has informed staff that the desire of most existing land owners and potential buyers is to be able to utilize the cottages for more than 22 weeks in a calendar year.
 - The following uses and no others are permitted in an LR-11 Zone:
 - Recreational residence, which is defined as, a building similar to a single family residence, which may be either occupied seasonally or full-time by one or more persons and which may also be rented on a commercial basis, for short-term stays.
- Other Uses permitted include:
- Community service facility
 - Home office
 - Buildings and structures
 - The minimum parcel size in the LR-11 Zone is 1600 m², which would permit approximately 7 or 8 new lots on the upland portion.
 - All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system, in this case, the Bald Mountain Community Sewer and Community Water Systems.
 - There is also a covenant that is registered on title that:
 - Limits the number of dwellings per parcel to one dwelling;
 - Establishes a maximum building footprint of 1,100 square feet;
 - States that the parcels can be used for recreational use;
 - This covenant will remain.
 - Physically this site has evolved with a residential character and appearance rather than that of commercial – recreational resort.
 - The fact that there is no central rental pool for the building units suggests that it is more of a recreational/residential use rather than Tourist Commercial. Had the units been marketed as 1/3 timeshares, the temporary occupancy of the buildings would have been assured.

However, each unit was sold to one owner and as a result; potential over-stays by individuals (of the maximum 22 week provision in the definition) are possible and very likely occurring now.

The existing Plan Designation is Tourist Commercial and is not being amended as part of this application.

- In terms of surrounding land use designations the subject properties are designated Tourist Commercial in the Official Community Plan (OCP).
- Lands to the immediate north are designated as Suburban Residential and Parks and Institutional, south as Parks and Institutional, west as Bald Mountain Lakefront Cottage Residential and to the east Suburban Residential and Forestry.
- The OCP does not contain any specific policies that address the conversion of temporary, short term stay accommodation to long term accommodation in the Tourist Commercial (TC) designation.
- Both the Advisory Planning Commission (APC) and CVRD Planning staff are recommending that a Development Permit Area (DPA) that addresses drainage be created for the upland portion of the site in consideration of the increased density on those lands.
- Planning Staff have created a DPA entitled the Water Management Development Permit Area which has been contained within the Draft Official Community Plan Amendment Bylaw.
- In conjunction with the rezoning application the applicant has also applied to discharge Covenant No. EX044069 over Lot 3.
- Lot 3 is surrounded by the first 50 lots of the Marble Bay development but is not part of the strata plan.
- The Covenant prevents the property's use for anything other than a sewage disposal field.
- Discussions were held with the Ministry of Environment regarding Lot 3, the property upon which the Covenant is registered, and it has been determined that it is not part of a reserve area under the *Municipal Sewage Regulation* for the 50 lots that already exist. The new zoning being proposed for the properties requires connection to a community water and a community sewer system
- The use of Lot 3 for sewer purposes is not, and will not be required; therefore, staff supports the release of the covenant.
- The APC discussed this application at its March 20, 2012 and April 3, 2012 meetings. At their April 3, 2012 meeting the APC recommended moving the application forward to a public hearing.
- The application was considered by the Electoral Area Services Committee (EASC) on May 1, 2012 and the EASC recommended that a public meeting be held.
- The public meeting minutes from tonight will go back to the EASC for their consideration likely in June, 2012.
- The public meeting was advertised in the *Lake Cowichan Gazette* (Wednesday, May 16th and Wednesday, May 23rd), *Citizen* (Wednesday, May 16th) and *Leader Pictorial* (Friday, May 18th).
- It was brought to the Planning Department's attention that there was a mistake made on the map contained within the Public Meeting Notice, as the map captured some lots that actually are part of the Bayview Village Strata to the south of the site. All the maps have been corrected and revised subject property maps are available on the side table.

**APPLICANT,
Rick Bourque**

Rick Bourque, applicant, was present regarding Rezoning Application No. 1-I-09RS and stated the following:

- He and his father are the developers of the subject property.

- Requested rezoning to permit year round living on the property and they have not made any other request to change the Marble Bay development.

Director Weaver

Asked for public questions or comments to be directed toward CVRD staff or the applicant.

Dalton Smith

- Lives in the area.
- No objection to the proposal as the subject property is a recreation area.
- His lot is 3 acres in size and requested that the CVRD look at permitting other larger parcels like his in the area to be subdivided into $\frac{3}{4}$ acre or 1 acre sized lots as long as there is proper sewage disposal and water serviced on the smaller lots.

Diana Gunderson

- Lives in the Meades Creek area.
- The road must be upgraded if more subdivision and development is permitted in the area.
- Presently the road has no enforcement of speed limits; it is a narrow and windy with a lot of traffic, as well as many people walking in the area.
- Requested that the CVRD contact the Ministry of Transportation to address the concerns on Meades Creek Road.

**George deLure,
Youbou**

- On May 1, 2012 he made a presentation to the CVRD's EASC bringing to the attention of the EASC Directors the issue of upgrading Marble Bay Road and Meades Creek Road.

Dana Leitch

- A meeting has been held with Ministry of Transportation representatives with regard to the intersection and making the road safer.
- There was an attempt during the Woodland Shores development to negotiate a covenant and possibly to fix and raise the intersection to make it safer but the problem they ran into is that the Ministry of Transportation only owns the asphalt and the issue of raising and widening the road is difficult as it impedes on private property and the property owner was not willing to entertain any issues of upgrades. Ross Deveau, District Development Technician, Ministry of Transportation has stated that they would deal with that type of issue during the final Preliminary Layout Approval (PLA) of a subdivision application and not during the rezoning process. If the Ministry had made that intersection an issue during the Woodland Shores application it would not have worked as the private landowner was not willing to enter into a covenant to improve the intersection.

Mike Tippet

- During the Woodland Shores development the issue of safety along the road was brought forward.
- Covenant was registered with regard to installing a separate pedestrian walkway along Marble Bay Road and Meades Creek Road but that also ran into problems as they encountered problems with regard to the road right-of-way as the proposed walkway was located on private property. CVRD Parks & Trails Division is working with the Ministry of Transportation to get that issue resolved.
- Raising of Meades Creek Road and Youbou Road intersection is also very tricky but noted it is on the Ministry's radar and may soon be in their 5-year plan.

Director Weaver

- Unfortunately that issue does not have anything to do with the subject application in Marble Bay as it relates to the Woodland Shores development.

- George deLure** ➤ Community is frustrated and does not see it that way and the road issue needs to be addressed.
- Mike Tippett** ➤ General problem is not unique to Youbou, it is found throughout the CVRD Electoral Areas.
➤ The CVRD deals with land issues and the Ministry of Transportation is in charge of roads.
➤ Mill Bay would like to see sidewalks installed but the Ministry of Transportation does not want to approve sidewalks, Cobble Hill wants walkways and they do not want to approve that either. CVRD Board is in discussions with the Ministry of Transportation with regard to the CVRD gaining some local control of roadways.
➤ CVRD Parks & Trails Division is working on the trail issues and the Ministry is very aware of the road issues.
- Diana Gunderson** ➤ Must keep pursuing those issues and not let up on them.
- Rob McGowan** ➤ Purchased his lot in Marble Bay in 2005 and is President of the Strata.
➤ Moved into the area for the ability to walk along road with kids and dogs.
➤ The proposed zoning amendment would not affect traffic on the road.
➤ Most owners would like to see the 22 week restriction lifted to full time residency as 22 weeks living on site does not make sense.
- Director Weaver** ➤ Asked for questions or comments from the public present
- Keith Nelson,
7440 Nantree Road** ➤ His property backs onto the cottages and they do not hear noise from that site as the parcels are a good size.
➤ 22 weeks is unenforceable.
- Mike Tippett** ➤ If the rezoning application moves to the public hearing stage the official notification process will be carried out where individual letters are sent to adjacent property owners and notification in the local newspapers.
- George deLure** ➤ Can people still bring forward the road issue concerns to the Regional District's attention?
- Mike Tippett** ➤ Yes, it is a relevant community issue but noted that it is not 100 percent related to the subject application.
- Diana Gunderson** ➤ Not opposed to the proposed development but wants to see traffic and road issues addressed.
- Director Weaver** ➤ Agreed that coming off Youbou Road onto Meades Creek Road is very dangerous and advised that the CVRD is very aware of it and she will keep pursuing the issue.
- Diana Gunderson** ➤ Also very dangerous at the other end of Meades Creek Road as big trucks travel the road frequently.
- ADJOURNMENT** Director Weaver asked for public comments or questions regarding Rezoning Application No. 1-I-09RS (Van Isle Development Corporation Development Proposal).

The Public Meeting closed at 7:40 p.m.

EXHIBIT 1

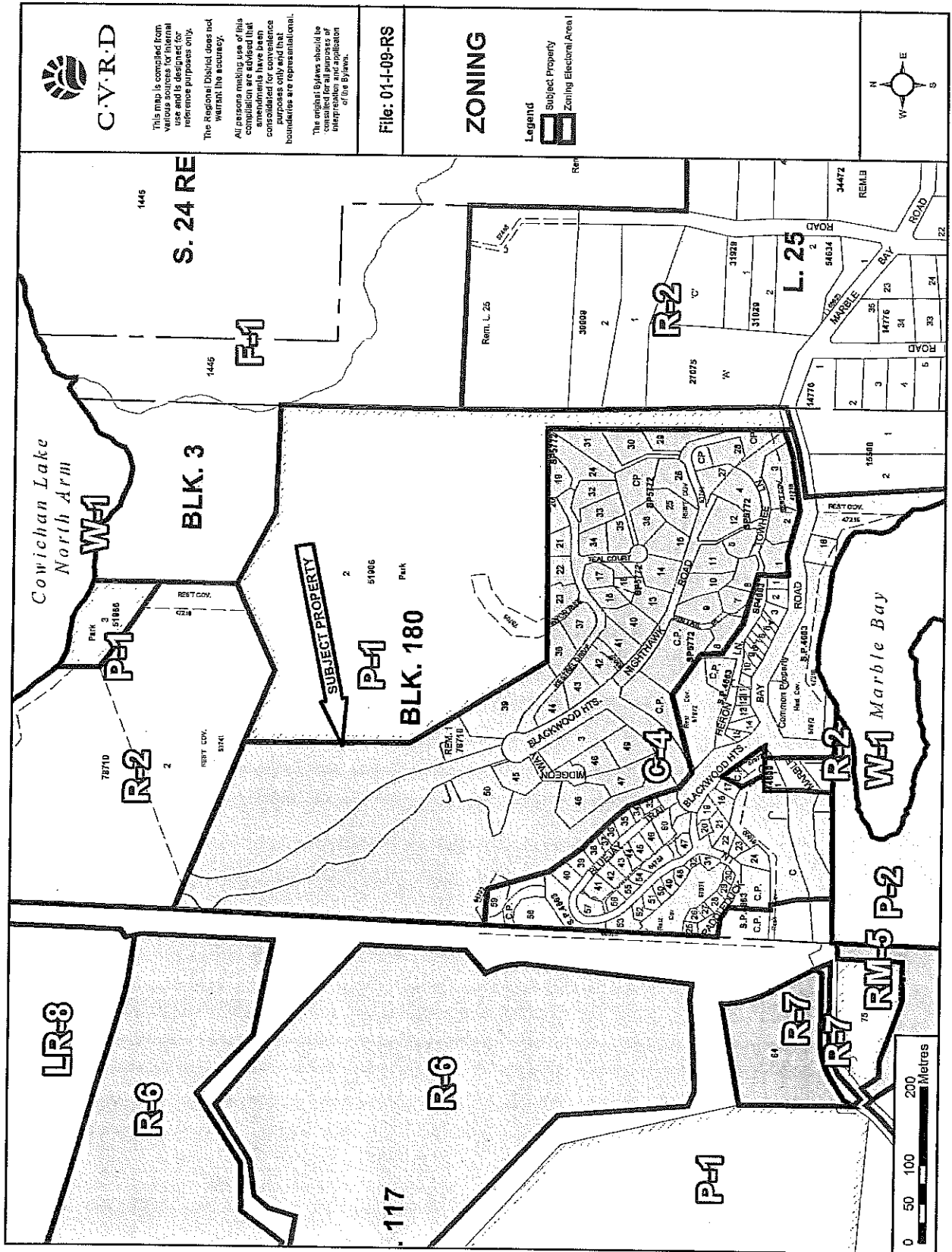
Application No. 01-I-09 RS

Cottages at Marble Bay

- Application received: January 7, 2010
- Applicant is requesting year-round occupancy of buildings in the Cottages at Marble Bay development by their owners, and the same for the undeveloped portion of the property
- Site is zoned as Tourist Recreational Commercial 4, which allows high density if tourist accommodation is developed
- CVRD wishes to ensure that any approval given here also rationalizes the servicing
- Sewer service to the existing 50 lots is presently a private utility (which was intended to be transferred to CVRD)
- Water service to the existing 50 lots is also a private utility
- CVRD has stated in writing that no lots beyond 50 may be created until the existing and proposed lots are connected to a CVRD sewer system
- This application therefore provides an opportunity to resolve servicing, normalize zoning with actual use and thereby move forward
- The details of the proposal are described through the coming slides

[illegible]

Current Zoning: Tourist Commercial 4 Zone



Proposed Zoning: LR-11 Lakeview Recreational 11 Zone

1. Permitted Uses

The following uses and no others are permitted in an LR-11 Zone:

- a) Recreational residence

The following accessory uses are permitted in the LR-11 Zone:

- b) Community service facility;
- c) Home office;
- d) Buildings and structures accessory to a principal permitted use.

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2. Minimum Parcel Size

The minimum parcel size in the LR-11 Zone is 1600 m².

3. Servicing

All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system.

4. Number of Recreational Residences

Not more than one recreational residence is permitted on a parcel that is zoned LR-11.

5. Footprint Area

The maximum footprint area for a recreational residence on a parcel in the LR-11 Zone is 105 m², plus a covered, unenclosed deck attached thereto not exceeding 31 m² and not extending more than 3.7 metres from a foundation wall.

6. Setbacks

The following minimum setbacks apply in the LR-11 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	4.5 m
Interior Side Parcel Line	4.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line	4.5 m

7. Height

The following maximum height regulations apply in the LR-11 Zone:

- a) Principal Buildings and structures 10 m
- b) Accessory buildings and structures 6 m

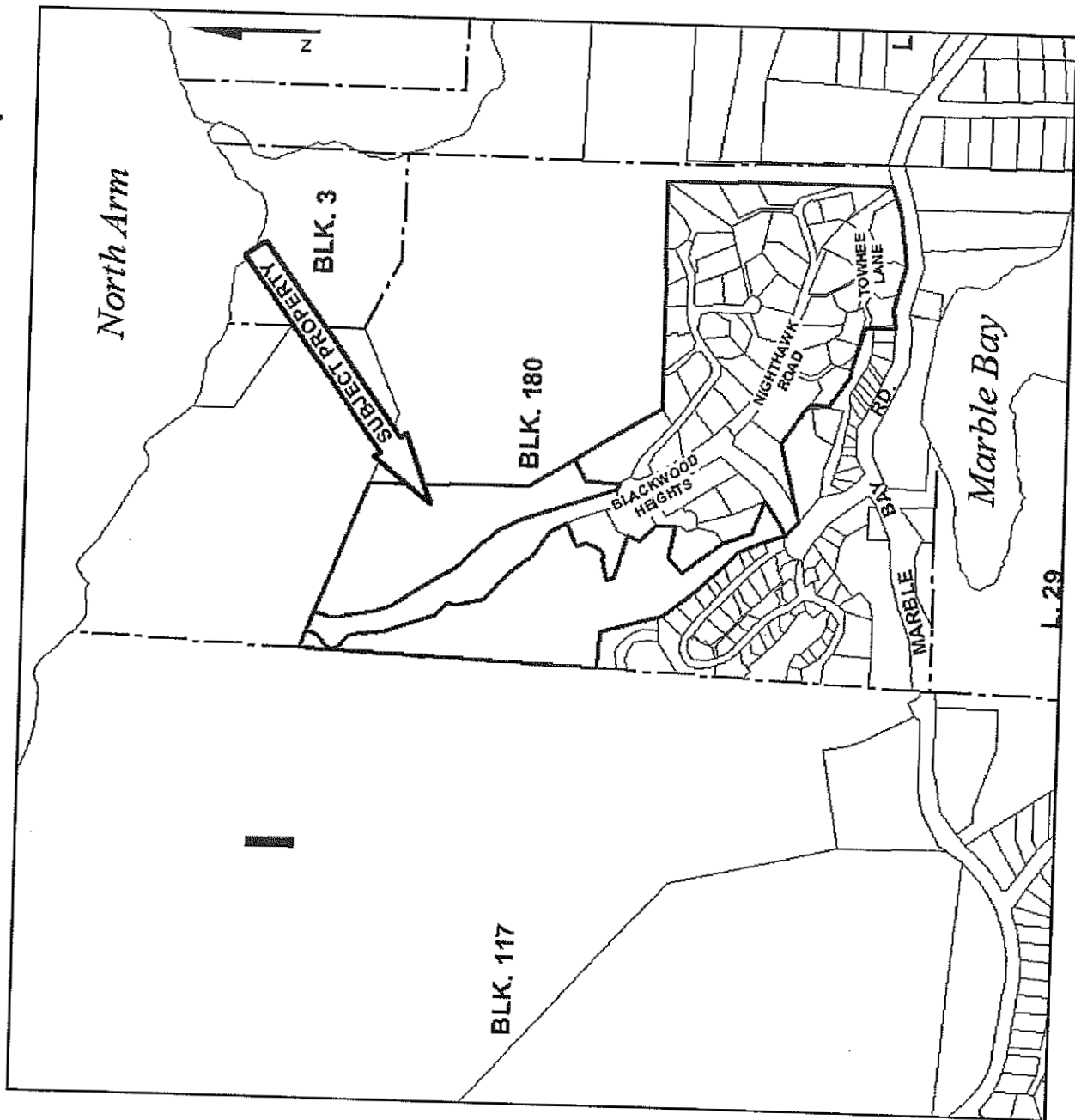
8. Parcel Coverage

The parcel coverage shall not exceed 20 percent for all buildings and structures in the LR-11 Zone

9. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

Proposed Development Permit Area: Water Management Development Permit Area



117

Lot 3

BLK. 180

BLK. 3

S. 24 RE

L. 25

Marble Bay

Cowichan Lake North Arm

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 13, 2012

FILE NO: 2-A-11 RS

FROM: Dana Leitch, Planner II

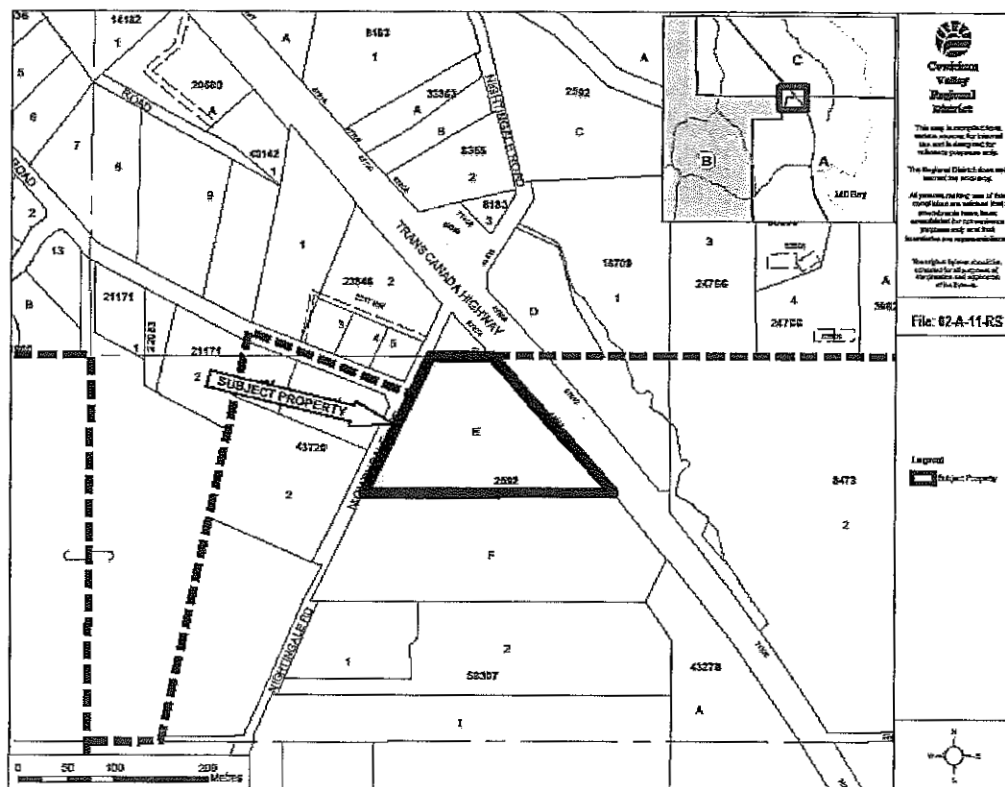
BYLAW NO: 2000

SUBJECT: Rezoning Application No. 2-A-11RS (Ernest Maxwell)

Recommendation/Action:

- That the Zoning amendment bylaw for Application No. 2-A-11RS (Maxwell) be forwarded to the Board for consideration of 1st and 2nd reading.
- That a public hearing be scheduled with Directors Walker, Dorey, and Giles as delegates, subject to a Draft Covenant being prepared for the purpose of maintaining the existing screening along the Eastern boundary of the subject property fronting the Trans Canada Highway.
- That the screening covenant be registered on title prior to final adoption of the Zoning Amendment Bylaw.

Location:



Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: NA)

The CVRD may be responsible for paying the cost of preparing and registering a covenant.

Background Information:

Location: 3330 Trans Canada Highway, Mill Bay

Legal Description: That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway as said highway is shown on Plan 1288 OS except Part in Plan VIP67616 (PID: 006-326-544)

Date Application and Complete Documentation Received: June 15, 2011

Owner: Ernest Maxwell

Applicant: same as above

Size of Parcel: ± 2.3 ha (5.7 ac.)

Contaminated Site Profile Received: Declaration pursuant to the *Environmental Management Act* signed by the property owner. Three Schedule 2 uses were noted.

Existing Use of Property: Automobile, truck, and other motor vehicle wrecking and salvage & the sales of used automotive parts and products

Existing Use of Surrounding Properties:

North: Residential

South: Agricultural

East: Trans Canada Highway

West: Nightingale Road

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

Fire Protection: Mill Bay Fire Protection Service Area

Environmentally Sensitive Areas: None identified in the CVRD Environmental Planning Atlas. A site visit confirmed the absence of any watercourses.

Archaeological Site: None identified

Existing Plan Designation: Rural Residential

Proposed Plan Designation: not being amended

Existing Zoning: A-1 (Primary Agricultural)

Min lot size under existing zoning: 12 hectares

Proposed Zoning: site specific industrial zone, called the I-8 zone Auto Wrecking/Salvage Industrial Zone

Minimum Lot Size Under Proposed Zoning: 2.0 hectares

Services:

Road Access: Trans Canada Highway & Nightingale Road

Water: Well

Sewage Disposal: On site (septic)

Property History:

This 2.3 acre subject property has been utilized for automobile, truck, and other motor vehicle wrecking and salvage and the sales of used automotive parts and products since 1964. Electoral Area A did not have a zoning bylaw in place at that time, so the uses pre-date CVRD zoning. The owner of the property applied for the property's exclusion from the Agricultural Land Reserve in 2007 and this property was successfully excluded in March 2011.

Property Context

The property is a 2.3 acre lot located along the Trans Canada Highway, within Electoral Area A, and is on the southern boundary of Electoral Area C – Cobble Hill. There is an existing shop, four sheds and a quonset building on site. The parcel is serviced by its own well and septic field. **The subject property is located outside of the Mill Bay Village Containment Boundary.**

The subject property is zoned A-1 (Primary Agricultural) and is designated Rural Residential in the South Cowichan Official Community Plan. The land use surrounding the property is a combination of suburban residential and primary agriculture lots with mixed parcel sizes ranging from .18 ha (.44 ac) to 3.5 ha (8.6 ac).

Proposal

The applicant is requesting that the subject property be rezoned in order to permit industrial uses on site. The owner has applied to rezone the property from A-1 (Primary Agriculture) to a new industrial zone that would permit the existing uses on the property (i.e. automobile, truck, and other vehicle wrecking and salvage & the sales of used automotive parts and products). The applicant is not proposing to provide community amenities with the application as the zoning change is primarily intended to bring the zoning in-line with the current uses on the property.

Site Access

The existing road access is off of the Trans Canada Highway. A secondary road access exists off of Nightingale Road to the west of the property.

Fire Protection

The subject property is located within the Mill Bay Fire Protection Area and fire protection is provided by the Mill Bay Volunteer Fire Department.

Servicing

The subject property is serviced by an existing well and septic system.

Park Dedication

Parkland dedication is not required pursuant to Section 941 of the *Local Government Act* because the land is not being subdivided.

Policy Context**Zoning**

This proposal involves rezoning the subject property from A-1 (Primary Agricultural) to a new industrial zone to permit industrial uses on site. The current A-1 zone has a minimum parcel size of 12 hectares and permits: agriculture, horticulture, silviculture, turf farm, fish farm; one single family dwelling; one additional single family dwelling as required for agricultural use; bed and breakfast accommodation; accessory daycare and nursery school; home occupation; horse

riding arena, boarding stable; kennel; the sale of products grown or reared on the parcel; and a secondary suite.

The applicant is proposing the property be rezoned to permit the following principal industrial uses: automobile, truck, and other motor vehicle wrecking and salvage yard and the sales of used automotive parts and products. The following accessory uses are being proposed: buildings and structures accessory to a principal or accessory use and one single family dwelling (see attached draft Zoning Amendment Bylaw).

The proposed industrial zone, which staff has called the I-8 zone, permits a greater density than the agricultural zone in terms of parcel coverage. The parcel coverage in the A-1 zone is 30% for all buildings and structures and there is no subdivision capability under the existing zoning. If the property is rezoned to the I-8 Zone a parcel coverage of 60% for all buildings and structures would be permitted.

Official Community Plan:

The South Cowichan Official Community Plan (SCOCP) Bylaw No. 3510 contains industrial objectives relevant to this application. They are, *"to ensure that sufficient lands are available for light industrial, general industrial, and mini-storage uses, in support of a strong, diverse economy"* (p. 104) and *"to encourage employment opportunities through clean industries that do not negatively impact the attractive character of the South Cowichan community"* (p. 104). Generally, the SCOCP encourages the establishment of industrial activities that provide a high standard of employment and directs industrial growth within Electoral Area A to South Mill Bay (p. 103).

The following policies are relevant to this application:

Policy 11.5

There is a limited supply of large agricultural parcels within the Plan area, therefore, the rezoning of A-1 (Agricultural Resource Parcels) to A-2 (Small-lot Agriculture) or to other zones that would result in subdivision of agricultural land or a loss of arable land, will not be supported.

Policy 16.2

Within the South Cowichan rural area there is one Industrial Designation (I) that will provide for a variety of zones, including a zone for Light Industrial, for business parks, mini-storage and other industrial uses such as light manufacturing and processing facilities.

Policy 16.3

Within the Industrial Designation (I), the implementing Zoning Bylaw will allow one dwelling unit per parcel, accessory to an industrial use.

Policy 16.4

The Regional Board will encourage the establishment of a new industrial business park along the Haul Road adjacent to the Trans Canada Highway, in Mill Bay, in accordance with Policy 12.11 of this Plan.

Policy 16.6

Lands within the Industrial Designation are subject to the provisions of Section 24 – *South Cowichan Rural Development Permit Area*.

Referral Agency Comments

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

- d) **Mill Bay Volunteer Fire Department** – no comments received.
- e) **Malahat First Nation** – no comments received.
- f) **Cowichan Tribes** – no comments received.

- g) **Vancouver Island Health Authority (VIHA)** – *Approval recommended subject to: the owner samples the well routinely and considers adding disinfection.*
- h) **Ministry of Transportation and Infrastructure** – *Interests Unaffected if the use of the property does not change.*
- i) **School District No. 79** - *Interests Unaffected.*
- j) **CVRD Parks and Trails Division, Parks, Recreation & Culture Department** - *Approval recommended: no park dedication required.*
- k) **CVRD Engineering and Environmental Services** – *Interests Unaffected: The property is not within a CVRD water or sewer service area, therefore we have no comment.*
- l) **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 within the Mill Bay Lake Fire Protection Improvement District response area and their input may further affect Public Safety concerns/comments.*
- *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.*
- *A minimum of two points of access/egress to the proposed development should be considered to improve response and evacuation capability.*
- *FireSmart principles must be adhered to.*
- *A sprinkler system should be considered as firefighting in rural areas without a water system compliant with NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting is extremely challenging.*

Advisory Planning Commission Comments

The Joint South Cowichan Advisory Planning Commission reviewed this application at its meeting on November 8, 2011 and made the following comment:

Mr. Maxwell and his family have operated his business on site before the current zoning was in place and prior to the property being put in the ALR. The APC considers it reasonable to allow zoning that specifically reflects the current and historical uses on the property. Therefore, if the property was sold only a similar auto wrecking business could operate onsite.

Recommendation:

That the zoning on the property be amended by the CVRD to a limited Industrial zone that would allow an auto recycling business.

MOTION CARRIED (5-4)

The APC meeting minutes have been attached to this report for your reference.

Development Services Division Comments

Land Use

The subject property has been utilized for automobile, truck, and other motor vehicle wrecking and salvage and the sales of used automotive parts and products since 1964. The entrance to the property from the Trans Canada Highway was modified to accommodate the property's current uses in 1999. Electoral Area A did not have a zoning bylaw in place in 1964 so the uses on the property pre-date CVRD zoning.

It is also worth noting that this property was placed within the Agricultural Land Reserve and the owner of the property applied for the property's exclusion from the Agricultural Land Reserve in 2007. The property was successfully excluded from the ALR in March 2011.

The applicant is now applying to rezone the property so the zoning can reflect the current uses on the property. The applicant owns and operates an automobile, truck, and other motor vehicle wrecking and salvage yard and the business employs eight people.

The Joint Advisory Planning Commission expressed their support for the property to be rezoned to a new limited industrial zone that would permit the current uses on the property. It is also worth noting that this property is proposed to be rezoned to a limited industrial zone in the draft South Cowichan Zoning Bylaw, which will be reviewed by the CVRD Board later in 2012.

Plan Designation and Draft OCP Policy

In consultation with the Manager of Community and Regional Planning, Development Services Staff were made aware that during the implementation of the new South Cowichan Official Community Plan the subject property was designated as Rural Residential within the SCOC. Staff intend on leaving the property within the Rural Residential Designation rather than designating the property as Industrial.

Within the SCOC, which will be before the Board later this year, there will be a specific policy contained in the rural residential policies that will state:

"Policy 13.1.14: Notwithstanding its designation as Rural Residential, Maxwell's Auto Wrecking may be zoned for auto salvage, wrecking and associated uses in the implementing zoning bylaw."

This policy acts to recognize the existing plan designation as Rural Residential and at the same time permits zoning of the property to reflect its current uses (i.e. automobile, truck, and other vehicle wrecking and salvage and the sales of used automotive parts and products).

Contaminated Sites

During the rezoning application process the applicant submitted a site profile under the Environmental Management Act indicating that the following uses had occurred on the property: automotive, truck, or other motor vehicle repair; battery recycling and above ground fuel or chemical storage tanks. This site profile triggered the need for the Ministry of Environment's (MOE) Environmental Protection Division to conduct a preliminary site investigation. The applicant then applied to MOE to obtain a release letter so that the Cowichan Valley Regional District could proceed with approval of the rezoning application. The applicant was successful and MOE granted the applicant a release letter so that he could proceed with the rezoning application. This decision was limited for the purpose of rezoning the land (see attached release letter from MOE). This creates a situation where the CVRD and applicant can proceed with the rezoning application; however, the applicant will be responsible for satisfying MOE's conditions when future development occurs on the property.

South Cowichan Development Permit Area

It should be noted that if the rezoning application is approved and the land is developed, the applicant will need to obtain a Development Permit from the Cowichan Valley Regional District prior to future development of the property. The development permit will address site specific issues such as: the management of invasive weeds, rainwater management, landscaping, environmental protection, building design, and signage.

Proposed Covenant

The subject property is well screened with a large leyland cypress hedge along the property's Eastern boundary fronting the Trans Canada Highway. Planning staff feel that it would be in the best interest of the CVRD to enter into a covenant with the property owner to ensure the existing hedge and screening is maintained. Mr. Maxwell is agreeable to entering into a covenant with the CVRD to maintain the screening on the property. The proposed I-8 zone also contains a screening requirement stating that any parcel in the I-8 zone shall be comprehensively screened by continuous evergreen vegetation. Maintaining the existing screening would have a secondary benefit of helping the applicant meet the screening requirement contained within section (4) the proposed I-8 zone.

Options:

Option 1:

- a) That the Zoning amendment bylaw for Application No. 2-A-11RS (Maxwell) be forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Walker, Dorey, and Giles as delegates, subject to a Draft Covenant being prepared for the purpose of maintaining the existing screening along the Eastern boundary of the subject property fronting the Trans Canada Highway.
- c) That the screening covenant be registered on title prior to final adoption of the Zoning Amendment Bylaw.

Option 2:

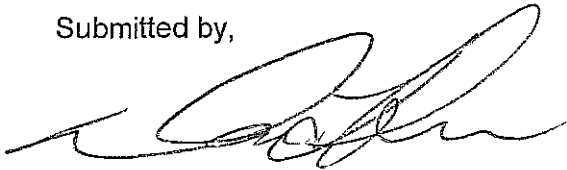
That application No. 2-A-11RS (Maxwell) and draft amendment bylaw be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting.

Option 3:

That Application No. 2-A-11RS (Maxwell) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

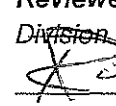
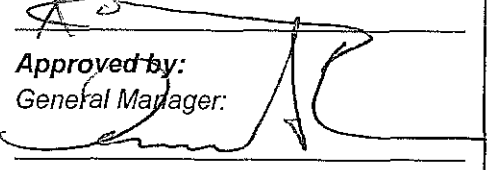
Option 1 is recommended.

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning and Development Department

DL/ca
Attachments

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



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. XXXX

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000 Applicable To Electoral Area A – Mill Bay/Malahat

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

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

1. CITATION

This bylaw shall be cited for all purposes as "Cowichan Valley Regional District Bylaw No. XXXX - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Maxwell), 2012".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

- a) That Section 6.1 "Creation of Zones" be amended by adding I-8 (Automobile Wrecking/Salvage Industrial Zone) to the list of zones
- b) That the following be added after Section 11.2(c)(3):

11.3 I-8 AUTO WRECKING/SALVAGE INDUSTRIAL ZONE

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations apply in the I-8 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in an I-8 Zone:

- a) Automobile, truck, and other motor vehicle wrecking and salvage yard;
- b) Sales of used automotive parts and products

The following accessory uses are permitted in the I-8 Zone:

- c) Buildings and structures accessory to a principal or accessory use;
- d) One single family dwelling

2. Parcel Coverage Limit

The parcel coverage in the I-8 Zone shall not exceed 60 percent for all buildings and structures.

3. Height

The height of all buildings and structures in the I-8 Zone shall not exceed 12 metres, except in accordance with Section 5.10 of this Bylaw.

4. Screening

Any parcel in the I-8 zone shall be comprehensively screened by continuous vegetation from any fronting public road.

5. Setbacks

The setbacks for buildings and structures in the I-8 Zone are as follows:

Type of Parcel Line	Industrial Use	Residential Use
Front	7.5 metres	7.5 metres
Interior Side	9 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	9 metres	4.5 metres

6. Minimum Parcel Size

The minimum parcel size in the I-8 Zone is 2 hectares.

7. Off-Street Parking and Loading Spaces

Off-street parking and loading spaces in the I-8 Zone shall be provided in accordance with the Cowichan Valley Regional District Parking requirements.

- c) That Schedule B (Zoning Map) be amended by adding I-8: Auto Wrecking/Salvage Industrial Zone to the legend;
- d) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway as said highway is shown on Plan 1288 OS except Part in Plan VIP67616 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-XXXX, from A-1 (Primary Agricultural) to I-8 (Automobile Wrecking/Salvage Industrial Zone).

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

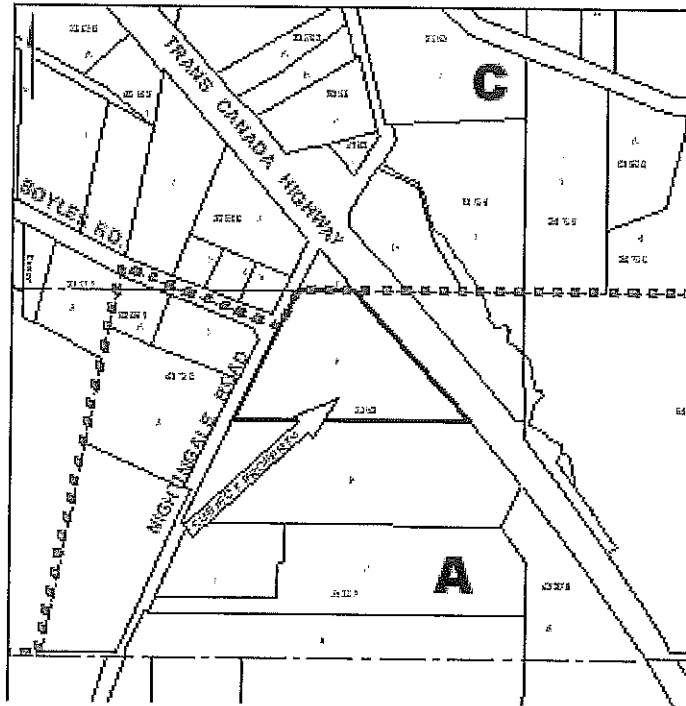
ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary

PLAN NO. Z-XXXX

**SCHEDULE "B" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

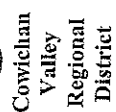


THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-1 (Primary Agricultural) **TO**

I-8- (Auto Wrecking/Salvage Industrial Zone) **APPLICABLE**

TO ELECTORAL AREA A



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.

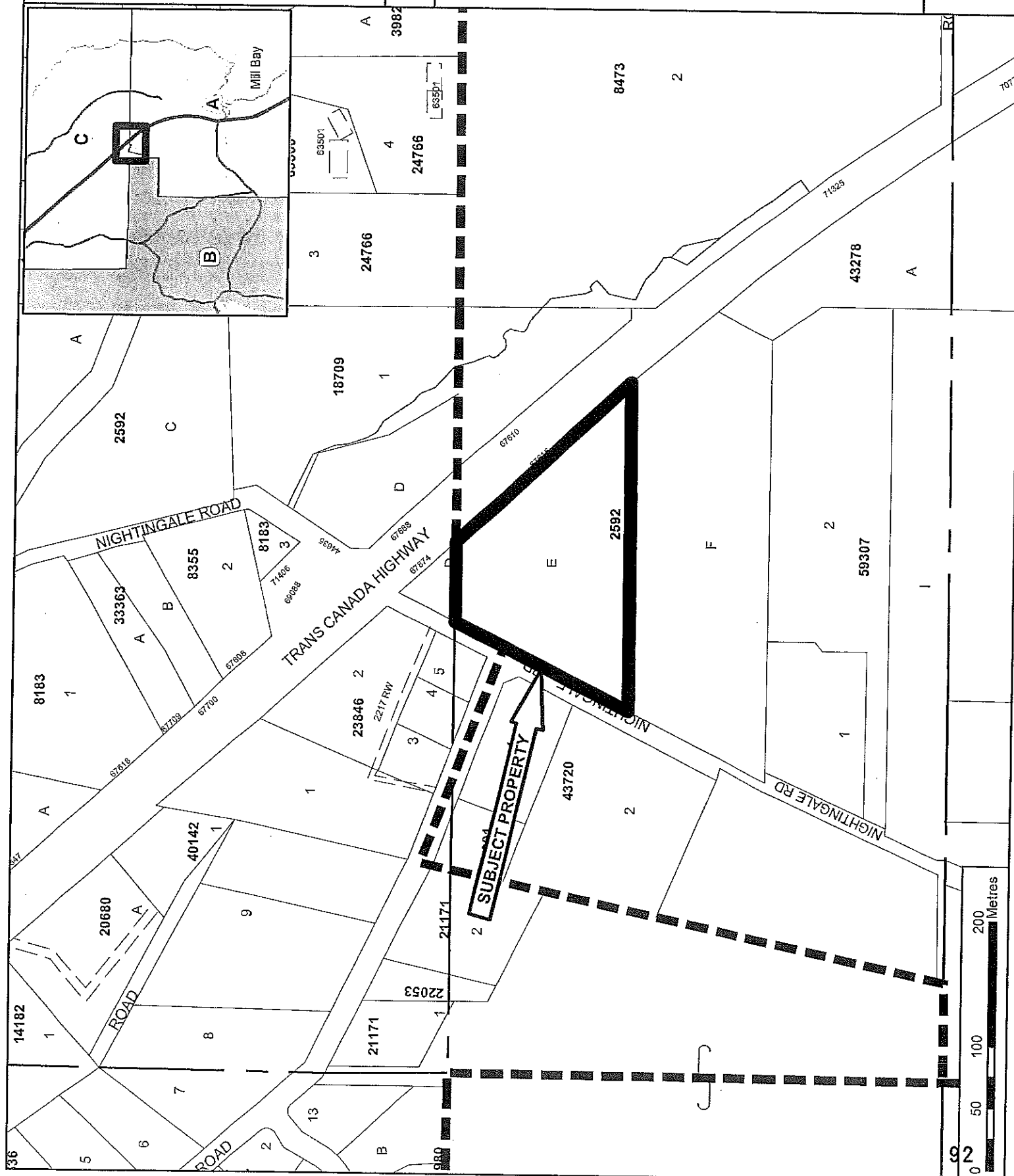
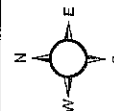
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 02-A-11-RS

Legend

Subject Property





Cowichan
Valley
Regional
District

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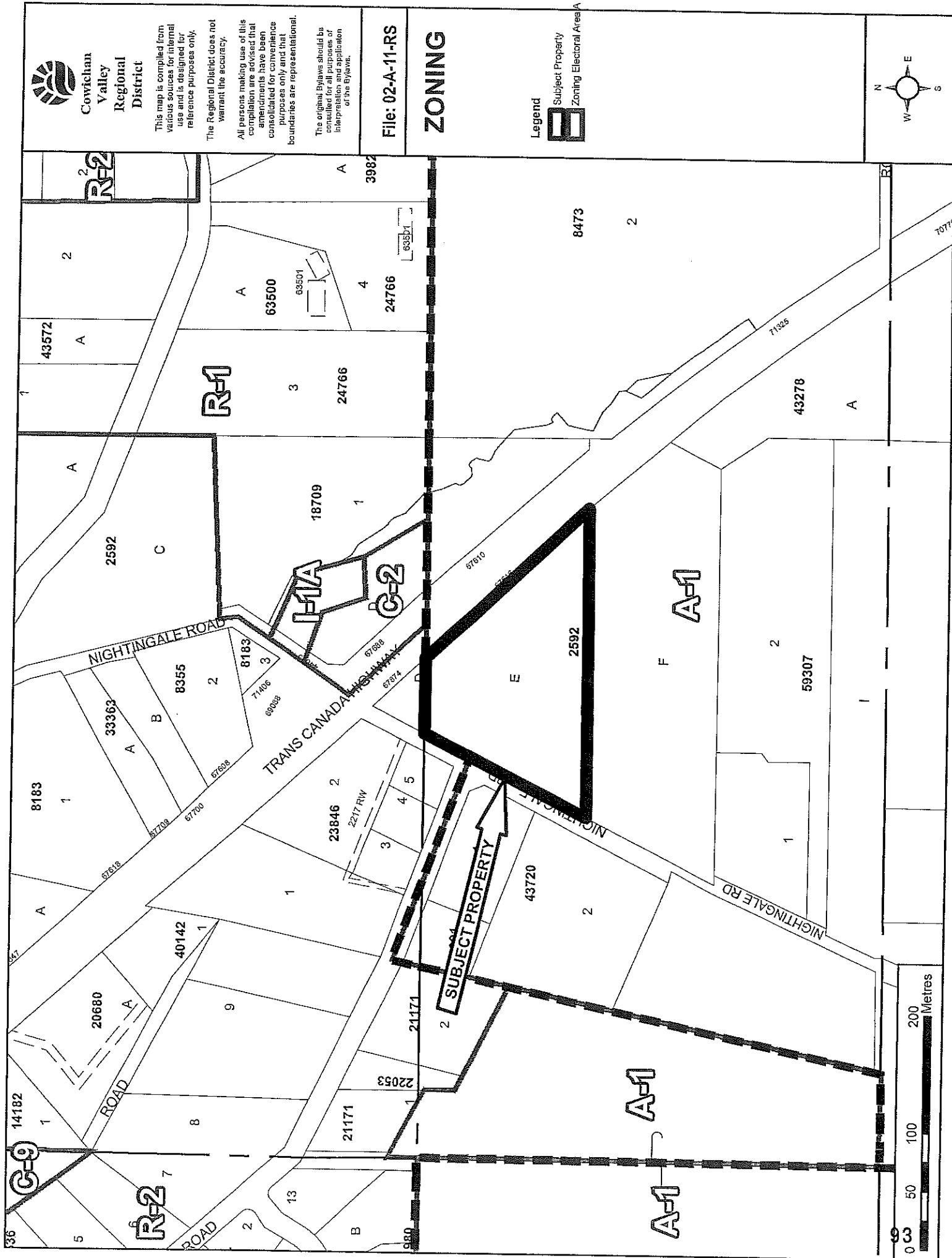
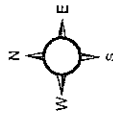
File: 02-A-11-RS

ZONING

Legend



Subject Property
Zoning Electoral Area A





CVRD

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The Regional District does not warrant the accuracy.

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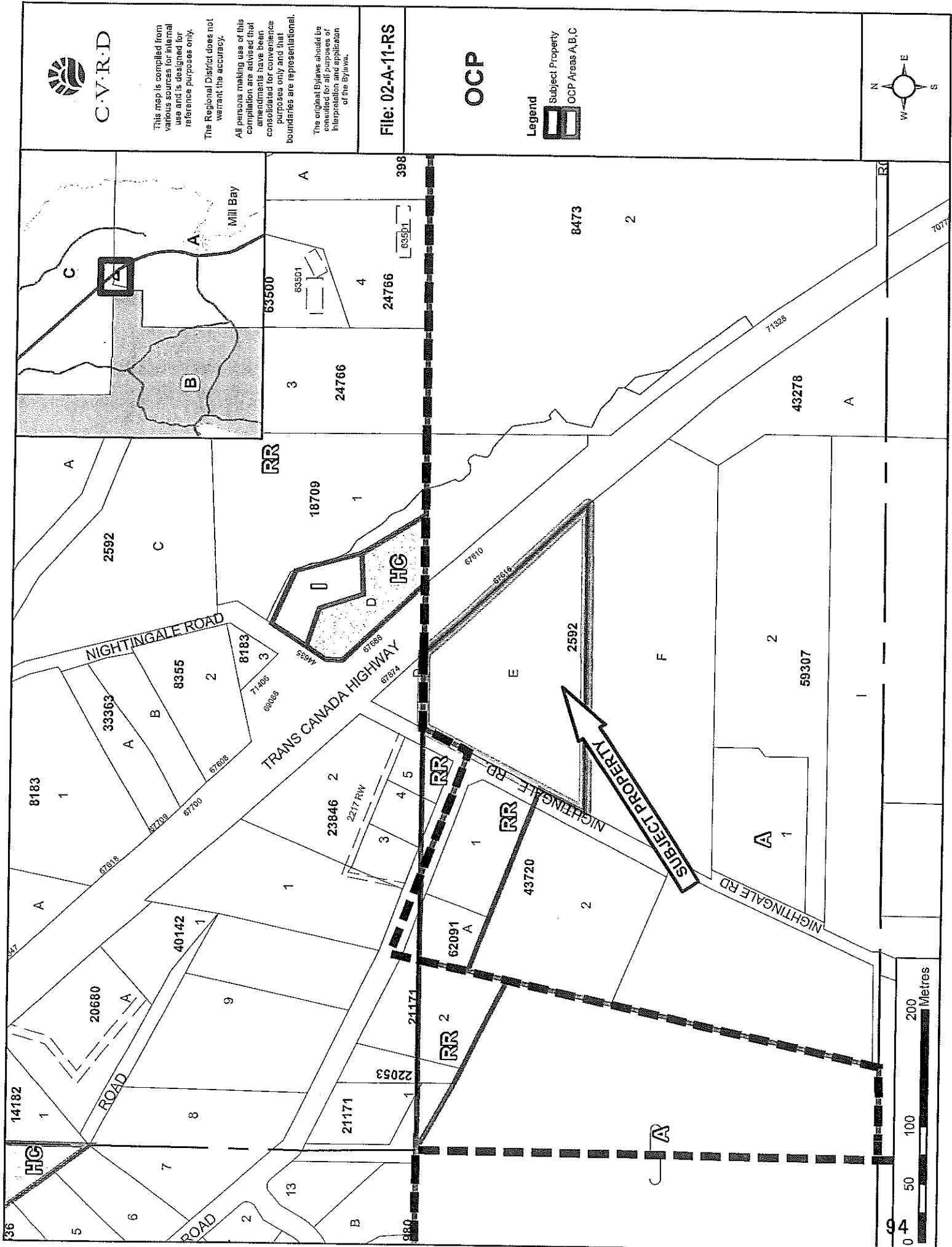
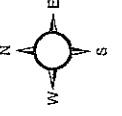
File: 02-A-11-RS

OCP

Legend



Subject Property
OCP Areas A,B,C





Cowichan
Valley
Regional
District

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

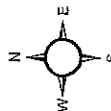
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File: 02-A-11-RS

Google Earth
Photo (2005)



© 2011 Google

Image © 2011 IMTCAN

48°40'41.03" N 123°34'09.94" W elev 347 ft

2004

Imagery Date: 7/16/2005

Eye alt 3013

South Cowichan Advisory Planning Commission (SCAPC)

8 November 2011 at 6:00 - 7:00 pm

Mill Bay Fire Hall Fire Hall on Lodgepole Road

Present: Area A - June Laraman, Ted Stevens, Dave Gall, Cliff Braaten, Margo Johnston and Brian Harrison (Director, Area A), Roger Burgess (Alternate Director, Area A)
Area B - Roger Painter, Sara Middleton
Area C - Rod de Paiva, Jens Liebgott

Regrets: Dana Leitch, Planner II, CVRD

Applicants: Ernest Maxwell

Audience: none

Meeting called to order at 6:00 pm.

Appointment of Meeting Chair and Secretary

A procedure **resolution** was formulated to be forwarded to the CVRD for future South Cowichan Advisory Planning Committee meeting chair and secretary appointments.

Chair of the host area would be the individual who chairs the meeting and the secretary of the host area would be the acting secretary for the meeting.

MOTION CARRIED

New Business:

Rezoning Application No. 2-A-11RS (Ernest Maxwell)

Purpose:

The applicant has requested a zoning amendment to permit a broad range of general industrial uses on the subject property.

Background

The Area A APC chair, June Laraman reviewed the following:

- **Ernest Maxwell Rezoning Application 2-A-07-ALR** was presented to Area A APC members on May 7, 2008.
 - *The APC did not recommend an industrial zoning be granted.*
"Nevertheless, as Mr. Maxwell and family have operated the site before the current zoning and the ALR was imposed upon them, the APC considers it reasonable to allow a zoning that specifically reflects the current and historical use of the property. Thus if the site were sold (Mr. Maxwell indicated this could happen in the next 10 years) only a similar auto wrecking business could operate."
Note: The minutes for this application were circulated to the SC APC member attendees prior to the meeting.
- The chair also spoke to Mike Tippet, CVRD Planning & Development Manager, regarding the Existing Plan Designation sited in the application of Rural Residential. Mike explained that this classification occurred with the implementation of the new South Cowichan OCP and that the CVRD is in the process of rectifying the zoning of this

property to a Limited Industrial zoning classification with a site specific auto recycling business allowed.

The SCAPC was asked to consider the following types of industrial zoning:

- I-2: Full industrial zoning as identified in the application
- Modified I-2: Excludes some activities.
- Limited Industrial: Reflects current auto recycling activities.

Applicant Overview:

Mr. Maxwell provided a brief overview of his business. The property had been used for disassembly and sale of used vehicle parts since 1964 long before the property was put into ALR zoning. In 1999 the highway entrance way was modified. All vehicles are drained and the tires are sold or recycled. This business has minimal environmental impact. A hedge was planted at the back of the property to give his neighbour more privacy. The business has 6 employees plus Mr. Maxwell and his wife. Ministry of Environment inspects the site each year. The last inspection was satisfactory. Mr. Maxwell is requesting the property be rezoned for I-2 use to reflect the current operation and ability for expansion to other auto related activities. Additionally, with full I-2 Industrial zoning the prospect of selling the property in the future would be enhanced.

SCAPC Questions and Concerns:

- Highway access a concern
 - More industry would create more traffic entering and exiting the highway.
 - There is a wind around back entrance to the property.*
 - Traffic diversion – just moving the traffic concern from one road to another.
 - Nightingale Road not used as primary access.
 - Entrance would need modifying if new business.
- Have you spoken to your neighbours?
 - Yes. The CVRD has also indicated that they would be contacting the neighbours if the rezoning application moved forward.*
- What other industries are close?
 - Across the highway is light industrial storage, Chapman Motors and a RV sales outlet is close.*
- What specific uses from the I-2 list would not be relevant if a modified I-2 Zoning were to be recommended? (Application, page 3)
 - I-2 activities that could be excluded are 1, 4, 8, 10, 12, 17, 18, 19 & 21.*
 - # 2 boat building- maybe ok if done indoors.
 - Don't want to leave a loop hole for the appearance of the business to change if the business is sold.
 - Acceptable industries would be ones that have no smell, no noise, no traffic and are environmentally friendly.
- Are you asking for a subdivision? (Application, page 4)
 - No.*
 - Custom design zoning needed to insure no subdivision of property – minimum size of parcel same as it is now.
- Would there be a noise or environmental impact?
 - No.*
- Do you have immediate plans for anything on this property?
 - No.*
- SCAPC members expressed their compliments to Mr. Maxwell for the impressive way his business is run.
- On the property are there set backs and buffers you maintain?
 - Yes. (Application, page 51)*

SCAPC Comments:

SCAPC discussed some possible options for zoning:

- 1) I-2: Full industrial zoning as identified in the application
- 2) Modified I-2: Excludes some activities considered not suitable for a small site in a rural area.
- 3) Limited Industrial: Reflects current auto recycling activities.

1) and 2) were rejected for the following reasons:

- Don't want to encourage isolated industrial activities along Trans Canada Highway in rural locations
- The SC OCP plan encourages industrial development in those areas with good highway access (eg Bamberton, Fisher Road)
- There are no plans for site use other than auto wrecking; therefore leave the zoning as is until a specific need is identified and a rezoning application made

5 SCAPC members support the zoning to remain as is currently contemplated - limited industrial for auto wrecking/recycling only. However, 4 members support such a zoning extended to include motor vehicle repair, sales, body repair, painting and storage.

Recommendation:

Zoning Amendment No. 2-A-11RS (Ernest Maxwell) not be approved. The zoning should remain as currently being amended by the CVRD to Limited Industrial that allows an auto recycling business only.

Other:

Meeting Adjournment:

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

Meeting adjourned at 6:55 pm.



Victoria File: 26250-20/13436
SITE :13436

2 March, 2012

VIA FAX ONLY: 250 743-7420 and 250 746-2621

Ernest A. Maxwell Enterprises Ltd.
3330 Trans Canada Highway
Mill Bay, BC V0R 2P2
Attention: Ernest Maxwell

Cowichan Valley Regional District
Development Services Department
175 Ingram Street
Duncan, BC V9L 1N8
Attention: Dana Leitch

Dear Ernest Maxwell and Dana Leitch:

Re: Release Request – Rezoning Application
3330 Trans Canada Highway, Mill Bay
PID: 006-326-544

This letter is to acknowledge receipt of the proponent's request for release of the above-referenced rezoning. According to our records, there is an outstanding requirement for a preliminary site investigation for the subject site as outlined in our site profile decision letter dated 14 October, 2011.

Based on the information provided by the applicant, the ministry is prepared to provide the necessary release so that the Cowichan Valley Regional District may proceed with approval of the rezoning application. To that end, please accept this letter as notice pursuant to the *Local Government Act* (section 946.2(2)(b)) that the Cowichan Valley Regional District may approve the rezoning application under this section because the Director does not require site investigation prior to approval of the rezoning application. This decision is for the limited purpose of the rezoning application.

Please note that the requirement for a site investigation is not extinguished by this release and this outstanding requirement will suspend the approval of future applications for the site identified in section 40 of the *Environmental Management Act* (the Act) until:

- 2 -

- the proponent has applied for, and obtained one of the following contaminated sites legal instruments, as applicable: a Determination that the site is not a contaminated site, a Voluntary Remediation Agreement, an Approval in Principle of a remediation plan or a Certificate of Compliance confirming the satisfactory remediation of the site. A copy of the legal instrument must be provided to the approving authority; or
- the approving authority has received notice from the ministry that it may approve a specific application because either a) in the opinion of the Director, the site would not present a significant threat or risk if the specified application were approved, b) the Director has received and accepted a Notification of Independent Remediation with respect to the site or c) the Director has indicated that a site investigation is not required prior to the approval of the specified application.

For more information regarding the freeze and release provisions of the site profile process, refer to Fact Sheet 37, "Site Profile Freeze and Release Provisions" and Administrative Guidance 6, "Site Profile Decisions and Requesting Release Where Local Government Approvals are Required" available on the Land Remediation Section Website at <http://www.env.gov.bc.ca/epd/remediation/>.

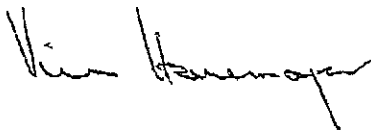
Please be advised of the following:

- The absence of a requirement to undertake a site investigation does not necessarily mean that the site is not a contaminated site. It is recommended that the proponent retain a qualified environmental consultant to identify and characterize any soil and/or groundwater of suspect environmental quality encountered during any subsurface work at the subject site;
- Those persons undertaking site investigations and remediation at contaminated sites in British Columbia are required to do so in accordance with the requirements of the Act and its regulations. The ministry considers these persons responsible for identifying and addressing any human health or environmental impacts associated with the contamination; and
- Penalties for noncompliance with the contaminated sites requirements of the Act and Regulation are provided in section 120(17) of the Act.

Decisions of a Director may be appealed under part 8 of the Act.

Please contact the undersigned at 604 582-5377 if you have any questions about this letter.

Yours truly,



Vincent Hanemayer
for Director, *Environmental Management Act*

vch\



R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 19, 2012

DATE: June 7, 2012 **FILE NO:** South Cowichan OCP / APC
Bylaw and Procedures Bylaw

FROM: Mike Tippet, Manager **BYLAW No:** 3510, 3275
Community & Regional Planning

SUBJECT: Managing the Joint APC Procedure

Recommendation/Action:

That the Electoral Area Services Committee refers the following criteria respecting the Joint APC to the three South Cowichan Advisory Planning Commissions for review and consideration:

That the following types of applications be referred to the Joint APC:

1. Any applications for zoning amendment that would require that the Official Community Plan also be amended, but excluding:
 - amendments to the OCP that would permit fewer than 5 additional dwelling units
 - amendments to the OCP that would permit the subdivision of fewer than 5 additional parcels of land
 - commercial or industrial applications that would redesignate and rezone 1 hectare of land or less;
2. Any applications that propose new community sewer or community water services, or extensions of existing services to areas not identified on the OCP's Schedule C as potential sewer or water expansion areas (necessitating an amendment to Schedule C);
3. Any applications that would expand an existing Village Containment Boundary, or create a new VCB.

And further, applications that meet the following conditions only be referred to electoral area APCs as indicated below:

4. Applications only covering part or all of the water surface of any lake or the ocean be referred to the APC for the electoral area within which the subject property is located;
5. Any applications be referred to the APCs of any electoral area that borders the subject property, if it will not be considered at a Joint APC meeting;
6. Administrative amendments that are proposed by the CVRD be referred to all three APCs;
7. Any applications to convert an RR-4 Mobile Home Zone (non-strata) to an RR-5 Manufactured Home Zone (strata-subdivision).

And that the comments of each APC be reported back to this Committee for its further consideration.

Relation to the Corporate Strategic Plan:

Relevant objectives of the Corporate Strategic Plan include: “Establish well coordinated land use plans and policies”; “Establish sustainable communities”; and “Review organizational processes and streamline where appropriate to improve efficiency and reduce costs”.

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

Background:

Upon the adoption of the South Cowichan Official Community Plan in the summer of 2011, complementary amendments were made to the APC Bylaw and Procedures and Fees Bylaw to set up the “Joint Advisory Planning Commission”, which the OCP requires in its “Implementation” section. The Joint APC was founded as a measure to expand citizen input to the review of land use applications in the rural areas (outside VCBs) of the South Cowichan Plan Area, in order to ensure consistent treatment of these applications across electoral areas and to assess applications for their effects, both positive and negative, upon the South Cowichan area generally.

Since the adoption of the South Cowichan Official Community Plan (SCOCP), a few Joint APC meetings have been held, and the following problems have been identified:

- Having a Joint APC meeting for every application for an SCOCP amendment or zoning amendment outside of Village areas is not practical;
- Given the frequency of applications outside of Village areas as designated in the SCOCP, quite frequent *ad-hoc* Joint APC meetings have been required and coordinating these frequent meetings has proven to be difficult;
- In the case of Shawnigan Lake, a considerable portion of its watershed lies outside of the Village area, and most typical applications that could arise in this area could be of greater interest to Area B APC members than they would be to the Joint APC.

Despite these problems, planning staff believe that there remains considerable merit in the concept of Joint APC meetings, in certain circumstances. This report will outline some options respecting which circumstances should trigger a Joint APC meeting.

Purpose of the Joint APC:

At the time the South Cowichan OCP was under development, there were large applications in process for forest land development in Electoral Area A and there were also some enquiries respecting potential forest land conversion developments in Electoral Area B. One of the principal considerations during the development of the Plan was to refocus development pressures away from rural lands and towards the already built-up areas. In part, this resulted in the firm policy discouraging the redevelopment of forested lands (Policy 12.9). The other main part of the strategy to discourage discontinuous urban development in rural resource lands was to have applications of this nature reviewed by more than one community's Advisory Planning Commission, or by a combined Commission. It was believed that the larger forum would lead to more careful scrutiny of such applications and also a sub-regional perspective. In the course of elaborating on how multiple APC input could be derived, the idea of holding “Joint APC” meetings arose.

The CVRD has had previous experience with shared regulatory documents and Plans:

- the combined West Cowichan Official Community Plan for Electoral Areas F and I, from which Area I was removed in 2005;
- the repealed implementing Zoning Bylaw No. 1000 for Electoral Areas F and I;

- the Cowichan-Koksilah (Area E) OCP also includes the West Sahtlam portion of Area F (still in effect).

In the above cases, no provision for joint APC meetings was proposed. Nor was it proposed that all applications that would affect both electoral areas be sent to each APC. As a result, each application was handled in an *ad-hoc* manner – in some cases being subject to the review of two APCs and in others simply being referred to one APC. In some cases where both APCs reviewed an application, the advice received back from each was contradictory, with – for example – one APC supporting the application and the other not supporting the same application. In short, where any application would change overall policy or a regulation that would have effect in both areas, this system seemed to be unworkable.

Partly as a consequence of this, the Area F and I OCPs were separated some years ago, as were the successor bylaws to the former Area F and I Zoning Bylaw No. 1000. The administrative difficulties remain with respect to West Sahtlam, and the upcoming Area E OCP update will have to consider appropriate means to address this.

In principle, zoning and OCP amendment applications that would have potential impacts beyond an individual electoral area should have broad input from the general area at the earliest (APC) stage. Arguably, the public hearing is a forum for public input, but getting a broad perspective at the earliest part of the process is preferable. With representatives of three APCs having the first cut at reviewing any application of this type, it will invigorate the debate, which should carry over to the Electoral Area Services Committee.

Additionally, there is benefit in APC members for neighbouring communities sharing the burden of dealing with large and potentially controversial applications. This was a sentiment heard from the Area A APC when it reviewed the former Bamberton residential land application. The meetings around the topic were intense and several members of that APC said to staff that they wished a larger group from the broader community was available to help them review the matter.

Discussion:

In the present SCOCP regime, any application for OCP amendment or rezoning outside of a Village – no matter how small the application is – goes to a Joint APC meeting. This situation is not reasonable. Staff have conferred with the Directors and the APC Chairs, and have some comments respecting possible ways to move forward.

Applications that go to the heart of the OCP should always be referred to the Joint APC, and applications that are within the bounds of policy discretion, which – in other words – would not require an OCP amendment to proceed, should not be referred to the Joint APC.

The integrity of the Village Containment Boundaries is paramount to the Official Community Plan. The establishment of these boundaries was a principal consideration in the Plan, when the land use designations had yet to be developed. Therefore, staff believe that any application to expand a Village Containment Boundary should always be referred to the Joint APC.

An application to rezone a property that does not require an amendment to the OCP – for example, to rezone a parcel from RR-1 to RR-2, or RR-2 to RR-3 or RR-3A, should not be referred to the Joint APC. However, some other types of zoning amendments – for example, a revision to a definition or general regulation, which would apply throughout Areas A, B and C – should have APC input from the various communities that the bylaw covers. Whether this would best be done through a joint APC meeting is a fair question – because each electoral area in

that case would have an equal interest in the change, and the Joint APC is weighted towards the electoral area within which the application is received. If an administrative amendment is proposed by the CVRD, it would be sent to all three APCs.

For applications which do require an amendment to the OCP outside a Village area, the situation is more complicated. Imagine a change of land use designation that could be benign, but other types of change to the OCP could have consequences beyond an individual electoral area. At the earliest stages of an application, staff should be able to measure the effect of the proposal upon the OCP and whether the proposal can proceed without compromising the important themes in the OCP. In such cases it would be appropriate to develop screening criteria thresholds, below which an application would be referred to the APC of the electoral area only, and above which it would go to a joint APC meeting. In the odd case where there is some question about the scope of an application with respect to the screening criteria, and therefore its significance to the OCP, staff could report to EASC for direction on the process to be followed. Staff expect that this would be a very infrequent occurrence. Regarding suitable development thresholds, a variation on those developed by the Ministry of Community, Sport and Cultural Development for its OCP bylaw approval process is worth considering:

Types of Applications outside of Village areas that should be exempt from the Joint APC procedure, and only go to one Electoral Area APC:

- Any applications for zoning amendment that would not require any amendment to the Official Community Plan;
- Applications for OCP amendment and zoning amendment that would permit fewer than 5 additional dwelling units or the subdivision of under 5 additional parcels of land;
- Application to rezone part or all of the water surface of any lake;
- Send applications on border to both APCs no matter what the scale.

Types of Applications outside of Village areas that should either go to all 3 APCs or a Joint APC:

- Applications for zoning amendment that would:
 - a) require an amendment to the Official Community Plan and add 5 or more dwelling units;
 - b) require an amendment to the Official Community Plan and allow the subdivision of 5 or more parcels of land;
 - c) redesignate and rezone more than 1 hectare of land to commercial or industrial;
- Applications that propose new community sewer or community water services, or extensions of existing services to areas not identified on the OCP's Schedule C as potential sewer or water expansion areas (necessitating an amendment to Schedule C);
- Applications that would expand an existing Village Containment Boundary, or create a new VCB;
- Applications to convert an RR-4 Mobile Home Zone (non-strata) to an RR-5 Manufactured Home Zone (strata-subdivision) – because such an application could create low-income resident displacement issues.

Scheduling Joint APC Meetings

Continuing with the Joint APC raises the question of how to organize these meetings. The problem of gaining a quorum for a Joint APC meeting on an *ad-hoc* basis is one of the reasons that APC Chairs have serious difficulty with the entire process. As an alternative to “meetings on demand” – especially with a comprehensive application screening process in place, under which far fewer items would be referred to a Joint APC – scheduling regular Joint APC meetings on an infrequent basis (say once every three months) should resolve the problem. It would also require applicants whose lands are subject to Joint APC procedures to queue up for the next

available meeting, which – depending upon when a staff report for the Joint APC becomes available – may mean a delay of up to 2 months for the applicant, compared to referral to a single APC. That possible delay may be justified, since the only applications that should be going to Joint APC meetings to begin with are those which have potentially serious implications for the Plan Area as a whole, and careful consideration of the application by more than one electoral area APC is desirable.

Respecting the variable composition of the Joint APC, if regular meetings are to be scheduled, all possible members of the Joint APC would commit to attending the meeting, but if, after the agenda is established, some of them are not required, these members could abstain from attending. If one Joint APC meeting has applications from two or more electoral areas on its agenda, the Joint APC would only vote in accordance with the rules established: *i.e.* a majority from the electoral area within which the subject lands are located.

We should also consider altering the quorum rules for the Joint APC, because at this time it is not flexible – all 9 members have to be present for a quorum to exist. It would be desirable to change this so that a quorum consists of 5 members, a majority of which must come from the electoral area within which the application was made, but at least two of which are from another electoral area.

Individual APCs Reviewing the Same Applications

The Committee may consider abolishing the Joint APC model and proceeding instead with referrals to multiple APCs. This model has been used in the past in the CVRD, with mixed success. Electoral Areas F and I used to have a combined OCP and zoning bylaw until 2005. Administrative arrangements concerning APC referrals were not specified in the course of that project and as a result, when applications for amendments came in, usually they were only referred to the APC for the electoral area within which the subject property was located. In a shared policy (OCP) or regulatory (zoning) document, the recommended course of action, if based solely upon one APC's advice, could have unintended effects in the other electoral area, if the zone to be amended or policy to be amended applies to both areas. A similar situation exists with respect to the small portion of Electoral Area F that is subject to the Cowichan-Koksilah OCP that mainly serves Area E. Another option is to simply combine the three APCs into a single South Cowichan APC, though this would be a bold move.

Considering the foregoing, staff is of the opinion that it would be preferable to have Joint APC meetings continue, with an application screening process and a fixed meeting timetable – 3 or 4 dates per year.

Options:

There are two matters to be decided with respect to “rural zoning and OCP applications”: whether a screening procedure should be in place for applications, to determine whether they should be sent either to a Joint APC meeting or two or more APCs; and whether continuation of the Joint APC model is warranted or not.

Options for the Screening of OCP and Zoning Applications:

1. Screen all OCP and Zoning amendment applications whether or not joint APC structure is retained in accordance with the recommendation in this Report;
2. Do not screen any OCP or Zoning amendment applications.

Options for the APC

1. Abolish the Joint APC meeting procedure and instead send OCP amendment/Zoning amendment reports to all 3 APCs in accordance with the screening procedure adopted;

2. Continue with Joint APC meetings, with a fixed schedule to be determined at the beginning of each year with the three APC Chairs, in accordance with the screening procedure adopted;
3. Combine all 3 APCs into a single body that would meet together each month, thereby making the separate Joint APC redundant;
4. Send any applications that pass the screening test to the Area A, B and C APCs and only send the application onto a Joint APC meeting if the recommendations from any one of the APCs is fundamentally different.

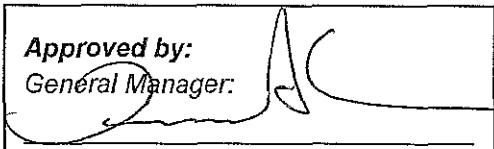
Submitted by,



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

MT/ca

Approved by:
General Manager:



INI

[illegible]

above noted date and

ey, Kelly

on Meeting of April

DIRECTOR'S REPORT:

-CVRD is in the process of finalizing budget plans. Area "G" will probably receive \$145,000 to be applied to Saltair water pipe upgrades.

-Manufactured Home Development across from North Watts Rd will consist of 15 strata lots. The developer will provide a public beach access with a trail and stairs down to the beach. Developer will also install bollards at Solmie Rd to allow for Emergency/service vehicle accessibility. \$138,000 will be donated by the developer to go into our Parks "Land Purchase's" fund.

CENTENNIAL PARK:

-Ball fields have reopened.

-Harry received an email from Ryan Dias regarding a public request to conduct a ball tournament. Harry to follow-up.

-Wood chip Work Party was a success. A big thank-you to all the volunteers!!

-Davey Tree Co. contracted to remove three "dangerous" trees on May 9th, 2012. This includes the large maple tree blocking the access of the 'Parkinson trail head'.

-Tennis courts require immediate power washing. A crack has been reported, approx 150cm long and will require filling. Discussion was held regarding the idea of having the Tennis Club volunteer be responsible for power washing the courts twice a year. There would be a cost savings in renting a washer rather than contracting a costly private company. A request was made that a new larger sign be provided for the courts which would indicate: a time limit of court usage be 45 minutes, No rollerblading, and no skateboarding. Sign should be printed on both sides making it visible on the inside and outside of the courts. Harry to follow-up.

**Tim Godau arrived 8:20.

-Harry received a request for a wage increase for Centennial Park's two paid employees.

MOTION:

It was moved and seconded to increase Joan Rafter's wage from \$14.00/hr to \$15.00/hr and Don Naslund's wage from \$15.00/hr to \$16.00/hr

MOTION CARRIED

PRINCESS DIANA PARK:

-The first phase of the wood chip volunteer work party has been completed. A total of seven drainage culverts were installed. A another huge thank you goes out to all the volunteers for a big job well done! There was not enough wood chips to complete all the areas in need, therefore a "second" work party will be planned. Harry will make arrangements to have two more truck loads of chips delivered and a work party date will be discussed at the next Parks meeting

-There are three hazardous trees requiring immediate attention. Harry to follow up.

-A request to obtain a price estimation for sign kiosks displaying a map of Princess Diana's main trail as well as connecting arteries for the west and east entrances.

MOTION:

It was moved and second to obtain a price estimation for two sign kiosks displaying a map of Princess Diana's main trial, plus connecting artery trails for the West and East entrances.

MOTION CARRIED

STOCKING CREEK PARK:

****Members are anxious to schedule walk-thru of trails with Dan Brown ASAP.**

-Vandalized gate has been re-installed and the broken cedar rails have been repaired.

-Kelly Schellenberg will liaison with Shirley Blackstaff to add/design educational flora and fauna signage posts through out the park.

-**A concern was raised **again** regarding the "lumber" left over at the top of trail leading to Stocking Creek Staircase. Is it going to be used to build a safety railing at the top of the Falls? There is a viewing area at the top of the falls that is well used by the public, but it has no safety railing! This could be a potential danger!

-Discussion held regarding future land acquisitions to expand park boundaries.

BEACH ACCESSES:

-A request to re-open an old beach access at the intersection of Shannon Drive and Stuart Rd was discussed.

MOTION:

It was moved and seconded to have the CVRD contact Highways Department to investigate the re-opening of an old beach access at the intersection of Shannon Drive and Stuart Rd.

MOTION CARRIED

-Harry raised an inquiry regarding the removal of cedar trees at 3729 Gardner Rd home of Dennis Ahola. At our meeting on March 19th, 2012, members granted Mr. Ahola permission to remove six western red cedar trees, however there have been 12 trees cut down. Harry to contact Ryan to investigate.

LADYSMITH PARKS & REC:

-No report

BASEBALL:

-Reviewed e-mail from Kathy Desaulniers (Saltair Slo-Pitch League) dated Monday, May 07, 2012. Harry forwarding email to Ryan Lendrum to address issues raised by Kathy.

NEW BUSINESS:

-Members expressed concerns that the recent material used on trail between Guilbride and Cliffcoe was not the agreed upon "gravel" discussed at previous meeting, but a sand/cement mixture. Is the cost of this composite the same as gravel? Also, the stairs leading down to Cliffcoe need to be topped up with gravel.

-Need trail at the end of Stuart Rd inspected/ distinguished with marker or small fence as trail users can't really be sure if they are traveling on the Parks trail or on a private property driveway.

NEXT MEETING:

Next Park's meeting is scheduled for Monday, June 11th, 2012, 7:00 pm at the CVRD building at 10705 Chemainus Rd, Saltair, BC.

ADJOURNMENT:

Meeting was adjourned at 9:45 pm.

IN 2

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

DATE: June 11th, 2012

TIME: 7:02 pm

MINUTES of the electoral Area "G" Parks Commission Meeting held on the above noted date and time at the CVRD Building, 10705 Chemainus Rd, Saltair, BC.

PRESENT:

Chairman: Harry Brunt
Secretary: Jackie Rieck
Members: Hans Nelles, Christine Nelles, Tim Godau, Paul Bottomley, Dave Key, Kelly Schellenberg and Glen Hammond (Glen arrived at 7:12)

NO ABSENTEES

ALSO PRESENT:

Director: Mel Dorey

APPROVAL OF AGENDA:

Motion to approve agenda as submitted

MOTION CARRIED

ACCEPTANCE OF MINUTES:

It was moved and seconded that the Minutes of Area "G" Parks Commission Meeting of May 07, 2012 be accepted.

MOTION CARRIED

STANDING REPORTS:

CVRD:

-A Stocking Creek Walk-thru is scheduled for Monday, June 18, 2012 at 9:00 am, at Thicke Road entrance with CVRD staffers: Ryan Dias, Dan Brown and Michael Miller. Attending Commission Members will be: Paul Bottomley, Jackie Rieck, Mel Dorey, Tim Godau, Hans and Christine Nelles, and Glen Hammond.

DIRECTOR'S REPORT:

-A community meeting was held regarding the Manufactured Home Development across from North Watts Rd. Several important issues were raised by neighbours, thus requiring the entire project to be re-evaluated and brought before Electoral Services. Development is on hold until disputes/discrepancies are resolved.

-Discussed email from Paul and Nadi Bottomley regarding it being necessary for Saltair to be paying into two budgets: "Saltair Recreation" and "Saltair Comm Parks". Mel will research the pros and cons of having one budget versus two. He will be ready to discuss his findings regarding their concerns at our July 9th meeting.

CENTENNIAL PARK:

-A baseball tournament request has been received from Larry Craig to utilize the baseball diamonds, concession, and run a beer gardens from August 17th to August 19th, 2012. Members felt that we should obtain further personal background information from Mr. Craig as this is not a request from our regular Slo-Pitch league renters. Harry to investigate and will follow up with an email.

-Discussed Tennis Court maintenance.

-Trees that were planted last fall are thriving.

PRINCESS DIANA PARK:

-Two loads of bark mulch will be delivered sometime this week. Work party dates will be planned at our next meeting.

-Hazardous trees have been removed.

-No news on the estimated costs of two sign kiosks. Still awaiting a price from CVRD

STOCKING CREEK PARK:

-Walk thru planned for Monday, June 18th (see details on page 1 of Minutes)

-Gate area down on Thicke Road entrance has been vandalized again!! Wires have been cut.

-Discussed potential land acquisition to solve vandalism issues.

-Discussed hazardous unauthorized "rope swing" situation. CVRD has arranged for the swing to be removed by a tree specialist on Tuesday, June 12th, 2012.

-Finch Place strata has reviewed trail lease agreement and has made some changes which have been forwarded to the CVRD legal department. Hoping to get trail work going sometime in late summer.

BEACH ACCESSES:

-Reviewed trail issue at the end of Stuart Rd. Trail needs to be properly defined so public users know where to walk and not use the neighbouring private concrete driveway as an access to get to the trail. Suggestions were made to define the trail with gravel, about 20 meters to Stuart Rd and maybe move the Park marker post down closer to the road. Its needs to be very clear which area is the park trail.

-Members would like the staircase steps between Cliffcoe and Guilbride filled in with concrete rather than gravel. We have received positive feedback regarding the surface of compacted sand/gravel composite on the upper trail.

-Cliffcoe Beach Access- the very bottom set of stairs are starting to shift. They need to be straightened and somehow re-enforced (could soon be a safety issue) and they require to be topped up with gravel or ideally "concrete," which would be a more permanent solution.

LADYSMITH PARKS & REC:

-World Mini-Cup Soccer Tournament hosted by Ladysmith was an outstanding success!

BASEBALL:

-See page 2 regarding Tournament request.

-Third weekend in July will be the end of the season for Saltair Slo-Pitch League.

NEXT MEETING:

Next Park's meeting is scheduled for Monday, July 09, 2012, 7:00 pm at the CVRD Building, 10705 Chemainus Rd, Saltair, BC.

ADJOURNMENT:

Meeting was adjourned at 8:38 pm.



MEMORANDUM

DATE: June 12, 2012

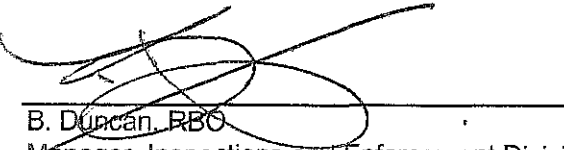
TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF MAY 2012

There were 38 Building Permits and 0 Demolition Permit(s) issued during the month of May, 2012 with a total value of \$ 5,459,096.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				330,800	60,280	30,000	5	27	421,080	5,582,940
"B"		1,624,000		577,676	144,920		11	39	2,346,596	5,302,897
"C"				635,260	10,000		4	16	645,260	1,373,375
"D"				375,690			3	15	375,690	1,172,300
"E"		30,000		89,840	457,220		6	22	577,060	1,614,755
"F"				397,210	65,000		4	10	462,210	1,462,470
"G"				247,190			1	9	247,190	2,011,570
"H"				70,450	43,700		2	9	114,150	773,110
"I"				258,860	11,000		2	10	269,860	1,821,090
Total	\$ -	\$ 1,654,000	\$ -	\$ 2,982,976	\$ 792,120	\$ 30,000	38	157	\$ 5,459,096	\$ 21,114,507


B. Duncan, RBO
Manager, Inspections and Enforcement Division
Planning and Development Department

BD/db

NOTE: For a comparison of New Housing Starts from 2009 to 2012, see page 2
For a comparison of Total Number of Building Permits from 2009 to 2012, see page 3

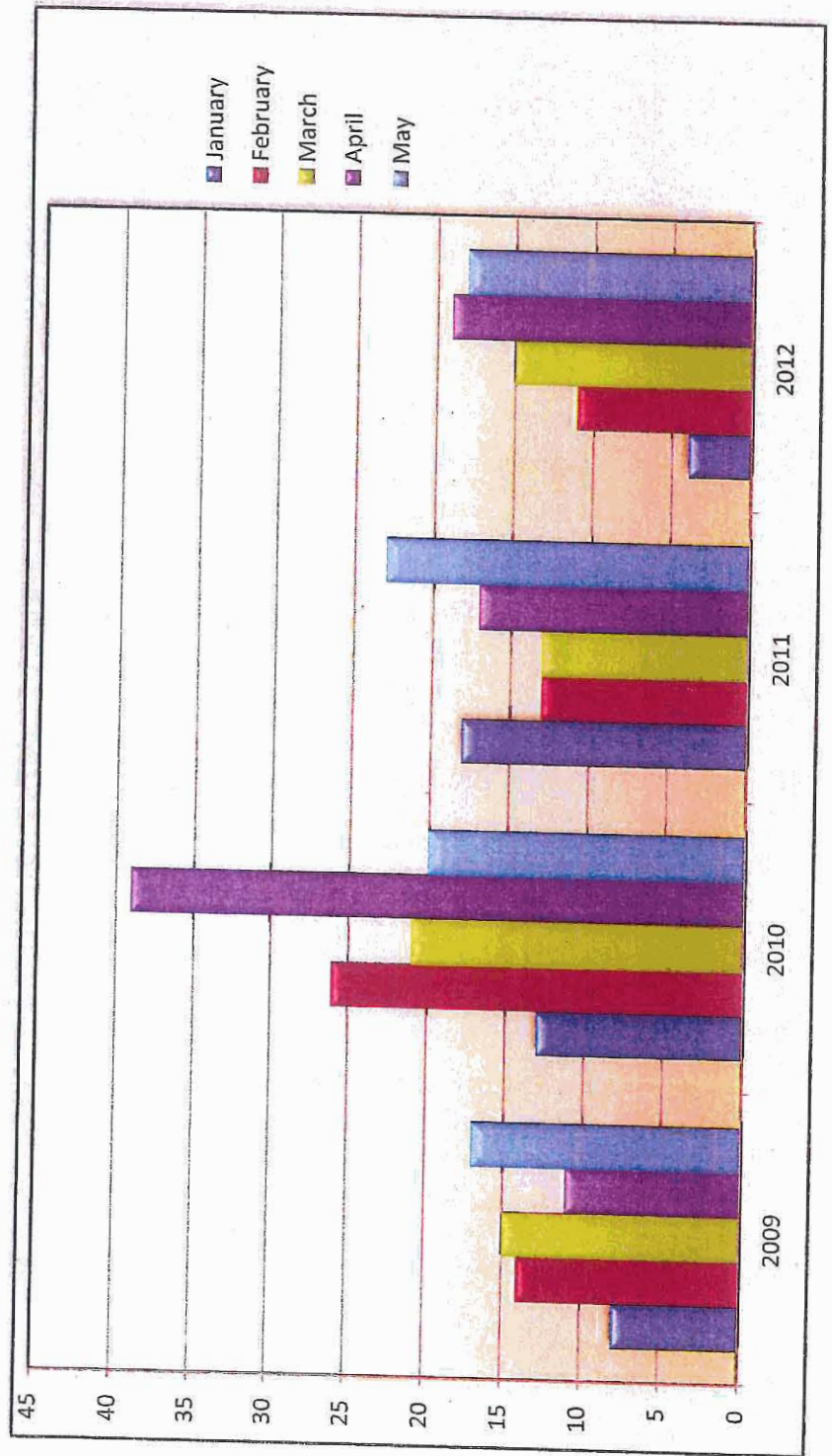
IN 3



C·V·R·D

Total of New Housing Starts

	2009	2010	2011	2012
January	8	13	18	4
February	14	26	13	11
March	15	21	13	15
April	11	39	17	19
May	17	20	23	18
YTD Totals	65	119	84	67





CVRD

Total Building Permits Issued

	2009	2010	2011	2012
January	23	35	31	16
February	32	44	36	24
March	36	54	33	38
April	34	67	30	41
May	48	41	45	38
YTD Totals	173	241	175	157

