



C·V·R·D

## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
October 2, 2012  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 p.m.

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### AGENDA

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

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

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**11. ADJOURNMENT**

**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)**

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

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

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

MI

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, September 18, 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 L. Iannidinardo  
Director L. Duncan  
Director I. Morrison  
Director M. Marcotte  
Director M. Dorey  
Director P. Weaver  
Director B. Fraser

**CVRD STAFF**

Tom Anderson, General Manager  
Mike Tippet, Manager  
Brian Dennison, General Manager  
Louise Knodel-Joy, Senior Engineering Technologist  
Jason Adair, Operations Superintendent  
Bob McDonald, Manager  
Brian Farquhar, Manager  
Rob Hutchins, Board Chair  
Warren Jones, Administrator  
Alison Garnett, Planner I  
Rachelle Rondeau, Planner I  
Dana Leitch, Planner II  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included removing agenda items D1 and R1, adding two listed items of new business, one listed closed session new business item and two non-listed new business closed session 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 September 4, 2012, EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**DELEGATIONS**

**D1 - Wyatt**

Delegation cancelled.

**STAFF REPORTS**

**R1 – 1-A-11TUP**

R1 staff report removed from the agenda.

**R2 - McLeod**

Dana Leitch, Planner II, reviewed staff report dated September 12, 2012, regarding Application No. 3-B-11RS (Steve and Alexandra McLeod) to rezone property located at 2373 Peterbrook Road from F-1 to R-1 to permit subdivision into seven residential lots.

Applicant Steve McLeod was present and provided further information to the application and distributed written material/maps/photos.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

That Application No. 3-B-11RS (Steve and Alexandra McLeod) and draft amendment bylaws be presented at a public meeting and that the application and public meeting minutes be reviewed at a future EASC meeting.

MOTION CARRIED

**R3 – Makaroff**

Dana Leitch, Planner II, reviewed staff report dated September 12, 2012, regarding Application No. 1-B-12RS (Living Forest Consultants Ltd.) that proposes to include the permitted uses of the Hamlet Sub-Zone and Low Density C Sub-Zone within the Agro-Forestry Sub-Zone.

Doug Makaroff, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That the OCP and Zoning Amendment bylaws for Application No. 1-B-012RS (Living Forest Planning Consultants) be drafted and forwarded to the Board for consideration of 1st and 2nd reading, and that a public hearing be scheduled with Directors Fraser, Walker, and Marcotte appointed as delegates.

MOTION CARRIED

**R4 - Conner**

Rachelle Rondeau, Planner I, reviewed staff report dated September 12, 2012, regarding Application No. 2-B-10RS (Conner) to rezone property located on Renfrew Road from R-3 to C-2 to allow establishment of a restaurant within the existing building.

The Committee directed questions to staff.

It was Moved and Seconded

That a public hearing be scheduled respecting Application No. 2-B-10RS (Conner) and that Directors Fraser, Giles and Morrison be appointed as delegates of the Board.

MOTION CARRIED



**R5 - Ingham**

Alison Garnett, Planner I, reviewed staff report dated September 12, 2012, regarding Application No. 4-C-12DP (Ingham/Robbins) to allow a two lot subdivision at 3770 Cobble Hill Road.

Applicant was present.

It was Moved and Seconded

That Application No. 4-C-12DP submitted by Arthur Ingham for George Robbins on Parcel B (DD36616I) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-462-333) for subdivision of one new lot be approved subject to subdivision being in substantial compliance with the approved plans and RAR report No. 2506.

MOTION CARRIED

**R6 – Camp Creina**

Alison Garnett, Planner I, reviewed staff report dated 3-E-08RS (CVRD/Camp Creina/Davies/Girl Guides of Canada) to rezone the existing recreation camp on Shaw Road in Cowichan Station to from A-1 to A-4 to legalize the use.

Property owner/representative present.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

1. That draft bylaws for Rezoning Application 3-E-08RS (CVRD for Camp Creina) be forwarded to the Board for first and second reading;
2. That a public hearing be scheduled for the amendment bylaws with Directors Duncan, Fraser and Giles appointed as Board delegates;
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, Ministry of Community Services, Ministry of Forests, Ministry of Environment, Cowichan Tribes, Cowichan Bay Volunteer Fire Department, and Agricultural Land Commission be accepted.

MOTION CARRIED

**R7 – Area E, I-1 amendment**

Dana Leitch, Planner II, reviewed staff report dated September 11, 2012, from Rob Conway, Manager, regarding request from Greg's RV to amend the Area E zoning bylaw to permit funeral home in the I-1 zone.

Applicant Greg's RV present.

It was Moved and Seconded

That the appropriate zoning amendment bylaw be prepared that would add "funeral home" to the I-1 Zone of the Electoral Area E Zoning Bylaw, and that the amendment bylaw be forwarded to the Regional Board for consideration of first and second reading; and further, that the public hearing for the zoning amendment be waived.

MOTION CARRIED

**R8 – Area E, Bill 27**

Kate Miller, Regional Environmental Policy Manager, regarding Area E OCP compliance with Bill 27 (referred from September 4, 2012 EASC meeting).

General discussion ensued.

The Committee directed questions to staff.

It was Moved and Seconded

1. That the Province consider implementing province wide regulation that permits local governments to opt into a modified building code that will require an increased level of energy efficiency in order for the CVRD to comply with provincial energy and greenhouse regulations, OR,
2. That the Cowichan Valley Regional Board request the Province to immediately consider under concurrent authority allowing the CVRD to develop a modified building code that will require an increased level of energy efficiency in order for the CVRD to comply with provincial energy and greenhouse gas regulations.

MOTION CARRIED

**R9 – Curbside  
Collection Budget**

Jason Adair, Operations Superintendent, reviewed staff report dated September 7, 2012, regarding 2012 YTD Curbside Collection budget status report and 2013 budget discussion.

The Committee directed questions to staff.

It was Moved and Seconded

That staff report dated September 7, 2012, from Jason Adair, Operations Superintendent, regarding 2012 YTD Curbside Collection budget status report, be received and filed.

MOTION CARRIED

**R10 – Utilities Budget**

Brian Dennison, General Manager, and Louise Knodel Joy, Senior Engineering Technologist, reviewed staff report dated September 13, 2012, from Dave Leitch, Manager, regarding 2012 YTD and 2013 Budget discussion – utilities and South Cowichan water plan.

The committee directed questions to staff.

It was Moved and Seconded

That staff report dated September 13, 2012 from Dave Leitch, Manager regarding 2012 YTD Utilities and South Cowichan Water Plan budget status report, be received and filed.

MOTION CARRIED

**R11 – Parks & Trails  
budget report**

Brian Farquhar, Manager, reviewed staff report dated September 18, 2012, regarding Community parks and trails mid-year budget report.

The committee directed questions to staff.

It was Moved and Seconded

That staff report dated September 18, 2012, from Brian Farquhar, Manager, regarding community parks and trails mid-year budget report, be received and filed.

**MOTION CARRIED**

**R12 – Parks & Trails  
Program**

Brian Farquhar, Manager, reviewed staff report dated September 18, 2012, regarding 2013 community parks and trails program.

The Committee directed questions to staff.

It was Moved and Seconded

That staff report dated September 18, 2012, from Brian Farquhar, Manager, regarding 2013 community parks and trails program, be received and filed.

**MOTION CARRIED**

**INFORMATION**

**IN1 – Parks  
Resignation**

It was Moved and Seconded

That the resignation of Dave Charney and Gillian Scott from the Area I Parks Commission be accepted, and that a letter of appreciation be forwarded to Mr. Charney and Mrs. Scott.

**MOTION CARRIED**

**IN2-IN3 - Minutes**

It was Moved and Seconded

That the minutes of Area G Parks meeting of July 9, 2012 and minutes of Area G Parks meeting of September 10, 2012, be received and filed.

**MOTION CARRIED**

**NB1 – Area H right of  
way license  
agreements**

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to renew the non-exclusive right-of-way licence agreements with the Ministry of Transportation for Elliot's Beach Park (PS100800) and the Michael Lake Walkway (PS100801) in Electoral Area H (North Oyster/Diamond) for a further five years (2012-2017).

**MOTION CARRIED**

**NB2 – Contaminated  
Soil application  
(Scansa)**

It was Moved and Seconded

That a letter be forwarded to the Ministry of Environment in response to Contaminated Soil Relocation Application referral (Scansa Construction Ltd.), advising of CVRD Board Resolution #12-379 dated August 1, 2012, and noting appreciation for their collaborative approach but reiterating the Board's stance that it is strongly opposed to the deliberate permitting of the use of contaminated soil for land or mine reclamation or other purposes within the public domestic water supply watersheds of the region; and further, that a similar letter be forwarded to the Minister of Environment including a statement that if the Ministry continues to permit movement of contaminated soils into community watersheds in the Regional District they are putting their collaborative arrangement with the CVRD in jeopardy and that the CVRD is willing to work with them on alternate sites but are adamantly opposed to the continued contamination of community watersheds.

**MOTION CARRIED**

**RECESS**

The Committee adjourned for a five minute recess.

**CLOSED SESSION**

It was Moved and Seconded

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

**MOTION CARRIED**

The Committee moved into closed session at 6:30 pm

**RISE**

The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded

That the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 7:12 pm

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Chair

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Recording Secretary



## REQUEST TO APPEAR AS A DELEGATION

(Submit completed form to Legislative Services Division – Fax 250.746.2513)

REQUEST TO ADDRESS: ☐ CVRD BOARD  
☐ Electoral Area Services COMMITTEE

at the meeting of October 2, 2012 at 3:00 pm

APPLICANT NAME CHRISTIAN HAPPE

REPRESENTING: Neighbors  
(name of organization if applicable)

AS: Spoke Person  
(capacity/office)

NUMBER ATTENDING: ME

Applicant mailing address: Box 699 Duncan, BC V9L 3Y1

Applicant Telephone: 250-748-9154 Fax: \_\_\_\_\_

Applicant email: \_\_\_\_\_

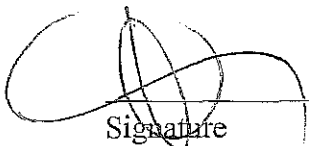
PRESENTATION TOPIC and NATURE OF REQUEST:

WANT

Development SIGN POSTING IN ELECTORAL AREA F TO BE REINSTATED

Needed every other AREA except F NOW

(If more space is required, please attach an additional page to this form)

  
Signature

9/14/2012  
Date

Cowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8  
Please address inquiries to the Legislative Services Division at 250.746.2508.



R1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

DATE: September 26, 2012 FILE NO: 13-B-12DP  
FROM: Maddy Koch, Planning Technician BYLAW NO: 3510  
SUBJECT: Application No. 13-B-12DP  
(Partridge)

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#### Recommendation/Action:

That Application No. 13-B-12DP submitted by Craig and Preston Partridge on That part of Lot 4, Block 31, Shawnigan Lake Suburban lots, Shawnigan District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot, for subdivision of one new lot be approved subject to:

- a) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated June 27, 2012;
- b) Substantial compliance with the eagle nest protection report prepared by Susan Blundell, dated September 3, 2012;
- c) Substantial compliance with the invasive species report prepared by Bernie Dinter, dated July 12, 2012 and;
- d) Submission of a letter of credit amounting to 125% of invasive species removal costs, as identified by a qualified professional, to be held by the CVRD and either refunded upon a qualified professional deeming the invasive species removal to have been successful, or used to complete the required works.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

Location of Subject  
Property:

Lot 4, at the corner of Cullin Road and Worthington Road.

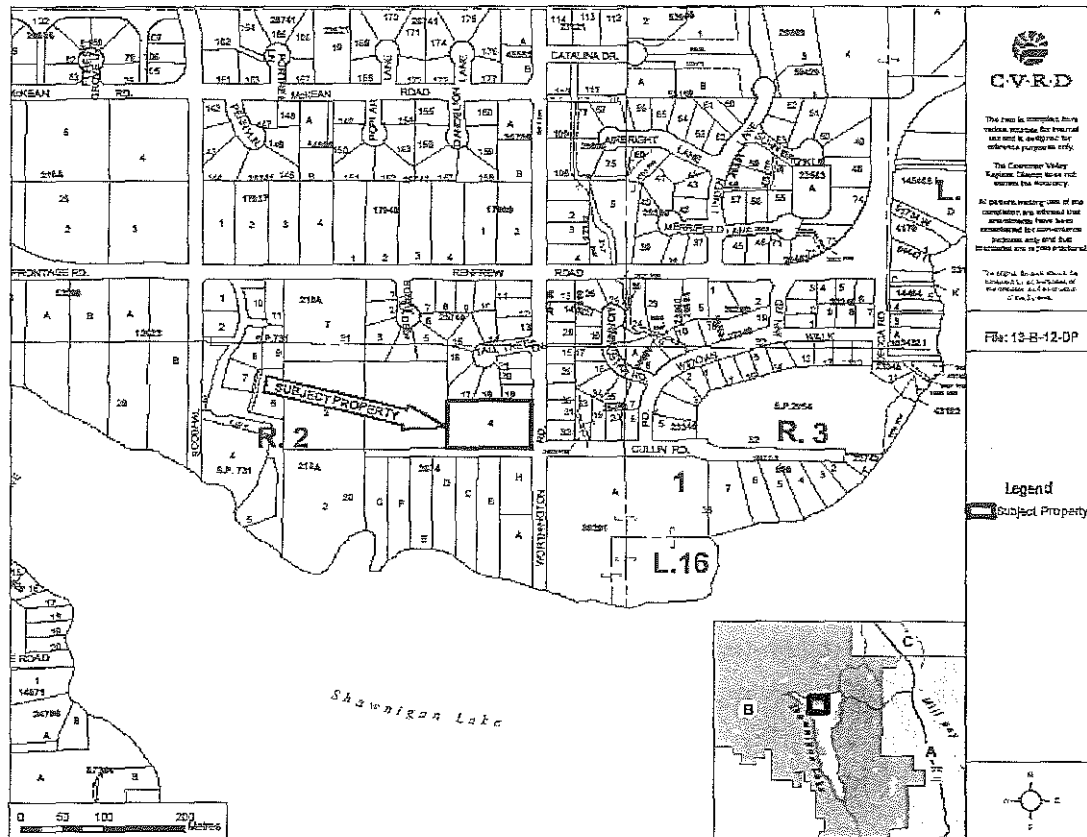
Legal Description:

That part of Lot 4, Block 31, Shawnigan Lake Suburban lots, Shawnigan District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot.

Date Application Received: June 8, 2012

Owner: Preston Partridge

Applicant: Craig and Preston Partridge



Location of Subject Property: Lot 4, at the corner of Cullin Road and Worthington Road.

Legal Description: That part of Lot 4, Block 31, Shawnigan Lake Suburban lots, Shawnigan District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot.

Date Application Received: June 8, 2012

Owner: Preston Partridge

Applicant: Craig and Preston Partridge

Size of Parcel: ±0.55 hectares (±1.1 acres)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size: 0.2 ha with connection to a community water system

Existing Plan Designation: Residential

Existing Use of Property: Vacant Land

Existing Use of Surrounding Properties:

North:	R-3 (Urban Residential)
South:	R-3 (Urban Residential)
East:	R-3 (Urban Residential)
West:	R-3 (Urban Residential)

Services:

Road Access:	Worthington Road and Cullin Road
Water:	Shawnigan Lake North Water System Service Area (pending connection)
Sewage Disposal:	On site

<u>Agricultural Land Reserve:</u>	The property is not located in the ALR
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<u>Environmentally Sensitive Areas:</u>	The property is in proximity to an eagles nest.
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<u>Fire Protection</u>	Shawnigan Lake Improvement District
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<u>Archaeological Site:</u>	We do not have record of any archaeological sites on the subject property.
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<u>Urban Containment Boundary:</u>	Property is located within the Shawnigan Village Containment Boundary
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The Proposal:

The subject property is approximately 0.55 hectares in size, flat, and was vacant of any buildings upon staff's last site visit in early September. Since that time, construction of one single family dwelling has commenced. Approximately half of the lot is cleared, the other half is treed. Most of the cleared portion is lawn.

The applicants propose to subdivide the lot into two 0.2255 ha ( $\pm 0.55$  acre) lots. A 10 metre wide, 0.1 ha ( $\pm 0.25$  acre) strip of land parallel with Cullin Road will be dedicated as road, as shown on the attached subdivision plan.

The applicants have fairly advanced development plans for the property. Construction of one single family dwelling has commenced. Following subdivision, they plan to construct a house on the new lot as well. The homes will be sited in close proximity to the Worthington road frontage.

Subdivision triggers the requirement for a Shawnigan Village Development Permit. This particular development triggers the General Development Permit Area guidelines, as well as the guidelines for Subdivision, Habitat Protection and Landscaping, Rainwater Management and Environmental Protection.

Policy Context:***Development Permit Area (DPA) Guidelines***

The following is intended to summarize the pertinent guidelines, and describe how the proposal addresses them. The full wording from the DPA is attached to this report.



#### 7.4.5A Landscaping, Rainwater Management and Environmental Protection Guidelines

3. "Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved."

The owners have secured a Rainwater Management Report from Dennis Lowen of Lowen Hydrogeology Consulting Ltd. (attached), which makes recommendations on how the development can be carried out in a way that does not result in increased water runoff from the property following lot development.

4. "For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration"

Dennis Lowen has recommended using Bioswales as a means of providing rainwater infiltration.

#### 7.4.11A Subdivision Guidelines

2. "The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved"

Some tree removal took place under the previous owner, as neighbours requested this to enhance their sun exposure. Further tree removal on the northern property line was required, and has taken place, as the trees precluded a building envelope. One tree adjacent to the future road dedication was also removed. There are no plans to remove the trees on the road dedication or the trees on the western portion of the property.

#### 7.4.1A General Guidelines

1. "In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit"

Bernie Dinter has evaluated invasive plants on the property, and prepared the attached report. He notes presence of some invasive species and recommends their ongoing removal.

#### 7.4.4A Habitat Protection Area Guidelines: (Applies to development within 60 metres of an eagle nest)

The applicants hired Susan Blundell, QEP, to evaluate the development in terms of its potential to disrupt the eagle nest located on an adjacent property (the Worthington Road waterfront development).

1. "Development should be sited so as to maximize the separation between the proposed development and the nest or perch tree"

Susan Blundell's report recommends that "where possible the homes should be located to the west end of the lot to reduce disturbance". The house that is currently being constructed appears to be just outside of the permanent 62.5 metre buffer area.

2. "In cases where there are no appropriate alternatives but to locate the development adjacent to a nest or perch tree, the applicant must demonstrate that such siting is necessary due to circumstances such as topography, hazards or the entire parcel being located within the Development Permit Area. In such cases, mitigation and restoration measures may be required to minimize the impact of the development on the habitat area"

While the development site could have been located farther away from the permanent buffer area, compliance with the recommendations in Susan Blundell's report should eliminate the potential for any development impacts.

3. "Construction and development, including unusual or loud activities such as blasting, tree falling, chain saws, and concrete cutters, should not take place during breeding or nesting season for any bird species listed in this Section"

Susan Blundell's report recommends that no development take place within 100 metres of the nest between February 1<sup>st</sup> and September 12<sup>th</sup>, as this is the most sensitive period for eagles.

#### **Advisory Planning Commission Comments:**

The Area B Advisory Planning Commission reviewed this application at their September meeting. Although minutes from this meeting are not available yet, the Chair of the Commission has advised that the application was recommended for approval with no conditions.

#### **Staff Recommendation:**

This application appears to meet the relevant Shawnigan Village Development Permit Area guidelines, and therefore the staff recommendation is to approve the application, subject to conditions.

#### **Options:**

Option 1 is recommended.

1. That application No. 13-B-12 DP submitted by Craig and Preston Partridge on That part of Lot 4, Block 31, Shawnigan Lake Suburban lots, Shawnigan District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot, for subdivision of one new lot be approved subject to:
  - a) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated June 27, 2012;
  - b) Substantial compliance with the eagle nest protection report prepared by Susan Blundell, dated September 3, 2012;
  - c) Substantial compliance with the invasive species report prepared by Bernie Dinter, dated July 12, 2012 and;
  - d) Submission of a letter of credit amounting to 125% of invasive species removal costs, as identified by a qualified professional, to be held by the CVRD and either refunded upon a qualified professional deeming the invasive species removal to have been successful, or used to complete the required works.

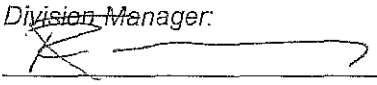
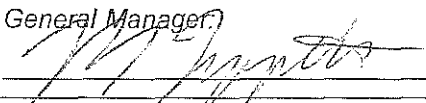
2. That application No. 13-B-12DP be denied.

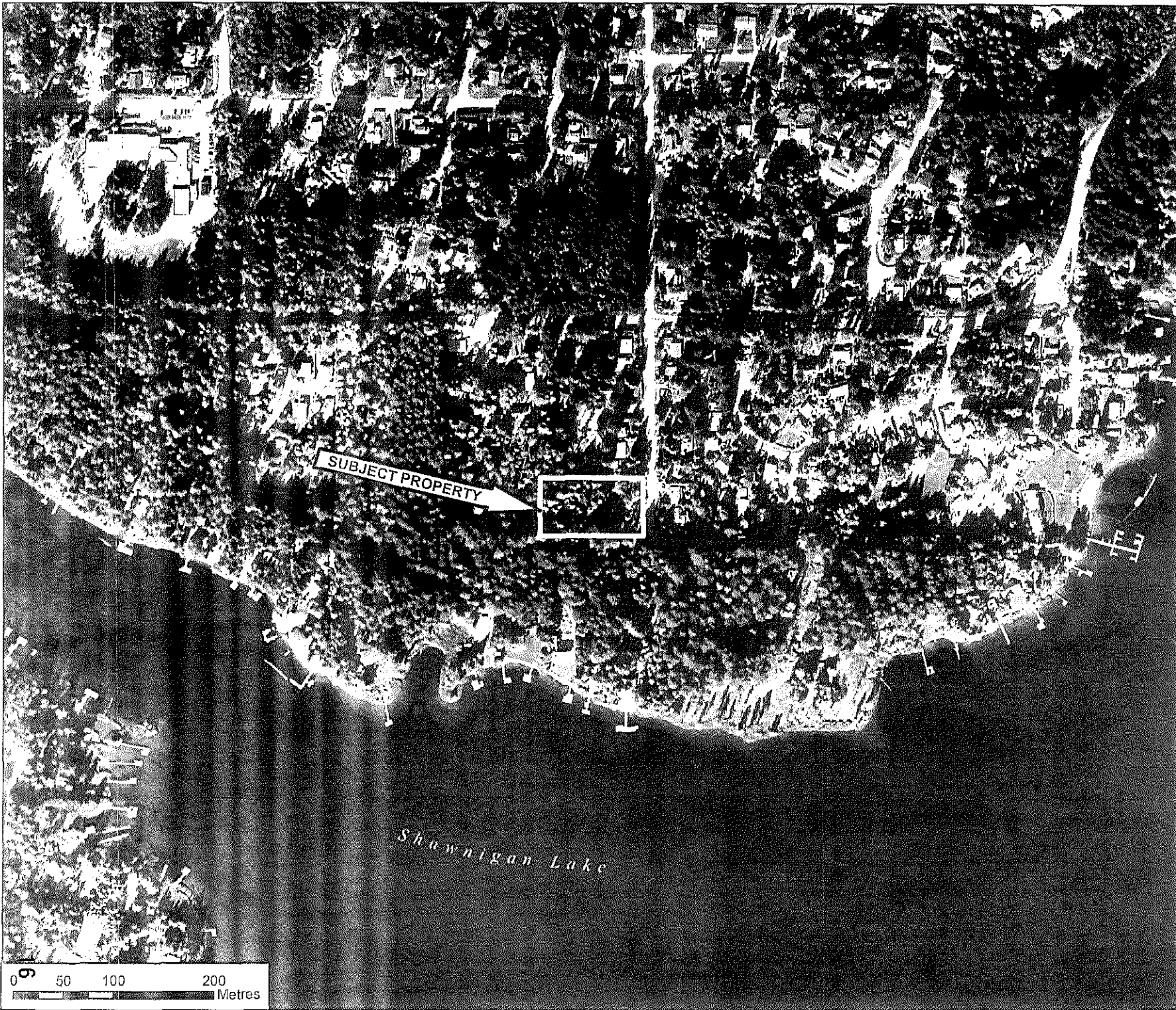
Submitted by,

*Maddy Koch*

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

MK/ca

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



C·V·R·D

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

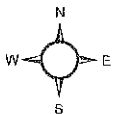
The Cowichan Valley Regional District does not warrant the accuracy.

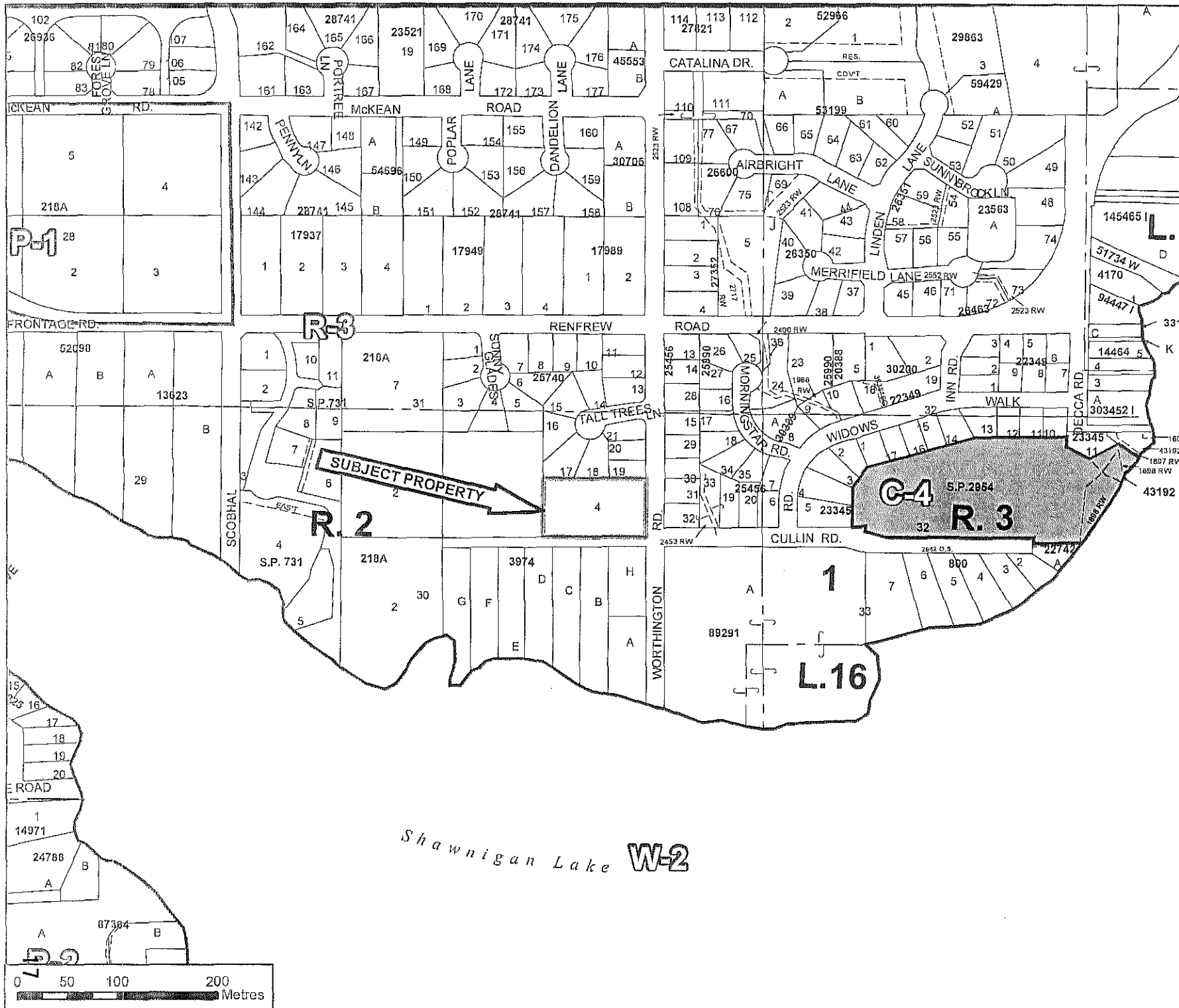
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The intent of this map should be consulted for all purposes of interpretation and application of the bylaws.

File: 13-B-12-DP

Orthophoto  
(2010)





C.V.R.D.

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

The Cowichan Valley 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.

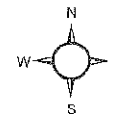
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 13-B-12-DP

## ZONING

### Legend

-  Subject Property
-  Zoning B





B. Dinter Nursery Ltd.  
2205 Phipps Road  
Duncan, B.C. V9L 6L2

Phone: 250-748-2023

Fax: 250-748-0586

www.dinternursery.ca

e-mail: info@dinternursery.ca

July 12, 2012

Craig Partridge,  
Ph: 250-701-2892

Re: Lot 4, Worthington Rd., at NW corner with Cullin Rd., Shawnigan Lake

Inspection of Property for Invasive Plants

I inspected the property on July 11, 2012, for the presence of plants considered invasive by organizations such as the 'Invasive Species Council of BC'.

Most of the land has been cleared and is a closely mowed meadow, open on the east side, facing Worthington Rd. The other 3 sides have mature vegetation that I walked through. I did not inspect the meadow area as it will be disturbed for building sites, septic fields, etc.

North Side

Mixed with the natural vegetation of trees and native shrubs, I observed the following invasive species:

- Himalayan Blackberry (*Rubus discolor*)
- Scotch Broom (*Cytisus scoparius*)
- Morning Glory (*Convolvulus arvensis*)
- Canada Thistle (*Cirsium arvensis*)

These plants should be removed by machine or hand digging individual plants, so as to reduce disturbing the native vegetation. Growing under the trees are desirable native species, such as Sword Fern (*Polystichum munitum*), and Salmon Berry (*Rubus spectabilis*), which should be encouraged. There are also large patches of Stinging Nettle (*Urtica dioica*).

Blackberry, Morning Glory and Canada Thistle come from underground roots that can sprout again, after top removal. They will have to be checked for further removal in following years.

West Side

The native understory has been removed, leaving disturbed soil that has been covered by Foxglove (*Digitalis purpurea*) and Canada Thistle (*Cirsium arvense*).

The Canada Thistle should be removed and the Foxglove reduced to allow other plants to establish.

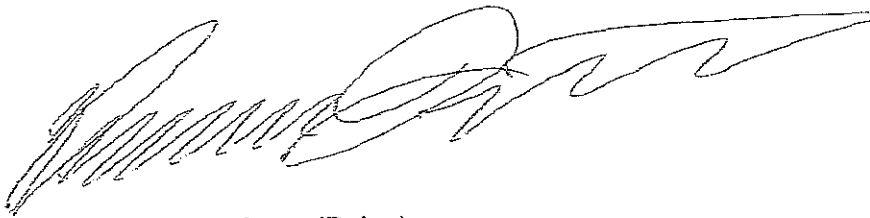
**South Side**

This area is either 'Old Growth' or mature 'Second Growth' Cedar and Douglas Fir. The understory is typical for under these trees, consisting of Western Sword Fern (*Polystichum munitum*), Salal (*Gaultheria shallon*) and Dwarf Oregon Grape (*Mahonia nervosa*). Most of this area is road allowance.

I found a few seedling of Laurel-leaved Daphne (*Daphne laureola*) and English Holly (*Ilex aquifolium*), potentially serious invasive plants. I have removed these by hand, but another inspection should be done to check for more plants.

I have not done a detailed inventory of the plant species and base this report on a single walk through the perimeter of the property. Contact me if more information or further inspection is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bernie Dinter', with a long, sweeping horizontal stroke extending to the right.

Bernie Dinter (P.Ag.)



**Lowen Hydrogeology  
Consulting Ltd.**

---

June 27, 2012  
LHC Project File: 1210

Shawnigan Lake Investments Ltd.  
24-2720 Mill Bay Road  
PO Box 83  
Mill Bay BC  
V0R 2P0

Attention: Craig Partridge

Re: Rainwater Management System Feasibility - Lot 4, Block 31, Plan 218 A, Cullin Road, Shawnigan District, B.C.

As per your request we have assessed the potential for a rainwater treatment system on the above noted property. Our findings are presented in the following sections. A property plan is presented in Figure 1.

## 1.0 PHYSICAL SETTING

### 1.1 Climate

The Shawnigan Lake region is within the West Coast Temperature Zone, with an average annual precipitation of 1,247.6 mm, of which 75.5 cm falls as snow. The rainy season is generally between October to March, where precipitation averages greater than 100 mm per month. The coldest months are typically from December to February where daytime highs are lower than 5 degrees C. From June to September daytime temperatures are typically in the 15 degrees C range.

### 1.2 Topography and Surface Water Drainage

The subject property is located on gently sloping terrains, with slopes averaging 5% to the South (towards Shawnigan Lake). Surface and sub-surface drainage is therefore likely to flow towards this direction. The local topography causes the drainage on the subject property to be South South-Eastward.

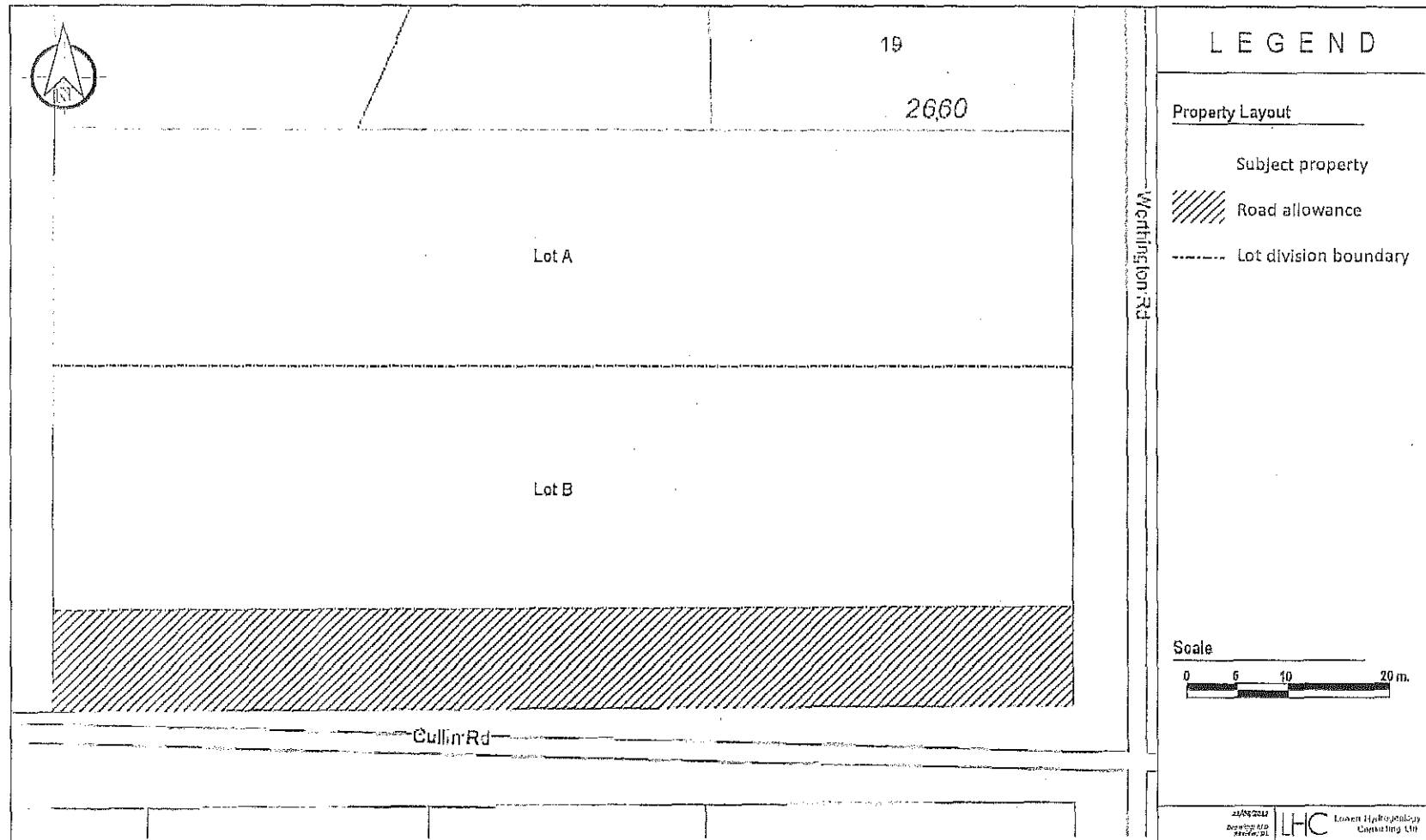
### 1.3 Soils

The main soil found in the subject property is the Shawnigan soil unit, consisting of gravelly sandy loam, and well drained. This soil is associated with minor Qualicum and Rosewall soil units, composed of gravelly to very gravelly loam and sand. These soils units are rapidly drained.

Considering the nature of the soils, a horizontal hydraulic conductivity of 10 m/day (gravelly sand) can be used for this study.



Figure 1 - Property Layout



## 2.0 RAINWATER MANAGEMENT SYSTEM DESIGN

### 2.1 Property Features

The total area of the subject property is approximately 5,546 m<sup>2</sup>. A strip of 10 m wide by 101.25 m long will be taken away for road allowance as shown in Figure 1. Therefore, the area considered in this project will be 4,534 m<sup>2</sup>.

The development will encompass the creation of two Lots (Lot A and Lot B), each containing one family dwelling and driveways.

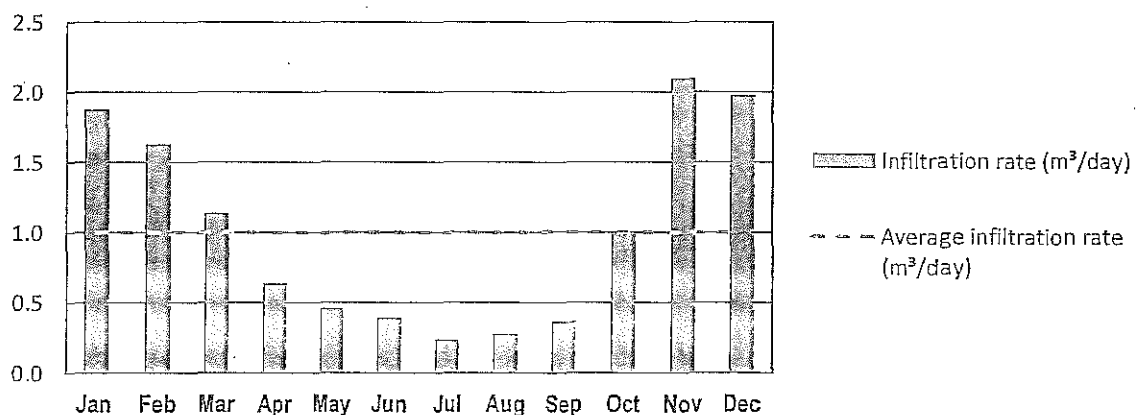
### 2.2 Water Infiltration Volumes

Due to the development, the area of infiltration will be reduced, and therefore more water will runoff to reach infiltration zones. This runoff must be managed to mitigate negative impacts. The amount of water required to be injected can be approximated considering the following parameters:

- Total area of subject property = 4,534 m<sup>2</sup>
- Projected built-up area\* = 1,175 m<sup>2</sup>
  - \* The projected built area encompasses the following features:
    - Two dwellings of [20 x 20 m] each = 800 m<sup>2</sup>
    - Two private driveways: [W 2.5 m x L 75 m] each = 375 m<sup>2</sup>

Precipitation data are used in the model to assess the amount of water infiltrating every month within the property boundary. By reducing the infiltration area but keeping the same water inflow, the amount of water that has to be artificially infiltrated can be assessed. Table 1 provides all data and calculations. Results are presented in Figure 2 as follows:

Figure 2 - Amount of Water to Infiltrate Artificially



The rainwater infiltration works will have to be designed for infiltration rates ranging from 0.2 m<sup>3</sup>/day (July) to 2.1 m<sup>3</sup>/day (November), with an average flow of 1.0 m<sup>3</sup>/day on an annual basis. This amount is considering no other inflow than the runoff due to the development. However, if bio-swales are constructed across the property some runoff from the non-built area will be intercepted by the swales. The best rainwater infiltration design would therefore consider that the bio-swales would infiltrate almost all the runoff within the property boundary. This would lead to a higher replenishment of the aquifer and therefore a positive impact on the local water features; that is increased interflow and deep groundwater recharge.

Table 1 - Monthly Volumes to Inject Artificially

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Precipitation (mm)	198.3	155.3	120.2	65.2	48.7	40.2	24.7	29.3	37.6	104.8	214.6	208.7	1,247.6
Precipitation (m)	0.198	0.155	0.120	0.065	0.049	0.040	0.025	0.029	0.038	0.105	0.215	0.209	1.248

\*Shawnigan Lake Climate Station

Infiltration : 25% of Precipitation

Volume of natural infiltration <u>before</u> development (m³)	224.8	176.0	136.2	73.9	55.2	45.6	28.0	33.2	42.6	118.8	243.2	236.6	1,414.2
Volume of natural infiltration <u>after</u> development (m³)	166.5	130.4	100.9	54.8	40.9	33.8	20.7	24.6	31.6	88.0	180.2	175.3	1,047.7

After Development : Volume to inject artificially

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
Flow (m³/month)	58.3	45.6	35.3	19.2	14.3	11.8	7.3	8.6	11.0	30.8	63.0	61.3	30.5
Flow (m³/day)	1.9	1.6	1.1	0.6	0.5	0.4	0.2	0.3	0.4	1.0	2.1	2.0	1.0
Flow (L/s)	0.0217	0.0189	0.0132	0.0074	0.0053	0.0046	0.0027	0.0032	0.0043	0.0115	0.0243	0.0229	0.012

Where:

(1) Volume of natural infiltration before development:

$$(\text{Precipitation [m]} \times \text{Area of property [m}^2]) \times \text{Infiltration}$$

$$\text{Ex: January: } (0.198 \text{ m} \times 4,534 \text{ m}^2) \times 0.25 = 224.8 \text{ m}^3$$

(2) Volume of natural infiltration after development:

$$(\text{Precipitation [m]} \times (\text{Area of property} - \text{Built Area}) [\text{m}^2]) \times \text{Infiltration}$$

$$\text{Ex: January: } (0.198 \text{ m} \times (4,534 - 1,175) \text{ m}^2) \times 0.25 = 166.5 \text{ m}^3$$

$$\Rightarrow \text{Volume to inject artificially} = (1) - (2)$$

## 2.3 Water Budget

Before development, the water budget within the property is as follows:

$$\text{Precipitation} \approx \text{Runoff} + \text{Evapotranspiration} + \text{Infiltration}$$

Where

- Precipitation =  $1.25 \text{ m/yr} \times 4,534 \text{ m}^2 = 5,667 \text{ m}^3/\text{yr}$
- Runoff (55%) =  $0.55 \times 5,667 \text{ m}^3/\text{yr} = 3,117 \text{ m}^3/\text{yr}$
- Evapotranspiration (20%)\* =  $0.20 \times 5,667 \text{ m}^3/\text{yr} = 1,133 \text{ m}^3/\text{yr}$
- Infiltration (25%) =  $0.25 \times 5,667 \text{ m}^3/\text{yr} = 1,417 \text{ m}^3/\text{yr}$

\* The review of the subject property on the air photos shows that most of the property has been cleared. The major vegetation type is grass. This leads to low evapotranspiration rate.

After the development, the built and non-built area will be divided as follows:

<u>PROPERTY</u>	<u>NON BUILT</u>	<u>WATER BUDGET</u>	
100%	75%	Runoff : 55% <sup>1</sup>	41 %
		Evapotranspiration : 20%	15 %
		Infiltration : 25%	19 %
	<u>BUILT</u>		
	25%	Runoff : 0%	0 %
		Evapotranspiration : 0%	0 %
Infiltration : 100% <sup>2</sup>		25 %	
<u>TOTAL</u>			
	Runoff		41 %
	Evapotranspiration		15 %
	Infiltration		44 %
<u>OBJECTIVE</u>			
	Runoff		10 %
	Evapotranspiration		15 %
	Infiltration <sup>3</sup>		75 %

<sup>1</sup> The runoff is expected to be high since the property has mostly been cleared. Less trees leads to more runoff.

<sup>2</sup> All the water from the roofs and driveways will be infiltrated by the bio-swales.

<sup>3</sup> The bio-swales facilitate the infiltration of all excess flow.

The objective for the design of the rainwater infiltration system will be to infiltrate almost all runoff from the developed area, but also from non built-up areas. The natural overland drainage would therefore be intercepted by the bio-swales and infiltrated on site. This will result in a better replenishment of the aquifer under the property, increasing interflow and lead to a positive water budget impact.

## 2.4 Bio-swales preliminary design

A rough estimation of the total swale length needed can be assessed as follows:

$$A = Q / (K_v \times CF)$$

Where:

- A = Area of swales in m<sup>2</sup> (standard average width = 1.5 m)
- Q = Flow discharging to the swales = 11.6 m<sup>3</sup>/day\*
- K<sub>v</sub> = Vertical hydraulic conductivity = 1.0 m/day\*\*
- CF = Clogging Factor = 0.8

\* Objective: Infiltrate 75 % of the precipitation: 0.75 x 5,667 = 4,250 m<sup>3</sup>/year = 11.6 m<sup>3</sup>/day

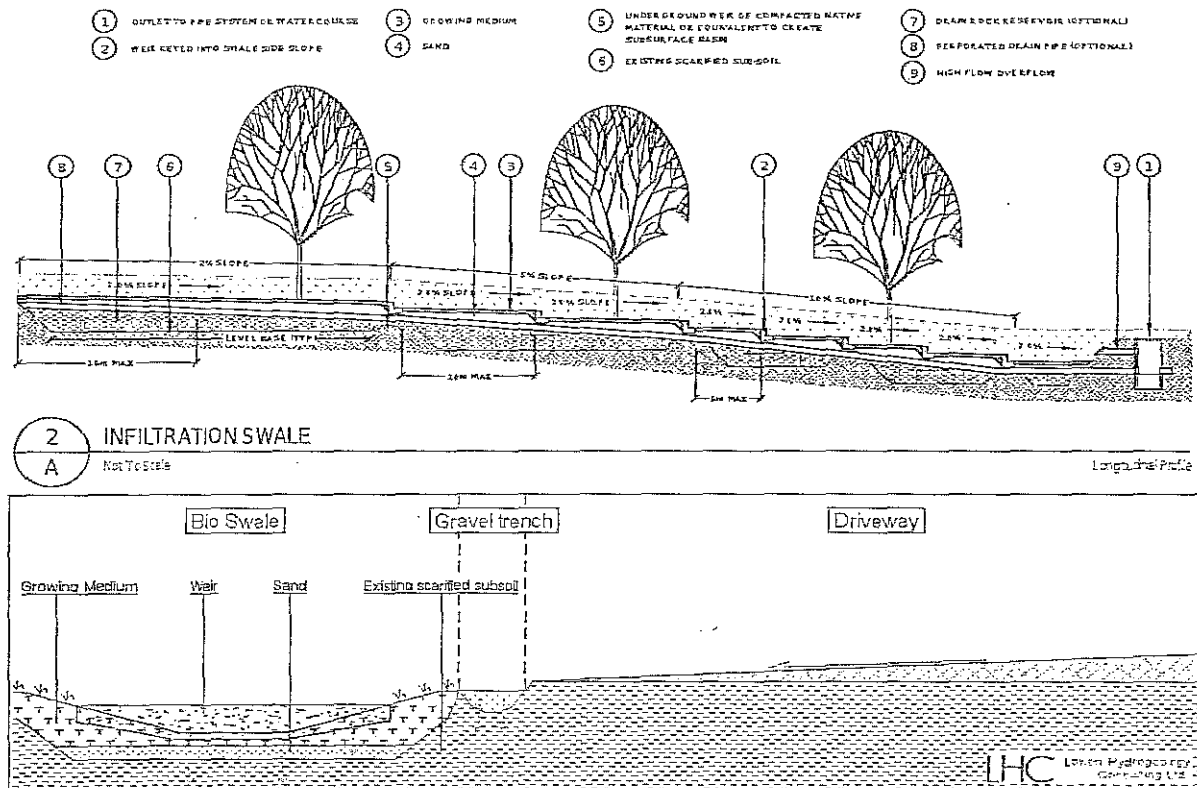
\*\* K<sub>v</sub> = 0.1 x K<sub>h</sub>

Therefore:

$$A = 11.6 / (1 \times 0.8) = 14.5 \text{ m}^2 \Rightarrow L = 14.5 / 1.5 \approx 10 \text{ m}$$

The length required would be approximately 10 m according to the hydraulic conductivity of the soil at depth. See Figure 3 for the standard design of an infiltration swale.

Figure 3 - Infiltration swale standard design



NOT TO SCALE

Bio swale design: Lanarc Consultants Ltd.; Kerr Wood Leidal Associates Ltd.; Goya Ngan - (2005) - Stormwater Source Control Design Guidelines 2005

### 3.0 CONCLUSIONS AND RECOMMENDATIONS

- 3.1 The estimated bio-swale length assumes a standard hydraulic conductivity from the tables. It would be recommended to perform percolation tests in order to confirm this value and refine the calculations. It would also be recommended to consult a specialist to design the infiltration network.
- 3.2 With the design of a rainwater management system, and due to the particularly good hydraulic conductivities of the native soils and bedrock, all the water runoff from the development will be collected and treated on site. By re-injecting rainwater to the aquifer beneath the property, this will create a closed system sustainable on its own, that will not interfere with the natural surrounding features such as Shawnigan Lake.
- 3.3 The proposed rainwater infiltration on-site will benefit shallow groundwater flow (interflow) as well as treating the rainwater by infiltration and adsorption process in the soil.
- 3.4 Due to the topography, it would be recommended to orientate the bio-swales West-East so they can catch runoff flowing towards the South. The bio-swale length could be divided so each Lot contains the same amount, of swales. Run-off from the built-up areas must be conveyed towards these bio-swales.
- 3.5 Bio-swales are just one of many strategies to manage drainage from developed areas. Other options include: absorbent landscapes, rain gardens, pervious paving, green roofs, infiltration trenches, rock pits and soakaway manholes. For more information on this subject, please see the following reference:

Lanarc Consultants Ltd.; Kerr Wood Leidal Associates Ltd.; Goya Ngan (April 2005)  
Stormwater Source Control Design Guidelines 2005 - Greater Vancouver Regional District

If an alternative method or combination of methods is selected then the infiltration capacity of these methods should be equal to the infiltration capacity above ( $11.6 \text{ m}^3/\text{d}$ ) used for bio-swale design.

### 4.0 CLOSURE / DISCLAIMER

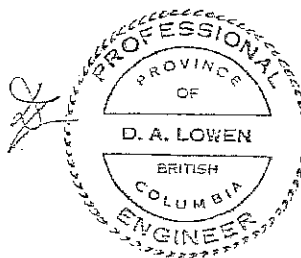
In formulating our analysis, we have relied on information provided by others. The information provided by others is believed to be accurate but cannot be guaranteed by Lowen Hydrogeology Consulting Ltd.

Furthermore, if the recommendations in this report are not implemented, the undersigned assumes no responsibility for any adverse consequences that may occur.

Respectfully submitted,

LOWEN HYDROGEOLOGY CONSULTING LTD.

*Dennis Lowen*



Dennis A. Lowen, P. Eng. P. Geo.

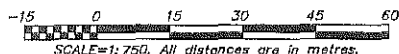
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**LHC** Lowen Hydrogeology  
Consulting Ltd.

**SUBDIVISION PLAN OF THAT PART OF LOT 4, BLOCK 31,  
SHAWNIGAN LAKE SUBURBAN LOTS, SHAWNIGAN DISTRICT,  
PLAN 218A, LYING TO THE SOUTH OF A STRAIGHT BOUNDARY  
JOINING POINTS ON THE EASTERLY AND WESTERLY BOUNDARIES  
OF SAID LOT DISTANT 2.5 CHAINS RESPECTIVELY FROM THE  
NORTH EAST AND SOUTH WEST CORNERS OF SAID LOT.**

**PLAN EPP22755**

21



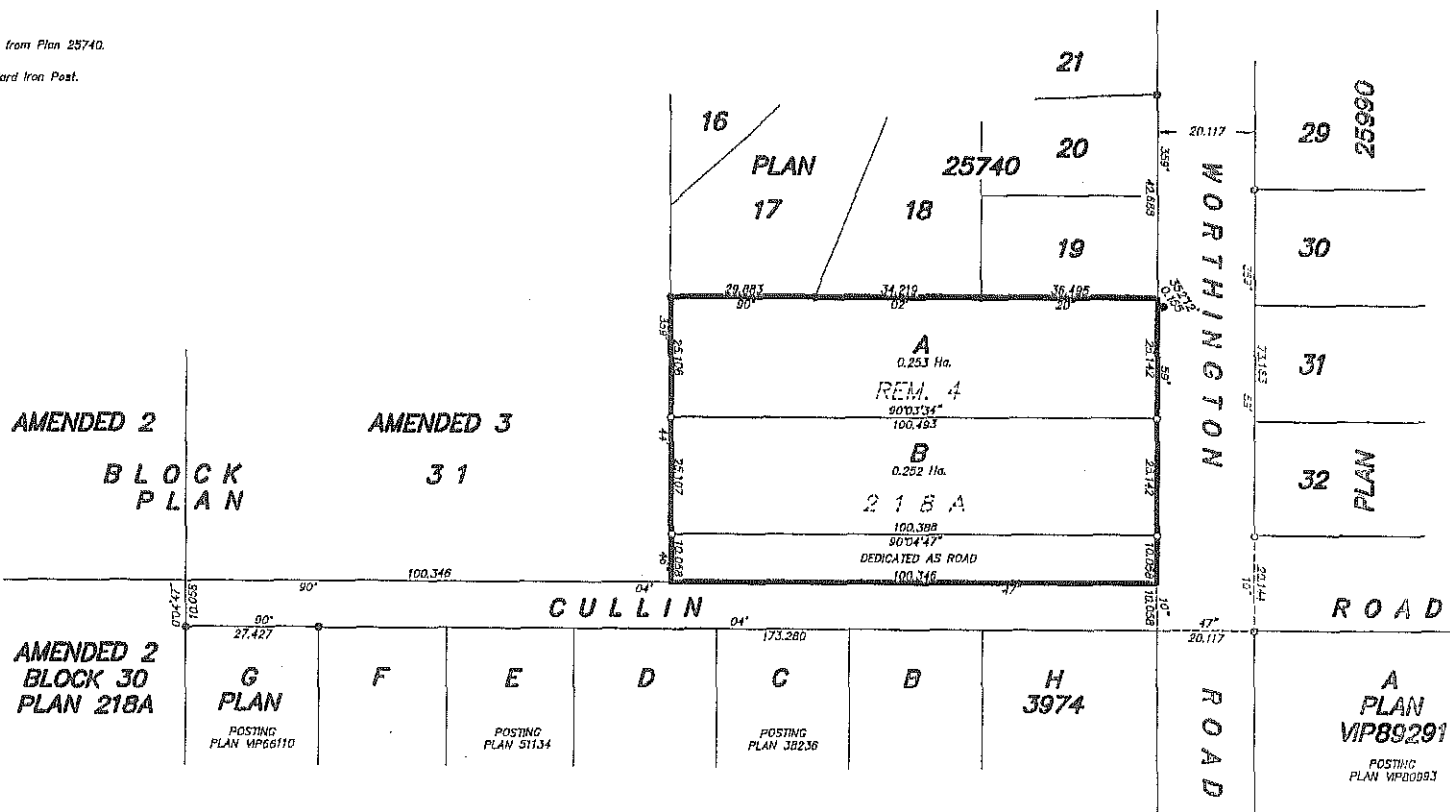
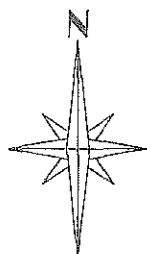
BCGS 92B.062

The intended plot size of this plan is 560mm  
in width by 432mm in height (C Size) when  
plotted at a scale of 1:750.

**LEGEND.**

Astronomic bearings were derived from Plan 25740.

found placed  
● ○ Denotes Standard Iron Post.



File: 0597-JK-SD  
Archive: SD-CPIWD-SD  
**Island Land Surveying Ltd.**  
1-13 Cadillac Avenue  
Victoria, B.C. V6Z 1N3  
TEL 250.475.1515 fax 250.475.1519  
www.islandsurveying.ca

A Covenant in the name of the  
Ministry of Transportation & Infrastructure  
pursuant to Section 219 of the Land Title Act  
is a condition of approval for subdivision.

This plan lies within the Cowichan Valley Regional District.

This plan lies within the Jurisdiction of the  
Approving Officer for the Ministry of Transportation & Infrastructure

The field survey represented by this plan  
was completed on the 30th day of July, 2012  
Jason C. Koehn, BCLS



**ENKON**  
ENVIRONMENTAL

Suite 310 - 730 View Street  
Victoria, B.C., Canada  
V8W 3Y7  
Phone: (250) 480-7103  
Fax: (250) 480-7141  
E-mail: [enkon@enkon.com](mailto:enkon@enkon.com)

September 3, 2012

Our file No.: 1615-001

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

**Attention: Maddy Koch, Planning Technician**

Dear Ms. Koch:

**RE: 2080 Cullin Road Property, Shawnigan Lake – Proposed Work Near Eagle Nest**

## **BACKGROUND**

Mr. Craig Partridge is proposing to construct a two lot residential development on a 0.5 ha lot located at the northwest corner of Cullin and Worthington Roads in Shawnigan Lake, B.C. (Figures 1 and 2).

In February 2012 ENKON visited 2080 Cullen Road in response to reports of eagles building a nest on site. During the site visit ENKON confirmed that the bald eagle breeding pair were building a nest in a large Douglas-fir. The tree is located in the northwest corner of the site and has a height of approximately 41.65 m. Based on the "*Develop With Care*" guidelines a permanent buffer zone of 1.5 times the height of the tree, therefore a buffer zone of 62.5 m is required. In addition, a 100 m buffer zone should be established during the nesting season.

A portion of Mr. Partridge's property is located within the permanent buffer zone and all of the property is located within the 100 m nesting buffer zone. Consequently, the Cowichan Valley Regional District has requested an Eagle Nest Management Plan prior to the development of the lot.

## **SITE CONDITIONS**

The subject property is located in a semi-urban area on the northwest corner of the two roads; Cullin and Worthington roads. It currently exists as an open grassy lot dominated by agronomic grasses as well as an array of weedy species including hairy cat's-ear, Canada thistle, dandelion, trailing blackberry, oxeye daisy, alsike



clover and English plantain. There are several western redcedar, Douglas-fir and red alder along the Cullin Road edge, with a shrub layer of salmonberry and salal.

The lot corner is approximately 47 m from the base of the nest tree located at 2080 Cullin Road. Approximately 900 m<sup>2</sup> of the property is located within the 62.5 m permanent buffer zone (Figure 3).

## **BEST MANAGEMENT PRACTICES AND RECOMMENDATIONS**

According to the *“Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia”* (Demarchi and Bentley, 2005) the eight basic Best Management Practices for raptors are:

1. Retain existing habitats and features; minimize loss of natural vegetation

The proposed development plan will not have a significant impact on the natural vegetation on the property. Several trees were removed on the lot during site preparation but only one was located within the buffer zone.

2. Protect raptor nest sites

An environmental protection covenant will be established on the eagle nest tree at 2080 Cullin Road as well as the permanent nesting buffer zone surrounding the tree (located on 2080 Cullin Road). The proposed development will not affect this development.

3. Protect raptor roosting/perching sites and foraging areas

There do not appear to be any foraging areas located on the subject property. The trees located along the Cullin Road frontage should be maintained for roosting and perching opportunities.

4. Avoid disturbance of sensitive habitat during and after development

As discussed above, approximately 900 m<sup>2</sup> of the subject property is located within the nesting buffer zone. Where possible the homes should be located to the west end of the lot to reduce disturbance.

5. Manage restore or enhance raptor habitat and features

As discussed above, the only potential raptor habitat and/or features located on the property are the trees along Cullin Road, which should be retained.

6. Minimize the risk of accidental mortality

Due to the proximity of the nest tree to roads and powerlines there is some risk of accidental mortality but the proposed development will not increase the risk.

7. Avoid the use of pesticides and herbicides

Due to the close proximity of the lot to the eagle nest tree as well as Shawnigan Lake, chemicals such as pesticides and herbicides should be minimized.

8. Educate the public about the importance of maintaining raptors in urban and rural environments

Signage will be established on the nest tree. It would be beneficial to provide some guidance to the neighbourhood regarding activities that generate noise and nesting timing, as well as the use of chemicals.

The following table shows the relative sensitivity of the nesting cycle.

**Table 1: Relative Sensitivity of Nesting Bald Eagle to Human Activities**

Phase	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the nesting season.
III	Incubation and Hatching	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and

			predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements gradually decreases. However, nestlings may miss feedings, which may affect their survival, or may prematurely leave the nest due to disruption,
V	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

According to the *Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia* bald eagles on Vancouver Island may have eggs present in the nest from February 5 to June 25; young are present from April 1 to August 31. As such, all activities that generate loud or prolonged noise should be avoided within the 100 m nesting buffer zone from February 1<sup>st</sup> to September 12<sup>th</sup>. This would include home construction and tree falling.

The eagle pair located in the nest at 2080 Cullin Road was monitored throughout the nesting and rearing process from April to August 2012; they successfully reared and fledged two chicks. Due to the location of the nest and its proximity to two roads it appears that this breeding pair is somewhat adapted to an urban environment. Activities in the area during the breeding season included the development of the 2080 Cullin Road property (outside of the 100 m nesting zone), regular local vehicular traffic on both roads as well as yard maintenance float planes on Shawnigan Lake. Notwithstanding, the above stated BMPs should be followed whenever possible.

Maddy Koch  
September 3, 2012  
Page 5

I hope that this information is satisfactory. Please give me a call if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Susan Blundell". The signature is written in black ink and is positioned above the printed name and title.

**Susan Blundell, M.Sc., R.P.Bio.,**  
Manager of Environmental Services

Attachments:    Figures 1 to 3  
                         Photoplates



### Important

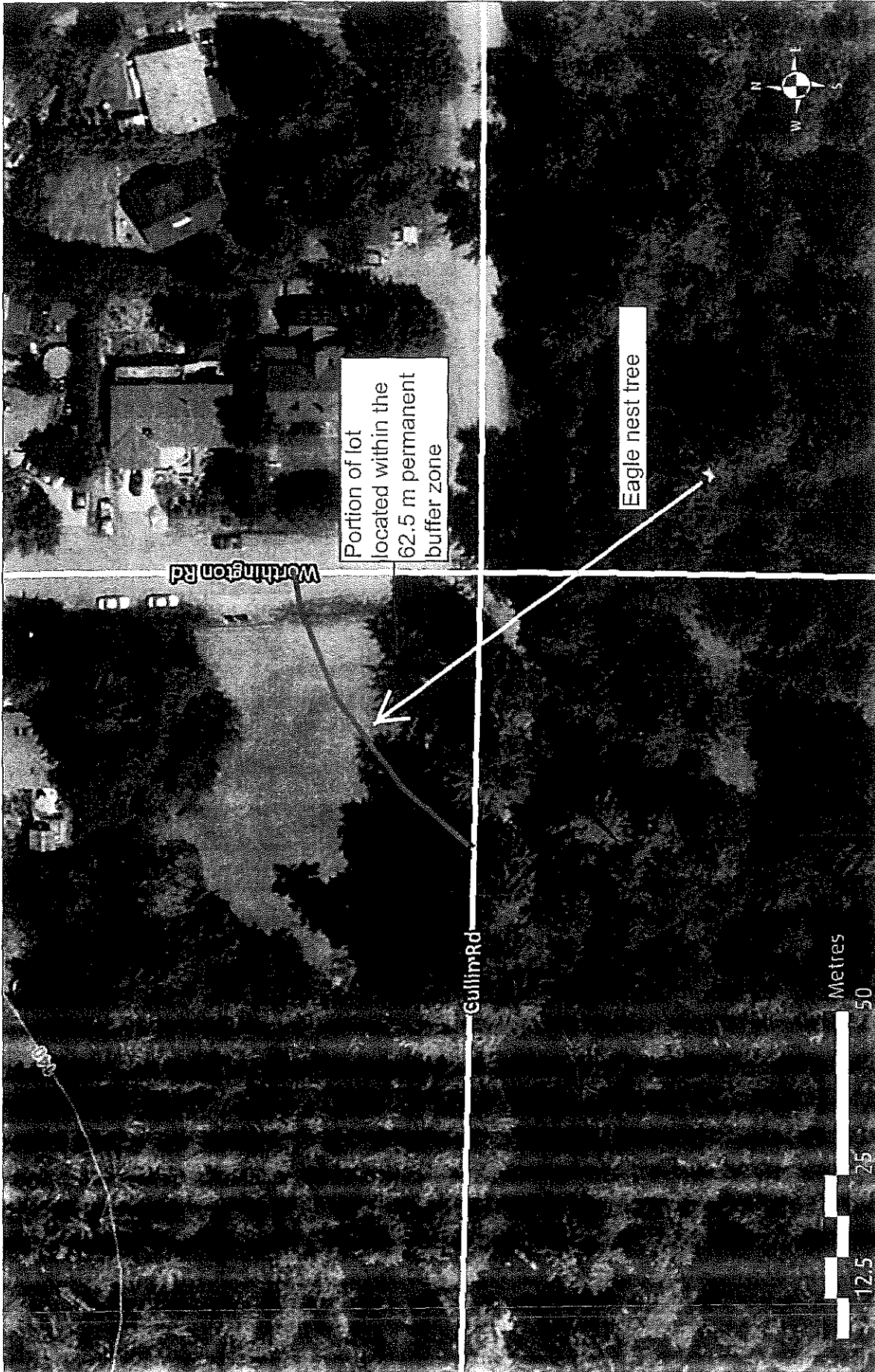
This map is for general information purposes only. It is not intended to be used as a legal document. The map is based on the best available information and is not a guarantee of accuracy. The map is not intended to be used for any purpose other than general information. The map is not intended to be used for any purpose other than general information. The map is not intended to be used for any purpose other than general information.

Printed from S.F. 12, 2012

### Regional Community Atlas

Capital Regional District  
[info@crd.bc.ca](mailto:info@crd.bc.ca)  
<http://www.crd.bc.ca>

CRD



Portion of lot  
located within the  
62.5 m permanent  
buffer zone

Eagle nest tree

12.5 25 50  
Metres



Regional Community Atlas  
Capital Regional District  
info@crd.bc.ca  
http://www.crd.bc.ca



**Important**  
This map is for informational purposes only. The Capital Regional District (CRD) makes no representation as to the accuracy or reliability of the map for any purpose. The CRD is not responsible for any errors or omissions. The CRD is not responsible for any damage, loss or injury resulting from the use of this map. The CRD is not responsible for any damage, loss or injury resulting from the use of this map.

Printed: 10/10/2013, 14:15

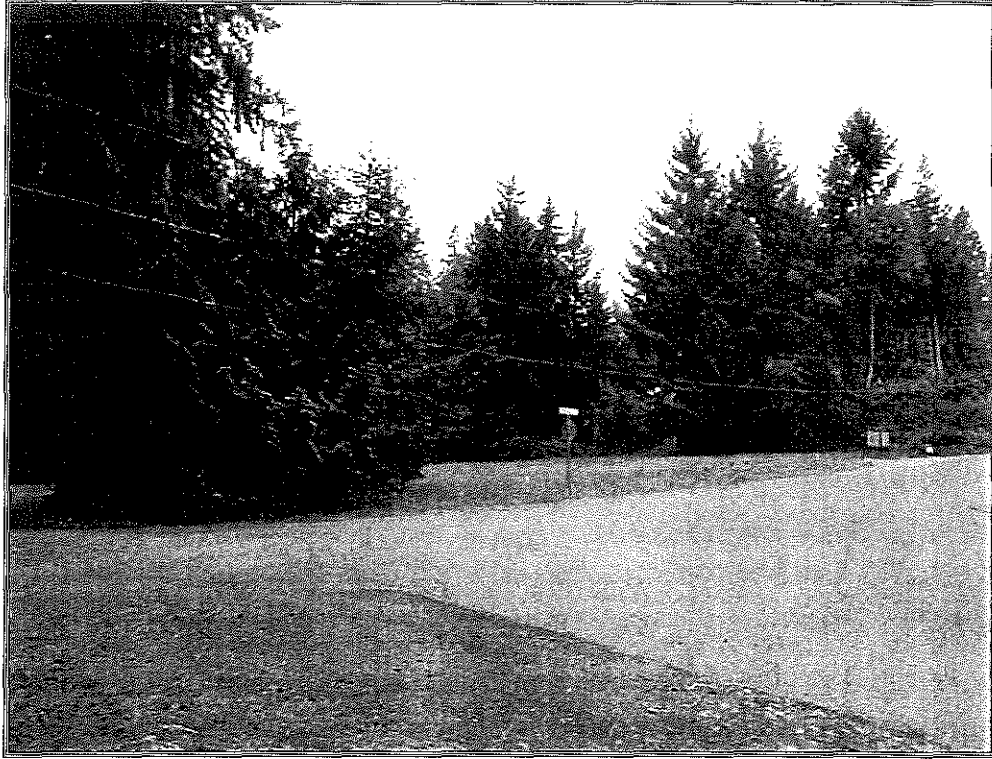


Plate 1: Looking northwest to subject property (intersection of Cullin and Worthington Roads)



Plate 2: View of subject property from Worthington Road





Plate 3: Trees located along Cullin Road portion of property



Plate 4: View from Worthington Road, looking south to eagle nest tree location





Plate 5: Looking at canopy of eagle nest tree at 2080 Cullin Road



Plate 6: Eagle nest tree



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

**DRAFT DEVELOPMENT PERMIT**

FILE NO: 13-B-12DP

DATE: SEPTEMBER 26 2012

**REGISTERED PROPERTY OWNER(S):**

HABANERO HOMES LTD. INC. No. BC0827300

2666 COURTNEY WAY

SHAWNIGAN LAKE, BC V0R 2W2

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):  
*That part of Lot 4, Block 31, Shawnigan Lake Suburban Lots, Shawnigan Lake District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot*
3. Authorization is hereby given for subdivision of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
  - a) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated June 27, 2012;
  - b) Substantial compliance with the eagle nest protection report prepared by Susan Blundell, dated September 3, 2012;
  - c) Substantial compliance with the invasive species report prepared by Bernie Dinter, dated July 12, 2012 and;
  - d) Submission of a letter of credit amounting to 125% of invasive species removal costs, as identified by a qualified professional, to be held by the CVRD and either refunded upon a qualified professional deeming the invasive species removal to have been successful, or used to complete the required works.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedules are attached:

Schedule A – Rainwater management plan by Dennis Lowen dated June 27, 2012

Schedule B – Eagle nest protection plan by Susan Blundell dated September 3, 2012

Schedule C- Invasive Species report by Bernie Dinter dated July 12, 2012

Schedule D- Subdivision plan

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

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

---

Tom Anderson, MCIP  
General Manager, Planning and Development Department

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

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with HABANERO HOMES LTD. INC. NO. BC0827300, other than those contained in this Permit.

---

Owner/Agent (signature)

---

Witness (signature)

---

Print Name

---

Print Name

---

Date

---

Date



R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

DATE: September 26, 2012 FILE NO: 5-B-12 DP  
FROM: Maddy Koch, Planning Technician BYLAW No: 3510  
SUBJECT: Application No. 5-B-12 DP  
(Kenyon Wilson for Ashton & Pask)

---

#### Recommendation/Action:

That application No. 5-B-12 DP submitted by Kenyon Wilson Professional Land Surveyors on the west 6 chains of Section 8, Range 6, Shawnigan District (PID: 009-461-922), for subdivision of one new lot be approved subject to:

- a. Retention of all existing trees, other than danger trees or those which must be cleared for agricultural purposes;
- b. Driveways remaining unpaved;
- c. Ongoing invasive species removal and;
- d. Compliance with the recommendations within Riparian Area Report No. 2344, prepared by Ted Burns, dated April 20 2012 and revised May 19 2012.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

Location of Subject Property: 3161 Cameron-Taggart Road.

Legal Description: The west 6 chains of Section 8, Range 6, Shawnigan District (PID:009-461-922)

Date Application Received: February 27, 2012

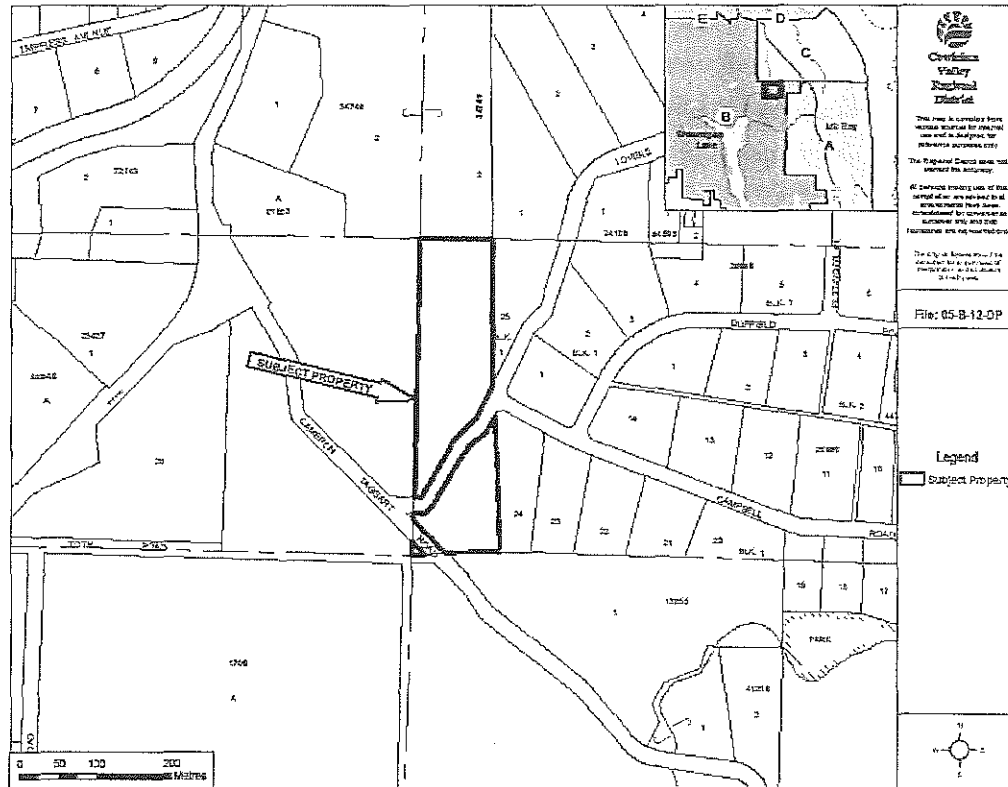
Owner: David Ashton & Danni Pask

Applicant: Kenyon Wilson Professional Land Surveyors

Size of Parcel: ±4 hectares (±9.8 acres)

Existing Zoning: A-1 (Primary Agriculture)

Minimum Lot Size: 12 hectares



Existing Plan Designation: Agricultural Resource  
Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: A-1 (Primary Agriculture)  
 South: A-1 (Primary Agriculture) and P-1 (Parks & Institutional)  
 (Sol Sante)  
 East: R-2 (Rural Residential)  
 West: A-1 (Primary Agriculture)

Services:

Road Access: Cameron-Taggart Road and Lovers Lane  
 Water: Well  
 Sewage Disposal: On site

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

Environmentally Sensitive Areas: A tributary of Shawnigan Creek runs through the property.

Archaeological Site: We do not have record of any archaeological sites on the subject property.

Urban Containment Property is located outside of the village containment boundaries

Boundary:

**The Proposal:**

The subject property is approximately 4 ha in size. One dwelling is located on the property, to the south of Lovers Lane. To the north of Lovers Lane, the lot is composed of forest, field, a creek, a gravel driveway and an area that was cleared in anticipation of house construction.

The entire property is zoned A-1 (Primary Agriculture) in accordance with Zoning Bylaw No. 985; however, only the portion of the property to the north of Lovers Lane is within the Agricultural Land Reserve (ALR). Because the proposed subdivision is along an ALR boundary, an application to the Agricultural Land Commission was not required.

Despite the 12 ha minimum lot size for lots in the A-1 zone, the applicant is proposing to subdivide the subject property into a 1.3 ha parcel and a 2.6 ha parcel by splitting the lot along the boundary of Lovers Lane. Section 14.4(a) of Bylaw No. 985 allows subdivision to a lot size smaller than the required minimum lot size in cases where the property is split by a road.

Under CVRD Bylaw No. 3510 (South Cowichan Official Community Plan), subdivision triggers the requirement for a development permit for the purpose of addressing the guidelines for Subdivision, Landscaping, Rainwater Management and Environmental Protection, as well as the General development permit area guidelines. As a stream runs through the property, the Riparian Protection (Freshwater) guidelines are also triggered by the subdivision.

**Policy Context:**

***Development Permit Area Guidelines***

The following is intended to summarize the pertinent guidelines, and speak to how the proposal addresses them. The full guidelines from the DPA are attached to this memo.

**24.4.6A Landscaping, Rainwater Management and Environmental Protection Guidelines**

3. *"Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved."*

The owners have not finalized development plans for the property; however, they have indicated that minimal tree removal, if any, would take place in association with lot development. The existing driveway is not paved and they have indicated that there are no plans to pave or re-locate the driveway.

Given the size of the proposed new lot, normal residential development would result in a minor percentage of impervious surfaces on the lot.

4. *"For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration"*

The property is largely in a natural state and there are no plans to alter it at this time (other than eventual residential development which, as previously stated, is not anticipated to require vegetation alteration).

#### **24.4.14A Subdivision Guidelines**

2. "The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved"

The owners have already cleared a house site on the proposed lot and do not plan to remove any further trees.

#### **24.4.1A General Guidelines**

1. "In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit"

The subject property is prone to Himalayan Blackberry and Scottish Broom infestation, and the owners have cleared all of these invasive plants from the property. Management of these plants would likely need to be ongoing to ensure eradication.

#### **24.4.10A Riparian Area (Freshwater) Protection Guidelines**

1. "...a qualified environmental professional will be retained at the expense of the applicant, for the purpose of preparing a Riparian Area Report.....The report will examine the Riparian Assessment area...and determine the Streamside Protection and enhancement area (SPEA) and any measures that must be taken in the RAA to protect the SPEA..."

The applicant retained the services of Ted Burns, QEP, who prepared RAR Report No. 2344 (attached), which designates a SPEA of 10 metres from the high water mark of the creek. It also includes recommendations of measures that should be taken during development of the property. It does not make recommendations that directly relate to the subdivision.

2. "Proposed lots that are part of, or adjacent to, riparian areas should be large enough to not only contain a building site that does not require a SPEA to be crossed by a driveway, and large enough to accommodate a reasonable useable yard area between the proposed building envelope and the edge of a SPEA, a minimum of 7.5 metres in depth measured perpendicularly from the edge of the building envelope"

A note to file from Ted Burns, dated May 30, 2010, (attached) indicates that the area cleared in anticipation of house construction is approximately 95-125 metres from the channel. At 2.6 hectares in size, the proposed lot has plenty of room for buildings to be located away from the SPEA.

**Zoning:**

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

**Advisory Planning Commission Comments:**

The Area B Advisory Planning Commission reviewed this application at their September meeting. Although minutes from this meeting are not available yet, the Chair of the Commission has advised that the application was recommended for approval with no conditions.

**Recommendation:**

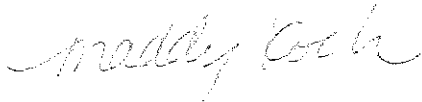
This application appears to meet the relevant South Cowichan Rural Development Permit Area guidelines, and therefore the staff recommendation is to approve the application, subject to conditions.

**Options:**

Option 1 is recommended.

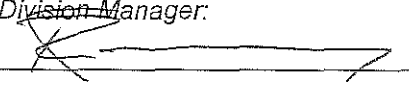
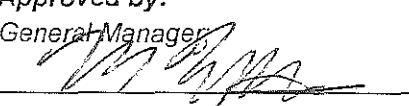
1. That application No. 5-B-12 DP submitted by Kenyon Wilson Professional Land Surveyors on the west 6 chains of Section 8, Range 6, Shawnigan District (PID: 009-461-922), for subdivision of one new lot be approved subject to:
  - a. Retention of all existing trees, other than danger trees or those which must be cleared for agricultural purposes;
  - b. Driveways remaining unpaved;
  - c. Ongoing invasive species removal; and
  - d. Compliance with the recommendations within Riparian Area Report No. 2344, prepared by Ted Burns, dated April 20 2012 and revised May 19 2012.
2. That application No. 5-B-12 DP be denied.

Submitted by,



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

MK/ca

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





COWICHAN VALLEY REGIONAL DISTRICT

**DRAFT DEVELOPMENT PERMIT**

FILE NO: 5-B-12DP

DATE: SEPTEMBER 26 2012

**REGISTERED PROPERTY OWNER(S):**

**DAVID ASHTON AND DANNI PASK**

**2233 MC KEAN ROAD**

**SHAWNIGAN LAKE, BC V0R 2W1**

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):

*The west 6 chains of Section 8, Range 6, Shawnigan District (PID: 009-461-922)*

3. Authorization is hereby given for subdivision in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):

Retention of all existing trees, other than danger trees or those which must be cleared for agricultural purposes;

Driveways remaining unpaved;

Ongoing invasive species removal and;

Compliance with the recommendations within Riparian Area Report No. 2344, prepared by Ted Burns, dated April 20 2012 and revised May 19 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:

Schedule A – Subdivision Plan

Schedule B – RAR Report No. 2344 by Ted Burns dated April 20 2012 and revised May 19 2012

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

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

---

Tom Anderson, MCIP  
General Manager, Planning and Development Department

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

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

---

Owner/Agent (signature)

---

Witness (signature)

---

Print Name

---

Print Name

---

Date

---

Date

SKETCH OF PROPOSED SUBDIVISION 2 PLAN  
OF PART OF THE WEST 6 CHAINS  
SECTION 8, RANGE 6,  
SHAWNIGAN DISTRICT

34749

SECTION 9  
SECTION 8

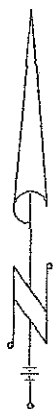
SCALE 1 : 1250

25 0 25 50 metres

All distances and dimensions are in metres and  
are subject to applicable approvals and legal survey

LEGEND

- ⊙ denotes capped survey post
- denotes iron survey post
- ⊕ denotes utility pole with guy
- ⊙ denotes well
- ⊕ denotes soil test pit
- ⑩ denotes photo location, direction and number
- denotes edge of pavement
- denotes centreline of road/driveway
- denotes edge of shoulder
- denotes ditchline



E 12.5 Chains  
Sec 8 R 5

NOTE  
Watercourse subject of  
T. Burns notes May/Aug 2010  
See also ECD depot Overview  
Environmental Assessments

Rem W 6 CHAINS  
Sec 8 R 6

- ⑤
- ③
- ④
- ⑨

Recorded pits

Approx 2.6 ha

NOTE

Road dedication subject to  
application of section 3 (4)  
of BC regulation 171/2002  
and section 42 of  
the Transportation Act

Boundary  
offset 10 m  
from C/L

NEW LOT

1.3 ha

W 6 CH

Dwelling

20 m Road dedication  
(10 m from C/L)

SECTION 8  
SECTION 7

TOTH ROAD (GAZETTED)

PLAN 13855

A  
PLAN 1706

Rem  
W 1/2  
Sec 7 R 6

TAGGART ROAD

KENYON WILSON  
PROFESSIONAL LAND SURVEYORS  
221 CORONATION AVE.  
DUNCAN, B.C. V9L 2T1 (250) 746-4745  
FILE 10-7050.skt  
February 29/2012

File Note

Ashton Property in Cobble Hill

Ted Burns

May 30, 2010

---

Dave Ashton and Danni Pask recently purchased a property near the junction of Cameron Taggart Road and Lovers' Lane in Cobble Hill (the address is 3161 Cameron Taggart Road). It covers about 4 ha and is mostly forested upland. There is a ditched stream adjacent to the selected home site however. It is not on the property near the house site but enters the Ashton land some 140 m downstream close to Lovers' lane and is on the property for some 90 m mainly below Lover's Lane. Dave wondered if a RAR report was required for a development permit for the house. I examined the stream on May 29, 2010.

It originates in a wetland at Mile End Road as well as in two small feeders from the west. Part of the flow even begins north of Hutchinson Road but I believe this part is active only in high runoff. The stream enters Shawnigan Creek in Reach 10 and is some 2800 m long. It has been ditched for about 1200 m above Lovers Lane and is also ditched for an unknown distance below this point. Ditching evidently occurs on a regular basis to improve agricultural capability in what was a wetland basin. The channel is approximately 3 m wide and some 2.5 to 3 m deep. It was flowing at 10 LPS on May 29 but dries by sometime in July in most years. Fish are not present in the area in question. I have checked the stream several times since 1970. Note: Dave Ashton said the creek was still flowing pretty well on August 10, 2010.

The house location is 95-125 m from the channel. A RAR assessment is therefore not required. RAR is triggered by development within 30 m of the high water mark of a stream, lake, pond or wetland.

Note:

Further examination of portions of the stream below Lover's Lane on August 18/2010 revealed that sticklebacks and cutthroat trout were present. 12 cutthroat fry/parr between 55 and 80 mm along with 5 stickleback fry and one adult were seined from three small pools with a total area of 13 square metres.

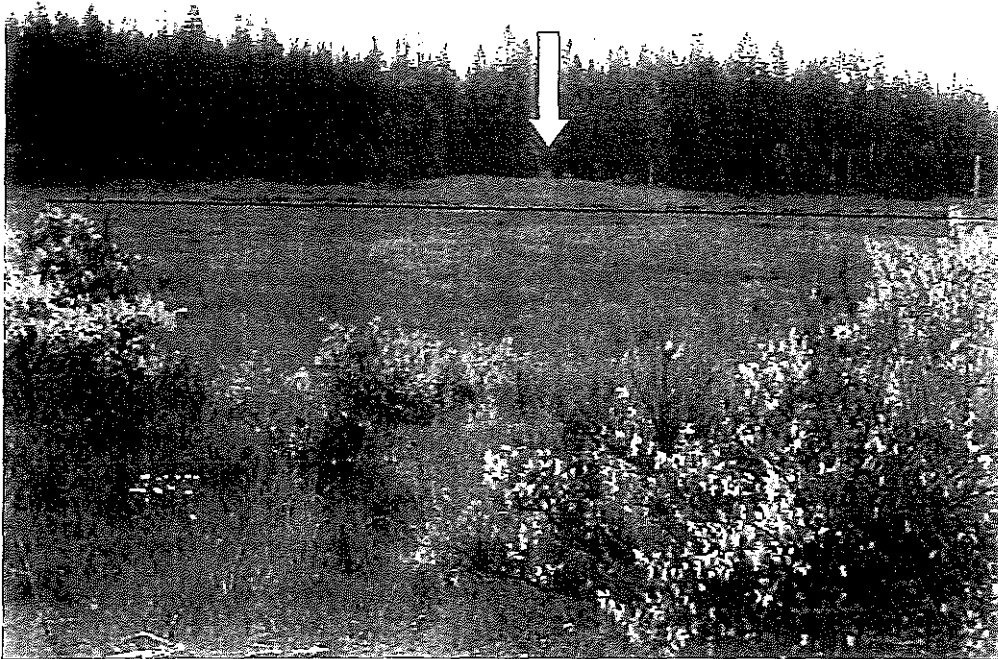
Photos



Ditch near Lovers' Lane – May 29, 2010



House location. Stream is seen as grey line between trees left centre. The remainder of the stream view from the site is blocked by a small hill.



Down arrow indicates home site while *black line* denotes stream location.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation: Assessment Report**

Please refer to submission instructions and assessment report guidelines when completing this report.

Date April 20, 2012 resent  
4/25/12 and again  
5/3/12. Once more May  
19/12.

**I. Primary QEP Information #2344 submitted April 20/2012**

First Name	Ted		Middle Name	
Last Name	Burns			
Designation	Biologist		Company	
Registration #	895		Email	tedburns42@gmail.com
Address	9715 Epp Drive			
City	CHILLIWACK	Postal/Zip	V2P 6N7	Phone 604 795 9716
Prov/state	BC	Country	Canada	

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

First Name			Middle Name	
Last Name				
Designation			Company	
Registration #			Email	
Address				
City		Postal/Zip		Phone #
Prov/state		Country		

**III. Developer Information**

First Name	Dave		Middle Name	
Last Name	Ashton			
Company				
Phone #	250-743- 7225		Email	daveashton@shaw.ca
Address	2233 McKean			
City	SHAWNIGAN LAKE	Postal/Zip	V0R 2W1	
Prov/state	BC	Country	Canada	

**IV. Development Information**

Development Type	Subdivision		
Area of Development (ha)	0	Riparian Length (m)	140 on subdivided lot, 332 on upper (parent) lot. Total: 472
Lot Area (ha)	1.3 on lot to be subdivided plus 2.6 on parent lot - Total 3.9	Nature of Development	New
Proposed Start Date	May 25, 2012	Proposed End Date	Sept. 15, 2012

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

**V. Location of Proposed Development**

Street Address (or nearest town)	3161 Cameron Taggart Road					
Local Government	Cowichan Valley Regional District			City	DUNCAN	
Stream Name	unnamed					
Legal Description (PID)	009 461 922			Region	Vancouver Island	
Stream/River Type	stream			DFO Area	South Coast	
Watershed Code	92035800					
Latitude	48	36	20.42	Longitude	123	36
						11.42

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

***Table of Contents for Assessment Report***

	Page Number
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2. Results of Riparian Assessment (SPEA width) .....	4-5
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4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	7
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3. Slope Stability.....	7
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5. Encroachment .....	8
6. Sediment and Erosion Control.....	8
7. Floodplain.....	8
8. Stormwater Management.....	8
5. Environmental Monitoring .....	9
6. Photos .....	10-
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7. Assessment Report Professional Opinion .....	14



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

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

#### Development Proposal

The proposal is to simply divide a 1.3 ha parcel on the lower portion of the Ashton Property off from the upper property which is 2.6 ha. No physical development of the lower parcel is proposed.

#### Fisheries Resources

A small, seasonal tributary of Shawnigan Creek passes through the property. It originates in a wetland area above Mile End Road and sometimes as far away as Hutchison Road, a distance of 1.8 km. The stream picks up two very small seasonal tribs from the west (one at Earthly Delights Nursery and the other from a pond close to the junction of Cameron Taggart and Lovers Lane) then joins Shawnigan Creek in Reach 10 some 500m below the property. The creek flows about 40-60 LPS in the winter months then drops to about 10 LPS by late May. It is usually dry by July or August in most years but flow can persist through most of the summer in moist years. On August 18, 2010 there were three intermittent pools on the property just below Lover's Lane. I was able to seine 12 cutthroat fry/parr between 55 and 80 mm from the pools along with 5 stickleback fry. Although the creek was almost dry on the property it was still flowing at .3 LPS at its confluence with Shawnigan Creek. 140 m of the creek is on the property. The upper 100 m is ditched to a depth of about 2m; the rest is a natural channel with a mean width of about 2.5 m. The area is in second growth forest of Western Red Cedar, Douglas fir and Big Leaf Maple. Understory is dominated by Sword fern and Salal. The creek does not have a distinctive riparian band but rather whatever happens to be growing close to the bank: Sword fern, Salal, Oregon grape, Young Conifers and Big Leaf Maple. The ditching appears to be partly responsible for lack of a more typical riparian community. In the lower 40 m, there is a more natural riparian band with considerable salmonberry.

Note: Resubmitted April 25: Neglected to mark RAA on Site Plan

Also re-sent May 5: SPVT box not marked on report, Min. ZOS for CW and Litter Fall not clear, developer's name is missing in #6 certification. (P.M. Caskey 5/2/12). Corrections have been made.

Re-sent again May 19/2012: remove shade ZOS from N side of stream, include measures and monitoring for potential future development as well as a Post Development Report for any future works.

RAR should apply to entire property, not just subdivided lot. Corrections made.

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

## 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: April 10/2012

Description of Water bodies involved (number, type)

1 stream

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

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

Channel Width(m)		Gradient (%)	
starting point	2.5	1.5	I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	2.4	1.0	
	2.7		
	2.9		
Discard	1.9		
downstream	2.8		
Discard	3.2		
	2.8		
	2.5		
	2.6		
	2.7		
Total: minus high /low	23.9	2.5	
mean	2.65	1.25	
	R/P	C/P	S/P
Channel Type	R/P		

### Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes  I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No: <input style="width: 50px;" type="text"/>	LC	SH	TR
SPVT Type			X
			Method employed if other than TR
Polygon No: <input style="width: 50px;" type="text"/>	LC	SH	TR
			Method employed if other than TR

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

SPVT Type	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	<div style="border: 1px solid black; width: 100%; height: 25px;"></div>
Polygon No:	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	Method employed if other than TR
SPVT Type	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
LWD, Bank and Channel Stability ZOS (m)	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	
Litter fall and insect drop ZOS (m)	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	
Shade ZOS (m) max	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	South bank <div style="display: inline-block; width: 100px; height: 15px; border: 1px solid black;"></div>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)	
Ditch Fish Bearing	Yes <div style="border: 1px solid black; width: 100%; height: 15px;"></div>	No <div style="border: 1px solid black; width: 100%; height: 15px;"></div>
	If non-fish bearing insert no fish bearing status report	
SPEA maximum	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	(For ditch use table3-7)

Segment No:	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
LWD, Bank and Channel Stability ZOS (m)	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	
Litter fall and insect drop ZOS (m)	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	
Shade ZOS (m) max	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	South bank <div style="display: inline-block; width: 100px; height: 15px; border: 1px solid black;"></div>
SPEA maximum	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	(For ditch use table3-7)

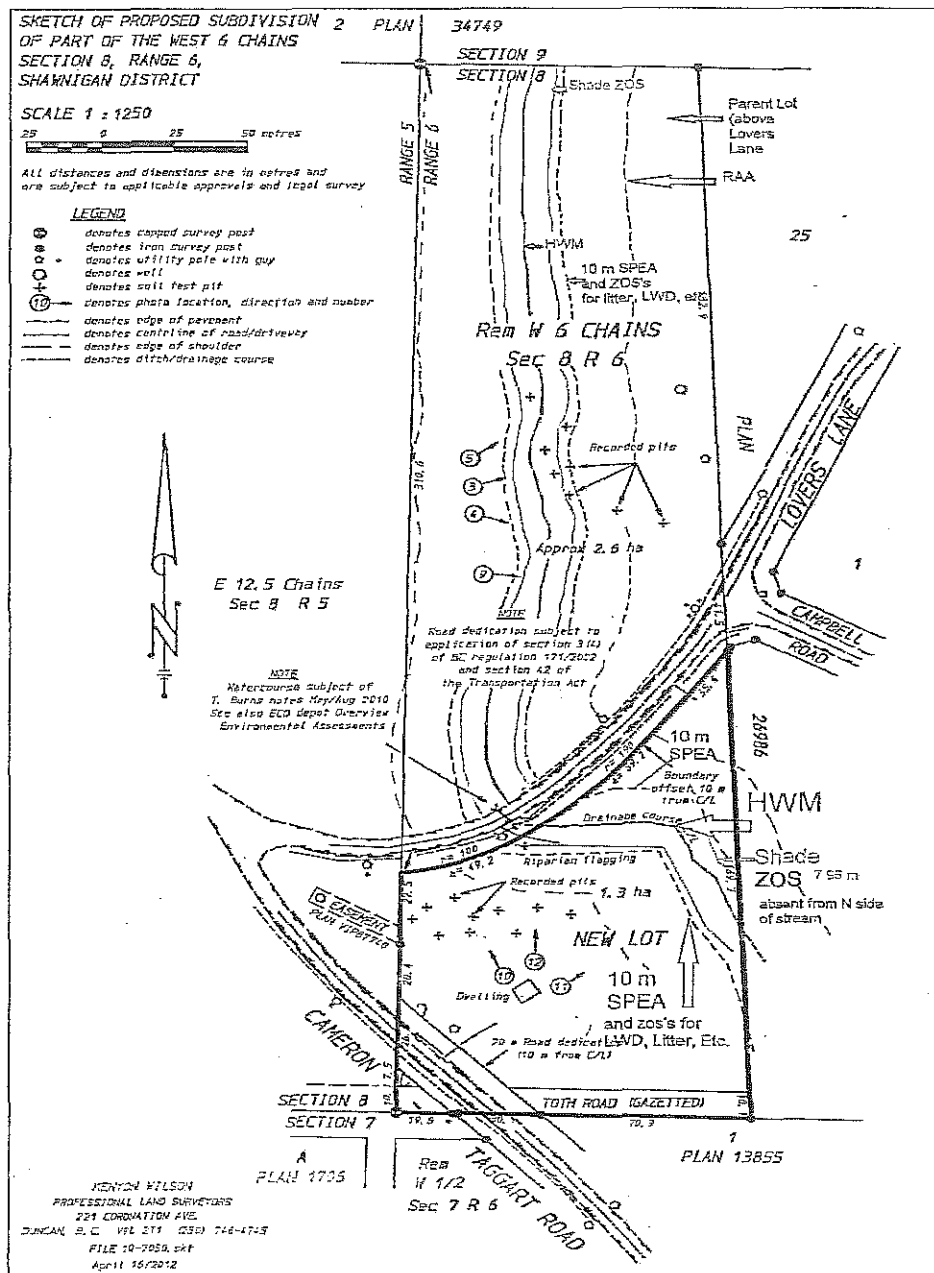
Segment No:	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
LWD, Bank and Channel Stability ZOS (m)	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	
Litter fall and insect drop ZOS (m)	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	
Shade ZOS (m) max	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	South bank <div style="display: inline-block; width: 100px; height: 15px; border: 1px solid black;"></div>
SPEA maximum	<div style="border: 1px solid black; width: 100%; height: 15px;"></div>	(For ditch use table3-7)

I, <u>(Ted Burns)</u> , hereby certify that:	
a)	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b)	I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ;
c)	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d)	In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

**Comments**

The creek was ditched to help drain what was once at least partly a wetland above Lover's Lane. The wetland is now a pasture.

Insert jpg file below



#### Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	No danger trees such as snags or leaners were seen on the property which is a second growth forest of Western Red Cedar, Douglas fir and Big Leaf Maple. There is the occasional fir and cedar to about 1m dbh but most trees are around .55m
I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	Almost no evidence of blow down or fallen branches on an April 5 survey which represents the end of winter when one would expect to see the most evidence of windfall if the area was subject to it.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The area is stable with low relief. There are some 15 to 20% slopes in parts of the north section of the property but they cover a very small area. The south part of the property to be subdivided is nearly flat as is what will be the upper lot above Lover's Lane
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	No development is proposed at present but before any pending development, snow fencing will be erected at the SPEA boundary.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	No development is proposed at this time but, when and if it is does; a permanent fence will be put up along the SPEA boundary.

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

I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
<b>6. Sediment and Erosion Control</b>	No development is proposed. If future development is imminent, sediment and drainage control plans will be prepared
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
<b>7. Stormwater Management</b>	No development is proposed. A stormwater management plan will be prepared if development is forthcoming.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
<b>8. Floodplain Concerns (highly mobile channel)</b>	No floodplain involved with this small stable creek well buffered by upstream wetlands and (for the most part) contained in a deep channel. The parent lot was once largely floodplain but the ditching has removed any flood potential and the channel is not mobile.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Dave Ashton)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

### ***Section 5. Environmental Monitoring***

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

No development is proposed at this time but any future proposals within the RAA will be addressed. The RAR assessment will be updated to reflect the proposal and pre-construction meetings with both the owner/developer and contractor will be held to address SPEA/stream habitat protection measures. A sediment and drainage control and storm water management plan will be prepared which will include optimal construction timing for excavation and heavy machine work along with measures to buffer run off from hard surfaces. The development will be monitored as required during construction.

#### **Post Development**

Following build out, a Post Development Report will be prepared that reviews compliance with the measures and recommends any remedial/restoration needs.

### **Section 6. Photos**

Provide a description of what the photo is depicting, and where it is in relation to the site plan.



Photo 1: A portion of the ditched section of the stream on the lot to be subdivided. April 5 /2012. Flow about 40LPS.



Photo2: Another view of the ditched portion of the creek on the portion to be subdivided – April 5/2012



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

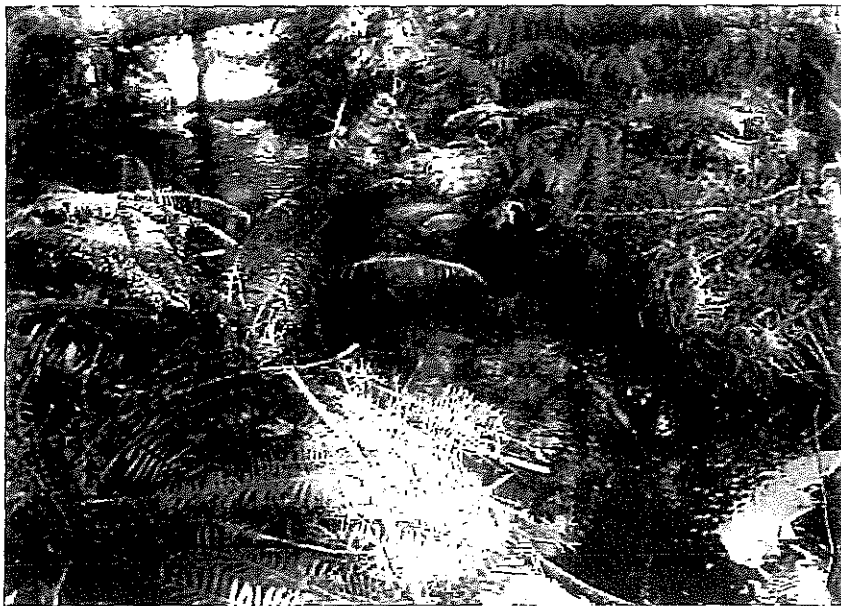


Photo 3: A portion of the natural section of the stream — April 5/2012

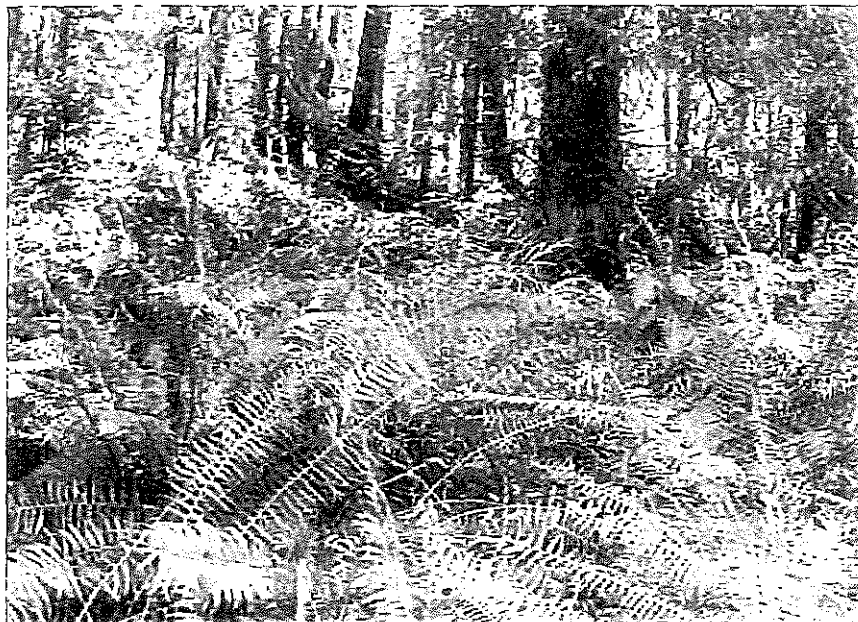
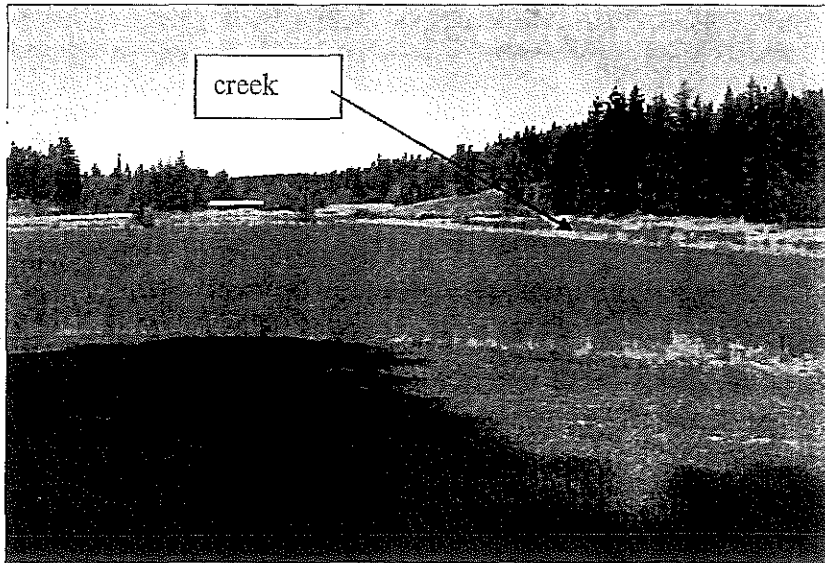


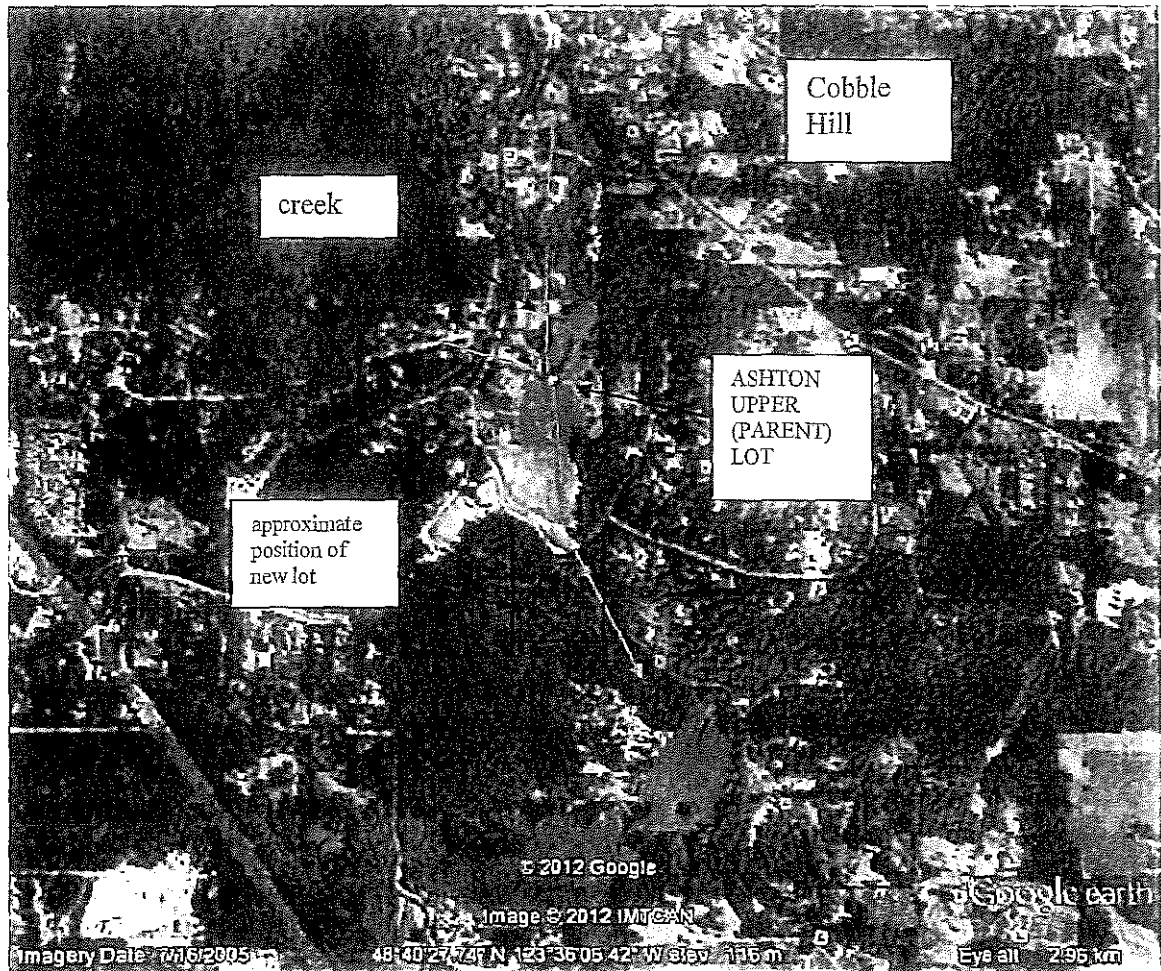
Photo4: The property to be subdivided is covered by a second growth forest with a rich understory.

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



Upper (parent) portion of the property -- August 2009.

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



Ashton property overview

## Section 7. Professional Opinion

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

Date April 10/2012

1. I/We Ted Burns

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

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

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

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR  
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if  
(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,  
(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and  
(c) the individual is acting within that individual's area of expertise.]



**KENYON WILSON**  
PROFESSIONAL LAND SURVEYORS  
DEVELOPMENT CONSULTANTS

Robin W. Kenyon, B.C.L.S., C.L.S.  
E.J. (Ed) Wilson, B.C.L.S., C.L.S., BSc (Eng'g)  
Allen L. Cox, B.C.L.S.  
Joe K. Kinrade, Tech. Mgr.

221 Coronation Avenue, Duncan BC V9L 2T1 Phone: (250) 746-4745 Fax: (250) 746-8292 www.kenyonwilson.ca

February 21, 2012  
Our File No. 10-7050  
Your File No. 8-B-11SA

COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street  
Duncan, BC  
V9L 1N8

Attn: Maddy Koch, Planner

Dear Sirs:

---

Re: Development Permit Application – Cowichan Valley Regional District file 8-B-11SA, Proposed Subdivision of PID 009-461-922 West 6 chains of Section 8 Range 6, Shawnigan District, Ministry of Transportation and Infrastructure File 2011-04448.

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With regards to the above, enclosed is a completed Permit application form, sustainability checklist, sketch of the proposal, title search and sample photographs along with a cheque in the amount of \$400.

To review, this development proposes to legally separate the parent parcel along an existing public road (Lovers Lane) and the Agricultural Land Reserve boundary. As such, it meets Cowichan Valley Regional District bylaw requirement 14.4 for subdivision, and may be considered for subdivision by the provincial approving officer under BC regulation 171/2002 pursuant to the Agricultural Land Commission Act.

Designation in the Official Community Plan is Agricultural North of the road and Rural residential on the Southern portion. The entire parcel is zoned A-1. A dwelling currently exists on the South portion. The area North of Lovers Lane contains mostly second growth fir and cedar with partial clearing. There is an existing well, but no buildings. Options for future development of this area of approximately 6 acres could include clearing for agriculture, partial clearing and construction of a residence for hobby farming, or simply construction of a single family residence for enjoyment of the semi-rural atmosphere.

Section 24.4.1A(1) of the Official Community Plan requires removal of invasive species. The presence of scotch broom and blackberry could be described as typical for the area, mostly adjoining the curtilage of the existing dwelling, and the pastoral fringe along the West boundary North of the road. To prevent further spread, their removal is on-going. The enclosed pictures show conditions after clearing at locations on the property and are referenced on the sketch.

Other than the existing dwelling, no hard impervious surfaces exist on either portion of the property. At this time there are no finalized plans for developing the area North of the road, but even the construction of a large dwelling, accessory building and parking areas could be contained in an area comprising less than 10% of the proposed lot area which according to section 2.6.1 of the "Develop with Care" guidelines has minimal impact on drainage.

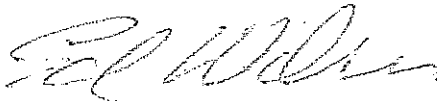
The proposal has received approval from the Vancouver Island Health Authority for conventional septic field disposal. Domestic water will be supplied by wells whose potability will be proven as required by bylaw.

Preliminary Layout Approval has been received from the Ministry of Transportation and Infrastructure. In order to obtain approval road dedication without improvements is required along with permits and bylaw compliance from the Regional District.

As this proposal is of minimal complexity and has little impact on the environment and neighbouring parcels, I hope it meets your approval but should you have any questions or require further information, please contact the writer at (250) 746-4745.

Yours truly,

KENYON WILSON

A handwritten signature in dark ink, appearing to read 'E.J. Wilson', written in a cursive style.

E.J. (Ed) Wilson  
B.C.L.S., C.L.S., B.Sc. (Eng'g)

EJW/sb

Enclosure(s)



## THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

**REZONING** ☐

**DEVELOPMENT PERMIT** ☒

Uses Proposed:

☒ Single Family Residential

☐ Industrial

☐ Multi Family

☐ Institutional

☐ Commercial

☒ Agricultural

☐ Other \_\_\_\_\_

### Environmental Protection and Enhancement

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

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

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

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	X			Severed Parcel Subdivision
8.	Utilize pre-existing roads and services?	X			Cameron-Taggart and Lovers Lane
9.	Revitalize a previously contaminated area?		X		
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?			X	
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?			X	

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

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

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

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



		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	X			Anticipate less than 10% Impervious Surfaces
20.	Utilize natural systems for sewage disposal and rain water?	X			Approved for Conventional Disposal Field
21.	Use energy saving appliances?			X	

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

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

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?			X	Severed Parcel Subdivision
24.	Reduce construction waste?			X	
25.	Utilize recycled materials?			X	
26.	Utilize on-site materials/ reduce trucking?			X	
27.	Avoid contamination?			X	
28.	Please outline any other environmental protection and enhancement features.				

## Community Character and Design

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

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?			X	Severed Parcel Subdivision
2.	Provide services, or an amenity in close proximity to a residential area?			X	

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?			X	
Please explain how the development increases the mix of housing types and options in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?			X	Severed Parcel Subdivision
5.	Include rental housing?			X	
6.	Include seniors housing?			X	
7.	Include cooperative housing?			X	
Please explain how the development addresses the need for affordable housing in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?			X	
Please explain how the development makes for a safe place to live. For example does your development:					
		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?			X	
10.	Help prevent crime through appropriate site design?			X	
11.	Slow traffic through the design of the road?			X	
Please explain how the development facilitates and promotes pedestrian movement. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?			X	
13.	Promote, or improve trails and pedestrian amenities?			X	

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)			X	

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

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

## Economic Development

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

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?			X	Severed Parcel Subdivision
2.	Promote diversification of the local economy via business type and size appropriate for the area?			X	
3.	Increase community opportunities for training, education, entertainment, or recreation?			X	
4.	Positively impact the local economy? How?			X	
5.	Improve opportunities for new and existing businesses?			X	
6.	Please outline any other economic development features.				

Other sustainable features?

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

Dave Ashton / D. Ashton  
Signature of Owners

Date Feb 23 / 2012

Ed Wilson  
Signature of Agent

Date 2012/02/27

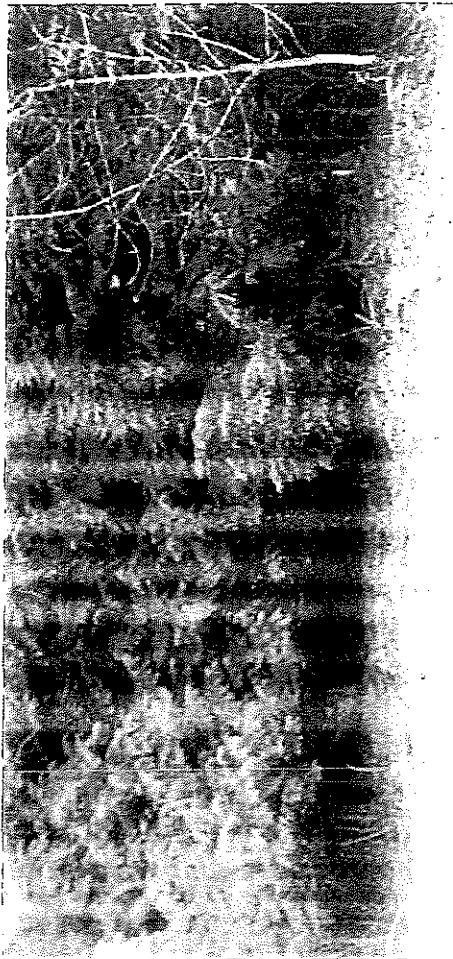
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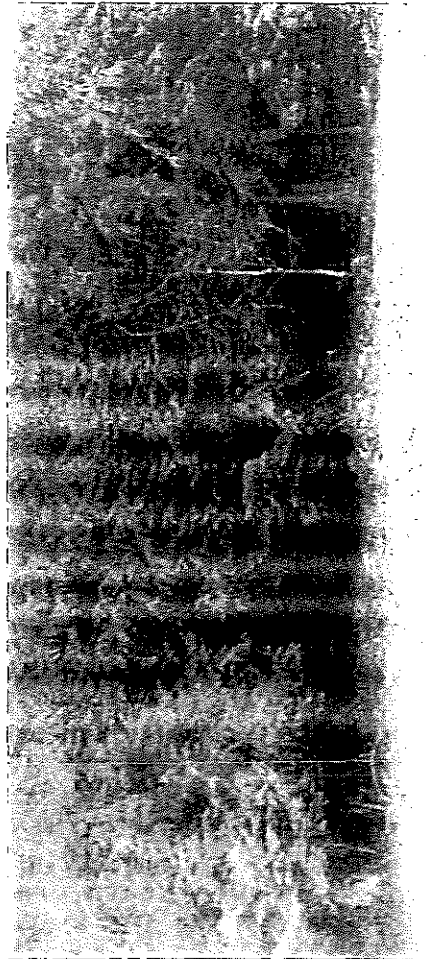
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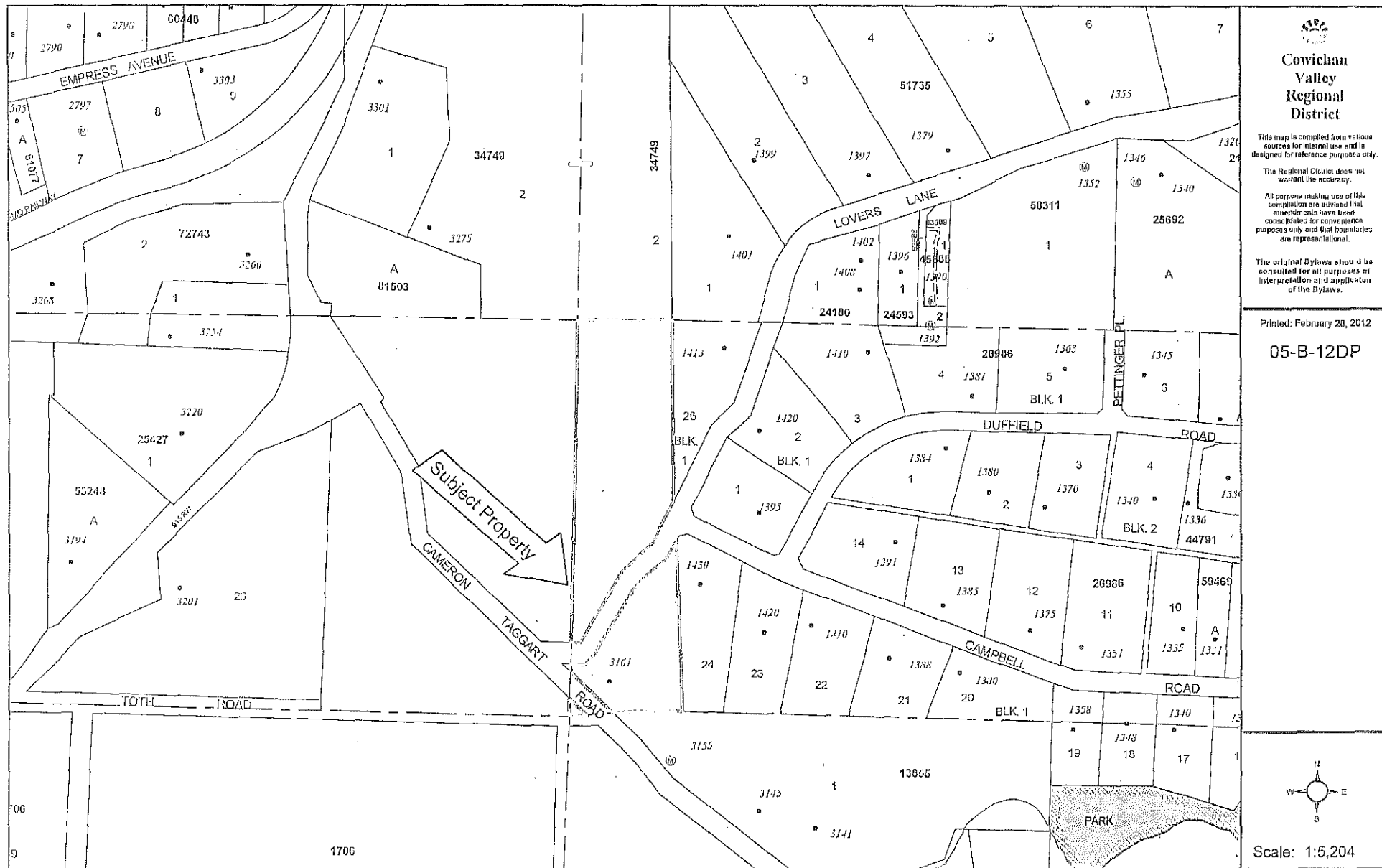


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**Cowichan  
Valley  
Regional  
District**

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

The Regional District does not warrant the accuracy.



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

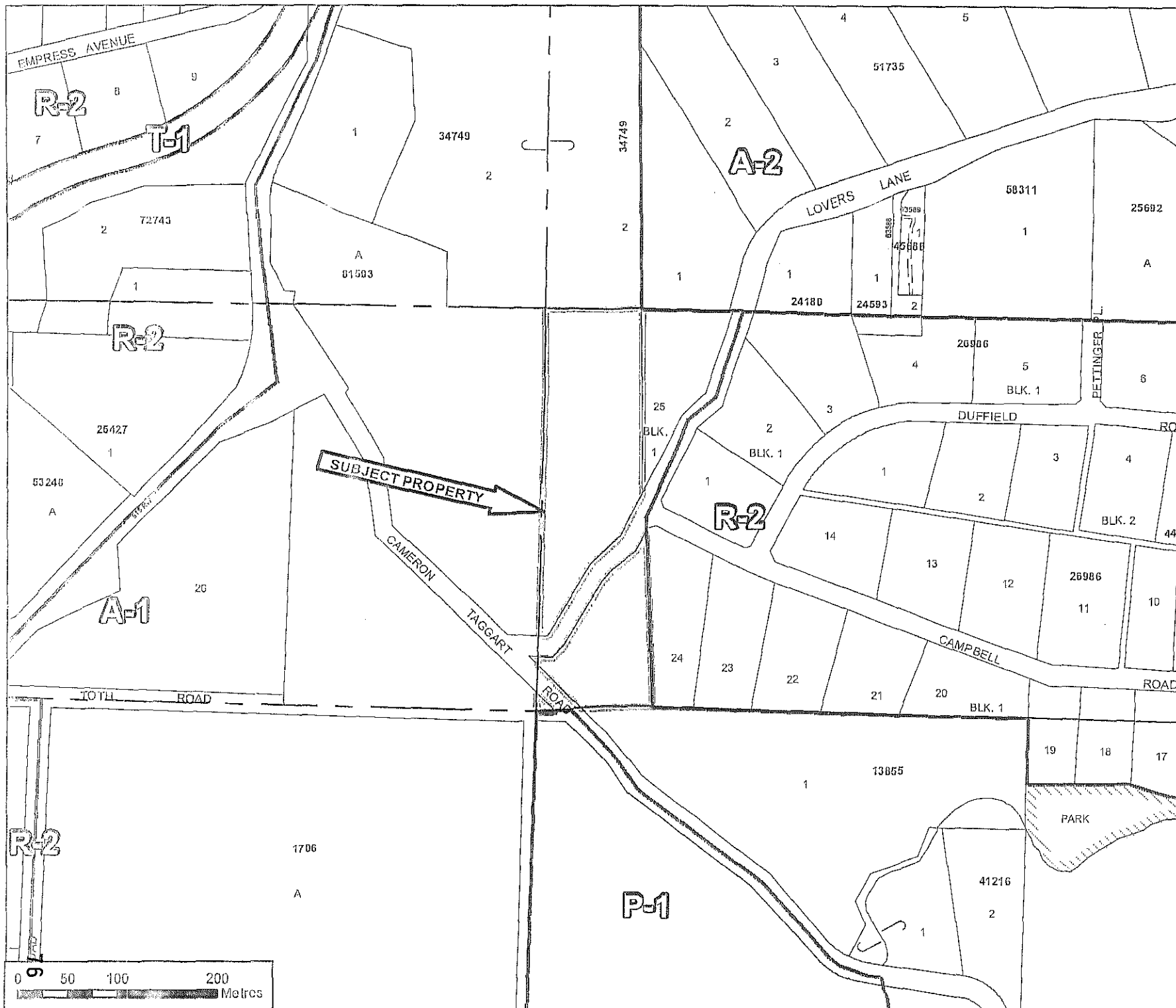
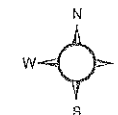
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**File: 05-B-12-DP**

## ZONING

### Legend

-  Subject Property
-  Zoning C







**Cowichan  
Valley  
Regional  
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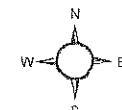
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 05-B-12-DP

**ALR**

**Legend**

-  Subject Property
-  ALR C





R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF OCTOBER 2, 2012

DATE: September 27, 2012 FILE NO: 15-B-12  
FROM: Rachelle Rondeau, MCIP, Planner I BYLAW NO: DP/RAR 3510  
SUBJECT: Application No. 15-B-12 DP/RAR  
(Calveley and Smale)

---

#### **Recommendation/Action:**

That application No. 15-B-12 DP/RAR submitted by Don Calveley and Robyn Smale for construction of a dwelling and accessory building on Lot A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532 (PID: 024-395-269) be approved subject to:

- a) Submission of a letter of credit or other security in a form acceptable to the CVRD in the amount of 125% of the costs of the riparian restoration;
- b) Compliance with the recommendations in Riparian Areas Regulation Assessment No. 2478 prepared by Patrick Lucey, R.P. Bio amended September 14, 2012;
- c) Modification of covenant EN9570 to reflect the new SPEA boundary; and that no further development occur within the SPEA.

**Relation to the Corporate Strategic Plan:** N/A

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

#### **Background:**

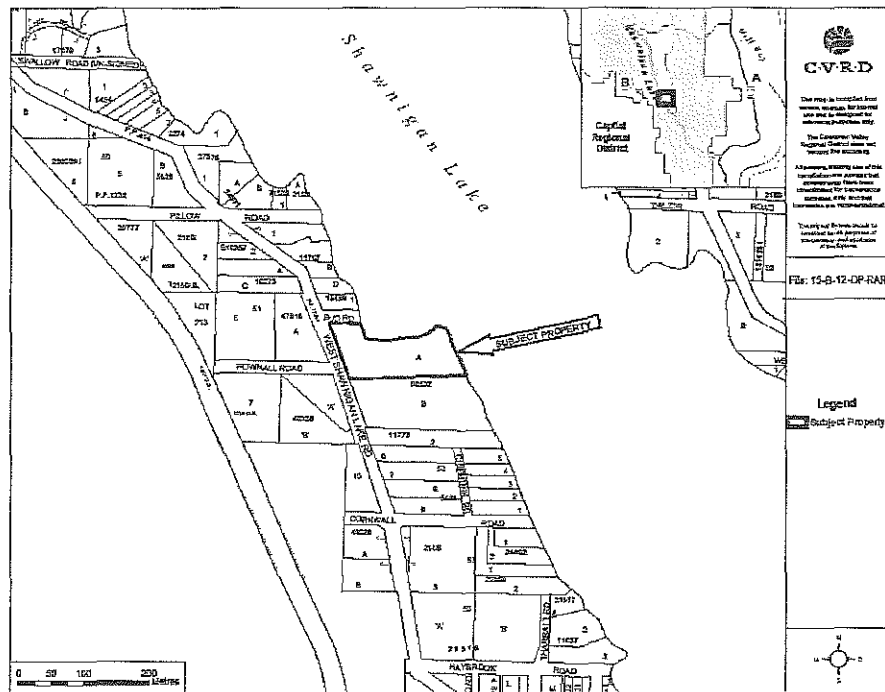
**Location of Subject Property:** 1591 West Shawnigan Lake Road

**Legal Description:** Lot A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532 (PID: 024-395-269)

**Date Application and Complete Documentation Received:** August 3, 2012

**Owner:** Donald Calveley

**Applicant:** Don Calveley and Robyn Smale



Size of Parcel: 1.188 ha

Zoning: R-2 (Suburban Residential)

Existing Plan Designation: Rural Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

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

Services:

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

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: This property is bordered by Shawnigan Lake on the north and east sides, and there is a stream on the property. Therefore, a Riparian Areas Regulation Assessment was required.

Archaeological Site: None Identified

**Proposal:**

An application has been made to obtain a development permit to re-build a house on its existing foundation and to construct an accessory building.

**Property Context:**

There is an existing residence and accessory building on the property, and the applicants would like to remove the current dwelling and build a new home in its place using the existing foundation. In addition, the existing accessory building will be removed, and a new one constructed a few metres further from the lake. The area where the dwelling and accessory building are located has historically been part of the residential footprint including driveway, lawn and yard.

The property has a well-established riparian area on the northwest portion of the property, and the eastern portion of the property adjacent to Shawnigan Lake consists of bedrock outcrops, mature trees, grasses and some blackberry. The eastern edge is more exposed to boat and wave action, which has resulted in a less developed riparian area. There is a dock off the northern portion and the riparian area is relatively undisturbed in this area as well. The stream flows from south to north into Shawnigan Lake crossing a broad lawn, and flows through two culverts – one under the common driveway and a second short culvert providing access to the western portion of the property.

The upland portions of the property are a mix of lawn, mature trees, and the stream riparian area.

**Policy Context:*****Zoning***

Zoning Bylaw No. 985 specifies a 15 metre setback from the lake for dwellings, however does not apply this setback to accessory buildings. Within the draft South Cowichan Zoning Bylaw, a 15 metre setback for all buildings and structures is proposed.

***Covenants***

There are two covenants registered on the property when it was subdivided in 1999. Covenant EN9569 in favour of the Ministry of Environment prohibits vegetation removal or other changes within 15 metres of the high water mark of the lake or creek. The covenant specifies that the Ministry of Environment may provide written permission to alter land within 15 metres of the lake.

Covenant EN9570, in favour of the Ministry of Environment and the Cowichan Valley Regional District (CVRD), prohibits building within 15 metres of the lake, and specifies a minimum flood construction elevation of 119.2 metres, which is consistent with the current requirements. This covenant specifies that it may be discharged at any time by the CVRD.

The existing dwelling is located 30 metres from the lake on the north side, and 15 metres from the lake on the east side, which complies with the covenant. The current accessory building is completely within the 15 metre covenant area, as well as a portion of the proposed accessory building. Therefore, a modification or permission from the Ministry of Environment (now Ministry of Forests, Lands and Natural Resource Operations) and the CVRD is required prior to proceeding with construction within 15 metres of the lake.

***Official Community Plan***

The South Cowichan Rural Development Permit Area (Section 24.4 of the Official Community Plan) specifies Riparian Areas Regulation applicable to the proposal.

These guidelines require completion of a Riparian Areas Regulation Assessment prepared by a Qualified Environmental Professional (QEP) who determines the appropriate Streamside Protection and Enhancement Area (SPEA), which is required to remain natural to preserve riparian function.

**Advisory Planning Commission Comments:**

This application is not required to be considered by the APC as issuance of Development Permits pursuant to Riparian Areas Regulation guidelines are delegated to staff. However, as this proposal requests permission to build within the covenant area, this application is being referred to the Electoral Area Services Committee.

**Planning Division Comments:**

The applicants have owned and lived on the property for the past approximately 8 years, and have maintained the existing riparian areas in their present state.

The foundation of the existing home is in good condition and they intend to remove the existing dwelling and re-build using the existing foundation. SPEAs of 30 metres and 15 metres have been established on the northern and eastern sides respectively. There is minor encroachment into the 30 metre SPEA for the current deck which will be re-configured and an addition on the northwest corner of the building. A portion of the existing dwelling is also within the 30 metre SPEA, however this is grandfathered.

On the east side, the entire existing garage will be removed from the SPEA, however approximately 30 m<sup>2</sup> of the proposed accessory building lies within the 15 metre SPEA.

The QEP has indicated that there is a total intrusion of 87.75 m<sup>2</sup> into both SPEAS, some of which includes the existing development described above. With removal of the existing garage (49.0 m<sup>2</sup>) from the SPEA, a net intrusion of 38.75 m<sup>2</sup> is proposed.

To compensate for the encroachment into the SPEA, the RAR report proposes to expand the SPEA in the northwest portion of the property by 100 m<sup>2</sup>, which is a high quality riparian area. Additionally, a replanting program is proposed along the eastern shoreline where the riparian area is most sparse. This will consist of approximately 600 m<sup>2</sup> of new planted area.

The covenants registered to the property are standard prescriptive setback covenants that pre-date the RAR and were quite often required at the time of subdivision. In this case, the covenant area on the east side coincides with the SPEA. The SPEA on the north side is greater, therefore no new development will occur in this area.

While the Planning Department and the guidelines of the Development Permit Area generally encourage more distance between the edge of a SPEA and a building to buffer the SPEA from the impact of development, this application proposes increased protection of well-established riparian area and restoration of the majority of the SPEA on the east side. In the opinion of the QEP, the proposed encroachment of the accessory building within the SPEA will not negatively impact the SPEA, and the proposed restoration/planting will provide an overall benefit to the SPEA.

Once an RAR report has been prepared by a QEP in accordance with the methodology and is successfully received by the Ministry of Forests, Lands and Natural Resource Operations, CVRD is authorized to issue the Development Permit in accordance with the recommendations of the QEP.

It should be noted, however that should this application be approved, the siting of the accessory building may become non-conforming to the new South Cowichan Zoning Bylaw for siting (building within 15 m).

The Ministry of Forests, Lands and Natural Resources Operations has indicated that they do not object to the modified SPEA and proposed compensation. If the CVRD is inclined to approve the application, we will require a detailed restoration plan and estimate of the costs as well as a modified covenant to reflect the new SPEA and compensation area.

**Options:**

1. That application No. 15-B-12 DP/RAR submitted by Don Calveley and Robyn Smale for construction of a dwelling and accessory building on Lot A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532 (PID: 024-395-269) be approved subject to:
  - a) Submission of a letter of credit or other security in a form acceptable to the CVRD in the amount of 125% of the costs of the riparian restoration;
  - b) Compliance with the recommendations in Riparian Areas Regulation Assessment No. 2478 prepared by Patrick Lucey, R.P. Bio amended September 14, 2012;
  - c) Modification of covenant EN9570 to reflect the new SPEA boundary; and that no further development occur within the SPEA.
2. That application No. 15-B-12 DP/RAR submitted by Don Calveley and Robyn Smale for construction of a dwelling and accessory building on Lot A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532 (PID: 024-395-269) be denied, and that the proposed accessory building be sited outside of the SPEA.

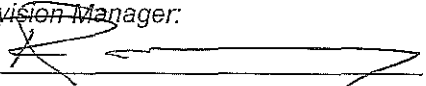

Option 1 is recommended.

Submitted by,



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

RR/ca

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

**B.C. LAND SURVEYOR'S SITE PLAN  
SHOWING RIPARIAN AREA CALCULATIONS  
WITHIN:**

**LOT A, SHAWNIGAN LAKE SUBURBAN LOTS,  
HALAHAT DISTRICT, PLAN VIP68532**

Partial Identifier: 024-305-268

SCALE = 1:250  
1" = 250'



**LEGEND**

Boundaries shown as lines on the plan are based on the survey data and are not to be construed as a warranty of accuracy.

Boundaries shown as lines on the plan are based on the survey data and are not to be construed as a warranty of accuracy.

**SHAWNIGAN LAKE RML LAYERS**

- 100M Shawnigan Lake (Elev. 116.3m)
- 100M 20m setback from 100M (Lake)
- 100M 15m setback from 100M
- 100M 50m setback from 100M
- SPEA (Streamside Protection and Enhancement Area)

**UNIMPAVED CREEK LAYERS**

- 100M 100M no top pool and by Aspen-Tek
- 100M 20m setback from 100M (Stream)
- 100M 15m setback from 100M
- 100M 50m setback from 100M
- SPEA (Streamside Protection and Enhancement Area)

All measurements are given in feet, rounded to the nearest foot. The surveyor is not responsible for any errors or omissions in the plan, and the plan is not to be construed as a warranty of accuracy.

**SITE AREA**

1.2 Hectares  
2.91 Acres

**CERTIFIED CORRECT**

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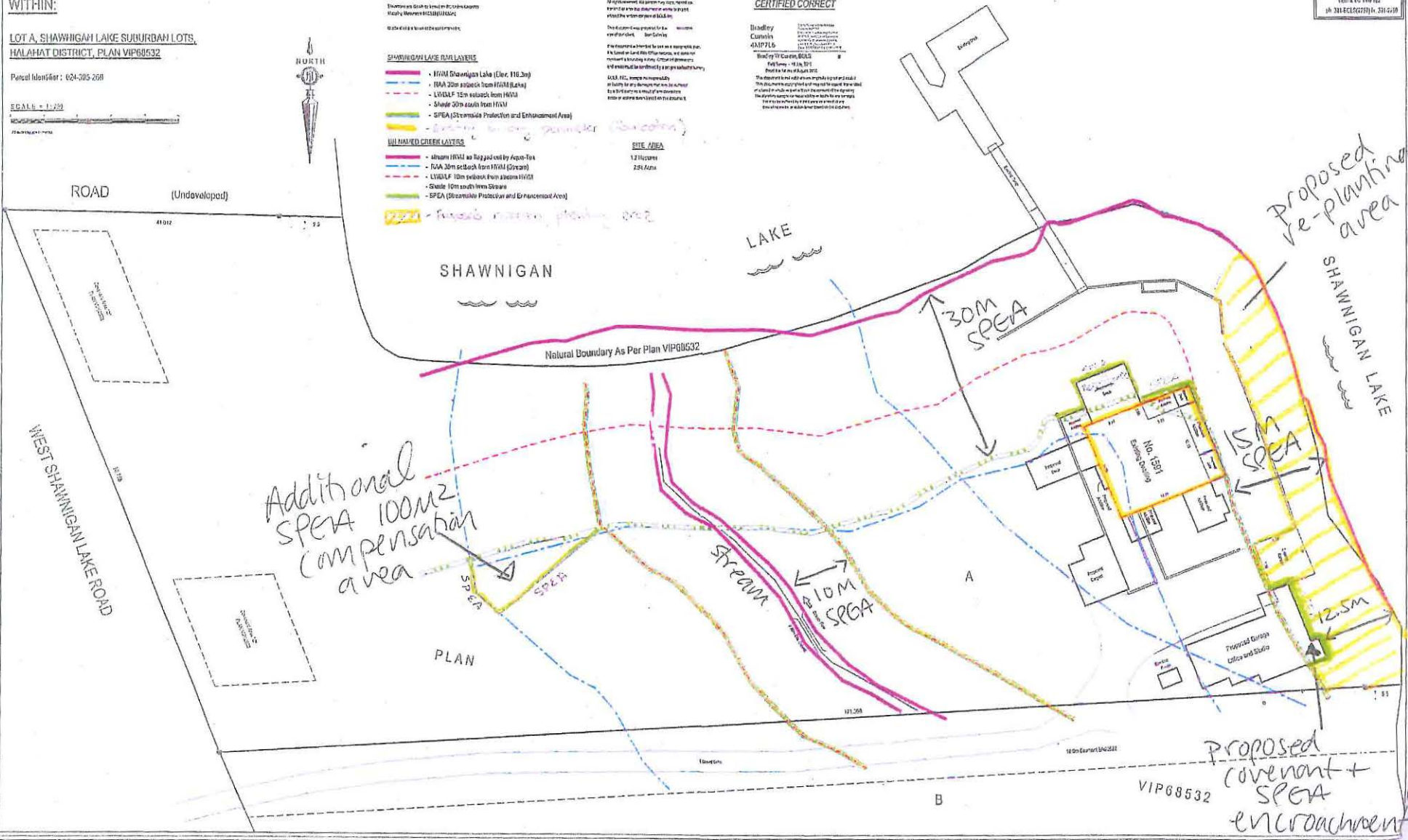
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PAUL R. ROSE, J.D.  
Professional Land Surveyor  
B.C. Land Surveyor  
Vancouver, B.C.  
V6Z 1K6  
Tel: 604-271-1111  
Fax: 604-271-1112







CVRD

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

The Cowichan Valley 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.

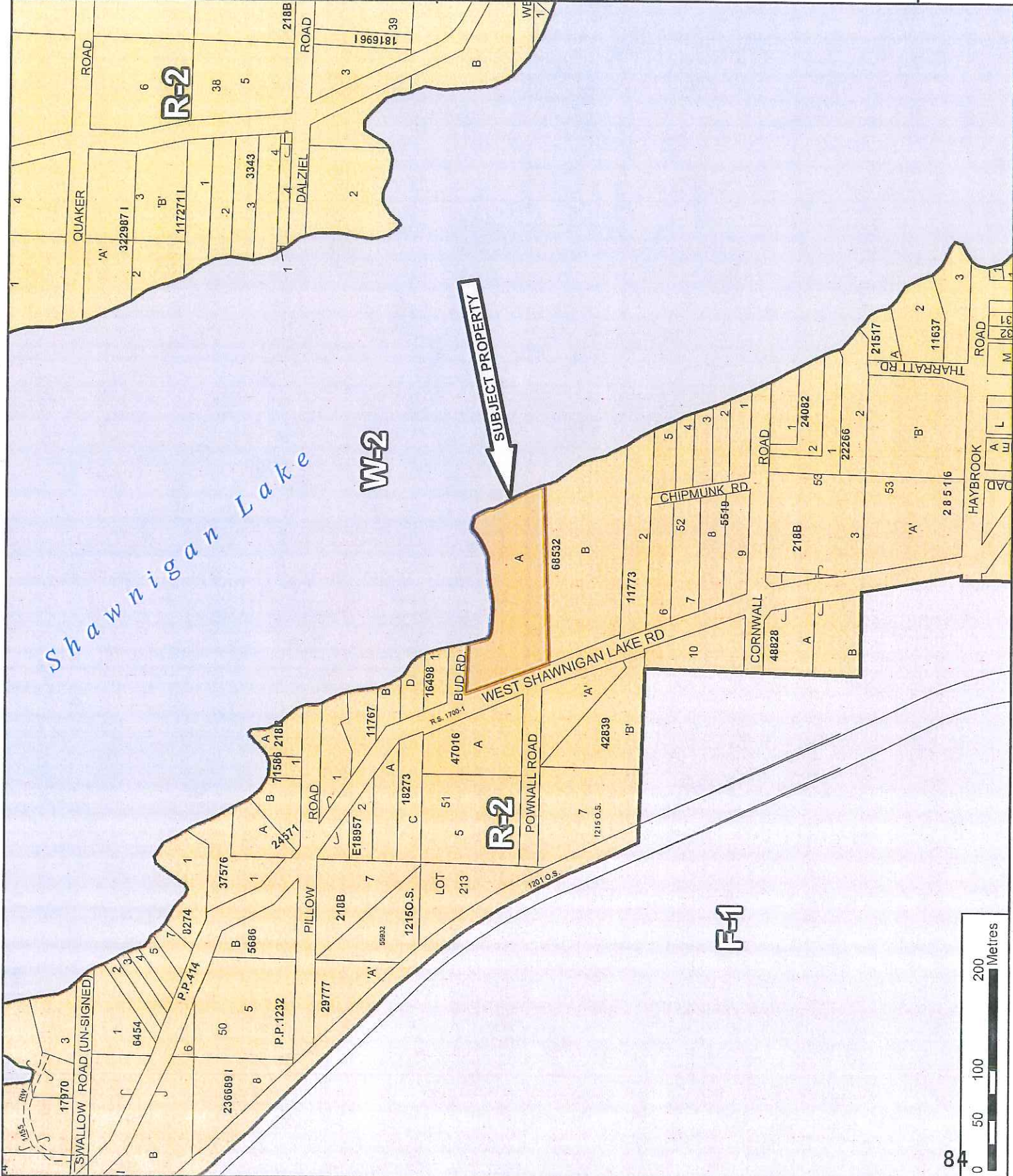
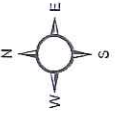
File: 15-B-12-DP-RAR

## ZONING

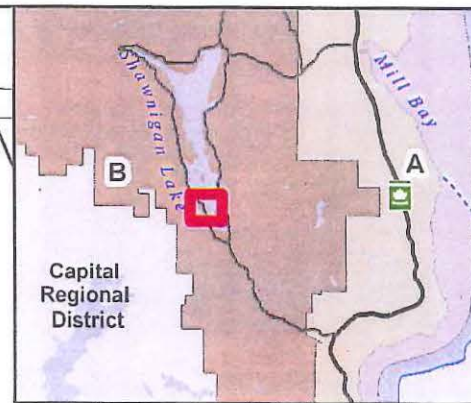
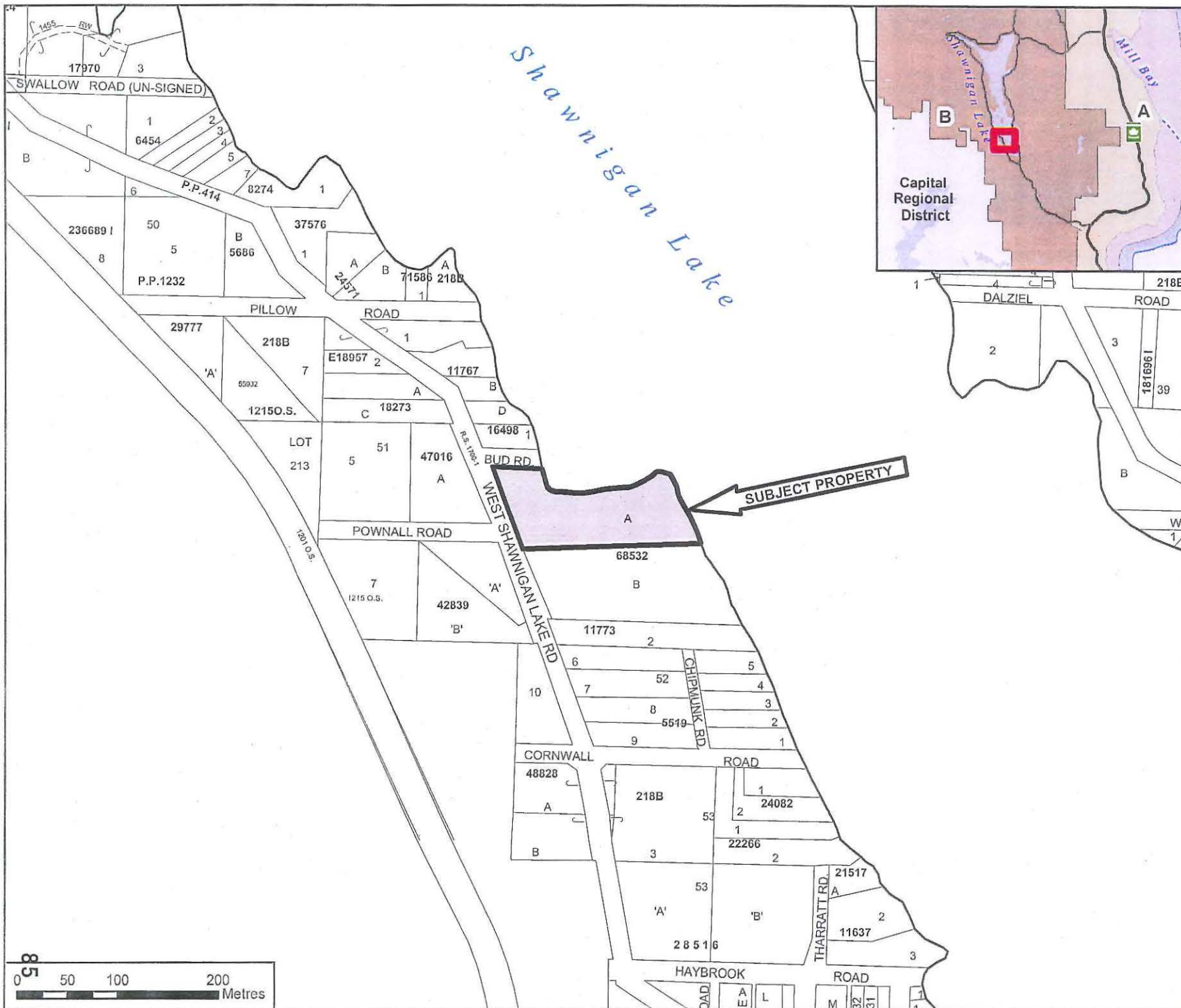
### Legend



Subject Property  
Zoning B







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

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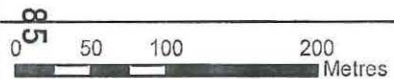
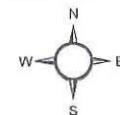
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File: 15-B-12-DP-RAR

### Legend

 Subject Property







C.V.R.D.

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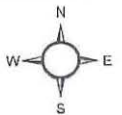
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File: 15-B-12-DP-RAR

Google Earth  
Photo (2005)



Google earth

Imagery Date: 8/8/2005



48°36'10.44" N 123°38'01.11" W elev 123 m

Eye alt 1.06 km



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 15-B-12DP/RAR

DATE: July 23, 2012

REGISTERED PROPERTY OWNER(S):

DONALD CALVELY

SHAWNIGAN LAKE, BC V8R 6G6

1. This Development Permit is issued subject to compliance with all of the bylaws of the Cowichan Valley Regional District (CVRD) 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 A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532*

*(PID: 024-395-269)*

3. Authorization is hereby given for construction of a single family home and accessory building in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
  - *Development shall be carried out in strict compliance with RAR Report No. 2478 prepared by Patrick Lucey R.P. Bio amended September 14, 2012;*
  - *Protection of the SPEA with signage and fencing during the construction phase of the project;*
  - *Prior to any tree clearing within the Riparian Areas Regulation Assessment Area (30 metres from the lake or stream), an arborist's assessment and report is required;*
  - *Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the proposed restoration;*
  - *Modification of Covenant EN9570 to reflect the SPEA boundaries.*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
  - *Schedule A – Riparian Areas Regulation Assessment Report No. 2478 by Patrick Lucey R.P. Bio amended September 14, 2012.*



R4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

DATE: September 26, 2012 FILE NO: 2-I-12DVP  
FROM: Rachelle Rondeau, MCIP, Planner I BYLAW NO: 2465  
SUBJECT: Application No. 2-I-12DVP (Knight)

---

#### Recommendation/Action:

Committee direction is requested.

#### Relation to the Corporate Strategic Plan: N/A

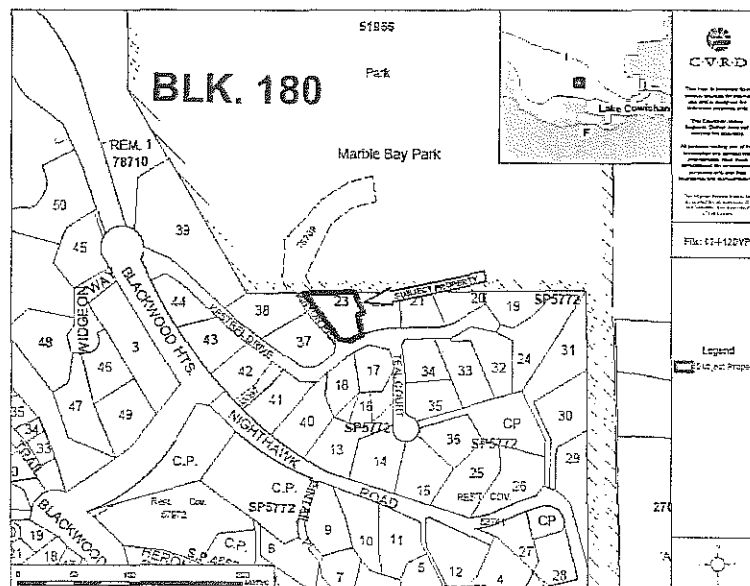
#### Financial Impact: (Reviewed by Finance Division: N/A)

#### Background:

We are in receipt of an application to vary the maximum number of bathroom fixtures permitted in an accessory building.

#### Location of Subject Property: 9245 Kestrel Drive

Legal Description: Strata Lot 23, Block 180, Cowichan Lake District, Strata Plan VIS 5772 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (027-082-032)



Date Application and Complete Documentation Received: July 20, 2012

Owner: John and Derrice Knight

Applicant: Derrice Knight

Size of Parcel: 0.121 hectares (±0.29 acres)

Zoning: C-4 (Tourist Commercial)

Existing Plan Designation: Tourist Commercial

Existing Use of Property: Proposed new cabin

Existing Use of Surrounding Properties:

North:	Marble Bay Park
South:	Marble Bay Cottages
East:	Marble Bay Cottages
West:	Marble Bay Cottages

Services:

<u>Road Access:</u>	Kestrel Drive
<u>Water:</u>	Marble Bay Water System (Private)
<u>Sewage Disposal:</u>	Marble Bay Sewer System (Private)

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: No environmentally sensitive areas have been identified.

Archaeological Site: None Identified

### **Background**

The applicant has applied to construct a cabin and an accessory building on the subject property. The zoning is C-4 Tourist Commercial which permits recreational cabins. Construction of an accessory building consisting of garage with craft studio above has recently been completed, and the applicant intends to use this building recreationally until the cabin is complete, at which point they will be using the cabin for their recreational occupancy.

Currently there is a two-piece bathroom in the accessory building, and the applicant has requested an additional bathroom fixture for a wash-up sink which will be used for craft and hobby activities.

As a measure to reduce the number of illegal dwellings in the CVRD, the Board adopted the following policy with regards to bathroom fixtures in accessory buildings:

*"That staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board."*



Additionally, in Electoral Areas G (Saltair) and I (Youbou/Meade Creek), the restriction on the number of bathroom fixtures is included within the accessory building regulations of the Zoning Bylaw. Therefore, requests in these areas for additional bathroom fixtures must be considered through the Development Variance Permit process.

**Surrounding Property Owner Notification and Response:**

A total of 11 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

**Staff Comments:**

As noted above, restrictions on the number of bathroom fixtures is intended to reduce the likelihood of illegal suites. Occasionally CVRD receives requests for additional bathroom fixtures in order to support a home occupation use or other hobby activities.

As a condition of approval, the Board typically has required applicants requesting additional bathroom fixtures to register a restrictive covenant prohibiting the occupancy of the accessory structure as a dwelling.

Although the covenant would not guarantee that the structure would not be occupied as a dwelling in the future, it would inform any future owner of the property that the accessory building cannot be used as a dwelling and may facilitate future enforcement action, should it be required.

In the absence of any compelling rationale or technical reasons for requesting the additional bathroom fixtures, staff are reluctant to recommend approval of the variance. The request for an additional wash-up sink appears minor, and no shower or bath fixture is requested, which would enable future use of the accessory building as a suite or living space. The Electoral Area I Zoning Bylaw is quite specific in that accessory buildings cannot be used as a dwelling or a sleeping unit, therefore should this application be approved, a covenant should be required prohibiting use of the accessory building as a dwelling or sleeping unit. This covenant would be required when the recreational residence is constructed.

As this variance request also affects current Board policy, Direction from the Committee is required.

**Options:**

1. That application No. 2-I-12DVP by Derrice Knight for a variance to Section 3.2(4) of Bylaw No. 2465, to permit an additional bathroom fixture consisting of a wash-up sink on Strata Lot 23, Block 180, Cowichan Lake District, Strata Plan VIS 5772 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (027-082-032)

**be approved, and that a covenant be registered prohibiting use of the accessory building as a dwelling or sleeping unit.**

2. That application No. 2-I-12DVP by Derrice Knight for a variance to Section 3.2(4) of Bylaw No. 2465, to permit an additional bathroom fixture consisting of a wash-up sink on Strata Lot 23, Block 180, Cowichan Lake District, Strata Plan VIS 5772 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (027-082-032)

**be approved.**

3. That application No. 2-I-12DVP by Derrice Knight for a variance to Section 3.2(4) of Bylaw No. 2465, to permit an additional bathroom fixture consisting of a wash-up sink on Strata Lot 23, Block 180, Cowichan Lake District, Strata Plan VIS 5772 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (027-082-032) **be denied.**

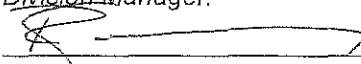

Direction from the Committee is requested.

Submitted by,



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

RR/ca

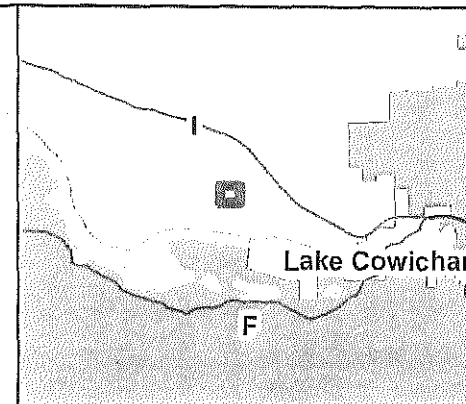
<p><b>Reviewed by:</b> Division Manager:</p> 
<p><b>Approved by:</b> General Manager</p> 

# BLK. 180

51966

Park

Marble Bay Park



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

The Cowichan Valley Regional District does not warrant the accuracy.

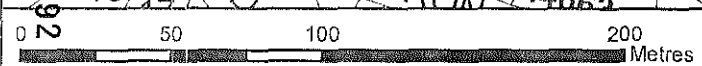
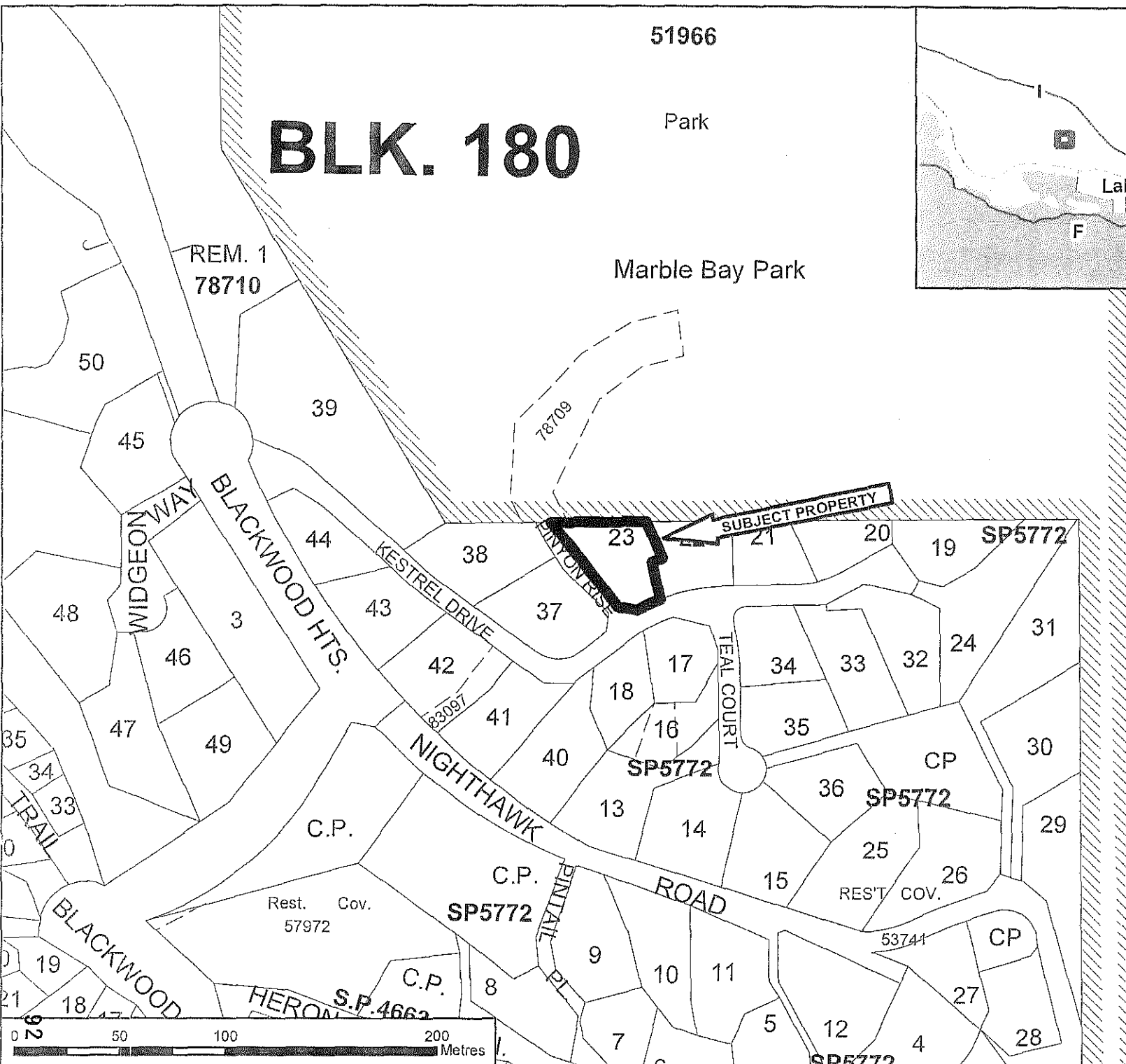
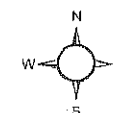
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

This map should be used for reference purposes only and is not to be used for legal purposes.

File: 02-I-12DVP

## Legend

 Subject Property





# BLK. 180

51966

Park

Marble Bay Park

P-1

F-1



C.V.R.D.

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The online address should be consulted for all purposes of interpretation and application of the Bylaw.

File: 02-I-12DVP

## ZONING

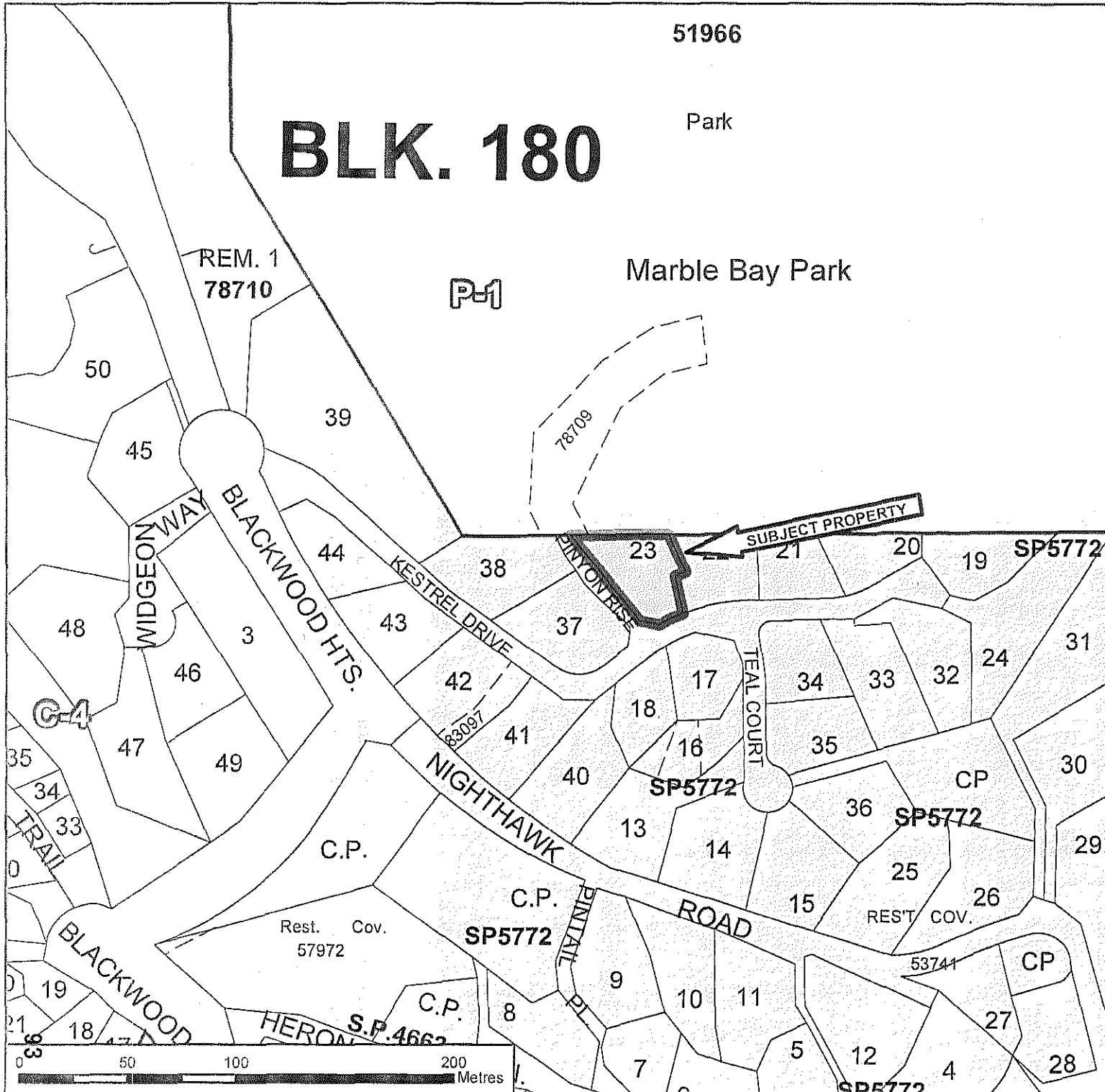
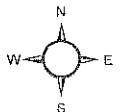
Legend

- Subject Property
- Zoning I

R-2

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# BLK. 180

51966

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Marble Bay Park

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SUBJECT PROPERTY

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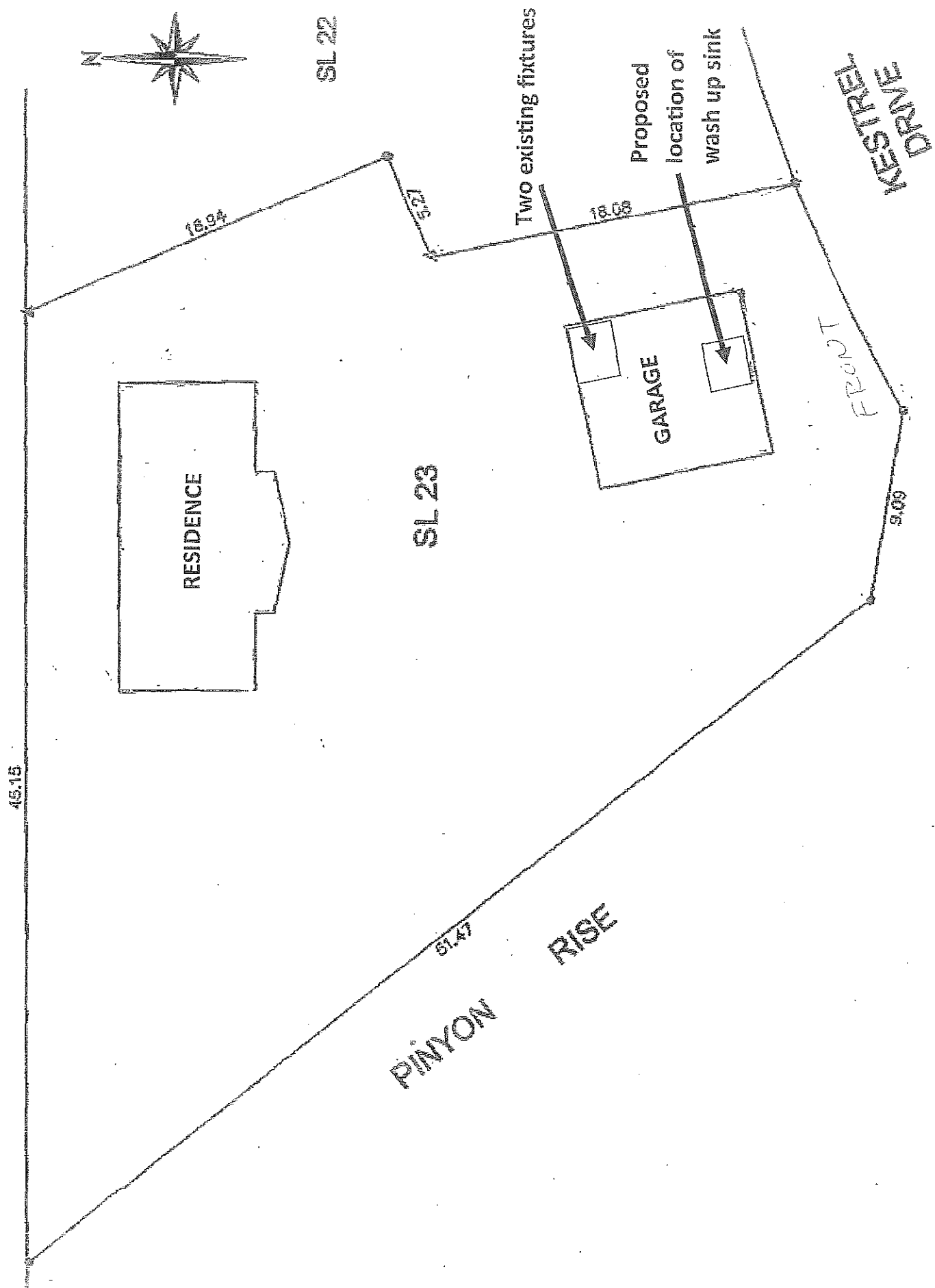
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**3.1 Application**

Except as otherwise specified in this Bylaw, all provisions of Part Three apply to all the zones established under this Bylaw in Electoral Area I.

**3.2 Accessory Buildings and Structures**

For zones within which accessory buildings and structures are permitted, the following general regulations apply:

1. No accessory building or structure shall be situated on a parcel unless the principal building, to which the accessory building is incidental, has already been erected or will be erected simultaneously with the accessory building on the same parcel, with the exception of one accessory building or structure not exceeding 25 m<sup>2</sup> of gross floor area, used only for storage purposes.
2. Notwithstanding Section 3.2.1, an accessory building may be situated on a parcel contiguous to a parcel on which the principal building is situated, provided the owner of both parcels agrees to have registered on the title a restrictive covenant in favour of the CVRD stating that the parcel with the accessory building will not be sold independently of the adjacent parcel with the dwelling, unless the accessory building is firstly removed.
3. No part of an accessory building shall be used as a dwelling unit or sleeping unit, except as otherwise provided for in this Bylaw.
4. No accessory building shall contain plumbing other than that necessary for the installation of one toilet and one sink, and no other plumbing or plumbing fixtures shall be permitted.
5. An accessory building shall be located on the same parcel as the principal building or use.
6. One greenhouse, not exceeding 25 m<sup>2</sup> in floor area shall be permitted as an accessory residential structure. Greenhouses exceeding 25 m<sup>2</sup> in floor area shall be considered agricultural buildings, be permitted only in zones where agriculture is listed as a permitted use and shall comply with the relevant agricultural building setbacks from parcel lines.

**3.3 Bed and Breakfast Regulations**

For zones in which it is permitted, bed and breakfast use must:

1. be completely contained within and be accessory to a single family dwelling as the principal use on the parcel;
2. be conducted by a resident on the parcel, who may not employ more than one additional non-resident person on the parcel;
3. not involve the use of more than four rooms per parcel at any one time, for overnight guest accommodation;



R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

DATE: September 25, 2012 FILE No: 5160-20  
FROM: Ann Kjerulf, Senior Planner BYLAW No: N/A  
Community and Regional Planning Division  
SUBJECT: Cobble Hill Commons Housing Project

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#### Recommendation/Action:

That Allan Garside and Pat Caporale be appointed to the Cobble Hill Commons project advisory committee.

#### Relation to the Corporate Strategic Plan:

The Corporate Strategic Plan Vision is that "The Cowichan Region, celebrates diversity and will be the most livable and healthy community in Canada." "Establish well-coordinated land use plans and policies" and "Establish sustainable communities" are two key objectives of the Plan. The proposed Cobble Hill Commons Housing Project supports the Plan vision and objectives.

Financial Impact: Reviewed by Finance Division: N/A

#### Discussion:

On June 13, 2012, the CVRD Board passed the following motion:

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 Blakestone and Rosemary Allen be appointed to the Cobble Hill Commons project advisory committee.

Roger Painter has resigned from the committee. It is recommended that Allan Garside and Pat Caporale be appointed to ensure there is adequate community representation on the committee.

Submitted by,

A handwritten signature in black ink, appearing to read "Ann Kjerulf".

Ann Kjerulf, MCIP, RPP  
Senior Planner  
Community and Regional Services Division  
Planning & Development Department

Reviewed by:

Division Manager:

Approved by:

General Manager:

A handwritten signature in black ink, appearing to be a stylized "M" followed by a surname.



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## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE OF OCTOBER 2, 2012

DATE: September 26, 2012  
FROM: Alison Garnett, Planner I  
SUBJECT: Landscape Security Policy

FILE NO:  
BYLAW NO:

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#### **Recommendation/Action:**

That it be recommended to the Board that the Landscape Security Policy be adopted.

#### **Relation to the Corporate Strategic Plan:**

Responds to Strategic Action 3: Review organizational processes and streamline where appropriate to improve efficiency and reduce costs.

#### **Financial Impact:**

The Landscape Security Policy was reviewed by the Finance Division August 2012.

#### **Background:**

Planning staff have developed the attached policy to establish standards for the submission of landscape plans and to provide clarity with respect to the submission and release of securities.

Securities, often in the form of an irrevocable letter of credit, are posted to cover the cost of landscaping or amenity contributions in accordance with conditions of a development permit or rezoning approval. Section 925 of the *Local Government Act* provides the legislative authority for local governments to require security in three situations: to ensure landscaping conditions are met; to resolve unsafe conditions; and to rehabilitate the natural environment.

Our current practice at the CVRD is to require a security to be posted to cover 125% of the cost of landscaping works, as a condition of a development permit. The posted funds provide incentive for development applicants to complete the works, or can be used by the CVRD to have the works completed in the case of non-compliance. This policy is intended to formalize and clarify our procedures, and also to more broadly address process and standards for landscape plan submissions.

The impetus for this research was a development permit file in Electoral Area E. In this particular situation, the applicants did not complete the required landscaping within the agreed upon timeline, and the CVRD was prepared to draw on the funds. The Area Director questioned whether the funds could be used on projects unrelated to landscaping of the site. The EASC passed the following motion at the April 5, 2011 meeting: *That staff be directed to prepare a policy for consideration by the Committee and Board with respect to administering and dispensing security for completion of amenities and/or site improvements per conditions of Development Permits or through other requirements as imposed by the Regional District (i.e. conditions of rezoning approvals).*

Legal advice on this question has confirmed that a) posted funds must be used by the CVRD to satisfy a condition of a permit respecting landscaping and could not be used for off-site works, and b) there are a series of steps that should be followed in terms of notifying development applicants of non-compliance. These steps are outlined in the policy under the section *Release of Security*.

With respect to rezoning applications, legal advice suggests that the written agreement outlining commitments between the CVRD and development applicant should address the purpose of the security, and identify alternative projects to be used by the funds if the primary project cannot be achieved. In the event of default, the CVRD is restricted to using the funds to complete only those projects identified in the agreement. The legal basis for the agreement relies on there being a clear connection between the proposed development and the public improvements being undertaken.

Research into the specific question of using funds for offsite works gave staff the opportunity to expand the scope of the policy, and addresses our landscape plan submission process and establishment of quality standards. Some key points of the policy include:

- The policy relies on qualified professionals and industry standards, particularly on the preparation of landscape plans, preparation of the cost estimate, and the review/approval of completed works.
- The minimum amount of security that we will accept is \$2000. (A lesser amount does not justify the expense of administering the deposit and release of the security.)
- To increase the incentive for complete landscaping, 70% of the security can be returned as soon as the work is installed. The remaining security can be released after a two year maintenance period.
- Landscaping must be completed within two years from the date the security was posted, or based on a timeline established in the development permit.

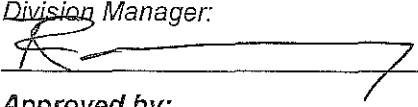

If this policy is adopted, possible next steps involve reformatting the content into an accessible brochure format, for distribution to the public and development applicants.

Submitted by,



Alison Garnett  
Planner I  
Development Services Division  
Planning & Development Department

AG/ca  
Attachment

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





## Policies & Procedures

### **Landscape Security Policy**

Applicability: Planning & Development

Effective Date: October 15, 2012

#### **PURPOSE:**

This policy is intended to establish standards for the submission of landscape plans, and provide clarity with respect to the submission and release of securities, pursuant to Section 925 of the *Local Government Act* and relevant Official Community Plans and Zoning Bylaws.

#### **BACKGROUND:**

As a condition of issuing a development permit, the Cowichan Valley Regional District (CVRD) may require that certain works be completed respecting landscaping, resolution of unsafe conditions, or rehabilitation of the natural environment. Plans of proposed works must be submitted to and approved by the CVRD, and the applicant will be required to post a security to cover the costs of completing the works in the event of default. All works are to be completed in accordance with applicable development permits issued by the CVRD. Additionally, commitments made in other development applications may require the submission and approval of landscaping or other plans, and the posting of a security to ensure agreed upon works are completed.

#### **POLICY:**

##### **Landscape Plan Submission/Approval Procedure**

1. Landscape plans must be submitted in compliance with relevant development permit area guidelines, zoning bylaw requirements, or commitments made in association with development applications.
2. Plans must be prepared by a member of the British Columbia Society of Landscape Architects (BCSLA) or British Columbia Landscape and Nursery Association (BCLNA), collectively referred to as "qualified professionals" within this policy.
3. The landscape plan(s) will indicate the following information, as applicable to the proposed development:
  - a. the location and extent of existing and proposed property lines, setback lines, structures, and vehicle and pedestrian circulation routes;
  - b. the extent of existing and proposed landscape areas;
  - c. details of proposed plantings showing the location, species, proposed planting size, quantities, and spacing of all introduced vegetation, and a separate planting list;
  - d. the extent of existing vegetation and soils to be retained, relocated, or removed including the location, size, and species of all trees, and the outline of natural shrub and ground cover;





## Policies & Procedures

- e. where the retention of native trees and ground cover is proposed and accepted, a letter from a professional landscape architect or registered professional forester shall be submitted, indicating the mitigation measures required during and after construction to ensure the health of the vegetation is maintained;
  - f. details of watering provisions;
  - g. the location of site furniture, lighting, pedestrian areas and linkages, and signage;
  - h. the extent, location, elevations, materials, and finish of terracing and required retaining walls;
  - i. where onsite rainwater management measures are proposed, the location and extent of rainwater infrastructure (rain gardens, bioswales, etc.) and permeable surfaces must also be indicated; and
  - j. where rehabilitation of the natural environment or removal of invasive plant species is required as a condition of a permit, restoration plans are to be prepared by a qualified environmental professional, and must include the relevant information outlined above.
4. A comprehensive cost estimate of the proposed landscaping must be prepared by a qualified professional, and must include all materials and labour necessary to complete hard and soft landscape works.

### Posting of Security

1. A security shall be provided upon receiving CVRD Board approval, and will be required prior to the issuance of the development permit.
2. The security may be in the form of an irrevocable letter of credit (LOC) or a certified cheque with documentation. The LOC or cheque will equal 125% of the comprehensive cost estimate. In no case will the amount of the security be less than \$2000.
3. The letter of credit or certified cheque with documentation must clearly indicate the following:
  - a. the amount of the security;
  - b. the name and mailing address of the property owner posting the security;
  - c. the name and mailing address of the issuing institution of the letter of credit;
  - d. the purpose for which the security is being established, including, if applicable, the legal description to which the security pertains;
  - e. the date and time of the security, and confirmation that the term of the security is automatically renewable; and
  - f. the Cowichan Valley Regional District as the holder of the security and confirmation that the security may be unilaterally drawn upon by the CVRD upon written notice.
4. Upon receipt of written confirmation by a qualified professional that the installed landscaping is in substantial compliance with recognized landscape industry standards and the approved landscape plans, the CVRD will release 70% of the security. Upon completion of the two year maintenance period and confirmation by a qualified professional or CVRD staff that the landscaping is established and maintained in accordance with industry standards, the remaining security will be released.



## Policies & Procedures

### Release of Security

1. A written request from the applicant can be submitted for partial (70%) release of the security upon installation of the landscaping. Following a two year maintenance period from the date of installation, a full release request may be submitted. The request for release must be accompanied by a qualified professional's confirmation that the landscape works have been successfully completed in substantial conformity with the original plans. No security deposited shall be returned unless and until all requirements for which the security has been posted have been completed to the satisfaction of the CVRD.
2. In the event that substantial changes to the landscape plan are required, the applicant should submit revised landscape plans prior to undertaking any work, including the rationale for the revision, and obtain approval from the General Manager of the CVRD Planning & Development Department.
3. If the landscaping is not completed after two years of the posting of the security, or is not completed in accordance with the terms, conditions, timelines, and plans of the permit or zoning bylaw, the following steps may be taken:
  - a. The CVRD will provide the applicant with written notice that the works must be completed by a specified deadline and in accordance with the approved plans.
  - b. The applicant will be notified that if the works are not completed, the CVRD will draw on the funds posted in the security for the purpose of entering the property and completing the works.
  - c. In the event that the deadline passes without full compliance, the CVRD will provide a minimum 7 days' notice of the dates when the CVRD or contracted employees will undertake the landscaping works.
  - d. The CVRD will call for and receive the funds posted in the security, and will apply the funds to completing the landscape works. Any excess funds will be returned to the permit holder.

### **BYLAW AND LEGISLATION REFERENCES:**

1. *Local Government Act*, Section 925.
2. CVRD Development Applications and Procedures Bylaw No. 3725, as amended.
3. Official Community Plan Bylaw Nos. 3510, 925, 1490, 1945, 2500, 1497, and 2650, as amended.
4. Zoning Bylaw Nos. 2000, 985, 1405, 1015, 1840, 2600, 2524, 1020, and 2465, as amended.

Approved by: Choose an item. Approval date: Click here to enter a date. Amended date: Click here to enter a date.
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## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

DATE: September 24, 2012 FILE NO:  
FROM: Alison Garnett, Planner I BYLAW NO: 3275  
SUBJECT: Amendment to Development Application, Procedures and Fees Bylaw No. 3275

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#### Recommendation/Action:

That the draft amendment bylaw to CVRD Development Application Procedures and Fees Bylaw No. 3275 be forwarded to the Board for consideration of three readings and adoption.

#### Relation to the Corporate Strategic Plan:

Service Excellence Strategic Action: *Review organizational processes and streamline where appropriate to improve efficiency and reduce cost*

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

#### Background:

Staff have been directed by the EASC (April 3, 2012) to prepare an amendment bylaw to CVRD Development Application Procedures and Fees Bylaw No. 3275. The purpose of the amendment is to formalize our process when requests to extend development permits or development variance permits are received.

Development variance permits (DVP) and development permits (DP) include the following statement: *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.* In the majority of applications, development is easily initiated within that time frame. There is some benefit to providing a two year timeline, as bylaws and development permit guidelines are often updated, and development within our communities should reflect current standards and requirements.

The Committee was receiving an increasing number of requests for extensions to previously authorized permits, whose two year timeline was due to expire (Kiwi Cove Lodge in Electoral Area H, The Cannery in Cowichan Bay). Without a formal process or policy, the practice has been for an applicant to appeal directly to the EASC as a delegation, without the benefit of background information, a staff report, or fees to recoup administration costs.

The proposed amendment to Bylaw No. 3275 involves the addition of one short section titled *Permit Term Limit Extension*. This new section outlines that a DP or DVP application form must be submitted, along with a written rationale for the request, and \$200 fee to cover administration costs. For the sake of streamlining first time, one year extension request, the General Manager of Planning and Development is delegated the authority for approval. Subsequent requests, or request for extension beyond one year will be the subject of a staff report to the Electoral Areas Services Committee, with final approval required by the CVRD Board.

A draft of the amendment bylaw is attached to this report for information purposes.

Submitted by,

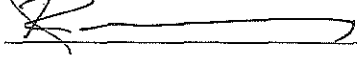


Alison Garnett  
Planner I  
Development Services Division  
Planning & Development Department

AG/ca  
attachment

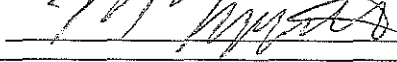
**Reviewed by:**

Division Manager:



**Approved by:**

General Manager:





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 35xx

#### **A Bylaw to amend Cowichan Valley Regional District Development Application Procedures and Fees Bylaw No. 3275, 2009.**

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**WHEREAS** the Board of Directors of the Cowichan Valley Regional District has adopted a procedures and fees bylaw pursuant to Sections 895 and 931 of the Local Government Act, that being CVRD Development Application Procedures and Fees Bylaw No. 3275;

**AND WHEREAS** the Board of Directors of the Cowichan Valley Regional District believe it to be in the public interest to amend CVRD Development Application Procedures and Fees Bylaw No. 3275 by altering provisions of the Bylaw in order to improve its administration;

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

#### **CITATION**

1. This Bylaw may be cited for all purposes as "CVRD Bylaw No. 35xx - Development Application Procedures and Fees Amendment Bylaw (Permit Term Limit Extension), 2012".
2. CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009 is hereby amended as follows:
  - a) That Section 6 is amended by adding the following:
    - f) Requests to extend the term limit of a Development Permit or Development Variance Permit;
  - b) The following is inserted as Section 17, with the remaining sections renumbered accordingly:

#### **17. Permit Term Limit Extension**

Development Permits and Development Variance Permits issued by the CVRD contain term limits, otherwise known as expiration dates. The term limit forms part of the Permit, and requests to extend the term limit is subject to approval by the CVRD Board or delegated authority.

Requests to amend the term limit of a Permit may be considered for a maximum two year extension, beyond which a new application for Development Permit or Development Variance Permit is required. A written rationale for the extension request must be submitted, accompanied by an application for Development Permit or

Development Variance Permit form, a current State of Title Certificate, application fee, and updated project plans or drawings if applicable.

Where a first time, one-year extension request has been made, the CVRD Board of Directors delegates approval authority to the General Manager of Planning and Development. All other requests will be the subject of a Planning and Development Department report to the Electoral Area Services Committee, with final consideration by the CVRD Board of Directors. Amended Permits require registration with the Land Titles Office.

c) That Schedule B is amended by the addition of the following:

FEE SCHEDULE - DEVELOPMENT PERMIT

<u>Type of Application</u>	<u>FEE</u>
<u>Development Permit Term Limit Extension</u>	<b>\$200.00</b>

FEE SCHEDULE - DEVELOPMENT VARIANCE PERMIT

<u>Type of Application</u>	<u>FEE</u>
<u>Development Variance Permit Term Limit Extension</u>	<b>\$200.00</b>

**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



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## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

**DATE:** September 27, 2012 **FILE NO:**

**FROM:** Dan Brown, Parks Trails Planning Technician **BYLAW NO:**  
Parks and Trails Division

**SUBJECT:** Mill Springs Trail Statutory Right of Way

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#### Recommendation/Action:

That the Board Chair and Corporate Secretary be authorized to execute a Statutory Right of Way agreement in favour of the Regional District for the purpose of constructing and maintaining a trail within the Mill Springs subdivision in Area A – Mill Bay on lands legally described as District Lot 46, Malahat District, PID 009-355-723.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

The purpose of this statutory right of way is to enable CVRD Parks and Trails to construct a connector trail between the existing Mill Springs trail and the Hollings Creek trail at the end of Lilmac Road. The land to be utilized is set for parkland dedication in future phases of the Mill Springs development; however, this portion of trail has been identified under the Area A – Mill Bay 2012 capital improvements program and has been endorsed by the Area A – Mill Bay Parks Commission.

The land falling under this statutory right of way allows for the ideal trail route to be utilized for construction. The attached map displays the location of the proposed trail.

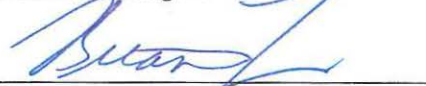
Submitted by,

  
Dan Brown  
Parks Trails Planning Technician  
Parks and Trails Division  
Parks, Recreation & Culture Department

DB/ca  
attachment


Reviewed by:

Division Manager:

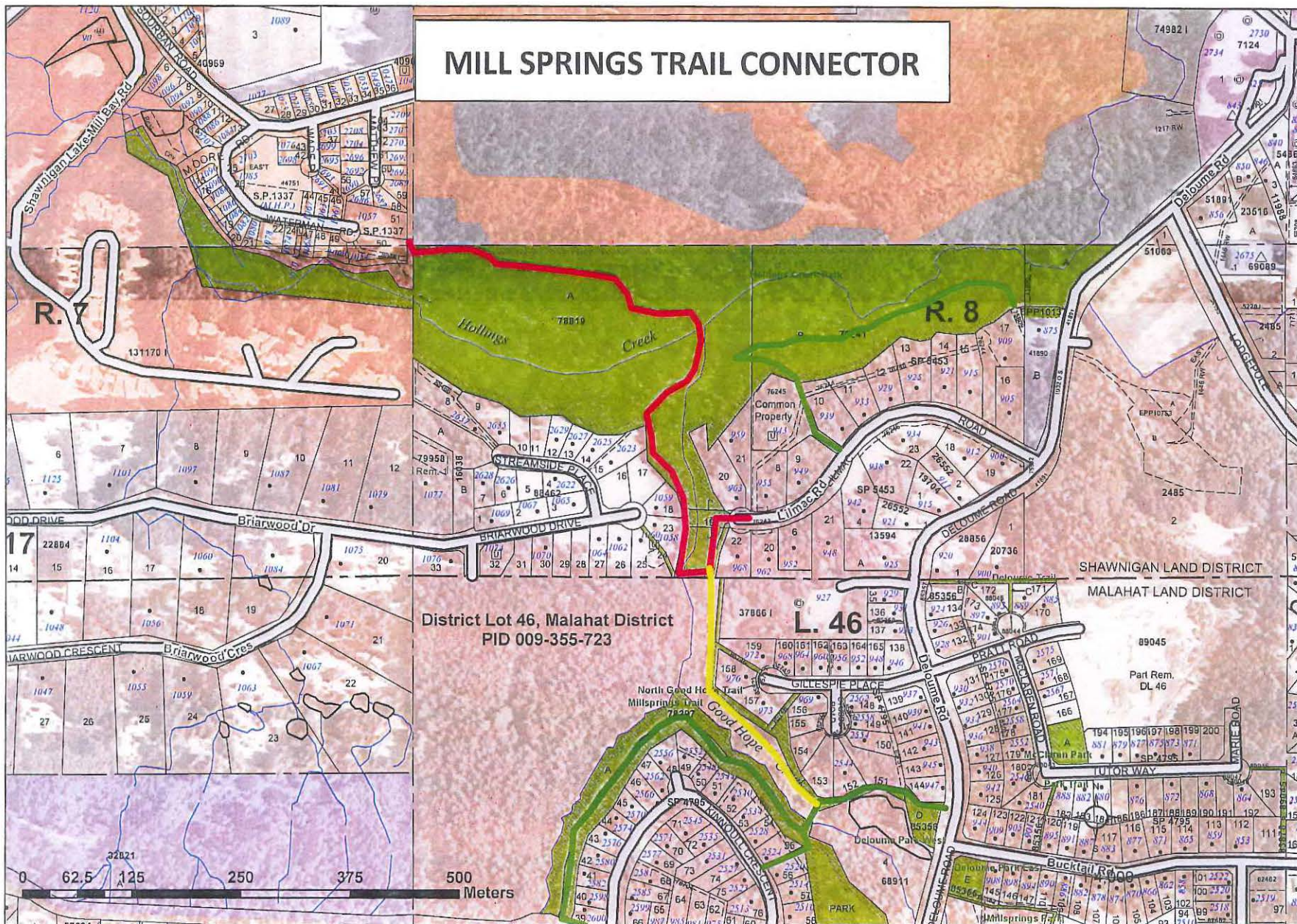


Approved by:

General Manager:







# MILL SPRINGS TRAIL CONNECTOR



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.

## LEGEND

Existing Trail

Hollings Creek Trail

Proposed Trail

Printed: September 27, 2012

Scale:





R9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 2, 2012

DATE: September 26, 2012

FILE NO:

FROM: Rob Conway, Manager

BYLAW NO:

SUBJECT: Non-Conforming Campground – 2289 Lochmanetz Road

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#### Recommendation/Action:

Committee direction requested.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

A property at 2289 Lochmantetz Road, Cowichan Bay was recently sold to new owners in 2011. The property is located roughly opposite the South Cowichan Tennis Club on Cowichan Bay Road, with frontage on the Koksilah River (Schedules 1 and 2).

The property is zoned Primary Agricultural (A-1) and is in the Agricultural Land Reserve. Although the campground use is not a permitted use in the A-1 zone, the use was lawfully permitted in the past, and the property has legal non-conforming status for the historic campground use. The previous owner received an approval from the Agricultural Land Commission in 1988 to expand the campground, but did not do so because a zoning amendment was also required. An application to rezone the property was received by the CVRD in 1990, but the rezoning was never concluded.

Prior to the current owners purchasing the property, they approached CVRD staff about re-developing it as an RV campground. Staff advised that the existing campground could be "refurbished" but that non-conforming use rights did not allow the campground to be re-developed. Staff's understanding of "refurbishment" was that the services to the campsites would be upgraded, but the layout of the campground would not change.

Early in 2012, CVRD staff became aware that site of the former campsite had been stripped, and that the owners were proceeding to re-develop the property for an RV campground in a manner that differed substantially in configuration from what previously existed. A letter was subsequently sent to the owners advising them that the extent of re-development exceeded what we believed could be lawfully undertaken as a legal non-conforming use. Legal advice was also obtained confirming that Section 911 of the Local Government Act protects existing non-conforming uses and the maintenance of the "status quo", but does not allow the re-development of non-conforming uses. A letter summarizing this opinion and implications for campground use on the subject property are contained in the June 7, 2012 letter to Cox, Taylor, Barristers and Solicitors (Schedule 3).

**Request:**

The attached letter (Schedule 4) from Mark Johnston, the agent for the owners, requests that the EASC and Board allow the subject property to be re-developed for a campground in the approximate configuration shown on the attached sketch site plan (Schedule 5). The request acknowledges that development on the remainder of the property and the property immediately to the north would require rezoning.

**Planning Staff Comments:**

The subject property has been used historically as a campground, and staff see merit in the continuation of this use if it is done in a manner that minimizes environmental impacts. Cowichan Bay and the larger region are under serviced with respect to tourist accommodation and a rejuvenated campground on the site could to attract campers and tourists to the area. Staff have encouraged the owners to apply to rezone the property so the re-development could occur without reliance on non-conforming use rights.

Allowing the site to be re-developed in a manner that differs from the campground that previously existed also has merit. This could allow for a more efficient use of the site with better access, amenities and services. Since the site is currently barren, allowing re-development to proceed could also facilitate restoration of the property.

Staff are supportive of the owner's request, but are obliged to point-out that local government only has authority to recognize non-conforming rights that exist and cannot grant rights beyond what Section 911 of the Local Government Act allows. However, local government does have authority to rezone and could amend the Area D OCP and Zoning Bylaw if there is a desire to allow a re-configured version of the campground. If the Committee is supportive of allowing the re-configured campground, direction could be given for staff to prepare amendment bylaws to achieve this.

**Options:**

- 1 That staff be direct to prepare a report and draft amendment bylaws to rezone Lot 2, Section 10, Range 2 and District Lot 690 (2289 Lochmanetz Road), Cowichan District, Plan VIP70020 to permit a 39 unit RV Park.
- 2 That the owner of Lot 2, Section 10, Range 2 and District Lot 690, Cowichan District, Plan VIP70020 be advised that as the subject property is not zoned for campground use and acceptable evidence has not been provided to confirm the proposed campground is a lawful non-conforming use as defined by section 911 of the Local Government Act, the CVRD does not consent to the proposed campground re-development.

Submitted by,

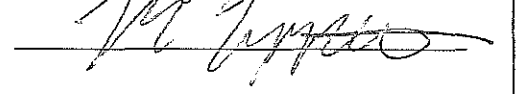


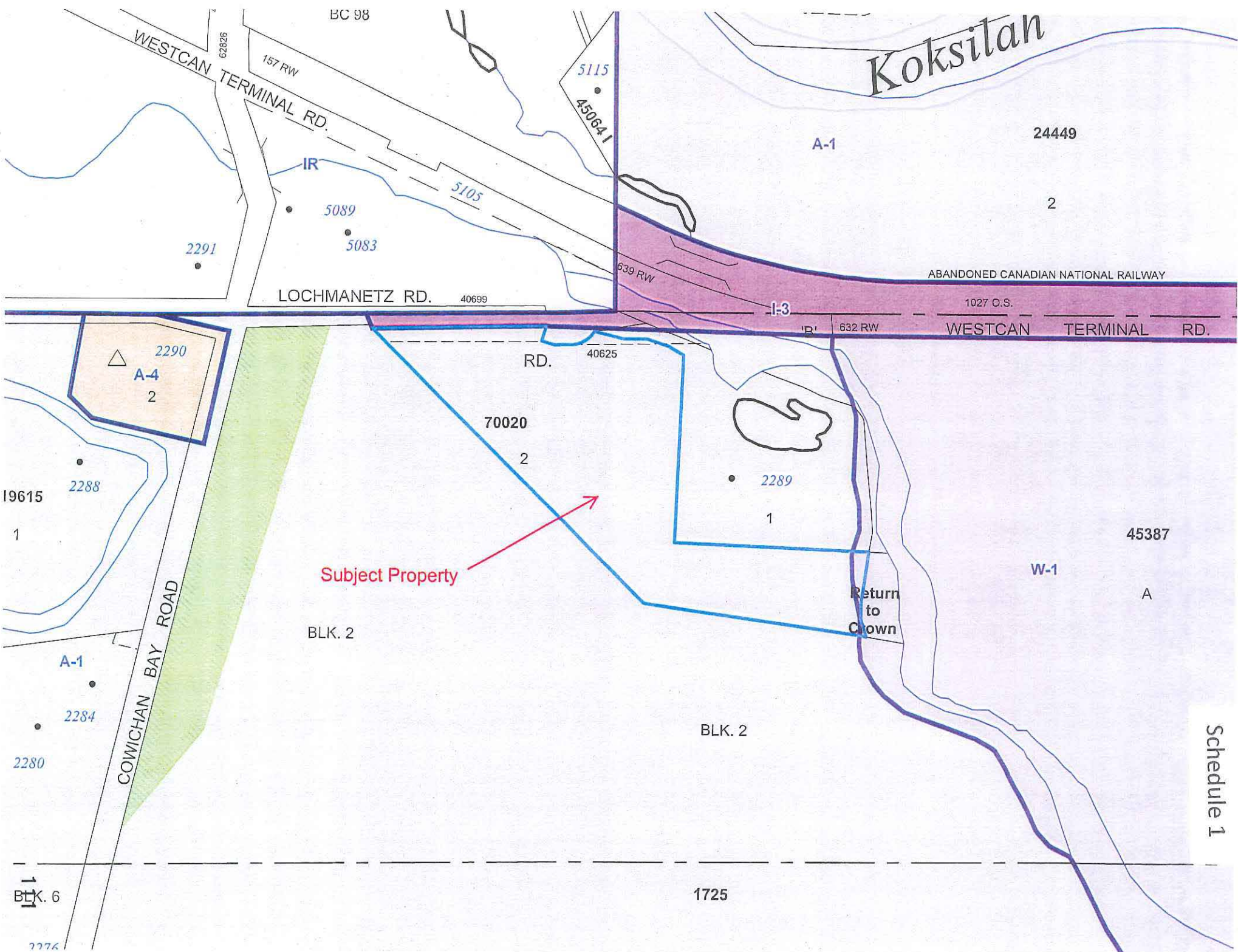
Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

RC/ca

Approved by:

General Manager:





Schedule 1



## Subject Property





June 7, 2012

File: 2289 Lockmanetz Road

Cox, Taylor, Barristers & Solicitors  
Burnes House, Third Floor, 26 Bastion Square  
VICTORIA BC V8W 1H9

Attention: Kathleen M. Birney

Dear Kathleen M. Birney:

**Re: 2289 Lockmanetz Road – Cowichan Bay RV Campground**

This is in reply to your April 26, 2012, letter.

Having reviewed this matter with its solicitors, the Cowichan Valley Regional District (CVRD) wishes to advise you that it does not consider any of the following to be permitted by s. 911 of the *Local Government Act* or case law on lawful non-conforming uses:

- Any increase in the number of RV parking spaces on your client's land over the number of RV parking spaces that were actually in existence on the date the zoning of the land changed from RR1 to A-1 (regardless of any number of RV parking spaces that the Agricultural Land Commission may have indicated it was prepared to approve at any point in time). The onus of proving the number of spaces actually in existence on the relevant dates rests on your client, though the Regional District acknowledges that correspondence from the Commission may be relied upon to confirm information on actual use provided by your client.
- Any relocation or realignment of any concrete or other structural RV pad on the land since that date.
- The realignment or paving of any road on the land providing access to any RV pad or space.
- The construction or installation of any boat house, bicycle storage building or structure, gazebo or pavilion or any other structure not already in existence on the land.
- The construction or installation of any volleyball or tennis court or children's playground.
- The use by occupants of the campground of any facilities auxiliary to the residential use of the land, such as a swimming pool.

.../2

June 7, 2012

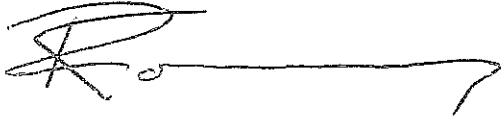
Cox, Taylor, Barristers & Solicitors

Page 2

Our legal counsel has advised that the case law on lawful non-conforming uses does not use the term "refurbishment" that is repeatedly employed in your letter. Rather, the case law deals with the continuation of the use of land, buildings and structures, and the preservation of the status quo. The Regional District does not seek to prevent your client from continuing to use existing RV spaces, including undertaking any required upgrades to water supply and electrical power to existing campsites via the existing servicing "monuments" at their existing locations, and the graveling of access roads to permit all-weather access by RVs. Nor does the Regional District seek to prevent your client constructing on the land structures that are permitted by the current zoning.

If any of the existing RV park or campground servicing monuments or concrete pads is or has been removed, the Regional District's position based on s. 911 and the applicable case law is that they may not be replaced. Noting that your client seems to have already altered the land with a view to carrying out relocations and reconstruction of or RV spaces, we suggest that it would be in your client's best interest to provide to the Regional District accurate as-found drawings of such servicing monuments and concrete pads as may remain on the land as of today's date, to establish the extent of the non-conforming RV park use that may lawfully continue.

Yours truly,

A handwritten signature in black ink, appearing to be 'Rob Conway', with a long horizontal line extending to the right.

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

RC/ktb

pc: Director L Iannidinardo, Electoral Area D – Cowichan Bay  
Tom Anderson, General Manager, Planning and Development Department  
Brian Duncan, Manager, Inspections and Enforcement Division  
Bill Buholzer, Young Anderson

Cowichan Valley Regional District

Sept. 10<sup>th</sup> 2012

Attn. Rob Conway

Re: Cowichan Bay Campground and RV Park – 2289 Lockmanetz Rd.

I act on behalf of Mr. Mike Kelly and Mr. Marty Block, owners of the campground, and I am sending this letter in an attempt to find common ground in regard to our proposal for upgrading and refurbishing of our campground/RV Park in Cowichan Bay.

The property had been neglected for some time before it was purchased in 2011 and was in need of repair and refurbishing. The site shown on the attached plan has been used as a campground park since the mid 1980's and was a permitted use under the existing zoning. The property was subsequently rezoned to A-1 making it a non-conforming use. In 1990 the previous owner had received approval from the ALC. for the use of the property as a campground, with full serviced sites, tenting area, RV sites and full service RV sites together with Tourist Cabins (5), washroom facilities and golf driving range.

Before purchasing the property and proceeding with the upgrades of water, sewer etc. we attempted to contact staff at the CVRD to determine if they had any issues with the proposed plan. Staff declined to provide acknowledgement that the campground and R/V Park had non-conforming status and could continue to be used and upgraded. Staff subsequently met with Mr. M. Kelly on site and before purchasing the property Mr. Kelly sent an email message to Mr. B. Duncan and Mr. Rob Conway on May 24<sup>th</sup> 2011 as follows;

“ I believe the way things were left the last time we met at the campground, you were OK with our proposed ‘renewal’ of the existing infrastructure as long as we did not expand the park by either number of units or by foot print. You suggested that it would be a requirement of the CVRD that we apply for an electrical permit ... and that we hire the services of a septic field professional and have him inspect and stamp our septic fields so that they meet the current codes. ... we will also follow the various building codes when refurbishing any infrastructure... based on your confirmation and conditions listed above. Marty and I have decided to move forward in purchasing the park...”

In his return email the next day Mr. Duncan replied “That pretty well sums it up”

As part of our plans to upgrade the Campground/RV Park we have also applied for a permit to construct a swimming pool and pool house. This facility is part of our plan to make the

campground a destination for families and enhance the outdoor experience. We were advised that a permit could not be issued until the non-conforming status of the property was clarified.

Although we seem to all agree that the property has non-conforming status our lawyer and the lawyer for the CVRD disagree on the extent of that use. We know that on any given summer weekend the property could have been occupied by 75 or more campers, some in tents, some in R/Vs and some in trailers. Up to 44 of the sites could have been provided with sewer, water and power while others may have had water and power or no services at all. We point this out to confirm that the entire property was used as a campground not only the area surrounding the 44 full service sites in the campground.

As a practical matter we do not plan to increase the size of the campground operation or to expand the number of users that could have full service facilities or to develop concrete pads for any new sites. We would like to resolve any of the issues about our planned upgrade and refurbishment of the campground and get a building permit to construct the pool and pool house without further involvement of our respective lawyers. I have attached a plan of our proposal for your consideration which would limit the number of sites and use on the property. We have already lost revenue for this summer and would like to resolve this matter as soon as possible so we can proceed to make the Cowichan Bay Campground and R/V Park a destination in the community.

We also have an option to purchase the adjacent property and hope to expand the campground use in the future and will make an application to rezone the adjacent property following the resolution of the non-conforming use on the existing campground.

We have also had discussions with the ALC and we are aware that if we can agree on a plan to proceed with the CVRD it would be subject to the ALC indicating it has no objections to the plan.

Mark Johnston







R10

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 4, 2012

**DATE:** August 29, 2012 **FILE No:**

**FROM:** Rob Conway, MCIP **BYLAW No:**  
Manager, Development Services Division

**SUBJECT:** Short Term Rentals of Residential Dwellings Units

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#### Recommendation/Action:

That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement action be taken against vacation rentals for terms of less than one month.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

At the May 1, 2012 EASC meeting, staff presented a report regarding the short term rentals of single family dwellings, including "vacation rentals".

The report noted that the short term rental of dwellings is not a permitted use in single family zones, other than in the context of bed and breakfast accommodation. Although short term rentals are not explicitly permitted, there are certain types of short-term tenures that commonly occur in residential neighbourhoods that are generally not disruptive. The rental of single family dwellings for vacation purposes can, however, have negative impacts on adjacent properties and neighbourhoods. This report is intended to outline options for managing enforcement when complaints are received about short term rentals and provides recommended policy options for guiding bylaw enforcement action.

#### Issues with Short Term Rentals:

Dwellings in residential zones are typically occupied by a single family as a primary residence. Residential zoning also allows dwellings to be rented and occupied by unrelated persons (up to five). Short term rental, particularly for tourist and vacation accommodation, is generally considered a non-residential use. The C-4 zone allows tourist accommodation and short term vacation rentals, and there are developments

within the Regional District, such as The Cottages at Marble Bay in Area I and the Clearwater Resort in Area B, where the rental of dwellings for short stays is permitted.

The CVRD rarely receives complaints about short term rentals in most residential neighbourhoods. When complaints are received, it is usually for properties on Cowichan Lake and Shawnigan Lake where second dwellings are more common, and where there is a market for vacation rentals.

When properties are purchased as second dwellings, there is often a desire to have others occupy the dwelling during the times it is not occupied by the owner. Sometimes the dwelling is used by friends and family, it may be rented during the off-season, or it may be rented short term which typically occurs during the peak season. All of these types of occupancy are potentially disruptive to adjacent property owners because the use of the dwelling and property tends to be more intensive with more occupants and more use of outdoor spaces. Consequently, nuisances such as noise, on-street parking, the illegal discharge of fireworks, and other general disturbances can be greater. Another aspect of the problem is that short term rental occupants are transient, so there a tendency to be less respectful of neighbours. Bylaw enforcement is also more challenging, as the occupants tend to be less knowledgeable and abiding of local bylaws, and the occupants are rarely there long enough for bylaw enforcement to be effective.

#### **Zoning and Enforcement:**

Most of the CVRD's zoning bylaws do not explicitly identify a term of occupancy in the definition of "dwelling unit". For example, the Area I Zoning Bylaw defines it as,

***One or more habitable rooms with self-contained sleeping, living, cooking, eating and sanitary facilities use, designed or intended as a residence for one family, and does not include a recreational vehicle or park model RV (CSA Z 241)***

The definition does not explicitly exclude vacation rentals or other types of short term rentals, but neither does it imply the use of residential dwellings for this purpose is permitted. Section 3.23(6) of the bylaw allows uses that are "customarily incidental" to a permitted use. It would seem reasonable to consider activities such as home exchanges, accommodation of friends and family, house sitting and even the seasonal rental of dwellings as a normal and customary practice in residential neighbourhoods. The short term commercial rental of single family dwellings for vacation purposes is likely not considered a normal and customary practice in most residential neighbourhoods. However, vacation rentals may be more customary and accepted in resort areas where second home ownership is more common. It is largely a matter of policy as to whether some limited short term vacation rental is accepted as a residential use.

Correspondence received on the issue of vacation rentals is attached, which provides perspectives on vacation rentals in residential zones.

**Staff Comments:**

It is the opinion of staff that the types of short term rentals identified in Table 1 are commonly conducted in residential neighbourhoods and are commonly considered as a legitimate use of a residential dwelling. Staff recommend that enforcement action not be pursued for such activities unless they are conducted at a scale and extent that exceeds what would be considered "customarily incidental" for a residential dwelling.

**Table 1**

<b>Term</b>	<b>Definition</b>
<i>Home Stay/Boarding</i>	A stay at a residence by a traveler or student who is hosted by a family or home owner.
<i>Home Exchange</i>	The exchange of one's home for the use of another's home, often arranged by a travel service or club.
<i>House Sitting</i>	The practice of occupying a dwelling to provide security and maintenance while the owner or regular tenant is away.
<i>Seasonal Rentals</i>	The rental of a dwelling during the off-season, for the months when it is not occupied by the owners.
<i>Guest Accommodation</i>	The accommodation of friend or relatives for short stays within the owner's dwelling, with or without compensation to the owner.
<i>Work-Stay Accommodation</i>	The provision of food and lodging in exchange for labour.

Vacation rentals are a form of short term rental that staff believe should be treated differently than those listed above. Recent court decisions (*Whistler v. Miller*; *Whistler v. Wright*), have confirmed that vacation rentals are a distinct use from residential use, and that local government may regulate and prohibit the use through zoning. Although the courts have confirmed that local government has the ability to regulate and prohibit vacation rentals in residential zones, the CVRD Board has discretion as to how aggressively bylaw enforcement will be pursued.

Staff believe the rental of dwellings for a term of one month or more can reasonably be considered a residential use, and would recommend that bylaw enforcement not be pursued if a tenancy of one month or more can be substantiated, even if the rental is intended for vacation purposes.

Staff further recommend that rental terms of less than one month be considered as a non-residential use and a use that is not permitted unless conducted in a zone where the use is explicitly allowed. If the Committee agrees with this approach, enforcement would commence when complaints are received as with other bylaw violations. If the Committee considers some low level of short term vacation rental (e.g. 2-4 weeks per year) to be an acceptable use of a residential dwelling, a bylaw enforcement policy could be structured to allow this. A draft policy outlining enforcement procedures for short term rentals is attached.

In the longer term, the issue of vacation rentals should be considered and addressed when OCP and zoning bylaws are reviewed, as these processes allow opportunities for broad community consultation. This has been done with the draft South Cowichan Zoning Bylaw by including definitions for "residential use" and "temporary accommodation" that help clarify where vacation rentals are and are not permitted.

**Options:**

**Option A:**

That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement action be taken against vacation rentals for terms of less than one month.

**Option B:**

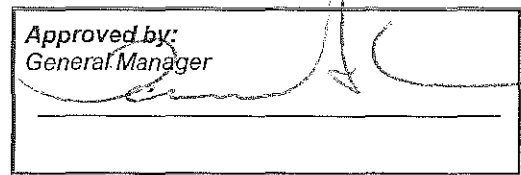
That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement action be taken against vacation rentals for terms of less than one month when the rental activity exceeds more than four weeks in a calendar year.

Option A is recommended.

Submitted by,



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



RC/ca  
attachments



## Policies & Procedures

### **Short Term Rental Of Single Family Dwellings Policy**

Applicability: Planning & Development

Effective Date: Choose a date

#### **PURPOSE:**

To outline bylaw enforcement procedures for the short term rental of single family dwellings.

#### **POLICY:**

1. CVRD staff will investigate complaints regarding the short term rental of residential dwellings and will determine if a bylaw violation has or is occurring.
2. Enforcement will not be pursued against the following types of short-term rentals unless the activity is occurring to a scale and extent that exceeds what is customarily incidental to residential use:
  - Home Stay/Boarding
  - Home Exchange
  - House Sitting
  - Seasonal Rentals
  - Guest Accommodation
  - Work-Stay Accommodation
3. Enforcement will be pursued when a residential dwelling unit is rented for a term of less than one month.

Or - Enforcement will be pursued when a residential dwelling unit is rented for a term of less than one month and the short term rental occurs more than 4 weeks in a calendar year.
4. Upon confirmation that a dwelling has been rented for a term of less than one month, the property owner will be notified by registered mail that all short term rental activity must cease with 14 days of the notice.
5. If short term rentals continue after issuance of the 14 day notice, staff will seek direction from the Board to commence prosecution proceedings or to seek a court ordered injunction.

Nothing in this enforcement policy should be interpreted as giving permission to violate the applicable bylaws and the CVRD Board may change this policy at any time and may give direction to expand enforcement activities at any time.

Approved by: Choose an item. Approval date: Click here to enter a date. Amended date: Click here to enter a date.
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## Policies & Procedures

### FOR OFFICE USE ONLY: POLICY APPROVAL TRACKING SHEET

**Initiated by:** Click here to enter name & position

**Applicability:** Choose a group

**Effective Date:** Choose a date

#### **Approval History:**

New Policy

#### **To Be Approved by:**

*All policies pertaining to money must be pre-approved by the Finance Division.*

<b>Approval Required?</b>	<b>Date Approved:</b>	<b>Signature or Resolution/Page Number: (attach staff reports and minutes)</b>
Choose Finance Division	_____	_____
Choose Enter name Committee	_____	_____
Choose CVRD Board	_____	_____
Choose Corporate Leadership Team	_____	_____
Choose Administrator	_____	_____



Dear Mr. Conway,

We have been searching for the perfect waterfront property for approximately 8 years now. Although we live on the Mainland, we fell in love with Lake Cowichan when we camped at Gordon Bay Provincial Campground 6 years ago.

After 8 years of searching and monitoring the real estate market, we finally purchased our dream vacation home in the Creekside Development on Lake Cowichan this last April. The house was a court ordered sale and had sat vacant for several years prior to us purchasing it. Although beautiful, the house was not complete and required a considerable amount of time and money to complete the home and to make it safe for us to enjoy with our 2 small boys. Since purchasing the home in April, my husband has spent each and every one of his days off traveling from our home in North Vancouver to work on the property while I stayed at home to look after our boys. The boys and I were ecstatic when we traveled to our "lakehouse" on Lake Cowichan for the first time as a family in May. We have spent more time in Lake Cowichan this summer than at our home in North Vancouver – my wilted tomato plants can attest to this. On an almost daily basis, neighbours have stopped by to tell us how glad they were that a family was finally using the home and to comment in amazement on how much work we had accomplished in such a short period of time. Neighbours have also been appreciative of how well maintained our property looks since we have moved into the house.

My husband and I feel that we have purchased this home at the perfect time for our family – our boys are 1 and 3 and this will allow us to create memories with them that will last a lifetime. In order to realize this dream, we have saved and worked hard to make it happen. As a way to offset the cost of maintaining the property, we have explored the option of offering our home as a short term vacation rental. We were aware of several that were operating on Lake Cowichan and in our neighbourhood. For the last 10 years, vacation rentals operated by private owners has been our preferred type of accommodation while traveling. This has been especially true since having children – in fact, our family stayed at a vacation rental in Lake Mesachie while viewing prospective homes on Lake Cowichan.

At the end of July, we advertised our property on a "Vacation Rental by Owner" website. We placed strict limitations on the age and number of persons that could rent our property. We have a special rider on our insurance that allows us to conduct short term vacation rentals up to a maximum of 4 weeks. As we prefer to come to our "lakehouse" ourselves as much as possible, it was our intention to rent out our property a limited number of times during the summer to carefully screened families. Interest was high as soon as we listed our property. We received 12 rental requests in the first 2 weeks of August – we accepted 2. The first family stayed at our home for a week and consisted of two grandparents with their 4 and 6 year old grandchildren. They loved our home and have asked to return next summer. The second family consisted of 2 couples – one of whom had a 5 month old baby. We later heard from our neighbours that they had additional guests and that the neighbours were concerned about noise levels. I immediately apologized to my neighbour and advised that this was completely unacceptable. I explained the steps I had taken to screen my guests and advised the neighbour that I would add a clause in my rental contract to prevent this from happening in the future. I



indicated to our neighbour that I was hoping to have 2 more rentals by the end of the season and hoped they would support me in this once we were able to talk. I also indicated to her that if there was ever an issue again, she could contact me directly and I would evict the renters immediately (which I am able to do as the homeowner). She indicated to me that vacation rentals were not desirable in our neighbourhood as it was important that the neighbours knew all of the people in the neighbourhood and that there was no way I could control who rented my property. She was also upset when I indicated that there were additional vacation rentals operating on our street that she was not aware of. We agreed to speak more about it when I arrived at our lakehouse later in the week.

As we were driving to the lakehouse later that week, I spoke instead to a CVRD bylaw officer who had received a complaint from our neighbours who were hoping to “nip” any vacation rentals “in the bud”.

Mr. Conway, I have read your report dated April 25, 2012 regarding the use of Single Family Dwellings as Vacation Rentals. As a responsible homeowner, I support your recommendation that a policy be developed outlining circumstances under which enforcement action will be pursued against vacation rentals in single family dwellings. Under no circumstances do I want to be a “bad” neighbour. If I am unable to properly screen my guests so as not to interfere with my neighbours enjoyment of their property, then I would have no choice but to cease offering our home as a vacation rental. However, a vacation rental property is not inherently disruptive. This is our home – we are motivated to have guests who are respectful of our neighbours and who wish to enjoy the lake as we do!

I would like to outline the steps I currently take in order to screen my vacation rental guests (as well as the additional steps I would take if given the opportunity in the future):

- I have a minimum age limit of 25 years of age for renters;
- I allow a maximum of two families to stay in our home (ie. 4 adults and 4 children to a maximum of 8 people). I turned down several requests for groups of 8-12 adults as I feel that their agenda is likely to be “partying”;
- I have renters provide the full name and date of birth for all guests staying at the house and state that they cannot change the guests without notification;
- I “google” applicants names, phone numbers, address, and email addresses to ensure that they are legitimate renters;
- I utilize social media sites such as Facebook to confirm the identity of renters;
- In future, I would add a clause stating that if the number of authorized guests staying on the property is exceeded, the damage deposit would immediately be forfeit;

-In future, I would also add a clause stating the if complaints were received from the neighbours about noise levels and/or disruptive behavior, that guests would be evicted immediately and would only receive a refund on the remaining nights; and

-We would also welcome suggestions on how to improve screening of guests.

Lake Cowichan is an amazing place and the lake is a natural draw to people. Unfortunately, there are limited accommodations in the area that are suitable for families. Vacation rentals offer a comfortable place for families to stay at a reasonable price. In return, guests bring tourist dollars to the area – spending money on restaurants, activities, novelties, gas and groceries. As tourists in our new town, we have gone to the Birds of Prey Visitor centre, the BC Forest Discovery Centre and plan to go river tubing next summer – the additional money that tourists spend can only be a benefit to the local economy.

Mr. Conway, we love our new home and Lake Cowichan. We are good neighbours! We respectfully request the opportunity to share our home with other families – who knows, they may fall in love with the area and be future residents too!

Sincerely,

Lisa and John Merrett

**Paul Brigel, M.D., C.C.F.P.**  
Clinical Assistant Professor, University of B.C.  
120 - 1105 Pandora Avenue  
Victoria, B.C. V8V 3P9 Canada  
Phone (250) 383-9533 Fax (250) 383-0312

September 9, 2011

Dear Cowichan Valley Electoral Area Services Committee,

I own the cabin at 9766 Miracle Way. Since it was built, 1997, I have rented this cabin for up to 6 weeks/year.

However, the owner to the immediate West has contacted Nino Morano, our Cowichan Valley Bylaw Enforcement Officer, who has politely informed me that temporary accommodation infringes on regional bylaws.

May I point out that my family (immediate with 2 daughters 19 & 21 years old) and extended family, love our cabin, which we rent out to defray mortgage and other maintenance expenses (\$1980.00 for septic system repairs this June).

Because we consider this our beloved family home/retreat, I only rent out:

- a) to other families, usually with children (as opposed to young adults who tend to "party hard"); Mr. Morano met one of these families, (who told me he was well-mannered and soft-spoken).
- b) for only several weeks/year; - this year, I rented for 2 intact weeks (Aug. 6-13, Aug. 14-21) & two 4 day periods (July 18-22, Sep 1-5)
- c) in respect of the neighborhood and in deference to my immediate neighbors' request, I do not permit these renters to bring their dogs

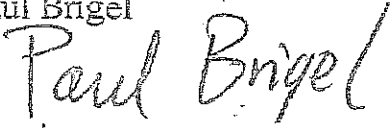
Because of all this, I have chatted with several other neighbors and local merchants: these neighbors are not concerned as long as they are not disturbed, which they are not; the merchants welcome my renters, pointing out that, with the logging/milling down-turn, they depend on occupants of the community for their livelihood and economic welfare.

In brief, I would never rent to "loud party-types" for both my sake and for the peace and quiet of the neighborhood.

I trust this explanation meets with your understanding.

Yours sincerely,

Paul Brigel



P. 2

383-0312

09:24 Sep 2011 4:09 PM 1270

August 6, 2012

Andrew Douglas Speirs  
Lori Jean Speirs  
923 Kingsmill Rd.  
Victoria B.C.

CVRD Electoral Area Services Committee  
175 Ingram St.  
Duncan, B.C. V9L 1N8

Dear Committee Members;

We are writing this letter today to help put a real perspective on the decision regarding Summer/ Short Term Rentals in Area I.

We have lived beside a summer rental for the past four years. Living beside a summer rental is challenging at best.

When an individual property owner living directly beside, or within 300 metres of a rental complains about a commercial Summer Rental, this concern should be taken very seriously. People who live beside, or close to summer rentals are subjected to the carry on at summer rentals, not the owner who is renting the property. The residents beside the Summer Rental are taxpaying citizens in our community, and should have a right of protection afforded to them under the CVRD bylaws. There may only be one dissenting voice against a Summer Rental property owner, but that individual voice must be heard, as it is this voice that is not breaking bylaws, it is this voice that is not trying to circumvent the system, it is this voice that is not profiting at the expense of his or her neighbours.

Summer Rentals can truly ruin the enjoyment of the Lake Cowichan experience from our family's personal perspective. The time of the year has come for us to enjoy the lake and right beside us is a group of holidayers, with a new group showing every week to get their money's worth. We have found from personal experience short term renters are not overly concerned with the fact they are in a residential neighbourhood, it is time for their holiday, they are on vacation, they want to get their money's worth.

When the CVRD gets ongoing reports of a Summer Rental bylaw infraction, bylaw enforcement must act with a measured and arbitrary approach. We believe this is a three step approach, step one is an introduction to the bylaw, step two is warning of fine or impending legal action, and step three is enforcement.

If persons are interested in being Hoteliers or Inn Keepers, We would make a suggestion to this committee, ask the interested party to buy a piece of property that is presently zoned for the desired use.

We believe the purpose of bylaws is to ensure each resident has equal opportunity to enjoy their property. When one resident is permitted to circumvent zoning bylaws, the integrity of the entire bylaw process is lost.

Bylaws are made as a measure of what is good for all. We believe the bylaws regarding permitted land use do not need any adjustment. Bylaws are a measure of protection, and strengthen our community, these bylaws were not capriciously considered, it was with good conscience these bylaws were enacted, We are asking the EASC to refrain from changing anything regarding permitted use in zoning, We believe change is not necessary.

Sincerely;

Drew Speirs

Lori Speirs



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Financial Services Department

Submitted by Director

Area

*Loren Duncan Cowichan Station - Sooke - Porcupine*

Grantee:

Grant Amount \$

*500*

NAME:

*B.C. Farm Women's Network*

ADDRESS:

*3330 Jackson Road, Duncan*

*B.C. V9L 6N7*

Contact Phone No:

*250-746-7621*

PURPOSE OF GRANT:

*Assist the 25th annual seminar*

*hosted in the Cowichan Valley Oct 19-21, 2002*

REQUESTED BY:

*Loren Duncan*  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<i>01-2-1950-0396 -115</i>	<i>500.00</i>	<i>10.0</i>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL

VENDOR NO.

**Disposition of Cheque:**

Mail to above address:

Return to

Attach to letter from

Other

Approval at Regional Board Meeting of

Finance Authorization

**FAIRBURN WATER BUFFALO  
FAIRBURN FARM  
3330 Jackson Road, Duncan,  
British Columbia, V9L 6N7  
250-746-4621  
daarcher@telus.net**

April 13, 2012

Loren Duncan, Director Area E,  
Cowichan Valley Regional District,  
175 Ingram Street,  
Duncan, British Columbia, V9L 1N8

Dear Loren,

Re: BC Farm Women's Network Seminar, October 19 – 21, 2012 – Cowichan Valley

I enclose a two page letter regarding the upcoming B C Farm Women's Network Seminar to be held in the Cowichan Valley in October 2012.

As Director of Area E, site of farms on the Friday Farm Tour and pizza lunch prepared by Prima Strada chefs to which dignitaries will be invited, is there an avenue for funding or in kind contribution. As I mention in the letter I hope that farm women from Vancouver Island will attend this seminar as it is close to home.

I have to be in the UK on family business from April 17 til May 9<sup>th</sup> but messages can be relayed to me or contact Margaret Cargill of the organizing committee.

Thank you for your kind attention.

Kindest regards,

Anthea Archer



### Benefits of Sponsorship

The Twenty-fifth annual seminar of the British Columbia Farm Women's Network October 19<sup>th</sup> – 21<sup>st</sup>, 2012, will bring farm women and some spouses from all areas of the Province. This is an opportunity for women who operate farms to join with other farmers to exchange information, network on a commodity level and research other opportunities for their own farms, commodity groups or for their areas.

During their stay they will visit diverse farms in the Cowichan Valley, attend workshops with local agricultural entrepreneurs some specific to this region, relax in our temperate climate and enjoy the company of farmers with some lighthearted banter and recreation.

We have a budget of \$10,000 so we can keep seminar expenses to a reasonable level and encourage more attendees from Fort St. John, Cariboo, Okanagan and the Kootenays as well as the Fraser Valley and Vancouver Island.

As a Sponsor your organization or business will be listed in media advertising, in the programme, posters in the conference room and post-conference material. The money will sponsor a meal or nutrition break, the tour and speakers. Your contribution will be identified accordingly at the time and acknowledged to you after the seminar.

#### **Gold Sponsorship- \$1000.00**

- Logo and recognition on all print and media materials across BC
- Logo on program cover
- Introduce keynote speaker
- Sponsor lunch and associated recognition

#### **Silver Sponsorship- \$500.00**

- Logo and recognition on all local media
- Logo within the program
- Introduce a speaker
- Sponsor coffee break and associated recognition

#### **Bronze Sponsorship- \$250.00**

- Logo and recognition in the program
- Logo and recognition on selected local media

### Additional sponsorship opportunities:

**Silent auction:** Items to be auctioned to attendees that promote your business as a product or goodwill – this is very popular;

**Welcome bags:** these are given to registered attendees on arrival and will contain promotional material for the Cowichan Region and special souvenirs donated by businesses.





September 12, 2012

Dear Landowner / Occupant,

**Re:** Proposed 40 metre TELUS  
Radiocommunications Facility  
**Address:** 4650 Trans Canada Hwy, Duncan,  
British Columbia V9L 6L2  
**Legal:** LOT 1, SECTION 5, RANGE 2,  
COWICHAN DISTRICT, PLAN 5078  
**PID:** 000-107-441  
**Coordinates:** 48.735691 N, -123.650462 W  
**TELUS Site:** BC1283 – Cowichan Station –  
Koksilah Rd. / Weber Rd.

**TELUS is inviting  
the community to an Open House:**

**On:** October 2, 2012  
**From:** 5.30 pm to 7.00 pm

**Location:**  
The Hub, Cowichan Station  
2375 Koksilah Road  
Duncan, BC V9L 6M5

Wireless technology offers many benefits to Canadians. Millions of individuals rely on wireless voice, data and internet communications to enhance their personal security and safety, as well as enjoy more frequent contact with family, friends and business associates to make more productive use of their personal and professional time. In response to demand for improved coverage within the Cowichan Valley Regional District ("CVRD"), TELUS is proposing the construction of a new radiocommunications installation.

### **TELUS' Proposal**

TELUS is proposing a 40 metre monopole tower on light industrially zoned land at the above-noted coordinates. All of the equipment necessary to operate this facility will reside within a shelter located at the base of the tower. The location has been chosen and acquired within an area zoned as Restricted Light Industrial.

### **Authority**

Although Industry Canada has exclusive jurisdiction over the placement of wireless radiocommunications facilities, it requires the carriers to consult with the local municipality and the general public regarding new installations. The municipal consultation process is intended to provide an opportunity to have landowner questions addressed while respecting federal jurisdiction over the installation and operations of radiocommunications systems. Any inquiries that are received as a result of this notification will be logged and submitted to the CVRD and Industry Canada as part of our application for concurrence.

### **Industry Canada's Default Public Consultation**

As the CVRD does not have an established and documented public consultation process applicable to tower siting, TELUS is required to follow the Industry Canada Default Public Consultation process. This letter will provide written notification to adjacent landowners within three times the structure height and provide you with an opportunity to engage in reasonable, relevant, and timely communication regarding this proposal.

1. *Purpose* - The purpose of the proposed tower is to improve TELUS' wireless coverage in the CVRD. Currently, there are no existing antenna support structures or other feasible infrastructure that can be utilized; as a result, a new antenna support structure is required.

2. *Location* - The tower will be located at the 4650 Trans Canada Highway, Duncan, BC V9L 6L2, in the southwest corner of the parcel, behind the existing on site building (John Deere Dealership).

3. *Safety Code 6* - Industry Canada requires all wireless carriers to operate in accordance with Health Canada's safety standards. TELUS confirms that the tower described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time.

4. *Site Access* – An existing approach off the Trans Canada Hwy, will be utilized to access the tower. Construction is anticipated to take 30 to 45 days. Once complete, the site will only be accessed for routine maintenance visits which typically occur once or twice a month. To safeguard the site from the general public, the tower base and equipment shelter will be enclosed by a fence.

5. *Environment* - TELUS confirms that the installation is excluded from environmental assessment under the *Canadian Environmental Assessment Act*.

6. *Design* - This proposal is for a 40 metre monopole tower, related equipment area and fencing. A preliminary design of the tower profile and compound plan is included in this notification for your reference.

7. *Transport Canada* - The tower will be marked in accordance with the Department of Transportation and NAV Canada requirements.

8. *Structural Considerations* - TELUS confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction. The facility will be built to the National Building Code as well as the BC Building Code.

9. *Local Municipality* – The Cowichan Valley Regional District does not have an Antenna Siting Protocol and as such we are applying Industry Canada's Default Public Consultation process. This proposal is located in lands zoned as Restricted Light Industrial.

10. *General Information*- General information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website:

[http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/h\\_sf01702e.html](http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/h_sf01702e.html).

11. *Contacts:*

**TELUS**

c/o: Chad Marlatt  
Standard Land Company Inc.  
Agents for TELUS  
Suite 610, 688 West Hastings Street  
Vancouver, BC V6B 1P1  
Phone: 1 (877) 687-1102  
E-mail: [commentsbc@standardland.com](mailto:commentsbc@standardland.com)

**Industry Canada:**

**Vancouver Island Office**

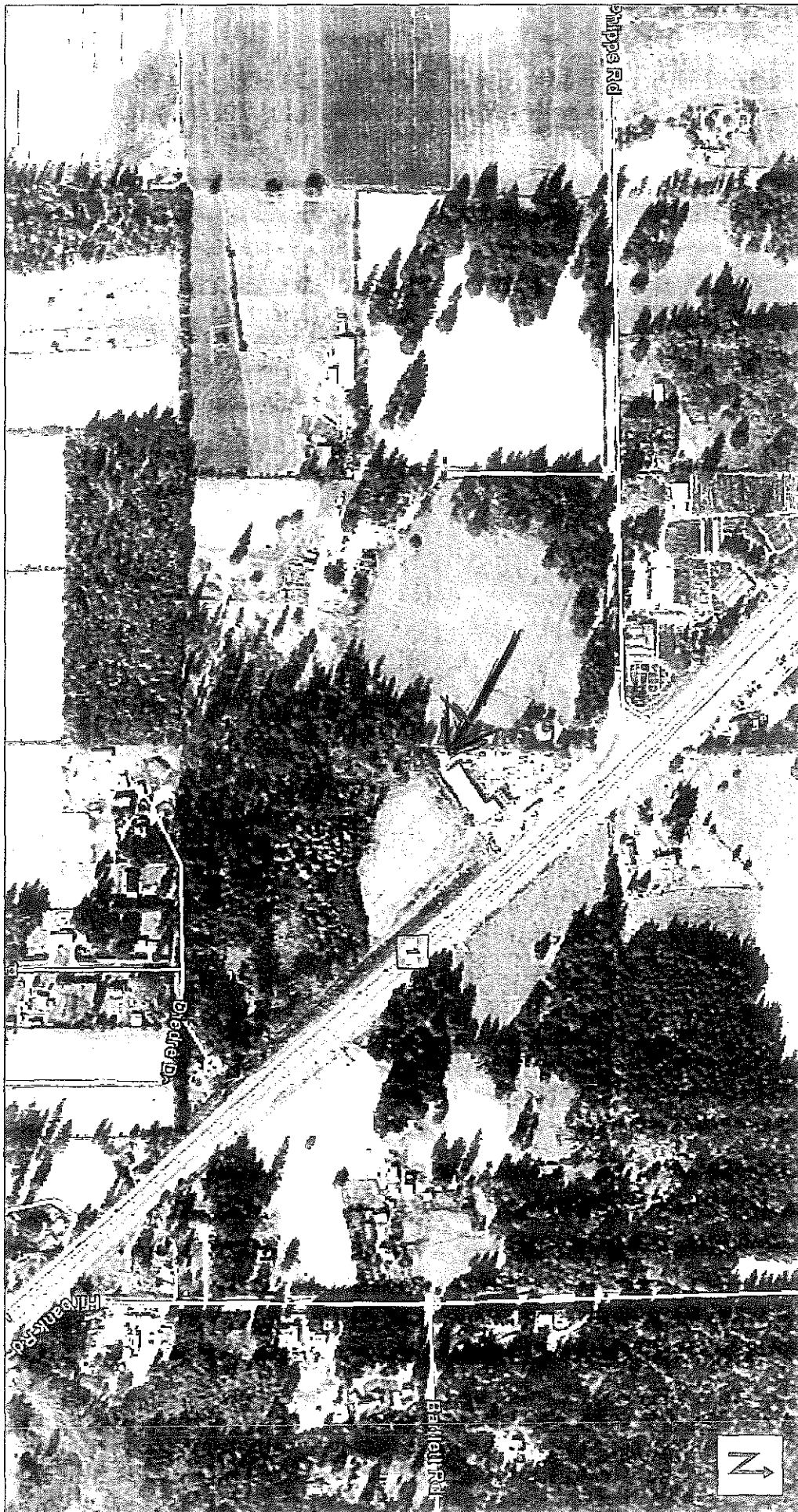
Room 430, 1230 Government Street  
Victoria, BC V8W 3M4  
Phone: (250) 363-3803  
E-mail: [victoria.district@ic.gc.ca](mailto:victoria.district@ic.gc.ca)

**Cowichan Valley Regional District**

175 Ingram Street  
Duncan, BC V9L 1N8

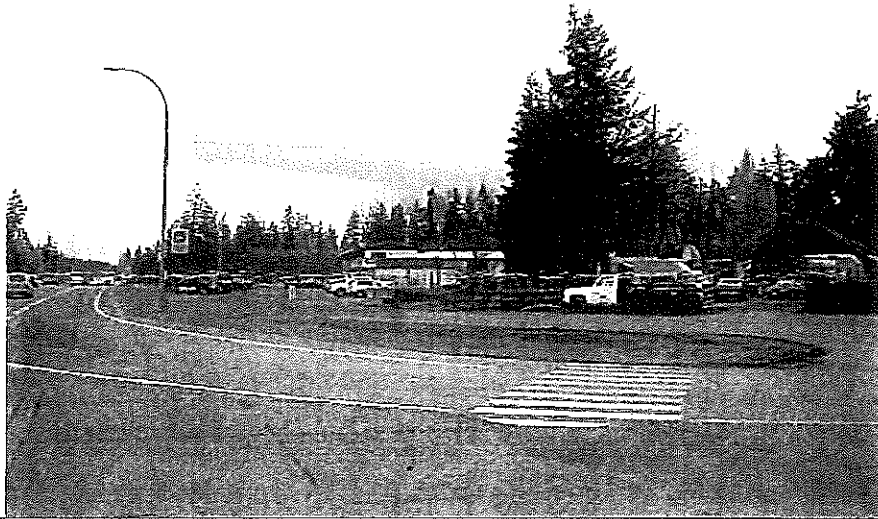
Should you have any specific questions regarding the proposal, please feel welcome to contact the above-listed herein, or return the comment sheet via fax (604) 687-1339 or by mail to TELUS by October 15, 2012.

Location Plan – Aerial



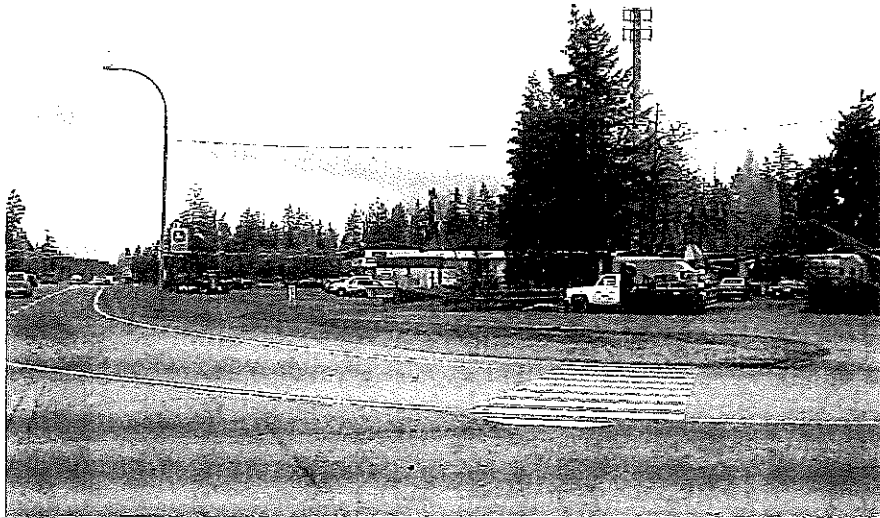
## PHOTO SIMULATION

### Proposed Tower – Before Construction



View: from Phipps Road looking south towards tower location.

### Proposed Tower – After Construction

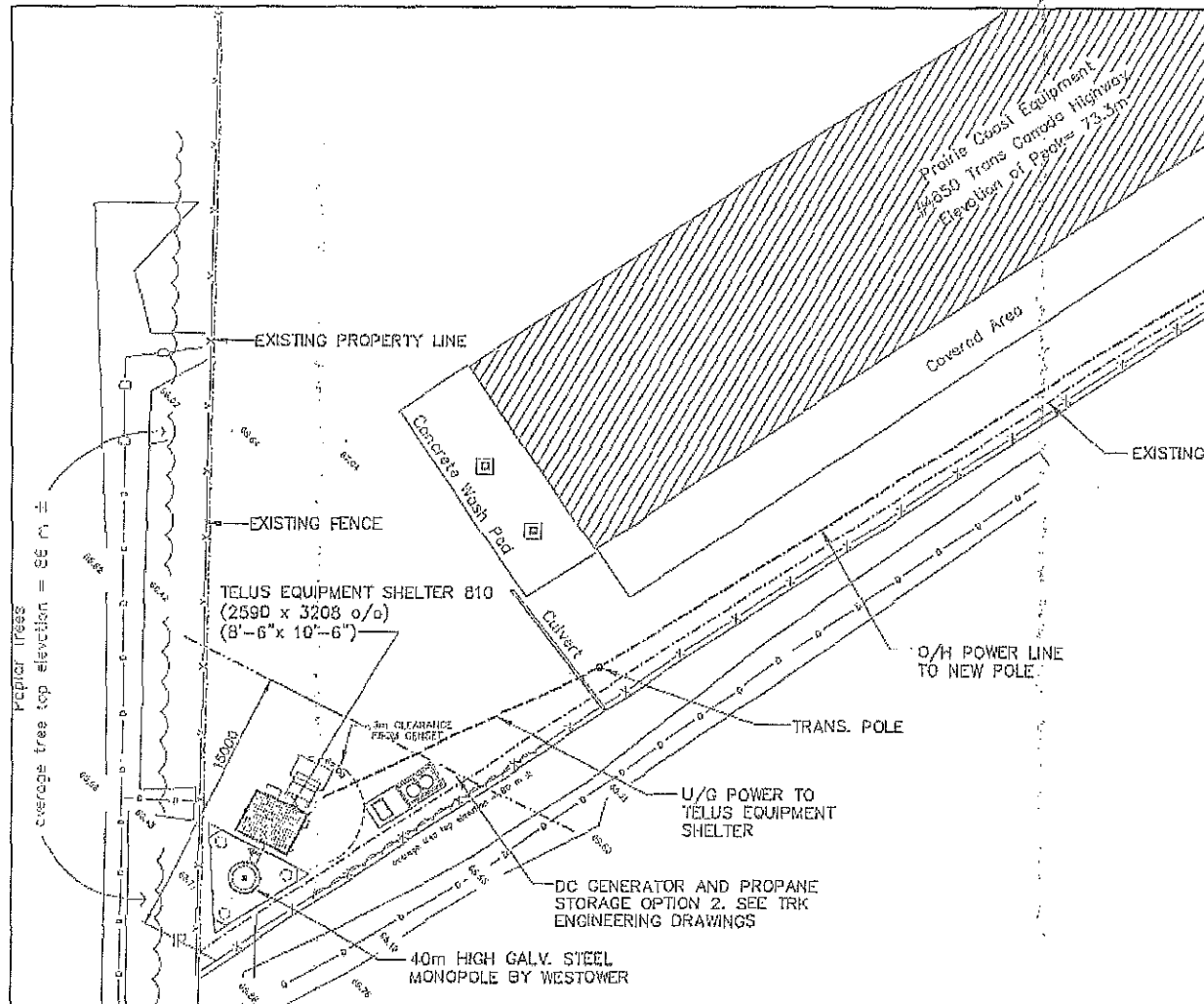


View: from Phipps Road looking south towards tower location.

*Photo Simulation is a close representation and is for conceptual purposes only – not to scale.  
Proposed design is subject to change based on final engineer plans.*

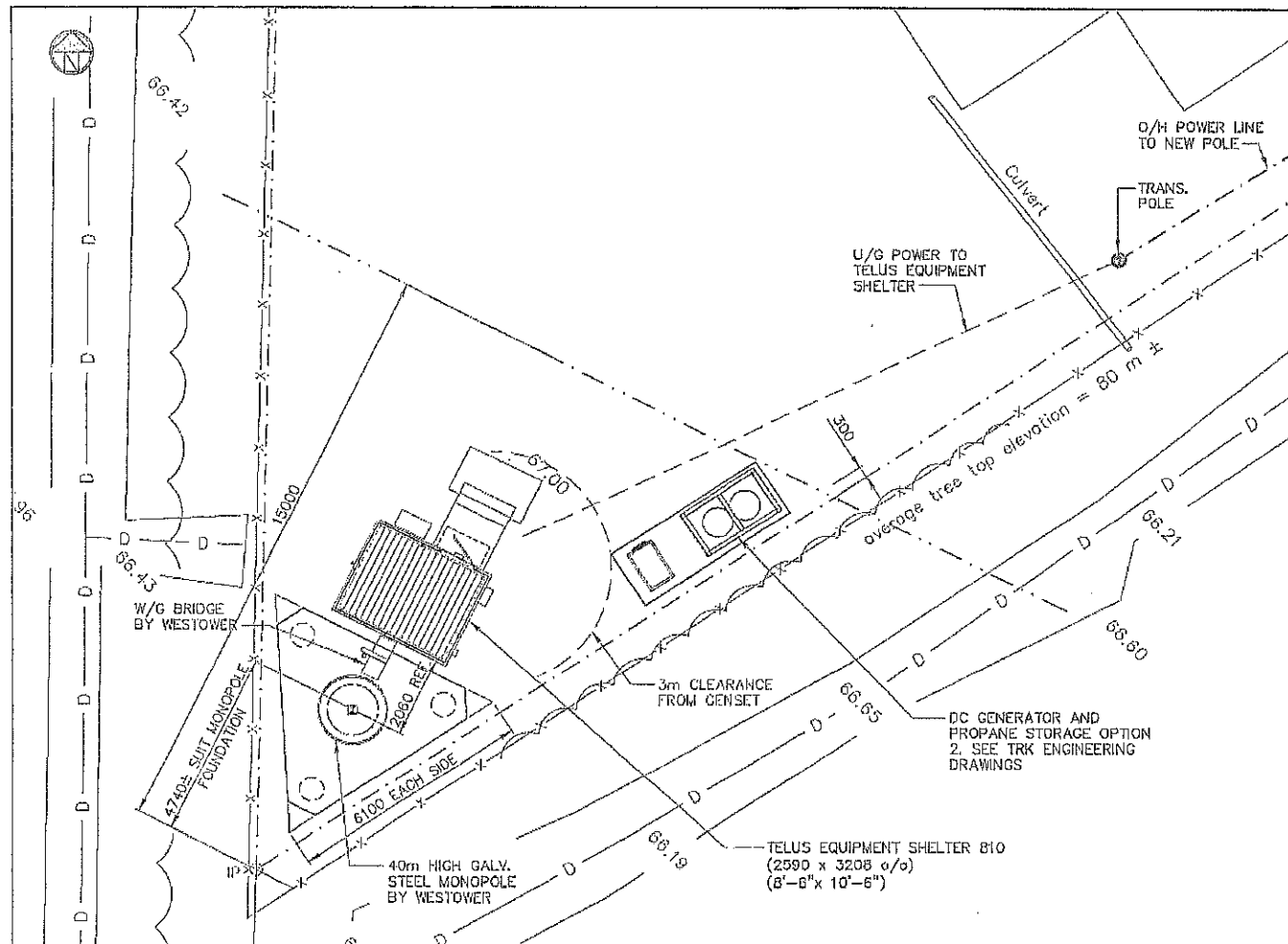
*The tower will be marked in accordance with Transport Canada Obstruction Marking and NAV Canada requirements.*

# Site Plan



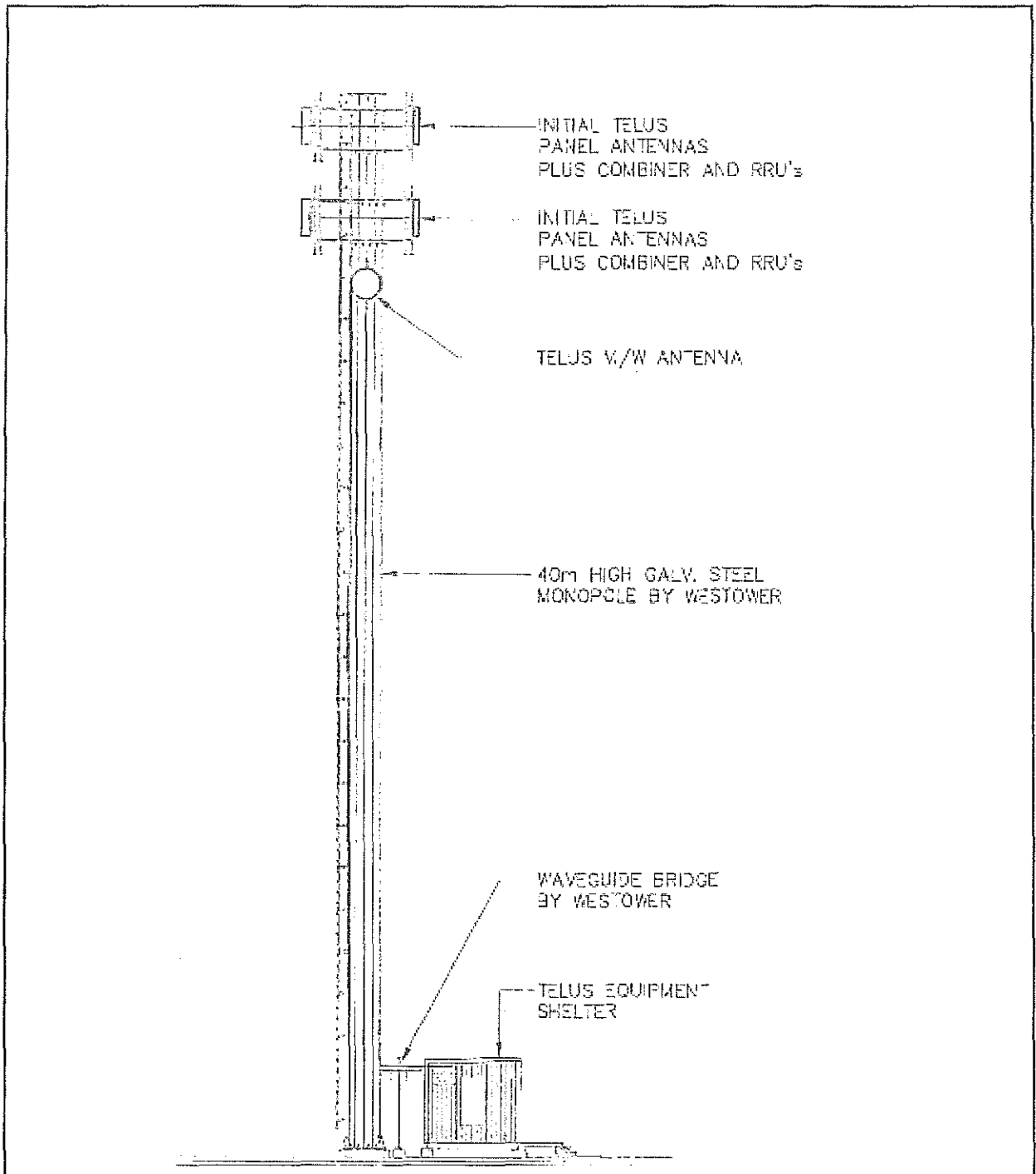
Note: not to scale

# Compound Plan



Note: not to scale

## Tower Profile



Note: not to scale

**COMMENT SHEET**  
**PROPOSED RADIOCOMMUNICATIONS TOWER**  
**4650 Trans Canada Hwy, Duncan, British Columbia V9L 6L2**  
**TELUS SITE BC1283 – Cowichan Station – Koksilah Rd. / Weber Rd.**

1. Do you feel this is an appropriate location for the proposed facility?

- ☐ Yes  
☐ No

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

- ☐ Yes  
☐ No

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Additional Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will be only be used by TELUS in satisfying the Default Public Consultation Process as regulated by Industry Canada.

Name \_\_\_\_\_  
(Please print clearly)  
Email Address \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELUS c/o Standard Land Company Inc.  
Suite 610, 688 West Hastings Street, Vancouver, BC V6B 1P1  
Attention: Chad Marlatt, Manager Land Projects

*Thank you for your input.*





MEMORANDUM

DATE: September 12, 2012

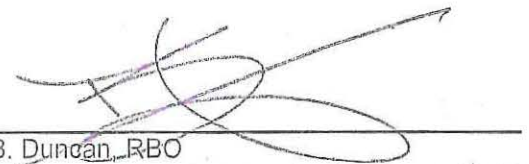
TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF SEPTEMBER 2012

There were 22 Building Permits and 1 Demolition Permit(s) issued during the month of September, 2012 with a total value of \$1,662,725.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"		10,000		350,390	80,460		7	46	440,850	7,601,190
"B"				66,400	86,600		4	60	153,000	6,231,977
"C"				0	24,480		1	27	24,480	1,683,335
"D"				0	0		0	22	0	2,583,620
"E"				307,490	10,000		2	33	317,490	2,956,246
"F"				76,800	0		1	17	76,800	1,741,450
"G"				200,840	66,625		5	20	267,465	2,805,185
"H"				1,000	381,640		3	19	382,640	1,697,330
"I"				0	0		0	11	0	1,934,790
Total	\$ -	\$ 10,000	\$ -	\$ 1,002,920	\$ 649,805	\$ -	23	255	\$ 1,662,725	\$ 29,235,123

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

BD/db

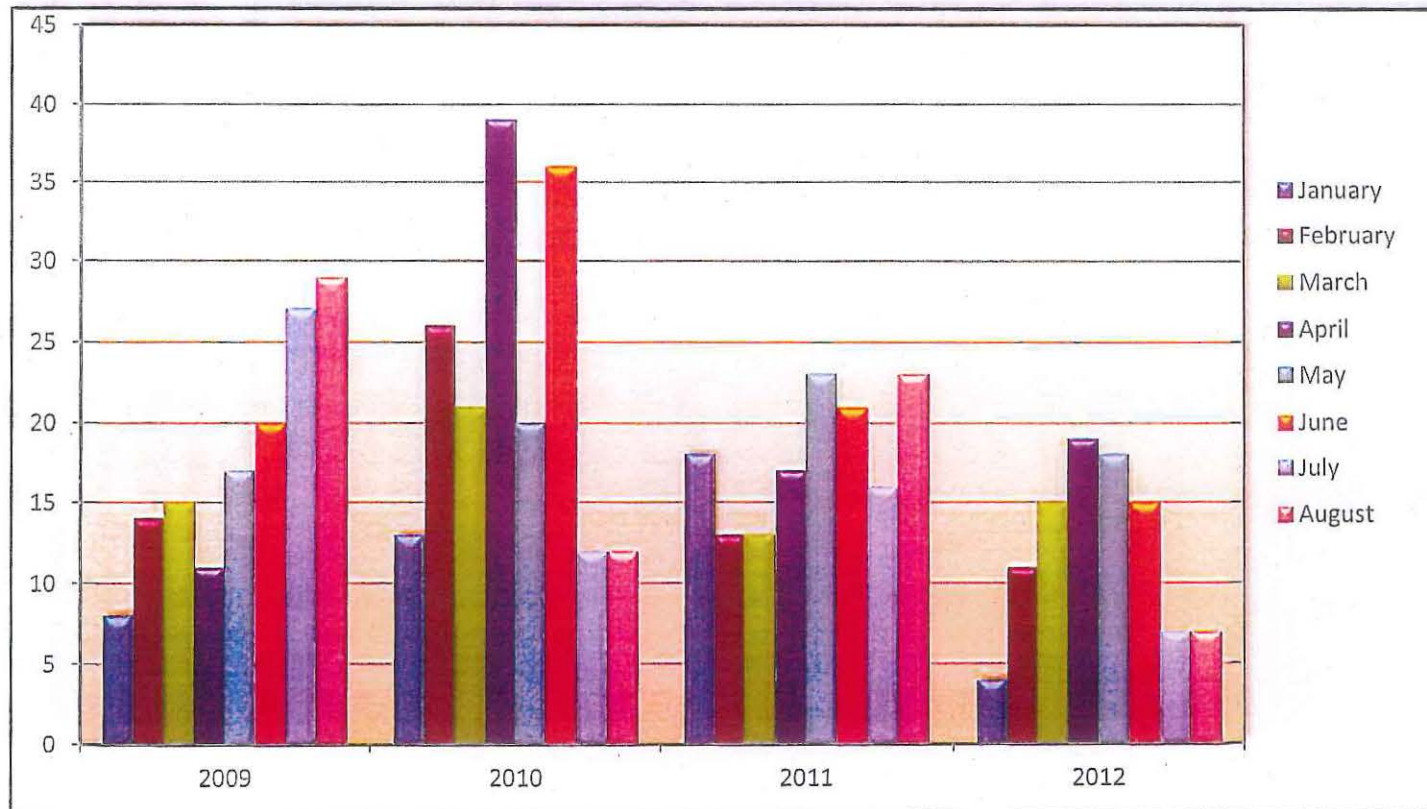
**NOTE:** For a comparison of New Housing Starts from 2009 to 2012, see page 2  
For a comparison of Total Number of Building Permits from 2009 to 2012, see page 3

INT



### Total of New Housing Starts

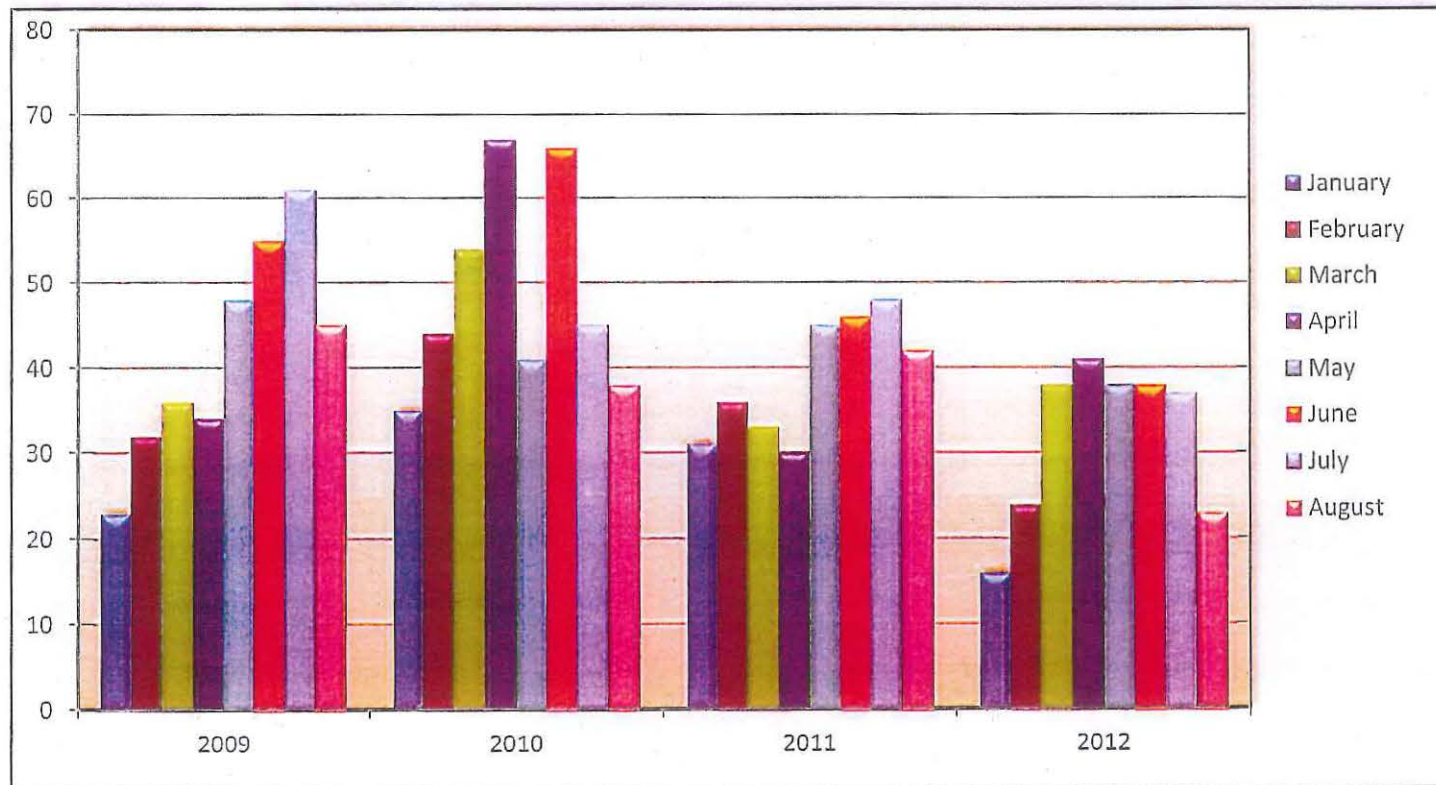
	2009	2010	2011	2012
January	8	13	18	4
February	14	26	13	11
March	15	21	13	15
April	11	39	17	19
May	17	20	23	18
June	20	36	21	15
July	27	12	16	7
August	29	12	23	7
<b>YTD Totals</b>	<b>141</b>	<b>179</b>	<b>144</b>	<b>96</b>





### 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
June	55	66	46	38
July	61	45	48	37
August	45	38	42	23
<b>YTD Totals</b>	<b>334</b>	<b>390</b>	<b>311</b>	<b>255</b>



IN3

Minutes of the Cobble Hill Advisory Planning Commission meeting held at 7 p.m. on Thursday, September 13<sup>th</sup> 2012 in the Youth Hall located on Watson Avenue.

Those present: Jens Liebgott – Chair, John Krug, Rosemary Allen, Jerry Tomljenovic, Janice Hiles, Don Herriott, Robin Brett and Director Gerry Giles. Apologies: Rod de Paiva, Dave Lloyd, David Hart.

Also present: Gar Clapham, Betsy Burr and Alf Pink

Moved/second

that the agenda be accepted as amended by adding an item by Robin Brett.

MOTION CARRIED

Moved/second

that the minutes of July 19<sup>th</sup> 2012 be adopted as circulated.

MOTION CARRIED

Robin Brett offered some observations on the Advisory Planning Commission, the decision made with respect to the sign variance requested at the last meeting and the responsibilities held by APC members. Her overview included the following comments:

- the APC is charged with expressing community wishes/vision/goals
- comments made by staff on applications need to be read and taken seriously
- the OCP is our guiding document as it was developed with a lot of community input
- we should not take the guidelines and policies expressed in the OCP lightly
- staff comments are the first and last thing we should read about an application
- the discussion on the sign variance serves as an example of how not to view an application
- the variance requested was over height and illuminated against the suggestions contained in the OCP guidelines/policies
- our job is not to state what we personally like or dislikes
- our job is to listen to an applicant then apply the standards the community wants or envisions for itself wherever it is practical to do so
- we need to ask questions like are very tall and illuminated signs along the Trans Canada Highway something the Cobble Hill community really wants to see
- the APC helps to ensure consistency so it should always be remembered there is a precedent set with every decision made.

Director Giles provided an update on the sign variance approved by the CVRD Board for the Valley View Centre. The height was restricted to 5 metres, which is consistent with Area A, D, E and the City of Duncan. The Municipality of North Cowichan is also considering the 5 metre height restriction.

#### Delegations:

Mr. Alf Pink was present regarding ALR Application No. 2-C-12 ALR. Mr. Pink made a presentation in which he stated that his youngest daughter had just bought the property and she would be moving into the family home. In turn, Mr. Pink would move into the mobile and the third building on the property will be converted back to a tack room. Upon questioning Mr. Pink stated he had no problem ensuring the kitchen is decommissioned in the tack building.

After considerable discussion, it was

Moved/second

the APC recommends that application 2-C-12 ALR (Pink) be approved subject to the kitchen being decommissioned and further that a covenant be registered on the property to ensure the third residence will not be reconstructed on the site.

MOTION CARRIED



Mr. Pink left the meeting after thanking the APC.

#### Business Arising:

Rosemary Allen left the meeting.

- 1) The APC's comments to proposed Zoning Bylaw 3520 and Mike Tippet's response to the same were reviewed. The document containing this information is appended to the minutes for easy reference. The final comment made by Mr. Tippet was discussed at length. The area of concern is the zoning on the east side of the highway between the Trans Canada and Hutchinson Road to the north down to the boundary of Area C on the south. Upon consideration the APC felt there were sufficient reasons to change the designation on these blocks of land from RR-2 to RR-3.

Moved/second

The APC recommends the OCP and zoning designation on the properties on the east side of the Trans Canada Highway between the southern boundary of Area 'C' and Hutchinson Road to the north be changed from RR-2 to RR-3.

MOTION CARRIED

Jerry Tomljenovic left the meeting at 7:52 p.m. Rosemary Allen returned to the meeting at that time.

#### New Business:

A discussion paper by Chair Rod de Paiva regarding the operations of the Joint APC in which he outlined a number of suggestions was discussed. This paper has been distributed to the three South Cowichan Directors and APC Chairs for their consideration and comment. No comments have been received to date. This item will be redistributed to APC members for consideration at their next meeting, and it has also been appended to these minutes for ease of referral.

#### Director's Report:

Information contained in the Director and Alternate Director's reports included:

- Update on the washroom and Village sewer system
- Update on the pathway constructed between Watson Avenue and Twin Cedar Drive
- Update on the Age-Friendly initiative for the Cobble Hill Common
- Update on the proposed cell tower location at Rona
- Update on the success of the 103<sup>rd</sup> Cobble Hill Fair with thank you to Betsy Burr for a job well done on the 2012 parade
- Provision of the handouts for the Age-Friendly meetings, the Water Study initiative and the Cobble Hill Historical Society's 2012 Glimpses of Our Past. Complements were extended to the Historical Society for this publication as "it just gets better every year."

The meeting adjourned at 8:23 p.m. with the next meeting being scheduled for October 11, 2012.

---

Jens Liebgott  
Chair

## **Some thoughts on Joint APCs - August 16, 2012**

by Rod de Paiva

### **Conduct of Meetings:**

- Conduct meetings according to the present bylaw.
- The Area in which the joint meeting is being held may invite the members of their APC not designated as Joint APC members to attend.
- Meeting procedures can allow such persons to speak to the meeting. This is accomplished by the chair polling the Commission members and getting their approval to hear from such persons.
- Such persons do not participate in the meeting other than being recognized to speak and each time such persons wish to speak they must be so recognized.
- Such persons form a part of the audience.
- Such persons have no vote.
- The chair does not have the prerogative to determine who and who does not speak but to make sure proper order and procedures are followed.
- The APCs should formally adopt some rules of order, which will confirm a consistency of operation.
- The documentation forwarded to the Joint APC can be given to Area APC. (Even all the APC's.)
- Meetings need to be regularly scheduled by having a fixed day, a fixed week and perhaps a fixed month. (perhaps hold each Area Joint meeting on the same day as the Area APC meeting with Joint meeting preceding the Area meeting.)
- Future considerations:
  - Make the quorum to hold a meeting at five provided that there is at least one in attendance from each Area APC.
  - Allow for alternates for designated members.
  - Allow for both Joint APC's and Area APC's to make a recommend on Joint applications by conducting both Joint and Area meetings on the same day with the Area meeting immediately following the Joint meeting. (The applicant must be able to be present at both meetings)

### **What should come to the Joint APC**

- All proposed amendments to the OCP.
- 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 VCB or create a new VCB.

**What should come to the Area APC**

- Applications covering part or all of the water surface of any lake or the ocean . (Does this include the shoreline?)
- Any applications that borders on the Area APC that does not result in a change of the OCP.
- Administrative amendments proposed by CVRD
- Applications that convert RR-4 to an RR-5.

**Comments:**

- Joint meetings have a distinctive and unique contribution to make to the planning process. It brings an objective view to the discussions as there tends to be a more objective approach to the notion of what is in the best interests of the community, the principle guideline for all APC's.
- Since the SCOC is a three community plan it seems that as much three community participation as possible should take place. (It is recognized that this may take a bit more time and effort but the outcome is worth it.)

With a bit of planning and goodwill the difficulty in the calling of meetings doesn't need to be an issue.

Area C, Cobble Hill Advisory Planning Commission  
Proposed Bylaw 3520 Review  
APC Comments  
as compiled by Chair de Paiva

**General Comment:**

The overriding policy is that the outcome of the proposed zoning changes is not to result in a down-zoning of any parcel within the South Cowichan.

**Comments on Definitions:**

- Aggregate processing: - In the definition it lists storage of these materials. Does this preclude a landowner who is zoned to extract gravel from purchasing and storing such material on his property (gravel pit)?
- “**Aggregate processing**” means the crushing, washing, screening, grading, sorting, milling, concentration or storage of minerals, rocks, earth, clay, sand or gravel; *\*\* (Does this definition open the door to dirty dirt deposits?)*
- Arcade: defined by 4 machines. What would having one or two machines be called?
- “**Auto workshop**” means a building or structure used or intended to be used for all manner of mechanical repairs to motor vehicles and parts thereof, including: engine and transmission tuning, **upgrading***\*\** and rebuilding as well as the rebuilding of other auto components and associated machine shop; and cosmetic and structural repair and restoration of motor vehicle bodies and chassis, including sand and media blasting, painting and metal plating of automobile parts and bodies, and also includes motor vehicle assembly and parts and accessory sales, but does not include motor vehicle manufacturing or automobile salvage or wrecking yards; *\*\* (Exceptionally broad definition)*
- Boarding Stable: needs some punctuation?
- Caretaker’s Residence: add an “a” to single family dwelling
- Catering: how can there be immediate consumption if it needs to be carried away?
- Centre Line: can this be interpreted to mean the centre-line of the road allowance vs the centre-line of the driving surface??
- “**Civic use**” means a use providing for government functions and services, including but not limited to federal, provincial, regional and municipal offices, public schools and colleges, publicly owned and operated hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, jails and prisons, courts of law, waterworks facilities and sewage facilities, but excludes storage as a principal use, and excludes public works yards*\*\** ; (Makes me go hum... would people prefer a jail or prison to a public works yard?)
- Dwelling: In the first line of the ‘dwelling’ or ‘duplex’ definition there is a superfluous ‘of’ between ‘comprise’ and ‘a’.
- “**Front yard**” means the area of a parcel, bounded by the front parcel line, the interior side parcel lines and a line drawn parallel to the front parcel line at a point 15 metres distant from the front parcel line*\*\** ; *\*\* (I need an explanation on this?)*
- “**Home-based business**” means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain, and which is clearly accessory to the residential use of the property*\*\**; *\*\* (Very broad and will be abused by some thereby creating conflict in some neighbourhoods.)*
- “**Incubator mall**” means a building or series of buildings within which light industrial uses occur, and where the costs of renting space are reduced to below market value with a view to encouraging



the establishment of light industrial business which will, once established, move to other premises\*\*; \*\*(Does moving ever happen and what is there that will ensure it will?)

- Incubator mall: Sounds like a recipe for future litigation and a bylaw enforcement nightmare.
- Kitchens: not all kitchens necessarily have both upper and lower cabinets!!
- **“Personal service”** means the use of a building or structure to provide professional services to a person, including but not limited to a barber shop, hairdresser salon, dry cleaner, tailor, shoe repair shop\*\*, photographer studio, picture framing shop, doctor’s office, dentist office and fitness studio, and may include the sale of goods, wares, personal merchandise, articles, or things accessory to the provision of such services; \*\*(Does dry cleaner fit within this definition? Dry cleaning operations pose huge risks to the environment.)
- Rear Parcel Line: how would this be defined for a triangular parcel??
- Residence: “or return if absent” seems redundant!
- Subdivision: not in the list of definitions within the Strata Property Act as stated?
- “Delicatessen” and “Specialty food store” means an eating establishment where specialty foods are served and which provides no more than 10 seats\*\* for customers to consume food on the premises, and which does not serve food via a drive through window; \*\*(Why just 10?)
- **“Take-out restaurant”** means an eating establishment which provides no more than 6 seats for customers to consume food on the premises, and which does not serve food via a drive-through window. This includes restaurants which have no provision for consumption of food on the premises\*\*; \*\*( Why 6?)
- **“Waste transfer station”** means the use of land or buildings, for consolidating waste from multiple collection vehicles into transfer vehicles for shipment to disposal sites, and may include accessory office, recycling and vehicle scaling facilities\*\* ; \*\*Makes me go hum!

### Uses Prohibited in all Zones

1. Any use not expressly permitted in this Bylaw is prohibited in every zone, and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.
2. The following uses are prohibited in all zones, unless explicitly permitted elsewhere in this Bylaw:
  - a. The use of a houseboat, float home, float camp, or other vessel used or intended to be used for temporary or permanent residential use;
  - b. The use of a recreational vehicle for permanent, full time occupancy;
  - c. The parking of more than one commercial or industrial vehicle with a GVW in excess of 5000 kg, except on a parcel zoned for a commercial or industrial use;
  - d. The keeping of more than 4 cats or dogs that are over 4 months of age, except in zones where a kennel is permitted;
  - e. Disposal of any waste matter on land or in lake or marine areas, except such waste matter as is lawfully permitted under the *Sewage Disposal Regulation*, the *Agricultural Waste Control Regulation* or the *Waste Management Act*;
  - f. Storage of any wastes or contaminated soils, if the wastes did not originate on the same parcel;
  - g. Treatment of contaminated soils on any parcel other than that upon which the contamination arose;
  - h. Gaming and gambling establishments, other than charity gaming;
  - i. Junk yard or for the storage, collection or accumulation of all or part of any automobile wreck or all or part of any motor vehicle which is not validly registered and licensed in accordance with the *Motor Vehicle Act*, or capable of motivation under its own power; and

- j. Storing portable containers, other than during a construction project with an active building permit\*\*. \*\*What does this do to the storage facility at Baycedar Mall? Their operation is all portable containers

#### 4.8 Chickens and Other Domestic Fowl in Residential Zones

A parcel of land in any zone within which Single Family Dwelling is a permitted use, may be used for the keeping of a maximum of six chickens – roosters excluded – or six ducks of either gender, or six domestic fowl of another species, and any pen or shelter shall be set back no less than 7.5 metres\*\* from all parcel lines. \*\*(This whole clause could present a problem...)

**4.10 Home – Based Business Regulations\*\* \*\*90008** (This definition is likely problematic and I would use the Braithwaite Drive (Rooke) example of how disruptive a home based business can be. Also, given the heavy industrial type use on the property described above, it would appear this home based business was given an unfair advantage in the market place in that residential not industrial taxes were charged.)

For zones in which home-based business is a permitted use, all of the following regulations apply:

1. The home-based business use shall only be conducted within a dwelling unit or within a wholly enclosed permitted accessory building;
2. The home-based business use shall be clearly subservient and incidental to the use of the dwelling unit for residential purposes and to the residential use of the parcel upon which the dwelling is located;
3. There shall be no variation from a primarily residential appearance of the land and premises where the home-based business is located;
4. The home-based business use shall not produce any hazard, offensive odour, noise, dust, smoke, glare, toxic or noxious matter, contaminated site, heat, electrical interference, fire hazard, litter, additional waste, floodlighting, vibration, excessive customer or service traffic, or create a nuisance of any kind;
5. The home-based business use shall have no external display or advertisement other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area;
6. The home-based business use shall not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product;
7. The maximum floor area per parcel used for home-based business use, including office space, storage, processing or sales, shall not exceed:
  - a. 100 m<sup>2</sup> on a parcel which is less than 1 ha in area;
  - b. 200 m<sup>2</sup> on a parcel 1 ha in area or larger, subject to the Agricultural Land Commission's approval if the land lies within the ALR.
8. The home-based business use shall only be conducted by a resident on the parcel and shall not employ more than:
  - a. one additional non-resident person on a parcel which is less than 1 ha in area; or
  - b. two additional non-resident persons on a parcel 1 ha or larger.
9. The home-based business use may involve the repair of motor vehicles, excluding the painting and bodywork of vehicles, and shall:
  - a. be limited to not more than one fully enclosed service bay with a total area not exceeding 25 m<sup>2</sup>; and
  - b. exclusive of the resident's own licensed vehicles, be permitted to park not more than one vehicle out of doors. No work on a vehicle is permitted while it is out of doors.
10. Automobile body shops, machine shops, welding shops, heavy equipment repair and similar uses are not permitted as home-based businesses.

11. A daycare, licensed under the *Community Care and Assisted Living Act*, is permitted as a home-based business, provided it complies with Provincial regulations.
12. No off-site parking associated with the home-based business use is permitted.
13. On parcels where the principal use is residential, no more than one commercial vehicle with a maximum gross vehicle weight of 5,000 kg or more shall be located outside of a building or structure.
14. Any home-based business use must comply with all Regional and senior government agency environmental protection regulations.

(I like the notion that fencing will no longer include barb wire unless on agricultural land or containing agricultural uses. I'll work my way through the rest of the bylaw as time permits.

### Comments on Specific Zones Pertinent to Area C

#### A-1 Agricultural Resource 1 Zone

- There nothing that would hinder a farmer as he goes about making his living. pigs of course aren't mentioned but I was surprised that rabbits were limited to 24.

#### A-4 Agricultural Golf Course 4 Zone I

- As for A- above.

#### A-2 Small Lot Agricultural 2 Zone

- As for A- above.

#### A-6 Agricultural Institutional 6 Zone

- This zone does not appear in Cobble Hill.

#### RUR-1 Rural Resource 1 Zone

- This zone is at the base of Cobble Hill Mountain. Future consideration of this area as parkland should be considered prior to any permits being granted. This should be done in cooperation with Shawnigan Lake.
- No difficulty with the description of the zone.

#### RR-2 Rural Residential 2 Zone

- Other than the Chapman Road Area there are no concerns.

#### RR-3 Rural Residential 3 Zone

- *No issues with the section.*

#### RR-3A Rural Residential 3A Zone

- *No issues with the section.*

#### RR-4 Rural Mobile Home Park 4 Zone

- *No issues with the section.*

#### RR-5 Rural Manufactured Home 5 Zone

- Under definitions of Home based business I feel there needs to be a clarification what "accessory" to the residential use of the property means. Page 59, special regulations sec b. common storage area needs a definition, e.g.; what could it be, a building, covered patio etc. Maybe it could be defined as to what it could not be?

#### R-2 Village Suburban Residential 2 Zone

- 1,permitted uses, f) Accessory dwelling unit, there should some mention of what the maximum and minimum size could be.

#### R-3 Village Residential 3 Zone

- 30 Setbacks. I wonder why in area C setbacks for accessory uses are less for Interior Side 1m. whereas in the other areas it is 3m.? The same applies to the rear setbacks. C is 1m. whereas A is 3m. and B is 4.5m. Is there some reason for the differences in each area?
- Building Height; Why the difference in the building Heights in the different Areas. It sort of jumped out at me and there does not appear to be an explanation anywhere.
- 8) Minimum Parcel Size; community water and community sewer, why is the parcel size 900m2 so much smaller in C as compared to A and B ?

#### R-4 Village Mobile Home Park 4 Zone

- Question/Concern: Allows for home based business as per part 4.10 9 (page 24/25) This section allows for a business that may involve the repair of motor vehicles (with certain restrictions). I question whether this type of Home Based Business is appropriate in this zone? As mentioned, other than that question nothing obvious jumps out at me.

#### R-5 Village Manufactured Home Residential 5 Zone

- Seems in order.

#### R-6 Village Mixed Use Residential 6 Zone

- Seems in order.

#### CD-1 Rural Comprehensive Development 1 Arbutus Ridge

- did not see any issues with the Arbutus ridge section or the Eco village section but I do not know these areas as well.

#### CD-3 Rural Comprehensive Development 3 Chapman Road

- I did not find any issues with the Chapman road zone, but I did wonder if the uses laid out actually cover the tool rental business that takes place on this property.

#### CD-10 Rural Comprehensive Development 10 Galliers Road East

- The one on Galliers road east is well thought out, I like it.

#### C-2 Rural Highway Commercial 2 Zone

- The description of restaurants is inconsistent. The sections should either all mention that drive-throughs are not permitted or not mention them at all as they are not allowed under Section 4.18 unless explicitly permitted

#### C-3 Rural Service Commercial 3 Zone

- See C-2

#### C-4 Rural Tourist Recreation Commercial 4 Zone

- See C-2

#### C-5 Village Neighbourhood Commercial 5 Zone

- Seems fine. What about parking allowance in Commercial Areas. They have zero setbacks, so would it not cause a shortage of parking

#### C-6 Mixed Use Village Commercial/Residential 6 Zone

- Seems fine. What about parking allowance in Commercial Areas. They have zero setbacks, so would it not cause a shortage of parking

#### C-7 Village Commercial 7 Zone

- Seems fine. What about parking allowance in Commercial Areas. They have zero setbacks, so would it not cause a shortage of parking

#### C-8 Village Tourist Commercial 8 Zone

- The variances in the setbacks for the four Village zone designations is confusing. Why do Commercial businesses in C-8 have a 4.5 metre setback and pubs and restaurants in C-9 have a 6 metre requirement. There are restaurants in both the C-8 and C-9 Zones and they don't have the same setback requirements.

C-9 Village Neighbourhood Pub Commercial 9 Zone

- Comment same as C-8 above.

I-1C Light Industrial 1C Zone

- This Zone allows for 160,000 litres of propane ,ethane etc. This seems to be excessive when Service Stations are not apparently allowed within this Zoning. Where would the regulations be spelled out regarding the safest storage containers required for this volume of very flammable fluids? This translates into 40,000 gallons which seems to be very excessive.

I-3 Transportation Industrial 2 Zone

- Specific to the Chevron tank farm only
- No concerns

I-6 Agricultural Industrial 6 Zone

- This zone relates to the tomato farm?
- Equipment sales should be limited to agricultural equipment.
- Perhaps Green House should be a specifically permitted.

I-7 Railway Transportation 7 Zone

- The permitted uses seem appropriate to the zone.

P-1 Parks 1 Zone

- The permitted uses seem appropriate to the zone.

P-2 Institutional 2 Zone

- The permitted “institutional use” seems pretty general. How would it be interpreted?

P-3 Village Institutional 3 Zone

- No comment wrt Cobble Hill Area

P-5 Forest Institutional 5 Zone

- No comment wrt Cobble Hill Area

W-1 Marine Conservation 1 Zone

- No comment.

W-2 Fresh Water Conservation 2 Zone

- No comment.

**Comments on Applicable Sections of the OCP:**

- Relocation Report ;Page 4, b, demographic profile of residents----- I find this to be intrusive and could be challenged, e.g.; why is age to be identified?

**Other Comments:**

- (Rosemary Allen) I do have a big issue with the down zoning of my property.. It has been taken out of RR2 were it has always been and placed in RR1. RR1 is for properties 4 ha. and up. Our property is 3.89 ha. The property is 876 Chapman Road. We live next door at 872 Chapman Road. We bought the property in 1971. When we built our house at 872 Chapman Road it was a family decision to keep the property for our sons. One son lives on it now in a small trailer and the youngest son will be retiring in about 5 years and intends to build on the property at 876 too. If the said property is moved into RR1 we cannot split it in half for the two boys. The oldest son in the trailer will need help in the future. . If this property is kept in RR2 where it belongs our plans would be assured. Lot2plan24358 Section 10, Range8 Shawnigan Land district Except plan 25320&Excp139829Pid 39829 (from the tax notice.) If this is hard to follow I intend to bring the plot plans and legal description to the meeting so it can be better understood. I would be pleased to drop it off to your house tomorrow if that is possible or perhaps you would care to come here and see the lay out. Gerry has been over and walked down the property already. The back of the property fronts on Gay Manor Road a paved Road.

August 31, 2012 - Reply to the APC Comments  
by Mike Tippet

Hello Rod,

Thank you and the APC members for a thorough set of comments on the draft South Cowichan Zoning Bylaw. Since the minutes containing these comments often had questions in them concerning the draft, I have decided to send a detailed email to you which you can share with the membership, in which I relate any changes made in response to the APC comments as well as my attempts to answer questions posed in your minutes.

The below information is presented in bullet form, corresponding to the bullets in the APC minutes:

- Aggregate processing: this definition only has relevance to the two parcels that would have RUR-3 Zoning: SIA and MIA's quarries in South Shawnigan. The storage of materials being permitted there has no bearing on parcels in other zones.
- The definition of gravel processing does not open the door to receipt of "dirty dirt" deposits even on the two parcels that are in the RUR-3 Zone. The Province has concurrent (hence – pre-eminent) authority concerning the disposition of contaminated soils in BC.
- Any place (like a convenience store) that has three or fewer gaming machines would not be considered to be an arcade, so it would be a permitted accessory use.
- Auto workshop with its reference in the definition to "upgrading" was written to accommodate tuning shops, customizing shops etc. This definition only applies in the zones which permit the use: I-1, I-1A, I-1B, I-1C, and I-8.
- Corrected the punctuation in Boarding Stable definition.
- Corrected Caretaker's Residence sentence.
- Changed word in Catering definition from "immediate" to "imminent".
- Centre line refers to the centreline of the road allowance, not the pavement centreline.
- Civic Use – I removed Jails and prisons from the definition in the early August re-draft.
- Corrected grammar in "Dwelling" definition.
- Front Yard – the only application of this definition is with respect to fence height regulations, i.e. the fence height in the "front yard" (as defined) on a residential property cannot be more than 1.2 m.
- Home-based Business – remember that this definition is supplemented by a very detailed set of regulations under Section 4.10 (to be discussed later in this email)
- Incubator mall – it's likely that the only agency that would ever consider subsidizing a light industrial mall would be a local government. Whomever would operate such a mall would have the final say on how long a business could remain before moving out. I am not sure why the local government would find itself in litigation concerning such a mall, presumably any operator of an incubator mall would have tenants sign contracts at the outset specifying the terms of occupancy.
- Kitchens – amended reference to upper cabinets.
- Personal Service – removed dry cleaning from the definition.
- Rear Parcel line – hard to generalize about whether a triangular lot has a rear parcel line or not, the location of lines relative to building location would determine that.
- Residence – "or return to if absent" is a necessary component of a legally defensible definition of residence.
- Subdivision – I did not understand what you are getting at here.
- "Delicatessen" – the definition has been altered by removing the regulation concerning maximum number of seats
- "Take out Restaurant" – same, deleted maximum number of seats from definition.

- “Waste Transfer Station” – this use is only permitted in a couple of industrial zones in the draft bylaw, but it’s permitted anywhere now.
- Uses prohibited in all zones – Baycedar Mall’s use of containers for storage has never been legal.
- Section 4.8 – the chicken regulation will be gutted and instead point to the limited agriculture regulation. The upshot of this is that the keeping of chickens will only be permissible in zones that allow limited agriculture, i.e. not in any R-3 Zone.
- Home-based business regulation – I have lowered the permissible floor area in Area C and area B from 100/200 square metres to 90 square metres. Area A will retain (its present) 100/200 standard. The Rooke example was way beyond the 90 SM limit so it’s not necessary to redesign the regulation to interdict this from happening.
- A-1/A-2, A4, A-6 Zones – I don’t see where there is a 24 rabbit limit! Also A-6 does not appear in the Cobble Hill area.
- RUR-1 – Cobble Hill Mountain base – it is not a zoning issue but it would be possible to put some aspirational language into an OCP policy that deals with the future use of this area.
- RR-5 (and R-5) – I added a definition of “Common storage area” indicating that it may be covered, indoor or outdoor and is only for the use of residents of the development.
- R-2 – maximum size of accessory dwelling unit (and secondary suite) is specified in the general regulations, Section 4.16 and 4.17 respectively.
- R-3 – all differences in building height and setback between Areas A B and C are reflective of present standards in the separate zoning bylaws that are presently in force. There is a chance to rethink these standards if you like.
- R-3 – the difference in minimum parcel size in the R-3 Zone for fully serviced parcels is again a legacy of the present practices in each of the 3 communities. The 2011 OCP contains these density provisions as policy so deviating from it would require a plan amendment.
- R-4 and RR-4 – you have made a very important point here, highlighting an error in the original draft, so all references to home-based business have been banished from these two zones.
- CD-3 – I have asked Gerry whether we should add tool rental as a permitted use in CD-3. I haven’t heard back yet.
- C-5, 6 and 7 – zero setbacks actually enhance the opportunity for on-site parking, as we have already seen with a couple of recent developments in Shawnigan Village.
- C-8, C-9 – setbacks have been reduced to 4.5 m.
- I-1C – this zone (in my draft at least) does not permit 160,000 L of HC storage. I-1, I-1A and I-1B do, however, these zones are in Area A mostly, none in Area C.
- I-6 – have changed equipment sales to “agricultural equipment sales”.
- P-2 – “institutional use” would be interpreted as per the definition in Part 3.
- Comment on Demographic Profile in Area C within OCP – the point of having some basic information about who lives in an area is so the services and needs of that population can be better addressed in policy and regulation. All OCPs do this to one extent or another.
- “Downzoning” comments: I note that the remainder of the original lot that was subdivided in the 1970s and again in the 1980s (the latter time with the subdivision to provide a residence for a relative clause of the day) is apparently about 3.7 hectares. Since this is less than 4 ha, even RR-2 zoning (which the present draft zoning map – see CVRD website) has for this area would not be small enough to allow for the creation of 2 parcels of 2 hectares each. And with the 25 hectare minimum for using Section 946 (the aforementioned “subdivision to provide a residence for a relative” clause) in the draft bylaw, this would not be an option either. RR-3 or RR-3A zoning would be required to achieve sub-2 ha lots here. I note that this area is zones Rural Residential R-1 under the present zoning bylaw (in force since 1992) and so the 2 hectare minimum is already in place.

If you have any follow-up comments or questions, please feel free to reply!

IN4

**Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Commission Meeting, held on September 13, 2012, at the Glenora Community Hall**

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**Present:** Frank McCorkell, Chair, Ron Smith, Director Loren Duncan, Patty John, Mike Lees, Irene Evans, and Brian Farquhar, CVRD Parks & Trails Manager

**Call to Order:** The meeting was called to order at 7:10 p.m.



**Minutes:**

The Commission reviewed both the regular session minutes and the in-camera minutes of May 17<sup>th</sup>, 2012. There was considerable discussion on a number of the points in the minutes including updates on projects that had taken place over the summer.

**Business Arising:**

A recent donation from the Cowichan Horse Riding Association was discussed and the secretary will attempt to get some additional information about the donation from the club and provide staff with the details so any donation is appropriately shown in the budget and a letter of appreciation can be sent to the club.

**New Business:**

**1. Community Parks Budget for 2013**

Brian Farquhar assisted the Commission with a thorough review of the present (2012) budget, the expenditures forecast to the end of the year as well as the proposed 2013 budget. There were some minor changes made to the forecasted expenditures resulting in the proposed budget being set at \$235,000.

In addition the Commission reviewed the Community Parks Minor and Major Capital Projects for 2013 and these will be appropriately detailed in the final budget statement.

**2. The Canadian Mental Health Association** has requested the use of a portion of the Glenora Trails Head Park on May 3, 2013 for their annual fund raising event. Chairman McCorkell read the memorandum from staff and the Commission were pleased to allow the Association to hold their afternoon event as proposed next May.

**3. Horse Riding Event.** It was briefly mentioned that there was a very successful ride by the Horse Council of B.C. across the Kinsol Trestle to the Glenora Trails Head Park on Sunday September 9<sup>th</sup>. In addition some of the literature available as well as photos of the event was shown to the Commission members.

**4. Community Parks Appreciation Day—September 16<sup>th</sup>, 2012.** Frank McCorkell informed Commission members that this will take place this coming Sunday and asked volunteers to come out and help. It will take place from approximately 11am to 3pm.

**5. Pubic Meeting in Sahtlam.** This is to take place on October 23<sup>rd</sup> and the main focus will be on the Community Parks development in the Sahtlam area.

**Next Meeting:** This will be called by the Chair.

**Adjournment:** The meeting adjourned at 9:30 p.m.



Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7:00 p.m. in the Youth Hall on Watson Avenue on Wednesday, September 19<sup>th</sup> 2012.

Those present: John Krug – Chair, Lynn Wilson, Bill Turner, Al Garside, Gord Dickenson, Annie Ingraham, Dennis Cage, Alan Seal, Jennifer Symons and Director Gerry Giles.

Regrets: Ruth Koehn. Also present: Brian Farquhar – Parks & Trails Manager.

1. The meeting was called to order at 7 p.m. with the adoption of the agenda.
2. Moved/second  
That the minutes of July 26<sup>th</sup> 2012 be adopted as circulated. MOTION CARRIED
3. Business Arising:
  - a) The sign has been removed from the Cobble Hill Common to make way for the new kiosk being constructed. It is currently being stored in the basement of the Cobble Hill Hall. A meeting will be held on Thursday, September 20<sup>th</sup> with Mike Miller, John Krug, Dennis Cage, Gord Dickenson and Gerry Giles to discuss moving forward with the Common based upon the budget remaining in that allocation.
  - b) Ross Park was again discussed. It was determined there is approximately \$3,000 remaining in the maintenance budget for the Cobble Hill Common. It was agreed those funds would be utilized to improve the Ross Park space and that any surplus from the Watson Avenue trail would also be transferred and used toward improvement of this park. It was also agreed that top dressing on the Watson Avenue trail could wait a year to permit the pathway to pack well.  
  
The landscape design of Ross Park will be drought resistant and the property owners whose front yard is adjacent to the park will be consulted to ensure the design is acceptable to them. The design photos are attached on page 3 of these minutes.
  - c) The surface of the South Cowichan Dog Park was discussed and Brian Farquhar agreed to find out what has been used in North Cowichan's Dog Park and to provide that information to the parks commission. It was determined that approximately 55 yards of material would be needed. By using Darrin Forest with his slinger truck the job can be accomplished with minimal strain on our volunteers. A new fountain for the dog park will be constructed soon.
  - d) Brian Farquhar reported that Ryan Lendrum had accepted a new position at Island Savings Centre so all enquiries should now go to Ryan Dias. The parks commission wished Ryan Lendrum well in his new position.

4. New Business:

- The work being undertaken with the Age Friendly Study was reviewed and appreciation goes to Maddy Koch for her artistic rendering of the discussion at the



Age-Friendly session held on Tuesday, September 18<sup>th</sup> 2012. One of the suggestions made at this session was to approach the SCHFIAS with a request for them to donate the Youth Hall once a week (10 a.m. – 2 p.m.) so it could be utilized as a Seniors Centre. A grant in aid could then be provided and the Centre would be trialed over the period of about a year to see if there is a need in the community for a service like this. Lunch and rides, if needed, would be provided. It was suggested Clements South be kept in mind for the luncheon as this would be a wonderful use of community resources and would make a great community mix.



- Brian Farquhar reviewed the draft 2013 parks budget with the commission. He agreed to review and report back on the process by which the bench was recently located at Quarry Nature Park. The commission has no record or memory of discussing the donation or the location of a bench at this park.

Several budget items were discussed and it was agreed the \$26,000 in unallocated funds would be added to the budget for the washroom building at Quarry Nature Park. It was further agreed the ongoing maintenance of the Cobble Hill Common would be reviewed with the Shawnigan Cobble Hill Farmers Institute and Agricultural Society during the 2013 year. It was also agreed the Cobble Hill Parks and Recreation Commission would continue funding the Summer Student Work Program in the amount of \$11,500 and the Summer Playground Program in the amount of \$8,340 as both were seen as worthwhile to the residents of Cobble Hill and the South Cowichan area.

Once the proposed 2013 budget changes have been made the draft budget will again be circulated to the Commission for their final consideration.



Suggestions submitted for Ross Park included constructing some raised landscape beds planted with shrubs, grasses and a few taller trees while also providing pathways and a bench for our age friendly community. Gerry to check with Ruth to see if she also has a drawing.



The meeting adjourned at 9:20 p.m.

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John Krug, Chair