



## NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
May 5, 2009  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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Tuesday, May 5, 2009
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**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)**

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Director B. Harrison  
Director K. Cossey  
Director I. Morrison

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

Director L. Iannidinardo  
Director L. Duncan  
Director M. Dorey

M I

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, April 21 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

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

**CVRD STAFF**

Tom Anderson, General Manager  
Rob Conway, Manager, Development Services Division  
Rachelle Moreau, Planning Technician  
Brian Duncan, Chief Building Inspector  
Brian Farquhar, Parks and Trails Manager  
Warren Jones, Administrator  
Cathy Allen, Recording Secretary

**APPROVAL OF  
AGENDA**

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

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

**MOTION CARRIED**

**M1 - MINUTES**

It was Moved and Seconded  
That the minutes of the April 7, 2009 EASC meeting be amended by adding Director Cossey as being present, and changing "88 unit strata" on item D3 to "50 unit strata", and that the minutes, as amended, be accepted.

**MOTION CARRIED**

**BUSINESS ARISING**

Director Morrison requested to see the letter from Cowichan Tribes that was partially read out by Director Giles at the April 7<sup>th</sup> meeting. Director Giles noted that letter in question is included in the April 21<sup>st</sup> agenda on pages 86-88.

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## **DELEGATIONS**

### **D1 – Mashinchi**

Rachelle Moreau, Planning Technician, presented Application No. 1-A-09DVP (Robert & Jodi Cantwell) to increase the maximum permitted height of a single family dwelling on Cooper's Hawk Rise in Sentinel Ridge, from 7.5 m to 10 m.

Application No. 1-A-09DVP was referred back to staff at the April 7<sup>th</sup> EASC meeting. Ms. Moreau presented new information as requested at the previous meeting.

Ms. Moreau responded to questions from Committee members.

Omid Mashinchi, owner of 2336 Coopers Hawk Rise, was present respecting the prospective owner. He stated that his house would be devalued if the variance application was approved. Wants the EASC to take a proactive approach to opposition shown to the application. He stated that everyone who buys a lot in the subdivision is aware of the height restriction.

The Committee directed questions to the delegate.

### **D2 – Dueck**

Norm Dueck, 2327 Coopers Hawk Rise (Lot 52), was present regarding opposition to Application No. 1-A-09DP. He stated that he would lose a significant portion of his view if the variance was approved. He stated that he did his homework before he bought his lot and feels that the applicant did not do theirs.

The Committee directed questions to the delegate.

### **D3 – Barton/Parker/ Sharples**

Diana Barton, owner of Lot 52, was present regarding opposition to Application No. 1-A-09DP. She stated that she is one of three resident owners of Lot 52. Ms. Barton stated that she feels everyone should be treated equally and have the same rules, and requested that the application be denied.

There were no questions from the Committee to the delegate.

Nancie Parker, owner of Lot 50, was present regarding opposition to Application No. 1-A-09DP. She stated that she is opposed to the variance request and is concerned about loss of privacy. She stated that they built their home according to the rules and expects everyone to do the same.

The Committee directed questions to the applicant.

Rob Sharples, a contractor at Shore Island Developments, was present to answer questions.

The Committee directed questions to the delegate.



**D4 - Cantwell**

Ms. Nagy, was present on behalf of Jodi and Robert Cantwell, applicants, regarding Application No. 1-A-09DP. Ms. Nagy provided further information to the application.

The Committee directed questions to the applicant.

It was Moved and Seconded

That application 1-A-09 DVP by Robert and Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 9.5 metres (31.17') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be denied.

**MOTION CARRIED**

**D5 - Ricketson**

Rachelle Moreau, Planning Technician, presented Application No. 1-I-09DP and 1-I-09DVP, by Charles Ricketson, to construct an addition to the existing dwelling located at 8140 Sa-Seen-Os Crescent, to be 1.5 metres from the side parcel line.

Charles Ricketson, applicant, was present and advised that he met with his neighbour to the east and that he has no concerns with the variance.

There were no questions from Committee members.

It was Moved and Seconded

That application No. 1-I-09DP and 1-I-09DVP be approved, and the Planning and Development Department be authorized to issue a development permit and development variance permit to Charles Ricketson for the construction of an addition to the dwelling on Lot 41, District Lot 32, Cowichan Lake District, Plan 1003, Except Part in Plan 1584 RW (PID: 002-477-882) that would permit the addition to be 1.5 metres from the side parcel line and subject to:

- Compliance with RAR Report No. 1251 by Trystan Willmott;
- Flagging of the 15 m Streamside Protection and Enhancement Area prior to construction;
- Construction is located outside the 15 metre Streamside Protection and Enhancement Area, measured from the 164 metre high water mark.

**MOTION CARRIED**

**D6 - Verch**

Rob Conway, Manager, presented Application No. 1-F-09DP by Tina and Wayne Verch to reconfigure exterior decks at 6770 Forestry Road and reduce minimum setback from a watercourse from 15.0 metres to 8.0 metres.

The Committee directed questions to Mr. Conway.

The applicant had no comments to add.

It was Moved and Seconded

That application No. 1-F-09DP be approved, and the Planning and Development Department be authorized to issue a development permit to Tina and Wayne Verch for the reconfiguration of exterior decks at 6770 Forestry Road (Lot A, Section 29, Renfrew District, Plan 38780), including a variance to Section 3.22 of Zoning Bylaw 2600 to reduce the minimum setback of from a watercourse from 15.0 metres to 8.0 metres, subject to:

- Acceptance of RAR report #1167 by the Ministry of Environment.
- Strict compliance with RAR report #1167, prepared by Kelly Schellenberg, RFP
- Protection of 15 metre Streamside Protection and Enhancement Area (SPEA), other than the permitted encroachment, with high visibility fencing or temporary flagging prior to construction.
- Planting and protection of the proposed compensation area in accordance with RAR report #1167.

MOTION CARRIED

## **STAFF REPORTS**

### **SR1 – Solar Hot Water Systems**

It was Moved and Seconded

That staff prepare a report outlining how the Building Inspection Division could issue permits for home owners who want to renovate in order to allow for solar hot water systems without the CVRD charging an initial building permit fee but charging a small fee for the inspection itself, and forward the report back to the EASC.

MOTION CARRIED

### **SR2 – Trees for Tomorrow Project**

It was Moved and Seconded

1. That the Board Chair and Corporate Secretary be authorized to sign the necessary documents with the Island Corridor Foundation (ICF) and Ministry of Transportation to permit improvements upon ICF lands and within existing road rights of way around the Cobble Hill Train Station as part of the Cobble Hill Train Station “Trees for Tomorrow” Revitalization Project.
2. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$60,000 from the Community Parks General Reserve Fund (Area C – Cobble Hill) for the purpose of completing the Cobble Hill Train Station “Trees for Tomorrow” Revitalization Capital Project; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

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**SR3 – Sahtlam VFD  
Loan Bylaw**

It was Moved and Seconded

1. That CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Area Loan Authorization Bylaw, 2009, be forwarded to the Board for consideration of three reading and following provincial and voter approval, be adopted.
2. That voter approval for CVRD Bylaw No. 3272 be obtained through an alternative approval process over the entire service area.

MOTION CARRIED

**SR4 – Insurance for  
Volunteers**

Staff Report from Sharon Moss, Manager, Finance Division, dated April 8, 2009, regarding insurance coverage for Regional District volunteers, was received as information.

**SR5 – Parks Chairs  
Meeting**

It was Moved and Seconded

That a meeting be organized between the Chairpersons of the Electoral Area Community Parks Commissions and the Manager, Parks and Trails Division, to review the 2009 Community Park and Trails Program Priorities.

MOTION CARRIED

**SR6 – Thetis Is.  
Wharf**

It was Moved and Seconded

That the CVRD proceed to adopt Bylaw No. 3273 – Thetis Island Wharf Regulation Bylaw, 2009, that would prohibit overnight moorage at the Thetis Island Wharf.

MOTION CARRIED

**CORRESPOND-  
ENCE**

**C1 – Timberwest  
Lands sale**

It was Moved and Seconded

That staff research the establishment of a Community to Community Committee (CVRD/Cowichan Tribes) along with Terms of Reference, and report back to the EASC.

MOTION CARRIED

**PARKS**

**PK1 - Minutes**

It was Moved and Seconded

That the minutes of the Area D Parks Commission meeting of March 31, 2009, be received and filed.

MOTION CARRIED

**INFORMATION**

**IN1 – Building Report**      It was Moved and Seconded  
That the March 2009 building report be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – Thetis Is. Bylaw 3273**      New Business item NB1 – CVRD Bylaw No. 3273 – Thetis Island Wharf Regulation Bylaw, 2009, was dealt with agenda item SR6.

**NB2 – W. Shawnigan Lake Park**      It was Moved and Seconded  
That the Board Chair and Corporate Secretary be authorized to sign the necessary documents related to issuance of an Operations Permit by BC Parks permitting the CVRD to operate West Shawnigan Lake Park under the Electoral Area B Community Parks function for a term of five years.

MOTION CARRIED

**NB3 – Parks Minutes**      It was Moved and Seconded  
That the minutes of the Area E Parks Commission meeting of April 20, 2009, be received and filed.

MOTION CARRIED

**NB4 – Parks Minutes**      It was Moved and Seconded  
That the minutes of the Area B Parks Commission meeting of April 16, 2009, be received and filed.

MOTION CARRIED

**NB5 – Grant-in-Aid**      It was Moved and Seconded  
That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to Cowichan Valley Seniors Dragon Boat Society to assist with start up costs for their new team in Cowichan Bay.

MOTION CARRIED

**NB6 – Grant-in-Aid**      It was Moved and Seconded  
That a grant-in-aid request (Electoral Area A – Mill Bay/Malahat) in the amount of \$7000 be given to Mill Bay/Malahat Historical Society to assist with costs to collect, preserve, and present the history and heritage of the Mill Bay and Malahat area.

MOTION CARRIED

**NB7 – Grant-in-Aid**

It was Moved and Seconded

That a grant-in-aid request (Electoral Area A – Mill Bay/Malahat) in the amount of \$500 be given to Bamberton Historical Society to assist with their historical theatre project.

MOTION CARRIED

**NB8 – Small Suites,  
Area G**

Director Dorey stated that he would like staff to investigate the possibility of changing the zoning bylaw to permit small suites and/or second suites in Saltair.

It was Moved and Seconded

That staff be directed to prepare a report that addresses the situation of second suites and separate suites on larger lots in Area G to allow for extra housing.

It was Moved and Seconded

That the issue respecting small suites and second suites in Saltair be referred to the Closed Session meeting.

MOTION CARRIED

**NB9 – Area I OCP  
Review**

Director Kuhn expressed concern with development applications on the west end of Cowichan Lake and feels that any applications should be deferred until the existing OCP is reviewed.

It was Moved and Seconded

That review of the Official Community Plan for Area I – Youbou/Meade Creek, including a review of lands west of Youbou, not be placed on the Planning and Development Department's priority list until the review of the Areas D, E and H Official Plans are completed.

MOTION CARRIED

**RECESS**

The Committee took a short 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 5:32 pm.

**RISE**

It was Moved and Seconded  
That the Committee rise without report.

MOTION CARRIED

**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5.57 pm

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT  
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

Apr 28/09

NAME OF APPLICANT:

Cathy Basslein

ADDRESS OF APPLICANT:

1785 COWICHAN BAY RD

PHONE NO.:

2507469940

REPRESENTING:

Name of Organization

MEETING DATE:

May 5, 2009

COMMITTEE/BOARD NAME:

EAS

NO. ATTENDING:

1-2

NO. WISHING TO MAKE A PRESENTATION:                     

TOPIC TO BE PRESENTED:

OPPOSITION TO DEV. PER. 3-D -08 DP /VAR  
MCALLISTER /SHATZKO

NATURE OF REQUEST/CONCERN:

PROPOSED PLAN / PERMIT VIOLATES  
DPA / CODE / ENVIRONMENTAL RESTRICTION  
OVER BEACH & WATER

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

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Response to dev per 3-D-08DP/VAR McAllister/Shatzko  
from Cathy Basskin, 1785 Cowichan Bay Road.

I have no concerns that what will ultimately be built by the Applicant will be well done. My concerns are what will be lost entirely for me and future residents of my property, and changes to the residential streetscape of the Bay and the overall integrity of our coastal hamlet that will produce a look of urban infill.

The Development permit area specifies a height of no more than 7.5 metres and addresses protection/consideration of views. Variance considerations in the areas of height and property lines provide some possible solutions.

Views from the existing home on lots 203 and 204 will be negatively and significantly impacted. The proposed 2 storey west facade completely blocks the view from my diningroom window with a solid, unbroken two storey wall. There will be no more beach, water, docks, boats, Saltspring or sky views or even glimpses and no sun. The resultant loss of light and air circulation will mean colder, damper interior and exterior conditions. The 0 setback at the front will additionally occlude sightlines, and will block all sun to front windows, deck and gardens until late afternoon. Gardens and plantings will be lost.

At the rear of the proposed plan, the deck will extend 3.5 metres beyond the end of the house and at a slightly higher level. The impact at the back of my house is loss of views, loss of privacy, loss of sunlight and warmth. The proposed building has direct viewing right into my eastern bedroom from the deck; my views will be obstructed to the east for at least 30% of the existing sightlines. People on the proposed deck will look directly into this window as well as across my entire back deck. There will be no privacy. Direct morning sun will be lost. Colder, damper conditions will result inside and out. The noise impact of people on the deck will be significant.

The potential to grant variances from the existing bylaws could in this instance include an increased height to 3 stories with no additional negative impact at the road or to the south. Designing with maximum west side setback relative to my existing house and permitting an encroachment so that the proposed new structure sits over the lot line to the east thereby lessening the loss of existing, established advantage and quality of life and view to me.

Protection of light values into the sea for the benefit of marine vegetation and creatures must be significantly compromised where the proposed incursion over the water is more than double that of the existing structure even before the proposed rear deck is calculated.

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The plans submitted as a courtesy to me but not with the application show a timberframe structure, an infill look with no particular relationship to the existing tone and character of seaside Cowichan Bay.

Cowichan Bay design considerations with exposed pilings on the outside and great big metal joints for example to make it look nautical would be an improvement. We are a unique coastal site. If we celebrate and mandate this in the designs along public thoroughfares, the charm will remain intact. If we build in an urban infill manner, we'll suffer a loss of our identity and appeal. Cowichan Bay deserves the most thoughtful and conscientious design approach.

Should this application be accepted, at the very least as permanent resident and owner of the affected property I would expect;

A proviso be registered that the property at 1785 Cowichan Bay Road be permitted a full second floor. Side windows should be permitted to be angled out to capture seaward views to capture lost light and views. This remediation to my existing bungalow would be done at the cost of the applicant.

Existing gardens, planters, irrigation system, rock and aggregate work on and adjacent to lots 203 and 204 impacted by the extensive light and heat loss will require redesign and remediation and will be undertaken by professionals at the expense of the applicant before occupancy permits are granted.



D2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF MAY 5, 2008

**DATE:** April 30, 2009 **FILE NO:** 3-D-08 DP  
**FROM:** Rachelle Moreau, Planning Technician **BYLAW NO:** 925  
**SUBJECT:** Application No. 3-D-08DP  
(Hylton McAlister/ Elizabeth Dianne Shatzko)

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#### **Recommendation:**

That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:

- a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008. The front setback is permitted to be reduced from 7.5 metres down to 0 metres;
- b) Reduction of the number of deck pilings to eight or fewer.

And further, that the following variances be granted:

- c) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- d) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

#### **Purpose:**

To consider an application to build a stilt home with an approximate area of 107m<sup>2</sup> on a water lease lot in accordance with the Cowichan Bay Development Permit Area.

#### **Background:**

Location of Subject Property: 1783 Cowichan Bay Road

Legal Description: District Lot 202, Cowichan District, Water Lease 101449

Date Application and Complete Documentation Received: May 6th, 2008  
Revised Plan January 2009

Owner: Province of BC (water lease)

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Applicant: Hylton McAlister and Elizabeth Dianne Shatzko

Size of Water Lease Lot: 0.04 ha

Existing Zoning: W-8 (Water Lot Residential)

Minimum Lot Size Under Existing Zoning: N/A

Existing Plan Designation: Water Lot Residential

Existing Use of Property: No residential use; however there is an existing garage/shed.

Existing Use of Surrounding Properties:

North: Cowichan Bay Foreshore

South: Cowichan Bay Road

East: Water lease lot residential

West: Water lease lot residential

Services :

Road Access: Cowichan Bay Road

Water: Cowichan Bay Waterworks District

Sewage Disposal: Cowichan Bay Sewer System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The subject property is within Cowichan Bay, and the Cowichan Bay Village Development Permit Area guidelines state that where shading of the foreshore from buildings and structures is proposed as an aspect of development in Cowichan Bay, review and approval from the Cowichan Estuary Environmental Management Committee (CEEMC) has been obtained (see following DP guideline point c). The CEEMC's objective is to maintain and protect habitat and protect the marine environment from negative impacts related to development.

Archaeological Site: None have been identified.

### **The Proposal:**

An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Cowichan Bay Village Development Permit Policies contained within Official Settlement Plan Bylaw No. 925 for the purpose of constructing a stilt home on a residential water lease lot.

### **Planning Division Comments:**

#### **Policy Context**

The subject property is located within the Cowichan Bay Village Development Permit Area (DPA) as specified within Official Settlement Plan Bylaw No. 925 (OSP). Section 919 of the *Local Government Act* provides the authority to establish Development Permit Areas. There are several grounds for the creation of development permit areas, including protection of the natural environment, protection of development from hazardous conditions, and establishment of objectives for the form and character of intensive residential development (to name a few). In this case, the Cowichan Bay DPA was created to protect the marine environment from damage and natural hazard, to ensure compatibility of new development with the existing character of the village, to strengthen the village core as the commercial focal point of Cowichan Bay, and to

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help realize the full potential of the village from a heritage, economic, touristic, cultural and architectural perspective.

Prior to subdivision, alteration of the foreshore or construction, a development permit is required. Section 13.4.6 of the OSP outlines the guidelines from which to evaluate applications (see attached).

### **Project Description**

District Lot 202 located on the water at Cowichan Bay is the last of 13 residential lease lots with no residence on it (however one of these has been destroyed by fire this past winter). The lease areas and the District Lots are not uniform in size, some of the leases consist of two District Lots each approximately 7.62 metres wide, some are greater than 7.62 metres (e.g ranging from 10-16 metres). Few are similar to the subject property at approximately 7.62 metres wide, and this is the most narrow of the District Lots. The applicant has two leases (one for each District Lot), therefore they are able to build one home per 7.62 metre wide lot. Approval by the Integrated Land Management Bureau (ILMB) for an amendment to the lease to allow residential use was given in December 2008.

Currently, there is a 6 metre x 4 metre (approximate) garage and deck area on the subject lot which the applicants propose to remove and replace with a stilt house. The new residence was initially proposed to be two storeys and approximately 107 m<sup>2</sup> (1156 sq. ft) in size, however the applicant has revised the proposal to be two-storeys at the road side and one storey on the water front side. To maintain the same floor area, the applicant has proposed a small extension on the east side of the dwelling (please see attached building elevation drawings).

The proposed stilt home will vary between 4.8 metres and 6.02 metres wide and is 12.8 m long, and will be supported by 15 concrete pilings, each with one square metre footings. A deck will be constructed at the rear of the residence and will protrude an additional 4.88 metres (approximate) into the ocean side of the lease lot. The deck will be supported by an additional 9 pilings. The applicants initially proposed to also build a ramp and a 1.5 m x 15 m dock, which would have required an additional 2 pilings. However, the Cowichan Estuary Environmental Management Committee (CEEMC) rejected this aspect of the proposal as the dock would rest on the intertidal mud during low tides. Additionally, the deck on the rear of the residence has been approved by the CEEMC providing there are measures taken to redesign the supports to reduce the number of required pilings in the intertidal mud substrates. As noted above, there are currently 9 pilings proposed for the deck.

The applicant has submitted architectural drawings to show the overall design of the residence, and has stated that the home will be a timber frame structure with Hardie Plank siding, a concrete black tile roof, wood frame windows and doors, and will rely on natural, subtle colours. The entire structure is Timber framed, and as seen on the attached drawings the front and rear sides of the building incorporate timbers, shingles, and a false gable to improve the appearance of the residence.

The existing garage and deck, along with many other existing stilt home structures, are constructed from the edge of the backshore immediately adjacent to Cowichan Bay Road and extend into the upper portion of the intertidal zone of the Bay. Although these homes are not located on the travelled portion of Cowichan Bay Road, they are generally built within the road allowance. The current plans would see the new stilt home constructed 0.6 metres (2') further

back (ocean side) than the existing structure, however it would still be substantially located on the road allowance. The attached sketch provided from the applicant shows that the new residence, including the deck, would be located 4.5 metres (15') from the white line along Cowichan Bay Road.

The construction of other stilt homes on Cowichan Bay has previously required the approval from the Ministry of Transportation and Infrastructure (MoTI), as the majority of these residences are partially built on the MoTI road allowance. MoTI and the ILMB are working to transfer part of the road allowance to the ILMB so that these areas can be included in the water leases. In the meantime, however, Ross Deveau with MoTI has advised that their interests are unaffected by the proposed construction of this dwelling.

### *Height*

The current proposal would see the residence constructed to a height of 5.79 metres (19'), from the elevation of Cowichan Bay Road. However, the main floor of the residence would be approximately 1.2 metres (4') lower than Cowichan Bay Road. The height of the structure itself would be 7 metres (23') plus 1.2 metres (4') to include the 1.2 metre (4') unoccupied space between the main floor of the house and the high tide level for a total of 8.2 metres (26.9'). Electoral Area D Zoning Bylaw No. 1015 specifies that the height of a structure must be measured from the surface of water at high water/tide and permits a maximum of 10 m for dwellings. However, the Development Permit guidelines suggest that buildings be constructed substantially lower than that permitted in the Bylaw and that the largest of the dwellings should be one-storey possibly with lofts and dormers. The neighbouring residence to the west is a one-storey structure built approximately 1.5 metres (5') lower than Cowichan Bay Road and the residence to the east is a two-storey structure (two-storeys at the front and one storey at the rear of the house).

### *Setbacks*

Electoral Area D Zoning Bylaw No. 1015 states that the setback for a dwelling in the W-8 zone is 7.5 metres from the road. Required side setbacks are 10% of the parcel width or 3 metres whichever is less. Therefore, the required side-yard setback for the subject lot is 0.762 m. The applicant has proposed a 0 metre setback from the front, 0.6 metre from the west side, and 0 m from the east side. As the proposed setbacks require variances to the zoning bylaw, notices have been mailed to residences within 60 m of the proposed dwelling for their comment, as required by CVRD Bylaw No. 2255. Please find enclosed the five letters we have received.

The W-8 zone does not appear to have recognized the current placement of the stilt homes so close to the road and interior lot lines. For example, a required setback of 7.5 metres from the front parcel line is required in the W-8 zone but given the location of the stilt homes this size of setback is not practical or desired. However, in terms of the side setback areas, the zoning bylaw provides a more flexible setback allowance. For example, by establishing a setback of 10% of the parcel width, it could be argued that this provides an opportunity to construct a dwelling in keeping with the scale of the lot. However, due to the extreme narrowness of the lot, 10% of the parcel width may itself be too large of a setback to reasonably allow a dwelling on the lot. As mentioned above, the subject property is unique in that it is one of the most narrow District Lots. Therefore, a setback reduction in this case may be justified. In many instances, the narrow width of the District Lots has been addressed by building over more than one lot. In one example a stilt home is constructed over three District Lots and consists of only one lease.

For both side setbacks, there will be a 0.46 m (1'6") (approximate) overhang into the setback area for the eaves of the dwelling. Zoning Bylaw No. 1015 permits projections into the setback area for eaves provided that the overhang is not more than 1.5 metres measured horizontally, which in this case it is not.

As shown on the site plan, the dwelling is oriented to be parallel to the adjacent homes. On the west side where the building is closest to the adjacent property the eaves will project into the setback area to within 0.15 metres (6 inches) of the lot line but will not extend over the property boundary. As indicated on the site plan, the neighbouring residence to the west is built quite close to and almost touching the lot line (as most are in these lease lots), and the neighbour's dining room window is located about a third to midway along the length of the proposed dwelling. As noted in the applicants' description of the project, the new dwelling will block the view from this neighbour's window.

There will be no overhang into the neighbouring property on the east side where the building is closest to the property line (0 metres), as this area will be occupied by the deck. Although the views from this dwelling will also be blocked to some degree, this property is also owned by the applicants.

The BC Building Code (Section 9.10(15)) has spatial separation requirements (for fire protection) that apply when dwellings are constructed close together. For example, in instances where a setback is less than 1.2 metres, no windows are permitted on that portion of the building. Compliance with the BC Building Code will be determined at the Building Permit stage. This application has also been referred to the Cowichan Bay Volunteer Fire Department, who advised that their interests are unaffected.

### *Parking*

Bylaw No. 1001 regulates the number and location of parking spaces required for dwellings. For a single family dwelling, two off-street parking spaces are required. Overall, there appears to be a shortage of parking spaces in the Cowichan Bay village area, and only five (possibly six if it is a small car) of the homes provide parking as part of their residential development. Of these, four of them provide parking to the side of the development and not directly in front. The applicant intends to park in the road right of way in front of the dwelling. The Advisory Planning Commission (APC) recommended that staff and the applicant determine if there is a practical way to provide off-street parking as part of this development. Due to the narrowness of the lot, in order to provide off-street parking, the parking area would have to be located in front of the dwelling which would require the dwelling to be built further out (oceanside), thereby increasing the footprint of the development. If the Committee would like to pursue this option, we would require that a revised plan be prepared and reviewed for approval by the CEEMC as it would include a larger footprint area than that initially approved. Alternatively, the parking requirement can be varied through the Development Permit process or the applicant could be required to prove that off-site parking has been leased or otherwise secured elsewhere.

### *Cowichan Bay Village Development Permit Area Guidelines*

The DPA guidelines apply to proposed construction, subdivision, and alteration of land unless specifically exempted. Therefore, the guidelines are quite broad and not all are relevant to construction of a single dwelling. Of primary importance within the guidelines is project review by members of the Cowichan Estuary Environmental Management Committee (CEEMC) and design approval by the APC.

Please see the attached excerpt from the OSP with respect to the DPA guidelines.

- a) Storm flows will flow onto beach/ocean. Aside from the dwelling and deck there are no impervious surfaces.
- b) No discharges of deleterious substances are planned in association with the residential use of the property. However, caution should be taken during the construction phase. Streamline Environmental Consulting Ltd. has prepared a report outlining potential impacts of the development and measures to mitigate negative impact. With regards to discharges that could potentially damage water quality, the report advises that uncured concrete is toxic to aquatic life as it is highly alkaline (high pH). The report further outlines the measures to be taken to reduce the impact during construction.
- c) The CEEMC has provided the following information regarding the subject property (noted in italics):

*"The development's physical and environmental parameters are contained in the report from Adam Compton (Streamline Consulting) dated July 9, 2008. This report was helpful in our review, however there are opinions expressed concerning the site's "low ecological values" that we do not share.*

*Issues that were addressed during our site visit included,*

- 1) *The proposed building is small in size to reduce the development footprint on the lease.*
- 2) *The building is to be located on the lease, in a manner that it will not extend beyond the intertidal gravel substrate, as described in the Compton report. The deck will extend over the mudflat.*
- 3) *We noted that the Compton Report does not address tidal storm surges (that may be expected in coastal BC with the onset of the future global warming). This is an issue that the CVRD will have to address in future planning for this area. Hylton did indicate during our visit that the residence would be built two (2) feet higher than neighbouring residences. We remain concerned about flooding of the stilt homes and other infrastructure in the Village.*
- 4) *15 concrete pilings with 1-metre square footings will support the building. A further 9 pilings are designed to support a deck.*
- 5) *A ramp and dock are proposed. The dock would be anchored with pilings that would be pile-driven and sited on the mud substrate.*
- 6) *The timing of the construction "works" will follow the DFO BMP's for constructing docks and floats (attached).*

*Based on the review of the site and information provided in Streamline's report, the CEEMC is prepared to approve the building of the proposed residence with the following conditions:*

- 1) *The construction of a residence at 1784 Cowichan Bay Road as shown in a site plan drawing 1: May 2008: Tim Richardson Building Design.*
- 2) *The deck on the rear of the residence is approved, provided there are measures taken to redesign the supports so that there is a reduction in the number of (9) pilings to be located in the intertidal mud substrates.*
- 3) *The measures to ensure environmental protection during the construction (Excavated materials, p.5; concrete leachate, p.6; and additional measures p.6 in the Compton report) must be implemented*
- 4) *The proposed dock is not approved, as it will rest on the intertidal mud during low tides. Although the Compton report states there are minimal impacts associated with the development of a dock, we see this mudflat as an important ecological feature of the site (and the estuary) and will not approve of any docks that ground out on the site. We*

*encourage Hylton (the applicant) to look at other methods for dock development that meets the spirit and intent of the Department of Fisheries and Oceans Best Management Practices.*

- 5) *The sewer connection to this residence must be securely braced to the structure of the residence, and there must be a "fencing" of some form that will exclude logs from floating under the residence, and breaking the sewer line.*

*The committee discussed the idea of eelgrass restoration on Hylton's leases, as a community stewardship initiative. If Hylton is open to the idea, we can discuss the idea with the Cowichan Community Land Trust who are applying for funding next year to continue eelgrass restoration."*

- d) The Streamline report states that the timing of all works shall occur within the timing window recommended within the Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (between June 1 and February 15). As noted above, the report prepared by Streamline has outlined potential impacts associated with the proposed development and mitigation measures with respect to the following: loss of intertidal beach habitat associated with footings, excavated material and concrete leachate as well as general measures to mitigate impacts during construction.
- e) The existing retaining wall will be used.
- f) No vegetation shall be removed and no deposit of fill is required. However, excavation associated with forming and pouring of concrete footings will be required, and mitigation measures have been proposed that can form part of the conditions of the development permit. For example, the Streamline report recommends all excavation be dug by hand after the tide has receded, no operation of machinery in the intertidal zone and spreading the excavated material over the adjacent beach before the tide rises.
- g) This dwelling will be connected to the Cowichan Bay Sewer System.
- h) The applicant has designed the cottage to include more wood elements to the exterior of the dwelling and incorporates a covered entrance and porch, shingles and a false gable.
- i) See above.
- j) The stilt homes in Cowichan Bay do not have one cohesive design style and that is generally what makes the area special.
- k) The proposed dwelling will be oriented in the same direction and will not extend further than the neighbouring residences. Across from Cowichan Bay Road is a steep bank and all development is well above these stilt homes so there is no danger to views from this side. Because the new dwelling is larger and taller than the existing garage, it will occupy more view area of the Bay from passerby pedestrian and vehicle traffic. The garage is quite small and naturally a dwelling will occupy more space. The height of the dwelling is higher than the neighbour to the west and, as proposed, the neighbour to the west will completely lose the view from her dining room window. Also, due to the height and proximity of the two dwellings, the neighbour to the west has suggested in her letter (see attached) that the amount of natural light penetrating through the window will be decreased.
- l) Variances to the front and side setbacks are proposed.
- m) The applicant is proposing a two-storey structure at the road and a one-storey structure at the rear with a maximum height of 8.2 metres including the unoccupied space above the high water mark. There are approximately four one-storey dwellings, however the general trend for these stilt homes appears to be more than one storey: either a full two-storey or split or even a variety of different roof lines. The residences adjacent to the proposed dwelling vary in colour from yellow and orange to blue with white trim, and the applicant has proposed neutral colours.
- n) No public viewpoints are present in these residential lease areas.



- o) N/A
- p) N/A
- q) N/A
- r) N/A
- s) N/A
- t) As noted above, the exterior will be HardiePlank and the structure will be timber framed with exposed wood elements on the front and rear of the dwelling. Lattice and arbours will be provided in the landscaped portion of the front "yard".
- u) N/A
- v) Landscaping, that will be provided, will consist of arbours, lattice, potted plants and climbing vines. No drawings have been submitted.
- w) This guideline is applicable to larger scale projects.
- x) Vehicle parking will be on Cowichan Bay Road.
- y) N/A
- z) Wiring to the stilt homes is above-ground.
- aa) N/A

#### **Surrounding Property Owner Notification and Response:**

A total of 26 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 2255, which described the purpose of this application and requested comments on this variance within a specified time frame. During the 2-week period provided for a written reply, we received 5 letters in regards to the proposal. One letter writer had no objection to the proposal while the others generally had concerns with the minimal setbacks proposed, the lack of parking in the area, obstruction of existing views, sunlight and air circulation (please find attached letters).

#### **Government Agency Comments:**

The Electoral Area D Advisory Planning Commission met on April 6, 2009 and they discussed this application at that time. They submitted to us the following comments and recommendation (in italics):

*"Members had a wide ranging discussion about the merits and risks of the proposal including:*

- *Concerns were expressed about the siting (skew) and building height and the impact on views from the road and neighbouring properties;*
- *The proponents were complimented on the completeness of their presentation;*
- *Lack of parking was a concern;*
- *Good example of a project to renew the strip and an opportunity to build better with fire retardant materials.*

*Recommendation: By a vote of 8 to 3, the members recommend that the application be approved subject to the following:*

- *That the applicant and CVRD staff determine if there is a practical way to provide off street parking in front of the building."*

The application was referred to the Cowichan Bay Volunteer Fire Department who advised that their interests are unaffected.

Staff are generally supportive of the proposal, however we share concerns that the proposed setbacks are small and that the scale of the dwelling will be large in comparison to the existing neighbouring dwellings. We have also considered that the neighbouring properties will ultimately be redeveloped, and the setbacks for this development must be sufficient to allow for redevelopment of the neighbouring properties. In an earlier drawing supplied with the application, the home was proposed perpendicular to the road (not skewed in the current proposed orientation). The benefit to this orientation is that when redevelopment occurs, the other dwellings can be encouraged to also be built perpendicular to the road, and hopefully with larger setbacks. Additionally, this earlier version proposed a 1.52 metre setback from the west parcel line; a 0 metre setback from the east; was a two-storey structure with no additional bump out on the east side and a 1.22 metre wide deck ran the length of the building in the setback area on the east side. This would have provided more space between the dwelling and the west lot line. However, now that the building is stepped to be two-storeys in the front and one-storey at the rear with the bump out to the east side and associated eaves, the only gain in the setback area would be 0.15 metres (6 inches) when the dwelling is placed in the center of the lot. The applicant has argued that due to the orientation of the dwelling to the west, placing the new dwelling in the center of the lot is not practical as there would not be adequate space to work during the construction phase when the siding is going up. Staff have been in discussion with the applicant with regards to the concerns put forth by the adjacent property owners and the APC, and the applicants have indicated that some changes to the dwelling have been made in an attempt to address concerns by the neighbours. It also does not appear that there is a practical way to establish a parking area on the site, however consideration could be given to require the applicant to provide parking off-site.

### **Options:**

Three options are provided below, which would approve the application as proposed, not approve the application or thirdly, approve the application with a change to the proposed setback. The third option involves changing the proposal to a two storey building with a larger setback to the west. This illustration is provided within the Streamline report (attached).

1. That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:
  - a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008 The front setback is permitted to be reduced from 7.5 metres down to 0 metres;
  - b) Reduction of the number of deck pilings to eight or fewer.

And further, that the following variances be granted:

- c) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero, the west side parcel line setback from 0.762 metres to 0.6 metres and the east side parcel line setback from 0.762 metres to zero;
- d) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

000022

2. That application No. 3-D-08 DP not be approved, and that the applicants be directed to amend the plan and to identify an alternative to parking on the road right of way.
3. That application No. 3-D-08 DP be approved, and that a development permit be issued to Hylton McAlister and Elizabeth Dianne Shatzko for District Lot 202, Cowichan District for the construction of a dwelling subject to:
  - a) Construction of the dwelling occurs subject to compliance with the recommendations and mitigation measures specified in the Streamline Environmental Consulting Ltd. report prepared July 9, 2008. The front setback is permitted to be reduced from 7.5 metres down to 0 metres;
  - b) Reduction of the number of deck pilings to eight or fewer.

And further, that the following variances be granted:

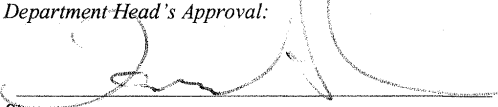
- c) Relax Section 12.7(b) of Zoning Bylaw 1015 to reduce the front parcel line setback from 7.5 metres to zero;
- d) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family dwelling from two to zero.

There is no clear indication which proposal would be the best. There are benefits and impacts to each and we are choosing to recommend Option 1 in this instance as it is the proposal that has been approved by the APC, goes with the orientation of the existing stilt homes, and the proposed dwelling has been reduced to a single storey on the ocean side.

Submitted by,



Rachelle Moreau,  
Planning Technician  
Planning and Development Department

<p><i>Department Head's Approval:</i></p>  <p><i>Signature</i></p>
--

RM/ca

000023

## Submission to CVRD Planning Department

Hylton and Dianne McAlister, ( the Applicants ), have made an application for a development permit to build a new cottage on the 25 ft leased lot directly west of 1783 Cowichan Bay Road. The lot is one of 13 residential lots leased from the Provincial Government. Twelve of the lots have stilt homes built on them and this is the last one available for new construction. There is a dilapidated garage on the property which will be demolished prior to construction.

The application has been approved by the CEEMP, MOTM, DFO, First Nations and ILMB.

Preliminary designs were by Tim Richardson. Pacific West Timberframes Ltd. is enhancing the original plans so that they are more in keeping with the funky character of Cowichan Bay. The cottage is 42 ft long. The width narrows from 20 ft at the road to 16 ft near mid structure. The deck extends a modest 16 ft on the waterside. The southerly-most location of the cottage will be farther from the road than the existing garage. There will be no ramp or dock. The 2 bedroom cottage is approximately 1156 sq. ft.

A timber frame is a simple yet elegant structure consisting of posts, beams and interlocking joinery. This 2 storey structure will mostly be prefabricated off site and the construction time to lockup typically would be about one week.

Current zoning calls for a maximum height restrictions of 10 m ( 33 ft ); the cottage will be within this guideline. Zero interior lot line setbacks are the norm for the stilt homes. The proposed cottage will have a minimum setback to the west of .6m and to the east of 0 m to the corner of the deck. The Applicants have attempted to address any concerns of the neighbour to the west. She will lose her view from the dining room window however the Applicants have ensured there will be no further visual obstruction of her view of the bay or the marinas.

Streamline Environmental Consulting was contracted to do an environmental impact assessment. Their report concludes with the statement "*It is noted that the lot was created for the proposed use and the proposed development is not expected to result in any significant environmental impacts*". BMP's ( Best Management Practices) during the brief construction period will be carefully adhered to.

Construction materials, will consist of a concrete black tile roof, natural wood windows and doors and Hardy Plank siding. Hardy Plank comes in several profiles - horizontal beveled siding; vertical board and baton; and shingles, both standard and fish scale, so there are a variety of options. Railings will be black powder coated metal.

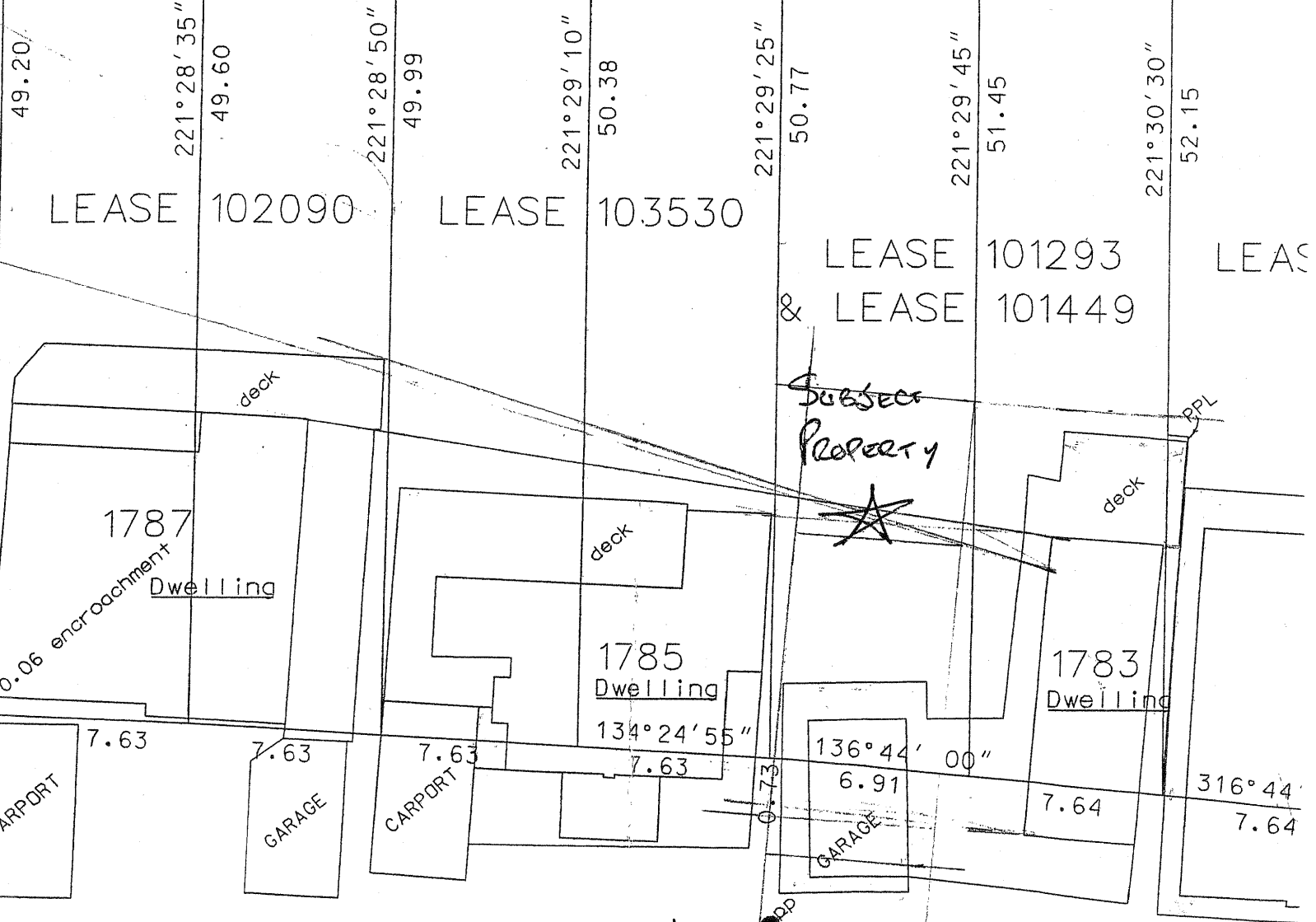
There is very little upland to landscape ( probably around 100 sq. ft ). It is intended that arbours, lattice, potted plants and climbing vines will provide visual appeal and colour through spring and summer.

In summary, we are proposing a cottage ( upscale in quality and downscale in size ) that will exude a combination of Old World craftsmanship, energy efficiency and visual appeal. It will be a showcase by which all other construction is measured.



REVIEWED BY  
NWC OFFICER  
Marine District, Pacific Region  
8200-08-8403  
SEP 11 2009 9  
J. SCHELLENBERG  
REF No. 394

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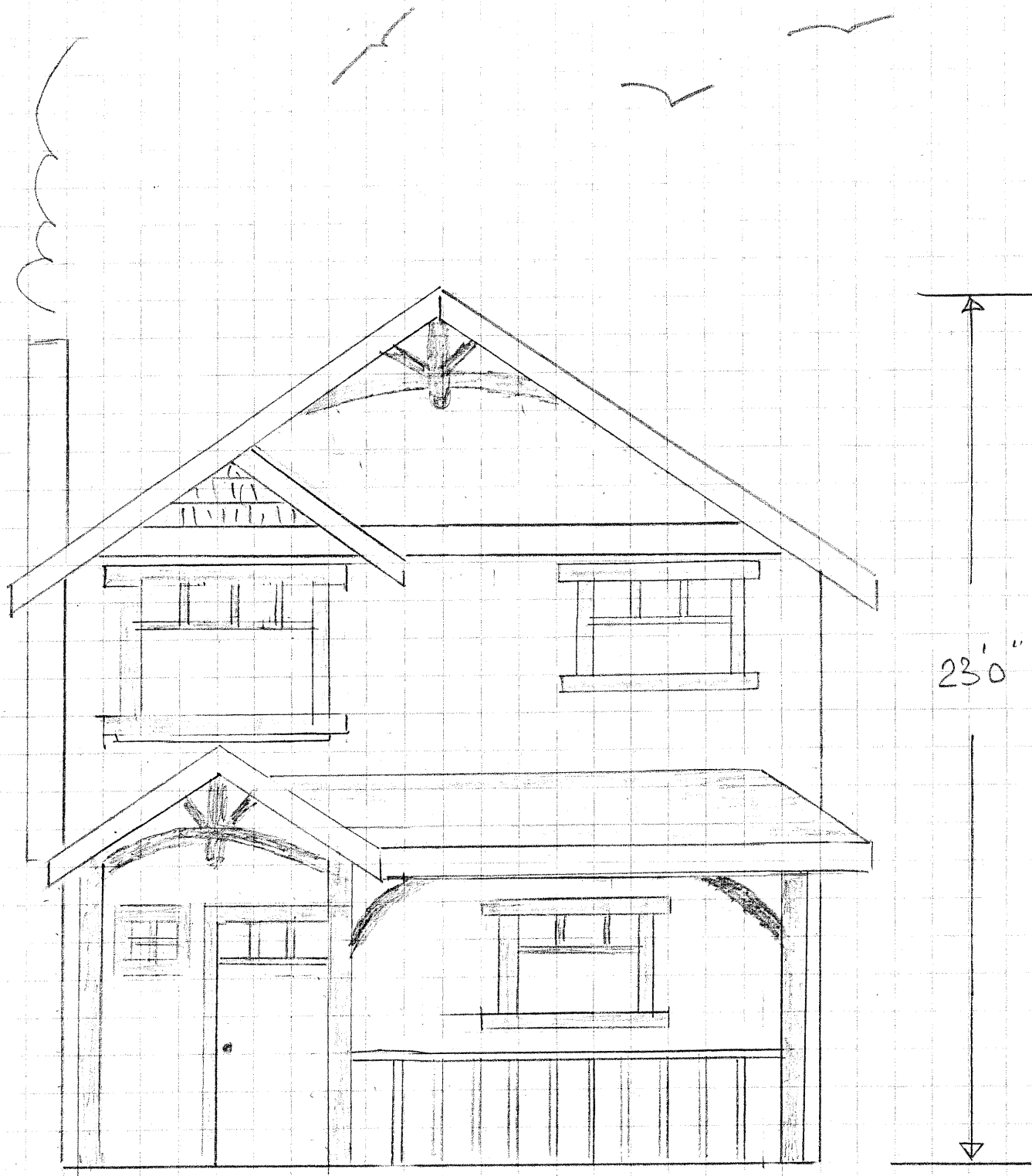


~~SUBJECT  
PROPERTY~~



000026

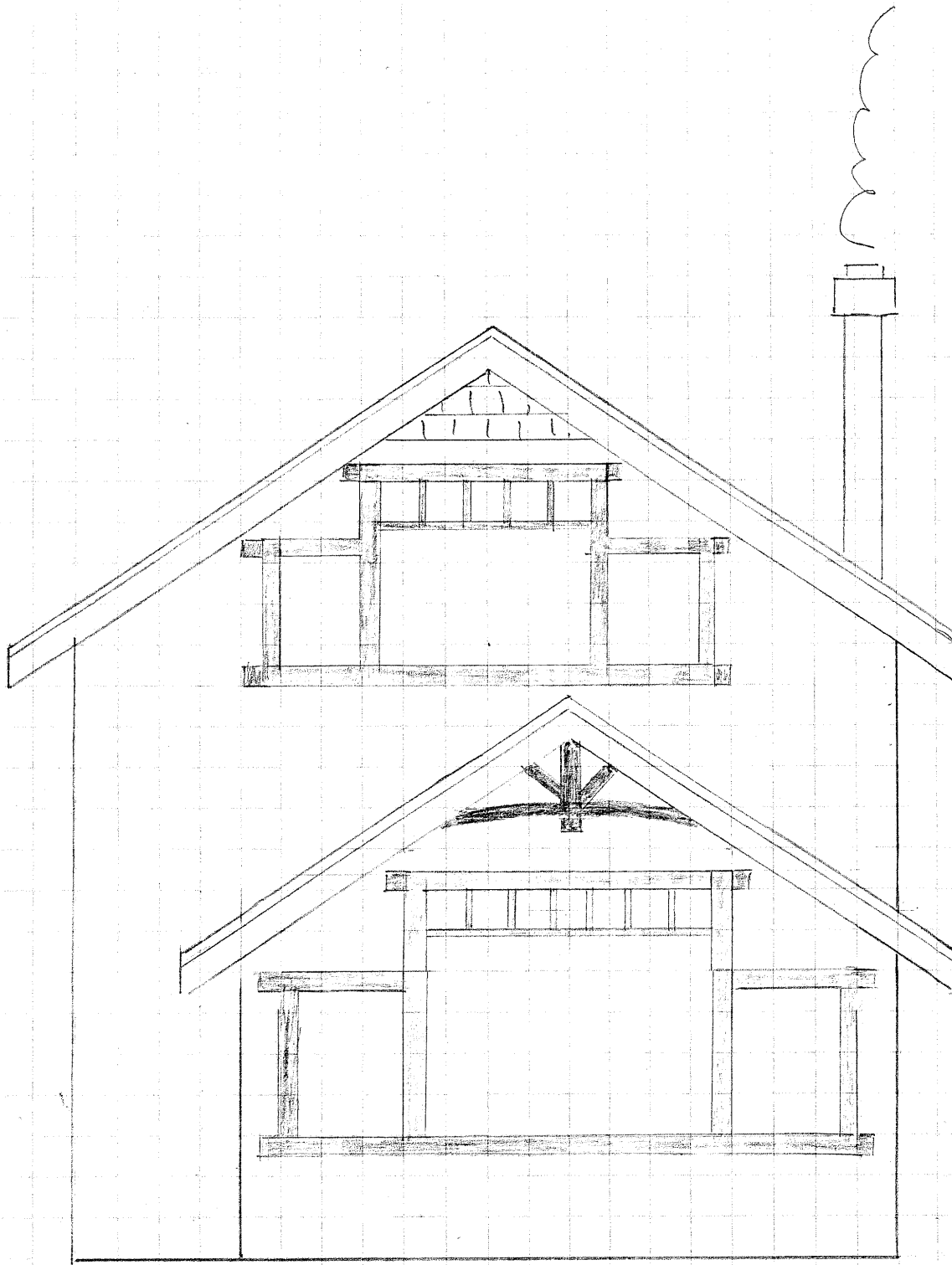
white paint line  
double yellow paint line  
Road  
PLEASE NOTE THAT ALTHOUGH  
ALMOST ALL COTTAGES HAVE  
RAMPS & DOCKS, THEY ARE  
NOT SHOWN ON THIS MAP.



FRONT ELEVATION

000027

April 09



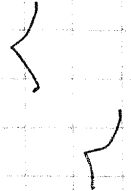
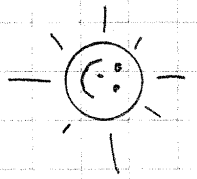
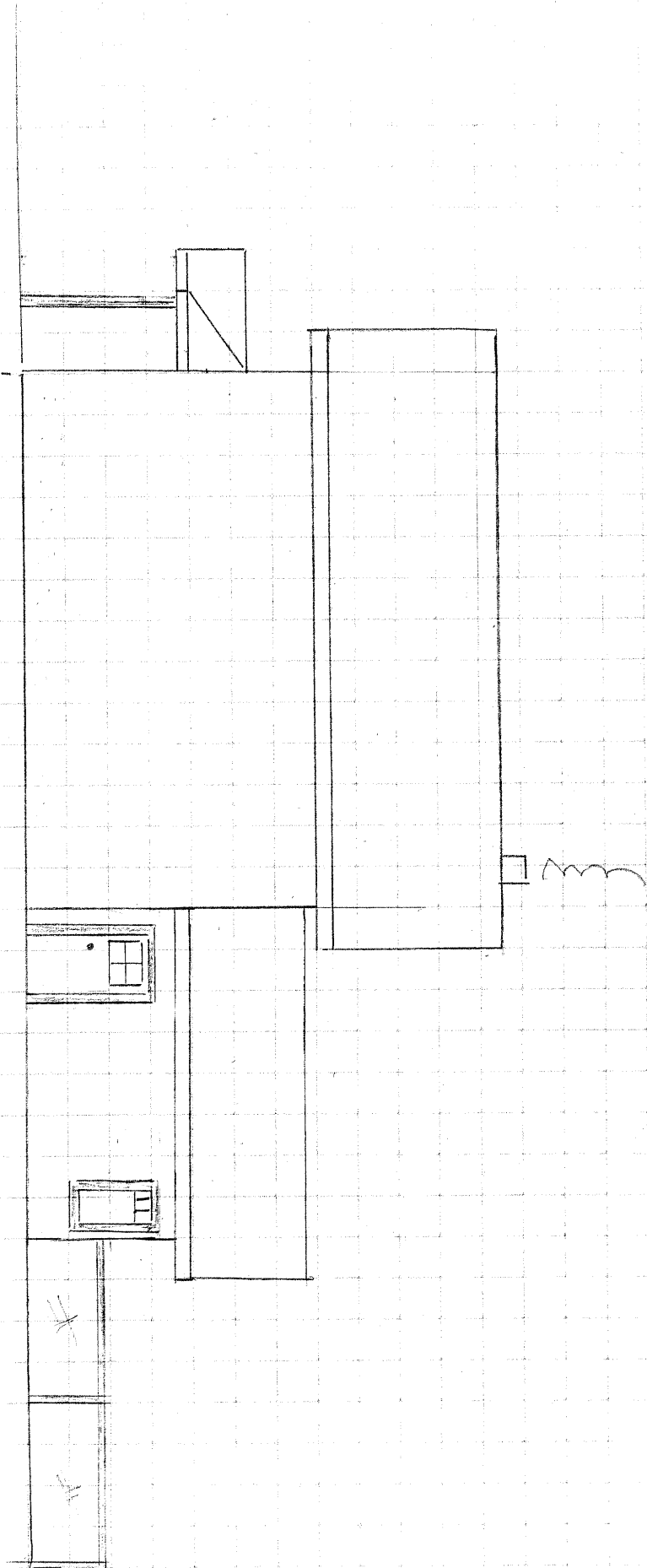
REAR ELEVATION  
(WATER SIDE)

000028

April 09



Side Elevation



000029

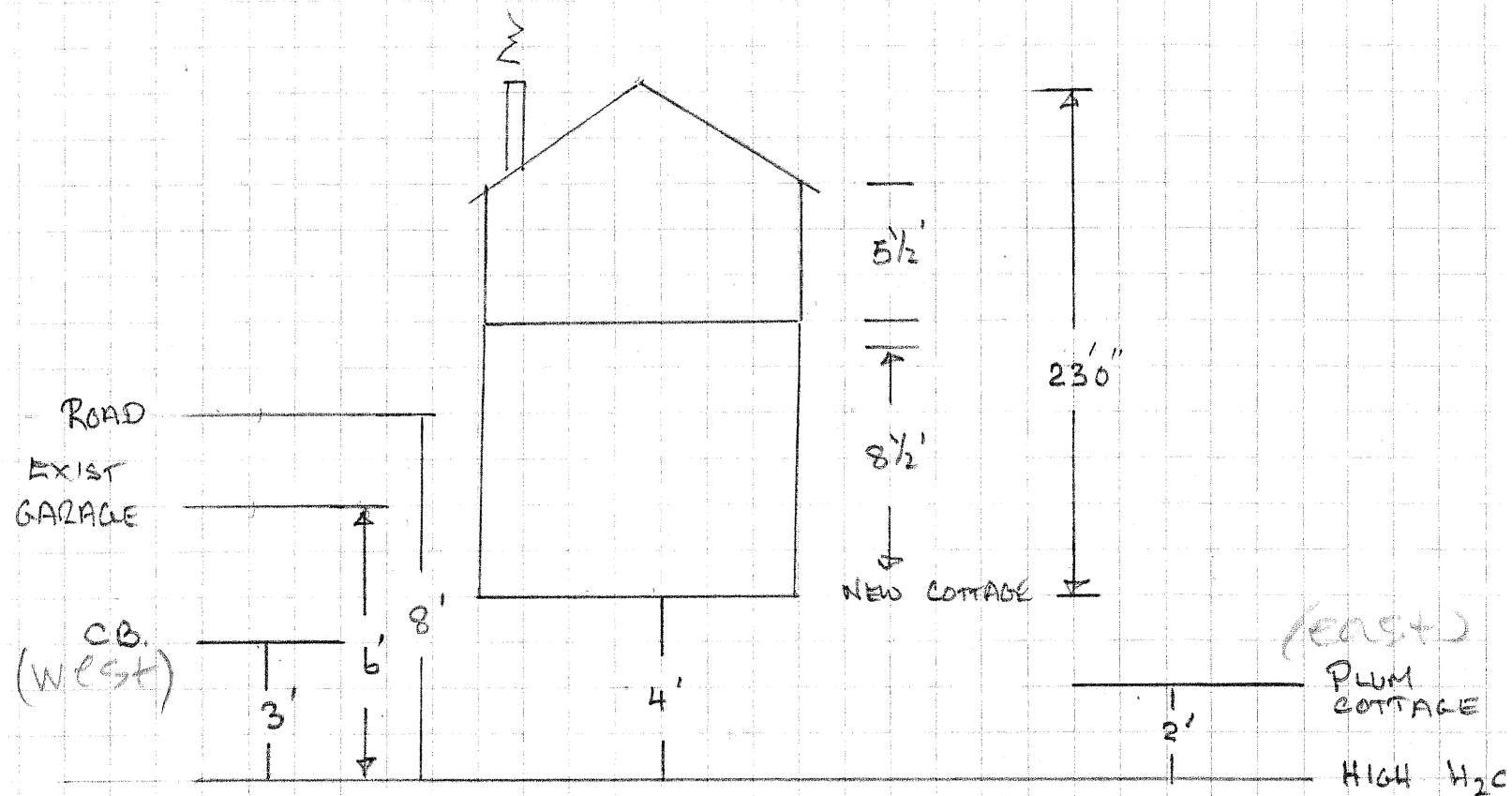
April 69

① NEW COTTAGE = 23' IN HEIGHT (FROM FLOOR)

= 19' ABOVE ROAD GRADE

② BY COMPARISON, PEGGY'S COVE = 27' ABOVE ROAD GRADE

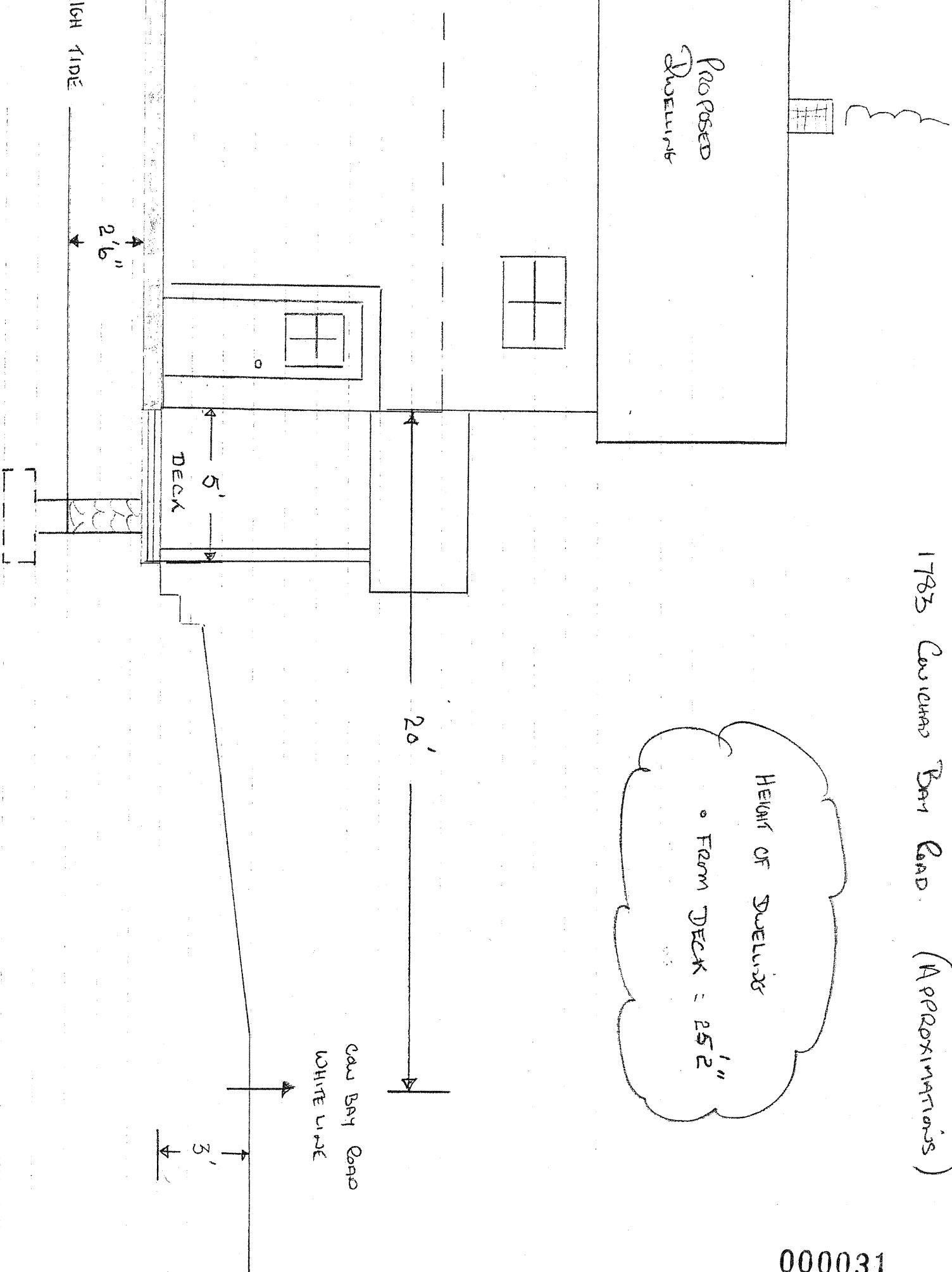
ANCHORS QUETHOUSE =  $\approx$  26' ABOVE ROAD.



000030

provided April 28' 09

1783 Covered Bay Road. (Approximations)



000031

January '09



**Cowichan  
Valley  
Regional  
District**

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The Regional District does not warrant the accuracy.



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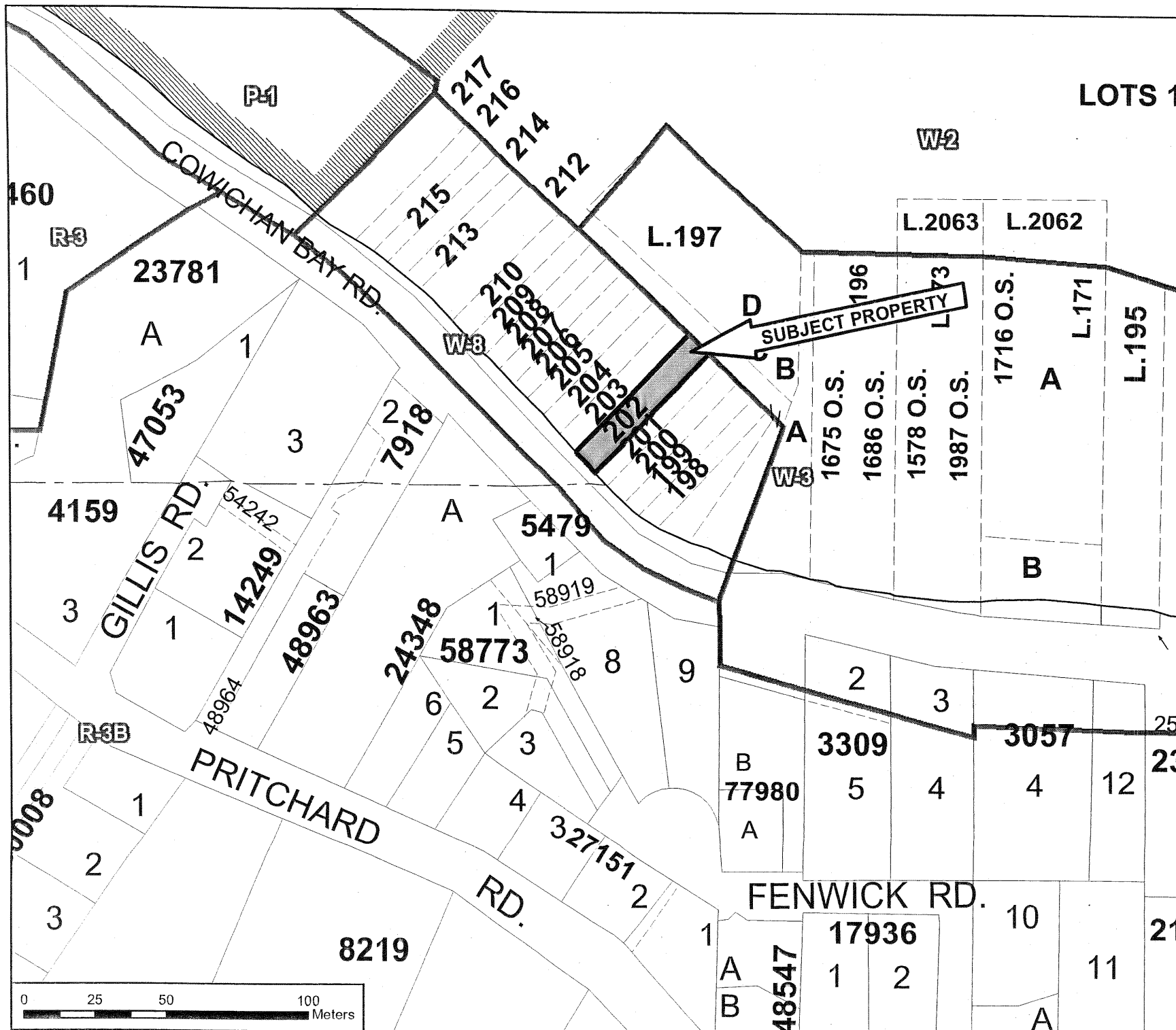
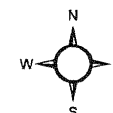
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 3-D-08-DP**

**ZONING**

**Legend**

-  Subject Property
-  Zoning Electoral Area D



**LOTS 1**

**W-2**

**L.197**

**L.2063**

**L.2062**

**SUBJECT PROPERTY**

**L.195**

**1716 O.S.**

**A**

**B**

**1675 O.S.**

**1686 O.S.**

**1578 O.S.**

**1987 O.S.**

**W-3**

**77980**

**A**

**3309**

**5**

**4**

**4**

**12**

**23**

**FENWICK RD.**

**17936**

**1**

**2**

**10**

**11**

**21**

**P-1**

**COWICHAN BAY RD.**

**23781**

**A**

**47053**

**GILLIS RD.**

**14249**

**48963**

**PRITCHARD RD.**

**24348**

**58773**

**5479**

**58919**

**58918**

**327151**

**8219**

**160**

**R-3**

**1**

**217  
216  
214  
212**

**215  
213**

**210  
209  
208  
207  
206  
205**

**204  
203  
202  
201  
200  
199  
198**

**A**

**1**

**1**

**8**

**9**

**B**

**A**

**2**

**3**

**5**

**4**

**4**

**12**

**256**

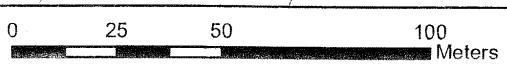
**23**

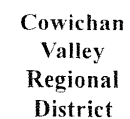
**1**

**A**

**B**

**48547**

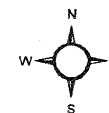




The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 3-D-08-DP**

**Orthophoto  
(2004)**



000033



Cowichan  
Valley  
Regional  
District

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FILE: 3-D-08-DP

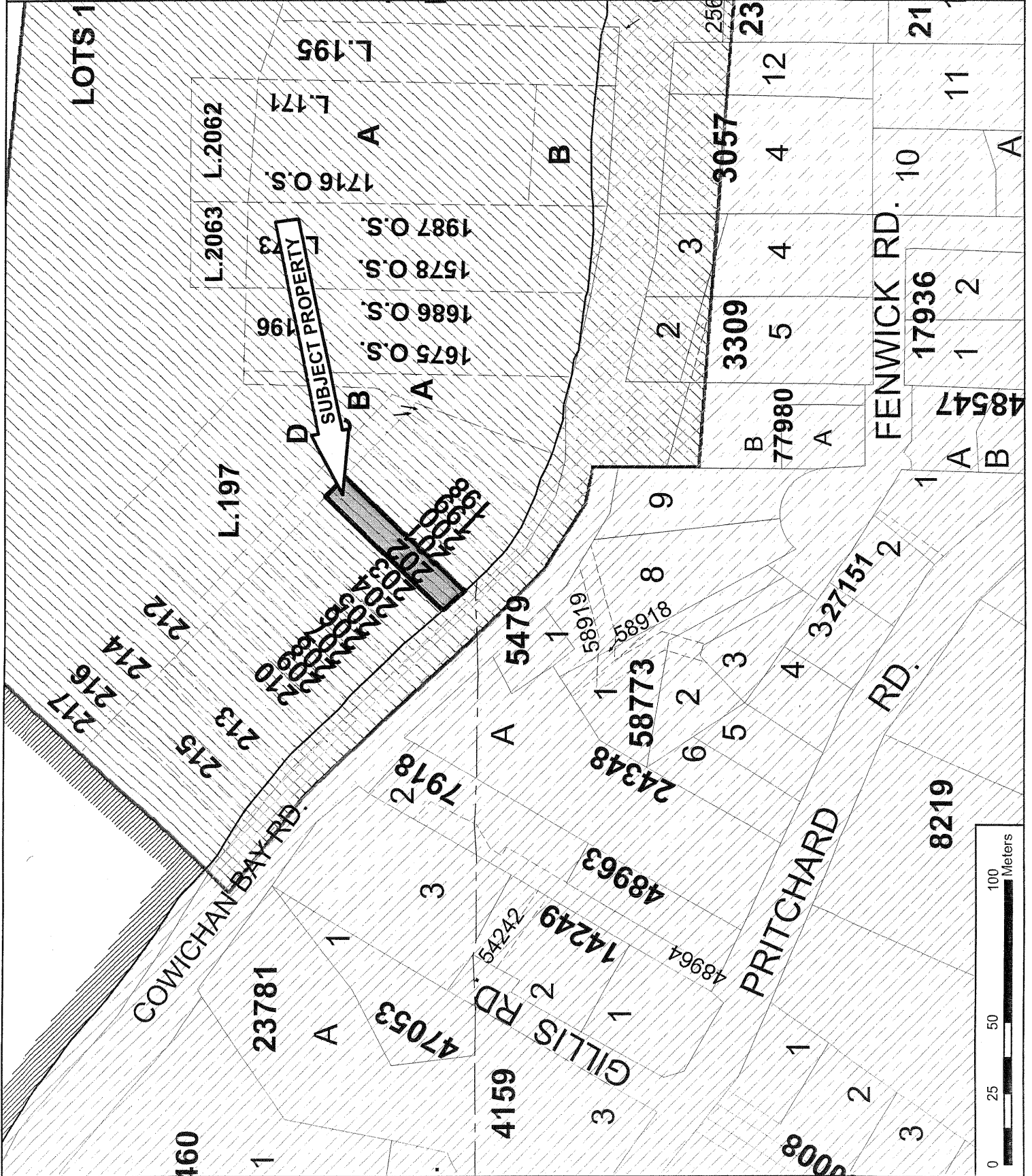
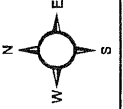
DPA

Legend

Subject Property

Other DPA

RIPARIAN AREAS REGULATION DPA



000034



Cowichan  
Valley  
Regional  
District

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of the Bylaws.

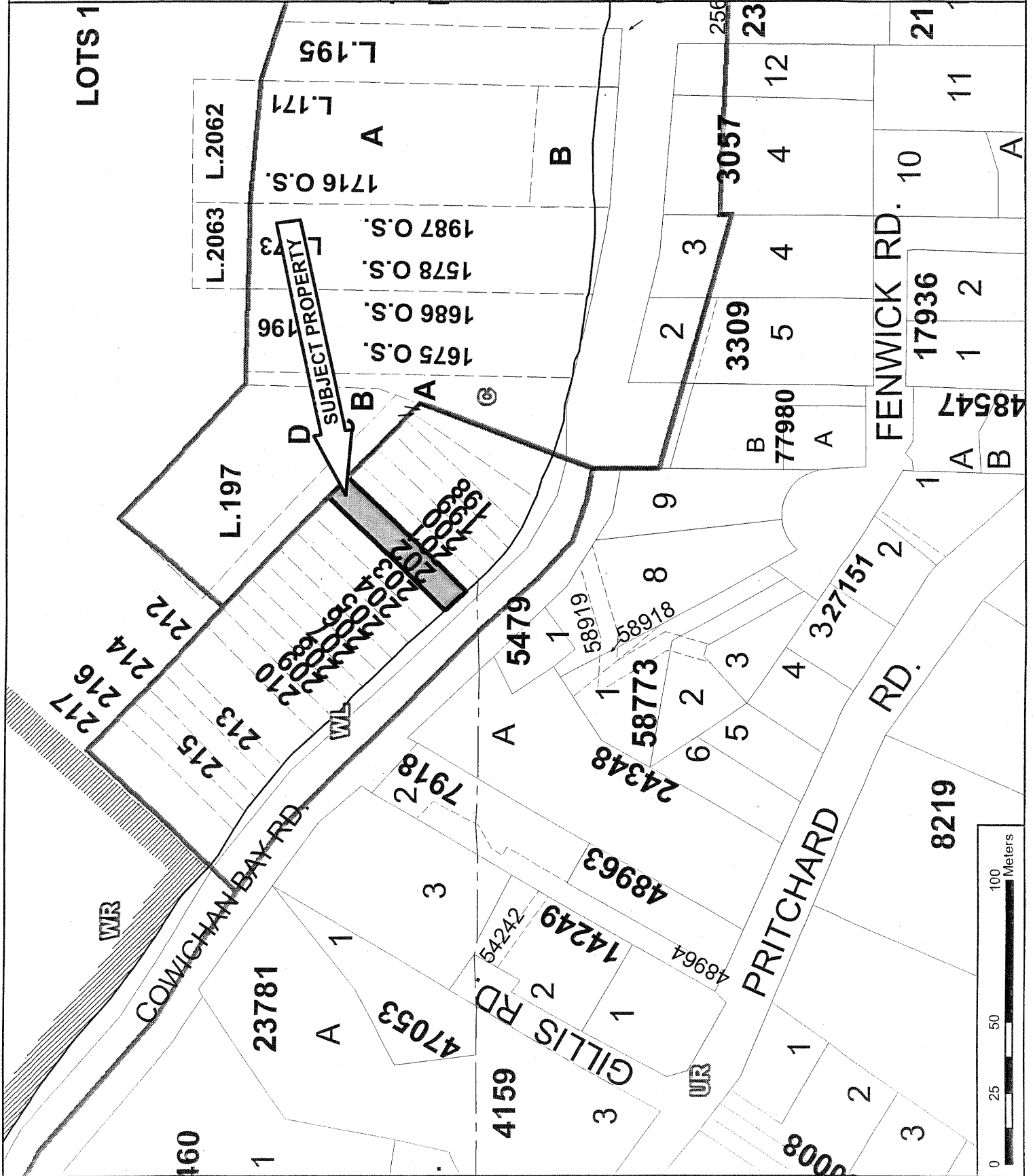
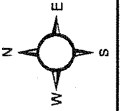
FILE: 3-D-08-DP

OCP

Legend



Subject Property  
OCP Electoral Area D



000035



**CVRD**

COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

**BYLAW AMENDMENT REFERRAL FORM**Date: **April 3, 2009**CVRD File No. **3-D-08DP (McAlister/Shatzko)**

We have received an application to consider an application to build a stilt home on a water lease lot in Cowichan Bay.

General Property Location: **1783 Cowichan Bay Road**Legal Description: **District Lot 202, Cowichan District, Water Lease 101449**

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Friday, April 17, 2009**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact Rachelle Moreau, Planning Technician, Development Services Division, Planning and Development Department, (250) 746-2620.**

## Comments:

☐ Approval recommended for reasons outlined below

☒ Interests unaffected

☐ Approval recommended subject to conditions below

☐ Approval not recommended due to reasons outlined below

Signature

(Sign &amp; Print)

**KEN BULCOCK**

Title

**FIRE CHIEF**

This referral has been sent to the following agency:

☒ Cowichan Bay Volunteer Fire Department

000036



Response to dev per 3-D-08DP/VAR McAllister/Shatzko  
from Cathy Basskin, 1785 Cowichan Bay Road.

RECEIVED  
CVRD

MAR 27 2009

I have no concerns that what will ultimately be built by the Applicant will be well done. My concerns are what will be lost entirely for me and future residents of my property, and changes to the residential streetscape of the Bay and the overall integrity of our coastal hamlet that will produce a look of urban infill.

The Development permit area specifies a height of no more than 7.5 metres and addresses protection/consideration of views. Variance considerations in the areas of height and property lines provide some possible solutions.

Views from the existing home on lots 203 and 204 will be negatively and significantly impacted. The proposed 2 storey west facade completely blocks the view from my diningroom window with a solid, unbroken two storey wall. There will be no more beach, water, docks, boats, Saltspring or sky views or even glimpses and no sun. The resultant loss of light and air circulation will mean colder, damper interior and exterior conditions. The 0 setback at the front will additionally occlude sightlines, and will block all sun to front windows, deck and gardens until late afternoon. Gardens and plantings will be lost.

At the rear of the proposed plan, the deck will extend 3.5 metres beyond the end of the house and at a slightly higher level. The impact at the back of my house is loss of views, loss of privacy, loss of sunlight and warmth. The proposed building has direct viewing right into my eastern bedroom from the deck; my views will be obstructed to the east for at least 30% of the existing sightlines. People on the proposed deck will look directly into this window as well as across my entire back deck. There will be no privacy. Direct morning sun will be lost. Colder, damper conditions will result inside and out. The noise impact of people on the deck will be significant.

The potential to grant variances from the existing bylaws could in this instance include an increased height to 3 stories with no additional negative impact at the road or to the south. Designing with maximum west side setback relative to my existing house and permitting an encroachment so that the proposed new structure sits over the lot line to the east thereby lessening the loss of existing, established advantage and quality of life and view to me.

Protection of light values into the sea for the benefit of marine vegetation and creatures must be significantly compromised where the proposed incursion over the water is more than double that of the existing structure even before the proposed rear deck is calculated.

000037

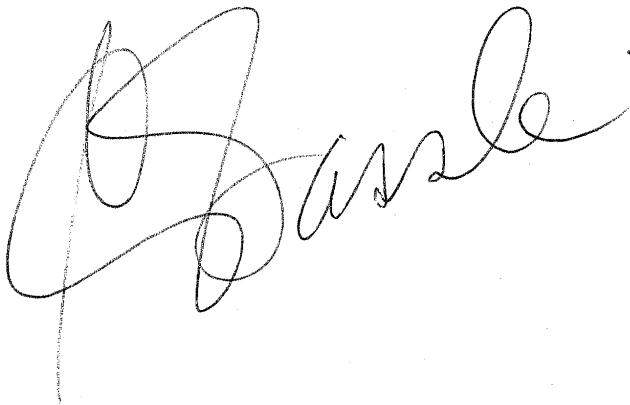
The plans submitted as a courtesy to me but not with the application show a timberframe structure, an infill look with no particular relationship to the existing tone and character of seaside Cowichan Bay.

Cowichan Bay design considerations with exposed pilings on the outside and great big metal joints for example to make it look nautical would be an improvement. We are a unique coastal site. If we celebrate and mandate this in the designs along public thoroughfares, the charm will remain intact. If we build in an urban infill manner, we'll suffer a loss of our identity and appeal. Cowichan Bay deserves the most thoughtful and conscientious design approach.

Should this application be accepted, at the very least as permanent resident and owner of the affected property I would expect;

A proviso be registered that the property at 1785 Cowichan Bay Road be permitted a full second floor. Side windows should be permitted to be angled out to capture seaward views to capture lost light and views. This remediation to my existing bungalow would be done at the cost of the applicant.

Existing gardens, planters, irrigation system, rock and aggregate work on and adjacent to lots 203 and 204 impacted by the extensive light and heat loss will require redesign and remediation and will be undertaken by professionals at the expense of the applicant before occupancy permits are granted.

A handwritten signature in cursive script, appearing to read "D. Aske". The signature is written in dark ink and is positioned below the main body of text.

March 1/09

Regarding file No - 3-17-08DP/VAR  
McAlister/Shatzko

Att Rachelle Moreau

I don't think any new  
construction should be allowed  
to obstruct the existing  
views of its neighbours, or  
the bylaws changed  
regarding set backs & lot  
lines. They are already too  
close & the recent fire could  
have been a catastrophe!

Any recent construction has  
had to stick to the rules &  
so should they.

  
**RECEIVED**

MAR 02 2009

Don Marilyn Miller  
1815 Pritchard Rd  
Cowichan Bay.

000039

1805 Pritchard Rd  
Cowichan Bay BC  
V0R 1N1  
February 27, 2009

RECEIVED  
MAR 03 2009

Ms Rachelle Moreau  
Development Services Division  
Cowichan Valley Regional District  
175 Ingram Street,  
Duncan B.C. V9L 1N8

RE: 1783 Cowichan Bay Road – District Lot 202, Cowichan District

I have recently been made aware of the development planned for 1783 Cowichan Bay Road.


As this is directly below me, I live on Pritchard Road and my property extends to Cowichan Bay Road. I am extremely concerned that my view may be impacted.

As you are aware, these stilt homes were built in the 1920's and were built without any planning or direction. The recent fire at 1781, which is to be rebuilt, again emphasizes the necessity to properly plan any new construction in this area. I believe that one reason for allowance between properties was set for fire safety, this development permit would erase the already small margin.

I do not believe that this is an appropriate place for new development as parking is already nonexistent, and the fire hazard extreme.

Please take the time to correct the problems that were inherited from the past.

Yours Truly



Bernie Falt

Cc: Director Lori Iannidinardi

000040

**Rachelle Moreau**

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**From:** CVRD Development Services  
**Sent:** Tuesday, February 17, 2009 8:31 AM  
**To:** Rachelle Moreau  
**Subject:** FW: 1783 Cowichan Bay Road

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**From:** BEN LEVINSON [mailto:benlevinson@telus.net]  
**Sent:** Saturday, February 14, 2009 12:04 PM  
**To:** CVRD Development Services  
**Subject:** 1783 Cowichan Bay Road

Attention Rachel Moreau  
File number 3-D 08DP/Var.

We have no objection to Hylton McAlister and Elizabeth Shatzko Development Variance Permit at lot 202 Cowichan District.

We also do not object to a small boat dock in front of it.

We DO object to the dangerous state of the burnt out illegal duplex building as it presents a fire hazard to all buildings on the waterfront.

Yours truly,  
Carla and Ben Levinson,  
1777 Cowichan Bay Road

Mike & Val Tansley

1779 Cowichan Bay Rd.  
Cowichan Bay. BC V0R 1N0  
Phone # 250-746-0967  
E-mail [miketansley@shaw.ca](mailto:miketansley@shaw.ca)

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Ms. Rachelle Moreau.  
Development Services Division.  
Cowichan Valley Regional District.  
175 Ingram St.  
Duncan. B.C. V9L 1N8

File No 3-D-08DP/VAR

Dear Ms. Moreau:

**Re: 1783 Cowichan Bay Rd – District Lot 202, Cowichan District**

We do not oppose the building of a house on this site but do object strongly to the proposed plan to situate the building diagonal across a 25ft lot, with 0 metre setbacks from the front lot line and from the east side lot line.

In our opinion, the house should be square to the front lot line with equal setbacks on both sides. The front of the building should be set back to be approximately in-line with the adjacent houses (lot 203 and 201) so as to allow space for parking and for pedestrian traffic, which is considerable as many tourists visit the Bay.

The applicants are also the owners of the house situated on lot 201 and if it was to be eventually sold, we will be dealing again with 0 metre setbacks.

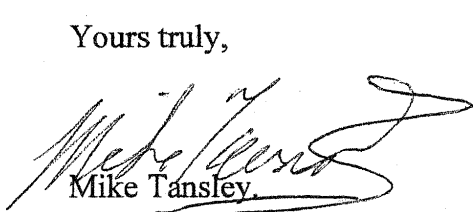
The house at 1781 Cowichan Bay Rd, (lot 200 and 199) that was recently completely destroyed by a fire, has been sold and there are plans to dismantle the building and rebuild.

Also, the neighbour to the West has major concerns that there will be a considerable loss of view, light and privacy due to the height of the proposed building.

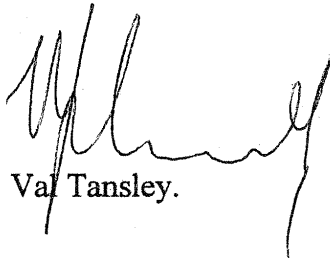
Therefore, there is now an opportunity to correct past mistakes and increase, whenever possible, the space between these stilt homes.

Please contact us if you require any further information,

Yours truly,



Mike Tansley.



Val Tansley.

Cc. Director Lori Iannidinardo

NB. The notation on the site plan states "15 jan '08 dock + ramp removed".

We have lived at 1779 for 15 years and there has never been a dock or ramp at that location.

000042

July 9, 2008

File 2364

**Hylton McAlister**  
6618 Westcott Road  
Duncan, BC V9L 6A4

**Re: Proposed development at 1783 Cowichan Bay Road.**

**Dear Hylton:**

Streamline Environmental Consulting Ltd. (Streamline) was retained to conduct an Environmental Impact Assessment for the proposed construction of a stilt house, deck and dock at 1783 Cowichan Bay Road within the Cowichan Valley Regional District (CVRD). The assessment is needed so that the Cowichan Estuary Environmental Management Plan (CEEMP) can review the environmental issues associated with the proposed development and advise the CVRD with respect to their opinion of the proposed project. The CVRD requires CEEMP review of such projects within the Cowichan Bay Estuary prior to issuance of a development permit.

I conducted a site visit on June 6, 2008 immediately following a 0.1 m predicted low tide that occurred at 13:23. During the site visit, I obtained information regarding existing site conditions, environmental resources and proposed works. The purpose of the assessment was to identify potential environmental impacts associated with the proposed development and develop mitigation measures to minimize or avoid adverse effects. Mitigation measures considered herein are for the design and construction stages of the project.

#### **EXISTING SITE CONDITIONS**

The subject property is located just north of the Village of Cowichan Bay. Thirteen leased lots are present immediately north of the village and 12 of them currently contain stilt homes. These stilt homes are generally constructed from the edge of the backshore immediately adjacent to Cowichan Bay Road, out into the upper portion of the intertidal zone of the bay. Much of the commercial portion of the Village of Cowichan Bay is also constructed on stilts. Many of the stilt homes have been there for several decades and a variety of stilt construction methods have been utilized, renovated and repaired over the years.

Many of the homes have associated decks with ramps down to docks that are anchored by pilings (dolphins). These docks float during mid to high tide levels but do not float during lower tide levels. Cowichan Bay Marina is located a short distance northeast of the southernmost of these lots, including the subject property and this limits the placement of docks.

The subject property is the only one of the 13 lots without a stilt house. The only structure currently located on the property is an old garage and deck accessible from Cowichan Bay Road (Photo 1).

The backshore beach along this area is consistently cobble dominated substrate with a moderate gradient (Photo 1). The cobble beach extends a short distance into the intertidal zone and ends approximately 1 m below the high tide elevation. Where the sloped cobble beach ends, the beach abruptly flattens to the intertidal mud flat that continues throughout the remainder of the intertidal zone (Photo 2). The mud flat is dominated by fine sands and silts with some gravel and small cobble interspersed throughout the sediment matrix.

Dominant marine life observed along the cobble beach included barnacles, shore crabs and the occasional Pacific oyster (Photo 3). Marine life observed within the upper portion of the mudflat where three 30 cm x 30 cm, shallow plots were hand dug was minimal. Species observed included one marine worm, one ghost shrimp and two macoma clams (Photo 4). While very few shellfish were observed, shell fragments were abundant throughout the sediment. Further out into the intertidal (adjacent to existing docks), the mudflat is more fine grained (muddy) and less rocks are present. Many clam siphons (likely geoduck and/or horse clam) were observed throughout this area.

An average of approximately 10 m beyond the end of the existing docks was the lowermost portion of the intertidal zone where some relatively sparse, intermittent eelgrass was present. At the time of survey, the eelgrass beds were just below the elevation of the tide (Photo 5).

Natural vegetation along the backshore is absent except for some small ornamental trees along the north side of Cowichan Bay Road. Other than some green algae (typically attached to large rocks and waterlogged wood), no vegetation was observed within the area where development is proposed.

The subject property is surrounded by development on all sides (the marina to the north, the stilt houses on either side and Cowichan Bay Road to the south). As such, the natural environment has been heavily impacted and degraded and contains relatively low ecological and biodiversity values, especially in comparison to less disturbed, more pristine estuarine areas.



## PROPOSED DEVELOPMENT

Proposed development includes the complete removal of the existing garage and deck then construction of a stilt home (cottage), deck, ramp and dock. The proposed cottage is a less than 1200 sq ft (15 ft x 42 ft footprint), two storey structure supported by 15 cast in place concrete pilings on cast in place 1 m x 1 m footings. The proposed deck extends 12 ft out from the cottage and is supported by 9 concrete pilings on cast in place 1 m x 1 m footings. From the deck, a ramp would be constructed to access the floating dock. The proposed dock is 1.5 m (4.9 ft) x 15 m (49.2 ft) and is anchored with two treated wood pilings (dolphins). As the location of the dock into the subtidal zone is precluded by the presence of the marina and the marina traffic, the proposed dock is located within the intertidal and will not float during lower tides. Based on predicted tides during the site visit, I estimate that the dock will begin to touch bottom when the tide recedes to ~0.7 m and will begin to float again when the tide rises to ~0.5 m. That is, the dock would be fully floating at approximately 0.7 m and higher tides and would be fully beached at approximately 0.5 m and lower tides.

The cottage, deck and dock would all be approximately in line with similar, adjacent structures in terms of how far out into the intertidal each structure would extend.

## POTENTIAL IMPACTS AND MITIGATION MEASURES

The following discusses potential adverse environmental impacts that could occur from the proposed development. Where impacts are deemed excessive, mitigation measures are provided.

### **Loss of intertidal beach habitat associated with footings:**

The placement of 24 1 m x 1 m cast in place concrete foundations that will support the pilings represents removal of 24 m<sup>2</sup> of existing beach habitat within the intertidal zone. This will create a permanent loss of subsurface (benthic) habitat and a temporary loss of surface habitat that is primarily utilized by low to moderate densities of barnacles.

Over time, barnacles will colonize both the foundation pads as well as the concrete pilings. Colonization of pilings and pads was evident throughout the adjacent developed areas (Photo 6). Given the barnacles will eventually colonize the pads and pilings, a net increase in barnacle habitat will result and this will offset the temporary loss of habitat.

Mitigation measures include the following:

- All rocks and debris containing barnacles that are to be disturbed by excavating to construct the forms for the footings shall be removed by hand and placed, barnacle side up, on the adjacent beach at a similar elevation.

### **Loss of intertidal beach habitat associated with dock:**

The proposed dock will represent an intermittent, minimal disturbance to the mudflat habitat. When the dock is floating it will not be adversely impacting the mudflat. Some shading will occur, however, there are no marine plant colonies such as eelgrass beds at this location. When the dock is beached, there will be a short term disturbance to the mudflat. This may affect shellfish activity and/or behaviour; however, this is expected to be minimal and should not affect feeding that occurs when the dock is floating.

Installation of the two pilings will represent a minimal loss of mudflat habitat but this will be replaced with suitable substrate that barnacles and possibly other marine organisms (mussels etc.) will colonize.

Mitigation measures include the following:

- Non-creosote treated wood pilings that are treated to BMP specifications shall be used (see [www.dfo-mpo.gc.ca/Library/245973.pdf](http://www.dfo-mpo.gc.ca/Library/245973.pdf) for additional information).
- Follow Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (attached). Note that as previously discussed, meeting the BMP condition that the bottom of the dock be at least 1.0 m above the bottom of the sea at low tide is not possible for the proposed dock.

### **Effects of currents on barnacles and other filter feeders:**

The placement of structures into any moving body of water has at least localized effects on natural current conditions. However, given that significant, similar development has occurred on all sides of the proposed development the additional effect of the proposed development is expected to be negligible. As filter feeders, barnacles rely on currents and the rising and falling tide to provide a source of food within the water column. Given that barnacles are growing on the adjacent piles and footings, the proposed development is likely a future net benefit to barnacles by providing additional habitat.

### **Effects of shade:**

The proposed development will result in additional shading of the area. The proposed cottage and deck will provide full shade to an area that is currently only partially shaded by the existing garage and the adjacent structures on the south side. The proposed dock and ramp will provide partial shade to an area that is currently not shaded.

The effects of shading are generally related to the negative impacts on primary production in a given area by limiting and/or preventing plant growth. The negative impacts of shade are somewhat offset by benefits to organisms that favour shade. For example, many fish species will utilize shaded areas because they can provide cooler water temperatures and cover from predation. Best Management Practices for structures such as docks and piers in marine ecosystems call for minimizing shade impacts through mechanisms such as structure orientation, minimizing width, maximizing height above the seabed and using materials that allow some light penetration. However, all

documents reviewed discuss that the reason for these measures is to minimize impacts to marine plants.

Little information could be found regarding the impacts of shade on other marine organisms (barnacles, shellfish etc.). Struck et al. (*Effects of Bridge Shading on Estuarine Marsh Benthic Invertebrate Community Structure and Function*, 2004) studied the effects of shading on estuarine marsh benthic invertebrates caused by bridges and found that invertebrate density and diversity was negatively correlated with increased shading. However, this occurred in areas where shading reduced plant growth beneath the bridge. This suggests that negative impacts associated with shade are mostly, if not entirely the result of direct and indirect impacts on plant growth (primary production).

The area below the proposed development is devoid of plant growth with the exception of some algae growing on rocks and debris within the mud flat. As such, the direct impact on vegetation and the associated indirect impacts to the local ecosystem resulting from the additional shading is expected to be minimal.

Barnacle and shellfish presence in adjacent, fully shaded areas suggests that shading will not preclude such species from inhabiting the area.

Mitigation measures are not recommended.

#### **Excavated material:**

Care must be taken to minimize impacts associated with excavating cobble/mudflat to form and pour the concrete footings.

Mitigation measures include the following:

- All excavation shall be done by hand when the tide has recently receded from the hole(s) to be dug that day.
- No machinery shall be operated within the intertidal zone.
- Each day, excavations shall only be dug for those holes that can be formed the same day to avoid holes filling in upon the next rising tides.
- All excess excavated material shall be spread evenly over the adjacent beach before the tide rises to prevent suspension of sediment when the tide rises and to minimize potential smothering of benthic organisms beneath piled material.

#### **Concrete leachate:**

The proposed development calls for cast in place concrete pilings and footings. Uncured concrete is toxic to aquatic life as it is highly alkaline (high pH).

Mitigation measures include the following:

- All cast in place concrete and grouting shall be totally isolated from seawater for a minimum of 48 h.
  - All concrete pouring to occur when the tide is out, well beyond the immediate work area.
  - Cover the top of freshly poured footings with poly sheeting and seal the sheeting to the concrete by weighing down the perimeter with several cobbles.
  - Line all forms that are above the surface of the beach with poly sheeting so that water does not come into contact with freshly poured concrete within the form and so that concrete is prevented from leaking out of the form.
- If pumping is required to dry excavations immediately prior to pouring concrete, water shall be pumped as far up the beach as possible so that it settles out before reaching the seawater. Pumping shall cease as soon as concrete is poured so that concrete wash is not being pumped, and subsequently introduced, uncured into the seawater.
- Concrete equipment and tools shall not be rinsed where rinse water can make its way into the marine environment. This includes mixers, wheel barrels, hand tools, and concrete truck equipment.
- Any accidentally spilled concrete shall be immediately removed from the beach and disposed of such that it is not at risk of coming into contact with the sea.
- The Environmental Monitor (Streamline) shall be on-site periodically during concrete pouring within the intertidal areas to verify that recommended mitigation measures and procedures are being followed.

**Additional measures to mitigate impacts during construction:**

- The timing of all works within the intertidal zone shall occur within the timing window recommended within the Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (between June 1 and February 15).
- All construction materials and debris shall be removed from the beach and intertidal areas at the end of each day and before the tide rises over the given work area.
- Painting, staining or waterproofing of all exterior items of the proposed structures shall be conducted carefully to avoid introduction of potentially deleterious substances into the sea.
- There should be no in situ or residential treatment of wood used in the aquatic environment. Creosote oil and copper naphthenate are wood-treatment products commonly sold at lumber yards for homeowner application. Only factory-treated wood bearing the BMP mark should be considered for aquatic use. This includes any wood products used on the dock and the ramp.

## SUMMARY

The subject property is surrounded by development on all sides (the marina, the stilt houses on either side and Cowichan Bay Road). As such, the natural environment has been significantly impacted and contains relatively low ecological value in comparison to less disturbed and pristine estuaries. While the proposed development will create some lasting effects that cannot be mitigated (namely shade and habitat loss), the extent of the impacts is considered small and insignificant. Construction related potential impacts can be readily mitigated. It is noted that the lot was created for the proposed use and the proposed development is not expected to result in any significant environmental impacts if the recommended measures and BMPs are adhered to.

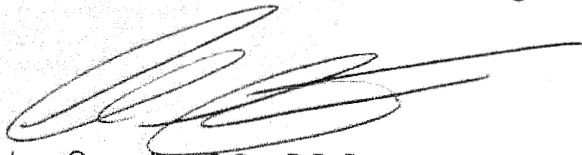
## DISCLAIMER / STATEMENT OF LIMITATIONS

This report was prepared exclusively for Hylton McAlister by Streamline Environmental Consulting Ltd. The quality of information, conclusions and estimates contained herein is consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by Streamline Environmental Consulting Ltd. and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in this report. This report is intended to be used by Hylton McAlister only. Any other use or reliance on this report by any third party is at that party's sole risk.

Thank you for retaining Streamline Environmental Consulting Ltd. to assist you with your development plans. Please do not hesitate to contact me if you have any questions.

Sincerely,

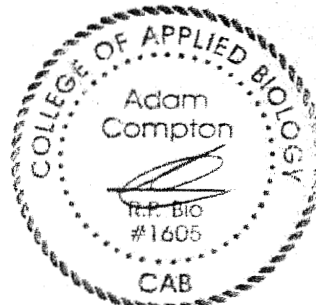
**Streamline Environmental Consulting Ltd.**



Adam Compton, B.Sc., R.P. Bio.

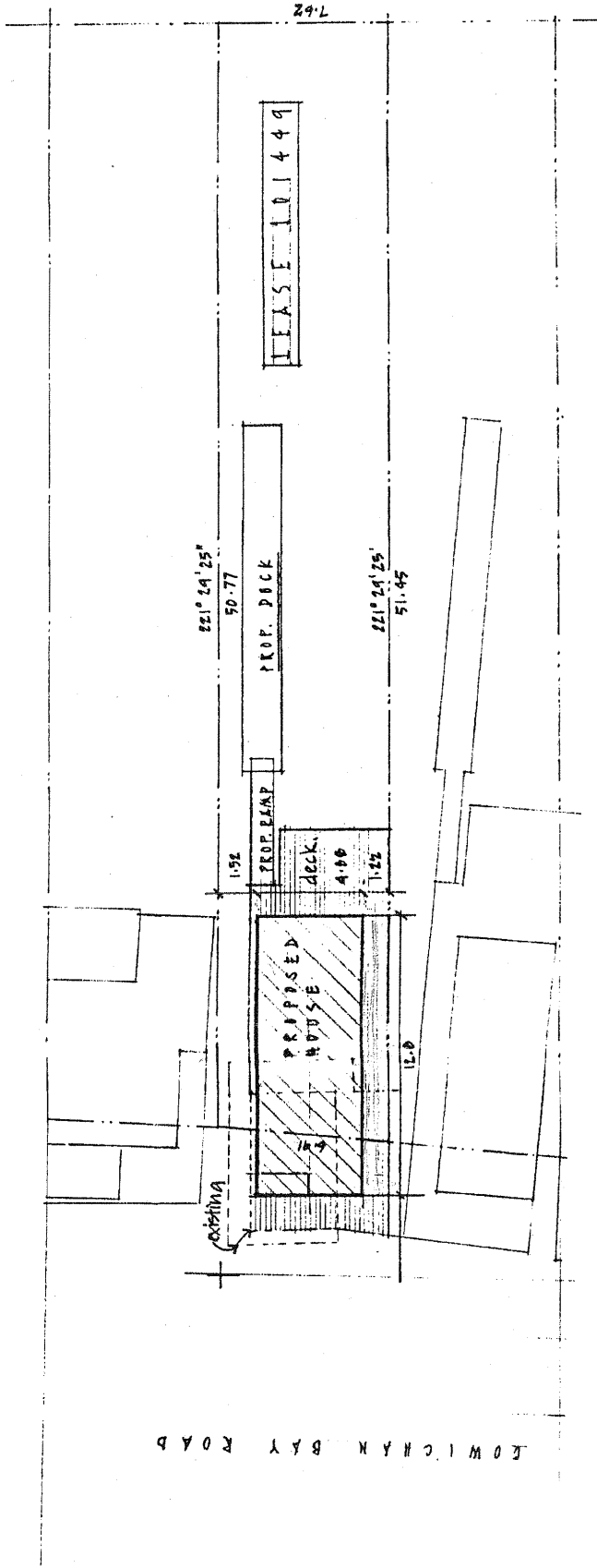
### Attachments:

- Site Plan
- Photographs
- Dock BMP



Original signed &  
sealed July 9/08

LOWICHAN BAY ROAD



LOWICHAN BAY

29.1

LEASE 101449

PROP. DOCK

PROP. EAMP

DECK

PROPOSED HOUSE

SITE PLAN



0 5 10 15 M.

5 June 00: dock added

SITE PLAN

1704 COWILIAN BAY RD  
PROPOSED HOUSE FOR  
MYLTON McALISTER

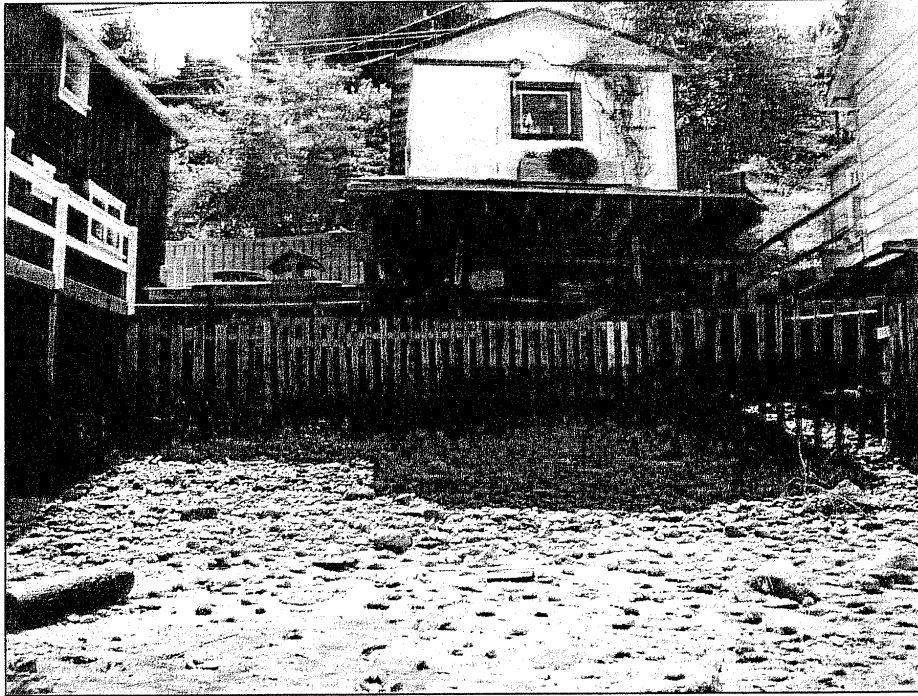
TIM RICHARDSON  
BUILDING DESIGN  
3075 Cobble Hill Road  
Mill Bay, BC V0R 2P3  
Phone/Fax: 743-7913  
E-mail: awinspections@shaw.ca

MAY 2000  
DRAWING:

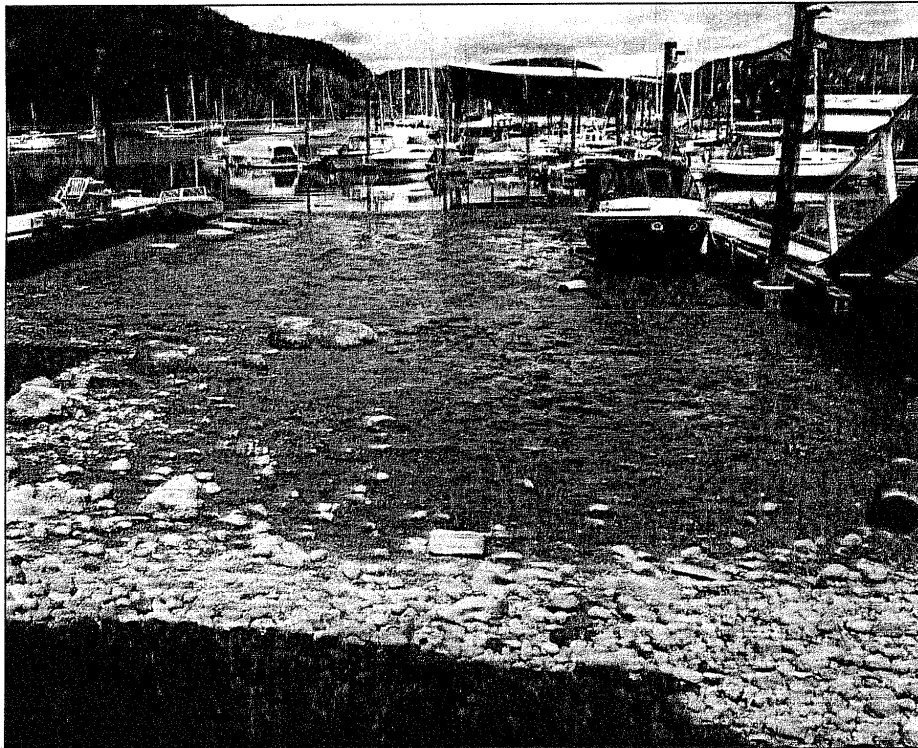
1 of 7

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## Site Photographs



**Photo 1.** View looking southwest at existing garage and cobble beach.



**Photo 2.** View looking northeast at transition from cobble beach to mudflat.





**Photo 3.** View of typical cobble substrate.

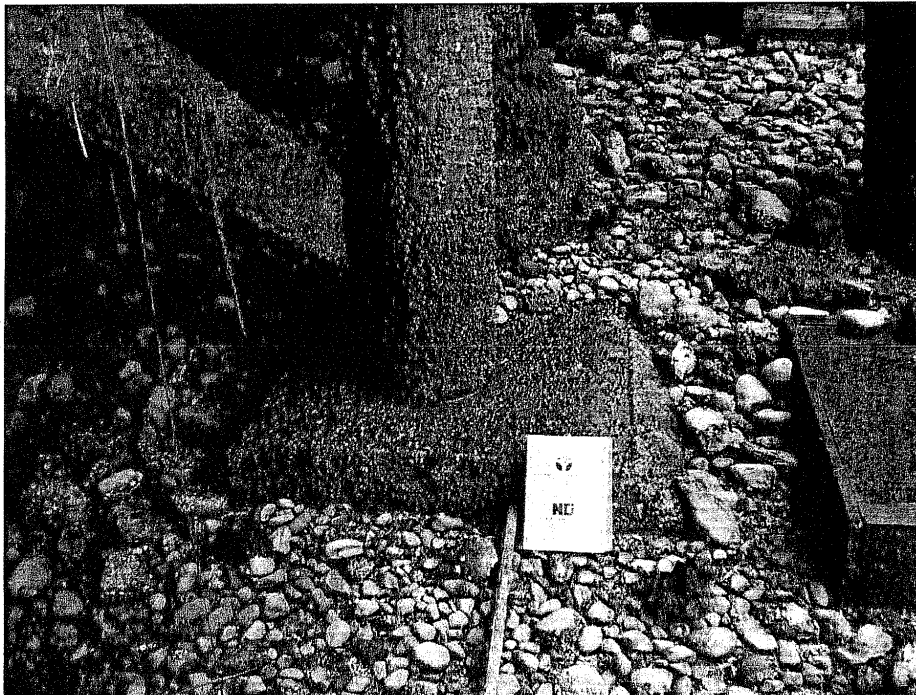


**Photo 4.** View of 2 benthic organisms found within mudflat plots.





**Photo 5.** View of sparse eelgrass beds ~ 10 m beyond the end of existing/proposed docks.



**Photo 6.** View of existing pile upon cast in place concrete footing immediately adjacent to the subject property. Note that barnacles have colonized and have higher densities than adjacent cobbles.



Fisheries  
and Oceans

Pêches  
et Océans

Pacific Region

### **Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (Vancouver Island - Sunshine Coast)**

- These BMPs apply to docks, floats and gangways proposed for marine foreshores and freshwater lakes. They do not, however, apply to streams, congested waterways or foreshores where there are presently numerous docks and floats in a restricted area.
- Adherence to the BMPs should allow a property owner to construct a dock or float that will not adversely affect fish habitat.
- Docks and floats must be located a minimum of 125m from bivalve shellfish beds (clams, oysters, scallops and geoducks) harvested by aboriginal, commercial or recreational diggers. If bivalve shellfish beds are present within 125m of your proposed structure, you are advised to retain a qualified biologist to conduct a shellfish assessment prior to conducting any work. Some documented bivalve shellfish harvest areas are noted in the DFO Clam atlas on our website: [http://www-heb.pac.dfo-mpo.gc.ca/maps/maps-data\\_e.htm](http://www-heb.pac.dfo-mpo.gc.ca/maps/maps-data_e.htm)
- If you are able to meet the criteria set forth in these BMPs, you do not require further advice from Fisheries & Oceans Canada (DFO) Habitat Management staff. Completion of the notification page of this document and provision of the notification to the local DFO office is all that is necessary (See notification form attached).
- It is your responsibility to ensure that you have met the requirements of other agencies with jurisdiction over land and water development in your area (Transport Canada, Land and Water BC; First Nations, local government, Regional Districts, etc).

**The focus of these BMPs is to protect fish habitat from the impacts of shading, fill placement and low tide grounding of both structures and vessels.**

1. Access ramps or walkways should be a minimum of 1.0 metre above the highest high water mark (HHW) of the tide or lake.
2. Walkways should be a maximum width of 1.5 metres.
3. The bottom of floats should be a minimum of 1.0 m above the bed of the sea, lake or stream during the lowest water level or tide. Float height above lowest water level will need to be increased if deep draft vessels are to be moored at the dock or float.
4. Grating incorporated into ramps, walkways or floats will increase light and reduce shading of the sea/lake/stream bed. If grating is impractical, deck planks should be no wider than 15cm (6in) and planks should be spaced at least 2.5cm (1in) apart to allow light penetration.
5. North/South dock alignments will further improve light penetration.
6. Floats must not be installed over marine or freshwater vegetation (eelgrass, kelp, saltmarsh, lake weeds, etc.).
7. Concrete, steel, BMP-treated or recycled timber piles are acceptable. For detailed information on treated wood options, refer to the *Guideline to Protect Fish and Fish Habitat from Treated Wood Used in the Aquatic Environment in the Pacific Region*, available on-line at <http://www.dfo-mpo.gc.ca/Library/245973.pdf>.

Canada

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8. The dock/float structure and the vessel to be moored at the structure are not to come to rest on intertidal seabed or lakebed areas during the lowest tide or lowest water period of the year.
9. Construction must not include use of native beach materials (boulders, cobble, gravel, sand, drift logs etc.).
10. Access to the beach for construction purposes is to be from the adjacent upland property wherever possible. If heavy equipment is required to work on the beach or access is required along the beach, you should seek the advice of a professional biologist to ensure that fish habitat, including riparian, intertidal saltmarsh or in-water vegetation, is not adversely affected during construction.
11. Filling, dredging or blasting below the High Water Mark is not permitted.
12. Works at the upland/water interface are to be conducted when the site is not wetted by the tide or when the water levels in lakes have receded, if practical.
13. Works are to be conducted in a manner that does not result in the deposit of toxic or deleterious substances (e.g. sediment, uncured concrete, sediment, fuel, lubricants, paints, stains, etc.) into waters frequented by fish.
14. Refueling of machinery and washing of buckets and hand tools must take place a minimum of 10m away from waters frequented by fish.
15. Marine foreshore construction should take place between June 1 and February 15 of any calendar year. Freshwater construction should occur during the period July 1 to August 31 in any calendar year. Exceptions may apply – please consult a professional biologist.
16. Terrestrial riparian vegetation and intertidal saltmarsh or in-water vegetation must not be harmfully affected by access or construction. You are advised to seek the advice of a professional biologist if vegetation will be affected in any way by your proposed works

Please be advised that works in and around fish habitat (riparian habitats adjacent to fish bearing waters, tidal foreshores and lakeshores) can negatively affect fish habitat. Section 35(1) of the Fisheries Act prohibits the harmful alteration, disruption or destruction of fish habitat (HADD). The Fisheries Act may be enforced if a HADD occurs during access, construction or maintenance of docks and floats.

For additional information, please visit our DFO website at [www.pac.dfo-mpo.gc.ca](http://www.pac.dfo-mpo.gc.ca)

Revised by: DFO-Habitat Management, South Coast Area, May, 2008

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## NOTIFICATION TO DFO – CONSTRUCTION OF FLOATS AND DOCKS

**Your signature below indicates that you have read and understood these guidelines and will abide by them.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone #/cell#: \_\_\_\_\_  
Worksite Location (if different from above): \_\_\_\_\_

Contractor: \_\_\_\_\_  
Contractor Address: \_\_\_\_\_

Contractor Telephone #/Cell #: \_\_\_\_\_  
Detailed Description of Work (dimensions; materials-attach a drawing if desired):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Agencies/Regulators Contacted (eg. Local gov't): \_\_\_\_\_

Start Date for Work: \_\_\_\_\_ End Date for Work: \_\_\_\_\_

**I acknowledge that I will adhere to the conditions described for construction of erosion control structures as outlined above. I will not place fill below the HHW mark, use native beach materials for construction or harmfully affect riparian or in-water vegetation or other fish habitats**

Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Fax/Mail this form to your local DFO office AT LEAST 5 BUSINESS DAYS PRIOR to the planned construction start date. A Fisheries Officer may inspect your construction site to ensure compliance with the Fisheries Act.

**Fax Numbers:**

DFO- Campbell River: (250) 286-5852  
DFO- Comox: (250) 339-4612  
DFO- Duncan: (250) 746-8397  
DFO- Habitat Management, Nanaimo (250) 756-7162  
DFO- Nanaimo: (250) 754-0309  
DFO- Pender Harbour: (604) 883-2152  
DFO- Powell River: (604) 485-7439  
DFO- Port Alberni: (250) 724-2555  
DFO- Victoria: (250) 363-0191

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## 13.4 COWICHAN BAY VILLAGE DEVELOPMENT PERMIT AREA

### 13.4.1 CATEGORY

The **Cowichan Bay Village Development Permit Area** is designated as a Development Permit Area under Sections 919(1)(a), (b), (d), (e) and (f) of the *Local Government Act*. Development Permits shall be required for all specified projects occurring within the Development Permit Areas identified herein. Unless specifically exempted by this plan under Section 13.4.4, no subdivision, alteration of foreshore or construction shall take place prior to the issuance of a development permit.

### 13.4.2 COWICHAN ESTUARY ENVIRONMENTAL MANAGEMENT PLAN (CEEMP)

Some of the lands subject to this development permit area are within the area regulated by the CEEMP. Enacted by Order-in-Council 1652, on September 12, 1986, the CEEMP is the most important Provincial regulation affecting the **Cowichan Bay Village Development Permit Area**. The objective of this provincial designation is to maintain and protect habitat and protect the marine environment from negative impacts related to development.

Generally, existing land uses in the village and harbour area are recognized by the CEEMP. However, the Order-in-Council requires the approval of Minister of Water, Land and Air Protection before any construction activity occurs in areas that are not presently developed – in other words, where portions of foreshore not previously shaded by buildings and structures would be developed. In such cases, the CVRD cannot issue building permits unless the owner has secured the Minister's approval. For renovations of and additions to existing buildings that do not add shade to the foreshore, the Ministry of Water, Land and Air Protection has left approvals up to the CVRD, with a request that the Ministry be informed of projects and that Provincial and Federal best management practises be followed.

### 13.4.3 JUSTIFICATION

**Cowichan Bay Village** is the commercial heart of Electoral Area D. It has a distinct character redolent of the seaside-historical nature of the community. It includes residential, commercial, industrial, recreational and institutional uses. The density and form of development within the area determines the character of the community. It is also situated in a very sensitive estuarine environment, which is highly productive biologically and therefore important in the life cycles of many organisms. There are also some geotechnical considerations that need to be addressed within some parts of the village. The objectives of this designation are to:

- ensure that development occurring in this area is compatible with - and enhances the form, scale and character of - existing development;

- to strengthen the village harbour as the primary commercial focus of Electoral Area D;
- to realise the heritage, economic, touristic, cultural and architectural potential of this area;
- to ensure that development and re-development does not in any way damage the environment or impair its productivity;
- to avoid natural hazards.

#### 13.4.4 APPLICATION

The lands within the **Cowichan Bay Village Development Permit Area** include all parcels and uses located on the north side of Cowichan Bay Road, as shown on Figure 4.

#### 13.4.5 EXEMPTIONS

- 1) A development permit shall not be required and the guidelines of Section 13.4.6 of this Plan shall not apply to the following works:
  - interior renovation and repair of existing buildings;
  - replacement of roofing, siding or existing windows;
  - a one-time-only addition to existing residential buildings, provided that not more than 10 m<sup>2</sup> of new floor area is created, exterior finishes are identical to the existing building and no additional shading of the foreshore or intertidal zone will occur;
  - a one-time-only additions to existing commercial, industrial or institutional buildings, provided that no more than 20 m<sup>2</sup> of floor area is created, exterior finishes are identical to the existing building and no additional shading of the foreshore or intertidal zone will occur;
  - changes to the text or message on existing signs 2 square metres in area or less;
  - emergency repairs to buildings, existing docks, wharfs, breakwaters and seawalls and other structures, where there is a demonstrable and immediate risk to human safety or property and the scope of work proposed has been discussed with the Manager of Development Services or designate; and
  - landscaping, walkways, parking areas, fences less than 1.2 metres in height.
- 2) A development permit exemption under 1) above does not exempt any person from the requirement to secure a building permit, electrical permit, road access permit or any other requirement of a bylaw, statute or regulation.

#### 13.4.6 GUIDELINES

##### Environmental Protection

- (a) Runoff from the development should be strictly limited to prevent storm flows from damaging the estuary during normal rainfall events. Efforts should be made in the site design to buffer storm flows and limit impervious surfaces to

the minimum. Parking areas should contain oil/water separators and use pervious landscaping that can absorb runoff, where feasible, and proof of a maintenance program for these will be provided. Applicants are expected to submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit.

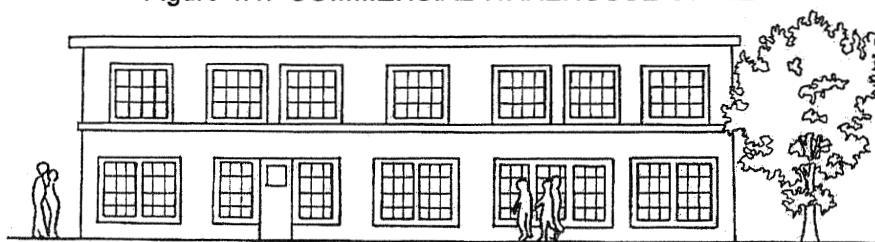
- (b) Discharges of material that could potentially damage water quality are prohibited.
- (c) Proposals involving new additions, structures or buildings that would shade more of the foreshore or intertidal area of the Bay will be referred to the Cowichan Estuary Environmental Management Committee (CEEMC) for consideration. In the event that the CEEMC approves such a proposal, the development permit guidelines of this Plan will apply, in addition to any conditions that the CEEMC may impose in its approval.
- (d) The following best management practices (BMPs) and any successors thereto will be incorporated into the (re-) development proposal:
  - Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water Land and Air Protection, 2004);
  - Shoreline Structures Environmental Design: A Guide for Structures along Estuaries and Large Rivers (Adams/Fisheries and Oceans Canada, 2002);
  - Best Management Practices for Constructing Docks and Floats in the South Coast Area (Fisheries and Oceans Canada, 2004);
  - Best Management Practices for Pile Driving (Fisheries and Oceans Canada);
  - Marina Development Guidelines (Fisheries and Oceans Canada);
  - Coastal Stewardship Guide (Fisheries and Oceans Canada);
  - Erosion Protection Structures Guidelines (Fisheries and Oceans Canada);
  - Any other BMPs that may come into existence, and have a bearing on environmental matters in Cowichan Bay.
- (e) Construction/reconstruction of seawalls and other earth-retaining devices shall be subject to engineering design and supervision during construction. Furthermore, the CVRD Board may, where it believes that development is proposed near or in an area that may be subject to erosion or ground instability, require the applicant to hire an engineer experienced in natural hazards identification and mitigation. The engineer's recommendations shall be incorporated into a Development Permit, if one is issued.
- (f) No vegetation shall be removed from a landform unless it has been approved in a development permit under this section, nor shall any site preparation, excavation or filling occur without a development permit specifically authorising it.

- (g) All new buildings requiring toilet facilities will be connected to the Cowichan Bay Sanitary Sewer system, and expansions to existing docks and wharves will be accompanied with a mandatory sewage holding tank pump-out for vessels located on the dock(s), or another arrangement for dealing with sewage in an environmentally responsible fashion, to be approved and verified by the CVRD.

### Architecture and Urban Design

- (h) In selecting a building design for the village, applicants are encouraged to emulate the west coast seaside vernacular architecture in the Bay. Building form, colour and architectural details which are considered to be appropriate to the Cowichan Bay Village area should be consistent (but not limited to) the diagrams shown as examples in the following Figures 4.1 through 4.3.

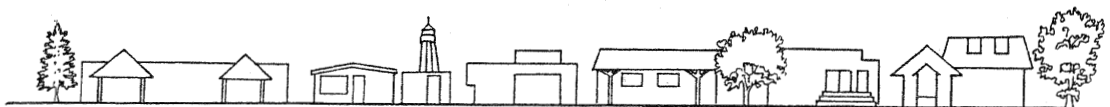
**Figure 4.1: COMMERCIAL WAREHOUSE STYLE**



**Human Scale -- One to Two Story**

**Access to and around commercial buildings on two or three sides is preferable.**

- (i) Buildings shall be designed in keeping with the west coast climate with particular attention given to rain related design with overhangs to protect walls, windows and covered walkways. The design of buildings should acknowledge the varying influence of sunlight during the day and seasonally, and take advantage of natural light.
- (j) Buildings and structures should be designed in harmony with the aesthetics of the surrounding lands and landscaping plans. All plans and building designs should promote personal and public safety.
- (k) Buildings should be human scale, and should be limited in height and mass in order to preserve views of the Bay. Where protecting views would require that building height be limited in order to offer to both visitors to the community and residents, a development permit may specify a lower height limit than the zoning bylaw.

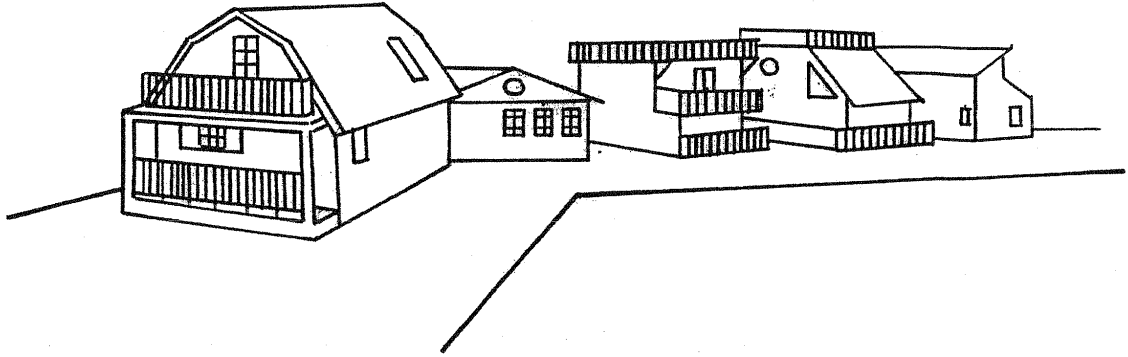


**Figure 4.2: COMMERCIAL ROOF LINES AND FACADES**



- (l) Building siting should be consistent with the historical pattern of building and land use in Cowichan Bay village. In the past, many buildings were not set back at all from certain parcel lines. Where this guideline may collide with a setback regulation in the zoning bylaw, considering the context of nearby buildings and structures, the CVRD may substantially vary setback and other regulations in a development permit.

Figure 4.3: HOUSEBOAT STYLE



- (m) Redevelopment of residential cottage lease sites in the Bay will be limited such that the replacement building is of a similar scale and size to the small cottages that are presently in the Bay. Preferably, the largest cottages will be one storey, possibly with a loft and dormers, and the height of these buildings should be substantially lower than the 10 metre height limit in Zoning Bylaw 1015.

#### Pedestrian Areas

The following guidelines are illustrated in Figure 4.4: Pedestrian Areas:

- (n) Public access to viewpoints within lease areas, overlooking the Bay will be incorporated into proposed construction projects, wherever possible.
- (o) Safe pedestrian routes across, within and between sites shall be clearly delineated by means of separate walkways, gangways, sidewalks or raised paths where they cross a parking lot or parallel Cowichan Bay Road. These pedestrian routes are encouraged to be constructed as boardwalks to emulate the marine character of the Bay while differentiating pedestrian areas from concrete or asphalt roads and parking areas. Views towards the sea are an important element of pedestrian access.

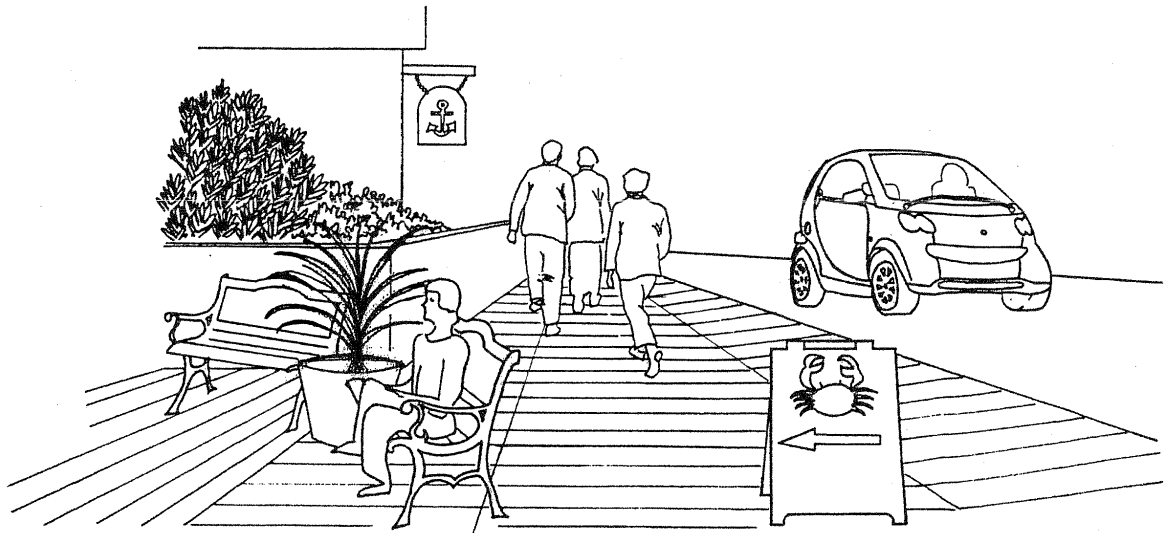


Figure 4.4: PEDESTRIAN AREAS

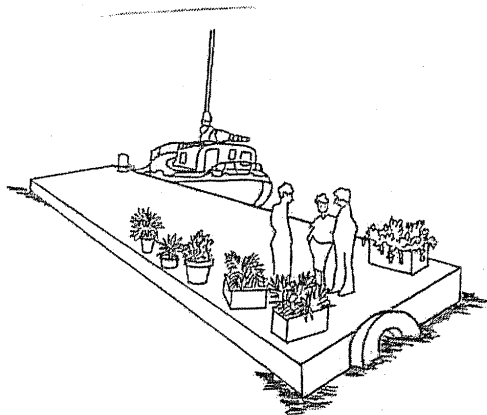
Boardwalks shall be used to differentiate pedestrian areas from vehicular areas.

Boardwalks should also be used to clearly denote public areas from semi-public, semi-private, and private areas. This can also be accomplished through other urban design solutions and the use of materials shown in Figure 4.5.

Seating shall be encouraged at viewpoints into the Bay.

Signboards, handcrafted signage.

Floating public and private dock gardens shall be encouraged



- (p) Boardwalks, edges, signage, and other urban design solutions and nautical materials shall be utilized to define public areas from semi-public, semi-private and private areas, particularly within the commercial lease areas.
- (q) Establishing pedestrian links between uses in Cowichan Bay village, Hecate Park, the Theik Reserve Path and other areas of Cowichan Bay may be achieved by means of dedicated walkways, boardwalks, and other means and is strongly encouraged.

### Signs

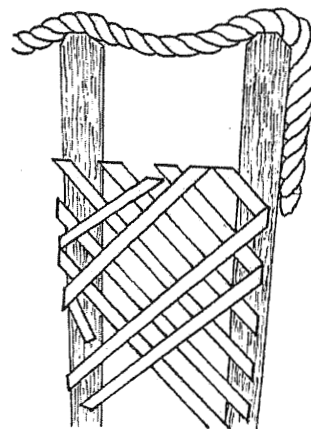
- (r) Signs should be designed to reflect the rustic and vernacular seaside architecture of Cowichan Bay village and be in harmony with the landscaping plans for the site, but shall be limited in height and area, commensurate with the site characteristics. If multiple signs are required, they should be grouped and shared and fluorescent lighting should not be used. Frontal lighting with incandescent bulbs is preferred.
- (s) The use of thematic, painted, wooden signs shall be encouraged over other types of signage. The use of handcrafted signs is encouraged. Illuminated, roof-mounted signs are prohibited within Cowichan Bay village.

### Materials

- (t) The use of natural materials in urban design and for exterior finishing of buildings and structures shall be encouraged for all uses locating in the area. Unless prohibited for safety reasons, the following materials shown and listed below in Figure 4.5 shall be encouraged:

Figure 4.5: Materials

Board and Battens  
Bricks  
Clapboard  
Driftwood  
Lattice  
Netting  
Piers and Pilings  
Rope  
Sails  
Shakes  
Shingles  
Wood Plank



### Lighting

- (u) Parking areas and pedestrian routes should be well lit, with lamp standards appropriate in design for the village area, without glare to other lands and roads.

### Landscaping

- (v) Landscaping shall be provided for all sites. The objective is presentation of an attractive site to residents.
- (w) Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA). Safety from crime should be considered in landscaping plans.

### Vehicular Access

- (x) All vehicle access points, circulation patterns and parking layouts will be designed in such a way as to minimise impact upon Cowichan Bay Road.
- (y) Vehicle access points, pedestrian pathways, and parking and circulation patterns shall be physically linked and, where feasible, shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. Unnecessary duplication of access points is strongly discouraged.

### Underground Wiring

- (z) Underground wiring is encouraged.

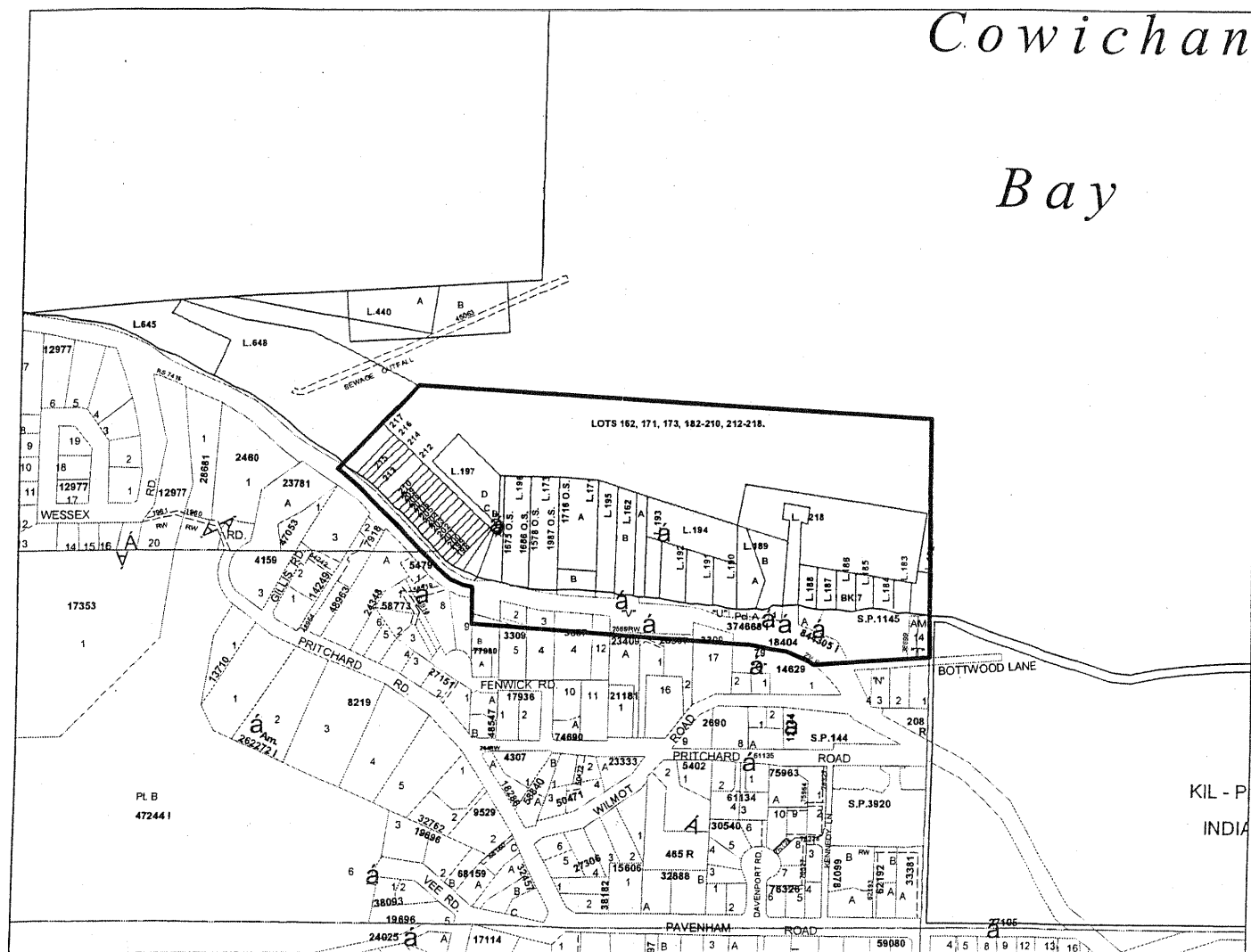
### Parking

- (aa) In order to maintain the unique character of Cowichan Bay village, off-road parking standards for new uses locating in the area may be reduced where development has specific regard for maintaining the area's character. The CVRD will consider creating a parking service bylaw for Cowichan Bay, in which case cash in lieu of onsite parking may be accepted in where off-street parking cannot be provided by a proponent, in order to build and operate common parking facilities in the vicinity of the village.

#### 13.4.7 APPLICATION REQUIREMENTS

Prior to issuing a Development Permit within COWICHAN BAY VILLAGE DEVELOPMENT PERMIT AREA the Regional Board requires applicants to furnish at their expense a development permit application which shall include:

- 1) A fee in the amount prescribed by the Regional District's Development Application Procedures and Fees Bylaw;
- 2) A description of the project;
- 3) Survey plans indicating the:
  - location of the project;
  - existing natural features, including vegetation;
  - all existing and proposed buildings and structures;
  - all existing and proposed property boundaries; and, location of all site improvements including proposed access and egress, site drainage, proposed lighting, surfacing, parking areas, refuse storage areas, signage and site landscaping.
- 4) Building elevations for road frontage and their relationship to adjacent uses and structures;
- 5) A report by a professional engineer, (P.Eng.), licensed to practice in British Columbia on the measures necessary to protect proposed uses from flooding and wave action.



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## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 5, 2009

**DATE:** April 28, 2009 **FILE NO:** 2-I-05 RS  
**FROM:** Mike Tippet, Manager **BYLAW NO:** 2465 and 2650  
Community and Regional Planning Division  
**SUBJECT:** Application No. 2-I-05RS  
Wayne Friesen et. al.

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**Recommendation:**

That application No. 2-I-05RS (Friesen et. al.) on Parcel A (DD72787I) of Section 45, Renfrew District for a new rural residential designation and zone be denied and that a partial refund be given to the applicants in accordance with the CVRD Development Applications Procedures and Fees Bylaw No. 2255.

**Purpose:**

Following a review of the work program for 2009-2013, to reconsider a request to amend the Youbou/Meade Creek OCP and zoning bylaw in order to permit a low density cottage development on a parcel to the west of Youbou.

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

N/A

**Background:**

Location of Subject Property: 5 km west of Youbou, on a private logging road

Legal Description: Parcel A (DD72787I) of Section 45, Renfrew District

Date Application and Complete Documentation Received: June 13, 2005

Owners: W. and J. Friesen; C. and M. Gibson ; B. and E. Burton; K. Holm; D. and P. Carley;  
P. Nielsen; B. and L Martin; A. and J Dong; K. Curtis; B. Wallin

Applicant: Wayne Friesen.

Size of Parcel: 11.6 hectares

Existing Zoning: F-1

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Minimum Lot Size Under Existing Zoning: 80 hectares

Existing Plan Designation: Forestry

Existing Use of Property: Vacant rural

Existing Use of Surrounding Properties:

North: Forest resource lands  
 South: Cowichan Lake  
 East: ancient subdivision from 1913 (typical size of lot: ~0.4 ha)  
 West: subdivisions from 1979 (6 lots to west) & 1960s (further west)

Services:

Fire Protection: Youbou Volunteer Fire Department Service Area  
Road Access: No public road access  
Water: On-site  
Sewage Disposal: On-site

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: declaration signed

Environmentally Sensitive Areas: lakefront/RAR

Archaeological Site: none indicated in GIS

### **The Proposal:**

An application has been made: for rezoning to permit the creation of five lots, each permitting two residences.

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

The APC dealt with the latest revision of this application on April 5<sup>th</sup> and 9<sup>th</sup> of 2008. On April 9<sup>th</sup>, the following resolution was passed:

*It was moved and seconded that Area I (Youbou/Meade Creek) Planning Commission support the rezoning application 2-I-05 RS (REVISED) on the merits provided to the APC meeting, which include the covenants and strata as outlined in the letter by the applicant to Mike Tippet, CVRD dated and received by the CVRD April 9<sup>th</sup>, 2008.*

**MOTION CARRIED**

*(I. Graeme Opposed)*



### **Referral Agency Comments:**

This application was referred out to 7 referral agencies back in September of 2005, when this was a nine lot subdivision proposal. Their comments to that original application follow:

***Ministry of Community Services – no comments received***

***Ministry of Forests – interests unaffected***

***Ministry of Transportation – The Ministry of Transportation would have no objections to the land use proposal, however, this is not to be construed as approval of any subsequent subdivision proposal as the Ministry does have the following concerns:***

- *Proposed subdivision would be accessed by “water only”, putting public pressure on the Ministry to maintain the private logging road.*
- *Section 75(1)(c) of the Land Title Act would have to be resolved.*
- *Proposed lots would be separated by intervening land.*

***VIHA – Soil conditions in the area of the proposed rezoning are generally suitable for sewage disposal. However, in order to determine whether a 9 lot subdivision was feasible, preliminary site investigation including percolation testing would be needed.***

***Youbou Fire Department – no comments received***

***School District No. 79 – no comments received***

***Fisheries and Oceans Canada – no comments received***

The portion of the comments above that reference the subdivision may be dismissed, as this is no longer a subdivision proposal, but rather a multiple dwelling per lot proposal. Nevertheless, the comments are in part relevant to the present proposal, and staff did not consider it to be necessary to refer this out to the agencies again when the details of the application changed.

### **Background:**

This matter is before the Committee again following the decision of the last Board to put this application on hold pending a proposed review of the advisability and consequences of permitting limited rural residential development along Cowichan Lake shoreline to the west of the Youbou Lands site, to be added to the 2009 work program. A review of the work program, including the Areas B and C OCP, Area D OCP and Area E OCP, plus other project work, indicated that the CVRD is unable to add an Area I review to its 2009 work program. In fact, the soonest this could be attended to is after 2013, when the last of the above-mentioned major projects would be wrapping up.

Since the previous Committee recommendation on the matter was dependent upon this review being completed in 2009, it is necessary for the Committee to reconsider this application now, knowing that it would be inappropriate to keep an application file like this one open for eight years before it could be considered by the Board.

Accordingly, the balance of the report is the same as the one that went to the EASC in June 2008, with the exception of the third option (development review west of Youbou) being eliminated.

### **The First Application**

The applicants proposed in 2005 to amend the Official Community Plan and zoning bylaw, in order to subdivide the subject lands into 9 parcels. This matter went to the APC in September 2005 and the request was not supported.

Rather than see their application go forward at that time in a report to the Electoral Area Services Committee (EASC) with a negative APC recommendation, the applicants then requested that the matter not be brought to the EASC until they had an opportunity to reconfigure the proposal in a way that they felt might improve the chances of APC and community support. During this period, the applicants consulted each other and CVRD staff for information.

This application was amended several months ago to propose only five fee-simple parcels, and that revision was referred to the APC in March of this year, along with a new staff report.

After the subsequent APC meeting, the applicants further revised their proposal by dropping the subdivision idea altogether and proposing instead one large strata on a single parcel of land, with ten independently owned cottages (building strata). This revision was made directly at the APC level and CVRD staff did not have another opportunity to review the new information nor did we have a chance to update the APC staff report a second time. The majority of the APC now supports it.

### **The Revised Proposal:**

The subject property is traversed by a private road, over which the owners have an easement for access purposes. The road separates the property into two parts, one with lake frontage and the other without. The latest revision to the proposal would see the land remaining un-subdivided, and instead, having a new zone applied to it that would allow for ten cottages on the site, each of which would be strata titled.

There would be a 20 metre “green space” on the western boundary of the subject property, and a 10 m wide addition to an existing half-road to the east is also proposed. Aside from the 20 m green space, no park dedication is proposed as part of this application. There is no requirement for park dedication, however, the CVRD often examines opportunities for public amenities at the time of application for bylaw amendments.

Upon this single parcel of land, the applicants are proposing ten homes, each of which would be registered as a strata lot, with the entire land area as common property. The applicants have gone even further in their proposal. They are proposing:

- A limit to the floor area of the proposed building: 125 m<sup>2</sup> for indoor space and 75 m<sup>2</sup> for covered deck/patio space per residence;
- Lot coverage over the entire parcel would be limited to 3% (under 3500 m<sup>2</sup> for the entire parcel) as opposed to the much higher percentage permitted under F-1 zoning;
- The area to the north of the private logging road would be covenanted in perpetuity for no building, with a view to not only restricting future demand for redevelopment, but to limit impacts upon the local Roosevelt Elk herd, which apparently uses this area to forage and migrate;
- Perimeter fencing would be disallowed in the proposed zone, to allow for wildlife movement;
- Driveway surfacing would be pervious;
- The development would not be serviced with power, water or sewer;
- Bed and breakfast use would not be permitted in their requested zone, but home occupation would.

The applicants indicate that the development they are proposing should not have to be added to the Urban Containment Boundary, since they are not seeking any conventional municipal services.

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### **Planning and Development Department Comments:**

The subject property is sandwiched in between two older subdivided areas, with some very small lot sizes. These areas are designated for forestry use and zoned accordingly. Most of this development pre-dates the first zoning bylaw. Apparently these parcels were developed for recreational purposes at the time, starting in the pre-war period and ranging right up to the 1970s.

The proposed density is low for a residential use, with roughly one dwelling unit per hectare. However, this is the minimum that would normally be found in any residential zone – even Urban Residential, if no community services were available to the lot.

The proponents' idea of having one common property lot, with ten cabins or cottages on it, is novel, and in some ways the fact that the land base would be common property shared by ten or more owners could lead to a more careful management of the riparian zone along the lake. The CVRD has found that riparian areas, even those designated as SPEA (Streamside Protection and Enhancement Area) under the RAR tend to be very poorly managed by private parties, particularly where lot sizes are small. So the shared ownership could provide some mitigation of that tendency. It is important to examine alternatives to the various discredited attempts to protect riparian features around lakes, in particular where further lakeshore development is already permitted in the land-use regulations. Experimentation with interesting new ideas, especially on a small scale, has its attractions. The goal of such experimentation would be a new ecological stewardship paradigm for lakeshore development. But there are over-arching planning considerations that come to bear on this application, and so the Committee needs to decide if this land is the right place to conduct such an experiment, or whether it should be done inside an Urban Containment Boundary instead.

The portion of the lot that is separated from the waterfront portion by public road would have to be covenanted against future subdivision, if this development was approved. This is a mandatory requirement in the zoning bylaw. It is difficult to imagine how the people living near the water could effectively use the area to the north of the private road, and it is likely that in some time in the future, there would be a request to allow them to be further subdivided, for practical reasons. The applicants argue that the proposed density is far lower than that of the parcels on either side of the subject lands, which it is. However, there are also important policy considerations.

### **Policy Review:**

There is no "Rural Residential" designation in the OCP, nor is there a Rural Residential zone in the zoning bylaw. Is a Rural Residential Zone is appropriate for the Plan area?

It is entirely clear in the Official Community Plan that the areas designated as Forestry are not intended as a land bank for future subdivision and residential development. In particular the following policy sums up this approach well:

***POLICY 3.12*** *Residential growth will not be encouraged west of the Cottonwood Creek future development area outlined in this Plan. Among the reasons for this are:*

- (a) Allowing haphazard development, sometimes called 'spot-zoning', takes away from the community's ability to create a more complete, livable community with a mix of housing, recreational and commercial opportunities, shared services, healthier lifestyles and a better protected resource base.*

000071

- (b) *An increase in automobile dependent development west of Youbou would attract still more like development, and would result in additional automobile pollution and less concentration on alternative forms of travel such as walking, cycling and public transit;*
- (c) *An increase in residential holdings would fragment green space and wildlife habitat, including Roosevelt Elk habitat;*
- (d) *Increasing day and night road travel west of Youbou would further impact wildlife habitat;*
- (e) *Residential development can consume the working land base – forestry is a renewable resource;*
- (f) *Residential development in inappropriate areas can lead to forestry-residential land use conflicts, where complaints arise over logging, truck traffic, dust, noise, safety, etc.;*
- (g) *Rural and urban sprawl leads to inefficient servicing and higher costs for such servicing as fire protection, policing, school bus services, power, transit, ambulatory care, garbage collection, and transportation, which in turn may lead to higher overall taxes;*
- (h) *Rural and urban sprawl promotes more wildfire interface areas, where residential neighbourhoods are established in forested areas with extreme or high wildfire ratings; and*
- (i) *The logging road west of Youbou is a forest industrial road, and there are safety concerns pertaining to the mix of forestry and residential traffic, particularly during all daylight hours.*

Some aspects of this policy would not apply to this proposal – for example, (f) and (g) are arguably not offended by this concept. Under (f), the residential use is already established on adjacent parcels and this proposal could conceivably slightly reduce the forestry/urban conflict potential. However, deviating from this policy's general focus could open up the possibility of requests from others to the west of Cottonwood Creek for similar zoning. The CVRD has resisted changing the zoning of the ancient subdivisions that bracket this site for the same reason, even before the above-noted policy was developed.

Even in the event that this could be overcome, there is the following part of the Residential section to consider:

**POLICY 4.4:** *In considering further designation of lands for residential purposes, the Regional Board will give preference to the following:*

- (a) *The proposed residential development will be located within the Urban Containment Boundary;*
- (b) *Residential development will be encouraged to provide for buffering between the residence and the Cowichan Lake shoreline;*
- (c) *Lands designated for residential use will be required to locate adjacent to existing residential subdivisions;*
- (d) *Lands designated for residential use will be required to locate in close proximity to community amenities and services; and*
- (e) *Lands designated for residential use will be encouraged to connect to existing community water systems and community sewer systems.*

This policy addresses the issue raised by the applicants in their proposal, in which they suggest that it would not be necessary to alter the Urban Containment Boundary (UCB) to encompass their lands. Their argument is based upon the fact that they'd not be seeking services such as community water or sewer, or even electric power. However, the Plan appears to be clear on this point: the only lands that will be allowed to have purely residential use will have to be serviced and in the containment boundary. There is no provision for wholly unserved rural residential development in the Plan. If there were, it would probably be called the "Rural Residential" designation. It is conceivable that such a designation could be added to the OCP, but then the question would be: what criteria would be applied to it, so that the entire lakefront does not end up in a similar state of development, with one dwelling unit per hectare? And what would ensure that the demand for public services such as water, sewer and others would not follow, with subsequent owners of the proposed strata development?

### **Planner's Comments:**

The Plan does not have a designation that offers low-density residential use in unserved areas. We can only assume that is intentional, with a desire to establish and maintain a firm distinction between the built-up and rural areas. This leaves a few historical anomalies in place, such as the older subdivisions that bracket the subject property, but probably for good reason.

The main thrust of the Plan is to direct development pressures into the creation of a new community core (the Future Development Area, *i.e.* Youbou Lands) and to existing partially serviced lands that lie within the UCB. Softening the approach to fringe area development on a wide scale would only serve to undermine the direction for community growth and development that the present Plan is aiming for. While this development would not add significantly to this problem on its own, the legacy of the OCP amendment that it would require could have that effect. For example, if the same density provision being applied for here (approximately one cottage per hectare) was applied to all F-1 lakefront lands in Electoral Area I, the potential for over 900 cottages of 125 m<sup>2</sup> would be there, in Area I alone. To avoid this scenario, the Committee could consider whether there are any circumstances under which a new Rural Residential designation could be appropriate, and whether sufficiently solid OCP policy could be developed to make this designation apply just to the subject lands. Staff would suggest that an attempt to do this, thereby limiting the likelihood of the potential 900 cottages on other lands could be made, but we are concerned that it would be very difficult to hold the line, which has been held to the west of the Youbou Lands site since the latest OCP revision.

We have seen one major amendment to this Plan since it was adopted, in an area that was formerly outside of the UCB – namely, Woodland Shores. It is worth examining this now, to see if there are any parallels to the present application. The decision to amend the OCP in that case was a difficult one, which probably swung on the issue of the substantial land dedication for public parkland in an area that had long been sought for public use by the CVRD, and policy had been developed in the OCP to that effect. Given the approval of that application, it is evidently possible to contemplate changes to the OCP if the proposal has a major public interest element in it. The Committee needs to consider whether there is any similar public interest argument at work in this case. Advantages of this application are the innovative form of tenure proposed and the possibility of new self-policing of common riparian areas being brought forward. Another might be the covenanted area to the north of the private logging road, which would remain available for the use of wildlife, especially if the terms of the covenant were broadened to encompass environmental protection and not just the prohibition of building and subdivision. Perhaps this would be even more clearly protected for environmental purposes were the land to be covenanted or dedicated to TLC or another organization with ecological stewardship as a prime directive.

Without a new Rural Residential (RR) designation, staff is of the opinion that the UCB would have to be expanded to encompass this site, if the application is to be approved. Even with a new RR designation, significant policy revisions to existing OCP policies, especially those cited earlier in this report, would be needed.

If there was a shortage of developable residential land in electoral Area I, which was incapable of meeting demand, this could be a good reason to consider amending the OCP, but with the Future Development Area in place and an active application on it, this should take up most residential development for the foreseeable future, assuming it is rezoned in the next year or so.

### **Summary:**

We know that the waterfront lands to the west of the Future Growth Area in the OCP are under intense development pressures. Forestry companies have been selling them off and the new owners are generally not interested in practicing resource management activities there. The OCP does not have a Rural Residential designation, nor does the Zoning Bylaw have such a zone.

There are a number of positives to this proposal. The proposed form of tenure would be unique to Youbou, and building strata may not be the preferred form of residential development in today's real estate market, which arguably could limit the "precedent effect" with respect to other lands around the lake. It is conceivable that the common property land base would be better managed for riparian protection than it would be if the site were under a single individual's control. The footprint of the proposed development is very low, and the submitted information from the applicants indicates that they have put a great deal of thought and effort into crafting a proposal that would be of limited environmental impact and uphold broad environmental protection objectives on this site. The applicants should be commended for their careful attention to these important matters. Finally, the immediately surrounding areas are already subdivided to a similar density, and in that sense, this proposal would not seem to be inconsistent with the character of this area.

On the negative side, rezoning this land even to allow ten units on a single lot would add significant value to the property, which in turn could lead to others to the west of the Urban Containment Boundary seeking similar zoning, even if fee-simple subdivision would be their first choice. The ancient subdivisions that bracket this site on either side are not legal non-conforming; their lots were created when it was legal to do so, and the zoning bylaw recognizes them as legal and conforming. There is no need to rezone them, but it is the parcels in the F-1 Zone that are 20 hectares or larger in area that would likely be the next to come in with applications similar to this one. If any of these were successful, this would, over time, undermine the objectives of the Official Community Plan with respect to containing residential development.

The absence of a strong argument that this requested land use change is clearly in the public's interest does not mitigate in favour of approving the application either. Despite the care and attention the applicants have taken with this proposal, the planning staff does not see a compelling argument as to why this change to the community's Plan would be in the public interest.

The other recent example in this community of an OCP amendment did, on the other hand, involve a large positive public interest element – significant lands that had long been identified in the present and previous OCP as being suitable for park, and much of these were offered to the CVRD by that owner. In this case, no similar element is present, and even if over 70% of the subject land were offered to the CVRD, this site has not been identified in any CVRD policy documents as being a priority for public acquisition, so that would not carry the same weight as it did on the Bald Mountain Peninsula.

Staff does not take any comfort in not supporting an APC recommendation, but in this case we feel that the application raises matters that would be more properly discussed on a community-wide basis, preferably when the next update of the Official Community Plan is done in a few years' time.

**Options:**

1. That application No. 2-I-05RS (Friesen et. al.) on Parcel A (DD72787I) of Section 45, Renfrew District for a new rural residential designation and zone be denied and that a partial refund be given to the applicants in accordance with the CVRD Development Applications Procedures and Fees Bylaw No. 2255.
2. That application No. 2-I-05RS (Friesen et. al.) on Parcel A (DD72787I) of Section 45, Renfrew District for a new rural residential designation and zone be approved, and that the appropriate amendment bylaws be prepared for consideration by the Board, with Directors Hodson, Allan and Dorey named as delegates to the public hearing, and that the application referral to the Ministries of Community Services, Transportation, Forests, VIHA, School District No. 79, Youbou Volunteer Fire Department and Fisheries and Oceans Canada be accepted.

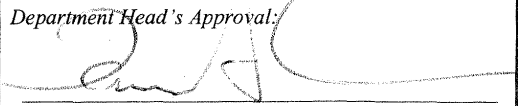
Submitted by,



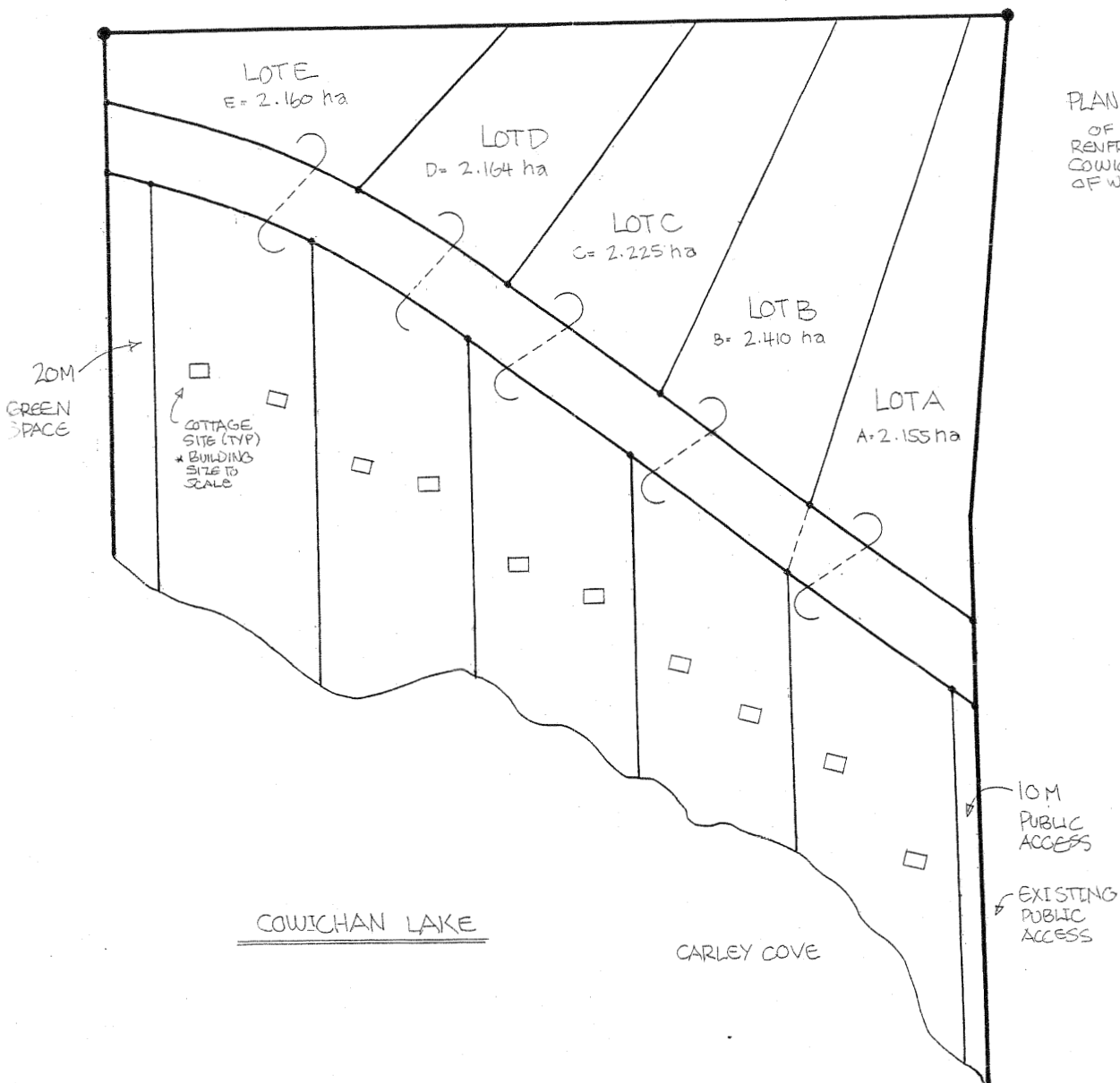
Mike Tippett, MCIP  
Manager

Community and Regional Planning Division  
Planning and Development Department

MT/ca

<p>Department Head's Approval:</p>  <p>Signature</p>
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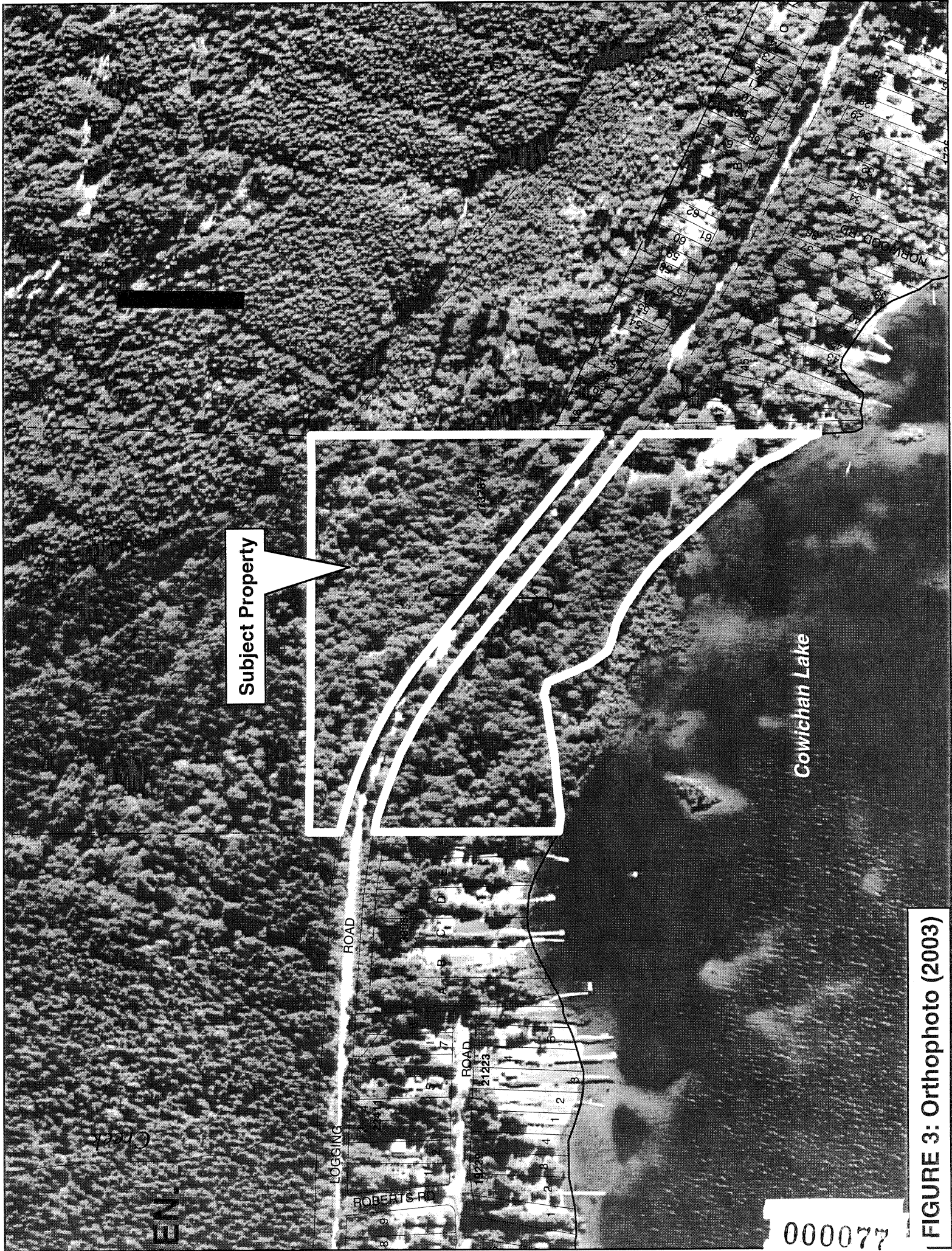


PLAN OF PROPOSED SUBDIVISION  
OF PARCEL A (DD 73737-1), SECTION  
RENFREW DISTRICT, LOCATED IN LAKE  
COWICHAN DISTRICT, EXCEPT CNR RIGHT  
OF WAY PLAN 1210 O.S.



000076





Subject Property

Cowichan Lake

ROAD

LOGGING

ROBERTS RD

FIGURE 3: Orthophoto (2003)

770000

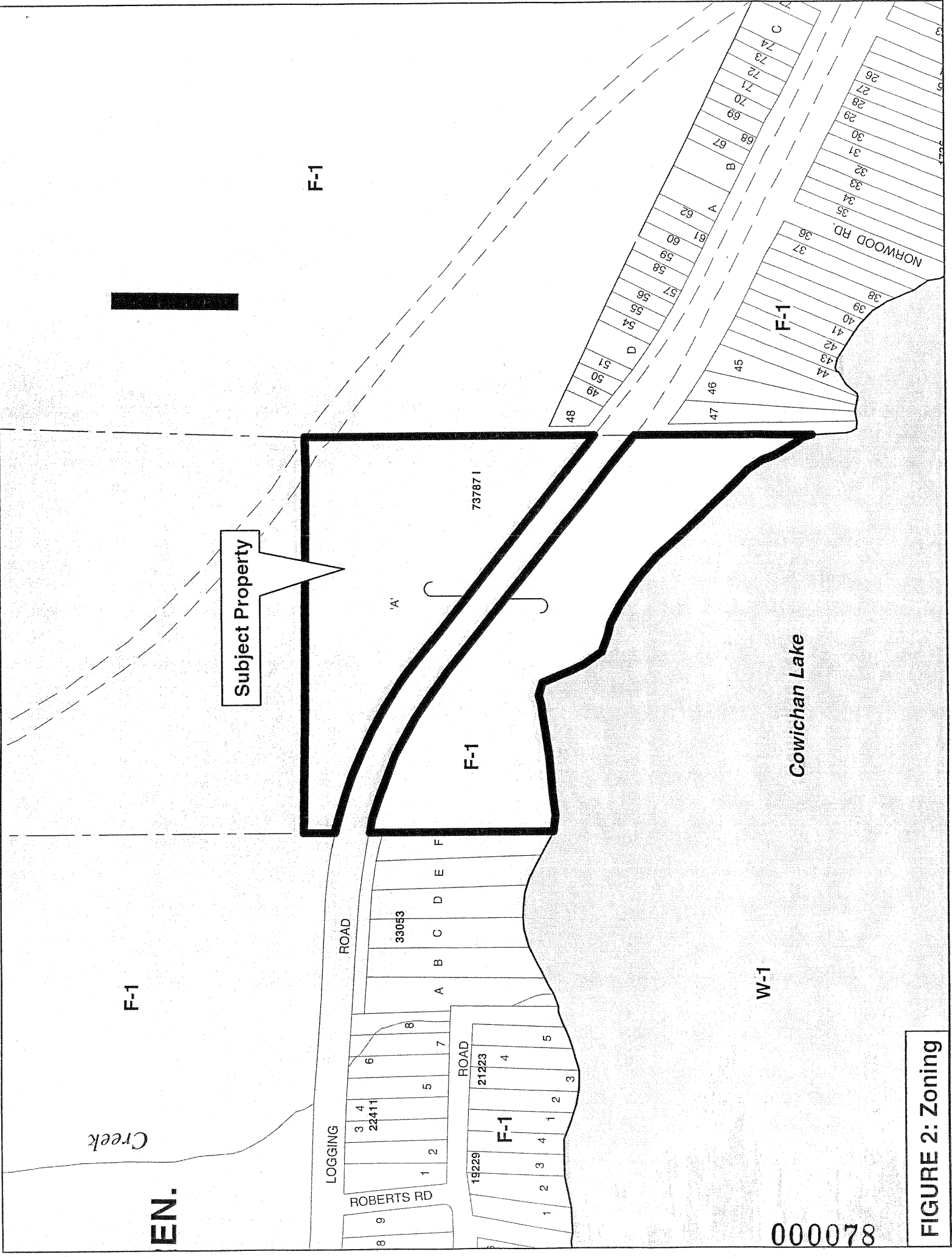


FIGURE 2: Zoning

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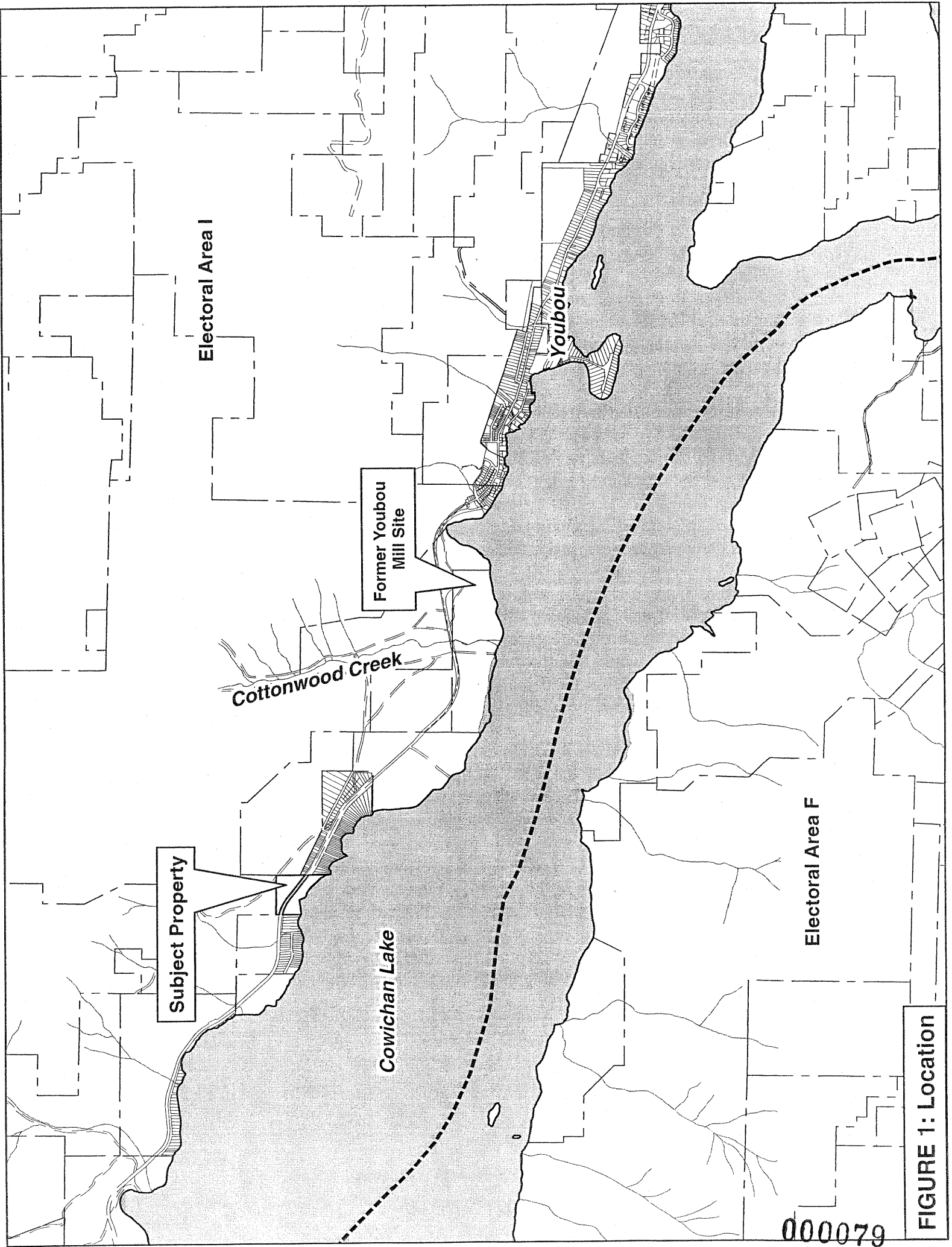


FIGURE 1: Location

000079

April 9, 2008

To Mike Tippit, (CVRD planner)  
cc Ian Graeme (APC area I chairman)

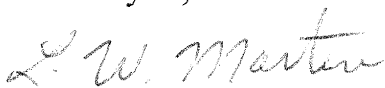
Related to Proposed Development West of Youbou, File No. 2-I-05RS (revised)

The following are revisions related to the APC meeting on April 5, 2008:

1. The CVRD or the land conservatory (whichever is appropriate) will receive a 20 metre strip of land on the west end of the property on the water side of the road.
2. The CVRD will receive a 10 metre strip of land on the east end of the property and the water side of the road to expand the current public access and beach area.
3. A building covenant will be placed on all property north of the road.
4. Instead of creating 5, 5 acre strata lots we propose that the entire property become one strata in the applicable "rural-residential" zoning permitting 10 size limited residences.

These clarifications will be discussed at our second appearance with the APC on April 9, 2008.

Thank you,



Louise Martin  
Craig Gibson  
Wayne Friesen



000080

April 25, 2008

To: Carley Cove Co-Owner's

From: John M. Unwin (President – Pine Pt./Waredroper Community Association)

Subject: Rezoning of Property

Thank you for reviewing your rezoning and strata proposal with our committee.

As president and on behalf of the Pine Pt./Waredroper Community Association and neighbour to your property, I would like to say that I support your rezoning and land use proposal.

We like the idea of keeping the parcel large and the maximum of 10 smaller sized houses keeps the residential density low. Keeping the top side of the property undeveloped with no building is very thoughtful especially with all the Elk that frequent the area. We also look forward to having more full-time residents to help with the ongoing theft and vandalism issues of the area.

Good luck and we welcome you to our neighbourhood.

Yours truly,



John M. Unwin  
11932 Youbou Road  
Youbou, BC  
V0R 3E1

Ph: 745-3374

000081



D4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF MAY 5, 2009

**DATE:** April 29, 2009 **FILE NO:** 1-D-09ALR  
**FROM:** Rachelle Moreau, Planning Technician **BYLAW NO:**  
**SUBJECT:** Application No. 1-D-09ALR  
(Ron and Gail Pitcher)

---

**Recommendation:**

That Application No. 1-D-09ALR submitted by Ron and Gail Pitcher made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission for their consideration without recommendation.

**Purpose:**

To subdivide the subject property under Section 946 of the *Local Government Act* (Subdivision to provide a residence for a relative).

**Background:**

Location of Subject Property: 1885 Wilmot Road

Legal Description: Lot B, Sections 4 and 5, Range 3, Cowichan District, Plan VIP60406  
(PID: 023-008-032)

Date Application and Complete Documentation Received: January 20, 2009

Owner: Ronald and Gail Pitcher

Applicant: Same

Size of Parcel: 6.68 ha

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

000082

**Existing Use of Property:** Residential and hayfields

### Existing Use of Surrounding Properties:

North: Hay field

South: Hay field

East: Wooded area and proposed subdivision (R-2)

West: Hay field and poultry barns

Services:

Road Access: Wilmot Road

Water: Cowichan Bay Waterworks

Sewage Disposal: Septic system

Agricultural Land Reserve Status: In

### **Soil Classification:**

Canada Land Inventory Maps: 7T; 3A(2D); 3A<sup>8</sup> – 4W<sup>2</sup> (2D<sup>8</sup> – 2D<sup>2</sup>)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	85
3	71	-
4	14	-
7	15	15
<b>TOTAL</b>	100	100

### Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
  - Class 2 lands have minor limitations for Agricultural Production;
  - Class 3 lands have moderate limitations for Agricultural Production;
  - Class 4 lands have limitations that require special management practices;
  - Class 5 lands have limitations that restrict capability to produce perennial forage crops;
  - Class 6 lands is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
  - Class 7 lands have no capability for arable culture.
- 
- Subclass “A” indicates soil moisture deficiency;
  - Subclass “D” indicates undesirable soil structure and/or low perviousness;
  - Subclass “P” indicates stoniness;
  - Subclass “T” indicates topography limitations;
  - Subclass “W” indicates excess water.

Environmentally Sensitive Areas: The Environmental Planning Atlas has identified a TRIM Stream with possible fish presence running through the property. The stream is identified within the ravine area.

000083

Archaeological Site: None have been identified

**The Proposal:**

An application has been made to the Agricultural Land Commission pursuant to Section 21(2) of the *Agricultural Land Commission Act* for the purpose of subdividing the property under the provisions of Section 946 of the *Local Government Act*.

**Policy Context:**

The Official Settlement Plan (OSP), Bylaw No. 925, supports the designation and retention of agricultural lands. Policy 1.1 states, "*The development and expansion of agricultural activities shall be given priority over all other uses within the Agricultural land use designation. Other uses, when permitted, shall not preclude future agricultural development.*"

This application is to subdivide land within the ALR. Should the application be approved by the Agricultural Land Commission, the owners intend to apply for the subdivision under the provisions of Section 946 of the *Local Government Act*, which allows for subdivision to a lot size smaller than permitted within the bylaw provided it is to provide a separate residence for a relative. CVRD Bylaw No. 1741 establishes the minimum parcel size for subdivisions under Section 946 of the *Local Government Act*. However, as this property is located within the ALR, it is not subject to these minimum parcel size requirements.

**Planning Division Comments:**

The subject property is located off Wilmot Road and currently contains two dwellings (one single-family dwelling and one mobile home). The applicants propose to subdivide the property in order to sell the proposed lot to their son, and establish a market garden on the remainder where their current dwelling is located.

The property is a 6.68 ha (16.5 acres) parcel of land that is split by a ravine. On the west side of the ravine the subject property is approximately 4.9 ha, and on the east side it is approximately 0.8 ha. The area of the ravine itself is approximately 1 ha. As noted on the attached site plan, the owners wish to subdivide the parcel using the ravine as a natural division point. To the east of the property is the proposed Cowichan Bay Estates subdivision, which is to be developed into lots ranging in size from 705m<sup>2</sup> – 809m<sup>2</sup>, similar to that across Wilmot Road.

The Canada Land Inventory soil classification identifies the agricultural capability of the subject property to be 71% Class 3, 14% Class 4, and 15% Class 7 with subclasses noted above, in particular soil moisture deficiency, undesirable soil structure/low perviousness and topography limitations. With soil improvement methods such as irrigation and/or drainage 85% of the soil is improvable to Class 2. Class 2 soils are generally considered high quality with only minor limitations for agricultural production. The area of poor soil capability and topography limitations (Class 7) coincides with the location of the ravine.



If the subdivision is authorized by the Agricultural Land Commission (ALC), the applicants must submit an application to subdivide the property with the Ministry of Transportation and Infrastructure (MoTI), the approving authority for subdivisions in the Electoral Areas. Because there is a stream on the property, a Riparian Areas Regulation Development Permit will be required. As part of the Development Permit, the applicants will provide an assessment conducted by a Qualified Environmental Professional (QEP) to determine a Streamside Protection and Enhancement Area (SPEA). A SPEA is an area where no development activities, including vegetation removal and deposit of fill, can occur – it is meant to be left completely natural in order to protect the riparian function of the stream. Additionally, the northeast portion of the lot is within the Habitat Protection Development Permit Area. Both Development Permits will be addressed if and when the application is referred by MoTI.

The CVRD's role in the current process is to advise the ALC whether the proposed subdivision of land in the ALR is within the public interest.

### **Government Agency Comments:**

The Electoral Area D Advisory Planning Commission met on April 6, 2009 and they discussed this application at that time. They submitted to us the following comments and recommendation (in italics):

*“Members discussion covered the following points:*

- *Perhaps a strata title would meet the need to house a relative and raise capital funds without subdivision*
- *Existing property is already smaller than permitted by the current zoning and subdivision would worsen the problem of parcel sizes that were unsustainable for farming;*
- *The principle of protecting farm land is a core value for many residents;*
- *ALR rules permit sale of property to finance farm improvements but the approval process is onerous;*
- *ALC is the decision maker and they don't necessarily accept local government recommendations.*

*Recommendation: By a vote of 7 to 4, the members decided not to make any recommendation on this application.”*

Current CVRD policy with respect to subdivision applications made pursuant to Section 946 of the *Local Government Act* is to forward these to the ALC notwithstanding the content of land use bylaws. The CVRD has established a minimum lot size of 12 ha for A-1 zoned parcels and has specified a minimum parcel size for Section 946 subdivisions. However, as noted above this Bylaw does not apply to parcels in the ALR. Therefore, staff are not generally supportive of Section 946 applications and are of the opinion that the ALC will determine whether the proposed subdivision negatively affects the agricultural capability of the land.

**Options:**

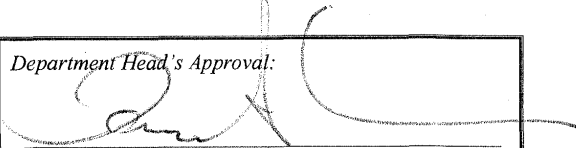
1. That Application No. 1-D-09 ALR submitted by Ron and Gail Pitcher made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission for their consideration without recommendation.
2. That Application No. 1-D-09 ALR submitted by Ron and Gail Pitcher made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to deny the application.
3. That Application No. 1-D-09 ALR submitted by Ron and Gail Pitcher made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

Submitted by,



Rachelle Moreau,  
Planning Technician  
Planning and Development Department

RM/ca

Department Head's Approval:

Signature

000086

TOPOGRAPHIC PLAN OF LOT B, SECTION 5, RANGE 3,  
CONICHAN DISTRICT, PLAN VIP60406.

Scale 1:2000 (All dimensions are in metres.)

Bearings are astronomic, derived from Plan 60406.

Elevations are derived from assumed datum. The ravine is approx.  
15 metres deep at the North boundary of Lot B.

Poultry Barns

LOT A

House

Hayfield

REM N. 40 A., S. 5 R 3

Hayfield

WILMOT ROAD

Park

LOT B  
FARM HOUSE  
Garage  
12.3 AC

BARN

Storage Shed

RAVINE Area approx. 10020 m<sup>2</sup>  
Area approx. 8100 m<sup>2</sup>

LOT 1, PLAN 10957

Studio

Wooded Lot

Proposed 2nd Lot

Mobile Home

Dated this 29th day of November, 1996.

*Robin Lesurf*

**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.

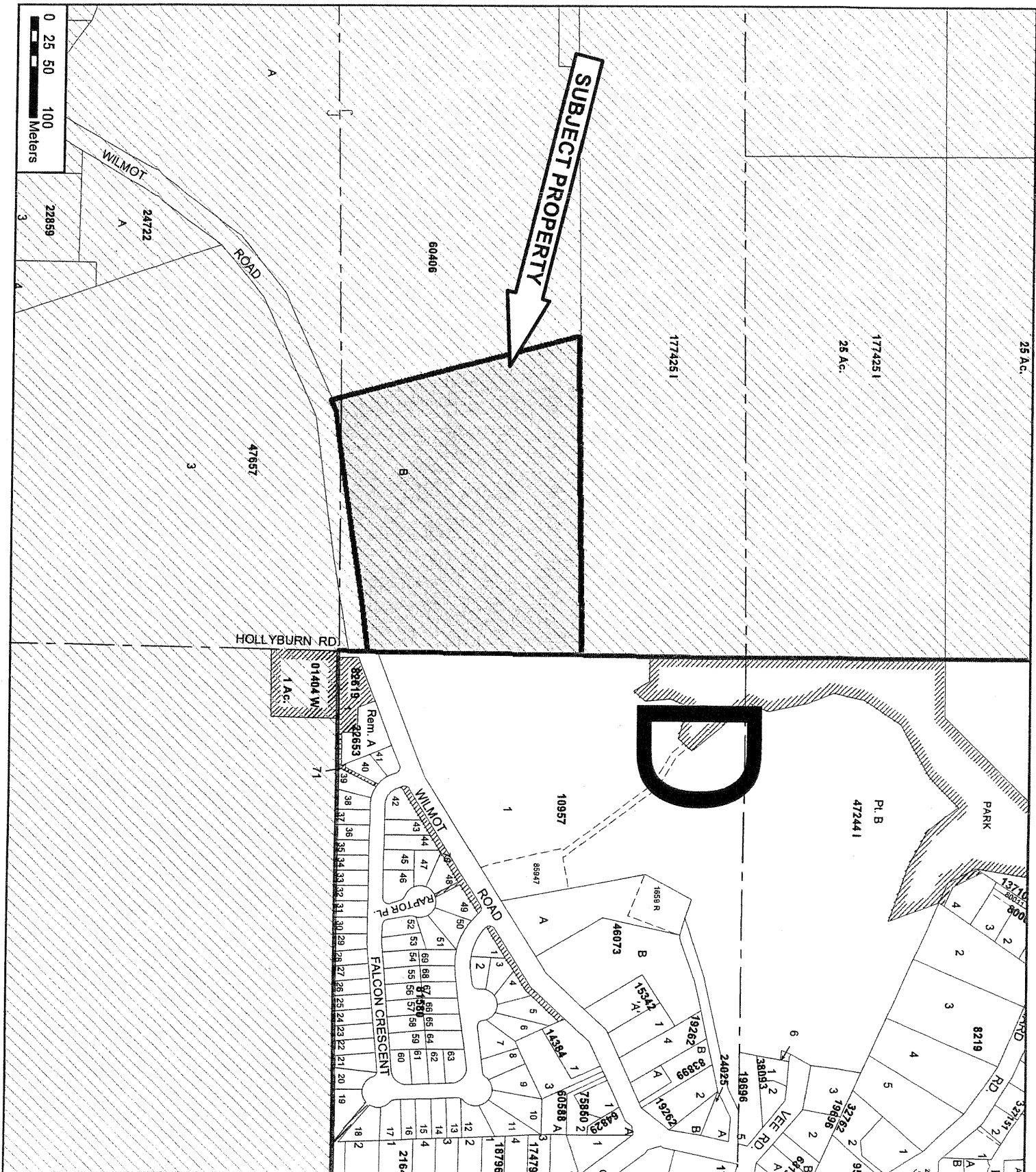
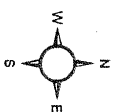
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-D-09-  
ALR**

**ALR**

### Legend

Subject Property





**Cowichan  
Valley  
Regional  
District**

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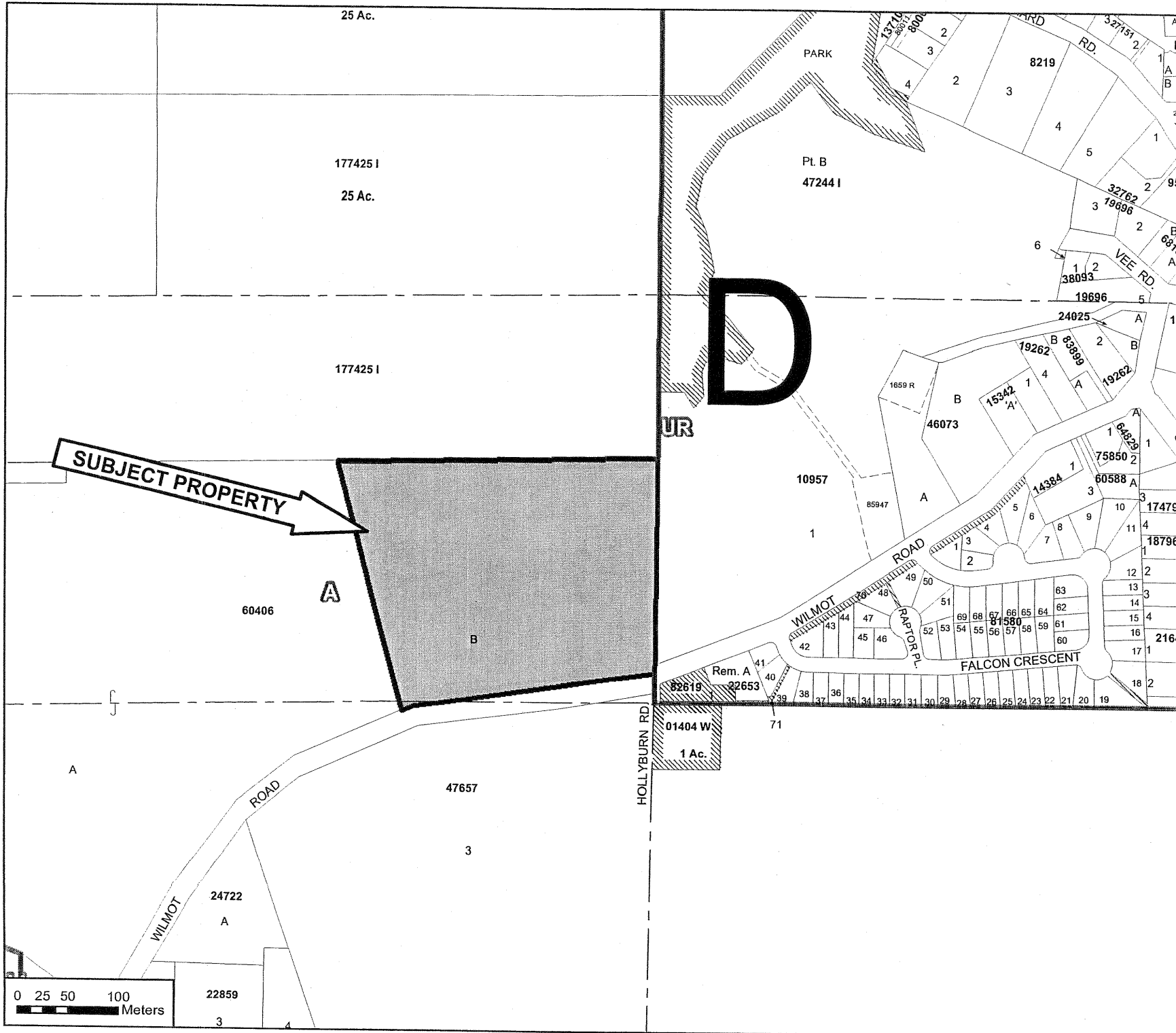
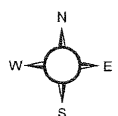
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

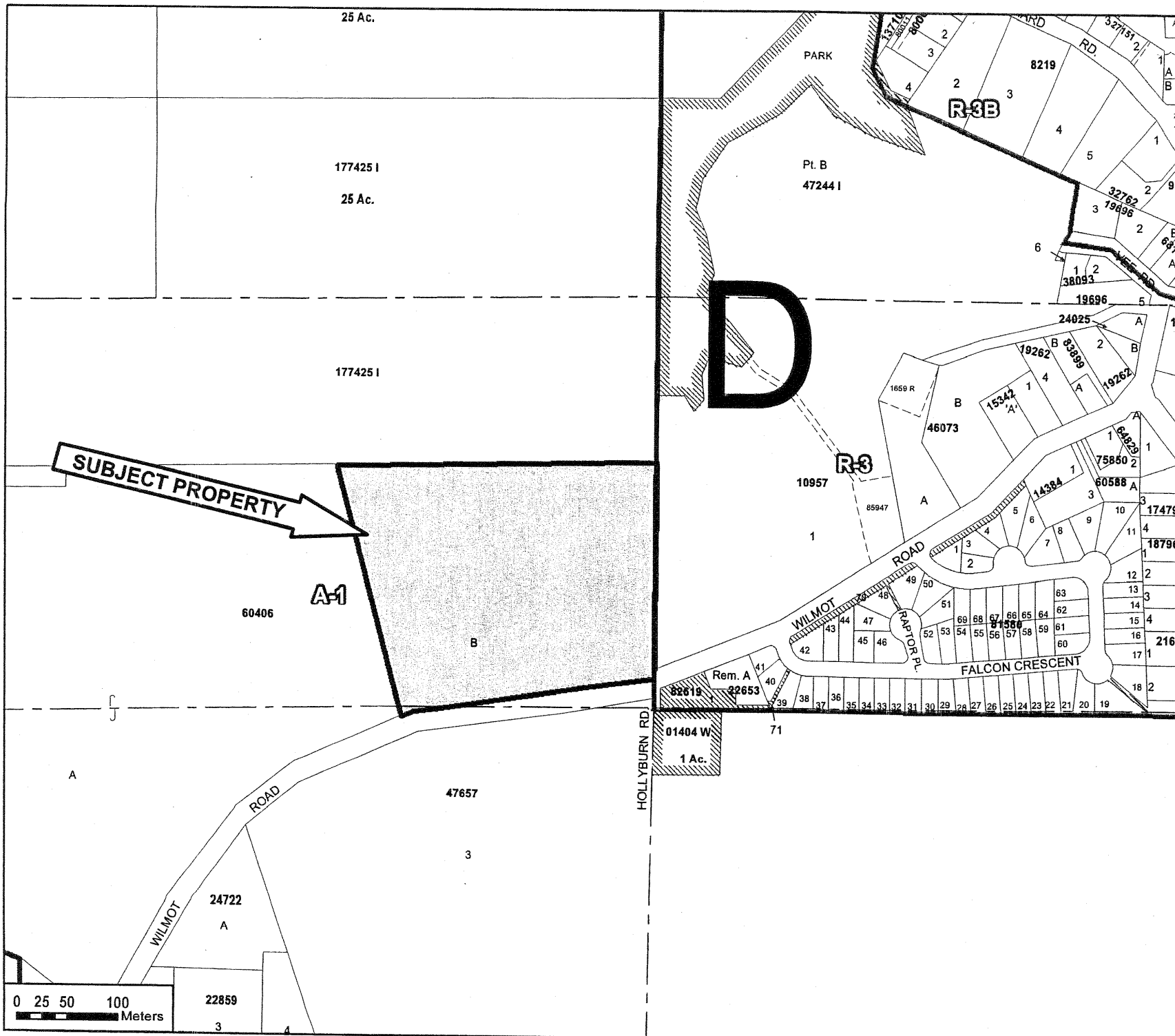
**FILE: 1-D-09-  
ALR**

**OCP**

**Legend**

- Subject Property
- OCP Electoral Area D





**Cowichan  
Valley  
Regional  
District**

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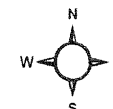
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**FILE: 1-D-09-  
ALR**

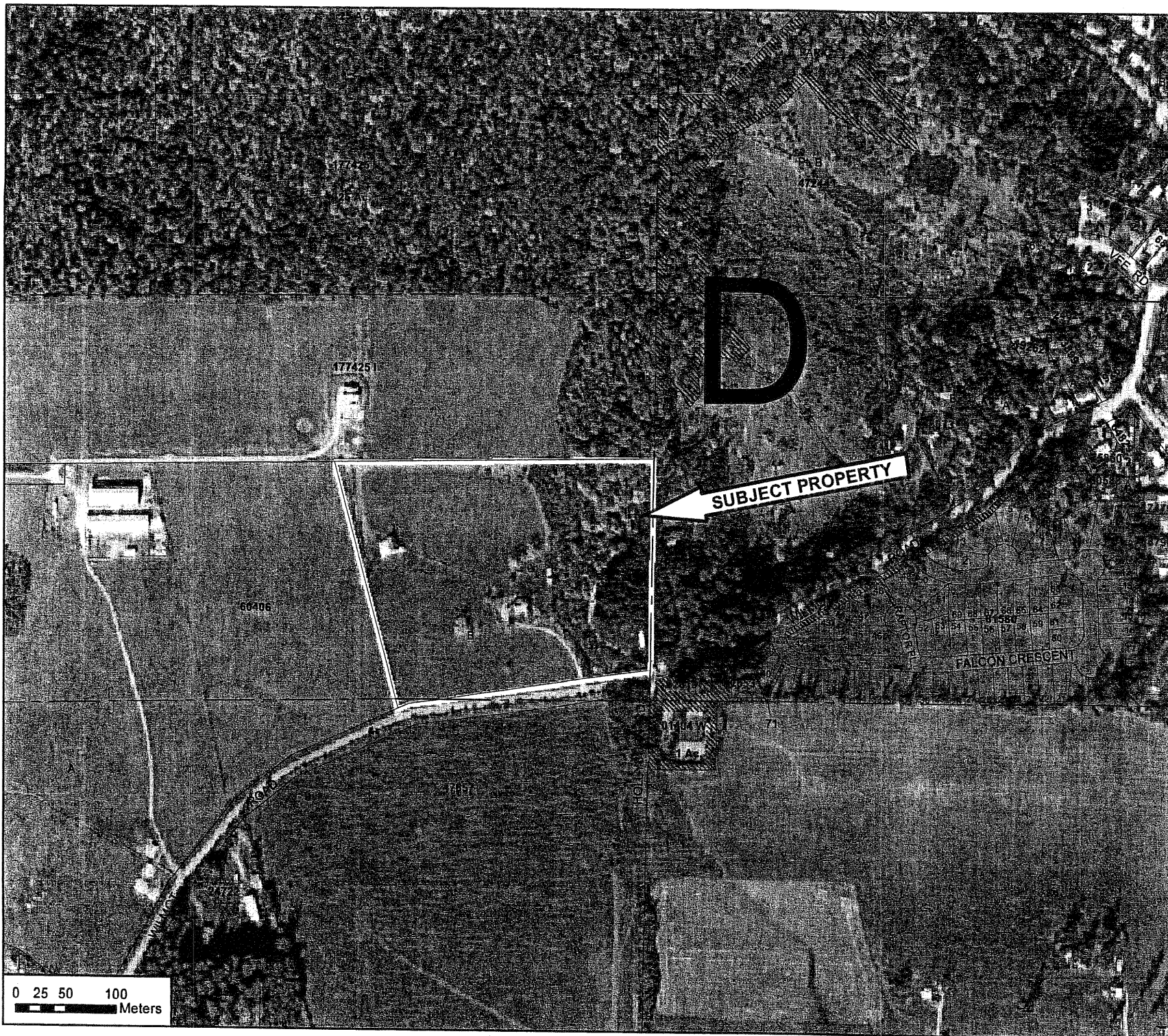
**ZONING**

**Legend**

-  Subject Property
-  Zoning Electoral Area D







**Cowichan  
Valley  
Regional  
District**

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

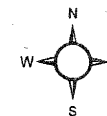
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-D-09-  
ALR**

**Orthophoto  
(2004)**



160000

Gail and Ron Pitcher  
1885 Wilmot Road  
Cowichan Bay, BC  
V0R 1N1  
250-746-7443

January 18, 2009

Cowichan Valley Regional District

To Whom It May Concern,

RE: Subdivision Application for 1885 Wilmot Road, Cowichan Bay, BC (Braelea Farms)

We are applying to subdivide approximately 2 acres on the *east* side of our property for our son and his fiancé.

These two acres are separated from the main property of the farm by a ravine that is 50 feet wide and 50 feet deep. The 2 acres have never been part of the working farm, and they are adjacent to land that will be turned into a subdivision in the future. A trailer and a studio building are situated on the 2 acres, which is all forest. It currently has a sand-filtered sewage system that was installed by Eagle Engineering. We recently received a proposal for a new engineered septic system on the main farm property from Ardvark Septic Systems.

The reason for this application is as follows:

For many years it has been my dream to use the old dairy barn as a market garden for selling herbs, vegetables, flowers, home grown chickens and turkeys, and eggs. The old dairy barn is located on the *west* side of the main property. I feel that a market garden would be very successful because it is near a highway and subdivisions. Also i feel the farm would be a great spot to come with children to see the animals, chickens etc when they come to buy eggs and veggies out of the big barn. Selling the property to our son would also enable us to repair the barn (new roof) and buy the machinery and equipment necessary for this market garden.

Our son Ryan and his fiancé would like to purchase the 2 acre parcel on the east side of the property so that they can be part of the family farm operation.

We hope you find everything in order.

Sincerely



Gail Pitcher

000092





D5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF MONDAY, MAY 5, 2009

**DATE:** April 29, 2009 **FILE NO:** 8-E-08 DP  
**FROM:** Rob Conway, Manager  
Development Services Division **BYLAW NO:** 1490 & 1840  
**SUBJECT:** Development Permit Application No. 8-E-08DP  
(Landale Signs & Neon Ltd.)

---

**Recommendation:**

That Application No. 8-E-08DP (Landale Signs and Neon Ltd.) to permit additional fascia signs on Lot 1, Section 14, Range 6, Quamichan District, Plan 4077 shown outlined in red on Plan 1500R, except that part shown in red on Plan 1688OS and except part in Plan 40941 (PID: 012-522-449), be denied.

**Purpose:**

To permit additional fascia signs on a commercial/retail warehouse building located within the Trans Canada Highway Development Permit Area.

**Background:**

Location of Subject Property: 5380 Trans Canada Highway

Legal Description: Lot 1, Section 14, Range 6, Quamichan District, Plan 4077 shown outlined in red on Plan 1500R, except that part shown in red on Plan 1688OS and except part in Plan 40941 (PID: 012-522-449)

Owner: Parhar Property Management Ltd

Applicant: Landale Signs and Neon Ltd.

Size of Parcel: 0.65 hectares

Existing Zoning: I-1 (Light Industrial)

Minimum Lot Size Under Existing Zoning: 0.1 hectare for parcels served by community water and sewer system

Existing Plan Designation: Industrial

000093

Existing Use of Property: Commercial/Retail

Existing Use of Surrounding Properties:

North:	Industrial
South:	Industrial
East:	Trans Canada Highway
West:	Industrial

Services:

<u>Road Access:</u>	Trans Canada Highway Frontage Road
<u>Water:</u>	City of Duncan Water System
<u>Sewage Disposal:</u>	Eagle Heights

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) has not identified an Environmentally Sensitive Areas on the subject property.

Archaeological Site: None identified

A development permit was issued for the subject property last year that authorized the re-construction and expansion of a commercial/retail warehouse that was damaged by fire in January, 2008. The permit, among other things, addressed building design, site layout, landscaping and signage. The permit included approval for lettering over the main building entrance to identify the business that will occupy the building ("The Brick") and a pylon sign near the entrance to the site that would replace an existing freestanding sign. Approval for the design of the pylon sign was delegated to the Manager of Development Services. The property owner has submitted drawings for the pylon sign and is presently having them amended based on staff comments. The building tenant has now requested additional fascia signs that were not included with the previous development permit application. As the new signs proposed by the building tenant were not addressed in the previous application, a new development permit is required to authorize the additional signage.

**The Proposal:**

The subject application proposes lettering and product logos located above windows on either side of the main entry to the building, as shown on the attached building elevation. The signs would be between 12 and 20 feet above grade level, and would add an additional 16.1 square metres (173.5 sq. f.) of sign area to the front exterior of the building in addition to the 15.75 sq. m (169 sq. ft.) that was approved as part of a previous development permit. The content of the proposed signs advertises products sold by the business (mattresses, furniture, appliances, etc.), rather than the business itself. Drawings showing the proposed signs are attached to this report.

**Policy Context:**

Signs at the location of the subject property are regulated by CVRD Sign Bylaw No. 1095 and the Trans Canada Highway Development Permit Area, which is contained in Official Community Plan Bylaw No. 1490. As the TCH Development Permit Area addresses signage, a sign permit is not required in addition to the required development permit. Signs, however, are

required to comply with both the sign bylaw and applicable development permit guidelines.

*Sign Bylaw:*

The Sign Bylaw regulates, among other things, the type and area of signage permitted on a property. The amount of signage permitted on a property varies depending on the zoning class of the subject property (Agricultural and Forestry, Residential and Institutional, Commercial, Industrial, Waterfront) and the property's road frontage. In this case, as the property is zoned Light Industrial (I-1), and has approximately 104 metres (343 ft.) of road frontage, the Sign Bylaw permits up to 63.75 sq m. (686 sq. ft.) of facia signage and up to 63.75 sq. m. (686 sq. ft.) of free standing signage on the property. Free standing signs are limited to a maximum area of 13.93 sq. m. (150 sq. ft.).

Section 3.6 of the Sign Bylaw states, *"Where a Development Permit Area establishes guidelines for the characteristics and appearance of signs, the provisions of this Bylaw shall not apply insofar as they would conflict with the provisions of a Development Permit. In particular, where a Development Permit authorizes the placement of a sign, a sign permit under this Bylaw shall not be required."* As the Trans Canada Highway Development Permit Area addresses signage, the Sign Bylaw establishes the amount of signage permitted on a property with additional standards established within the DPA guidelines.

*Trans Canada Highway Development Permit Area:*

The TCH Development Permit Area includes policies and guidelines for industrial, commercial and multi-family development in Area 'E' along the Highway corridor. With respect to signage, the DPA includes the following guideline:

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

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

Applications for development permits in the TCH Development Permit Area are required to include a signage plan showing all proposed signs and sign areas.

*Development Application Procedures and Fees Bylaw:*

Section 7 of Bylaw No. 2255 delegates the authority to issue development permits for signs to the General Manager of Planning and Development (formerly Manager of Development Services). In this case, however, since the application proposes to amend a development permit previously issued by the Regional Board, the General Manager of Planning and Development has referred the application to the Board for consideration.

**Advisory Planning Commission Comments:**

Area "E" Advisory Planning Commission reviewed the subject application on March 26, 2009. The minutes of the meeting show that a motion that "application File # 8-E-08DP be approved" was defeated. No subsequent motion or comments were recorded in the minutes.

**Planning Division Comments:**

A proliferation of signs along the Trans Canada Highway between the Koksilah River and the Highway 18 turn-off has contributed to this section of the Highway being commonly referred to as "The Duncan Strip". The negative reaction that many local residents and visitors have to the appearance of commercial development and signage through this section of highway has lead to the Cowichan Valley Regional District, the City of Duncan and the District of North Cowichan all implementing development permit areas to establish standards for new commercial development, in an attempt to improve the appearance of development and signage along the highway corridor.

The Area "E" TCH Development Permit Area includes design guidelines for commercial, industrial and multi-family development within approximately 200 metres of the Highway. With respect to signage, the guidelines explicitly state that signs should be designed to complement the architecture and landscape design of a site. Facia signs, such as the type proposed with this application, are permitted within the TCH Development Permit Area, provided they are "designed in harmony with the architecture of the structure proposed". The guidelines clearly intend that signage be considered as part of an overall design strategy for a site.

When the development permit application for the re-construction of "The Brick" was reviewed by the Advisory Planning Commission, the Electoral Area Services Committee and the Regional Board last year, signage was carefully considered and was incorporated into the development permit that was issued. While this does not mean additional signage cannot be added following issuance of a development permit, any new signage should be carefully considered to ensure that it does not detract from design approved in the original permit

The additional signage proposed in this application is part of a corporate brand The Brick utilizes on its new buildings. While the establishment of a corporate identity is an important and legitimate marketing objective for retail businesses, it does not necessarily recognize local priorities and site context. The design guidelines for the TCH Development Permit Area were implemented with the objective of establishing a higher standard for commercial development along the Trans Canada Highway. Given that the building on which the subject signage would

be placed is very prominent from the Highway, staff suggest that signage on this building should be considered differently than if the building were less visible from the Highway.

Staff believes the proposed signs do not comply with the applicable development permit guidelines for the following reasons:

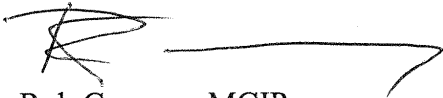
1. A comprehensive signage plan for the entire property was not provided. There are multiple tenants on the subject property and there is little or no consistency between the proposed signs and other signs on the property.
2. The signs do not demonstrate any obvious relationship to the building's architecture. Although there are panels on the building on either side of the building's entry way that are large enough to accommodate the proposed signs, additional signage on the panels does not appear to serve any architectural purpose. In contrast, the primary facia sign over the main entryway ("The Brick"), serves an architectural purpose by identifying the building entrance.

For the above reasons, staff recommends that the application be denied. Alternatively, should the Committee wish to permit some form of additional facia signage on the building, Staff recommend that this be done only after a comprehensive signage plan has been submitted and approved for the subject property.

**Options:**

1. That Development Permit Application No. 8-E-08DP be denied.
2. That the applicant be requested to prepare and submit comprehensive signage plan for the subject property and amend the proposed signs to be consistent with the signage plan prior to consideration of Development permit Application No. 8-E-08DP.
3. That Development Permit Application No. 8-E-08DP be approved.

Submitted by,



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

RC/ca

Department Head's Approval:

Signature

000097



**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.

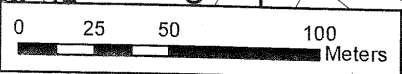
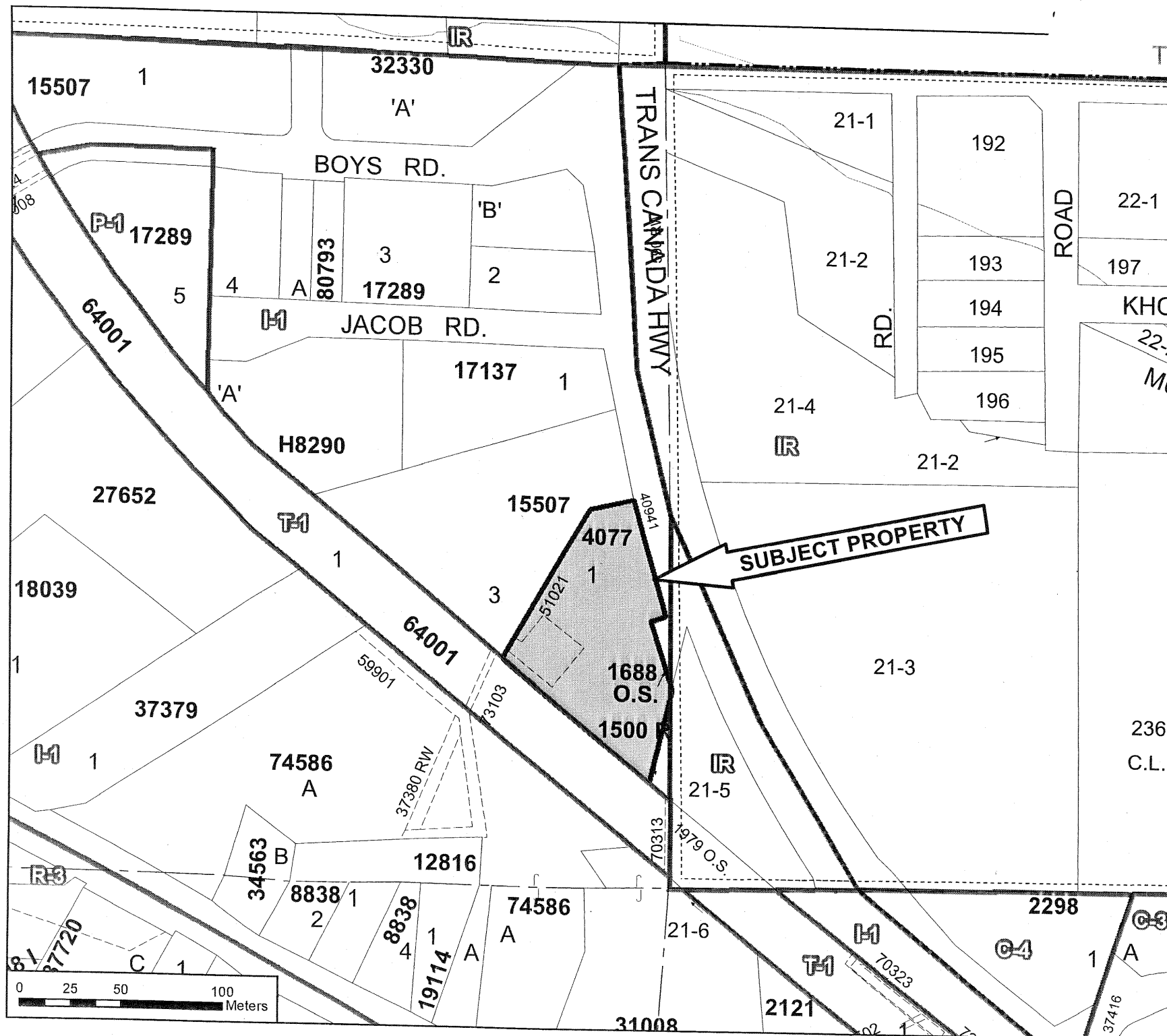
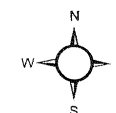
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

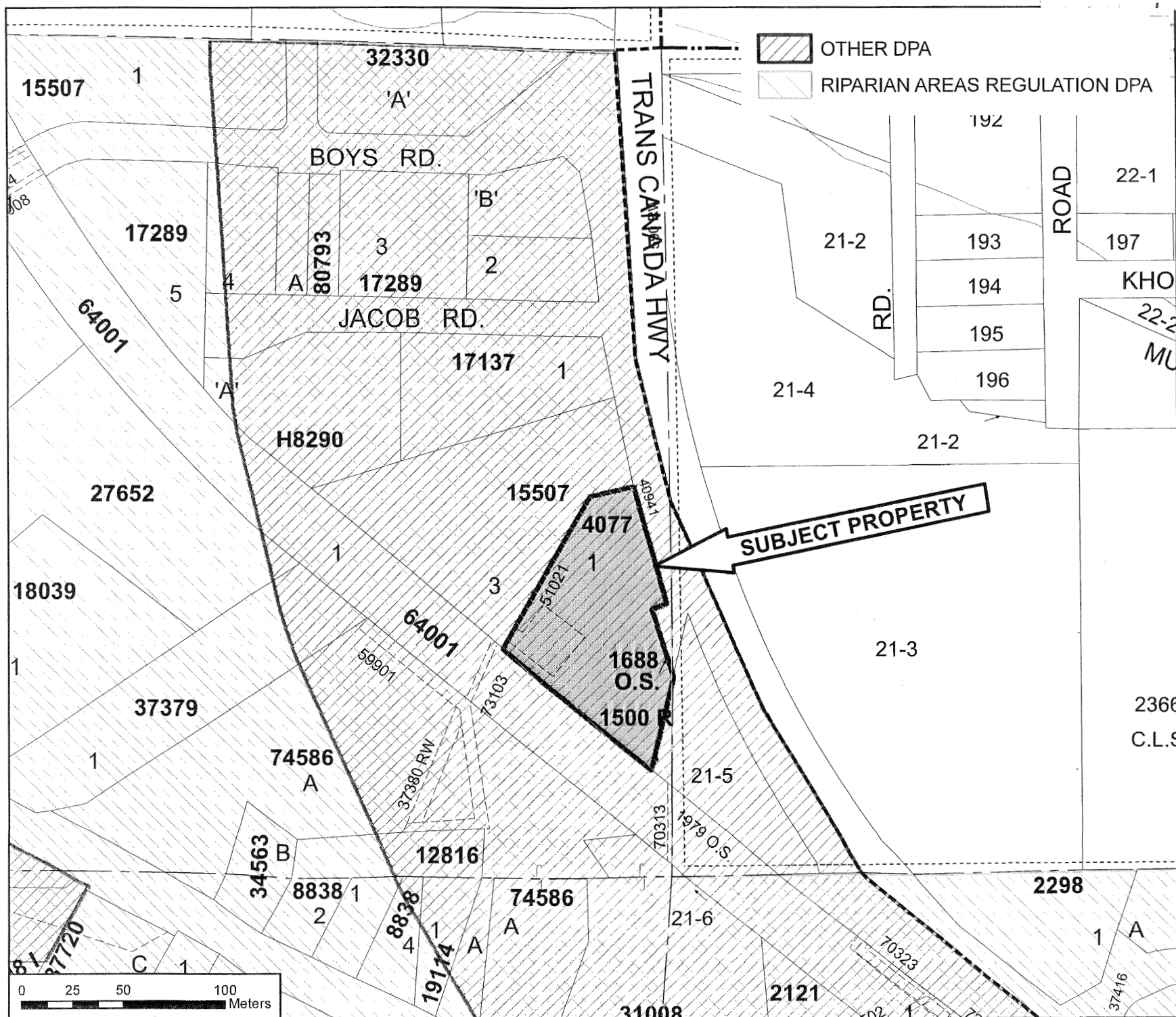
**FILE: 8-E-08-DP**

**ZONING**

**Legend**

- Subject Property
- Zoning Electoral Area E





**Cowichan  
Valley  
Regional  
District**

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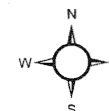
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 8-E-08-DP**

**DPA**

### Legend

 Subject Property







Cowichan  
Valley  
Regional  
District

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

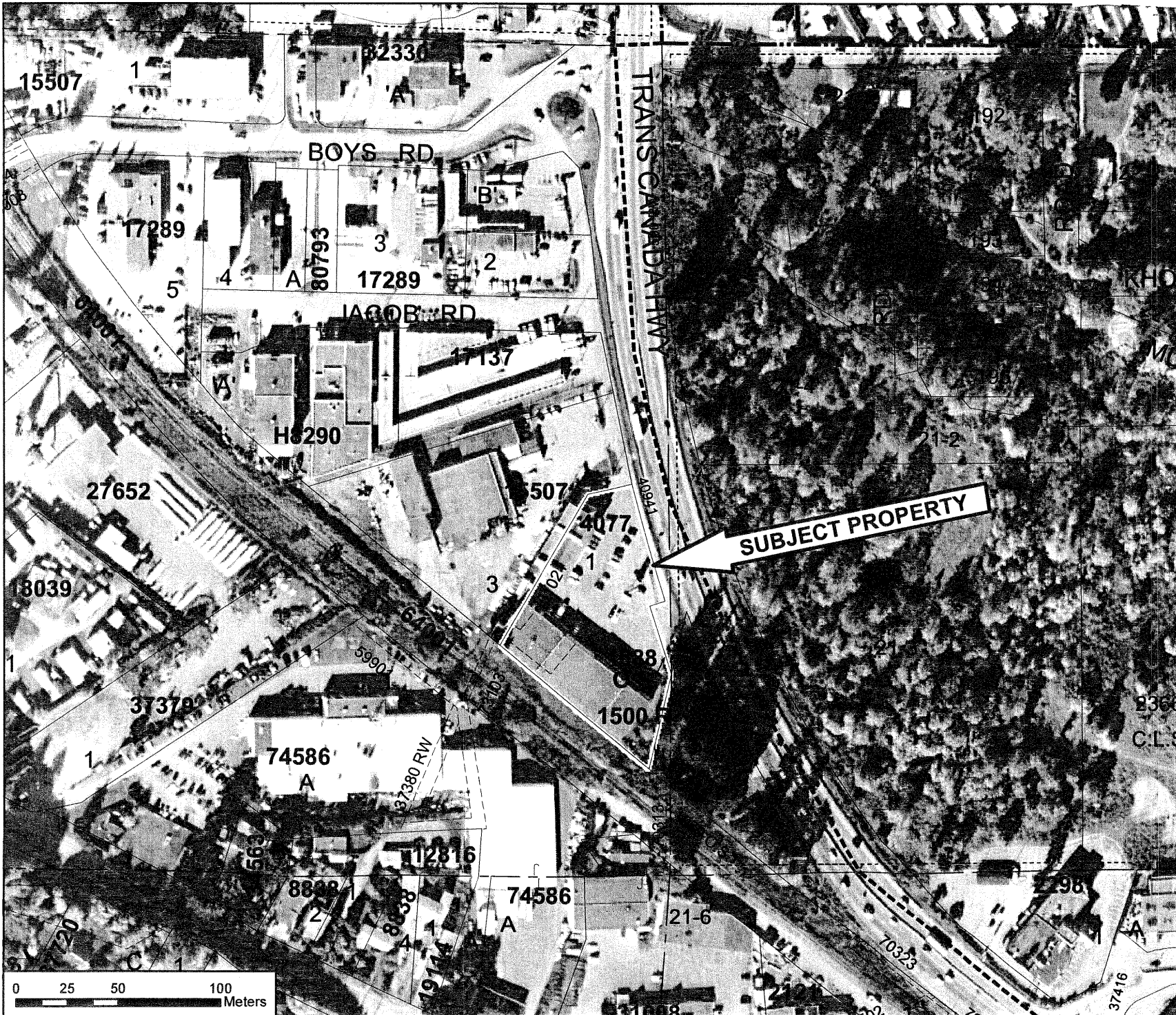
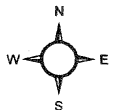
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 8-E-08-DP

Orthophoto  
(2004)



SUBJECT PROPERTY

TRANS CANADA HWY

BOYS RD

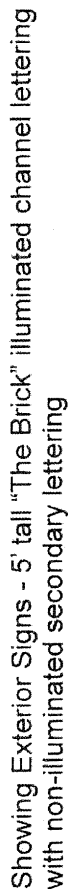
JACOB RD

37380 RW

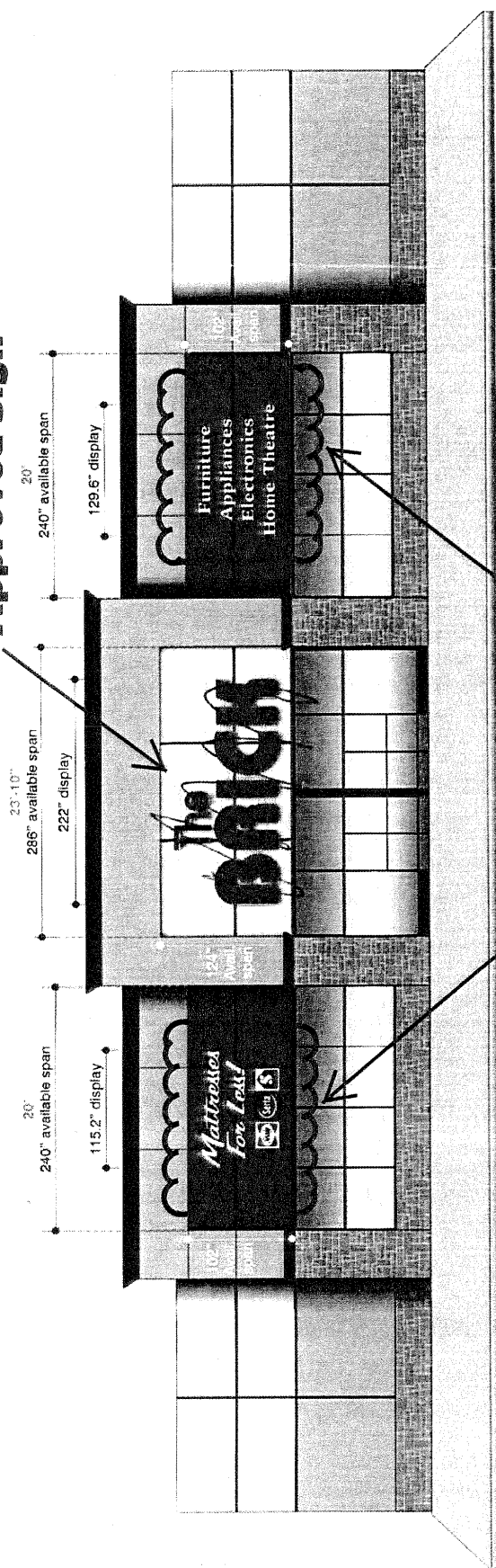
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000100

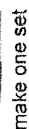




## Approved Sign



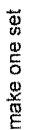
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**Option A:**  
Non-Illuminated White  
Plastic Cut Out Letters and panels,  
panels sheeted with vinyls  
and wrapped with 1" white trim cap  
Pin Mounted  
**1 Set Required**



Supply & install 8' tall illuminated Channel Letters  
Self Contained Electrical with Pass Thru's  
GEL CORE LED Illumination  
Focus - 3 1/6" / 2780 SG RED Acrylic with  
White 8" Deep 050 Aluminum Returns.  
Aluminum Letter Backs  
1 set required



**Option A:**  
Non-Illuminated White  
Plastic Cut Out Letters  
wrapped with  
1" white trim cap  
Pin Mounted  
**1 Set Required**

COLORS ARE **CONFIRMED** SITE CHECK **IS NOT** **CONFIRMED**



good company to be SEEN with  
Sustained growth through Partnership  
Suite 2000B, 4157 Alhambra Blvd  
San Jose, CA 95128 [www.landkdesign.com](http://www.landkdesign.com)

5909 The Brick - Sustained growth through Partnership  
Tuesday, August 12, 2008 8:47:57 AM EST [att@kdesigns.com](mailto:att@kdesigns.com)

Revised: July 30/08 @ 3:05 pm

Scale: 3:32" = 1'  
 3/15/2014  
 1045 1046 1047 1048  
 wo# reference XXXX

sales: Marv Wirth  
designer: Andrew Wnek  
date: June 13/08  
location: Duncan

**Viewer to Initial this box.**

**Viewer to initial this box.**

Sketch # 5909 The Brick - Duncan - Exterior



**Customer Approval**

**Dated:**

5Ft.

Showing Exterior Signs - non-illuminated secondary lettering

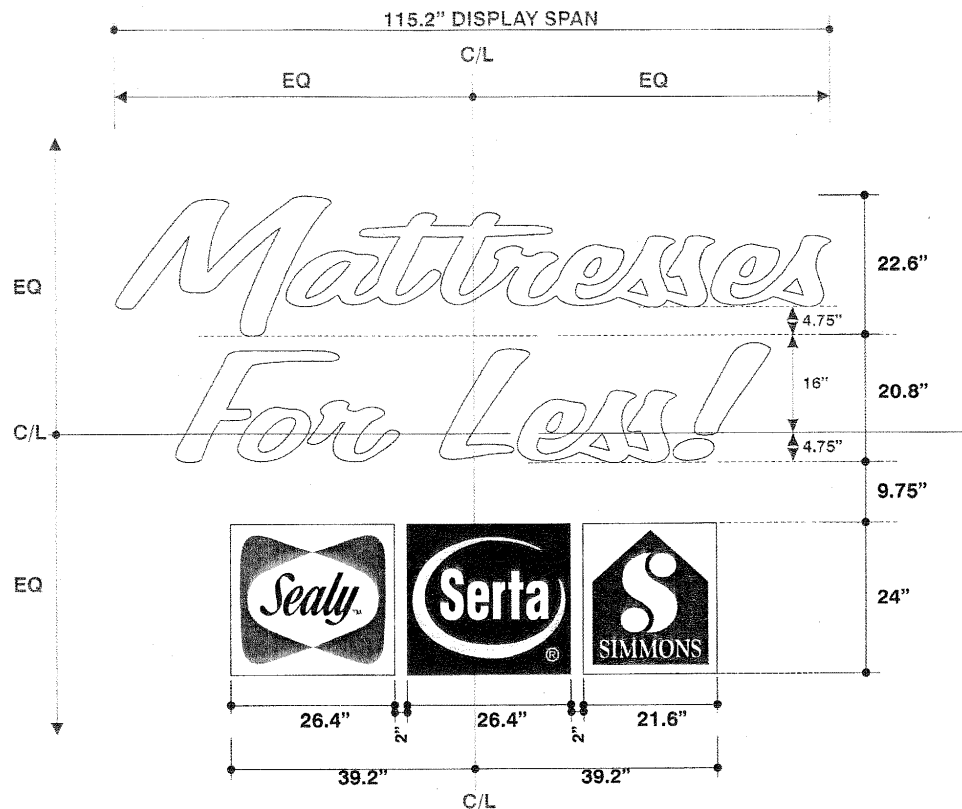
The Brick - DUNCAN

4



make one set

**Option A:**  
Non-Illuminated White  
Plastic Cut Out Letters and panels,  
panels sheeted with vinyls  
and wrapped with 1" white trim cap  
Pin Mounted  
**1 Set Required**



Color Chart:

015-2 White Acrylic

Regular

**Sealy:** MACMark 9889-00 Gloss Black  
MACMark 9839-24 Medium Blue

Regular

**Serta:** MACMark 9889-00 Gloss Black  
MACMark 9809-00 Dark Yellow

Regular

**Simmons:** MACMark 9839-11 Vivid Blue

**LANDALE**  
Signs & Neon



good company to be SEEN with  
Sustained growth through Partnership

5909 The Brick - Duncan - Exterior  
Tuesday, August 12, 2008 5:37:00 AM 9205 email design@landalesigns.com

Scale: 1/2" = 1'

SIZES SHOWN  
ARE APPROXIMATE  
wo# reference XXXXX

sales: Marv Wirth  
designer: Andrew Wnek  
date: June 13/08  
location: Duncan

Viewer to initial this box.

I understand that this document may not be  
distributed by any means for the purpose of  
obtaining competitors' quotes, nor may it be  
used in any manufacturing process other than  
by Landale Signs & Neon Ltd.

Sketch # 5909 The Brick - Duncan - Exterior

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Those actually used in production may vary due to the translucency of  
vinyls, digital print inks, acrylic paints and the luminosity of neon.

Customer Approval

Dated: \_\_\_\_\_



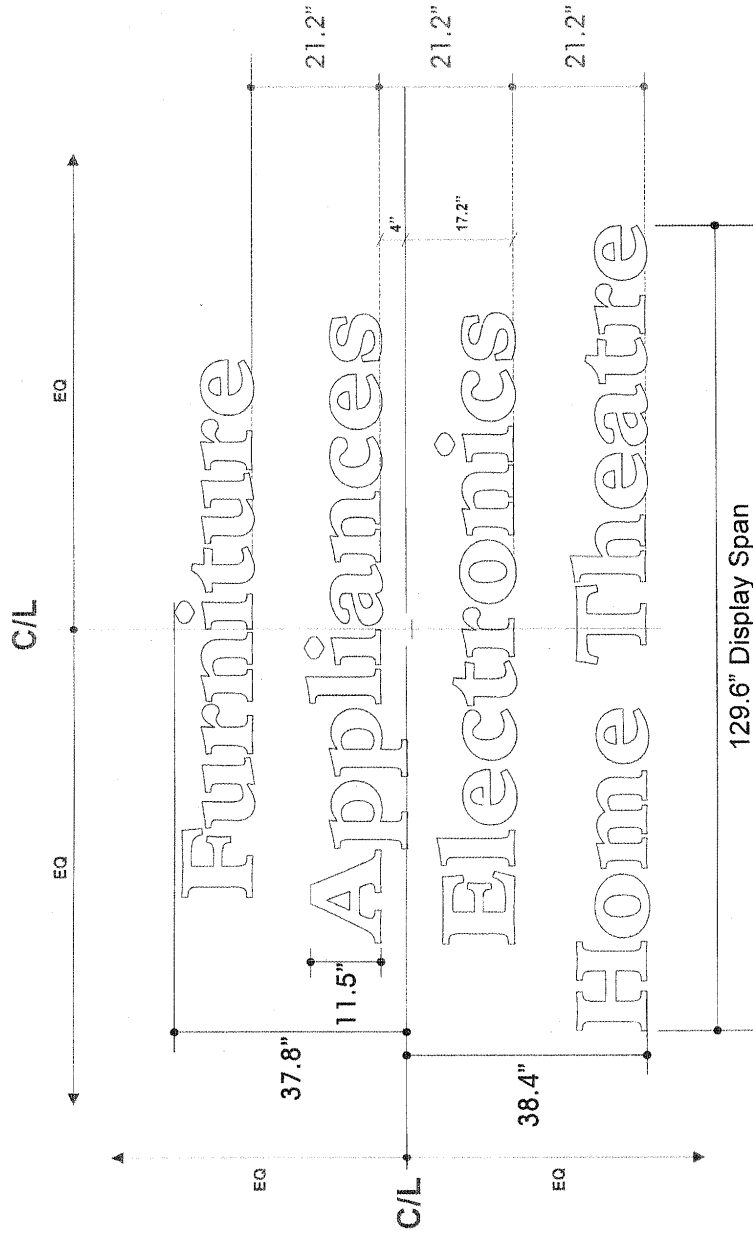
000102

5 Ft.

Showing Exterior Signs - non-illuminated secondary lettering

3

The Brick - Duncan



Color Chart:  
015-2 White Acrylic

LANDALE  
Signs & Neon



good company to be SEEN with  
Brick - Sustaining growth through Partnership  
SOUTH BRICK, AUGUST 12, 2008 12:05 AM 225 email: design@landale-signs.com

Scale: 1/2" = 1'  
SIZES SHOWN  
ARE APPROXIMATE  
w/o# reference XXXXX

sales: Mary Wirth  
designer: Andrew Wnek  
date: June 13/08  
location: Duncan

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Sketch # 5909 The Brick - Duncan - Exterior

Customer Approval  
Dated:

000103



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-E-08DP

DATE: JUNE 9, 2008

TO: PARHAR PROPERTY MANAGEMENT LTD.

ADDRESS: 320 FESTUBERT STREET

DUNCAN, BC V9L 3S9

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 1, Section 14, Range 6, Quamichan District, Plan 4077 Shown outlined in Red on Plan 1500R Except that part shown in red on Plan 1688 OS and Except part in Plan 40941*

3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the attached site plans and amendments, and subject to the following conditions:

- a) *Conformance with the Landscape Plan, Parking Plan, and Main Floor Plan from Ellins Architects Inc. dated February 25, 2008.*
- b) *Subsequent amendment of the Parking Plan, which clearly indicates the location of parking stalls for the disabled in front of each of the buildings.*
- c) *Subsequent amendment to the Landscape and Parking Plans which incorporate garbage bins that are screened and located to the north side of the building along the property line.*
- d) *Approval of the sign by the Manager of Development Services, in accordance with the provisions of CVRD Development Application and Procedures and Fees Bylaw No. 2255.*
- e) *Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years if the plantings are successful and to the satisfaction of the CVRD Planning Department; and landscaping to be in accordance with the BC Society of Landscape Architects Standards.*

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:

- Form 1, Main Floor Plan by Ellins Architect Inc, dated February 25, 2008
- Form 2, Site Plan by Ellins Architect Inc, dated April 28, 2008.

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

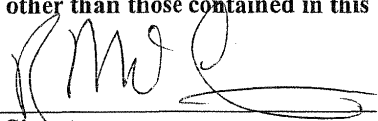
ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-322(8) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14<sup>TH</sup> DAY OF MAY 2008.

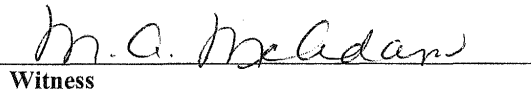
Tom Anderson, MCIP  
Manager, Development Services

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**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 PARHAR PROPERTY MANAGEMENT LTD. other than those contained in this Permit.

  
Signature

  
Witness

Owner/Agent  
JUNE 9, 2008  
Date

Sec / Dev Sere  
Occupation  
June 9/08  
Date

000106

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS	SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
1	1	PRUNUS PENSILVANA	PURPLE LEAF PLUM	5 CM	DECIDUOUS TREE	16	1	ESCALONIA RUBRA	ESCALONIA	#3 POT	FLOWERING JACKSON'S BLUE
2	1	LOEBENIA STYRACIFLUA	SMOKY TREE	5 CM	DECIDUOUS TREE	17	1	AMARANTUS CANTABRIGIAE	AMARANTUS	1 GAL	EVERGREEN SHRUB
3	1	PRUNUS SEROTINA	FLORISSANT CHERRY	3 CM	DECIDUOUS TREE	18	1	MAHONIA AQUIFOLIUM	OREGON GRAY	2 GAL	NATIVE EVERGREEN
4	1	CORNUS STOLONIFERA	RED TWIG DOGWOOD	3 CM	DECIDUOUS TREE	19	1	MAHONIA DOMESTICA	HEAVENLY BAMBOO	3 GAL	BAMBOO-LIKE BRACHYCLADUS
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## ELECTORAL AREA E APC MEETING MINUTES

Glenora Community Hall

March 26, 2009

Meeting called to order at 7:10 p.m.

### **PRESENT:**

**Director Area "E":** Loren Duncan

**Members:** David Coulson, Jim Marsh, Ben Marrs, Frank McCorkell, Dan Ferguson, David Tattam, Colleen MacGregor

**ABSENT:** Keith Williams, John Salmen and Darin George

### **ORDER OF BUSINESS:**

#### **1. Election of Officers:**

**Chair** – Jim Marsh

**Vice-Chair** – Frank McCorkell

**Secretary** – Colleen MacGregor

#### **2. MOTION:**

It was moved to approve the Minutes of Nov. 13, 2008

**MOTION CARRIED**

**3. Directors Update** – next meeting set for April 16, 2009 at 6:00 pm at the Sahtlam Fire Hall.

#### **4. APPLICATION File # 8-E-08DP**

**Applicant:** Landale Signs & Neon Ltd.

**Delegates:** Dave Backstrom - Regional Director Brick Warehouse  
Jay Brown – Landale Signs & Neon Ltd.

#### **MOTION:**

It was moved and seconded that Application **File # 8-E-08DP** be approved.

**MOTION DEFEATED**





SRI

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 5, 2009

**DATE:** April 29, 2009

**FILE NO:**

**FROM:** Tom Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** RCMP Boat Patrols on Shawnigan and Cowichan Lakes

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#### **Action:**

That the Committee provide direction on this initiative.

#### **Purpose:**

To update the Committee on direction given last summer and receive further Committee direction.

#### **Financial Implications:**

Dependent upon the direction taken.

#### **Interdepartmental/Agency Implications:**

A cooperative effort between the RCMP and the Cowichan Valley Regional District.

#### **Background:**

Over the last two decades, boat traffic on Shawnigan and Cowichan Lakes has increased considerably. The boating populace on both lakes has grown as a result of the expanding populations within these areas and within the Cowichan Valley in general. Also, the tightening of boating regulations on the lakes in the Capital Regional District has pushed many of their boaters up-island to find waters that are less crowded and perhaps, less restrictive.

In an effort to respond to some of the concerns that we were hearing from residents around the lake, the Regional District passed bylaws in the mid 1990's which prohibited unmuffled boats from using Shawnigan and Cowichan Lakes. Signs were posted at various locations notifying boaters of these restrictions. This signage also notified boaters of the Transport Canada regulated speed limits allowed on the lakes.

At the same time, the RCMP recognized the growth in the boating public along with the inherent problems associated with people out on a lake in a boat on a hot summer day. Police patrols on both lakes have taken place most summers but as happens with the demands of a growing area

000109

where budgets are tight and resources thin, the patrols have not been consistent and the troubles on the waters have increased.

Unfortunately, the efforts being made by the RCMP and the CVRD do not seem to be matching up against the increasing boat activity and subsequent problems. As such, the Regional Board received a delegation last July from Cowichan Lake residents and as a result passed the following resolution at the August 2008 regular Board meeting:

**“That Staff create educational signage with regard to boat noise and safety on Cowichan Lake and that the signs be posted at all boat launches and marinas on Cowichan Lake as well as being located along Highway 18 and that discussions with regard to boat noise and safety on Cowichan Lake be carried out with the local RCMP, Coast Guard and Town of Lake Cowichan.”**

While the resolution above was directed toward matters pertaining to Cowichan Lake, it should be noted that staff were approached by a number of residents of Shawnigan Lake expressing the same concerns with boating activity on their lake. Staff have therefore included both lakes in the direction given above.

In that regard, the attached signage is proposed to be erected along highway right of way at a number of points in both the Shawnigan Lake and Cowichan Lake areas. Specifically, in Shawnigan Lake, signs will be located a) along East Shawnigan Lake Road at the south end of Shawnigan Lake, b) along Shawnigan-Mill Bay Road near the Fire Hall, and c) at the intersection of Cobble Hill Road and Renfrew Road. In the Cowichan Lake area, signs will be located a) along Highway 18 prior to entering the Town of Lake Cowichan, b) along South Shore Road just east of Mesachie Lake, and c) along Highway 18 near Meade Creek which is just east of Youbou. While verbal approval has been given by the Ministry of Transportation to have these signs erected along their rights of way, the specific locations have yet to be approved by the Ministry.

Further to direction given under the resolution, signage will also be placed at CVRD boat launches located at Recreation Road and at the Wharf Park in Shawnigan Lake. In Cowichan Lake, they will be erected at the Bear Lake Boat Launch and attempts will be made to have BC Parks erect the signage at the Gordon Bay Provincial Campground boat launch.

Two meetings have also taken place with representatives of the RCMP including Inspector Goodridge, Sgt. Rob Webb, Detachment Commander of the Shawnigan Lake Detachment and Sgt. Dave Voller, Detachment Commander of the Cowichan Lake Detachment. The focus of these meetings centered around what level of enforcement activity the RCMP is able to commit to their lake patrols this coming summer. In short, the Shawnigan Lake Detachment have a total of 40 hours of financial resources to commit and the Cowichan Lake Detachment have a total of 50 hours of financial resources to commit. Unfortunately, they require two officers in the boat at any one time so the hours noted above must be cut in half to determine the number of hours they will actually be on the water. The total number of hours is felt to be roughly half of what is necessary to adequately and consistently patrol the lakes. This would include 6 hour patrols on Saturdays and Sundays for roughly the 8 weekends of the summer including the Mondays of long weekends.

In order for these lake patrols to have any effect on enforcing noise, speed and boating regulations in general, it is absolutely necessary that the patrols be regular and consistent. As such, there is an option that the Committee may wish to explore and that is to cost share with the RCMP in order to ensure that there are boat patrols every weekend this summer. A rough calculation indicates that the cost to the Regional District would be in the neighbourhood of \$13,000. The RCMP have assured us that they are firmly committed to the boat patrols themselves and that if we were to commit these funds, their monetary commitment would not be diverted to any of their other areas of operation. The RCMP have provided us with a copy of a Memorandum of Understanding that is in place with the Regional District of North Okanagan for similar boat patrols for the lakes in that area.

While all budgets are tight, if the Committee is interested in pursuing this opportunity, there may be a way for the CVRD to find the necessary funds to accommodate this expenditure. It should also be noted that if every weekend turns out to be wet and cold resulting in few boaters on the lakes, boat patrols will not be necessary and these funds will not be required.

Submitted by,



Tom Anderson,  
General Manager  
Planning and Development Department

TA/ca

000111

# SHAWNIGAN LAKE

## Family Recreation Area

### Unmuffled Boats **PROHIBITED**



*Safe  
Boating!*

Max. 8 Km / h  
33m from Shore

Max. 65 Km / h  
Centre of Lake



C.V.R.D.

# **COWICHAN LAKE**

## **Family Recreation Area**

### **Unmuffled Boats PROHIBITED**



*Safe  
Boating!*

**Max. 10 Km / h  
60m from Shore**



**C.V.R.D.**

000113



SR 2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 5, 2009

**DATE:** April 17, 2009

**FILE NO:**

**FROM:** Mike Tippet, Manager  
Community and Regional Planning Division

**BYLAW NO:**

**SUBJECT:** ALR Application Processing Policies

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#### **Recommendation:**

That the CVRD Board amend Procedures and Fees Bylaw No. 2255 by deleting section 6(b) and replacing it with the following:

b) Where any application would:

- i) be within a Riparian Assessment Area pursuant to the *Riparian Areas Regulation*,
  - ii) concern an application for a subdivision of land within the Agricultural Land Reserve that would be reliant upon Section 946 of the *Local Government Act* for subdivision approval,
  - iii) concern an application for subdivision or non-farm use of Agricultural Land Reserve land that is entirely consistent with CVRD land use regulations,
- cases (i) and (ii) are not subject to subsections c), d) and e) below; and case (iii) is not subject to subsection c) below;

AND FURTHER that subsection b) of CVRD Board Resolution No. 99-458 be rescinded and replaced with the following:

- b) ALR subdivision applications pursuant to section 946 of the *Local Government Act* will be forwarded to the ALC notwithstanding the content of land-use bylaws, and without comment by the Board;

#### **Purpose:**

To examine options for dealing with various types of ALR applications from a procedural perspective.

#### **Financial Implications:**

Possible reduction in staff time for processing some ALR applications if procedural changes are implemented.

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**Interdepartmental/Agency Implications:**

Any changes proposed must comply with the *Agricultural Land Commission Act*.

**Background:**

At the Electoral Area Services Committee meeting of March 17, 2009, staff was directed to report at a subsequent meeting about possible approaches to the processing of ALR applications, particularly those that would use Section 946 of the *Local Government Act* (subdivision to provide a residence for a relative), and the necessary complementary amendments to CVRD Procedures and Fees Bylaw No. 2255.

Section 946 is essentially a way of allowing certain applicants for subdivision to not have to meet zoning standards for minimum lot sizes, which has proven in certain areas (e.g. Kingburne Drive in Area B) to allow for significant development not supported by the Official Community Plan or zoning bylaw.

As a reminder to Directors, the provisions that the CVRD has in place for Section 946 subdivisions in the different electoral areas (specifying the size of the pre-subdivided lot that the subdivider must have before, under Section 946(4)) are:

1. Mill Bay/Malahat – minimum lot size for the zone in which the land is located
2. Shawnigan Lake – minimum lot size for the zone in which the land is located
3. Cobble Hill – 0.8 hectares of land in all areas
4. Cowichan Bay – minimum lot size for the zone in which the land is located
5. Cowichan Station/Sahtlam/Glenora – minimum lot size for the zone in which the land is located
6. Cowichan Lake South/Skutz Falls – minimum lot size for the zone in which the land is located
7. Saltair – 25 hectares
8. North Oyster/Diamond – minimum lot size for the zone in which the land is located
9. Youbou/Meade Creek – 25 hectares

all of these do not apply in the Agricultural Land Reserve.

Incidentally, in the opinion of staff, the only regulations listed above that are really effective are those presently in place in Areas G and I, as most of the other standards are met by the vast majority of lots, meaning that virtually anyone can apply for a Section 946 subdivision anywhere, even outside of the ALR.

***The Problem***

At the moment, Bylaw 2255 requires that all ALR applications be referred to the Advisory Planning Commissions for comment. In most cases, this is a good first step in the process, as it enables some first-hand local community input on matters that will ultimately have to be recommended on by the CVRD Board.

However, in the case of ALR applications, Section 946 poses a problem. Staff would not likely ever recommend in favour of a Section 946 application on the principle that the Official Community Plan and zoning bylaws ought to be upheld, those being the primary guiding documents that express each community's will regarding growth and development. **Therefore,**

from a technical perspective, is it fair to refer ALR applications that would rely on Section 946 to an advisory body that quite probably knows the applicant and will feel pressure to support their personal desires, even if the only reasonable comment from a land use and policy perspective is to recommend denial of the application? It is a dilemma, and it would seem that the best answer to that question would be “no”.

In the event that the Procedures and Fees Bylaw was modified to not require the automatic referral of “family subdivision” requests to the APC, that would not in any way preclude an individual Director from referring such an application to his or her APC on a “one off” basis. However, the reservations about deviation from our OCPs and Zoning Bylaws remain.

From the ALC’s perspective, they do require a resolution from the Board on any application that is referred to them. And it is important to know that the CVRD Board must forward all section 946 applications to the ALC. Therefore this Committee will continue to have to address such applications in some fashion, and the Board will have to follow that up with a resolution. It could be a one-time only standing resolution, if a uniform treatment of 946 applications was accepted by the Board.

**Planning and Development Department Comments:**

As a reminder, here is the entirety of our present ALR application processing policy:

- Resolution 99-458** That the CVRD Board of Directors adopt a standing policy with respect to Agricultural Land Reserve Applications. As follows:
- a) All ALR exclusion applications will be forwarded to the Agricultural Land Commission (ALC) for consideration, with the applicant being clearly advised that by sending the application to the ALC that the CVRD Board is not implying that it supports any land use or density on the subject property other than that permitted by the current zoning bylaw;
  - b) ALR subdivision applications pursuant to section 946 of the *Local Government Act* will be forwarded to the ALC notwithstanding the content of land-use bylaws;
  - c) ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:
    - i) the minimum parcel size regulation is complied with; or
    - ii) if the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;
  - d) ALR non-farm use applications will only be forwarded to the ALC if:
    - i) the proposed non-farm use complies with CVRD bylaws; or
    - ii) if the proposed non-farm use does not comply with CVRD bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

This policy was developed shortly after the Agricultural Land Commission gave local governments the opportunity to “screen out” or not forward applications to the ALC. This could



have created a very unfair process in the absence of policy. And as noted above, Section 946 applications really must go to the ALC, based upon legal advice. Also, to not forward ALR exclusion applications to the ALC would have led to an accusation of a Catch-22, in that once land is in the ALR, whether it's original designation was correct or not, it should remain in there forever, a fundamentally unfair prospect. So this policy was intended to set a fair procedure for everyone.

It is unlikely that CVRD Board resolutions regarding Section 946 ALR applications have been very influential in the past. Staff is aware that many "family subdivisions" that were opposed by the CVRD were approved, and the loss of this measure of input into this Provincial decision-making process is probably going to be insignificant. The ALC is entirely autonomous in respect of its decision-making powers on subdivision applications.

It is possible for the Board to deviate from this policy, and this has occurred at least twice in Electoral Area B under subsection (d) with regard to the Lake Oasis applications.

It would be possible to amend our present ALR policy and the Procedures and Fees Bylaw with regard to Section 946 applications in the ALR. One possible amendment would be to add a standing resolution to forward all ALR family-related subdivisions to the ALC without comment. That may not please the Agricultural Land Commission, but they have to realise that we are unlikely to recommend in favour of something that collides with our adopted land use bylaws. This would only leave "no comment" or "recommend denial" as options for the Board and as noted earlier, there is little evidence that the Board's position on 946 applications has a measurable influence over the ultimate decision. The amendment of the policy and the bylaw would cover the requirement for a resolution on each application, because together they would constitute a "standing resolution" for all such applications.

Ideally, all electoral areas would be treated similarly and very few exceptions would be made, in each case with a detailed explanation, because each exception would undermine the policy. And undermining the policy would be detrimental to procedural fairness.

***Related Matter – Further Work on Bylaw 1741 is Recommended***

It is likely that the defects in the Section 946 Bylaw No. 1741, 1995, rendering it ineffectual in controlling Section 946 subdivisions in Electoral Areas A, B, C, D, E, F and H, will only be corrected in two of those areas, when the new Official Plans and Zoning Bylaws for Electoral Areas B and C are adopted this year. For Electoral Areas A, D, E, F and H, we would encourage the Directors for these communities to speak with Planning and Development staff about this matter and suggest that they seriously consider collectively or individually pursuing an amendment to Bylaw 1741 that would make the CVRD's Section 946(4) Bylaw achieve its originally intended goal in those five electoral areas.

**Options:**

1. That the CVRD Board amend Procedures and Fees Bylaw No. 2255 by deleting section 6(b) and replacing it with the following:
  - b) Where any application would:
    - i) be within a Riparian Assessment Area pursuant to the *Riparian Areas Regulation*,

- ii) concern an application for a subdivision of land within the Agricultural Land Reserve that would be reliant upon Section 946 of the *Local Government Act* for subdivision approval,
- iii) concern an application for subdivision or non-farm use of Agricultural Land Reserve land that is entirely consistent with CVRD land use regulations,

cases (i) and (ii) are not subject to subsections c), d) and e) below; and case (iii) is not subject to subsection c) below;

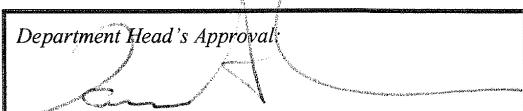
AND FURTHER that subsection b) of CVRD Board Resolution No. 99-458 be rescinded and replaced with the following:

- b) ALR subdivision applications pursuant to section 946 of the *Local Government Act* will be forwarded to the ALC notwithstanding the content of land-use bylaws, and without comment by the Board;
2. Same as Option 1 except that the CVRD oppose all subdivisions in the ALR that would require Section 946 approval if the parent parcel size is not in conformity with the CVRD's Section 946(4) regulations;
  3. That applications for family subdivisions in the ALR continue to be referred to Advisory Planning Commissions and that the CVRD Board continue to pass individual resolutions on each application.

Submitted by,



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

<p><i>Department Head's Approval:</i></p>  <p><i>Signature</i></p>
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MT/ca



SR3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 5, 2009

**DATE:** April 28, 2009 **FILE NO:** 12-E-09BE  
**FROM:** Nino Morano, Bylaw Enforcement Officer **BYLAW NO:** 3032  
**SUBJECT:** Compensation for Livestock Kill by Unknown Dog(s)  
4975 Langtry Road – Scott Stevenson

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**Recommendation:**

Compensate Mr. Scott Stevenson \$525 for loss of livestock as a result of attacks from unknown dog(s) at 4975 Langtry Road.

**Purpose:**

Consider compensation for the owners of livestock killed at 4975 Langtry Road by unknown dog(s).

**Financial Implications:**

Compensation for livestock kill to a maximum of \$750.

**Interdepartmental/Agency Implications:**

N/A

**Background:**

In the past several months there has been a significant increase in livestock attacks at or near Langtry Road in Glenora by unknown dog(s) allegedly from First Nations Reserve Land. In February of 2008 Mr. Stevenson was compensated by the CVRD as a result of three separate attacks in 2007 in an amount totaling \$450. These attacks occurred before the Dog Regulation & Impounding Bylaw was changed so the Bylaw Enforcement Official processed all claims with no staff report required or limitations

Mr. Stevenson has submitted another compensation request as a result of attacks on March 15 & 16, 2009 where four (4) more sheep have been killed by unknown dog(s). Attached is the request form where Mr. Stevenson has requested \$700 compensation. A comparison was made with figures provided by Fraser Valley Auctions and this request seems to be reasonable. The CVRD pays out three quarters of this value which reduces it to \$525.

Since the amount is over \$250, the Domestic Animal Protection Officer cannot process this claim without Regional Board approval with a maximum of \$750 per attack. The CVRD Dog Regulation & Impounding Bylaw provides the following:

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Sec. 32: "...The amount of compensation payable shall be an amount equal to three-quarters (3/4) of the decrease in the market value of the animal as a result of its death; and for the purpose of this subsection, the Domestic Animal Protection Officer may make the determination of the market value."


And,

Sec. 33: "The Domestic Animal Protection Officer shall investigate and verify all claims and is approved to authorize any claim up to the amount of Two Hundred and Fifty Dollars (\$250.00) per attack and any claims greater must be referred to the Regional Board for authorization of payment. The maximum compensation payable for any claim shall not exceed Seven Hundred and Fifty Dollars (\$750.00) per attack."

Attached is a recent article (April 26, 2009) from the Times Columnist directly related to this issue. Articles have also been noticed in the Vancouver Province and Cowichan News Leader Pictorial.

Submitted by,

Nino Morano,  
Bylaw Enforcement Officer  
Planning and Development Department

Department Head's Approval:

Signature

NM/ca



KRISTA CHARKE, CANWEST NEWS SERVICE

Duncan farmer Scott Stevenson, who has lost all of his 10 sheep to dog attacks, says he will to shoot to kill if he sees the dogs on his property again.

## Dogs wreak havoc on sheep pastures

Massive bulldog abandoned on Island reserve leads ravenous pack

ETHAN BARON  
Canwest News Service

**DUNCAN** — He is a massive, powerfully built dog that leaves a Vancouver Island native reserve under cover of darkness. He picks up other dogs along the way to the Cowichan Valley's bucolic sheep pastures. There, the pack lays into the woolly flocks, ripping out throats, tearing out guts.

Farmers are gunning for him. So is the SPCA, albeit with tranquillizer darts.

Known as Duke, he is the holy terror of this valley, although he used to be a pet with a home.

Duke, an American bulldog estimated to weigh nearly 50 kilograms, once lived on a reserve with a couple. But when they split up three years ago, they left their house — and they left Duke to make it on his own — just like dozens of other dogs roaming the seven Cowichan Tribes reserves near Duncan.

"They have dogs running everywhere, which nobody admits ownership of," says Sandi Trent, manager of the Cowichan and District SPCA. "Nobody spays or neuters."

Many of the dogs end up in the SPCA shelter. Last year, the facility took in 151 dogs surrendered by owners, and 102 strays. More than 80 per cent of the dogs came from the reserves, Trent says.

"We've been seeing such a deluge of these animals coming in," Trent

says. "It's financially draining and it's emotionally draining and sometimes you feel like you're just banging your head against the wall."

Three years ago, the SPCA gave 100 vouchers to the Cowichan Tribes, each good for a free spay or neuter, she says. Only three have been redeemed.

She's hoping she'll soon have Duke in the shelter. About two weeks ago, the SPCA's cruelty officer shot the dog with a tranquillizer dart, but the dog ran into the bush and an hours-long search failed to locate him.

SPCA officers can enter the reserve to deal with dogs treated cruelly, but are not allowed on the reserve to capture live-stock-killing dogs.

Cowichan Tribes Chief Lydia Hwitsum acknowledges that the band has not had a strong relationship with the SPCA, but says the treatment of dogs on the reserve needs to be addressed.

Meanwhile, sheep owners furious at the attacks, which started last spring, are hoping to shoot Duke, and not with a dart.

Scott Stevenson, who has lost all of his 10 sheep to dog attacks, took a shot at the marauding dog not long after it escaped the SPCA dart. Duke was 100 metres away.

"I should've had it," Stevenson says. "I had my chance there. I could've sprayed it across the field. That thing has so many horseshoes up its butt, it's not even funny."

## ISLAND H SOUND Moth RUN

10K RUN  
SUNDAY

MICHELL BROS. FARMERS  
at Island View Road & Loch

RUN 9 am / WALK

REGISTRATION: FRONT  
1200 Vancouver  
register on line at race

ENTRY FEE: \$25.00

INFO: 250-

## ISLAND DEAF

SIGN



Island

McNeill  
AUDIOLOGY



000121



C.V.R.D.

**SCHEDULE "C" TO  
COWICHAN VALLEY REGIONAL DISTRICT  
DOG REGULATION AND IMPOUNDING BYLAW NO. 3032, 2007**

**APPLICATION FOR COMPENSATION UNDER THE COWICHAN VALLEY REGIONAL DISTRICT DOG REGULATION AND IMPOUNDING BYLAW NO. 3032, 2007.**

1. NAME: SCOTT STEVENSON.
2. ADDRESS: 4975 LANGTRY RD. DUNCAN
3. AT: <sup>11 PM</sup>5 AM A.M./P.M., ON MARCH 15-16 2009.

*The following were killed by dogs:*

ANIMAL	NUMBER	TYPE	AGE	REGISTERED	VALUE
POULTRY					
GOATS		DORSET.	3	RAM.	300
SHEEP	4	2 X/EWS	2		300
ANIMALS OF THE BOVINE SPECIES		1 LAMB	4 MO		100
SWINE					
HORSES					
OTHER					

4. Within three (3) business days, I notified RCMP FILE 09-3130 J. WOODS.  
S.P.C.A. - SANDI. C.V.R.D.
5. The dog(s) are owned by REZ STRAY. 2785 MILLER <sup>or</sup> ON OCCASION  
the owner(s) are unknown and by diligent inquiry cannot be found.
6. I understand that, if approved, payment of this claim will be made pursuant  
to Section 30 to 34 (inclusive) of Bylaw No. 3032, 2007.

I solemnly declare that this is a true and correct statement.

DECLARED AT DUNCAN }  
BC, this 22 }  
day of MARCH. 20 09. }

Treasurer

  
Owner

000122



REC'D

APR

C1

COWICHAN VALLEY REGIONAL DISTRICT  
Financial Services Department

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

Submitted by Director Kew Cossey Area B

Grantee:

Grant Amount \$ 350.00NAME: GARDEN HOUSE FOUNDATIONADDRESS: % Jim & Jackie Barker1070 BRAINTHAITE DRIVECOBBLE HILL BC V0R 1L4

Contact Phone No: \_\_\_\_\_

PURPOSE OF GRANT: ASSIST THE FOUNDATION WITH  
THEIR MANDATE

REQUESTED BY:

K. Cossey  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0360-112	350.00	10.0

## FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. \_\_\_\_\_

## Disposition of Cheque:

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_

## GARDEN HOUSE FOUNDATION

Director Ken Cossey  
Area B Shawnigan Lake  
Cowichan Valley Regional District  
March 6, 2009

# 350



Dear Ken:

We wish to apply for grant-in-aid funding to help us continue the charitable activities of the Garden House Foundation.

The foundation was formed by us in the fall of 2008 under the umbrella of the Victoria Foundation. The main goals of the foundation are to support families in crisis and animals in need. The foundation also supports literacy projects and recycling.

Funds in the Garden House Foundation will be held in perpetuity and annual grants derived from the interest on those funds will be made to local organizations including Cowichan Valley Family Life, Cowichan Women Against Violence and the SPCA.

In October we ran our first annual charitable book sale at the Cobble Hill Hall. We were delighted by the success of the sale and have already booked the Cobble Hill Hall for this year's sale on Saturday October 17<sup>th</sup>. While it has been suggested that we move the sale to Duncan, we would like to continue to hold the sale at the Cobble Hill Hall in South Cowichan as we feel this venue is a perfect fit in terms of size and funds raised.

Although community businesses and organizations provided donations for the sale, other operating costs totaled approximately \$1050 and were borne by us. This amount covered advertising, two day hall rental, two day truck rental, event insurance, volunteer refreshments and supplies. All proceeds from the sale, \$5000, were added to the Garden House Foundation funds, making a total of \$15,000 in the fund. For 2009 and subsequent years the operating costs will be funded from the sale proceeds with the remaining funds being donated to the Garden House Foundation.

We are hoping that Area B will support this charity event by providing a grant-in-aid to help cover some of the costs of hosting the sale, or by making a donation directly to the Garden House Foundation. Your support will assist us in growing the foundation's base funds more quickly to ensure greater charitable giving in perpetuity for the Cowichan Valley.

Thank you for your consideration.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Barker" followed by a large flourish.

Jim and Jackie Barker  
1070 Braithwaite Drive  
Cobble Hill BC V0R 1L4  
jbarker@shaw.ca

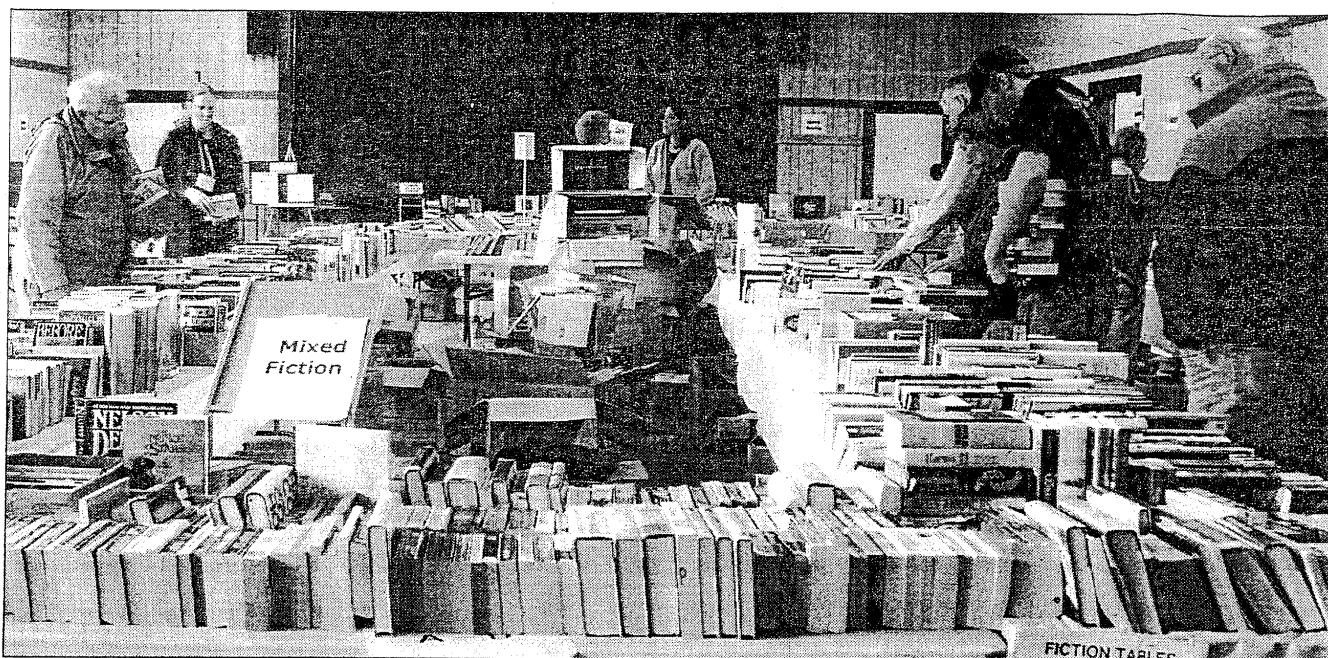
Finance Director

for Mar 11/09

Enclosure: news clipping

000124





ANDREA RONDEAU/CITIZEN

Books were down to the bargain price of 10 for \$1 as the Garden House Foundation's book sale at the Cobble Hill Hall moved into its final minutes Saturday afternoon.

# Hundreds flock to book sale, load up on reading

Hundreds of Valley residents swept through the doors of the Cobble Hill Hall on Saturday, Oct. 18 at the first quality used book sale held by the Garden House Foundation. Thousands of books were sold during the one-day sale, resulting in proceeds of \$4,923 which will be added to the funding base of the foundation.

The Garden House Foundation was formed in September by Cobble Hill residents Jim and Jackie Barker. The mission of the foundation is to support local families in crisis and animals in need. The book sale also promotes recycling and supports literacy efforts in the Valley.

The foundation's grant beneficiaries will include Cowichan Family Life, Cowichan Women Against Violence and the SPCA.

Gallowglass Books donated the majority of the quality used books, but other groups and members of the public also contributed to the estimated 12,000 books that were

available for purchase at the sale.

Organizers wish to thank the public for their interest and generosity as well as the following sponsors: Gallowglass Books, Cowichan Family Life, Cowichan Leader-Pictorial, Cowichan Women Against Violence, South Cowichan Rotary, Brentwood College Library, St. John's Church, Cowichan Green Community, RONA, SUN FM Sunrunner. Literacy Now Cowichan will distribute the leftover children's books free of charge to Valley families.

Organizers are delighted with the success of this first sale, and intend to hold its second fundraiser book sale next year at this time.

“

*Organizers are delighted with the success of this first sale, and intend to hold its second fundraiser book sale next year at this time*



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director

KUHN

Area

1

Grantee:

Grant Amount \$

400.-

NAME:

LAKE DAYS CELEBRATION SOCIETY

ADDRESS:

P.O. Box 558 LAKE COWICHAN, B.C. V0R 2G0

Contact Phone No:

PURPOSE OF GRANT:

LAKE DAY CELEBRATION

REQUESTED BY:

*[Signature]*  
Director Requesting Grant

ACCOUNT NO.

AMOUNT

GST CODE

10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL

*[Signature]*

VENDOR NO.

Disposition of Cheque:

Mail to above address:

Return to

Attach to letter from

Other

Approval at Regional Board Meeting of

Finance Authorization

*More as last year*

*Geo. —*

LAKE DAYS CELEBRATION SOCIETY

P.O. Box 558

Lake Cowichan, B.C. V0R 2G0

January 26th, 2009

Cowichan Valley Regional District  
Klaus Kuhn, Area I Director

RE: Lake Days 2009

I am writing on behalf of the Lake Days Society to request a donation for the Community Breakfast on June 13<sup>th</sup>. The Lake Days Society would like to keep the tradition you have started with the peoples of Areas F and I funding this very welcome event.

This year is Lake Day's 66<sup>th</sup> year and we are hoping to make 2009 bigger and better.

Our committee greatly appreciates your past support of our event because without your financial help the heritage of Lake Days would not be able to continue.

I thank you for your consideration and hope to hear from you at your earliest convenience. Attached is a copy of our last years' events for your perusal.

Yours truly,

*cc-chw Pat Weaver*

Pat Weaver, Chair  
Lake Days Celebration Society

000127

C3



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KUHN Area I

Grantee: Grant Amount \$ 150.-

NAME: LAKE COWICHAN SECONDARY SCHOOL GRAD 2009

ADDRESS: P.O. Box 1564 LAKE COWICHAN, B.C. V0R 2G0

Contact Phone No: 250-749 3305

PURPOSE OF GRANT: PROM NIGHT

REQUESTED BY: [Signature]  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

VENDOR NO. \_\_\_\_\_

**Disposition of Cheque:**

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

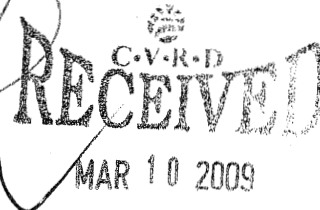
Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization

Lake Cowichan Secondary School Grad 2009  
C/O P.O. Box 1564  
Lake Cowichan, B.C, V0R2G0



March 5th , 2009

**Re: Prom Night – Saturday June 20<sup>th</sup> 2009**

Dear; Mr. Klaus Kuhn, Mr. Ian Morrison and Mr. Ross Forrest

Graduation at Lake Cowichan Secondary School is without a doubt one of the most anticipated events in our community. Prom night is a very meaningful formal evening for the graduating class as it is a celebration of all their success and hard earned achievements. As with each year, LCSS has a small graduating class, which produces significant expenses.

This evening certainly progresses into a community event with much proud support. Holding such an event requires community support, this is why the graduating class of 2009 is asking for the rental fee of the Cowichan Lake Community Hall be waived and the cost of the insurance to be covered to make this a memorable evening. Perhaps you could consider a grant in aid to help cover the cost. The cost of the insurance is approximately \$235.00 and the hall rental is \$156.00.

We anticipate your favorable decision in the near future.

Sincerely,

Graduating Class of Lake Cowichan Secondary School 2009 & Parent Prom Committee

Any questions regarding this event please contact Bev or Emilie at your convenience

250-749-3305

Emilie Baslee  
LCSS Graduating Student 2009  
Leadership, Student Council, Grad Committee

Bev Baslee  
LCSS Parent Grad/Prom Committee

Original	Finance	Dias	Kuhn
1 of 1			Morrison
Comments			McGonigle
File #			Mar. 11/09

000129



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KUHN Area I

Grantee:

Grant Amount \$ 125-

NAME: KAATZA ART GROUP

ADDRESS: Box 1038 LAKE COWICHAN, B.C. V0R 2G0

Contact Phone No: \_\_\_\_\_

PURPOSE OF GRANT: SPRING ART SHOW 2009

REQUESTED BY: \_\_\_\_\_

Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. \_\_\_\_\_

Disposition of Cheque:

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization

The Kaatza Art Group,  
c/o Box 1038,  
Lake Cowichan, B.C.,  
V0R 2G0

RECEIVED  
C.V.R.D.

MAR 03 2009

125.7  
✓

Cowichan Valley Regional District,  
Attn: Mr. Klaus Kuhn,  
Director – Area I,  
175 Ingram Street,  
Duncan, B.C.,  
V9L 1N8

Dear Mr. Kuhn,

**Re: The Kaatza Art Group/Kaatza Spring Art Show 2009**

The Kaatza Art Group would like to thank the past directors of Area F & I for the show of support they have given us throughout the years. We greatly appreciate the efforts made on our behalf and always pass this goodwill on to those who attend our art shows.

The Kaatza Art Group was formed in October 1970 and has stood the test of time. Originally created by painters, the group has evolved into a talented and eclectic mix of painters, potters, printers, calligraphers, etc. We meet weekly for work sessions and special instruction workshops. We are open to all persons in the area who are interested in art. The long weekend in May is our annual Show & Sale.

As a non-profit organization, the Kaatza Art Group is requesting a "Grant-in-aid" contribution towards the continuation of the arts in the Lake Cowichan area and for use of the Curling Lounge on the Victoria Day long weekend in May.

Thank you for your consideration in this matter.

Sincerely Yours,



Karola Schabernak,

Secretary,  
The Kaatza Art Group

Checked by: <i>Phance</i>	Copies to: <i>Mr. Kuhn</i>
Date: <i>Mar. 3/09</i>	
000131	

C5



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KUHN Area I

Grantee:

Grant Amount \$ 250.-

NAME: FOUNDERS INDEPENDENT LIVING SOCIETY

ADDRESS: 10420 YOUNG RD., YOUNG, BC V0R 3E1

Contact Phone No: 745 3788

PURPOSE OF GRANT: START-UP EXPENSES

REQUESTED BY:

[Signature]  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. \_\_\_\_\_

Disposition of Cheque:

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization

000132



**Klaus Kuhn**

250.5 ✓

**From:** "don and debbie" <beldessi@shaw.ca>  
**To:** <k.k@shaw.ca>  
**Sent:** 13-Apr-09 11:34 PM  
**Subject:** COWICHAN LAKE AREA ASSISTED LIVING FACILITY

**FOUNDERS INDEPENDENT LIVING SOCIETY**  
**10420 YOUBOU RD, YOUBOU BC V0R3E1**  
**250 745 3788, e-mail [www. beldessi@shaw.ca](mailto:www.beldessi@shaw.ca)**  
**April 12 2009**

**Director Klaus Kuhn**  
**CVRD Area I**  
**[k.k@shaw.ca](mailto:k.k@shaw.ca)**

Dear Klaus Kuhn,

Founders Independent Living Society was formed at a citizen's meeting in Lake Cowichan on January 19 2009 and the first Board Meeting was held on January 22 2009. Our inaugural Board of Directors consists of Sam Beldessi, Ed Whittick, Kathy Jenks, Rod Peters, Joan Hieta and Don Beldessi. We are a proud to be a non profit society and will be seeking Canada Revenue Agency charity tax status.

Our purposes are to operate exclusively as a charitable organization providing seniors and disabled citizens with affordable housing and services to assist them in remaining as independent as possible.

We need another level of seniors care in the Lake Cowichan Area. Olson Manor and Evergreen Place are two fine local examples of non profit societies providing truly affordable housing for seniors for many years. When a tenant requires a higher level of services than home care can provide, to help maintain their independence, all too often they need to relocate away from family and friends.

000133

14/04/2009

Our goal is to own and operate a 60 to 70, affordable suite facility that offers assisted living, supportive living and additional services that will enhance the tenant's lives and be beneficial to the Cowichan Lake Area Communities. We will be seeking the maximum number of subsidies for assisted and supportive living clients.

Last December, Sam Beldessi, Ed Whittick and I toured Legion Manor with Dave Sinclair and were suitably impressed by the building's appearance, functionality and friendly atmosphere of their staff and residents in their 68 suite facility.

We met with The Town of Lake Cowichan Council on March 24 2009, to formally present our project and received Council's support for a local area non-profit, affordable assisted living facility.

On March 26 th we are met at Legion Manor with Dave Sinclair and John Castell a design consultant they have used in the past to plan and build, successful assisted and supportive living facilities. John has agreed to join the project and has begun the preliminary design. We have been granted the use of Legion Manor's data including: operations budget, staffing levels, preliminary architectural and design plans to assist us in costing and planning and applying for Canada Mortgage and Housing Corporation programs, BC Housing programs and Vancouver Island Health Authority programs.

The biggest hurdles our non profit society faces is funding for land acquisition and CMHC Mortgage Insurance approval. As of early April 09, all or parts of the Boyd School property are for sale again. We may never have another chance to acquire this property for public use again. Do you think the Boyd School site would qualify for the Regional Parks Acquisition Fund program? The P 1 zoned 11 acre site is very suitable for a regional care facility, built on the school building's foot print and a regional park with developed ball diamond and soccer field. There must be a local, collaborative and innovative solution to acquire this property would be so beneficial to the Cowichan Lake Communities.

We respectfully request our society be considered for a Grant in Aid. The Board of Directors of Founders Independent Living Society would be

000134

pleased to meet with you to further discuss our project.

Sincerely,

Don Beldessi President,  
on behalf of the Board of Directors and Members of Founders Independent  
Living Society.

000135

14/04/2009



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director

KUTAN

Area

I

Grantee:

Grant Amount \$

1000.-

NAME:

COWICHAN LAKE SALMONID ENHANCEMENT SOC.

ADDRESS:

60 ART WATSON BOX 432 LAKE COWICHAN, B.C.

VOR 260

Contact Phone No:

PURPOSE OF GRANT:

SALMON ENHANCEMENT

REQUESTED BY:

Director Requesting Grant

ACCOUNT NO.

AMOUNT

GST CODE

10.0

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

COWICHAN LAKE SALMONID  
ENHANCEMENT SOCIETY

C/O ART WATSON

BOX 432

LAKE COWICHAN, B.C.

VOR 260

✓  
less. -

KLAUS KUHN:

EVERY YEAR DUE TO LACK OF PRECIPITATION AND OTHER  
FACTORS THAT CAUSE DEWATERING, OUR ORGANIZATION  
BECOMES INVOLVED IN A FRY SALVAGE OR RESCUE PROGRAM.  
UPWARDS OF 200 000 FISH ARE SAVED EACH YEAR  
BY NETTING AND TRAPPING AND PLACEMENT IN  
COWICHAN LAKE OR HIGH UP COLD AREAS WHERE THEY  
GROW TO THE SMOLT STAGE.

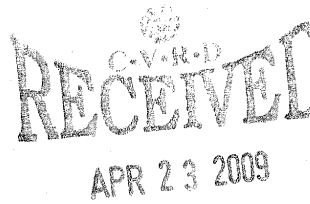
THIS WORK IS FAIRLY EXPENSIVE DUE TO WAGES,  
SUPPLIES, AND VEHICLE EXPENSES. WE MUST CANVASS  
EVERYWHERE POSSIBLE FOR FUNDING AS THE  
DEPARTMENT OF FISHERIES AND OCEANS CAN ONLY  
PRODUCE FUNDING FROM EXISTING CONTINGENCY BUDGETS.  
THE AMOUNT WE ARE REQUESTING FROM CURD  
IS \$ 2000.00.

THANK YOU,

Arthur T. Watson

749 6722

000137



PK 1

**CVRD Area F Parks Commission Minutes: March 3, 2009**

Called to order in the Honeymoon Bay Community Hall at 19:00 hours. Ray Wear in the chair.

Attendance: Ray Wear, Ron McKenzie, Carolyn Leblanc, Sharon Wilcox, Ian Morrison, Jacqui Heune, Win Peters, Mary Lowther, David Lowther

MSC: to go in camera.

MSC: to rise without report @ 19:29.

Ian Morrison left the meeting.

MSC: to accept the minutes as circulated.

MSC: to refer the letter from Tanya Seroka to the Chairperson for action.

Chairperson's Report: The public meeting for Mesachie Lake has been scheduled for 19:00, Thursday, March 26 at the Community Hall.

Bear Lake float and walkway have been repaired and installed significantly below estimate.

The poles and rails have been removed from the ends of the basketball court at Mesachie Park.

Quotes are being requested to clean and repair the Bear Lake parking lot.

The Mesachie VFD are prepared to replace the welcome sign for one thousand, eight hundred dollars.

MSC: to receive the report

MSC: to spend up to four thousand dollars to maintain the parking lot at Bear Lake Park.

MSC: that the VFD be authorized to replace the welcome sign, with the Parks and Recreation Commission to supply crane and hardware.

Total cost not to exceed three thousand dollars.

MSC: to continue the proposed upgrades to the Bear Lake swim area to a maximum of ten thousand dollars.

MSC: to adjourn at 20:40

000138

AP1

**ELECTORAL AREA E APC MEETING MINUTES**

**Glenora Community Hall**

**March 26, 2009**

**Meeting called to order at 7:10 p.m.**

**PRESENT:**

**Director Area "E":** Loren Duncan

**Members:** David Coulson, Jim Marsh, Ben Marrs, Frank McCorkell, Dan Ferguson, David Tattam, Colleen MacGregor

**ABSENT:** Keith Williams, John Salmen and Darin George

**ORDER OF BUSINESS:**

**1. Election of Officers:**

**Chair** – Jim Marsh

**Vice-Chair** – Frank McCorkell

**Secretary** – Colleen MacGregor

**2. MOTION:**

It was moved to approve the Minutes of Nov. 13, 2008

**MOTION CARRIED**

**3. Directors Update** – next meeting set for April 16, 2009 at 6:00 pm at the Sahtlam Fire Hall.

**4. APPLICATION File # 8-E-08DP**

**Applicant:** Landale Signs & Neon Ltd.

**Delegates:** Dave Backstrom - Regional Director Brick Warehouse  
Jay Brown – Landale Signs & Neon Ltd.

**MOTION:**

It was moved and seconded that Application **File # 8-E-08DP** be approved.

**MOTION DEFEATED**

## **5. APPLICATION File # 10-E-07DP**

**Applicant :** Russ Crawford - Rocky Point Metalcraft Ltd.

**Delegate:** Rick Lloyd

### **MOTION:**

It was moved and seconded that Application **File # 10-E-07DP** be approved subject to the following recommendations:

- i.) That a productive well be drilled and tested as to adequate flow quantity, quality and impact on adjacent properties wells,
- ii.) That the proposed development does not negatively impact the peace and enjoyment of neighbouring residential parcels, and
- iii.) That the integrity of surface water and groundwater is protected from inappropriate development. The residents in the general area rely upon the aquifer for domestic water.

### **MOTION CARRIED**

**Meeting adjourned at 9:45 pm**

### **SECRETARY**

Colleen MacGregor

000140



## Advisory Planning Commission Minutes Area D – Cowichan Bay

**Date:** April 6, 2009  
**Time:** 7:00 PM

Minutes of the Electoral Area D Advisory Planning Commission held on the above noted date and time at Bench Elementary School, Cowichan Bay.

### PRESENT

<b>Chair</b>	Calvin Slade
<b>Vice-Chair</b>	Kevin Maher
<b>Secretary</b>	Dan Butler
<b>Members</b>	Al Jones
	Hillary Abbott
	David Slang
	Lillian Talbot
	Brian Hosking
	Jenny Searle
	Gord Rutherford
	Cal Bellerive

### ALSO PRESENT

<b>CVRD Rep</b>	None
<b>Guests</b>	Cathy Basskin Donna Einarsson

### Absent

<b>Director</b>	Lori Iannidinardo
<b>Alt. Director</b>	Leslie Heinio

### ORDER OF BUSINESS

#### 1. Election of a Permanent Chair Person

Brian Hosking has served as interim chair until a meeting with all members could be held.

Calvin Slade has been selected as the new Chair.

#### 2. Development Permit Application 3-D-08DP (McAlister/Shatzko)

##### Presentation By the Applicants

- The proposed development will encroach on the front and side yard setbacks, however, 11 of 12 current water lot residences either touch or encroach on neighbouring properties and there are currently 15 side yard setback encroachments.
- Will not be closer to the road or the water than a line drawn between neighbouring buildings.
- Proposed house will be further from the road than any existing house.
- Proposed height is 26' 6" above high water, which is less than the 32.8' permitted under the zoning bylaw.
- Proposing to park on the street in front of house as do 7 other houses on the strip.

- The existing garage has not been used to house a vehicle in the knowledge of the applicant.

### **Discussion**

Members had a wide ranging discussion about the merits and risks of the proposal including:

- Concerns were expressed about the siting (skew) and building height and the impact on views from the road and neighbouring properties.
- The proponents were complemented on the completeness of their presentation.
- Lack of parking was a concern.
- Good example of a project to renew the strip and an opportunity to build better with fire retardant materials.

### **Recommendation**

By a vote of 8 to 3, the members recommend that the application be approved subject to the following:

- That the applicant and CVRD staff determine if there is a practical way to provide off street parking in front of the building

### **3. Application to Sub-Divide Property within the ALR 1-D-09ALR (Pitcher)**

#### **Presentation By the Applicants**

- Application wishes to develop a market farm and market on the main property. Sale of the small parcel to their son will finance the development of the main farm.
- The son would assist on the farm.
- Main parcel is currently leased out for hay production.

### **Discussion**

Members discussions covered the following points:

- Perhaps a strata title would meet the need to house a relative and raise capital funds without sub-division.
- Existing property is already smaller than permitted by the current zoning and sub-division would worsen the problem of parcel sizes that were unsustainable for farming.
- The principle of protecting farm land is a core value for many residents.
- ALR rules permit sale of property to finance farm improvements but the approval process is onerous.
- ALC is the decision maker and they don't necessarily accept local government recommendations.

### **Recommendation**

By a vote of 7 to 4, the members decided not to make any recommendation on this application.

**NEXT MEETING**

Wednesday April 15 at 7:00 – Bench Elementary School

**ADJOURNMENT**

The meeting was adjourned at 9:15 PM

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**Dan Butler**  
**Secretary**