C·V·R·D

NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
March 2, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

Pages

1. **APPROVAL OF AGENDA** 1-2

2. **ADOPTION OF MINUTES**
   - **M1** Minutes of February 16, 2010 EASC Meeting 3-8

3. **BUSINESS ARISING FROM MINUTES**

4. **DELEGATIONS**
   - **D1** Ed Bourgeois regarding Application No. 2-I-10DP 9-32
   - **D2** Tony Brownlow regarding Application No. 1-G-10DVP 33-42
   - **D3** Edward and Gloria Aiken regarding Application No. 3-C-09ALR 43-58
   - **D4** Mike Boom regarding Application No. 1-B-10DP 59-96
   - **D5** Jennifer Kay regarding Application No. 1-H-09RS 97-190

5. **STAFF REPORTS**
   - **SR1** Staff Report from Brian Farquhar, Parks and Trails Manager, regarding Amendment to the Area I 2010 parks Budget 191
   - **SR2** Staff Report from Brian Farquhar, Parks and Trails Manager, regarding 2010 Community and Sub-Regional Parks Working paper Budgets 192-201
   - **SR3** Staff Report from Tom Anderson, General Manager, regarding AVICC 202
   - **SR4** Staff Report from Tom Anderson, General Manager, regarding Board of Variance Appointments 203-215

6. **APC**
   - **AP1** Minutes of Area I APC meeting of February 9, 2010 216-218
   - **AP2** Minutes of Area B APC meeting of February 4, 2010 219-220

7. **PARKS**
   - **PK1** Minutes of Area E Parks Commission meeting of February 18, 2010 221
   - **PK2** Minutes of Area B Parks Commission meeting of November 18, 2009 222
   - **PK3** Minutes of Area A Parks Commission meeting of February 4, 2010 223-225

8. CORRESPONDENCE

C1 Grant-in-Aid Request, Area C 226-227
C2 Grant-in-Aid Request, Area C..... 228-229
C3 Grant-in-Aid Request, Area B..... 230-231
C4 Grant-in-Aid Request, Area B..... 232-233
C5 Grant-in-Aid Request, Area B..... 234-235
C6 Ministry of Environment website information regarding upcoming Water Act Modernization workshops 236

9. INFORMATION

IN1 Newspaper clipping dated February 19, 2010, regarding Cobble Hill Improvements 237

10. NEW BUSINESS

11. PUBLIC/PRESS QUESTIONS

12. CLOSED SESSION

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

CSM1 Closed Session Minutes 238
CSSR1 Staff Report regarding Land Acquisition Section 90(1)(e) 239-243

13. NEXT MEETING

Tuesday, March 16, 2010

14. ADJOURNMENT

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

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

M 1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, February 16, 2010 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 K. Kuhn
Director I. Morrison
Director M. Dorey
Director L. Duncan
Director K. Cossey

CVRD STAFF

Tom Anderson, General Manager
Rob Conway, Manager
Mike Tippett, Manager
Dan Derby, General Manager
Kate Miller, Manager
Jill Collinson, Planning Technician
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding Staff Reports SR5 and SR6.

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

MOTION CARRIED

M1 & M2 - MINUTES

It was Moved and Seconded
That the minutes of the January 19, 2010 EASC meeting be accepted.

MOTION CARRIED

It was Moved and Seconded
That the minutes of the February 2, 2010 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Caporale

Jill Collinson, Planning Technician, presented Application No. 8-B-09DVP (Caporale Construction) to vary the front parcel line setback to construct a single family dwelling at 1854 Norbury Road.

Pat Caporale applicant, was present and provided further information to the application.

The Committee directed questions to the applicant.

It was Moved and Seconded
That Application No. 8-B-09DVP by Caporale Construction, on behalf of Charles and Karen Kerr, for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to the front parcel line for a residential use building from 7.5 metres to 4.5 metres, on Lot D, (being a consolidation of Lots 1 and 2, see FB313431) Section 1, Range 4, Shawnigan District Plan 1412, **be approved**, subject to the applicant providing a survey confirming compliance with the approved setback.

MOTION CARRIED

STAFF REPORTS

SR1 – Mountain Rd Sign

Dan Derby, General Manager, presented staff report dated January 29, 2010, regarding Exiting Fire Protection Area Sign for Mountain Road.

A question and answer session ensued.

It was Moved and Seconded
That a letter be sent to the BC Ministry of Transportation and Infrastructure requesting authorization and assistance from the Ministry to erect a sign at the boundary of the Eagle Heights Fire Protection area within Electoral Area E, advising residents and motorists of the boundary of the Fire Protection Area and that properties after that point are outside any fire protection area.

MOTION CARRIED

SR6 – Fire Dept. Budget

It was Moved and Seconded
That the proposed changes to the 2010 Fire Departments budget, as outlined in the Staff Report dated February 15, 2010 from Daniel Derby, General Manager, Public Safety, be approved.

MOTION CARRIED

SR2 – Water Balance Model

Kate Miller, Manager, presented staff report dated February 8, 2010, regarding the Water Balance Model web-based tool used to assist in determining development impacts of stormwater runoff.

A question and answer session ensued.

Director Giles volunteered to have her private property used to provide an example.

It was Moved and Seconded
That the Water Balance Model now be made available in the CVRD for developments that wish to make use of it to assist in determining stormwater runoff, and that the CVRD consider joining with other members of the Inter-governmental Partnership to modify the model as appropriate to conditions in the CVRD; and further, that staff be requested to provide an example using the software model on private property.

MOTION CARRIED

SR3 – Parhar Holdings

Rob Conway, Manager, presented staff report dated February 8, 2010, regarding conditions for issuance of Development Permit 5-E-07DP and 6-E-07DP (Parhar Holdings).

It was Moved and Seconded

1. That March 12, 2008 Board resolutions 08-173(22) and 08-173(23) be rescinded.
2. That Development Permit Application No. 5-E-07DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Parhar Holdings Ltd. for an 809 square metre warehouse building on Part of Lot 3, Section 13, Range 7, Quamichan District, Plan 4493, subject to submission of an irrevocable letter of credit for landscaping of $8,840.00 by April 30, 2010.
3. That Development Permit Application No. 6-E-07DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Parhar Holdings Ltd. for a 805.3 square metre warehouse at Part of Lot 4, Section 13, Range 7, Quamichan District, Plan 7797, subject to submission of an irrevocable letter of credit for landscaping of $10,223.00 by April 30, 2010.

MOTION CARRIED

It was Moved and Seconded
That staff be directed to report back to EASC outlining the existing CVRD development permit procedures process and how it might be improved to achieve compliance with development permit conditions.

MOTION CARRIED

SR4 – Boat Shelters, Area B

Rob Conway, Manager, presented Staff Report dated February 8, 2010, regarding proposed Area B OCP and zoning amendments respecting boat shelters.

It was Moved and Seconded
That staff be directed to prepare a bylaw to amend Shawnigan Lake Official Community Plan Bylaw No. 1010 but change proposed Policy 4.15 by deleting the last sentence "Owners of lakefront lots are encouraged to arrange for leases of the lake bed for such purposes through lake bed owner"; and prepare a bylaw to amend Area "B" Zoning Bylaw No. 985 to permit boat shelters in the Water Recreation (W-2) Zone; AND FURTHER, that the draft amendment bylaws be referred to the Area B Advisory Planning Commission, the Ministry of Environment, the Department of Fisheries and Oceans, and Transport Canada for review and comment.

MOTION CARRIED

SR5 – 2010 Budget Update

Tom Anderson, General Manager, provided an update to the Planning and Development 2010 budget noting that the CVRD had some considerable expenditures for legal fees in the last month of last year (ie. Rocky Point Metal Craft court case), and with impending court cases this, year it may be necessary to add about $20,000 into the legal fees budget.

APC

AP1 to AP4 - Minutes

It was Moved and Seconded
That the following APC minutes be received and filed:

- Minutes of Area H APC meeting of November 16, 2009
- Minutes of Area H APC meeting of December 10, 2009
- Minutes of Area H APC meeting of January 14, 2010
- Minutes of Area H APC meeting of January 17, 2010

MOTION CARRIED

PARKS

PK1 to PK3 – Minutes

It was Moved and Seconded
That the following Parks Commission minutes be received and filed:

- Minutes of Area H Parks Commission meeting of November 21, 2009
- Minutes of Area H Parks Commission meeting of January 28, 2010
- Minutes of Area F Parks Commission meeting of January 21, 2010

CORRESPOND-ENCE

C1 – Grant in Aid

It was Moved and Seconded
That grant-in-aid request, Area E, (Cowichan Food Connection, $1000) be tabled.

MOTION CARRIED

NEW BUSINESS

NB1 – Bee Keeping

Director Morrison advised of bee keeping issues in Area F and stated he would like to have zoning regulations and policies put into place to address these issues. He stated that he feels bee keeping should be supported as an agricultural activity and that the CVRD should have policies in place in all electoral areas respecting bee keeping practices.

A general discussion ensued.

It was Moved and Seconded
That staff be directed to investigate issues regarding bee keeping practices and the feasibility of amending Area F bylaws to include bee keeping policies and regulations, and report back to the EASC.

MOTION CARRIED

NB2 – Doug Marner

Director Morrison confirmed the February 14th passing of Doug Marner, editor of the *Lake Cowichan Gazette*, noting that the community is in shock. It represents a considerable loss to the news paper, and he will be sorely missed by the local community.

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 4:20 pm.

SM1 - Minutes

It was Moved and Seconded
That the minutes of the Closed Session EASC meeting of March 2, 2010, be accepted.

MOTION CARRIED

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 4:21 pm.

Chair

Recording Secretary

D1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 2, 2010

DATE:	February 23, 2010	**FILE NO:**	2-I-10 DP
FROM:	Alison Garnett, Planning Technician	**BYLAW NO:**	
SUBJECT:	Development Permit Application No. 2-I-10 DP (Bourgeois for Julseth)		

Recommendation:
That application No. 2-I-10DP be approved, and that a development permit be issued to Rebecca Julseth to permit the restoration of the Cowichan Lake shoreline, and to permit the construction of a single family dwelling on Lot 2, Block 136, Cowichan Lake District, Plan 60609, subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1456 by Ted Burns, R.P.Bio.,
- Compliance with the restoration plan "A Planting Plan for the Julseth Property in Youbou", provided by Ted Burns, amended version dated December 17, 2009,
- 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 only if the plantings are successful and to the satisfaction of a qualified environmental professional,
- A post development report is completed by a qualified environmental professional following build out, reporting on the success of the shoreline rehabilitation.

Purpose:
To consider the issuance of a Development Permit following works undertaken on a subject property located within the Watercourse Protection Development Permit Area. The construction of a single family home is also proposed.

Background:

Location of Subject Property: 10638 Youbou Road

Legal Description: Lot 2, Block 136, Cowichan Lake District, Plan VIP60609 (PID 023-012-161)

Date Application and Complete Documentation Received: January 26, 2010

Owner: Rebecca Julseth

Applicant: Ed Bourgeois

Size of Parcel: $\pm$ 1909 m^2 (0.5 acres)

Existing Zoning: R-3 Urban Residential 3 Zone

Minimum Lot Size Under Existing Zoning: 1600 m^2 ha if connected to community water and sewer system
0.2 ha if connected to community water system
2 ha if not connected to community water system

Existing Plan Designation: Residential

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North	Youbou Road and residential
South	Cowichan Lake
East:	residential
West:	residential

Services:

Road Access:	Youbou Road
Water:	Youbou community water is proposed
Sewage Disposal:	On-site system is proposed

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: The subject property is located on Cowichan Lake, and is therefore subject to the Watercourse Protection Development Permit Area.

Archaeological Sites: The CVRD has no knowledge of an archaeological site on the subject property.

Planning Division Comments:

The subject property is a vacant residential lot located on Cowichan Lake. In October 2009, a significant amount of clearing and alteration of the shoreline took place both below the high water mark and within the 30 metre Riparian Assessment Area of Cowichan Lake. The development of the shoreline was initiated without approval from the Ministry of Environment, pursuant to Section 9 of the *Water Act* (Works In and About a Stream), nor was a Development Permit applied for with the CVRD.

The applicant is now applying retroactively for a Watercourse Protection Development Permit, in accordance with the Youbou/Meade Creek Official Community Plan Bylaw No. 2650. They are additionally proposing to construct a house on the lot, located outside the lake's Streamside Protection and Enhancement Area (SPEA).

Ted Burns, a qualified environmental professional, has conducted a Riparian Areas Regulation (RAR) Assessment for the existing and proposed development, as well as a comprehensive restoration plan (see attachments). Both the report and restoration plan have been reviewed and approved by Peter Law, Habitat Officer from the Ministry of Environment.

The RAR report by Ted Burns establishes a 15 metre SPEA for the lake, and identifies a building envelope for the proposed house. In terms of rainwater management for the proposed residence, the report states that rock filtration pits will be constructed around the downspouts, and driveway run off will be directed to a rain garden. The SPEA boundary will be identified by split rail fencing. Approximately 420 m^2 of land will be restored with native plants.

A site visit by staff has confirmed that the entire shoreline is devoid of natural vegetation except for one large arbutus tree. Three levels of stacked boulder walls are constructed. The lowest wall, located at the high water mark, was constructed in 2006 prior to the implementation of the RAR, but was modified during the recent site works. Two additional rock walls were constructed in the SPEA in October 2009. A 1.5 metre footpath was also created, which will be retained to permit a walking trail to the beach, in accordance with the Riparian Areas Regulations. The applicant has provided a brief report prepared by a professional engineer, which states that the stacked boulder walls are stable (see attachments).

This staff report will not address each guideline of the Watercourse Protection DPA, as the development that has taken place does not comply with the guidelines. However, the owners are willing to restore the shoreline vegetation, and staff are recommending that a bond be posted by the owners to cover 120% of the landscaping costs of the restoration plan. With regards to the proposed house construction, that development will meet the relevant development permit guidelines, subject to complying with the recommendations of the RAR report.

Advisory Planning Commission Comments:
This application was not referred to the Electoral Area I Advisory Planning Commission.

Options:

1. That application No. 2-I-10DP be approved, and that a development permit be issued to Rebecca Julseth to permit the restoration of the Cowichan Lake shoreline, and to permit the construction of a single family dwelling on Lot 2, Block 136, Cowichan Lake District, Plan 60609, subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1456 by Ted Burns, R.P.Bio.,
- Compliance with the restoration plan "A Planting Plan for the Julseth Property in Youbou", provided by Ted Burns, amended version dated December 17, 2009,
- 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 only if the plantings are successful and to the satisfaction of a qualified environmental professional,
- A post development report is completed by a qualified environmental professional following build out, reporting on the success of the shoreline rehabilitation.

2. That application No. 2-I-10 DP not be approved in its current form, and that the applicant be directed to revise the proposal.

Option 1 is recommended.

Submitted by,

Alison Garnett,
Planning Technician
Planning and Development Department

Department Head's Approval:

Signature

AG/ca

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-I-10DP

DATE: February 23, 2010

TO: Rebecca Julseth

ADDRESS: 518 Selkirk Avenue

Victoria BC V9A 2T1

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

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

   Lot 2, Block 136, Cowichan Lake District, Plan VIP60609 (PID 023-012-161)

3. Authorization is hereby given for the rehabilitation of the subject property's shoreline and the construction of a single family home, in accordance with the conditions listed in Section 4, below.

4. The development shall be carried out subject to the following condition:
   - Compliance with the measures and recommendations outlined in RAR assessment report No. 1456 by Ted Burns, R.P.Bio.,
   - Compliance with the restoration plan "A Planting Plan for the Julseth Property in Youbou", provided by Ted Burns, amended version dated December 17, 2009,
   - 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 only if the plantings are successful and to the satisfaction of a qualified environmental professional,
   - A post development report is completed by a qualified environmental professional following build out, reporting on the success of the shoreline rehabilitation.

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

6. The following Schedule is attached:

   Schedule A – RAR Report No. 1456 by Ted Burns, dated October 26, 2009, including the site plan on page 7.

   Schedule B- A Planting Plan for the Julseth Property in Youbou, prepared by Ted Burns, amended version dated December 17, 2009.

7. This Permit is <u>not</u> 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. XXXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE DAY OF.

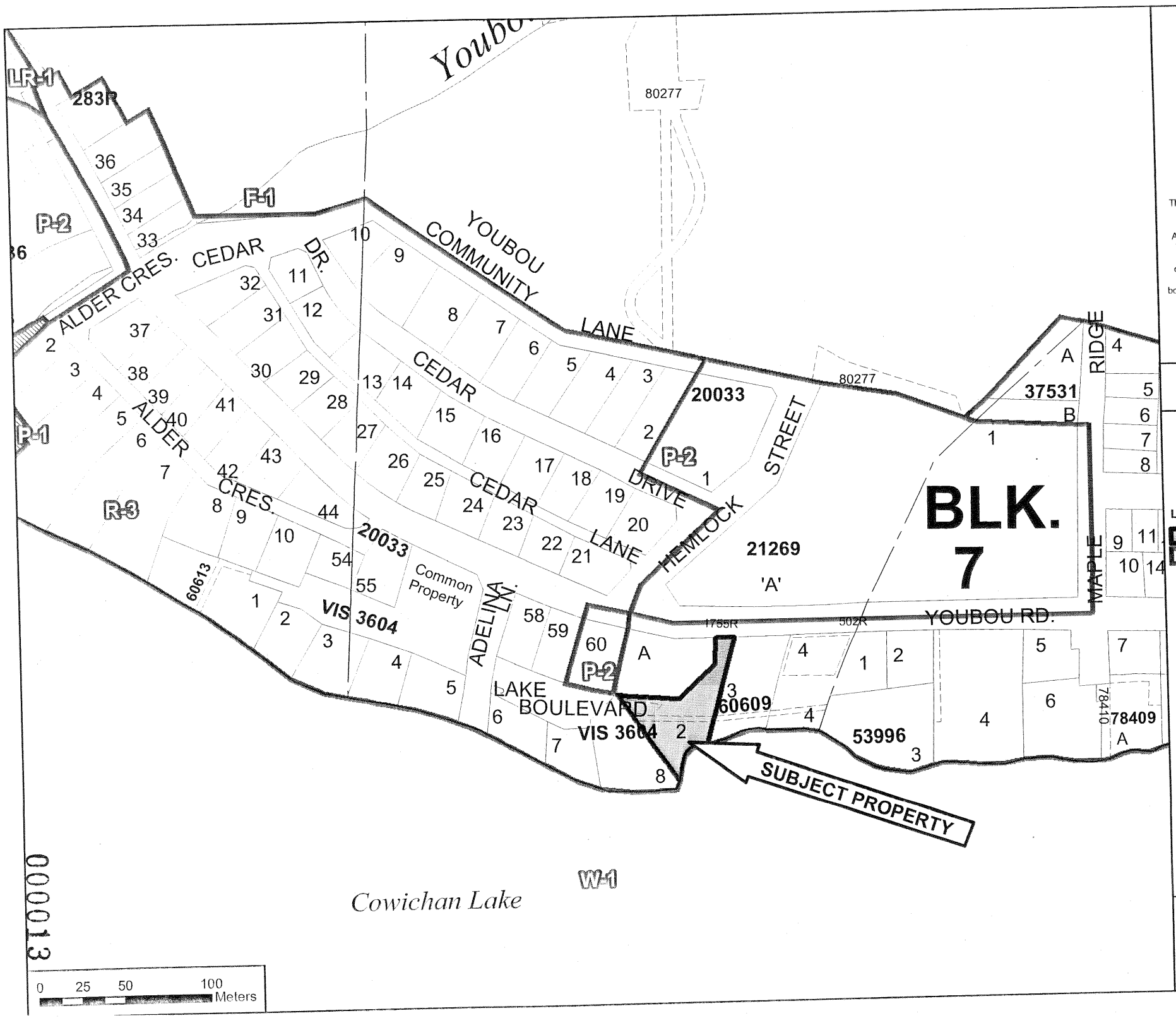
_____

Tom Anderson, MCIP
Manager, Planning and Development

<u>NOTE</u>: 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 _____other than those contained in this Permit.

Signature	Witness
Owner/Agent	Occupation
Date	Date



Cowichan Valley Regional District

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

The Regional District does not warrant the accuracy.

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

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

FILE: 2-I-10-DP-RAR

ZONING

Legend

- Subject Property
- Zoning Electoral Area I

N W E S

000013

Riparian Areas Regulation: Assessment Report

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

Date: October 26, 2009

I. Primary QEP Information

First Name	Ted	Middle Name			
Last Name	Burns				
Designation	Biologist	Company			
Registration #	895	Email tedburns@shaw.ca			
Address	9715 Epp Drive				
City	CHILLIWACK	Postal/Zip	V2P 6N7	Phone #	604-795-9716
Prov/state	BC	Country	CANADA		250-710-3075

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

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

III. Developer Information

First Name	Rebecca	Middle Name	
Last Name	Julseth		
Company			
Phone #	250- 361-0909	Email detailedproperties@shaw.ca	
Address	518 Selkirk Ave.		
City	VICTORIA	Postal/Zip	V9A 2T1
Prov/state	BC	Country	CANADA

IV. Development Information

Development Type	Single Family Residence		
Area of Development (ha)	.184	Riparian Length (m)	20
Lot Area (ha)	.007	Nature of Development	New
Proposed Start Date	November 09	Proposed End Date	October 2010

V. Location of Proposed Development

Street Address (or nearest town)	Lot 2. 10638 Youbou Road, YOUBOU		
Local Government	Cowichan Valley Regional District	City	DUNCAN
Stream Name	Cowichan Lake		
Legal Description (PID)	015-009-980	Region	Vancouver Island
Stream/River Type	LAKE	DFO Area	South Coast
Watershed Code	9202577		
Latitude	48 53 00	Longitude	124 13 00

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

Table of Contents for Assessment Report

Page Number

1. Description of Fisheries Resources Values 3-4

2. Results of Riparian Assessment (SPEA width) 5-6

3. Site Plan 7

4. Measures to Protect and Maintain the SPEA (detailed methodology only).
   1. Danger Trees..... 8
   2. Windthrow..... 8
   3. Slope Stability..... 8
   4. Protection of Trees..... 8
   5. Encroachment 8
   6. Sediment and Erosion Control..... 9
   7. Floodplain..... 9
   8. Stormwater Management..... 9

5. Environmental Monitoring 10

6. Photos 11-14

7. Assessment Report Professional Opinion 15

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

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

Nature of Development

A single family residence of approximately 2500 square feet will be constructed on the upland portion of this ha lot some 7-10 m inland from the SPEA. The property is located in Youbou in the western part of Reach 52 of Cowichan Lake's north shore. The property was cleared prior to this assessment (the owners were unaware of their responsibility to RAR prior to a visit from Peter Law, MOE Habitat Biologist). All that remains in the disturbed SPEA is a damaged arbutus tree and a small wedge of vegetation on the west side of the lot. The upper portion of the shore zone is taken up by a rock wall which has existed since about 2006. The wall was recently modified.

Fisheries Resource Values

Cowichan Lake is a large, deep, oligotrophic coastal lake. It covers a surface area of 62,043,000 m^2, has a volume of 3,109,138,000 m^3 and a perimeter of 102,740 m. The shore zone has been divided into 85 reaches and sub-reaches (Burns, 2002)

Table 1: Cowichan Lake Physical Description

Elevation	Area (m^2)	Volume (m^3)	Mean Depth (m)	Max. Depth (m)	Perimeter (m)	Reaches
160 -165	62,043,000	3,109,138,000	50.1	152	102,740	85

Cowichan Lake is utilized by rainbow and cutthroat trout, brown trout, Dolly Varden char, kokanee and chinook and coho salmon. Chum salmon also use the lake on a short term basis. Threespine sticklebacks and sculpins are also present (*Cottus asper* and *Cottus aleuticus).* The Cowichan Lamprey is also present (Table 2).

Table 2: The fishes of Cowichan Lake and their relative abundance

Species	Relative Abundance
Coho salmon	Very abundant in the shore zone between May and July but numbers fluctuate between years and between habitat types, distribution is by no means uniform. In cool, moist summer, coho juveniles are able to persist in the shore zone throughout the summer. In hot summers, they are forced to go deep in the lake until cooling occurs which is generally in the second week in October.
Three – spine stickleback	Very abundant in the shore zone for most of the year
Kokanee	Very abundant but mainly in open water
Cutthroat trout	Abundant. At least two races or forms in the lake.
Rainbow trout	Abundant but slightly less so than cutthroats
Dolly Varden	Formally abundant especially in the west portion of the lake but have declined markedly of late. Now much less common.
Chinook salmon	Scarce. Very abundant prior to 1950's in the form of early run (June) fish that held in the lake until fall rains then spawned in a number of tributaries.

Chum salmon	Not abundant, spawns in several tributaries in small numbers, total escapement to the lake tributaries is usually less than 1000. Very occasional beach spawning near Youbou. Young are in shore zone from late April to June.
Brown trout	Rare
Cowichan Lamprey	Abundant
Prickly Sculpin	Abundant in the shore zone
Aluetian Sculpin	Common

Of the Cowichan Lake fish community, three spine sticklebacks and coho salmon are the most at risk from development adjacent to the lake because they are most dependent on shore zone habitat. All juvenile salmonids winter in the shore zone (inland extent of riparian vegetation and, in most cases, seasonal wetting, to the 6 m contour offshore). But coho and sticklebacks are present in all but the warmest weather periods when water temperature exceeds 22°. However they are not present in numbers in all habitats being largely limited to protected, well vegetated Class 1 and 2 shores. The subject property is a Class 3 shore zone (Reach 52) and supports low to moderate numbers of sticklebacks and juvenile coho between May and mid – July. In occasional cool, moist summers, young coho remain in the shore zone all year. Reach 52 is 2800 m in length. It is also one of the most heavily intruded reaches of Cowichan Lake. A large percentage of the shore zone is on residential property where residents have cleared riparian vegetation, constructed bulkheads (retaining walls) and boat launches and even imported sand in attempts to create beaches. Of the 87 properties along the reach, 10 were considered to have light impact, 26 were judged moderate and 31 were rated as having heavy impact on the biology of the shore zone. It must be said however that R 52 is moderate to highly exposed to wave attack from both the SE and SW and some form of shore protection is generally justified.

Riparian Condition

On October 10, 09 a transect was run form the low water mark on that date up to the back end of the property near the centre of the property.

Table 1: Conditions Along a Transect Near the Centre of the Lot

Distance (m)	Comments
0	Begin at LWM. The lake is very low and it is less than 5 m out to the drop off. This is an exposed gravel – broken rock shore with no vegetation.
2.1	Outer face of westerly part of wall, wall is about 2.7 m high
9.7	Outer face of easterly part of wall
15.5	Outer edge of second wall which is 1 m high
17	Approximate HWM taken from the lay of the land and a 1998 video produced by the Cowichan Lake Salmonid Enhancement Society. There was no rock on the property in 1998 although some had been placed on the adjacent property – The Mill Guest House. Most of the Guest House rock was placed in 2000. The HWM is quite variable on this lot. It curves from east to west and is much closer to the upland in the west portion of the lot. No vegetation is present anywhere as yet. The wall was shifted lake ward some 3 m very recently (October 7, 8). In 1998, there was a band of willows and red osier between the HWM and the upland. The shore zone here was a small bight somewhat protected from the SW waves. Evidently the SE waves did not cause much havoc either (offshore boom sticks are present) but the potential is certainly there. An entire point on the west side of this property was taken out
18.8	Lone arbutus on 10-15 % slope which is raw soil.
29	Land levels off
32	Outer edge of SPEA
39	Approximate outer edge of house
51	Inner (north) edge of lot

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: October 26, 2009

Description of Water bodies involved (number, type): 1 lake

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

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

	Channel Width(m)	Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low		
mean		

	R/P	C/P	S/P
Channel Type			

I, _____ (*name of qualified environmental professional*), hereby certify that:

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

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, (Ted Burns) , hereby certify that:

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

Polygon No: [ ]

	LC	SH	TR
SPVT Type			x

Method employed if other than TR

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

Zone of Sensitivity (ZOS) and resultant SPEA

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

I, (Ted Burns), hereby certify that:

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

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth);

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

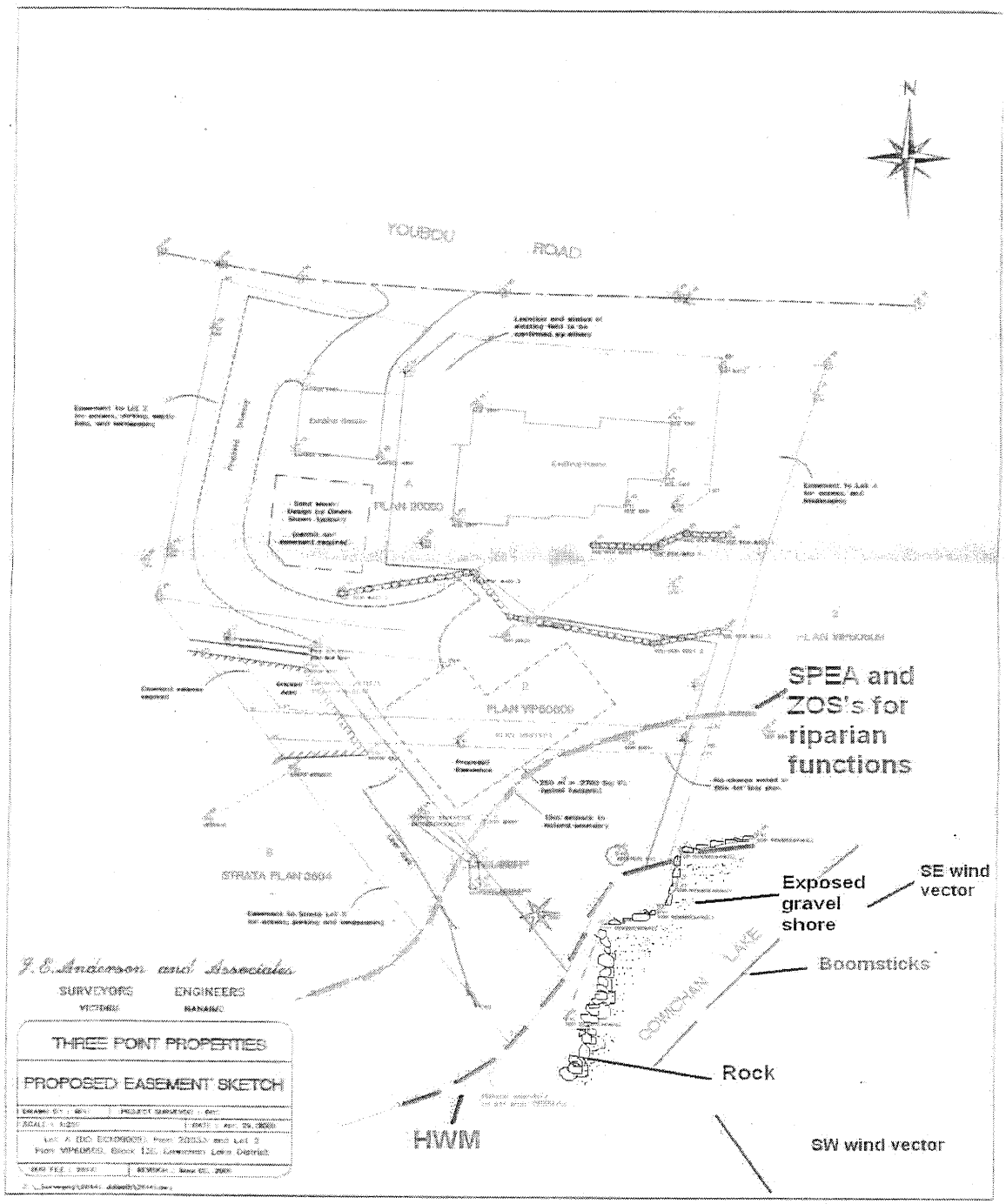
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

The barren SPEA needs to be restored. The site is south facing and quite dry. Some 420 m^2 needs to be planted with species such as Ocean Spray, maple, salal, Indian Plum, Pacific Dogwood, Bracken and kinickinnick. Invasives also need to be controlled. Himalayan Blackberry, Broom, Daphne Laurel, Japanese Knotweed, Morning Glory and English Ivy are close by. Willows and red osier can be planted in front of the wall. Willow volunteers are starting to appear in the eastern part of the wall which is some 5 - 6 m inland from the outer edge of the western part of the wall.

Section 3. Site Plan

Insert jpg file below



Site Plan

Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	No danger trees are present. In fact, for the vast majority of the SPEA, just one arbutus is present. There is a narrow wedge of landscaped vegetation on the western edge of the property. The fringe includes 11 maples and I large Douglas fir 1.1 m dbh. The wedge is approximately 5 x 10 m.
I, (Ted Burns), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth) ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	Not a concern, just one arbutus is close to where a house will be built and its largest branches were recently knocked off by an excavator. There is a large Douglas fir in the wedge of vegetation on the west side but the branches are trimmed periodically and the tree appears to be very wind firm.
I, (Ted Burns), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The slope is gentle and stable: 10-15 % for the first 12 m behind the walls then nearly level. There are no stability issues.
I, (Ted Burns), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Aside from the lone arbutus which will be snow fenced off to outside the drip zone, there are no trees left on the property except the few along the wedge boundary with the Guest House property where another snow fence will be erected.
I, (Ted Burns), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

5. Encroachment	A split rail fence and SPEA posts will be established along the SPEA boundary to prevent encroachment. It is likely that the owners will want to access the beach or what's left of it. A 1.5 m path will be established on the near the east boundary of the property that will provide directed access to the beach or any future wharf.

I, (Ted Burns) , hereby certify that:

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

b. I am qualified to carry out this part of the assessment of the development proposal made by the developer . (Rebecca Julseth) ;

c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

6. Sediment and Erosion Control	The land clearing phase is nearly complete along with access road construction. A catch basin will be constructed along the outer edge of the SPEA to capture any runoff from further construction activities.

I, (Ted Burns) , hereby certify that:

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

b. I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth;

c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

7. Stormwater Management	Rock filtration pits will be constructed around the downspouts and driveway runoff will be directed to a rain garden basin at the western edge of the SPEA.

I, (Ted Burns) , hereby certify that:

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

b. I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth) ;

c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

8. Floodplain Concerns (highly mobile channel)	The home site portion of the property is well elevated above Cowichan Lake's 200 year flood level (167.3 m).

I, (Ted Burns) , hereby certify that:

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

b. I am qualified to carry out this part of the assessment of the development proposal made by the developer (Rebecca Julseth) ;

c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

Section 5. Environmental Monitoring

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

Pre-Construction

A meeting will be held with the owner, property manager and contractor prior to the next phase of construction to explain the measures to protect the SPEA and Cowichan Lake and to discuss the necessary measures to restore the SPEA to a high level of natural function. Aside from the lone arbutus, it is barren aside from a small wedge of vegetated land on the SW edge of the property which as been managed as part of the next property to the west (the old BCFP guest house for the former Youbou Mill).

During Construction

The site will be monitored at least twice during construction.

Post Development

A post development report will be prepared following build out. The report will document how well the construction complied with the SPEA protection measures and recommend any remedial measures that may be necessary.

Section 6. Photos

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

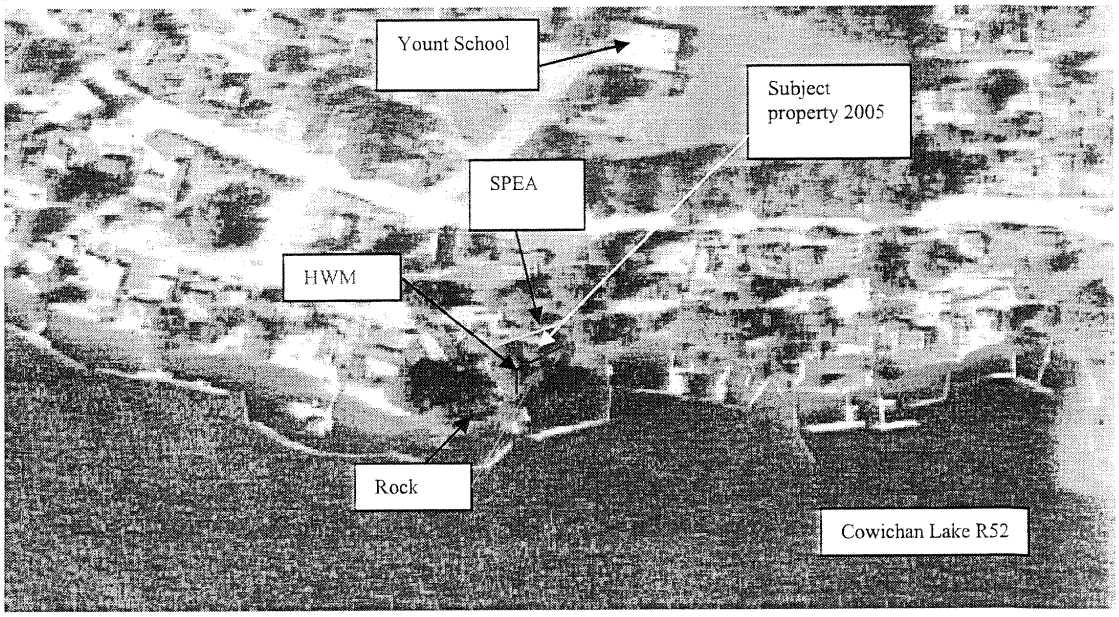


Figure 1: 2005 SHIM Orthophoto

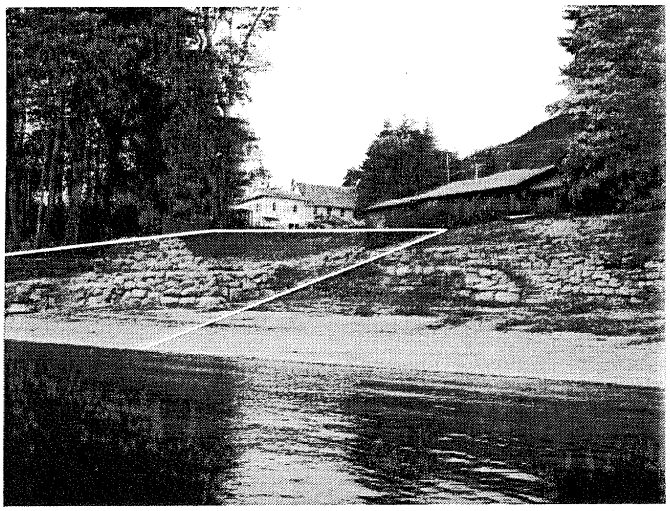


Photo 1: looking NW at the property from a nearby wharf. Property lines are imposed. Oct. 9, 09 when the lake was very low.

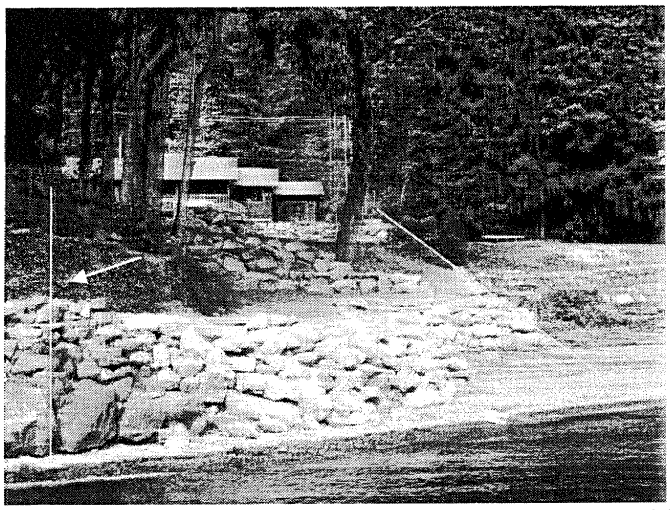


Photo 2: Another frontal view from October 10, 09. Note the west part of the wall is almost out to the low water mark. The natural HWM is up more or less in line with the arbutus and the wall on the property to the east. The water doesn't get that high but the inland extent of high water would be just in front of the tree. Some of the vegetation on the left is on the subject property. The west pin can be seen as an orange pinpoint in the left centre in front of the yellow arrow.

Photo 3: The SPEA (inland boundary is up by the rock pile) is in a highly disturbed condition. Some 420 square metres needs to be restored.

Photo 4: A view of the home site. Green line represents the SPEA of 15 m from the lake's HWM.

Section 7. Professional Opinion

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

Date | October 14, 2009 |

1. I/We Ted Burns

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

hereby certify that:

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

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

a) [ ] if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

b) [X] if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the

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

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

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,

(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and

(c) the individual is acting within that individual's area of expertise

A Planting Plan for the Julseth Property in Youbou

Background

Lot 2 at 10638 Youbou Road (Julseth property) was cleared and grubbed in October of 09 and some additional work was performed on a rock retaining wall complex below the high water mark of Cowichan Lake. The work was done outside the BC Water Act (Section 9) and Riparian Assessment processes that are legally required for this type of development. A RAR report was submitted on October 26, 2009 and part of the recommendations was restoration of the 15 m SPEA which is now essentially bare soil except for a small wedge of largely manicured vegetation on the western edge of the lot.

Restoration Recommendations

Approximately 420 m^2 of land is involved and the majority is dry upland of the Salal-Oregon Grape Ecotype. Aside from the indicator species, shrubs such as Ocean Spray, Snowberry, trailing blackberry and kinickinnick are common in this ecotype and were found in relatively undisturbed areas adjacent to the Julseth Property. Some 40 m^2 of the property is shore zone but relatively exposed because of the it's position in relation to southeast and southwest winds (there is considerable fetch in both directions) and because it has been narrowed by the rock fill which covers the most inland and protected portion of the shore zone. The shore zone is effectively narrowed to a 1-2 m wide swath in front of the rock walls. Some willow volunteers have appeared in this zone but their survival is problematical.

Upland

The approximate 380 m^2 of upland will be planted with a mix of shrubs, ferns and trees. Ocean spray, Snowberry, Kinnickinnick, Thimbleberry, Bracken and Swordfern will be planted along with Indian Plum, Big Leaf Maple, Pacific Dogwood and Arbutus. Plants will be both whole plants and sprouted hardwood cuttings. Some conifers will also be added if the owner is agreeable. Douglas fir and Western Red Cedar can be utilized. Plant density will approximate $1/m^2$.

Shorezone

Willow and red osier live stakes will be utilized for the foreshore area in front of the walls.

Additional Measures

Because Himalayan Blackberry, English Ivy, Broom and Daphne Laurel are common on adjacent properties, it will be necessary to remove these plants from the near vicinity and keep removing them until the property is developed and sold. It will be necessary to advise the new owner of the need to continue managing the SPEA invasives.

Time Frame

Planting will take place between January and March of 2010.

Addendum

The following additional measures will be incorporated:

1. A low fence will be erected along the inland edge of the SPEA (as stipulated in the RAR report for this property - # 1456) to separate the developed land from the SPEA.
2. Willow stakes will also be planted in available spaces within the rock wall by driving longer stakes into the spaces. A marlin spike or long piece of rebar will likely have to be used to create pilot holes.
3. Plant survival will be monitored for at least two years after planting. Watering will take place if necessary. The upland is quite dry and there could be survival problems during hot, dry spells.

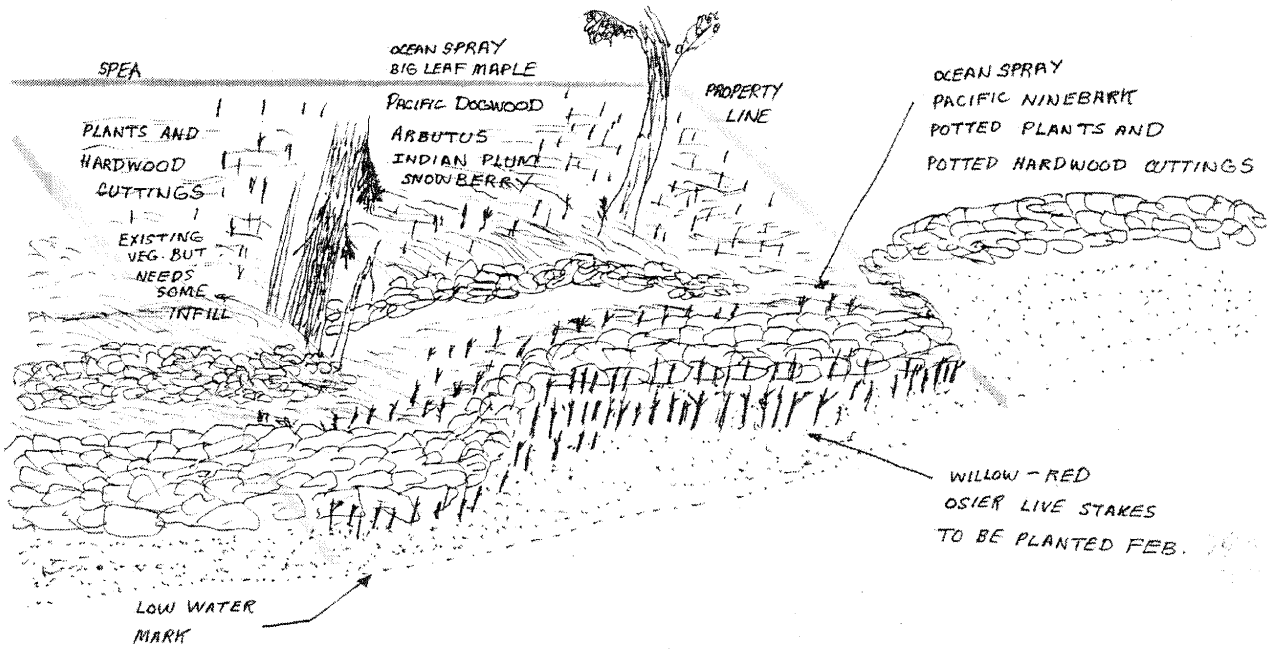
Ted Burns

Biologist

December 3, 2009

Amended December 17, 09

Planting Plan for
Julseth Property



planting will occur
from January to March
2010

Levelton Consultants Ltd.

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

FIELD REVIEW REPORT

PROJECT: **Foreshore Stack Boulder Walls**	Report No **1**	In Attendance:
LOCATION: **10638 Youbou Road, Youbou, BC**	Date: **Nov 13, 2009**	**Ed Bourgeois – Detailed Properties**
CONTRACTOR: **Three Point Properties**	Project No: **VI09-1615**	
OWNER: **Three Point Properties**	Time: **2:30pm**	**Ryan Bouma - Levelton**
CONTRACT REF **Jack Joseph**	Weather: **Sunny, cool**	

OBSERVATIONS/REMARKS/ACTIONS BY: **Ryan Bouma, EIT.**

1. At the time of the site visit, construction of three stacked boulder walls had been completed within the backyard of the existing house;
2. The walls ranged from 1.2m to 1.8m in height towards the lake foreshore;
3. The lowest wall was buried in the lake water approximately 0.8m from the wall base at the time of the site visit;
4. It was discussed that the water level at the time of the visit was seasonally high;
5. The walls were constructed with relatively small boulders (0.6 to 0.9m diameter) and sloped back at an approximate ¾ (hor:ver) face batter;
6. It was discussed that the walls were backfilled with native silty sand and gravel and compacted with a hoe packer;
7. The observed stacked boulder walls are considered stable.

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
T. A. MOUSE
#29660

6

LEVELTON CONSULTANTS LTD.

Per: _____

Distribution:
Three Point Properties: Jack Joseph – Fax# 250-388-3911
Detailed Design: Ed Bourgeois – Fax# 250-737-1766
Page 1 of 1

FAX
NOV 17 2009
Page

C·V·R·D

D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 2, 2010

DATE:	February 18, 2010	**FILE NO:**	1-G-10DVP
FROM:	Jill Collinson, Planning Technician	**BYLAW NO:**	2524
SUBJECT:	Development Variance Permit Application No. 1-G-10DVP (Brownlow)		

Recommendation:
That the application by Tony Brownlow for a variance to Section 5.3(4) Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 3 metres, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks, but the variance to Section 5.3(5) of Zoning Bylaw No. 2524, increasing the height of an accessory building from 6 metres to 6.5 metres **be denied**.

Purpose:
To consider an application to relax the setback from a rear parcel line and increase the permitted height for an accessory building.

Background
Location of Subject Property: 10746 Chemainus Road,

Legal Description: Lot 7, District Lot 31, Oyster District, Plan 7171, Except Part in Plan 17850, *(PID 000-436-356)*

Date Application and Complete Documentation Received: January 5th, 2010

Owner: Tony Brownlow

Applicant: As above

Size of Parcel: 0.29 acre (0.12 hectare)

Zoning: R-2

Setback Permitted by Zoning:	7.5 metres from rear parcel line
Height Permitted by Zoning:	6.0 metres for accessory buildings
Proposed Setback:	3.0 metres from rear parcel line

Proposed Height: 6.5 metres for accessory buildings

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential (R-2)
South:	Residential (R-2)
East:	Residential (R-2 and R-3)
West:	Residential (R-2)

Services:

Road Access:	Chemainus Road
Water:	Saltair Water System Service
Sewage Disposal:	Septic Field

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None identified

The Proposal:

An application has been made to: vary Section 5.3(4) and 5.3(5) of Zoning Bylaw No. 2524 of Electoral Area G – Saltair.

For the purpose of: issuing a Development Variance Permit for construction of a 6.5 metre high accessory building located 3.0 from the rear parcel line.

Surrounding Property Owner Notification and Response:

A total of eighteen (18) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. During the two week period provided for a written reply, we have received one letter in support of the variance from the immediate neighbour at 10758 Chemainus Road.

Planning Division Comments:

The subject property is a corner lot located at 10746 Chemainus Road in Electoral Area G, Saltair. This 0.29 acre property is flat, fenced on three sides, with raised garden beds and limited natural vegetation. As it is adjacent to both Chemainus Road and Saltair Road, clarification of the front parcel line is necessary. The shortest parcel boundary contiguous with a road is specified in the Zoning Bylaw 2524 as the front parcel boundary. In this case, the boundary along Saltair Road is noted as the front parcel line, resulting in the most opposite parcel boundary defined as the rear parcel line.

Currently there is a single family dwelling and a detached garage located on the subject property. The applicants are proposing to construct a new garage on the northwest corner of the lot. Their existing garage will be removed upon completion. A Development Variance Permit is required as the applicants are requesting to vary the setback to the real parcel line from 7.5 metres to 3 metres, as well as increasing the maximum permitted height of an accessory building from 6 metres to 6.5 metres.

The applicants are requesting a height variance of 0.5 metres, from 6.0 metres to 6.5 metres, for the height of an accessory building as they have purchased pre-fabricated loft garage that is 6.2 metres in height. The applicants are also requesting to vary the rear parcel line as abiding by the 7.5 metre setback would situate the proposed garage on top of their existing septic field. Reduction of the 7.5 metre setback to 3.0 metres also ensures equidistance parcel line siting of the garage in the northwest corner of the lot as the setback to the interior side parcel line is 3.0 metres.

Adjacent neighbouring homes, specifically 3905 Saltair Road and 10758 Chemainus Road, are not situated at their respective minimum setbacks near the applicant's rear parcel line. The neighbouring dwelling to the west, at 3905 Saltair Road, is positioned in the southwest corner of its lot and the neighbouring dwelling to the north, at 10758 Chemainus Road, has some large trees and a hedge providing a buffer between itself and the applicant's rear parcel line. 10758 Chemainus Road has written in support of the proposed variance.

Staff is recommending approval of the real parcel line variance request as approval permits preferred building siting on the lot, as well as greater distance from the existing septic field. Staff is recommending denial of the height variance as it is believed the building can be modified to comply with existing zoning regulations.

Options:

1. That the application by Tony Brownlow for a variance to Section 5.3(4) Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 3 metres, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks, but the variance to Section 5.3(5) of Zoning Bylaw No. 2524, increasing the height of an accessory building from 6 metres to 6.5 metres **be denied**.

2. That the application by Tony Brownlow for a variance to Section 5.3(4) and 5.3(5) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 3 metres, and increasing the height of an accessory building from 6. Metres to 6.5 metres, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks and height

3. That the application by Tony Brownlow for a variance to Section 5.3(4) and (5) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 3 metres, and increasing the height of an accessory building from 6 metres to 6.5 metres, **be denied.**

Option 1 is recommended.

Submitted by,

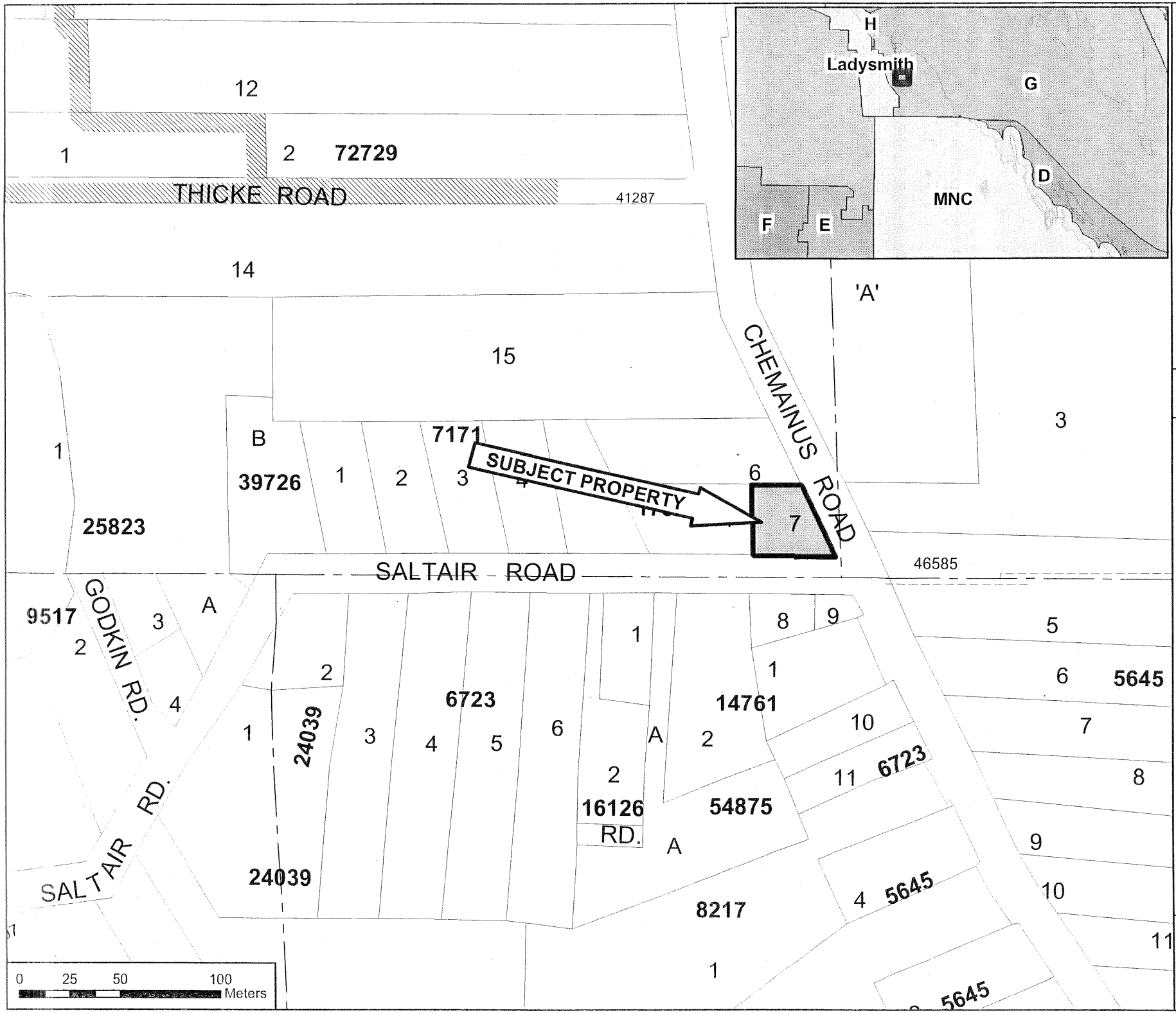
J. Collinson

Jill Collinson, Planning Technician
Development Services Division
Planning and Development Department

JC/ca

Department Head's Approval:

Signature



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.

000037

FILE: 1-G-10 -DVP

Legend

Subject Property

N W E S

5.3 R-2 SUBURBAN RESIDENTIAL 2 ZONE

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

1. **Permitted Uses**

   The following principal uses and no others are permitted in the R-2 Zone:
   (a) Single family dwelling;

   The following accessory uses are permitted in the R-2 Zone:
   (b) Restricted agriculture;
   (c) Bed and breakfast accommodation;
   (d) Home-based business;
   (e) Secondary suite, on parcels 0.4 ha or larger in area;
   (f) Residential day care centre;
   (g) Buildings and structures accessory to a principal permitted use.

2. **Minimum Parcel Size**

   The minimum parcel size in the R-2 Zone is 1 hectare for parcels not connected to a community sewer system, and 0.4 hectare for parcels connected to a community sewer system.

3. **Number of Dwellings**

   Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-2. For parcels zoned R-2 that are 0.4 hectare in area or larger, one secondary suite is also permitted.

4. **Setbacks**

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

Type of Parcel Line	Principal and Accessory Residential Use	Restricted Agricultural Use
Front parcel line	7.5 metres	30 metres
Interior side parcel line	3.0 metres	15 metres
Exterior side parcel line	4.5 metres	15 metres
Rear parcel line	7.5 metres	15 metres

5. **Height**

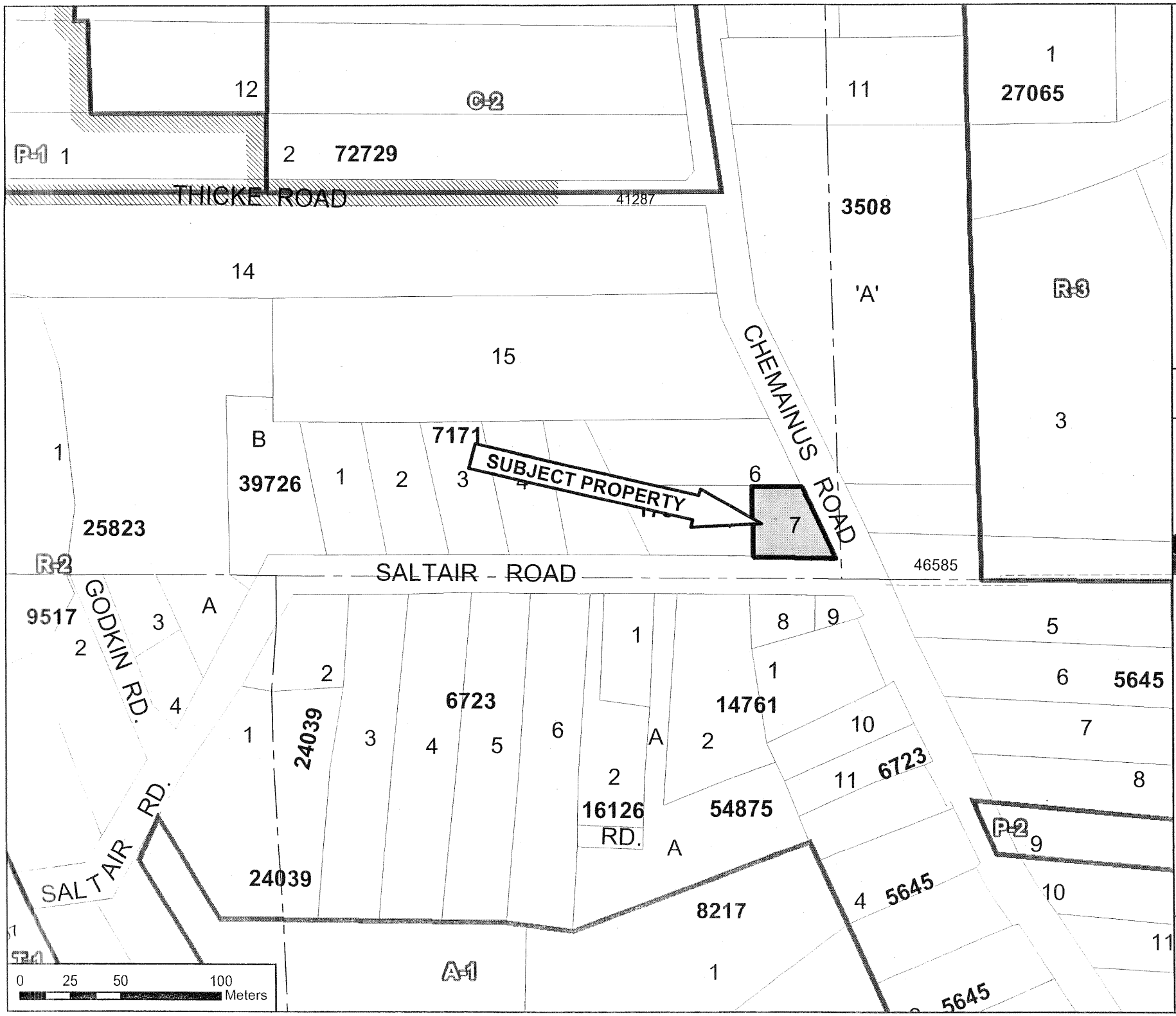
   In the R-2 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 6 metres, except in accordance with Section 3.8 of this Bylaw.

6. **Parcel Coverage**

   The parcel coverage in the R-2 Zone shall not exceed 25 percent for all buildings and structures.

7. **Parking**

   Off-street parking spaces in the R-2 Zone shall be provided in accordance with Section 3.13 of this Bylaw.



Cowichan Valley Regional District

000039

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.

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

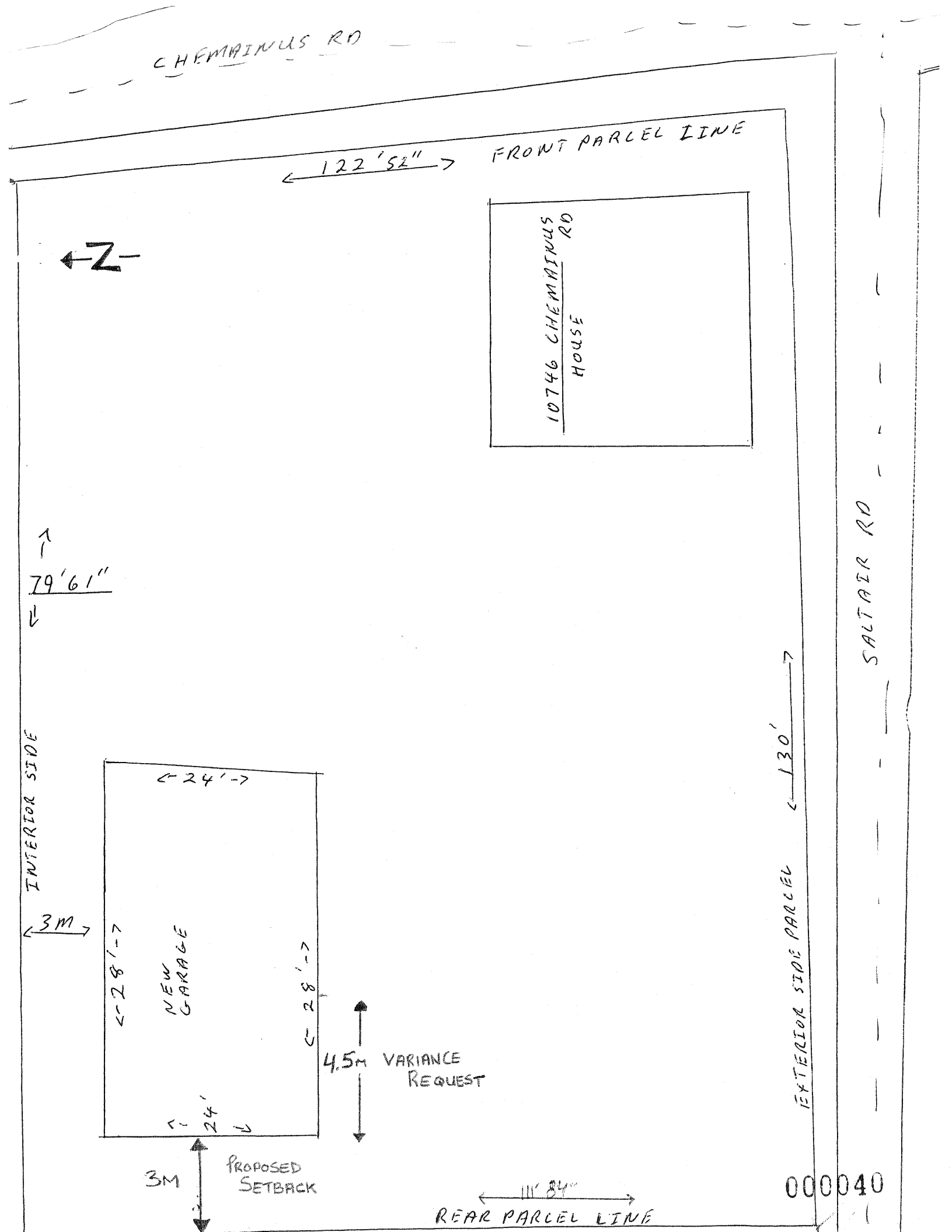
FILE: 1-G-10 -DVP

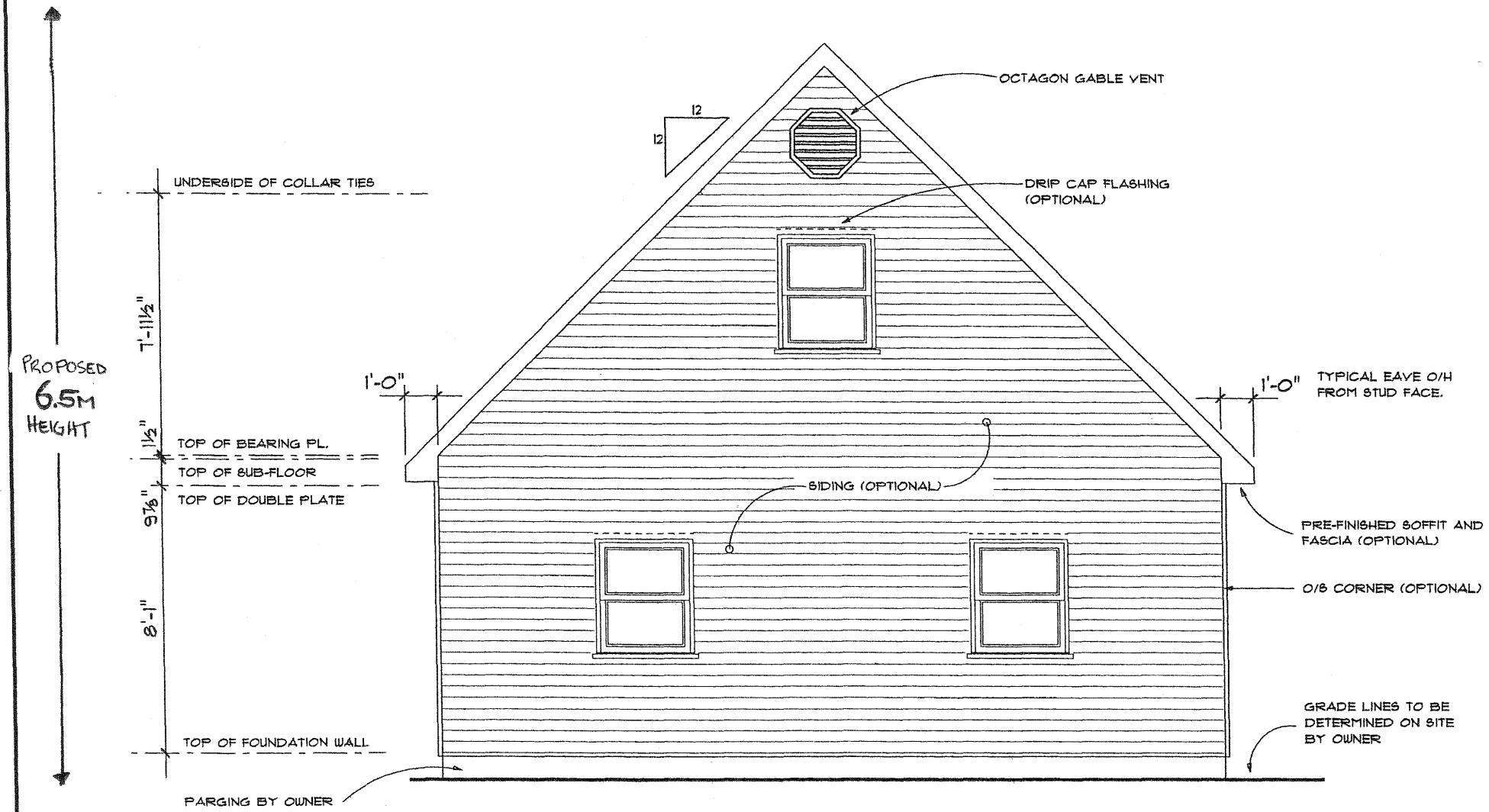
ZONING

Legend

- Subject Property
- Zoning Electoral Area G

N W E S


CHEMAINUS RD
FRONT PARCEL LINE
122'52"
N
10746 CHEMAINUS RD
HOUSE
79'61"
SALTAIR RD
130'
INTERIOR SIDE
24'
3m
28'
NEW GARAGE
28'
4.5m VARIANCE REQUEST
24'
3M
PROPOSED SETBACK
111'84"
REAR PARCEL LINE
EXTERIOR SIDE PARCEL



RIGHT ELEVATION

REVISIONS	DATE		MODEL	DRAWING		PROJECT NUMBER
		A DETAIL NUMBER B SHEET NUMBER - WHERE DETAIL REQUIRED C SHEET NUMBER - WHERE DETAILED NOTES	LOFT GARAGE 28' X 24'	RIGHT ELEVATION		0366280
			CUSTOMER	SCALE NOT TO SCALE	CHECKED BY	SHEET NUMBER
			STORE	DATE MAY 2003	DATE	2 | 12
				DRAWN BY		

Home building centre

THIS DESIGN AND CONSTRUCTION DRAWING IS THE PROPERTY OF HOME HARDWARE STORES LIMITED AND IS NOT TO BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION

January 13, 2005 09:36 AM
000041

Jill Collinson

From: CVRD Development Services
Sent: Monday, February 08, 2010 8:30 AM
To: Jill Collinson
Subject: FW: 1-G-10DVP(Brownlow)

From: Rod M [mailto:rdgsalt@gmail.com]
Sent: Sunday, February 07, 2010 8:57 AM
To: CVRD Development Services
Subject: 1-G-10DVP(Brownlow)

February 7.2010

Jill Collinson
Development Services Division

Greetings ,this is to inform your department that as a neighbor to subject property I fully endorse ,support and approve the Development Variance Permit application made by Tony Brownlow. The proposed project is welcomed gladly.

Roderick Mark
10758Chemainus rd.
Ladysmith

D3

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 2, 2010

DATE: February 24, 2010 **FILE NO:** 3-C-09 ALR

FROM: Jill Collinson, Planning Technician **BYLAW NO:**

SUBJECT: Application No. 3-C-09ALR (Aiken)

Recommendation:
That Application No. 3-C-09ALR submitted by Edward and Gloria Aiken 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, on the condition of a no further 946 subdivision covenant being registered on both parcels and that ALC resolution #450/2005 be rescinded

Purpose:
To subdivide the subject property pursuant to Section 21(2) of the *Agricultural Land Commission Act.*

Background:

Location of Subject Property: 3713 Holland Ave

Legal Description: Lot 1, Section 14, Range 6, Shawnigan District, Plan 15656, Except that part in Plan 26786 and Plan VIP55748 (*PID: 000-468-215)*

Date Application and Complete Documentation Received: November 5, 2009

Owner: Edward and Gloria Aiken

Applicant: As above

Size of Parcel: Approximately 8.29ha (±20.5acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Residential and Silviculture

Existing Use of Surrounding Properties:

North: Institutional (Zoned P-1)
South: Residential (Zoned R-3)
East: Agricultural/Residential (Zoned A-1) and Light Industrial (Zoned I-1C)
West: Agricultural/Residential (Zoned A-1)

Services:

Road Access: Holland Road and Galliers Road
Water: Well
Sewage Disposal: Septic system

Agricultural Land Reserve Status: In

Soil Classification (if ALR applicable):

Revised CLI Maps:
$\pm 20\%\ 5\underset{P}{\underline{A}}^{7} - 4\underset{P}{\underline{A}}^{3}\ (5\underset{P}{\underline{A}}^{7} - 3\underset{T}{\underline{P}}^{3}),\ \pm 30\%\ 5\underset{P}{\underline{A}}\ (3\underset{A}{\underline{P}}^{5} - 5A^{5}),\ \pm 50\%\ 5\underset{P}{\underline{A}}\ (4P)$

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
3	-	21
4	6	50
5	94	29
TOTAL	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 nonarable 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 "P" indicates stoniness;
- Subclass "T" indicates topography limitations;

See Comments in 'Agricultural Capabilities'

Environmentally Sensitive Areas: None identified

Archeological Site: None 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 subject property's Official Community Plan (OCP) designation is Agriculture. The OCP supports the designation and retention of agricultural land as evident in agricultural policies found in Section 5.1 of Electoral Area C, Bylaw No. 1210.

The Agricultural Objectives for Electoral Area C, as specified in Section 2.2.2 of Official Community Plan Bylaw No. 1210, are as follows:

It is the objective of the Regional Board to:

a) *Maintain and foster agricultural land resources of the plan area for their value for present and future food production*
b) *Prevent the development of agricultural land for non-agricultural uses or those uses which would prevent use of the land for future agricultural production*
c) *Recognize the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

The subject property is zoned A-1 (primary agriculture). Under A-1 zoning, the minimum parcel size permitted for subdivision is 12 ha. However, this application to subdivide is being made under the provisions of Section 946 of the *Local Government Act,* which allows for subdivision to a smaller lots size than permitted within the bylaw—if the application is made for the purpose of providing a separate residence for the owner, or for the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law, or grandchild.

CVRD Bylaw No. 1741 establishes minimum parcel size for subdivisions pursuant to Section 946 of the *Local Government Act*, however it is not applicable to land in the ALR. That being said, the size of the proposed new parcel meets the minimum parcel size stipulated by CVRD Bylaw No.1741 as well as Section 946 of the *Local Government Act.*

Agricultural Capabilities:

As noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 6% Class 4, 94% Class 5, with subclasses noted above, in particular soil moisture deficiency, high stone content and topography limitations. With soil improvement methods, such as irrigation and stone removal, 21% of the soil is improvable to Class 3 and 50% of the soil is improvable to Class 4. Class 3 lands have moderate limitations for agricultural production, Class 4 lands have limitations that require special management practices, and Class 5 lands have limitations that restrict capability to produce perennial forage crops.

The proposed area of subdivision primarily contains the soil classification $5\frac{A}{P}$ ($3\frac{P^5}{A} - 5A^5$).

Thus, with irrigation and stone removal, the land proposed for subdivision could improve to 50% Class 3, and remain 50% Class 5. Class 3 lands have moderate limitations for agricultural production, and Class 5 lands have limitations that restrict capability to produce perennial forage crops.

General Site Information:

The applicants have owned the 8.29 ha subject property since 1984 and have applied to subdivide a 1 ha area of land from the southwest corner of the subject property under Section 946 of the *Local Government Act*. The proposed location of subdivision is adjacent to Holland Avenue and Galliers Road in Electoral Area C – Cobble Hill. At present, the subject property is heavily treed, contains a single residence and is not used for agricultural purposes. There is a small vegetable garden that the owners use for personal purposes. On the proposed new lot, the owners intend on building a new home for them to occupy. The area of proposed subdivision is predominately flat, partially treed and adjacent to Galliers Road. The applicants intend to sell the remainder of the parcel.

The subject property is not on a CVRD water system or a CVRD sewer system. Septic disposal and a potable water source would have to be established and confirmed for the proposed new lot prior to subdivision approval.

APC Comments:

The Electoral Area C Advisory Planning Commission met on January 14th and they discussed this application at that time. During the APC meeting, the applicant informed the members that there is an eagle tree on the property. On January 27th, 2010, they submitted to us the following comments and recommendation (in italics):

"It was duly moved and seconded that the APC recommends approval of the application with the following provisions:

1. *The original resolution of the Agricultural Land Commission #450/2005 re: Application #J-35831 be rescinded with the property to remain in the Agricultural Land Reserve*
2. *A covenant be placed on both properties preventing any further subdivision or development on either of them*

Planning Division Comments:

The proposed lot size is consistent with the land use pattern north of Galliers Road as surrounding lots range from 0.3 ha to 3.4 ha, all with the zoning designation of A-1 (Primary Agriculture). South of Galliers Road, zoning is predominantly R-3 with lot sizes being significantly smaller than the proposed 1 ha that the applicants are seeking.

The area of proposed subdivision is adjacent to both Galliers Road and Holland Avenue and is thus open to edge effect from both roads, reducing the agricultural productivity potential.

The applicants have previously applied to the Agricultural Land Commission to exclude a portion of their property from the Agricultural Land Reserve (ALR) (application #J-35831) and were granted conditional exclusion for a portion of the subject property in January 2006 (ALC resolution #450/2005). The applicants have indicated that they are in agreement with the APC recommendation to rescind ALC resolution #450/200 (see attached).

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 in Bylaw 1741. However, this Bylaw does not apply to parcels in the ALR. Therefore, staff are of the opinion that the ALC will determine whether the proposed subdivision negatively affects the agricultural capability of the land.

Given that the proposed lot size for subdivision is consistent with lot sizes of adjacent properties and the Agricultural Land Commission is better able to determine the agricultural implications of this application, option 1 is recommended.

Options:

1. That Application No. 3-C-09 ALR submitted by Edward and Gloria Aiken 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, on the condition of a no further 946 subdivision covenant being registered on both parcels and that ALC resolution #450/2005 be rescinded.

2. That Application No. 3-C-09 ALR submitted by Edward and Gloria Aiken 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

3. That Application No. 3-C-09 ALR submitted by Edward and Gloria Aiken 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.

Submitted by,

J. Collinson

Jill Collinson, Planning Technician
Development Services Division
Planning and Development Department

Department Head's Approval

Signature

JC/ca

APPLICATION BY LAND OWNER

NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.

TYPE OF APPLICATION *(Check appropriate box)*

- ☐ EXCLUSION under Sec. 30(1) of the Agricultural Land Commission Act
- ☑ SUBDIVISION in the ALR "SECTION 946" under Sec. 21(2) of the Agricultural Land Commission Act
- ☐ INCLUSION under Sec. 17(3) of the Agricultural Land Commission Act
- ☐ Non-farm USE in the ALR under Sec. 20(3) of the Agricultural Land Commission Act

APPLICANT

Registered Owner: EDWARD T. AND GLORIA W. AIKEN		Agent:	
Address: P.O. Box 12		Address:	
3713 HOLLAND AVE.			
COBBLE HILL	Postal Code V0R 1L0		Postal Code
Tel. (home) (work) Fax 1-250-743-5377		Tel. Fax	
E-mail EAIKEN@TELUS.NET		E-mail	

LOCAL GOVERNMENT JURISDICTION *(Indicate name of Regional District or Municipality)*

COWICHAN VALLEY REGIONAL DISTRICT

LAND UNDER APPLICATION *(Show land on plan or sketch)*

Title Number	Size of Each Parcel (Ha.)	Date of Purchase Month	Year
EG 1054	8.29	MAY	1984

OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY
(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s): N/A

C.V.R.D. RECEIVED NOV 05 2009 000048

PROPOSAL *(Please describe and show on plan or sketch)*

TO HAVE THE ALC RESCIND RESOLUTION #459/2005 RE. APPLICATION #J-35831 AS PROPOSED FOR A 20 LOT ECO-FRIENDLY SUBDIVISION AND PARK DEDICATION DID NOT MEET MINIMUM 50 LOTS REQUIRED FOR SEWAGE DISPOSAL, WAS A STRATA DEVELOPMENT AND WATER SUPPLY ISSUES NOT RESOLVED PRIOR TO APPROVAL. AS A REZONING WOULD BE REQUIRED FOR SUBJECT SUBDIVISION, IT WOULD BE UNLIKELY TO BE ACCEPTED AS PROPOSED. WOULD APPRECIATE THE COMMISSION TO ALLOW FOR AN APPROXIMATE ONE HA LOT TO BE SUBDIVIDED UNDER SECTION 946 FOR THE OWNERS TO DOWNSIZE. THE LANDS WILL REMAIN IN THE ALR AND CONTINUE TO ACT AS A BUFFER.

CURRENT USE OF LAND *(Show information on plan or sketch)*

List all existing uses on the parcel(s) and describe all buildings

RESIDENTIAL - MANAGED FOREST

USES ON ADJACENT LOTS *(Show information on plan or sketch)*

North	PARKS AND INSTITUTION - ALCOHOL + DRUG TREATMENT CENTRE
East	RESIDENTIAL (OUT OF THE ALR) + LIGHT INDUSTRIAL
South	RESIDENTIAL
West	HORSE STABLES, GREENHOUSES, RESIDENTIAL

DECLARATION

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

Date	Signature of Owner or Agent	Print Name
Nov 5/2009	Edward T. Aiken	EDWARD T. AIKEN
Nov 5/2009	Gloria W. Aiken	Gloria W. Aiken

Please ensure the following documents are enclosed with your application:

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application *(See instructions)
- Photographs (optional)

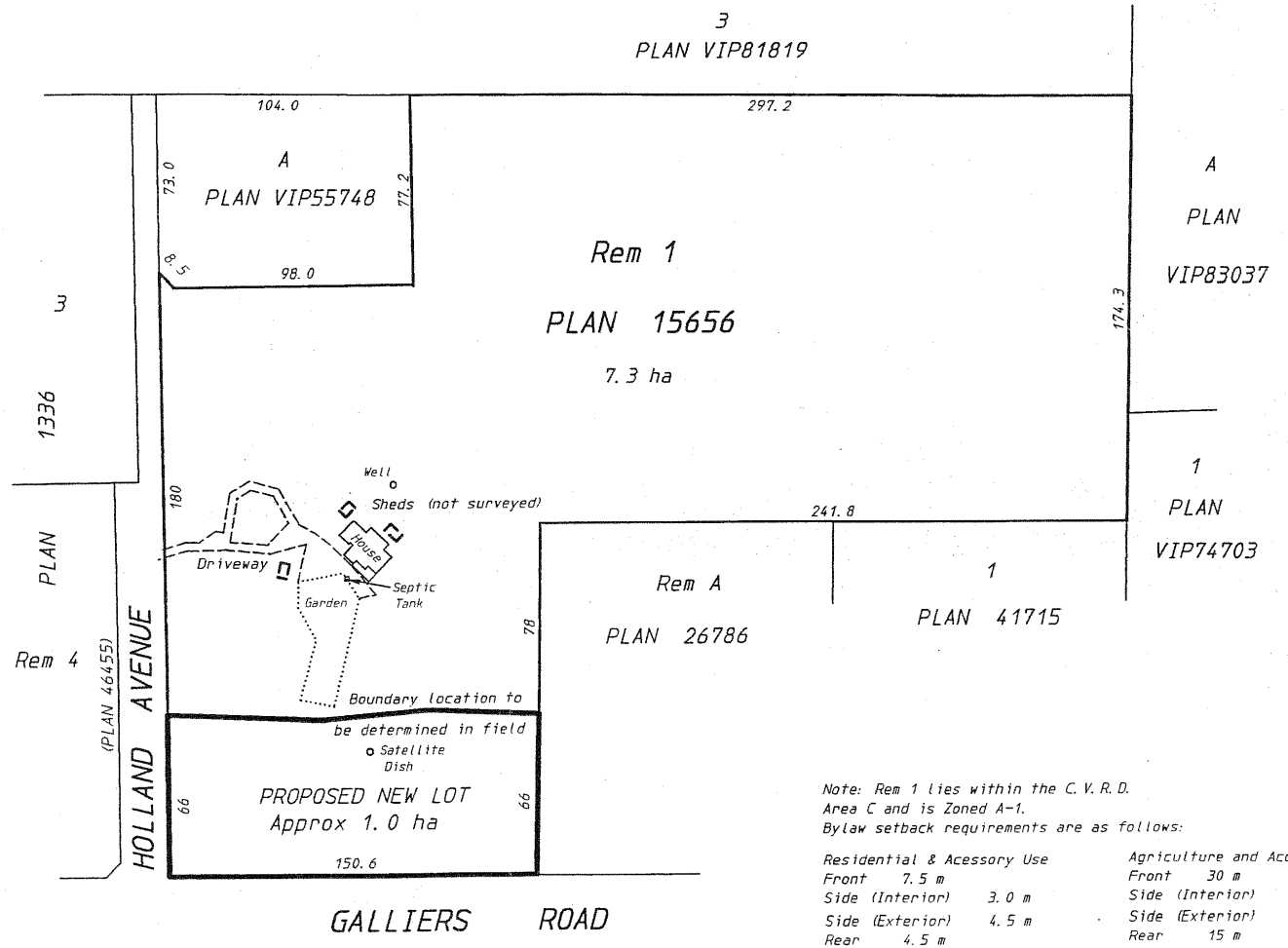
SKETCH OF PROPOSED SUBDIVISION OF
PART OF LOT 1, SECTION 14, RANGE 6,
SHAWNIGAN DISTRICT, PLAN 15656,
EXCEPT THAT PART IN PLAN 26786,
AND PLAN VIP55748

50 0 50 100 metres

The intended plot size of this plan is 0.432m in width by
0.280m in height (B size) when plotted at a scale of 1:2000

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

Dwelling and driveway locations derived
from surveys performed 1989-1991



KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745

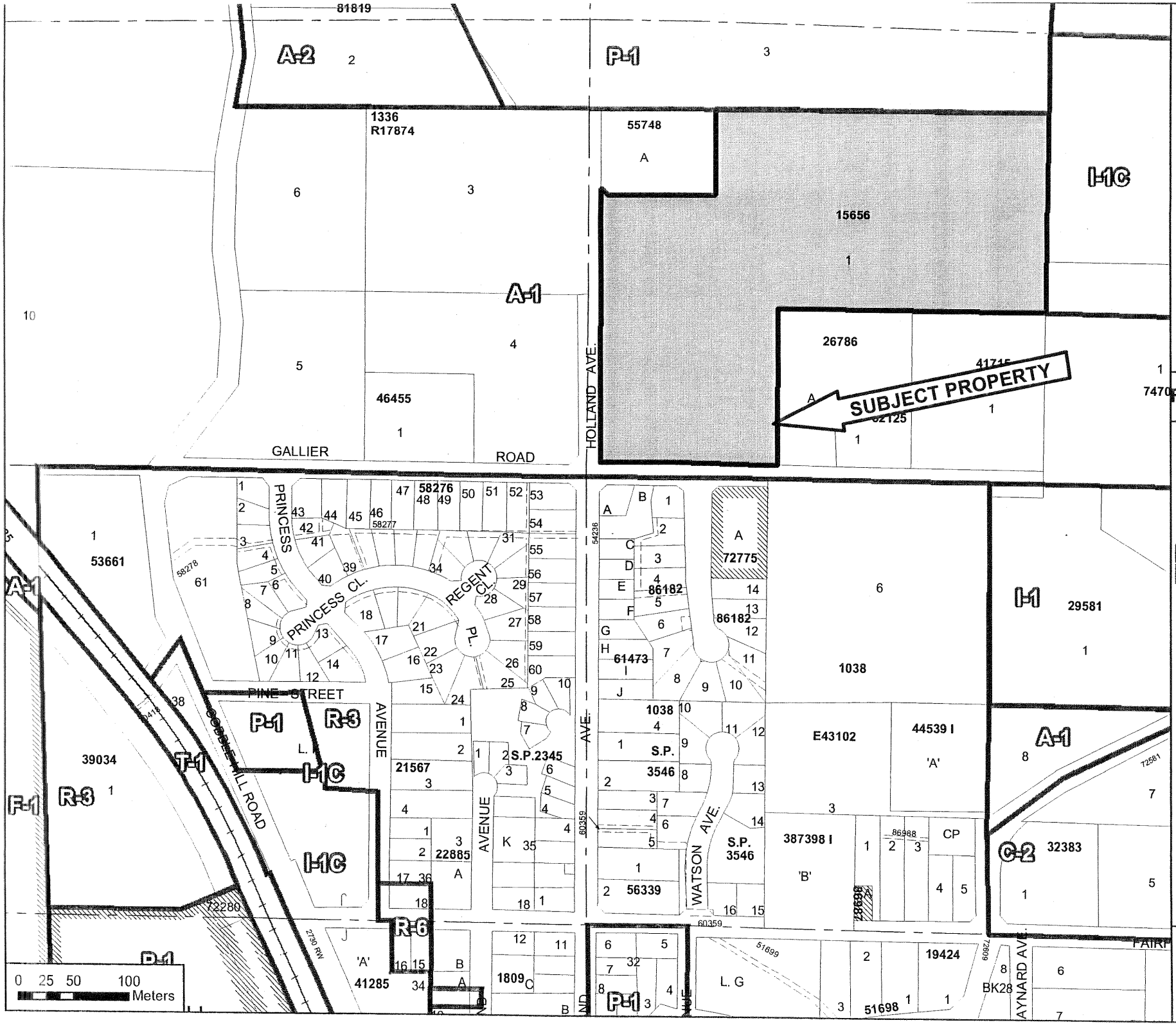
FILE 89-0632.pro
Dec 10/2009

CVRD FILE _ _ _ _ _ _ _
ALR FILE _ _ _ _ _ _ _
MOTI FILE _ _ _ _ _ _ _

Note: Rem 1 lies within the C.V.R.D.
Area C and is Zoned A-1.
Bylaw setback requirements are as follows:

Residential & Acessory Use		Agriculture and Accessory Use	
Front	7.5 m	Front	30 m
Side (Interior)	3.0 m	Side (Interior)	15 m
Side (Exterior)	4.5 m	Side (Exterior)	30 m
Rear	4.5 m	Rear	15 m

000030



Cowichan Valley Regional District

000051

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FILE: 3-C-09-ALR

ZONING

Legend

- Subject Property
- Zoning Electoral Area C

7.0 AGRICULTURAL AND FORESTRY ZONES

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

7.1 A-1 ZONE – PRIMARY AGRICULTURAL

(a) Permitted Uses

The following uses and no others are permitted in an A-1 Zone:

(1) agricultural, horticulture, silviculture, turf farm, fish farm;
(2) single family residential dwelling or mobile home;
(3) a second single family residential dwelling or mobile home on parcels two hectares or larger;
(4) additional residence as required for agricultural use;
(5) sale of products grown or reared on the property;
(6) horse riding arena, boarding stable;
(7) kennel;
(8) home occupation;
(9) bed and breakfast accommodation;
(10) daycare, nursery school accessory to a residential use;
(11) secondary suite;

(b) Conditions of Use

For any parcel in an A-1 Zone:

(1) the parcel coverage shall not exceed 30 percent for all buildings and structures;

(2) notwithstanding Section 7.1 (b)(1) parcel coverage may be increased by an additional 20% of site area for the purpose of constructing greenhouses;

(3) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;

(4) the setbacks for the types of parcels lines set out in Column I of this section are set out for residential and accessory uses in Column II, agricultural, stable and accessory uses in Column III and auction uses in Column IV:

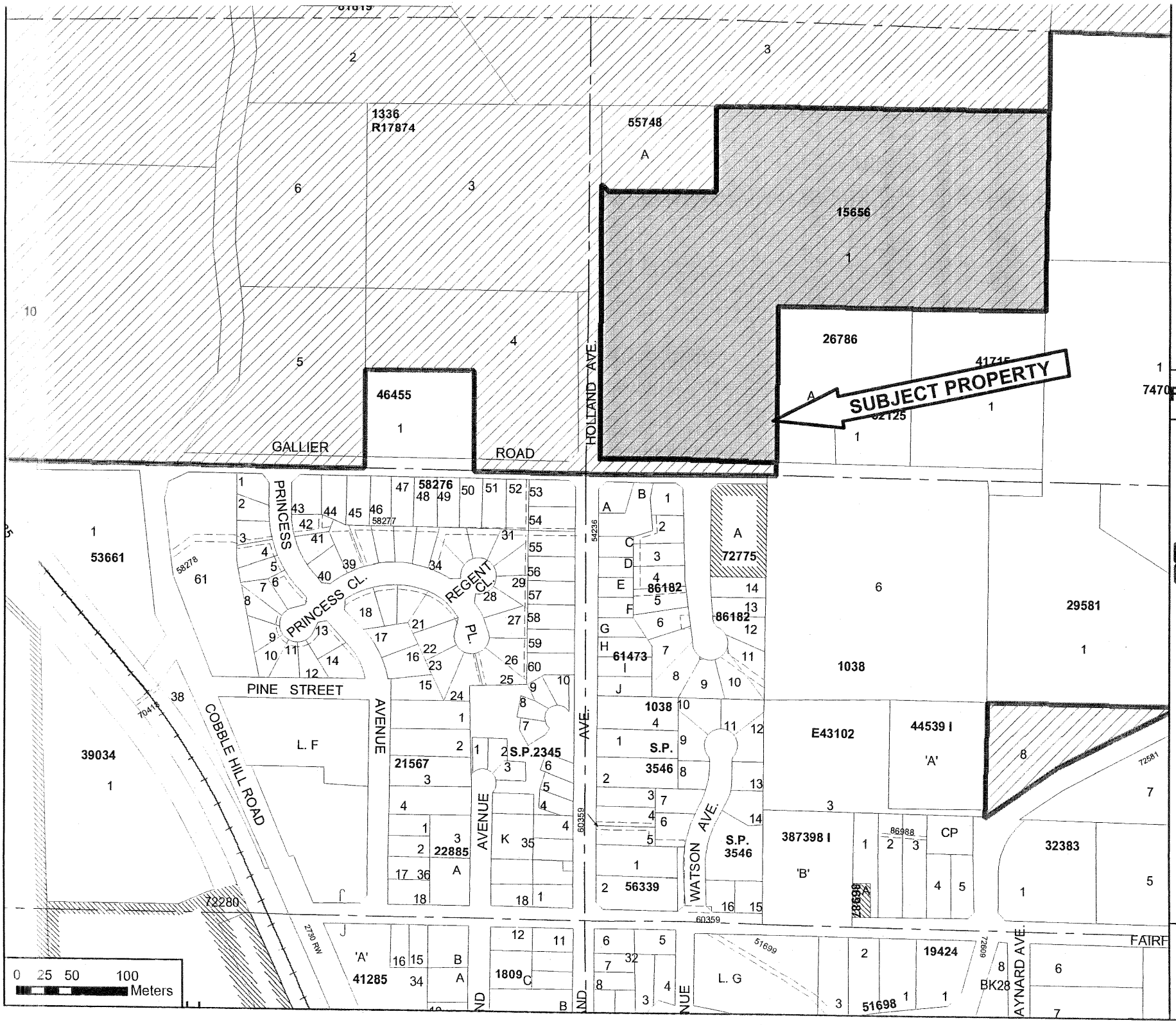
COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural & Accessory Use	COLUMN IV Auction Use
Front	7.5 metres	30 metres	45 metres
Side (Interior)	3.0 metres	15 metres	45 metres
Side (Exterior)	4.5 metres	30 metres	45 metres
Rear	7.5 metres	15 metres	45 metres

(5) Notwithstanding Section 7.2 (b)(3), a building or structure used for the keeping of livestock shall be located no closer than 30 metres from all watercourses, sandpoints or wells;

(6) Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;

(7) A slaughterhouse, abattoir or stockyard shall be specifically prohibited;

(8) Maintenance and repair of any materials offered for sale shall be specifically prohibited.



Cowichan Valley Regional District

000054

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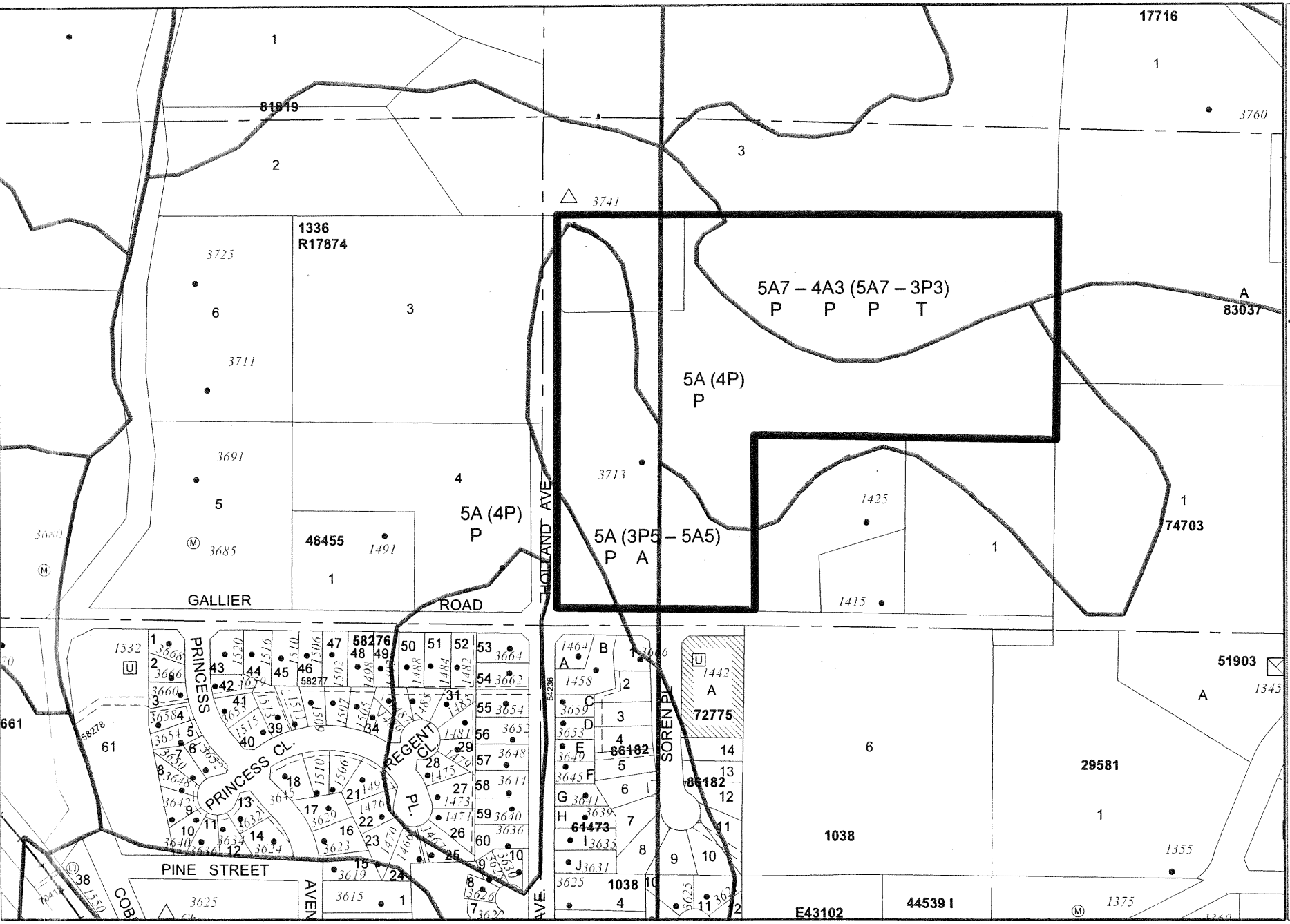
FILE: 3-C-09-ALR

ALR

Legend

- Subject Property
- C_ALR

N W E S



Cowichan Valley Regional District

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Printed: February 17, 2010

3-C-09-ALR

SOIL

Scale: 1:4,314

00055

2.2.2 AGRICULTURE OBJECTIVES

It is the objective of the Regional Board to:

(a) Maintain and foster agricultural land resources of the plan area for their value for present and future food production.

(b) Prevent the development of agricultural land for non-agricultural uses or those uses which would prevent use of the land for future agricultural production.

(c) Recognize the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.

2.2.3 FORESTRY OBJECTIVES

It is the objective of the Regional Board to:

(a) Ensure the areas forested uplands are managed on a sustained yield basis in a manner which permits the recreational enjoyment of this resource and safeguard the area's visual aesthetics.

(b) Encourage the preservation and protection of the watershed and recreational capabilities of forest lands.

2.2.4 MINERAL AND AGGREGATE RESOURCES OBJECTIVES

It is the objective of the Regional Board to:

(a) Ensure proper management of lands underlain by gravel and/or limestone deposits in order to minimize conflicts between extraction activities and adjacent land and water uses.

(b) Encourage good conservation practices during mining operations so as not to prejudice the long term renewable resource potential of the area.

(c) Encourage site rehabilitation and reclamation of damaged landscapes for subsequent productive use.

Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

RECEIVED
JAN 27 2006

January 24, 2006

Reply to the attention of Ron Wallace

Edward and Gloria Aiken
PO Box 12, 3713 Holland Avenue
Cobble Hill, BC V0R 1L0

Dear Sir/Madam:

Re: Application #J-35831
Lot 1, Section 14, Range 6, Shawnigan District, Plan 15656, EXCEPT That part in Plan 26786 and Plan VIP55748

This is further to your letter dated 10 November 2005 to the Agricultural Land Commission (the "Commission") regarding the above noted application. As a requirement of the Commission in its letter dated 8 September 2005 you enclosed a plan (Figure 1) showing the proposed development of your property, prepared by Madrone Environmental Services Ltd.

The Commission writes to advise that it has reviewed the draft development and has given final approval for your application subject to:

- the preparation of a subdivision plan to delineate the area to be excluded as shown on the above noted plan, copy attached.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Cowichan Valley Regional District at your earliest convenience.

The decision noted above is recorded as Resolution **#459/2005**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and confirm the exclusion of the area from the Agricultural Land Reserve Plan of the Cowichan Valley Regional District.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#4-C-04ALR)

RW/lv/Encl./35831m2

Original: Rec
Copies to: GILES
Board:
Initial Review:
Initial: TA Date: 01/30/06

Jan 31/06 Mela

000057

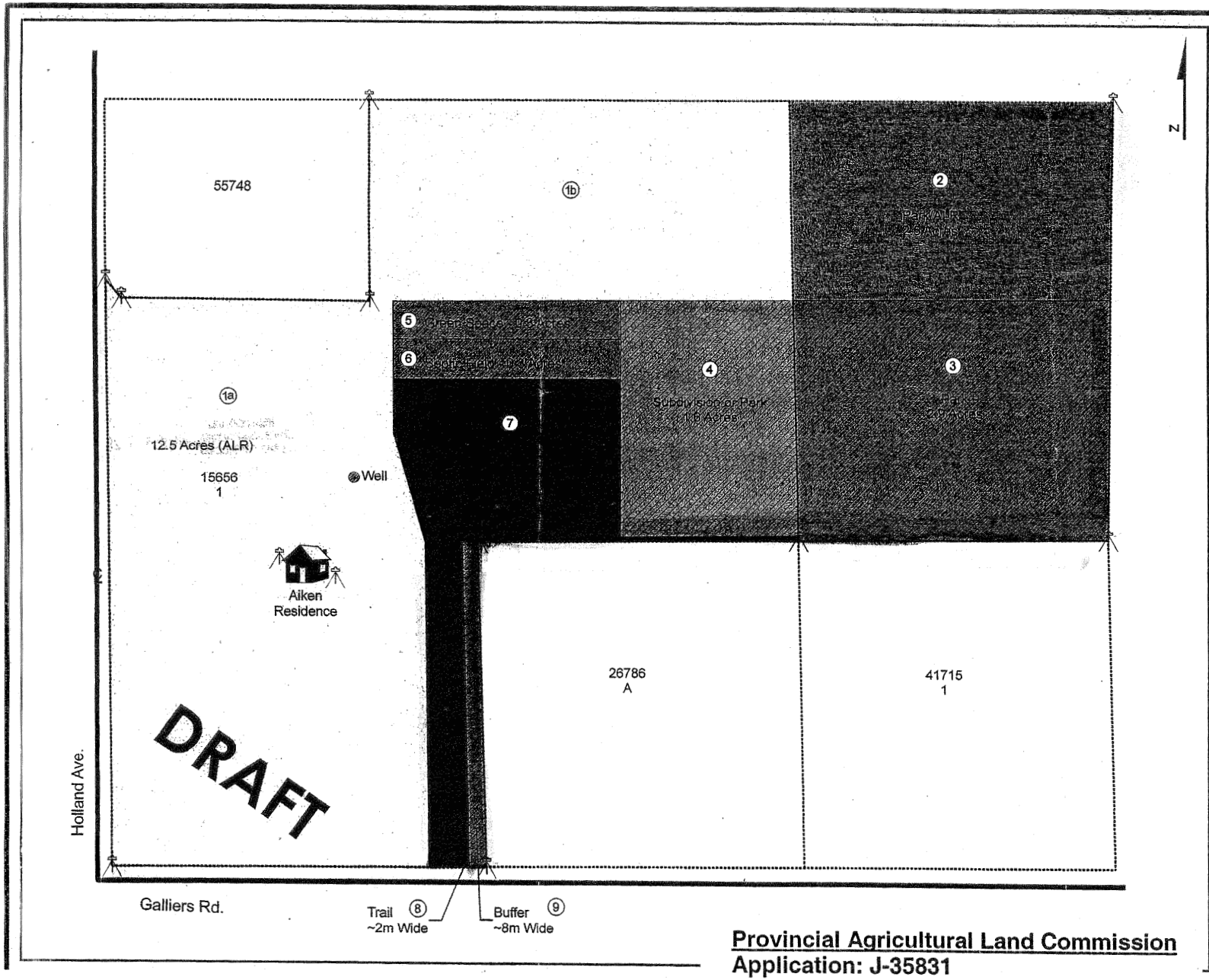

Figure 1.

3713 Holland Avenue Development Proposal

MAP LEGEND

- GPS Survey Stations
- Identification Numbers
- Existing Well Site
- Existing Aiken Residence
- Existing Roads
- Approximate Cadastral Boundaries
- Proposed ALR Removal
- Green Space & Proposed Park Land
- Proposed Septic Field
- Proposed Subdivision & Access Road
- Proposed Trail System
- Remaining Aiken Land Parcel

*Note: The survey on this property was completed using a VIASAT5000X GPS Unit. The accuracy of the GPS survey is approximately +/- 1 to 2m

Area calculations are approximate

1:1500

1 centimeter equals 15 meters

0 12.5 25 50 75 100 Meters

Client:	Ed Aiken
Date Survey Completed:	October 26, 2005
Map Revision Date:	November 7, 2005
Madrone Contact:	Jane Thomson
Map Scale:	1:1500
Map Projection:	UTM Nad 83, Zone 10

MADRONE environmental services ltd.

Provincial Agricultural Land Commission
Application: J-35831
Resolution #459/2005

Subject property.

Area approved for exclusion from the ALR.

D4

CVRD

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 2, 2010

DATE: February 23, 2010 **FILE NO:** 1-B-10DP/VAR

FROM: Alison Garnett, Planning Technician **BYLAW NO:**

SUBJECT: Application 1-B-10 DP/VAR
(South Shawnigan Waste and Recycle.)

Recommendation:
That application No. 1-B-10 DP/VAR be approved, and that a development permit be issued to Mike Boon of South Shawnigan Waste and Recycle Inc. for Lot 1, District Lot 132, Malahat District, Plan VIP75146, subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1511 by Susan Blundell, R.P.Bio, dated December 18, 2009, including the rehabilitation of the Van Horne Creek Streamside Protection and Enhancement Area (SPEA). The SPEA must be marked with split rail fencing and replanted with native plants, in accordance with the plan provided by Susan Blundell dated February 8th, 2010,
- Receipt and approval of a landscape plan to establish a vegetative screen of native cedar trees along Shawnigan Lake Road, in accordance with the requirements of Zoning Bylaw No. 985, and subsequent completion of the landscaping plan,
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs of the restoration planting and vegetative screen, to be refunded after two years only if the plantings are successful and to the satisfaction of a registered professional biologist or professional landscape architect,
- The temporary shipping container is relocated from adjacent to Shawnigan Lake Road to a more discrete location on site,
- Two oil/water separators will be installed at low points on the site,
- The conditions of this development permit must be satisfied within 90 days of the CVRD Board resolution authorizing the permit.

AND

- The front parcel line setback of the building identified as "trailer" is reduced from 9 metres to 1.7 metres subject to the applicant providing a survey confirming compliance with the approved distance.

Purpose:
To consider the issuance of a Development Permit for an industrial site located in the Stream Protection, Industrial, and Riparian Areas Regulation Development Permit Areas. No building construction is proposed, but the site was altered by the applicants in August 2009.

Background:

Location of Subject Property: 790 Shawnigan Lake Road

Legal Description: Lot 1, District Lot 132, Malahat District, Plan VIP75146 (PID 025-642-316)

Date Application and Complete Documentation Received: January 6, 2010

Owner: Triple B Holdings Inc.

Applicant: Michael Boon

Size of Parcel: ± 1.2 ha (3 acres)

Existing Zoning: I-1A Light Industrial

Minimum Lot Size Under Existing Zoning: 0.2 ha if connected to community water and sewer
0.4 ha if connected to community water system
0.8 if not serviced by a community system

Existing Plan Designation: Industrial

Existing Use of Property: The property will operate as a waste, recycling and transfer station

Existing Use of Surrounding Properties:

North	E&N Rail line and Forestry
South	Shawnigan Lake and Light Industrial
East:	Light Industrial
West:	Forestry and Eco Industrial

Services:

Road Access:	Shawnigan Lake Road
Water:	On-site well
Sewage Disposal:	Latrine

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: The subject property is located adjacent to Van Horne Creek, as well as two ditches/watercourses, and is located in the Stream Protection and Riparian Areas Regulation Development Permit Areas.

Archaeological Sites: The CVRD has no knowledge of an archaeological site on the subject property.

Planning Division Comments:

The subject property is a 1.2 ha industrial lot located in the Shawnigan Lake Industrial park area. The subject property is a narrow lot, surrounded by the E&N railway and a ditch to the north, and Shawnigan Lake Road and a roadside ditch to the south. Van Horne creek, a healthy and intact watercourse, abuts the subject property to the west.

The applicants/owners purchased the property in the summer of 2009. The site had been previously cleared of vegetation, and a number of temporary structures were already in place. Since assuming ownership, the applicant has re-graded the site and installed a weigh scale and trailer office building adjacent to the parcel line along Shawnigan Lake Road. A development permit is required for these activities, as the subject property is located within the Industrial, Stream Protection and Riparian Areas Regulation Development Permit Areas. CVRD Bylaw Enforcement became involved with the subject

property in 2009 when development was taking place without permits, and the applicants are now applying retroactively for a development permit.

The applicants intend to operate a waste, recycle and transfer station, which is a permitted use within the I-1A Zone. They have been working with the Engineering and Environment Department to receive their licence to operate such a facility. The attached site plan of the property shows that the entrance and exit to the lot is already established from Shawnigan Lake Road. When the facility begins operating, it is proposed that vehicles will enter the site, weigh the vehicles on the scale, then proceed along a 3 metre wide paved roadway to the unloading areas. All unloading and sorting of materials will take place under either a covered tent structure or in the area identified as "concrete pad". The concrete pad is a contained concrete block structure. Two oil/water separators will be installed at low points on the site to address runoff from the paved internal roadways. The majority of the site will remain surfaced with pervious crushed granite.

The applicant is not proposing any further development or construction on the site, other than to begin operation as a waste transfer station.

Development Permit Areas

As noted above, the subject property is located within three Development Permit Areas (DPA's), in accordance with the Shawnigan Lake Official Community Plan Bylaw No. 1010.

Riparian Areas Regulation DPA

A Riparian Areas Regulation (RAR) assessment for the development has been submitted by Susan Blundell, R.P. Bio., dated December 2009 (attached). The two ditches which surround the subject property to the north and south are each designated a Streamside Protection and Enhancement Area (SPEA) of 5 metres. Both SPEA's are heavily modified by previous development activities; no future development is proposed. The Atco trailer/office building, which was installed in August 2009, is marginally located within the SPEA of the southern ditch, however the R.P.Bio states that this siting does not present a negative environmental impact on the ditch.

The RAR report establishes an 18.6 metre SPEA for Van Horne creek. This SPEA area was impacted by the re-grading of the site last year, and requires restoration. The applicant intends to work with the R.P.Bio to install split rail fencing to mark the SPEA boundary, re-stabilize the creek bank, and replant the SPEA with native plants. Details of the restoration plan are contained within the RAR report, as well as a supplementary letter provided by the R.P. Bio (see attachments).

Stream Protection DPA

The objective of the Stream Protection Development Permit Area is to ensure that impacts from industrial development on lands, watercourses and fish habitat are minimized. To this end, the guidelines state that buildings, structures and industrial operations shall be discouraged from locating within 30 metres of any fish bearing watercourse, and furthermore that vegetative riparian areas shall be retained or planted. This Development Permit Area has largely been superseded by the Riparian Areas Regulation.

Industrial DPA

The Industrial DPA guidelines are based on four components: Site Planning, Building Design, Landscape Screening and Environmental Protection. The following section outlines how the development of the subject property addresses each guideline.

Site Planning

1.1 **Exterior storage areas should be away from public view**: Storage areas, which include the area identified as "concrete pad" on the site plan, are visible from Shawnigan Lake Road. Numerous storage bins are also located throughout the site. Landscaping along the road will soften the visual impact of these areas, however the small size and shape of the lot make it is difficult to locate storage areas entirely away from the public view.

1.2 **Site re-grading is discouraged**: Extensive site re-grading has already taken place, the impacts of which will be mitigated on the Van Horne creek SPEA.

1.3 **Safety of site access**: The site entrance and exit were already established, and have been widened to accommodate large vehicles, under the supervision of the R.P.Bio.

1.4 **Internal circulation**: Vehicle circulation is essential for the proposed use, and internal vehicle routes will be paved and painted to mark the direction of vehicle movement.

1.5 **Public parking areas**: No public parking or pedestrian areas are proposed.

Building Design

2.1 **Avoid large blank building facades along road**: No large buildings are proposed.

2.2 **Building setbacks:** The office building identified as "trailer" on the site plan is not in compliance with the zoning bylaw setback of 9 metres, and requires a variance. See staff comments below.
Two shipping containers are located adjacent to Shawnigan Lake Rd (refer to attached site plan). The larger container is connected to the hydro lines that service the site, and will remain in its location. It is recommended that the smaller container be removed or relocated to a more discrete area on site.

2.3 **Public Entrances will have architectural features**: No public entrances to buildings are proposed.

2.4 **Exterior finishes will be durable and neutral**: The office trailer is a typical trailer exterior finish.

2.5 **Temporary buildings (trailers) are permitted, but may require architectural treatment:** The applicant has proposed to add skirting to the office trailer.

Landscape Screening

3.1 **Existing vegetation will be retained**: The majority of the site was previously cleared, and no further removal of trees or vegetation is proposed.

3.2 **Low maintenance plant species are encouraged**: Native plants will be used for replanting, which are low maintenance and drought tolerant once established.

3.3 **Landscaping facing public roadways**: The applicant intends to comply with the vegetation screening requirement of the zoning bylaw, and proposes no other landscaping.

3.4 **Landscaping in accordance with the zoning**: The I-1 A Light Industrial Zone requires a vegetative screen located and maintained along the entire length of the parcel contiguous to a road, which must be a minimum of 2 metres wide, consisting of mature coniferous trees not less than 2 metres high when planted and shall be located in at least two offsetting rows and spaced not more than 5 metres apart.

3.5 **Chain link fencing is permitted**: A black or green chain link gate will be installed at the site's entrance and exit.

3.6 **Irrigation**: Temporary irrigation is available on site, and will be used until planted areas are established.

Environmental Protection

4.1 **To prevent contamination, hard surfaces for roadways and oil water separators are required:** The applicant will comply with this guideline by paving the internal roadways and installing two oil/water separators.

4.2 **Spill containment pads**: Spill containment pads will be provided, however no contaminants will be on site as part of regular business operations.

4.3 **Best Management Practices will be followed**: Ongoing monitoring of the site is required by a qualified environmental professional once the business begins operation, which will ensure that BMP's are followed.

4.4 **Rain water management techniques will be employed**: The RAR report states that a change in the rain water generated on site is not anticipated, therefore no techniques will be employed.

Development Variance Permit

The office building marked "Trailer" on the attached site plan was installed by the applicant, and requires a variance or will have to be relocated. The building is sited 1.7 metres from the front parcel line, whereas the zoning specifies a setback of 9 metres for all structures. No comments have been received from adjacent property owners following the required notification process.

The relaxation request of 7.3 metres is considerable, however the shape of the lot restricts a siting that fully complies with the zoning and which permits vehicle movement necessary for the proposed business. In terms of the proximity of the subject building to the ditch, the R.P.Bio considers the impact to be negligible. Additionally, the landscaping required by the I-1A Zone will soften the visual impact along Shawnigan Lake Road.

Advisory Planning Commission Comments:

This application was not referred to the Electoral Area B Advisory Planning Commission.

Options:

1. That application No. 1-B-10 DP/VAR be approved, and that a development permit be issued to Mike Boon of South Shawnigan Waste and Recycle Inc. for Lot 1, District Lot 132, Malahat District, Plan VIP75146, subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1511 by Susan Blundell, R.P.Bio, dated December 18, 2009, including the rehabilitation of the Van Horne Creek Streamside Protection and Enhancement Area (SPEA). The SPEA must be marked with split rail fencing and replanted with native plants, in accordance with the plan provided by Susan Blundell dated February 8th, 2010,
- Receipt and approval of a landscape plan to establish a vegetative screen of native cedar trees along Shawnigan Lake Road, in accordance with the requirements of Zoning Bylaw No. 985, and subsequent completion of the landscaping plan,
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- Two oil/water separators will be installed at low points on the site,
- The conditions of this development permit must be satisfied within 90 days of the CVRD Board resolution authorizing the permit.

AND

- The front parcel line setback of the building identified as "trailer" is reduced from 9 metres to 1.7 metres subject to the applicant providing a survey confirming compliance with the approved distance.

2. That application No. 5-I-09DP not be approved in its current form, and that the applicant be directed to revise the proposal.

Option 1 is recommended.

Submitted by,

Alison Garnett,
Planning Technician
Planning and Development Department

Department Head's Approval:

Signature

AG/ca

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-B-10DP/VAR

DATE: February 23, 2010

TO: Triple B Holdings Inc.

ADDRESS: 524 Whiteside Street

Victoria BC V8X 1Y2

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

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

   Lot 1, District Lot 132, Malahat District, Plan VIP75146 (PID 025-642-316)

3. Authorization is hereby given for the development of the subject property, in accordance with the conditions listed in Section 4, below.

4. The development shall be carried out subject to the following condition:
   - Compliance with the measures and recommendations outlined in RAR assessment report No. 1511 by Susan Blundell, R.P.Bio, dated December 18, 2009, including the rehabilitation of the Van Horne Creek Streamside Protection and Enhancement Area (SPEA). The SPEA must be marked with split rail fencing and replanted with native plants, in accordance with the plan provided by Susan Blundell dated February 8th, 2010,
   - Receipt and approval of a landscape plan to establish a vegetative screen of native cedar trees along Shawnigan Lake Road, in accordance with the requirements of Zoning Bylaw No. 985, and subsequent completion of the landscaping plan,
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   - Two oil/water separators will be installed at low points on the site,
   - The conditions of this development permit must be satisfied within 90 days of the CVRD Board resolution authorizing the permit.

   AND
   - The front parcel line setback of the building identified as "trailer" is reduced from 9 metres to 1.7 metres subject to the applicant providing a survey confirming compliance with the approved distance.
   -

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

6. The following Schedule is attached:

   Schedule A – RAR Report No. 1511 by Susan Blundell, R.P.Bio, dated December 18, 2009, and letter from Enkon Environmental Services, dated February 8th, 2010.

   Schedule B- Site plan of subject property

7. This Permit is <u>not</u> 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. XXXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE DAY OF.

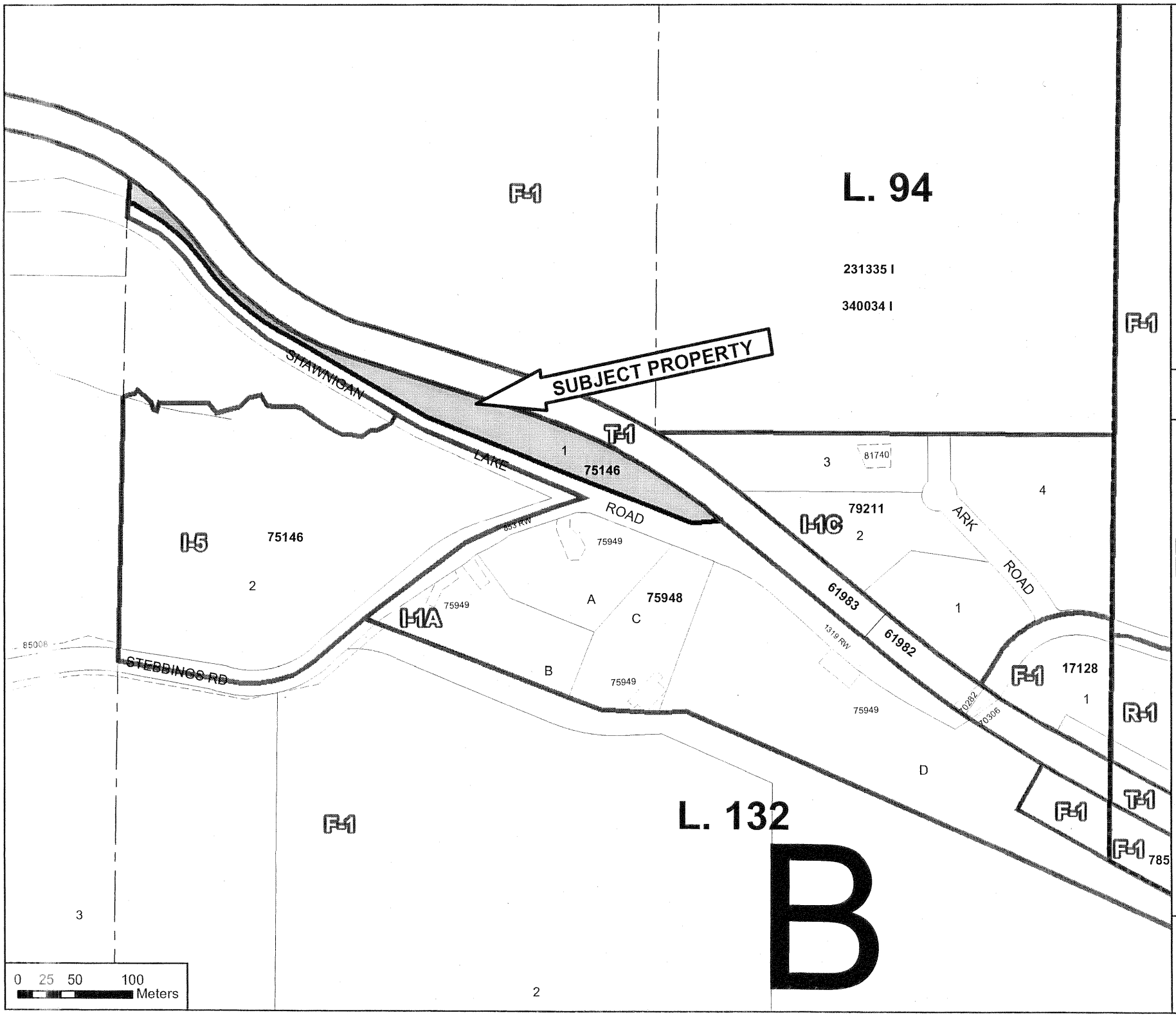
_____

Tom Anderson, MCIP
Manager, Planning and Development

<u>NOTE</u>: 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 _____ other than those contained in this Permit.

Signature	**Witness**
Owner/Agent	**Occupation**
Date	**Date**



Cowichan Valley Regional District

000067

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-B-10-DP

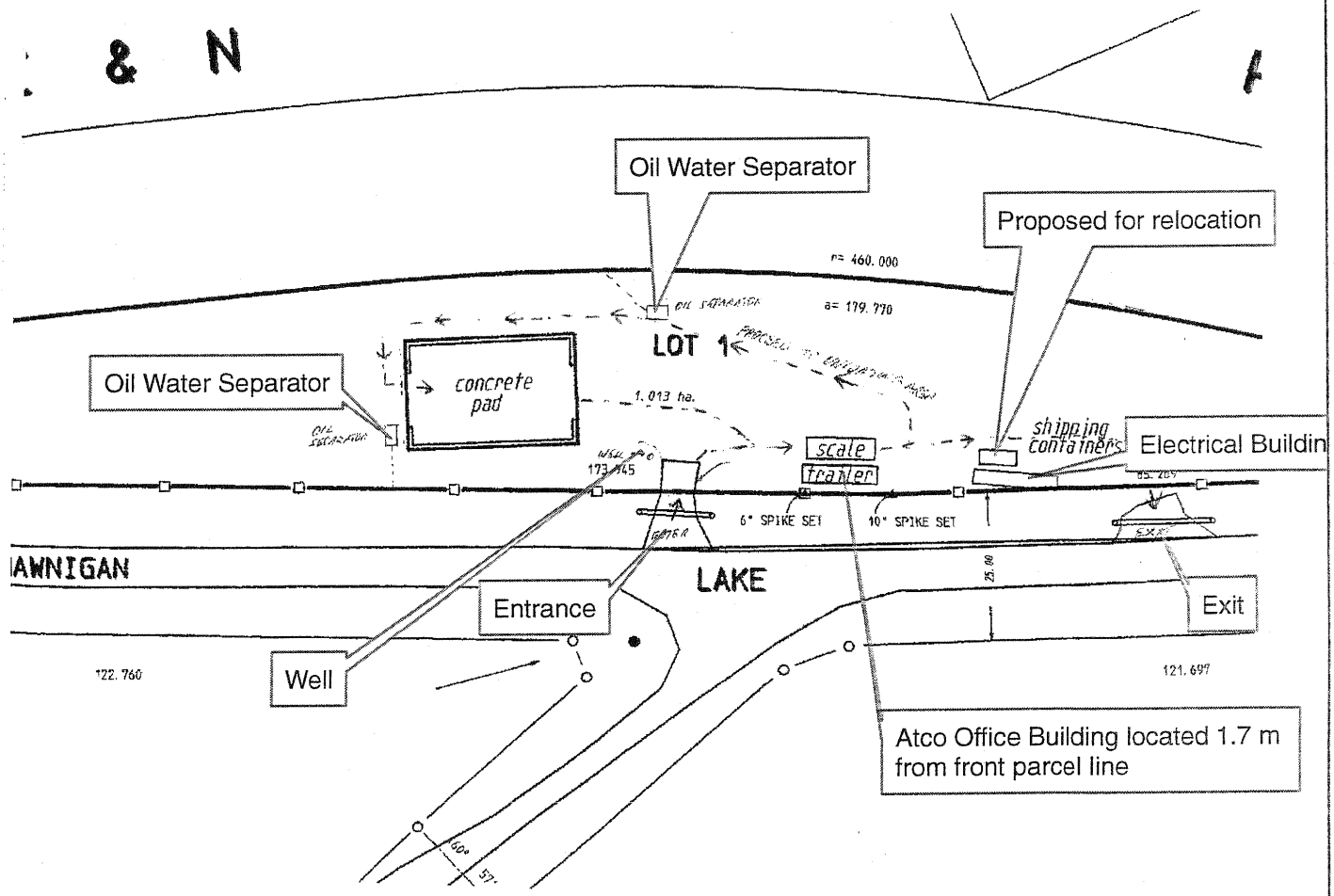
ZONING

Legend

- Subject Property
- Zoning Electoral Area B

N
W E
S

Site Plan 709 Shawnigan Lake Road



Riparian Areas Regulation: Assessment Report

Date December 18, 2009

I. Primary QEP Information

First Name	Susan	Middle Name			
Last Name	Blundell				
Designation	R.P.Bio.	Company	ENKON Environmental Ltd.		
Registration #	1862	Email	sblundell@enkon.com		
Address	Suite 310-730 View Street				
City	Victoria	Postal/Zip	V8W 3Y7	Phone #	250-480-7103
Prov/state	BC	Country	Canada		

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

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

III. Developer Information

First Name	Michael	Middle Name	
Last Name	Boone		
Company	Boon's Bin Rentals and Contracting		
Phone #	(250) 744-3619	Email:	binboy@shaw.ca
Address	524 Whiteside Drive		
City	Victoria	Postal/Zip	V8Z 1Y2
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Construction: Light Industrial		
Area of Development (ha)	0.52	Riparian Length (m)	478
Lot Area (ha)	1.22	Nature of Development	redevelopment
Proposed Start Date	2010-01-18	Proposed End Date	2010-04-30

V. Location of Proposed Development

Street Address (or nearest town)	709 Shawnigan Lake Road		
Local Government	Cowichan Valley Regional District	City	Cowichan Valley
Stream Name	Van Horne Creek		
Legal Description (PID)	025642316	Region	Vancouver Island
Stream/River Type	Watercourse, ditch	DFO Area	South Coast
Watershed Code	920-235800-85300		

Latitude	48	33	53	Longitude	123	35	27

Table of Contents for Assessment Report

1. Description of Fisheries Resources Values

2. Results of Riparian Assessment (SPEA width)

3. Site Plan

4. Measures to Protect and Maintain the SPEA
    1. Danger Trees
    2. Windthrow
    3. Slope Stability
    4. Protection of Trees
    5. Encroachment
    6. Sediment and Erosion Control
    7. Stormwater Management
    8. Floodplain Concerns

5. Environmental Monitoring

6. Photos

7. Assessment Report Professional Opinion

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

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

Aquatic Resources

There are three aquatic resources located on this property. The first is Van Horne Creek (920-235800-85300) which flows in a southwesterly direction under the E&N Railway tracks and near Shawnigan Lake Road turns northwesterly. Flows continue in a northwesterly direction before flowing under Shawnigan Lake Road where it then flows in a westerly direction towards Shawnigan Creek. Van Horne Creek is a first order watercourse that is approximately 1.49 km in length. Riparian vegetation is comprised of a mix of western redcedar, western hemlock, red alder, salmonberry, sword fern, red huckleberry, lady fern, bracken fern and vanilla leaf.

The second aquatic resource is a small ditch that skirts the northern edge of the property. This ditch flows in a westerly direction between the E&N Railway and the development. At the western edge of the development the ditch makes a hard turn and then flows in a southerly direction where it enters into another ditch. This ditch is spring fed and may pick up some flows coming through the rail bed. This channel is approximately 170 m in length. The riparian vegetation around this ditch appears to have been historically heavily modified and is dominated by red alder, salmonberry, trailing blackberry and Himalayan blackberry.

The final aquatic resource on the property is a ditch that skirts the southern edge of the property. This ditch flows in a westerly direction between Shawnigan Lake Road and the development. This ditch confluences with Van Horne Creek approximately 15 m from the edge of the development. This ditch has been heavily impacted by vegetation management for Shawnigan Lake Road and existing riparian vegetation is comprised of agronomic grasses, red alders, salmonberry, trailing blackberry and Himalayan blackberry.

Fisheries Resources

ENKON did not identify any fish migration barriers on this property and it is assumed that Van Horne Creek and the two ditches are fish bearing. There were no FISS records for Van Horne Creek however FISS records indicate that there are brown catfish, Chum, Coho, cutthroat trout, Kokanee, prickly sculpin, pumpkinseed, rainbow trout, steelhead and threespine stickleback in Shawnigan

Creek. Fish sampling was not conducted during the 2009 RAR assessment.

Habitat Description

There were no barriers located on the property that would inhibit migration of fish. The northern ditch appears to be more recently created and has no fish habitat present, with the exception of the section that flows in a southerly direction. This area is full of root wads and large woody debris and provides suitable overwintering and rearing habitat. The southern ditch has abundant cover is some area and would provide overwintering and rearing habitat. Fish habitat in Van Horne Creek is far superior to both ditches. There are undercut banks, large woody debris, deep pools and overhanging vegetation that provide excellent cover for overwintering and rearing. There are also small pockets of gravels that could be used for spawning.

Project Description

The Developer purchased this highly modified/developed lot to create a waste transfer station. The facility will allow residential and limited commercial access where items such as paper, cardboard, metal, drywall, household wastes and wood would be sorted and stored in bins. Once full these bins would then be taken to a variety of facilities for proper disposal. Hazardous wastes will not be accepted and/or stored at this facility. All tree falling, grubbing and filling works were done by the previous owner.

Upon entering the site, through the western entrance, vehicles will turn left and enter the weigh scale which sits adjacent to the site work trailer. Once the vehicles have been weighed they will proceed to either the bins to sort their materials, which are located along the western boundary of the property or they will dump their materials in the sorting shed for processing by staff. There is currently a large concrete pad where the bins will be situated and all structures will be situated outside of the SPEA.

No instream works are proposed in conjunction with this project and no trees require removal. There need to be some bank stabilization works along the western side of the property. Material was historically pushed into the ditch and needs to be pulled back, re-graded and planted with native riparian vegetation. All these works can be done from the top of bank and there will be no equipment in either of the ditches or Van Horne Creek. No vegetation will be impacted at this site as the area was historically disturbed and there are no plants present on the slope. There will be no other modifications within the remaining SPEA and all works within the area will be in accordance with the Best Management Practices.

Section 2. Results of Riparian Assessment (SPEA width)

2. *Results of Detailed Riparian Assessment*

Refer to Chapter 3 of Assessment Methodology

Date: December 18, 2009

Description of Water bodies involved (number, type): 1 stream – Van Horne Creek

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

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

	Channel Width(m)		Gradient (%)
starting point	4.40		3
upstream	6.70		
	7.60		
	5.90		2.5
	5.80		
	5.20		
	2.20		
	4.50		4.5
	8.00		
	9.00		
downstream	7.70		
Total: minus high /low	55.8		
mean	6.2		3.3
	R/P	C/P	S/P
Channel Type	X		

I, Susan Blundell), hereby certify that:

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

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Susan Blundell , hereby certify that:

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

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

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

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	18.6						
Litter fall and insect drop ZOS (m)	18.6						
Shade ZOS (m) max	18.6	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes	X	No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**18.6**	(For ditch use table3-7)					

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	18.6						
Litter fall and insect drop ZOS (m)	18.6						
Shade ZOS (m) max	18.6	South bank	Yes	X	No		
SPEA maximum	**18.6**	(For ditch use table3-7)					

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

I, Susan Blundell, hereby certify that:

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

Comments

Segment 1 is right bank
Segment 2 is left bank

2. *Results of Detailed Riparian Assessment*

Refer to Chapter 3 of Assessment Methodology

Date: December 18, 2009

Description of Water bodies involved (number, type): 1 – Northern Ditch

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

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

	Channel Width(m)		Gradient (%)
starting point	.99		
upstream	1.06		
	.99		
	.96		
	.99		
	1.01		
	1.06		
	1.07		
	1.06		
	.98		
downstream	3.64		
Total: minus high /low	9.21		
mean	1.02		
	R/P	C/P	S/P
Channel Type			

I, Susan Blundell), hereby certify that:

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

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting;

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

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

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Susan Blundell , hereby certify that:

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

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting;

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

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

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

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

Form 3 – Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	5						
Litter fall and insect drop ZOS (m)	5						
Shade ZOS (m) max	5	South bank	Yes	x	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				Manmade		
Ditch Fish Bearing	Yes	X	No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**5**	(For ditch use table3-7)					

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	5						
Litter fall and insect drop ZOS (m)	5						
Shade ZOS (m) max	5	South bank	Yes		No	x	
SPEA maximum	**5**	(For ditch use table3-7)					

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

I, Susan Blundell, hereby certify that:

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

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting;

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

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

Comments

Northern Ditch

Form 3 – Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Refer to Chapter 3 of Assessment Methodology

Date: December 18, 2009

Description of Water bodies involved (number, type): 1 – Southern Ditch

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

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

	Channel Width(m)	Gradient (%)
starting point	1.39	
upstream	1.32	
	1.26	
	1.38	
	.99	
	.93	
	1.06	
	.80	
	.60	
	.53	
downstream	.53	
Total: minus high /low	8.87	
mean	.99	

	R/P	C/P	S/P
Channel Type			

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

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

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

Polygon No: 1

	LC	SH	TR
SPVT Type			x

Method employed if other than TR

Polygon No:

	LC	SH	TR
SPVT Type			

Method employed if other than TR

Form 3 – Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	5						
Litter fall and insect drop ZOS (m)	5						
Shade ZOS (m) max	5	South bank	Yes	x	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				Manmade		
Ditch Fish Bearing	Yes	X	No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**5**	(For ditch use table3-7)					

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	5						
Litter fall and insect drop ZOS (m)	5						
Shade ZOS (m) max	5	South bank	Yes		No	x	
SPEA maximum	**5**	(For ditch use table3-7)					

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

I, Susan Blundell, hereby certify that:

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

j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting;

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

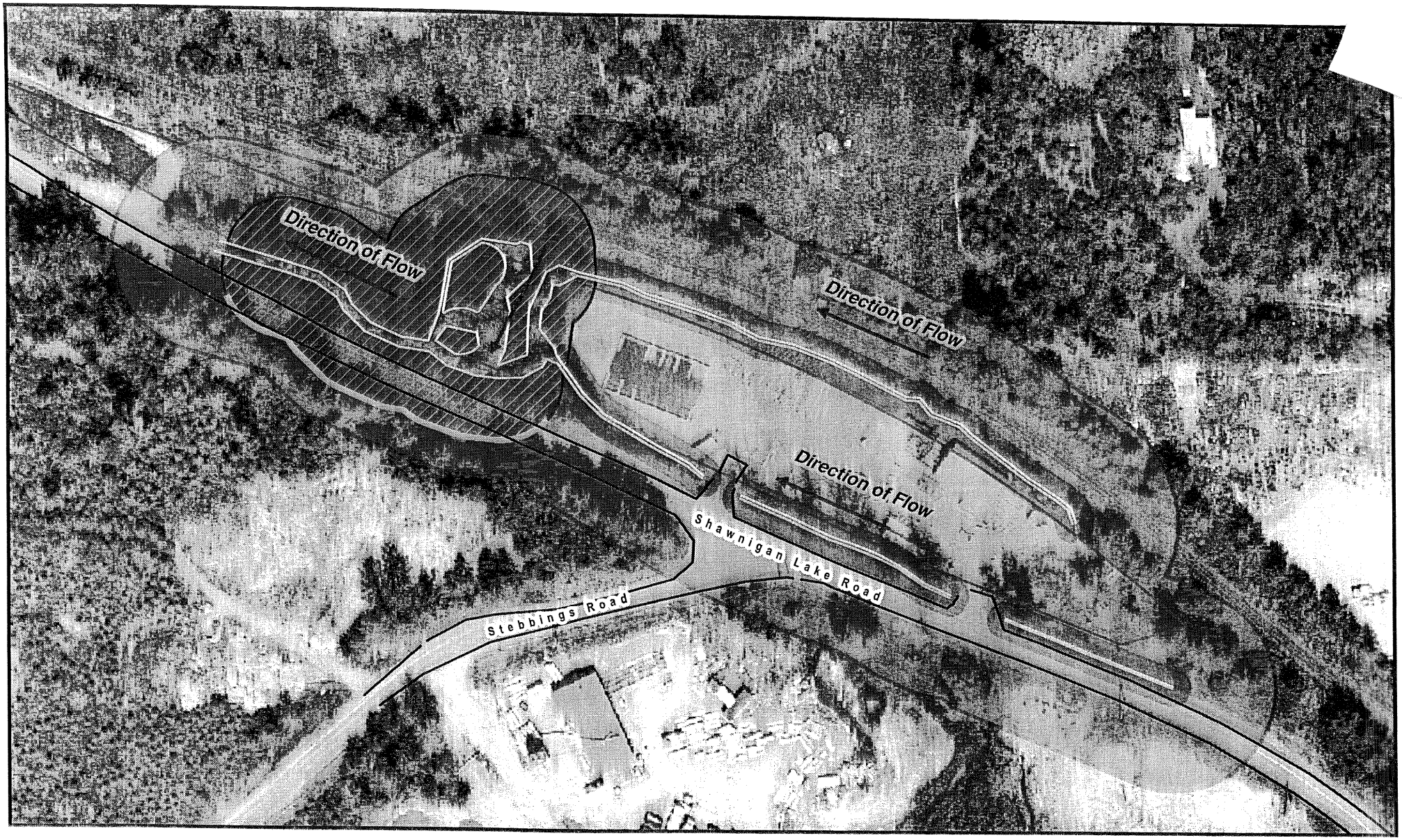
l) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

Southern Ditch

Section 3. Site Plan

Site Plan



Legend

- Existing Roads
- High Water Mark
- Shade_ZOS
- LWD ZOS
- Leaf Litter ZOS
- Streamside Protection and Enhancement Area
- 30m Assessment Area
- Project Boundary

709 Shawnigan Lake Road
Riparian Areas Assessment

December 2009

Meters
0 25 50
Map Projection: UTM NAD83 10N

ENKON Environmental Ltd.

File Name: 1490-001_RAA.mxd

000081

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No trees will be removed as part of this development
I, Susan Blundell, hereby certify that: m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; n) I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting; o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	No trees will be removed as part of this development
I, Susan Blundell, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Slope Stability	No slopes will be cut as part of this development.
I, Susan Blundell, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the Boon's Bin Rental and Contracting; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Protection of Trees	Trees within the remaining SPEA should be protected throughout the entire construction period. No materials may be stockpiled within the dripline of any tree within the SPEA.
I, Susan Blundell, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the Boon's Bin Rental and Contracting c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Encroachment	There will be no encroachment into the SPEA for this project. All construction works will occur within the previously impacted areas on the site.
I, Susan Blundell, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Sediment and Erosion Control	• No soils will be moved or modified in conjunction with this project and as a result no erosion control products are needed. • Any exposed soils will be seeded and the western bank of the property will be planted with riparian vegetation.

	• All construction works upslope of the SPEA be done in a sensitive manner to eliminate movement of fines into the area. • Stockpiling of erodable materials should be done well away from the SPEA and should be bermed to prevent movement of fines into the area. • Because the basic erosion process can start with a raindrop, all exposed soils that are not stockpiled should be covered with vegetation or shredded straw to reduce erosion potential.

I, Susan Blundell, hereby certify that:

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

b. I am qualified to carry out this part of the assessment of the development proposal made by the Boon's Bin Rental and Contracting;

c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

d. Stormwater Management	No additional impervious surfaces will be installed as a result of this project and an increase/change in stormwater is not anticipated.

I, Susan Blundell, hereby certify that:

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

b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting;

c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

e. Floodplain Concerns (highly mobile channel)	These two ditches and watercourse are not highly mobile.

I, Susan Blundell, hereby certify that:

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

g. I am qualified to carry out this part of the assessment of the development proposal made by the developer Boon's Bin Rental and Contracting;

h. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

Section 5. Environmental Monitoring

ENVIRONMENTAL MONITORING

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

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

Section 6. Photos

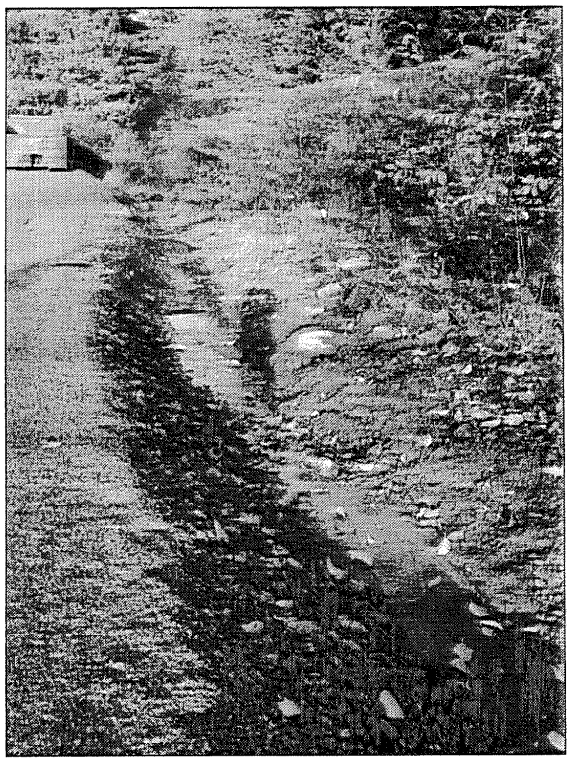


Photo 1: Downstream View of Northern Ditch

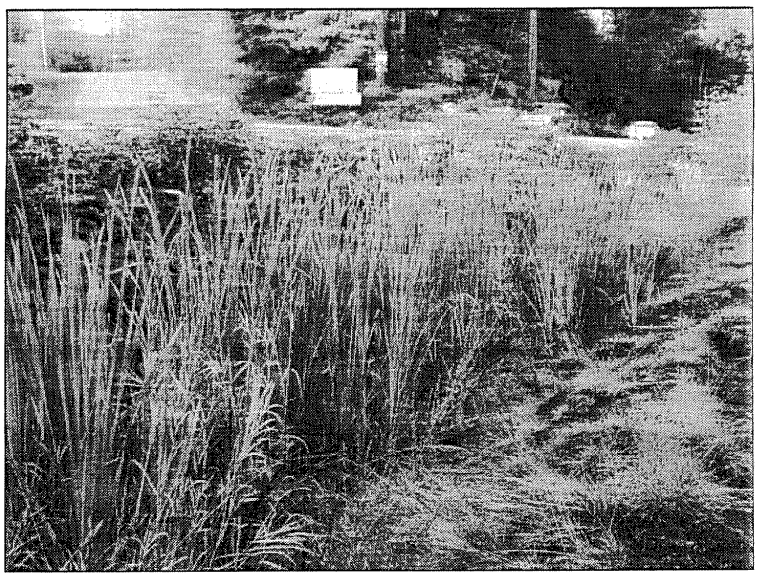


Photo 2: Downstream View of Southern Ditch

Photo 3: View of Southern Ditch Adjacent to Bin Site

Photo 4: Downstream View of Southern Ditch, Upstream of Site (Sediment Laden Water Originating from Adjacent Property)

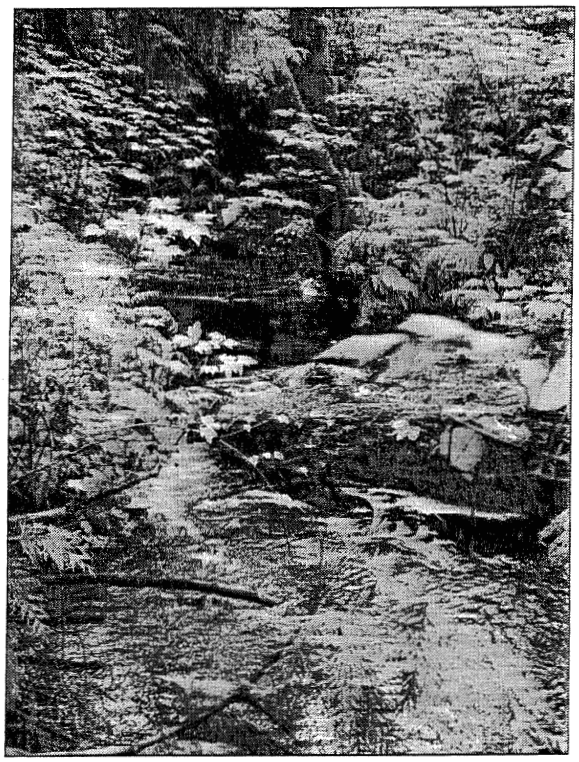


Photo 5: View of Van Horne Creek

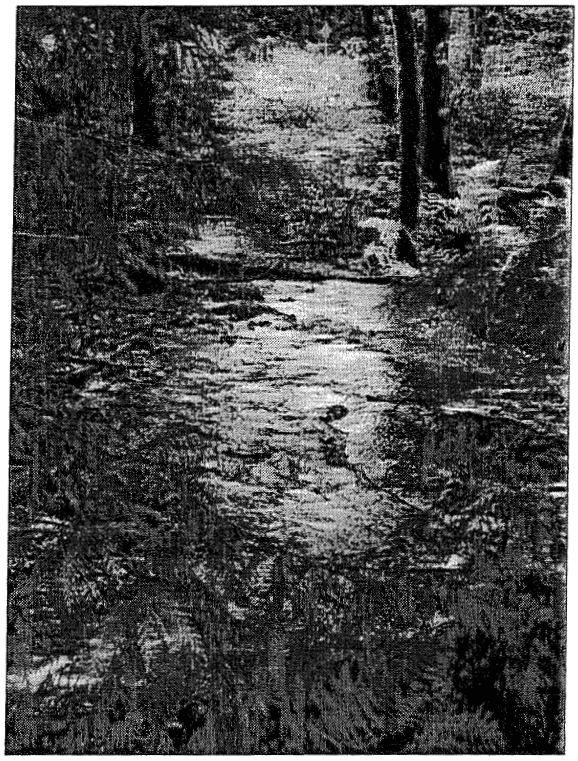


Photo 6: View of Van Horne Creek

Section 7. Professional Opinion

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

Date December 18, 2009

1.I/We Susan Blundell, R.P.Bio.,

hereby certify that:

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

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

a) [x] if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed) **Email from MOE and DFO is attached**

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

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

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

ENKON
ENVIRONMENTAL

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

February 8, 2010

Our file no.: 1490-001

Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan,
British Columbia V9L 1N8

Attention: Alison Garnett, Planning Technician

Dear Ms. Garnett

RE: 709 SHAWNIGAN LAKE ROAD – FURTHER INFORMATION REGARDING ENVIRONMENTAL MONITORING, RIPARIAN SETBACKS AND SITE RESTORATION

The questions from the Planning and Development Department of the CVRD listed are in response to a review of the Riparian Areas Assessment that ENKON completed for the 709 Shawnigan Lake Road property. Responses to these questions are below.

Question 1: You refer to an email from MOE and DFO in the report, but no email is attached. Do you have a copy? Who from either MOE or DFO have been involved in the site?

> **Response:** The RAR gives several options for the R.P.Bio. The "Professional Opinion" states that:
>
> *a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed,* ***OR***
>
> *b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.*

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If Option A is chosen, this means that there is some encroachment into the SPEA. Typically some sort of compensation is required; this is often in the form of setback flexing. The setback is adjusted (enlarged) in order to compensate for the encroachment. This approach requires a letter of endorsement from the municipality and Fisheries and Oceans Canada. As there is no encroachment into SPEA with the proposed development Option B should have been chosen. This error has been amended and the RAA has been resubmitted.

Question 2: The report mentions that no instream works will take place, but Mike said that he plans to widen the entrance to the site using concrete blocks. I assume that he should just follow the Section 9 Works in and About a Stream, but please correct me if I'm wrong.

Response: ENKON has discussed this matter with Mr. Boon and has completed a site visit on February 5th. Mr. Boon does not plan on actually widening the crossing of the south ditch (which would result in replacing the culvert and would require Section 9 Notification) but instead will be widening the area to the north of the ditch. There will be no need for instream works. This work took place last week. ENKON examined the area and found the site to be in good condition with no risk of sedimentation to the ditch.

Question 3: Also, the CVRD will likely require the western side of the property to be restored and replanted, as you suggest in the report. Would you be able to provide more complete recommendations for stabilizing the bank, as well as a replanting plan?

Response: The western side of the property which encompasses the eastern SPEA for Van Horne Creek should be replanted with native shrubs and trees. As well, the slope approaching the creek, as well as the western extent of the southern ditch should be stabilized using cocoa-matting. Tree species to be considered should include western redcedar, Douglas-fir, grand fir, bigleaf maple, red alder and trembling aspen. Shrub species can include salal, tall Oregon-grape, common snowberry, evergreen huckleberry, salmonberry, Indian-plum and Nootka rose. Sword ferns can also be planted. Trees should be planted at a density of one per 4 m^2; shrubs can be planted at a density of one per 1 m^2. This area may need irrigation for the first summer season for maximum plant survival.

Question 4: I know that the site was heavily altered prior to Mike taking ownership in August, but the Atco trailer/office building was put in since then,

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and should comply with the RAR. Is the Atco trailer located within the 5 metre SPEA from the southern ditch? Does the siting of this building pose a problem from your perspective?

Response: Based on the surveying completed by Brad Cunnin Surveyors it appears that the Atco trailer is on the margin of the SPEA. A site visit conducted on February 5th determined that the trailer is located marginally within the 5 m SPEA. The trailer ranges between 3.7 m to 4.8 m away from the high water mark. The trailer itself should not result in an impact to the south ditch. It will not cause erosion or bank stability and no vegetation was removed in order to locate it. ENKON has had several discussions with Mr. Peter Law with the Ministry of Environment regarding the ditches that are located to the north and south of the property. He believes that to preserve water quality it may be beneficial to pipe these drainages. Run-off from the railway to the north and Shawnigan Lake Road to the south cannot be treated before it enters these ditches. If the CVRD agrees with this it would be beneficial to have further discussion with Mr. Law. In the interim, ENKON suggests that this area be planted with native shrubs.

Question 5: Mike is proposing to pave a portion of the site, to create a road 10 ft wide marking the vehicle circulation pattern. From a biological perspective, is paving a better/worse option than leaving the site with the pervious granite rock surface?

Response: Road run-off typically contains contaminants such as petroleum hydrocarbons and PAHs. If the areas that are frequented by vehicles are paved stormwater flows will be consolidated and should be directed into an oil grit separator before being allowed to enter adjacent watercourses. If road water is allowed to infiltrate into the unpaved surface this will allow some filtration but it is uncertain how long and to what extent this will work. It will also be difficult to monitor. Oil grit separators, if maintained on a regular basis, will continue to work effectively. Discharge pipes can be sampled for water quality as part of a monitoring program.

Question 6: Another CVRD recommendation will likely be to mark the Van Horne Creek SPEA with fencing (either split rail, snow fencing, or erosion control fencing, and to replant the SPEA. I'm considering this to be compensation for the entire site, as the ditches have already been so altered. Could you provide a recommendation for replanting in this SPEA?

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Response: ENKON supports fencing the SPEA boundary with a split rail fence equipped with signage. This should be done as soon as possible. If there is a risk of run-off entering Van Horne Creek during the development of the site then sediment fencing should be put in place. Details on riparian planting are discussed above in the response to Question 3.

Question 7: Details regarding the environmental monitoring program has been requested by the Waste Management Division.

Response: Environmental monitoring will focus on: sediment and erosion control, instream works, riparian restoration, spill response and general housekeeping on the site. When site development commences ENKON will meet with site supervisor and crew to discuss environmental protocol on site. ENKON will ensure that the watercourses on site are protected and will develop a detailed planting plan for Van Horne Creek. Once oil water separators are installed and functioning ENKON will commence with water quality sampling at discharge points. Water will also be sampled on Van Horne Creek upstream of the stormwater discharge point(s). Water quality will be tested for in-situ dissolved oxygen as well as pH and turbidity and samples will be sent to the laboratory for testing (BTEX, total oil and grease, total and dissolved metals). Sediment and erosion control structures on site will be inspected regularly. The general condition on the site will also be inspected during each site visit. ENKON will be present during all instream works. Summary reports will be prepared and submitted to the CVRD on a monthly basis.

I hope that this information is helpful to you. Should you have any questions please do not hesitate to contact me at (250) 480-7103.

Yours truly,

Susan Blundell

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

11.2 I-1A – ZONE – LIGHT INDUSTRIAL

(a) Permitted Uses

The following uses and no others are permitted in the I-1A Zone:

1) auto body repair and painting;
2) automotive repair, storage and sales;
3) boat building, repair and storage;
4) book binding, publishing, and storage;
5) building supplies, sale and storage;
6) clothing cleaning, manufacture, repair and storage;
7) equipment repair, sales, storage and rental;
8) feed, seed and agricultural supplies, sales and storage;
9) food processing, storage and packaging, excluding fish cannery and abattoir;
10) industrial processing, manufacturing, repair, storage and packaging enclosed within a building;
11) laboratory, kennel and animal hospital;
12) lumber yards, storage yards, auction grounds;
13) recycling, sorting and storage of any substance or material, including paper, wood, and metal but excluding any type of septage, animal material, or animal substance;
14) restaurant, take out service and catering;
15) secondary processing and manufacturing of wood products, including the making of plywood, lath, particleboard and similar products, and the manufacturing of modular or pre-fabricated homes and structures, but excluding sawmills, pulp and paper mills and log storage and sorting;
16) storage of propane not exceeding 160,000 litres, excluding wholesale and retail sales;
17) warehousing, mini-warehousing, freight handling and storage;
18) wholesale sales, excluding hazardous materials, pesticides, explosives, and petroleum products;
19) office, retail sales, accessory to a use permitted in 11.2(a)1 to 17;
20) one single-family dwelling unit or mobile home accessory to a use permitted in 11.2(a)1 to 17.

(b) Conditions of Use

For any parcel in the I-1A Zone:

1. The parcel coverage shall not exceed 50 percent for all building and structures;

2. The height for all buildings and structures shall not exceed 10 metres;
3. The setbacks for all types of parcel lines set out in Column I of this section are set out for all buildings and structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	9.0 metres
Side (exterior)	4.5 metres
Side (interior)	0 metres where the abutting parcel is zoned Industrial; 9.0 metres where the abutting parcel is not zoned Industrial
Rear	9.0 metres

4. A vegetative screen in the I-1A Zone shall be located and maintained along the entire length of parcel lines contiguous to a road or highway, shall be a minimum of 2 metres wide, and shall consist of mature coniferous trees not less than 2 metres high when planted and shall be located in at least two offsetting rows and spaced not more than 5 metres apart.

D5

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF MARCH 2, 2010

DATE: February 24, 2010 **FILE NO:** 1-H-09RS

FROM: Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department **BYLAW NO:** 1497 & 1020

SUBJECT: Proposed Official Community Plan and Zoning Bylaw Amendment (Heart Lake Developments Ltd.)

Recommendation:

a) That staff be directed to prepare draft OCP and Zoning amendment bylaws for consideration by the Committee at a future meeting;
b) That the applicants provide an archaeological overview assessment, approval in principle for the proposed water and sewer systems, and a wildfire protection plan prior to first and second reading of amendment bylaws;
c) That prior to consideration of adoption of OCP and Zoning amendment bylaws, provisions to secure inclusion of secondary agricultural lots in the ALR, dedication of park land and the fire hall site and agricultural buffers and setbacks be in place.
d) That application referrals to the Ministry of Transportation and Infrastructure, Ministry of Community and Regional Planning, BC Hydro, Diamond Improvement District, Agricultural Land Commission, School District 68, North Oyster Volunteer Fire Department and Chemainus First Nation be accepted;

Purpose:

To consider amendments to North Oyster – Diamond Official Community Plan Bylaw No. 1497 and Electoral Area "H" Zoning Bylaw No. 1020 to permit development of 147 manufactured home strata lots and 7 secondary agricultural lots.

Financial Implications: N/A

Interdepartmental / Agency Implications: See attached comments

Background:

Location of Subject Property: South of Trans Canada Highway and Oyster Sto-Lo Road Intersection

Legal Description: District Lot 51, Oyster District, Except the Right-of-Way of the Esquimalt and

Nanaimo Railway Company, Except part Coloured Red on Plan Deposited Under DD27279I and Except part Shown Outlined in Red on Plan Deposited Under DD28555I; AND

That Part of District Lot 51, Oyster District, Shown Coloured Red on Plan Deposited Under DD27279I

Date Application and Complete Documentation Received: March 19, 2009

Owner: Heart Lake Development Ltd.

Applicant: As above

Size of Parcels: 69 ha. (170.43 ac.)

Current Zoning: A-1 (Primary Agricultural)

Proposed Zoning: MH-1 (Manufactured Home Residential) and A-2 (Secondary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 hectares (29.64 ac.)

Minimum Lot Size Under Proposed Zoning: 325 m^2 (MH-1) and 2.0 ha. (A-2)

Existing Plan Designation: Agricultural

Proposed Plan Designation: Mixed Residential (to be determined)

Existing Use of Property: Vacant; Utility Right-of-Way

Existing Use of Surrounding Properties:

North: Oyster Bay Indian Reserve
South: Vacant forested lands (zoned A-1)
East: Residential (zoned R-2)
West: Vacant forested lands (zoned A-1)

Services:

Road Access: Oyster Sto-Lo Road
Water: Community water proposed
Sewage Disposal: Community sewer proposed

Agricultural Land Reserve Status: Not within ALR. ALR lands abut the subject property on the south west boundary.

Environmentally Sensitive Areas:

Part of Bush Creek and the associated riparian area is located along the east and west boundary of the subject property. Lands south of the subject property are identified in the Environmental Planning Atlas as second growth coniferous forest, although aerial photos show that much of the forested lands to the south have been logged.

Archaeological Sites: None identified. The application has been referred to the Chemainus First Nation for comment.

Site Contamination Regulation: Declaration signed. No Schedule 2 uses identified.

Property Context:

The subject property is located in the Diamond area, north of Ladysmith and south of the Trans Canada Highway and Oyster Sto-Lo Road intersection (Ivy Green). The Oyster Bay Indian Reserve is located directly to the north. Recently logged forestry lands are to the south and west. Residential uses are located to the east, accessed from Christie Road and Grouhel Road.

The subject property is commonly referred to as "District Lot 51", though it is comprised of two titled properties. The total area of the site is approximately 69 hectares (170.43 ac.). Bush Creek is located within a steep ravine that flanks the east and south side of the subject lands. The remainder of the site, where development is proposed, is a moderately sloped. Although the site has been logged previously, it is largely forested with immature second growth coniferous and deciduous trees and under-storey brush.

A 100 metre wide hydro right-of-way crosses the west side of the property and former railway grades cross the south and northeast corners. An unconstructed portion of Christie Road also crosses the property's north east corner.

District Lot 51 is located on the western periphery of residential settlement north of Ladysmith. The Bush Creek ravine physically separates the parcel from residential lands to the south, with the only practical road access to the property being from Oyster Sto-Lo Road.

The Proposal:

The applicant has requested an OCP and Zoning Bylaw amendment that would allow the property to be developed for 147 strata manufactured home lots, 7 two hectare secondary agricultural lots and 29.36 hectares, or 42.5% of the total site area as public and private open space.

Site Layout:
As much of the east and southern areas of the site are part of a ravine and the Streamside Protection and Enhancement Area for Bush Creek, these areas have been proposed as public park and are not intended to be developed other than for pedestrian trails. Uses for the remainder of the site have been largely determined based on soil classifications. Much of the site has low agricultural capability and would likely be usable only for pasture, even with improvement. The central part of the site, however, is improvable for agriculture, including crop production. The central part of the property is therefore proposed for 2 hectare (five acre) secondary agricultural lots with the higher density residential uses planned where soils are not conducive to agriculture.

The development plan for the property proposes an extension of Oyster Sto-Lo Road that would access the southern portion of the property and provide potential future road access to lands to the north and west. Proposed secondary agricultural lots are proposed to be accessed from the Oyster Sto-Lo Road extension, with the manufactured home lots accessed from private strata

roads.

Manufactured Home Lots:
The manufactured home lots are proposed on the southern side of the subject lands, on the bench area above the Bush Creek ravine. 102 of the proposed lots are planned for the north side of the Hydro right-of-way, with the remaining 45 lots proposed on the east side. Although the proposed MH-1 zone allows lot sizes as small as 325 m^2, the smallest lot size in the proposed layout is 540 m^2 (5,800 sq. ft.), with an average lot size of 623 m^2 (6,700 sq. ft.). Proposed areas for common property include an amenities building near the entrance to the strata subdivision, green space over part of the Hydro right-of-way, internal greenspace to provide separation and privacy for some of the residential lots, agricultural buffers along part of the west property boundary abutting the ALR and proposed A-2 agricultural lots and common areas for community gardens, RV storage and outdoor recreation.

Dwelling units are intended to be "manufactured homes" which would be built to the Canadian Standards Association A-277 standard. The manufactured homes will be built on permanent foundations and would have an appearance that is indistinguishable from a site built dwellings. As manufactured homes are built within a controlled environment, they typically can be constructed at a lower cost and higher energy efficient standard than site built dwellings.

Secondary Agricultural Lots:
The secondary agricultural lots are located in the north west portion of the property, where the soils are more conducive to agriculture. Seven fee simple lots are proposed, with lot sizes that range between 2.0 and 3.13 hectares (4.94 and 7.73 acres). The secondary agricultural lots are expected to offer opportunities for small scale agriculture. These lots are separated from the manufactured home residential lots by roadways and buffers to minimize potential conflict between the agricultural and residential activities. The requested A-2 zoning would permit up to two dwellings per lot.

Parks and Open Space:
Public land dedication offered with this application includes 24.11 hectares of park land, comprised primarily of the Bush Creek ravine. This represents approximately 35% of the total site area. Since the majority of the proposed park area is steep or riparian area, it is not expected that the proposed park land would be used as active park or require maintenance or improvements other than for trails. The applicants have offered to dedicate the entire park area concurrently with the registration of the first phase of subdivision.

In addition to public land, 5.25 hectares (13.0 ac.), or 7.6 percent of the site is proposed as private green space. An additional 3.94 hectares (9.7 ac.), or 5.7 percent of the total property is proposed as strata-owned common property. Combined, 33.3 hectares (82.3 ac.), or about 48 percent of the site is proposed as public or private green space and common property.

Sustainable Development Features:
The applicants have proposed a number of sustainable development features with the proposed development. These include protection of environmentally sensitive areas, storm water management strategies, water consumption reduction measures, energy efficient building design, and construction and operation measures to reduce potential environmental impacts. A summary of proposed sustainable development features can be found in the *Summary of Technical Issues*

Plan Refinements document which is attached to this report. It should be noted that these features are voluntary commitments and are not proposed to be secured through the development approvals.

Services:
The applicants are proposing to service the proposed manufactured home lots with community water and sewer. These systems would be built to specifications of the CVRD's Engineering and Environmental Services Department and would ultimately be owned and operated by the CVRD. A 3.5 hectare area along the north property boundary has been identified for an effluent disposal field, and preliminary assessments have been undertaken that indicate the soils are appropriate for the proposed sewer system. Hydrological assessment has also been undertaken that confirms there is sufficient water supply available to service the proposed development.

Future Fire Hall Site:
A 0.4 hectare (1 acre) is proposed along the north property boundary, at the Oyster Sto-Lo Road access. The fire hall site is to be dedicated concurrently with the first phase of subdivision.

Policy Context:

Official Community Plan:
Electoral Area H Official Community Plan Bylaw No. 1497 designates the subject property as "Agricultural". Agricultural objectives listed in the OCP (Policy 2.2) are:

(a) *Maintain and foster agricultural land resources of the plan area for their value for present and future food production.*

(b) *Prevent the development of agricultural land for non-agricultural uses or those uses which would prevent use of the land for future agricultural production.*

(c) *Recognize the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

(d) *Encourage the management of wildlife in agricultural areas.*

The OCP relies heavily on the Agricultural Land Reserve for protecting land with agricultural capability for agricultural use. The Plan does, however, recognize that lands that are outside of the ALR but still considered agricultural in character or supportive of agriculture will continue to be designated for agricultural use.

Residential development objectives stated in the OCP are:

(a) *Guide the pattern and phasing of land development in order to minimize the cost of services to area residents.*

(b) *Encourage residential development to be clustered together in settlement nodes to save or preserve undisturbed tracts of land for recreation and groundwater recharge.*

(c) *Ensure that residential development does not preclude the utilization of resource lands and is in character with adjacent development.*

General residential policies in the OCP encourage infilling of existing residential areas and clustered housing that protects amenities and site features. In addition to the General Residential policies, the OCP also includes specific policies regarding different classes of residential use. Although none of the designation policies are totally applicable to the mixed residential uses proposed with this application, the following policies do provide context and criteria for evaluating the proposal.

Rural Residential Policies

Policy 8.2.1
Land designated as ***Rural Residential*** *in the plan map shall be in accordance with the following criteria:*

i) *The land must not be in the ALR;*
ii) *The land must be reasonably accessible to existing community facilities such as schools, shopping and fire protection services. Distant isolated parcels are not considered appropriate for rural residential densities;*
iii) *The development of the land will not disrupt or interfere with the productive agricultural or forestry use;*
iv) *The land is not anticipated to be serviced with community water for at least twenty years.*

Policy 8.2.2
Land designated ***Rural Residential*** *shall be subject to a minimum parcel size of 2.0 hectares (5.0 acres) excluding all parks, road, and schools.*

Policy 8.2.3
A maximum of two dwellings may be permitted on any Rural residential lot which has a parcel size of 2.0 hectares (5.0 acres) or greater.

Suburban Residential Policies

Policy 8.3.1
Land designated ***Suburban Residential*** *in the plan map shall be required to comply with the following criteria:*

i) *Areas designated Suburban Residential shall include existing single family residential areas which are anticipated to be serviced by a community water system or which are anticipated to be serviced with water service within twenty years.*
ii) *Residential development in the Suburban Residential designation shall maintain the area's rural character. This shall be achieved by the provision of open space, preservation of natural environmental features and promotion of the gradual phasing of development.*
iii) *Residential development shall be reasonably accessible to existing community*

facilities such as schools, shopping and fire protection services. Distant isolated parcels are not considered appropriate for designation of Suburban Residential.

Policy 8.3.2
Land designated for Suburban residential shall be subject to the following net density standards (excluding all parks, roads and schools)

No Services	–	*2.0 ha.*
Community Water	–	*0.4 ha.*

Policy 8.3.3
A maximum of two dwellings may be permitted on any Suburban Residential lot which has a parcel size of 2.0 hectares (5.0 acres) or greater.

In addition to the above cited land use policies, the Area H OCP also includes part of the subject property within the Bush Creek Aquifer Development Permit Area. This development permit area is established to minimize "degradation of this freshwater aquifer for the protection of health, property and safety and fish and/or wildlife habitats and to safeguard development from hazardous conditions". Future development of the subject property will require a development permit in accordance with the guidelines of the development permit area.

Advisory Planning Commission:
The Area H Advisory Planning Commission reviewed the subject application on October 8, November 16, and December 10, 2009. The APC also met on-site on November 7th to view the property. Minutes from the three APC meetings are attached. The APC concluded its deliberations on the application on December 10th, with the following motion:

Whereas the Advisory planning Commission feels that this issue is a major departure from the Official Community Plan of Area H, the Advisory Planning Commission would like to have public involvement in the process of this official proposal. Therefore the Advisory Planning Commission recommends that this be moved forward to enable a public meeting/hearing subject to the concerns of the Advisory Planning Commission as below:

- *to include the concerns mentioned in the Advisory Planning Commission meeting minutes from November 16, 2009*
- *this is a major departure from the Official Community Plan*
- *this motion is by no means to be construed as acceptance or approval of this proposal.*

Government Agency Comments:
This application was referred to government agencies on October 9, 2009. The following is a list of agencies that were contacted and the comments received.

- **Ministry of Transportation and Infrastructure** – *The Ministry of Transportation and Infrastructure has reviewed this proposed application and advise that we have no objection to this proposal. However, this is not to be construed as approval of the subdivision.*

- **Ministry of Community and Regional Planning** – *The Ministry's approval of the subject bylaw will be subject to expression of provincial agency objections and ensuring that there are no conflicts with provincial government interests. Ministry staff will also review the file to ensure that there is a record of First Nations consultation. In that regards, the Ministry recently sent the Interim Guide to First Nations Engagement on Local Government Statutory Approvals (Guide) to all local governments, which I have attached for your reference. Finally, in reflecting upon the proposed bylaw you may also wish to consider the commitment your regional district has made by signing Climate Action Charter, specifically in the area of developing compact, complete communities.*

- **BC Hydro and Power Authority** – *The Utilities have no concerns regarding the proposed bylaw amendment, subject to the following comments which are the Utilities' requirements personal safety, long-term security and maintenance of the electrical system:*
  - *The proposed property development shall not diminish BC Hydro's Statutory Right of Way Agreements registered on the land, specifically the Utilities will continue to have access through the entire length of the right of way areas;*
  - *The Utilities will maintain gated access at either end of the transmission line right of way through the development;*
  - *The Utilities will continue to use best vegetation management practices through the right of way areas to promote a safe and reliable supply of electricity.* (see attached letter for additional comment).

- **Chemainus First Nation** – See attached letters

- **Diamond Improvement District –**
  The Trustees have met and examined the proposed OCP Amendment and Rezoning Application for the above noted property and the proposal's potential effect on our District's interests.

  District Lot 51 (although outside our District's boundaries) shares a common north-south property line with District Lot 83 which is situated within the boundaries of the Diamond Improvement District.

  The Diamond District purchases bulk water from the Town of Ladysmith and it is distributed via our own mains throughout the district. We are allowed an annual quota of water from the Town of Ladysmith that would not be sufficient to supply an additional 157 properties.

  The trustees do not recommend approval of the application to amend Electoral Area H – North Oyster/Diamond Official Community Plan Bylaw 1497 and Zoning Bylaw 1020 as it sets a dangerous precedents for the residents of the Diamond District. These amendments would create higher densities that were not intended by the well thought out OCP and Zoning Bylaw.

- **Agricultural Land Commission** – *With regard to your referral dated 9th September, 2009 I note that practically all of the area adjacent to the ALR boundary is proposed to*

be developed as a park and comprise a steep ravine that effectively separates the land within the ALR from the proposed residential development further to the north-east. This will provide an effective buffer that will protect agriculture on the land within the ALR further west. It appears, however, that there is a small area to the immediate north of the park where some residential development (perhaps one of two subdivisions) abuts the edge of the reserve. It does not appear difficult to move this point slightly north so that no residential subs abut the ALR boundary and I suggest that this be done. Alternatively the sites could be adjusted to provide for buffering as suggested in MAL's guide to edge planning..

- **School District 68** – *No comment received.*

- **North Oyster Volunteer Fire Department** – *No comment received.*

- **CVRD Engineering and Environmental Services** – *CVRD Water Management has not been requested to own and operate a community sewer or water system in this area.*

- **CVRD Parks, Recreation and Culture Department** – *Application referred to Park Commission – comments pending*

- **CVRD Public Safety Department** – *In review of the Rezoning Application No. 1-H-09RS the following comments affect the delivery of emergency services within the proposed area.*
  - ✓ *Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route in the event of congestion on the Oyster Sto-Lo Road and/or the Trans Canada Highway.*
  - ✓ *Proposal is within Ladysmith RCMP detachment area.*
  - ✓ *Proposal is within British Columbia Ambulance (Station 159 Ladysmith) response area.*
  - ✓ *Proposal was recently incorporated within the North Oyster Volunteer Fire Department (NOVFD) response area.*
  - ✓ *Proposal is within the boundaries of the CVRD Regional Emergency Program.*

  Public Safety does not object to consideration of the proposed zoning/development subject to confirmation that the water system for the development is compliant with "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" to ensure necessary firefighting water flows.

Development Services Division Comments:

Land Use:

The location of the proposed development is on the western edge of residential settlement in the Diamond area, in an interface between suburban residential and rural resource land uses. Good planning principles generally discourage urban-type densities in this context because of potential land use conflicts, lack of commercial and community support services and because this form of development tends to be heavily dependent on the automobile. As a general rule, higher density

residential uses are better situated near existing communities, where schools, emergency and community services, local commercial services and public transit are available nearby.

Staff's opinion regarding the proposed development, from a land use perspective, is largely dependent on future development of the Ivy Green intersection. Correspondence from the Chemainus First Nation, which is attached to this report, advises that development plans have been prepared and that CFN intend to proceed with development of these lands for commercial use, including office space, a produce market, grocery services and retail space. If this occurs there would be a local commercial centre nearby that could provide services for the proposed residential development. The Chemainus First Nation supports the residential uses and densities proposed in the application and considers them complementary to future commercial uses planned for the Ivy Green intersection.

The challenge with this application is that it is not possible to know with certainty if and when development of the Ivy Green intersection will occur. This makes rezoning of the D.L. 51 lands somewhat speculative, if it is premised on future development of the Ivy Green lands. That said, the fact that the Chemainus First Nation has an established land use plan for the Ivy Green intersection area provides a reasonable basis for land use decisions on the D.L. 51 site. Staff recommends that any rezoning decision for the D.L 51 site consider future land use plans on adjacent First Nations lands, but caution that there is no assurance that such plans will be realized.

Although the number of lots proposed for agricultural uses are considerably less than the 147 manufactured home lots, the lot area of the seven secondary agricultural lots exceed the site area intended for residential use. While it is difficult to ensure the secondary agricultural lots are used for agriculture, protection of the lots for future agricultural use might be encouraged by including the lots within the Agricultural Land Reserve. If the Committee is supportive of this approach, staff suggests that inclusion of the lands in the ALR could be established as a condition of rezoning, although actual inclusion likely would not occur until after the lots are subdivided.

Potential Residential / Agriculture Conflict:
The proposed development plan has been modified to address concerns raised by the Agricultual Land Commission staff and members of the APC about potential land use conflicts between proposed residential use and agricultural activities on the secondary agricultural lots and adjacent land. To a large extent, the Bush Creek ravine provides a natural buffer between proposed development and ALR lands to the south and west. Where this natural buffer does not exist, such as along a small segment of the western property boundary, a green space buffer is proposed.

Potential conflicts between the manufactured home lots and secondary agricultural lots have been addressed by separating the uses with roads, green space and common property. With the possible exception of one lot in the south west corner of the property (lot 126), staff are satisfied that the minimum 15 metre buffer and 30 metre building setback recommended by the Agricultural Land Commission and Ministry of Agriculture and Lands can be achieved. To ensure this occurs, staff recommend appropriate provisions for securing agricultural buffers and setbacks are included as a condition of development approval.

Park Land:
Park land offered with this application represents a significant public amenity and dedication of this land would facilitate protection of Bush Creek and the associated aquifer and riparian area. D.L. 51 has suffered in the past from trespass and illegal dumping, and parts of the site, particularly near Bush Creek, are damaged from this past activity. Development of the site and dedication of park land are expected reduce trespass and other illegal activities.

The subject application has been referred to the Area H Parks Commission for review and comment.

Since Park Commission comments are not yet available, it is premature for staff to provide recommendations regarding the proposed park land dedication. Once comments are received, staff intends to bring a subsequent report to committee that includes recommendations from both the Area H Parks Commission and CVRD Parks and Trails Division staff.

First Nations:
Staff has received two letters from the Chemainus First Nation regarding the subject application. The first, dated April 22, 2009, supports the application. The second letter, dated September 28, 2009, requests that prior to development activity taking place on the land, that an Archaeological Overview Assessment be undertaken.

As the applicants have not yet undertaken an Archaeological Overview Assessment, staff recommend that this be required prior to presentation of amendment bylaws to the Board for first and second reading.

Services:
Although some preliminary discussion have taken place between the applicant and the CVRD's Engineering and Environmental Services Department, an approval in principle for the CVRD to take over the proposed systems is not in place nor are the standards for the sewage treatment and water systems confirmed. Staff recommend that prior to the application proceeding bylaw readings, that an approval in principle for the water and sewer systems be obtained and further, that the proposed sewage treatment system be designed so as to provide maximum protection to the Bush Creek aquifer.

Fire Protection:
The proposed development is adjacent to forest lands and is exposed to wildfire hazard. Prior to consideration of the proposed rezoning, staff recommend that a wildfire protection plan be undertaken for the proposed development and that recommendations of the protection plan be incorporated into the proposal. The plan should also give consideration to a secondary emergency access/egress route to the proposed development.

Community Consultation:
The applicants hosted public open houses regarding the proposal on November 9 and December 7, 2009. In addition, the applicants have also undertaken consultation with the Chemainus First Nations and other stakeholders in the community. A summary of the applicant's community consultation process is attached to this report.

As considerable public review and discussion regarding the subject application has already

occurred, staff does not recommend that the proposal be presented at a public meeting. Instead, it is recommend that this application proceed to public hearing to allow the public an opportunity to formally comment on this significant land use change.

Summary:

The applicants have undertaken considerable work on this application, and have provided opportunity for public input into the proposed development plan. Modifications to the proposal have been made in response to input received, and there appears to be qualified community support for the application proceeding to public hearing, as reflected in the APC minutes. Although the proposal is a substantial departure from the land uses envisioned in the Area H Official Community Plan, the application also offers a considerable public amenity and a form of housing that is not readily available in this community. While local services presently do not exist to support the residential densities proposed, such services are expected when adjacent lands develop. Despite the risk that the proposed development could become an isolated pocket of urban development in an otherwise rural and semi-rural context, staff believes there is sufficient merit with the application for it to proceed to public hearing.

Should the Committee and Board support the application proceeding to public hearing; staff recommends that the following work be undertaken before amendment bylaws are given first and second reading.

1. Submission of an Archaeological Overview Assessment;
2. Submission of a Wildfire Protection Plan;
3. Attainment of approval in principle from the CVRD Board for CVRD ownership and operation of the proposed water and sewer systems;

Once the additional information is provided, staff would bring an update report, including comment from the Area H Parks Commission and draft amendment bylaws back to the Committee for review.

Furthermore, staff recommends that the following conditions be established for adoption of the requested bylaw amendments. Please note that these conditions are tentative at this stage, and could be modified up to the public hearing, or following the hearing in response to public comment.

A. Provisions to secure inclusion of secondary agricultural lots in the Agricultural Land Reserve, subject to ALC acceptance;
B. Provisions to secure the proposed park land and fire hall site;
C. Provisions to secure agricultural buffers and setbacks;

Options:

1. a) That staff be directed to prepare draft OCP and Zoning amendment bylaws for application 1-H-09RS, for consideration by the Committee at a future meeting;
   b) That the applicants provide an archaeological overview assessment, approval in principle for the proposed water and sewer systems, and a wildfire protection plan prior to first and second reading of amendment bylaws;

c) That prior to consideration of adoption of OCP and Zoning amendment bylaws, provisions to secure inclusion of secondary agricultural lots in the ALR, dedication of park land and the fire hall site and agricultural buffers and setbacks be in place;
d) That application referrals to Ministry of Transportation and Infrastructure, Ministry of Community and Regional Planning, BC Hydro, Diamond Improvement District, Agricultural Land Commission, School District 68, North Oyster Volunteer Fire Department and Chemainus First Nation be accepted;

2. That OCP and Zoning Amendment Application No. 1-H-09RS be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.

3. That application 1-H-09RS be denied, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

Option 1 is recommended.

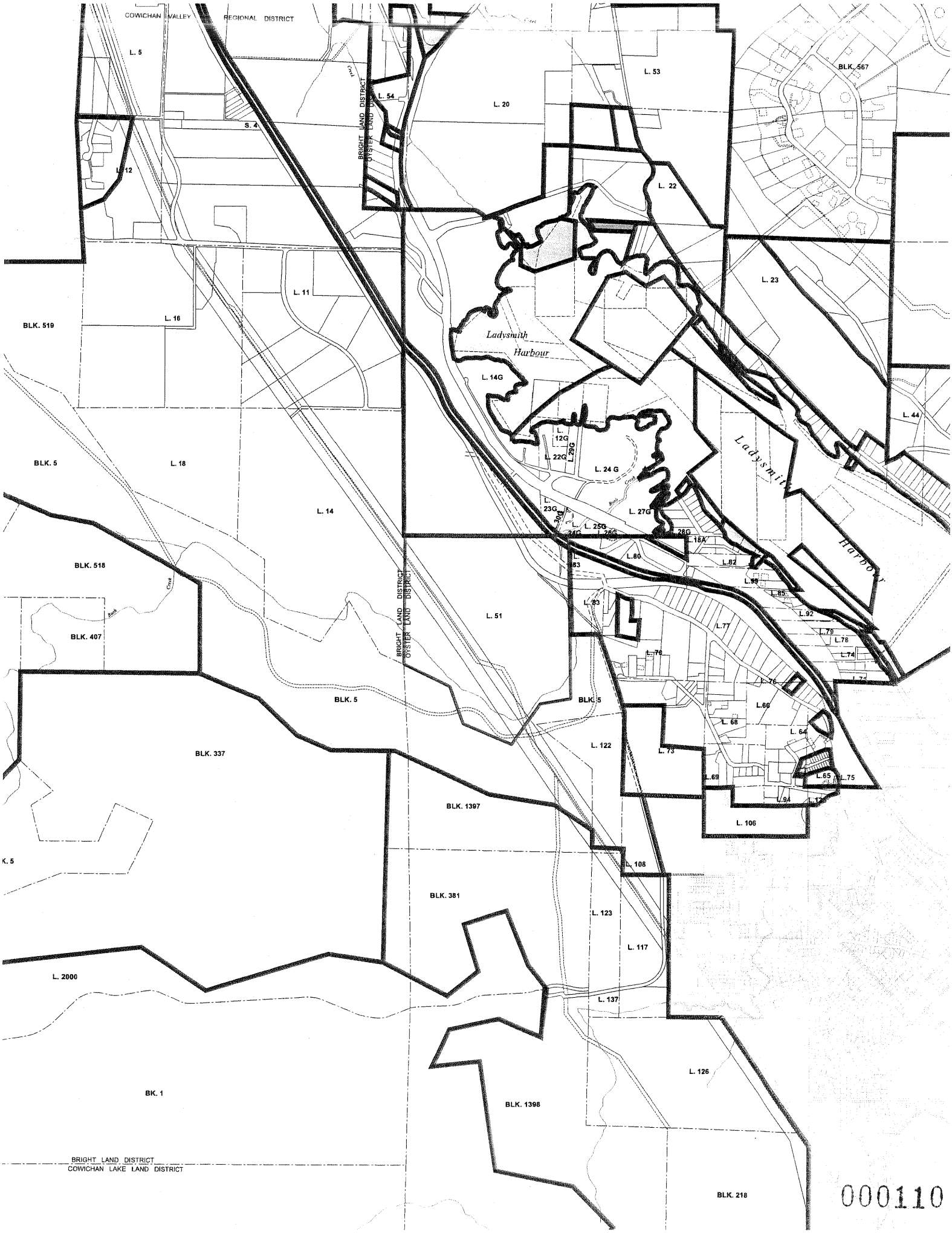
Submitted by,

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

Department Head's Approval:

Signature

RC/ca


COWICHAN VALLEY REGIONAL DISTRICT
L. 5
L. 54
S. 4
L. 12
L. 20
L. 53
BLK. 567
L. 22
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L. 11
L. 16
BLK. 519
Ladysmith Harbour
L. 14G
L. 44
L. 12G
L. 22G
L. 29G
L. 24 G
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L. 18
L. 14
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L. 26G
L. 28G
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OYSTER LAND DISTRICT
BRIGHT LAND DISTRICT
COWICHAN LAKE LAND DISTRICT

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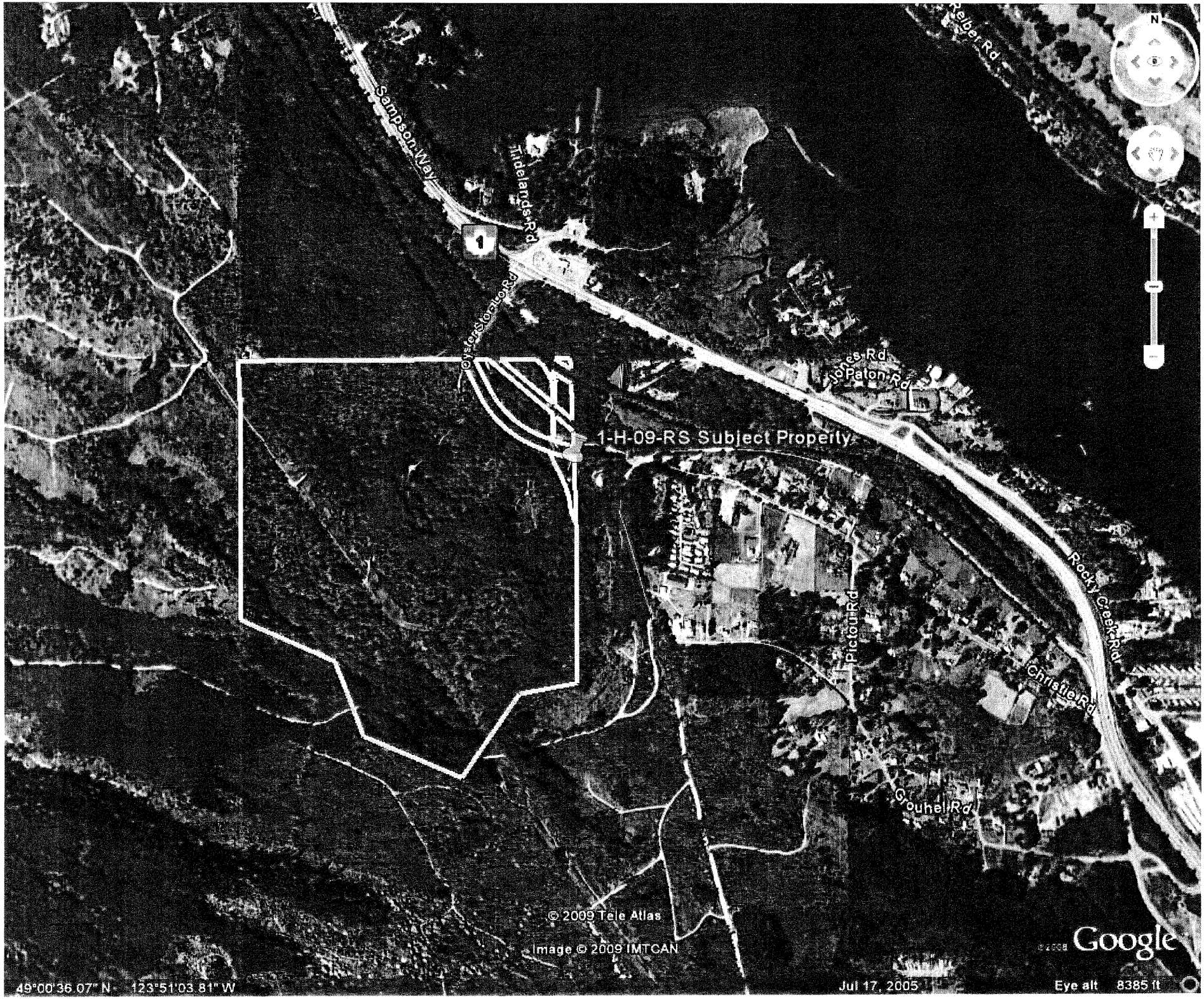
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Oyster Storage Rd
Jones Rd
Paton Rd
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Pictou Rd
Rocky Creek Rd
Christie Rd
Gouhel Rd
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Jul 17, 2005
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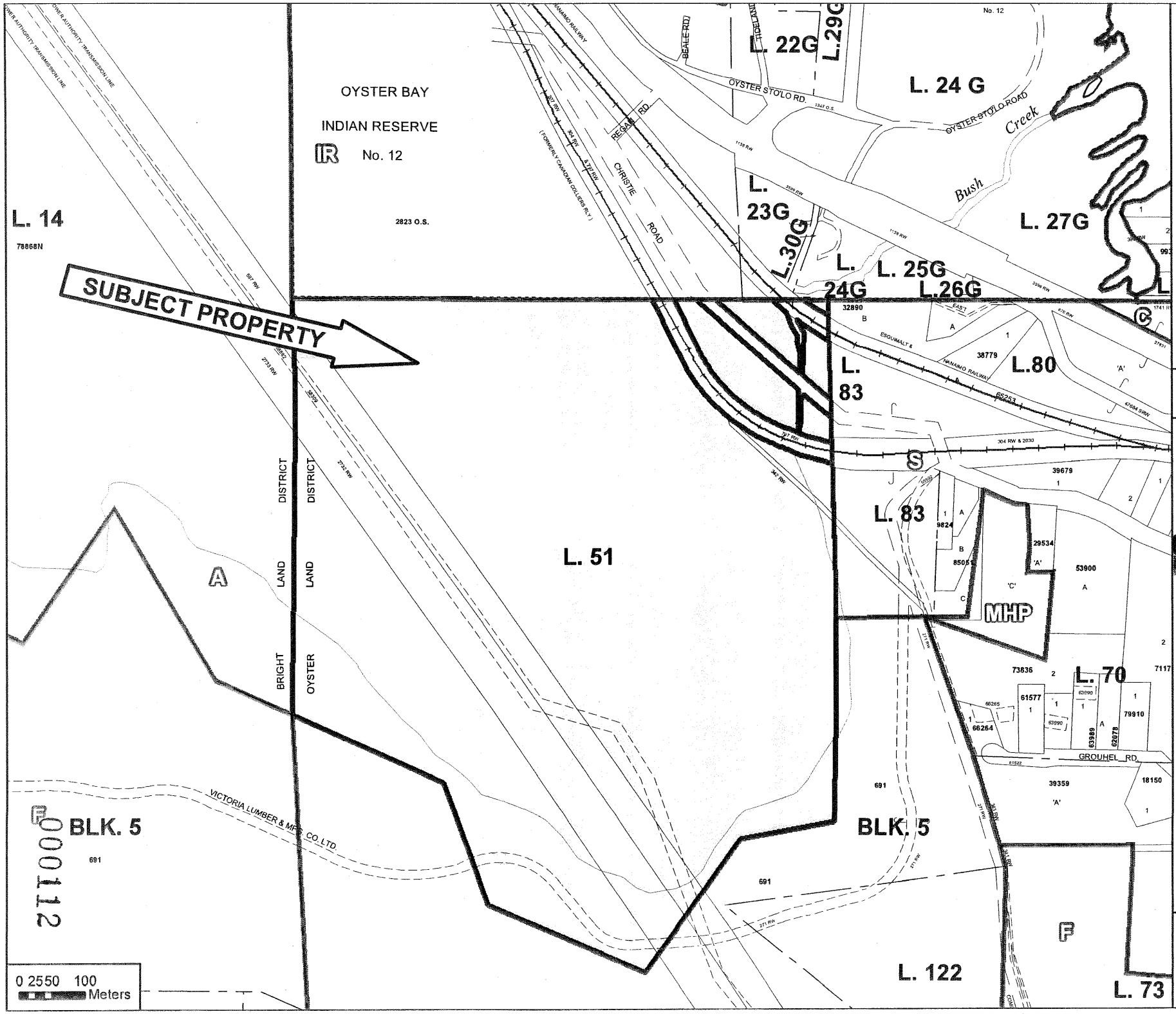
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INDIAN RESERVE
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L. 14
78868N
SUBJECT PROPERTY
L. 22G
L.29G
L. 24 G
OYSTER STOLO RD.
OYSTER STOLO ROAD
Bush Creek
L. 23G
L.30G
L. 24G
L. 25G
L.26G
L. 27G
L. 83
L.80
L. 51
MHP
L. 70
GROUHEL RD.
BLK. 5
VICTORIA LUMBER & MFG. CO. LTD
L. 122
L. 73
CHRISTIE ROAD
REGAN RD.
BEALE RD.
ESQUIMALT & NANAIMO RAILWAY
BRIGHT OYSTER LAND DISTRICT
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Meters
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-H-09-RS
OCP
Legend
Subject_Property
OCP Electoral Area H
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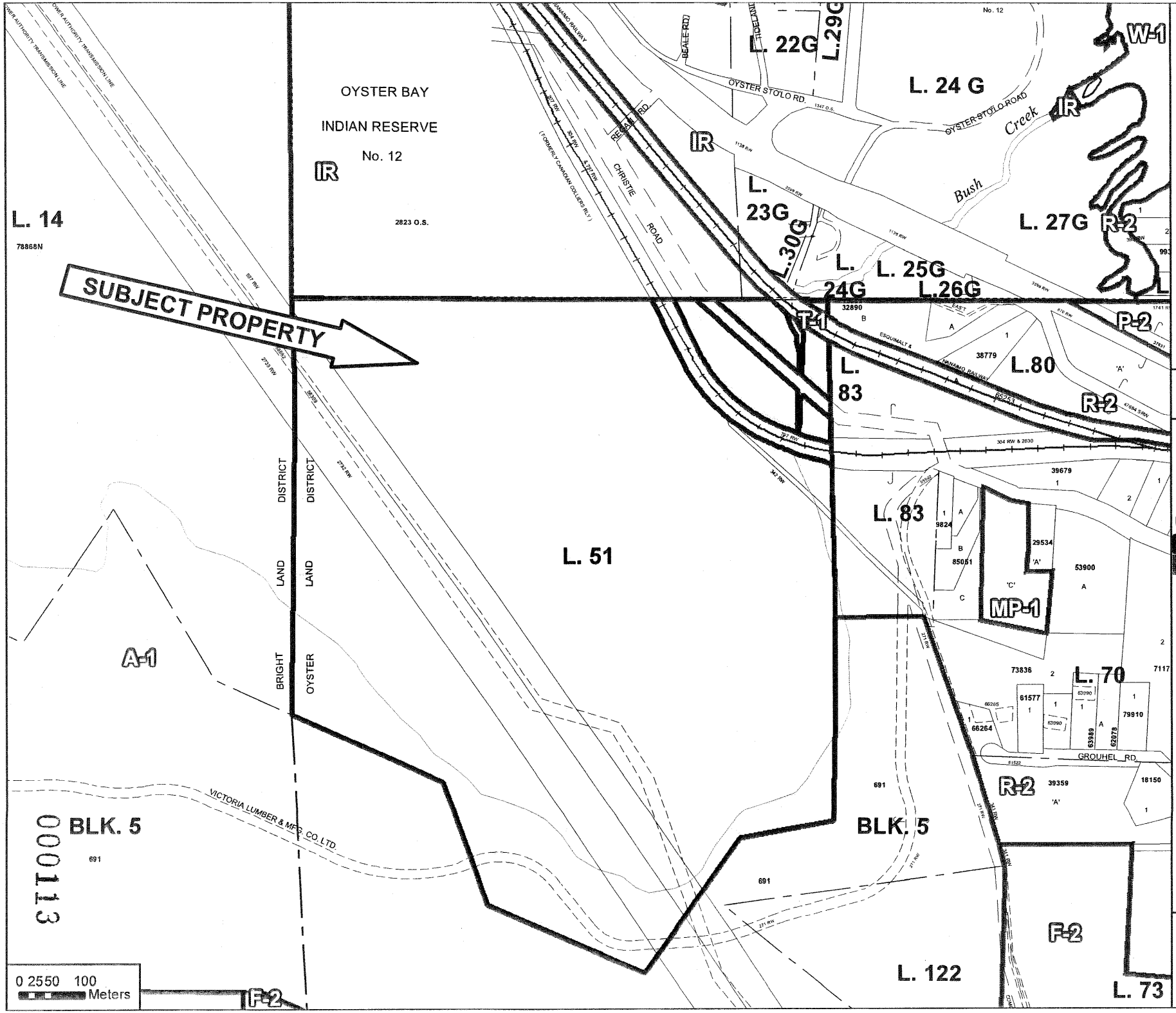

Cowichan Valley Regional District

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FILE: 1-H-09-RS

ZONING

Legend

- Subject_Property
- Zoning Electoral Area H

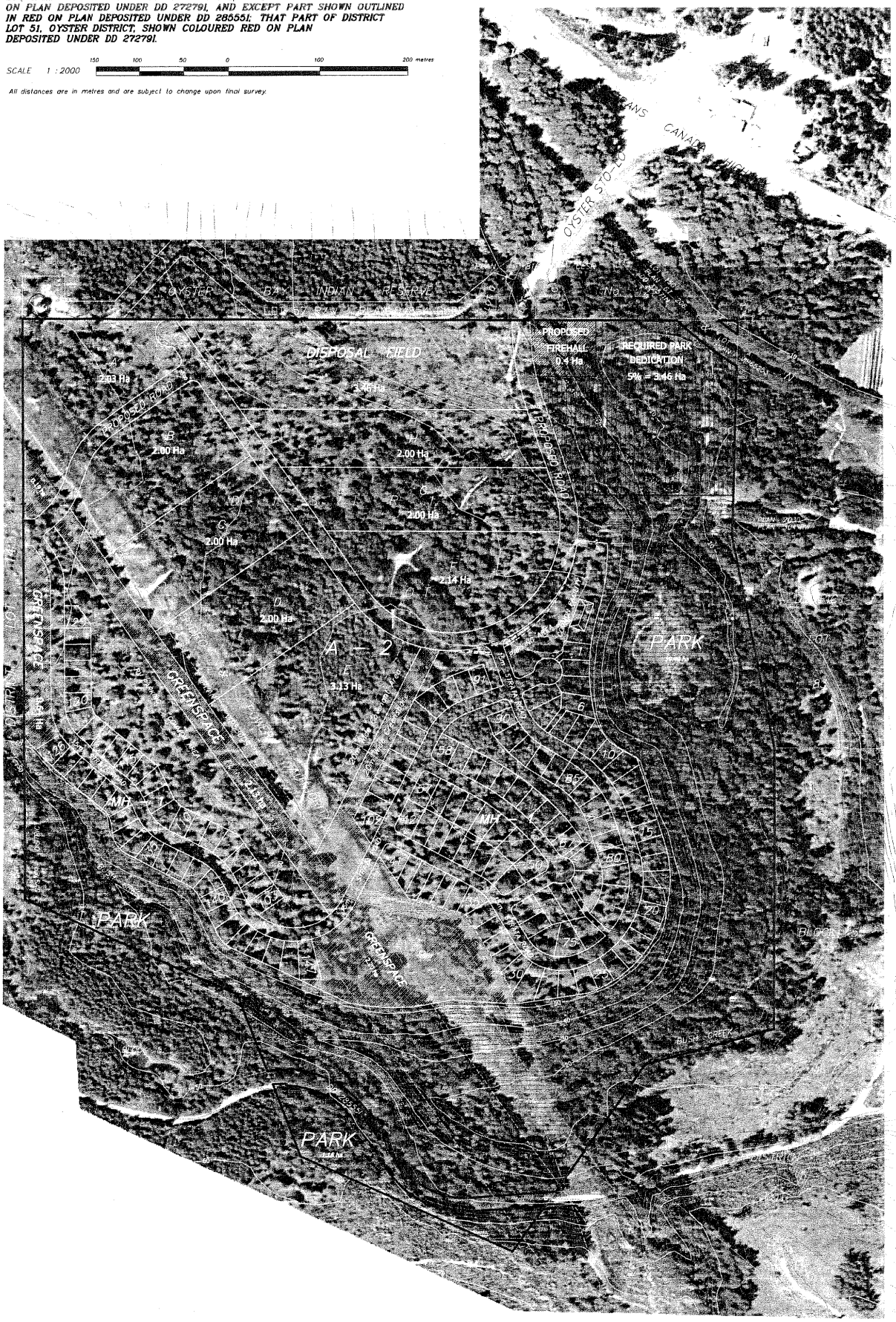
N W E S

000113

PLAN OF PROPOSED SUBDIVISION OF DISTRICT LOT 51, OYSTER DISTRICT, EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, EXCEPT PART COLOURED RED ON PLAN DEPOSITED UNDER DD 272791, AND EXCEPT PART SHOWN OUTLINED IN RED ON PLAN DEPOSITED UNDER DD 285551; THAT PART OF DISTRICT LOT 51, OYSTER DISTRICT, SHOWN COLOURED RED ON PLAN DEPOSITED UNDER DD 272791.

SCALE 1 : 2000 — 150 100 50 0 100 200 metres

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



Total Area of District Lot 51 = 69.1 ha
PARK (24.11 ha) + GREENSPACE (5.25 ha) = 29.36 ha 42.5%
Area of A-2 LOTS = 17.30 ha 25.0%
ROAD DEDICATION = 2.44 ha 3.5%
STRATA DEVELOPEMENT (147 UNITS) = 16.2 ha 23.5%
DISPOSAL AREA = 3.46 ha
PROPOSED FIREHALL = 0.4 ha

STRATA DEVELOPEMENT TOTAL AREA = 16.2 ha 23.5%
STRATA DEVELOPEMENT STRATA ROADS = 3.02 ha 4.4%
STRATA DEVELOPEMENT COMMON AREAS = 3.94 ha 5.7%
STRATA DEVELOPEMENT STRATA LOTS 9.16 ha 13.3%
STRATA DEVELOPEMENT MINUMUM LOT SIZE 540 square meters
STRATA DEVELOPEMENT AVERAGE LOT SIZE 623 square meters

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
FILE: 03-6191, PROG.dwg
DATE: FEBRUARY 12, 2016
231 Connaught Avenue
Duncan, B.C. V9L 2T1 (250) 746-4745

000114

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: December 10, 2009

Time: 7:02 PM

Location: North Oyster Community Center

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Ben Cuthbert, Jody Shupe , Alison Heikes

Also Present: Area Director Mary Marcotte

Members of the Public Present: 3

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of the November meeting of the Advisory Planning Commission, be accepted as presented. Seconded.

Motion: Carried

Old Business

Re: Application No. 1-H-09RS –To consider an application to amend Area H- North Oyster/Diamond Official Community Plan Bylaw 1497 and Zoning Bylaw No. 1020 to allow the subject property to be developed for a manufactured home park, rural residential use and public and private open space.
Legal Description: District Lot 51, Oyster District, Except the right of way of the Esquimalt and Nanaimo Railway Company, Except part coloured red on Plan Deposited under DD27279' and Except part shown outlined in red on Plan deposited under DD28555'.:AND That Part of District Lot 51, Oyster District, Shown coloured red on Plan deposited under DD27279'.

Delegate(s) present: Bruce Muir (owner/developer, Jennifer KY, planner and Alison Wood

Motion – Whereas the Advisory Planning Commission feels that this issue is a major departure from the Official Community Plan of Area H, the Advisory Planning Commission would like to have public involvement in the process of this official proposal.

Therefore the Advisory Planning Commission recommends that this be moved forward to enable a public meeting/hearing subject to the concerns of the Advisory Planning Commission as below:

- to include the concerns mentioned in the Advisory Planning Commission meeting minutes from November 16, 2009
- this is a major departure from the Official Community Plan
- this motion is by no means to be construed as being an acceptance or approval for this proposal.

Seconded.

Motion: Carried, 1 opposed, Ben Cuthbert

Regular Business:

A. Director's Report:

Director Marcotte reported that the Chairman at the CVRD will remain the same for this next term.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held

Thursday, January 14, 2010 @ 7:00 PM Diamond Hall

Adjournment: Moved and Seconded @ 8:30 PM

_____

Jan Tukham - Secretary

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: October 8, 2009

****Prior to the commencement of this meeting, Advisory Planning Commission Member, Gary Fletcher, arrived to announce his resignation.

Time: 7:00 PM

Location: North Oyster Hall

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Ben Cuthbert, Gaynel Lockstein, Alison Heikes

Members Absent: Jody Shupe

Also Present: Area Director Mary Marcotte, and Alternate Director Rob Waters

Members of the Public Present: 4

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of the June 11 2009 meeting of the Advisory Planning Commission, be accepted as circulated. Seconded.

Motion: Carried

Old Business: No Old Business

New Business:

Application No. 1-H-09RS –To consider an application to amend Area H- North Oyster/Diamond Official Community Plan Bylaw 1497 and Zoning Bylaw No. 1020 to allow the subject property to be developed for a manufactured home park, rural residential use and public and private open space.
Legal Description: District Lot 51, Oyster District, Except the right of way of the Esquimalt and Nanaimo Railway Company, Except part coloured red on Plan Deposited under DD27279' and Except part shown outlined in red on Plan deposited under DD28555'.:AND That Part of District Lot 51, Oyster District, Shown coloured red on Plan deposited under DD27279'.

Delegate(s) present: Bruce Muir (owner/developer), Dennis Lowen – hydrologist for Lowen Hydrology, Jennifer Ky, planner and Alison Wood

A lengthy presentation was made by the delegate(s). After a brief question/answer period a motion to do a site visit by the Advisory Planning Commission of this application No. 1-H-09RS and to invite the North Oyster Fire Chief, and the Parks Commission of Area H was made. This motion was seconded.

Motion: Carried

This site visit will take place at 9:00 AM – November 7, 2009.

Regular Business:

A. Director's Report:

Director Marcotte updated the Advisory Planning Commission on both old and new applications. She announced that Dr. Wiggens had withdrawn his application, File No. 1-H-08RS.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held

Thursday, November 12, 2009 @ 7:00 PM – Diamond Hall

Adjournment: Moved and Seconded @ 8:12 PM

Closed Session: 8:20 PM

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

Motion: Carried

Adjournment: To rise without report @ 8:30 PM

_____

Jan Tukham - Secretary

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: November 16, 2009

Time: 8:02 PM

Location: North Oyster Community Center

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Ben Cuthbert, Gaynel Lockstein, Jody Shupe

Members Absent: Alison Heikes, Gaynel Lockstein

Also Present: Area Director Mary Marcotte, and Alternate Director Rob Waters

Members of the Public Present: 3

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of the October meeting of the Advisory Planning Commission, be accepted as circulated. Seconded.

Motion: Carried

Old Business: No Old Business

New Business:

Application No. 1-H-09RS –To consider an application to amend Area H- North Oyster/Diamond Official Community Plan Bylaw 1497 and Zoning Bylaw No. 1020 to allow the subject property to be developed for a manufactured home park, rural residential use and public and private open space.
Legal Description: District Lot 51, Oyster District, Except the right of way of the Esquimalt and Nanaimo Railway Company, Except part coloured red on Plan Deposited under DD27279' and Except part shown outlined in red on Plan deposited under DD28555'.:AND That Part of District Lot 51, Oyster District, Shown coloured red on Plan deposited under DD27279'.

Delegate(s) present: Bruce Muir (owner/developer), Dennis Lowen – hydrologist for Lowen Hydrology, Jennifer Ky, planner and Alison Wood

Motion – To ask the delegates for a brief presentation to the Advisory Planning Commission highlighting the changes that have been made since our last meeting. Seconded.

Motion: Carried

A brief presentation was made by the delegate(s) updating the Advisory Planning Commission motioned. A question/answer period ensued. Some concerns from the Advisory Planning Commission were:

Archeological study done
Site cleaned up even if this development does not go through
Concerns about the zoning change from A1 – MH.
Residential concentration – insult that the change indicates having 147 MH now rather than 150 as originally planned.
Urban Sprawl – will this entice infilling from the city of Ladysmith
Will residents actually be occupied year round or will this be a 'snowbird community'
Aquifer concerns – amount of available water – pollution from run off & septic should be no more building allowed on the aquifer
Access to public park – down a ravine?
Fish Habitat being affected in the Bush Creek by additional runoff
Parkland dedication boarding this proposed strata development, will invasive species and the use of fertilizers being introduced through private gardens
Is the developer willing to put back the 7 – proposed agricultural lots into the Agricultural Land Reserve
This is a huge leap from the Official Community Plan – could set a precedence for future developments
Soil study done – seems best soil is near the proposed strata development
Agricultural does not seem to mix with such a dense residential population. Ie roosters, pigs other farm operations could be disturbing
Where would these manufactured homes be built – should be in the Cowichan valley
Are there guarantees in place to stop the property from being 'flipped' after r rezoning

Motion: Motion to go ahead to public meeting/hearing, the Advisory Planning Commission has the following concerns:

- road structure be the same as indicated on the plans
- inclusion of property be serviced for a new fire hall
- the boundaries of the lots adjoining the power line include the power line
- access to the park be provided with the construction of a parking lot
- zoning change, if passed be site specific
- water conservation and storm water management swales etc. be constructed
- A2 lots must go back into the Agricultural Land Reserve
- A more comprehensive soil analysis be done

Seconded.

Motion: 3 in favour 3 against motion tied. Therefore Motion denied

Motion: To table this, until after the second public meeting/open house that is to be held on December 7, 2009. Seconded.

Motion: Carried

Regular Business:

A. Director's Report:

Director Marcotte did not have anything to report.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held

Thursday, December 10, 2009 7:00 PM North Oyster Community Hall

Adjournment: Moved and Seconded @ 10:07 PM

_____

Jan Tukham - Secretary

STZ'UMINUS FIRST NATION

Cowichan Valley Regional District

175 Ingram Street

Duncan, BC V9L 1N8

Attention: **Mary Marcotte, Area H Director and Members of the CVRD Regional Board**

Re: **DL 51, Official Community Plan Amendment and Rezoning Application**

In light of the Official Community Plan Amendment and Rezoning application for DL 51, please accept this letter as further background informing the context, specifically in regards to adjacent land uses. The Chemainus First Nation is an adjacent landowner and is therefore an important stakeholder in the planning and development process. Our 'four corners' lands, located at the intersection of the Trans Canada Highway and Oyster Sto-Lo Road, are in the process of undergoing commercial redevelopment. The vision for the site is to accommodate a range of service commercial uses that would be complementary to the proposed residential community uses at DL51. We feel our proposed 'four corners' development will further support the proposed development of DL51.

Chemainus First Nation has expressed support for the proposed residential community at DL 51, which we understand is to include a residential development and agricultural properties, along with public open space and the preservation of the Bush Creek corridor. Complementary to these land uses, our proposed commercial development centers around a neighborhood service node concept; including commercial office space, retail space, produce market and grocery services. Our intention is to provide a distinct and welcoming service node, offering benefits to local residents of Ladysmith, tourist through traffic and neighboring communities.

We see the DL51 development to be mutually beneficial and complementary to our vision for the future commercial development of our lands. As stated in our letter of support dated June 23, 2009, we believe this is an opportunity for cooperative and compatible community growth and we look forward to seeing this project receive CVRD approval and being realized in our community.

Regards,

Ray R Gauthier

Business Development Manager

Stz'uminus First Nation

12611A Trans Canada Highway
Ladysmith, BC V9G 1M5
Ph. 250.245.7155
Fax. 250.245.3012

CHEMAINUS FIRST NATION

April 22, 2009

Cowichan Valley Regional District

175 Ingram Street

Duncan, BC V9L 1N8

Attention: **Mary Marcotte, Area H Director and Members of the CVRD Regional Board**

Re: **DL 51, Official Community Plan Amendment and Rezoning Application**

Please accept this as our letter of support for the Official Community Plan Amendment and Rezoning application for DL 51. As you know, the Chemainus First Nation is an adjacent landowner and is therefore an important stakeholder in the planning and development process.

Prior to the application being submitted to the CVRD, we had the opportunity to meet with the property owners and applicants and received a detailed presentation outlining their vision for the proposed residential community at DL 51. We strongly believe the proposed residential development, including affordable, quality, manufactured homes and agricultural properties along with public open space and the preservation of the Bush Creek corridor, will bring benefits to the broader community and offer new opportunities for local residents.

Chemainus First Nation is currently pursuing economic growth through the commercial development of our four corners lands, located at the intersection of Oyster Sto-lo Road and the Trans Canada Highway. We believe that the proposed residential community at DL 51 is in keeping with our vision for future commercial development of our lands, as new residents of DL 51 will support the accessible, commercial services, which in turn offer local amenities to the neighbourhood. We believe this is an opportunity for cooperative and compatible community growth.

Chemainus First Nation offers support for the DL 51 proposal. We look forward to seeing this project receive CVRD approval and being realized in our community.

12611A Trans Canada Highway
Ladysmith, BC V9G 1M5
Ph. 250.245.7155
Fax. 250.245.3012

Indian and Northern Affairs Canada

File reference no.

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

NOTE: The words "from our and Funds" "capital" or "revenue", which is the case, must appear in all resolutions requesting expeditures from Band Funds.

		Cash free balance
The council of the **Chemainus First Nation**		Capital Account $
Date of duly convened meeting	D-J 22 / M 04 / Y-A 09 / Province BC	Revenue account $

DO HEREBY RESOLVE THAT:

Chemainus First Nation council fully support the zoning application for DL 51 official community plan amendment as per attached letter.

Quorum ~~Five (5)~~

(Councillor) Harvey Seymour Sr.

(Councillor) Francis Harris

(Councillor) Terry Sampson

(Councillor) Edward Seymour Sr.

(Councillor) Charlotte Elliott

(Councillor) Kevin Frenchy

(Councillor) Timothy Harris

(Councillor) David Harris Sr.

(Councillor) John Elliott

(Councillor) Anne Jack

(Councillor)

(Councillor)

Expenditure- Dépense	Authority(Indian Act Section) Autorite (Article de la Loi sur Les Indiens)	Source of funds Sourxe des fonds ☐ Capital ☐ Revenue Revenu	Expenditure- Dépense	Authority(Indian Act Section) Autorite (Article de la Loi sur Les Indiens)	Source of funds Sourxe des fonds ☐ Capital ☐ Revenue Revenu

Recomm

Recommending officer- Recommandé par

Signature Date

Approving officer - Approuvé par

Signature Date

80-5 (12-89) 7530-21-036-8582

Canada

000124

STZ'UMINUS FIRST NATION
NATURAL RESOURCES

Via E-mail to: ds@cvrd.bc.ca

September 28, 2009

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

Attention: Rob Conway

Re: File No. 1-H-09RS

Please be advised Stz'uminus (Chemainus) First Nation (SFN) is in receipt of your September 9, 2009 Referral *File No. 1-H-09RS – Heart Lake Developments Ltd.*, in regards to an application to amend Electoral Area H, OCP Bylaw No. 1497 and Zoning Bylaw No. 1020 to allow the subdivision of DL 51.

SFN Natural Resources Department records reveal the subject Referral area is positioned entirely within a Traditional Use Site, generally identified as a resource procurement region. Additionally, the subject parcel is immediately adjacent to SFN Indian Reserve #12. Notwithstanding SFN's Band Council Resolution of April 22, 2009 and a subsequent letter from Ray Gauthier, SFN Business Development Manager, we ask the CVRD undertake to ensure that prior to any formal development activities take place on the subject parcel that the proponent is required to conduct an Archaeological Overview Assessment.

SFN Natural Resources Department holds a duty to protect cultural heritage and archaeological resources within SFN traditional territory. As such, we ask for your cooperation in this regard and look forward to working with you and the respective applicant(s).

Please confirm that you will require the proponent to conduct an AOA in advance of any formal development activities. Should you have any specific questions or concerns regarding this submission please direct your inquires to the undersigned. I can be reached at (250) 245-6838 (ext 249).

STZ'UMINUS FIRST NATION
NATURAL RESOURCES

Thank you,

Heath Krevesky
Referrals Coordinator
Stz'uminus (Chemainus) First Nation

CC: Chief and Council, SFN
Warren Johnny, Manager, Department of Natural Resources, SFN
Stephen Olson, Administrator, SFN
Ray Gauthier, Economic Development Manager, SFN
Brian Booth, Capital Projects Manager, SFN

BC hydro
FOR GENERATIONS

Properties
Property Rights Services
Phone: (250) 755-4155
FAX: (250) 755-7190
Email: rita.brom@bchydro.com

C·V·R·D
RECEIVED
OCT 05 2009

October 2, 2009

Assignment #: PA1024121
Our Files: 501-1602.0(X452)
501-1602.0(X896)
563-1402.0(7)-79
Circuits: 1L109/122/138

Rob Conway
Manager, Development Services Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8

Dear Sir:

Re: CVRD File 1-H-09RS (Muir-Heart Lake Developments Ltd.)
Application to amend Electoral Area H to allow property development for a manufactured home park, rural residential use and public and private open space
BC Hydro Transmission Line Right of Way Plan 597RW and Distribution Line Right of Way Plan 342RW, Statutory Right of Way Charge Numbers 148544G (assignment of 80106G), 148544G (assignment of 95246G), 204768G (assignment of 146523G)

Thank you for your memorandum dated September 9, 2009 and for giving BC Hydro and BC Transmission Corporation (the "Utilities") the opportunity to provide comments regarding the referenced proposed bylaw amendment.

My research indicates that BC Hydro has two distribution line rights of way and one transmission line right of way that are registered on the titles of District Lot 51.

The Utilities have no concerns regarding the proposed bylaw amendment, subject to the following comments which are the Utilities' requirements for personal safety, long-term security and maintenance of the electrical system:

- The proposed property development shall not diminish BC Hydro's Statutory Right of Way Agreements registered on the land, specifically, the Utilities will continue to have access through the entire length of the right of way areas;

- The Utilities will maintain gated access at either end of the transmission line right of way through the development;
- The Utilities will continue to use best vegetation management practices through the right of way areas to promote a safe and reliable supply of electricity.

In the event the proposed bylaw amendment is passed and the proposed development moves forward, please provide the property developer with the following information:

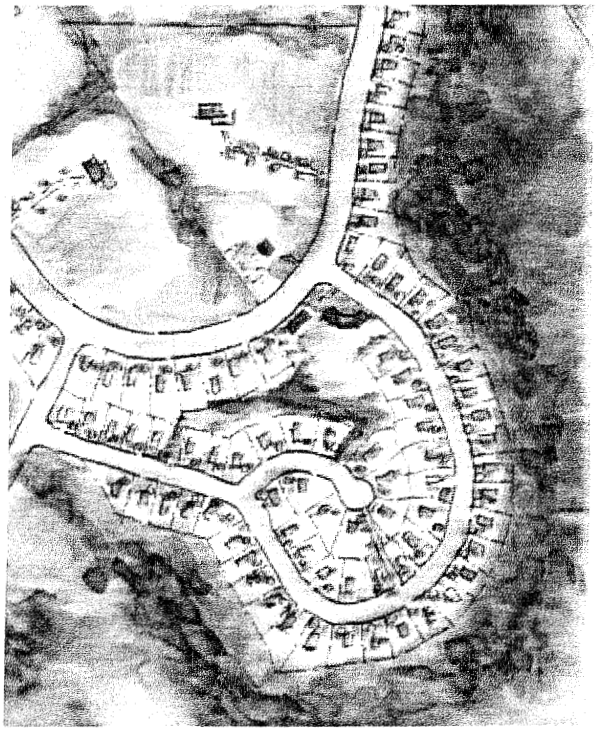
- Any development within BC Hydro's rights of way will require separate written approval before construction takes place. Please submit applications to my attention.
- New subdivision plans with road and/or park dedications may also be sent to my attention for execution by BC Hydro's authorized signatory in Nanaimo.
- Electrical distribution design: Brad Logan, field operations design technician, Duncan (tel. 250-746-3802).
- BCTC Vancouver Island representative: Ray Read, Nanaimo (tel. 250-755-4741).

Sincerely,

Rita Brom, RI(BC)
Property Coordinator

c. B. Logan
R. Read

Note: Application amended
Since initial March/09 submiss.



DL51 - OCP AMENDMENT AND REZONING APPLICATION

Application Report | March 2009

Prepared For: Heart Lake Developments Ltd.
Completed By: Landeca Services Inc.

CONTENTS

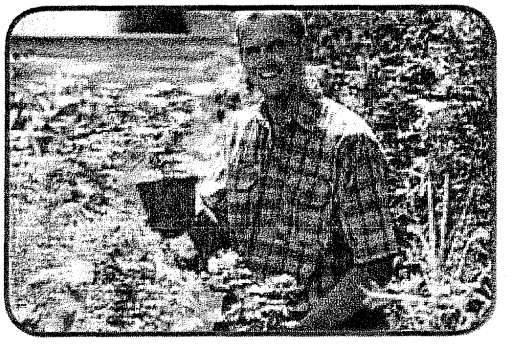
1.0	**Introduction**	5
2.0	**Site & Context**	7
	2.1 Local Services	
	2.2 Demographics and Community Growth	
3.0	**Regulatory Context**	11
4.0	**DL51 Background**	16
	- Planning Background	
	- ALR Background	
5.0	**Current Proposal – Land Use Planning Concept**	18
	5.1 Manufactured Homes	
	5.2 Agricultural Use	
	5.3 Open Space Planning	
6.0	**Land Use Plan**	26
	6.1 Sustainable Design Principles	
	6.2 Residential Predecents	
7.0	**Background**	36
	7.1 Site Servicing	
	7.2 Soil Analysis	
8.0	**Conclusion**	38
	References	

1.0 Introduction

The purpose of this submission is to present a Rezoning and Official Community Plan Amendment application for a 69 hectare (170 acre) property in Area H of the Cowichan Valley Regional District (CVRD). The proposed site is District Lot 51 (DL51), which lies within a rural area north of Ladysmith, on the west side of the Trans Canada Highway, with access off Oyster Sto-Lo Road.

The application proposes to rezone the site to accommodate seniors-orientated housing options for the local community. Area H residents who are looking to downsize yet remain in their immediate community will benefit from the proposed new range of housing options, including clustered manufactured homes and acreage agricultural properties. The agricultural setting will provide a new neighbourhood for rural living. Along with these alternative housing options for local retirees, the application proposes to dedicate 46% of the total site area as park and open space.

To develop this plan, the application has carefully considered the natural features of the property and has reviewed the agricultural capability of the lands, which are currently not in agricultural use. The application proposes to re-zone the property from A-1 (Primary Agriculture) to A-2 (Secondary Agriculture) and MH-1 (Manufactured Home Residential) with accommodations for up to 2 stories. A program of community consultation will help inform the planning process and will involve actively engaging the community for their thoughts in regards to the proposed DL51 development.



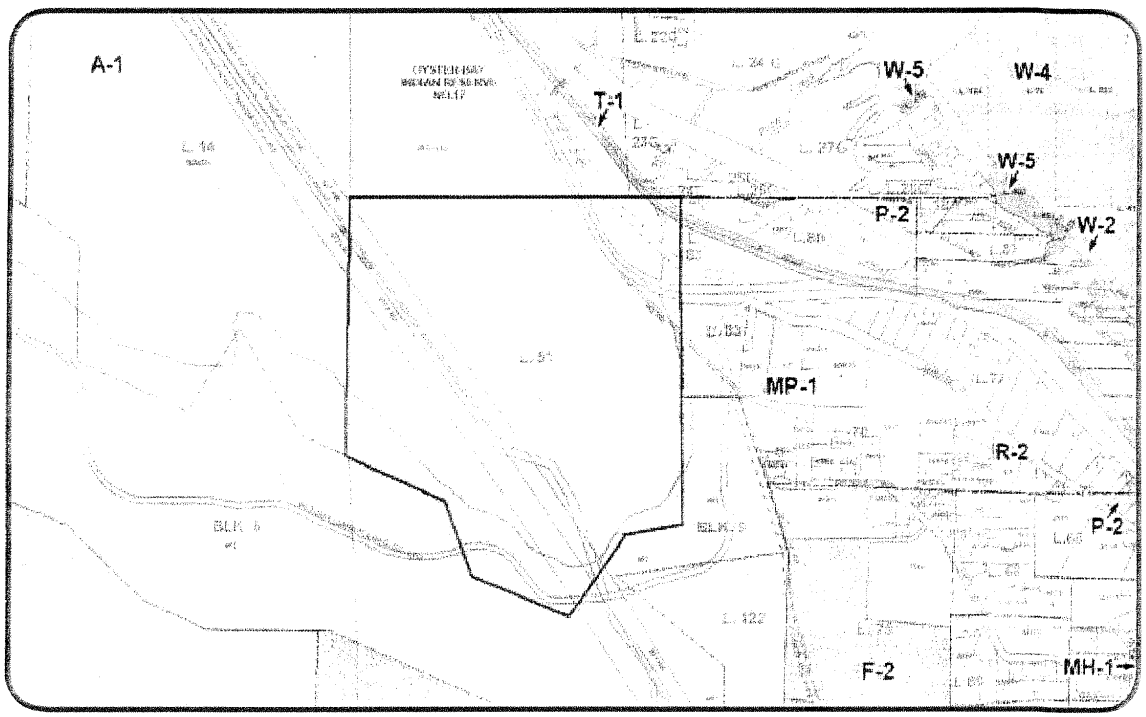


Fig 1

2.0 Site and Context

The subject property is located within Electoral Area H Oyster/Diamond of the Cowichan Valley Regional District (CVRD). DL51 is approximately 69 hectares (170 acres) in size and is bounded to the south by DL122 and Bush Creek. Oyster Bay Indian Reserve No.12 is directly north of the property, while Timber West Lands are located to the west of the property and a number of single family residential homes are located to the east of the property.

The BC Hydro Right of Way (ROW) and gas ROW run through DL51 in a general north-south direction. The topography along the ROW has rolling undulating hills that gradually slope towards the southern portion of the property then drop off drastically towards Bush Creek. The west side of the property has fairly steep sections with more dense vegetation and sporadic patches of trees and vegetation. The eastern portion of the property has steeper sections, which open significant views toward the Bush Creek corridor and to adjacent forested lands.

The property contains the Bush Creek and Cassidy aquifers, located in the southern portion of the property. Bush Creek travels southeast along the southern boundary of the site and then channels in a northward direction toward Ladysmith Harbour.

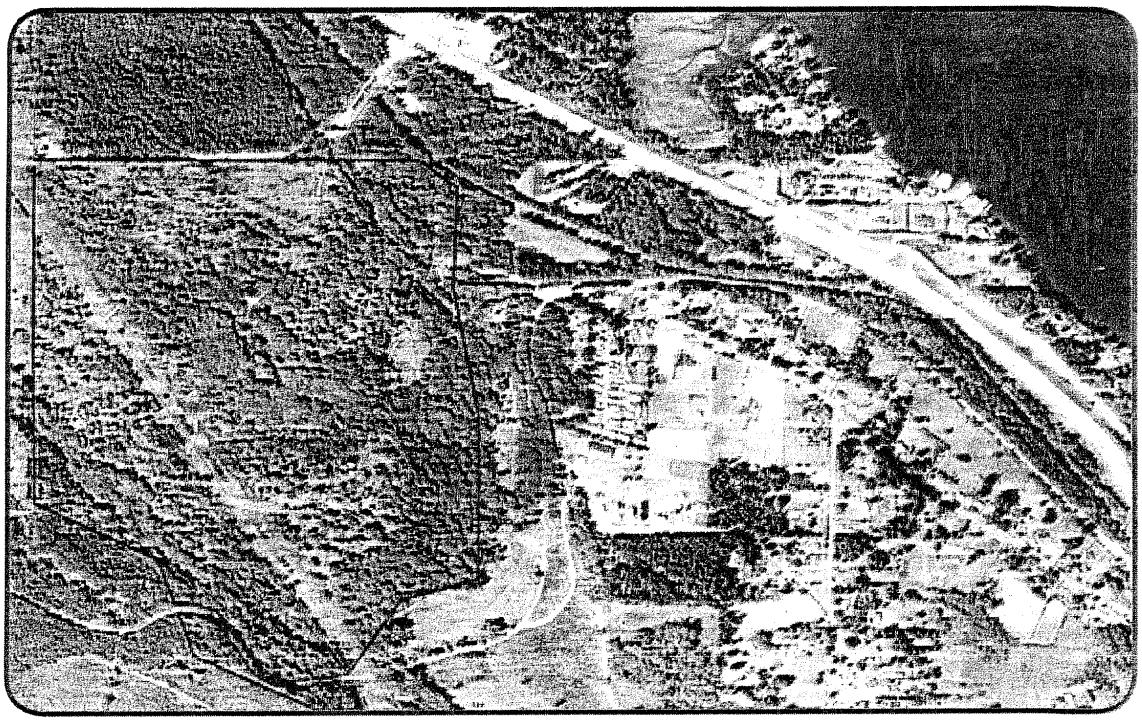


Fig 2

2.1 Local Services

Contextual Analysis - Ladysmith

District Lot 51 is located approximately 3.5 km north of downtown Ladysmith. The town of Ladysmith has a vibrant and historical downtown that is reflected through the charming Edwardian character. First Avenue, Ladysmith's mainstreet is lined with many of its original historical buildings, built on the hillside overlooking Ladysmith Harbour. Ladysmith's street, sidewalks, and storefronts offer a variety of local shopping experiences and entertainment.

With a population of approximately 7,460 people, Ladysmith and the surrounding community is becoming a desirable place to live due to its community charm and picturesque setting. Ladysmith celebrates a number of events throughout the year, including the Vancouver Island Paddlefest & Kayak conference. The Christmas holiday season is perhaps the most celebrated festival as the Town of Ladysmith and community lights itself up with the annual Christmas Light-up and Christmas Light Harbour Cruise.

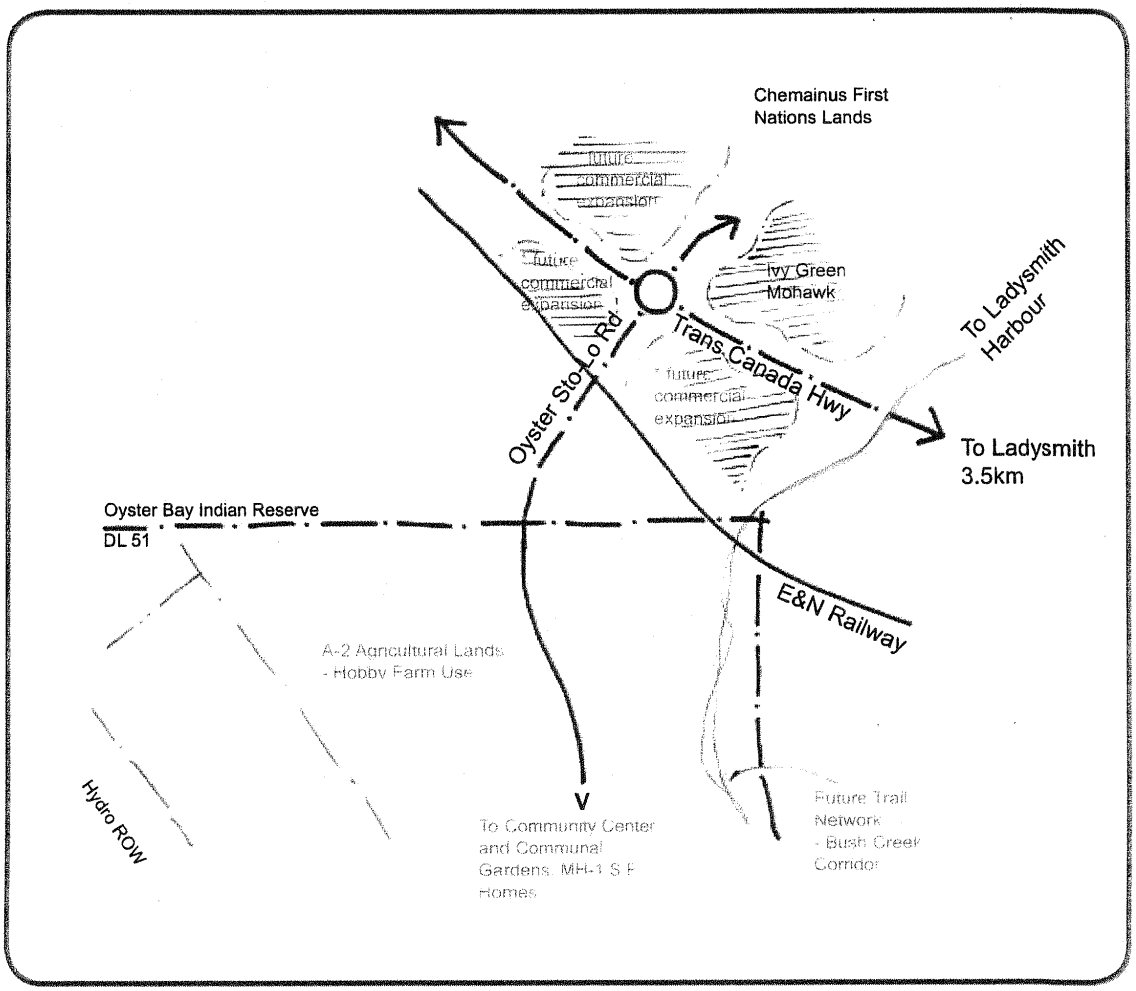
The Ladysmith area's mild climate, spectacular ocean and mountain setting, make it an ideal place for an active and healthy lifestyle.

DL51 has the opportunity to establish a strong connectivity to a variety of services, including commercial services, trail networks, and VIA Rail services. Oyster Sto-Lo Road connects DL51 to the Trans Canada Highway. This intersection encompasses the First Nations Four Corners Commercial zone that currently accommodates the Mohawk gas station and A&W restaurant. The First Nations Four Corners site is actively being considered as a potential growth area for more commercial services by the Chemainus First Nations. Such future commercial developments could provide direct local amenities for residents of DL51.

A network of trails is proposed as part of the DL51 plan. There is the potential for the site to accommodate a regional trail connection to the Trans Canada Trail.

DL51 is also within close proximity to Ladysmith's commercial services. There is a strong opportunity to engage and expand local businesses with the development of DL51. Opportunities for commercial service expansion, such as door-to-door grocery delivery from local business '49th Parallel Grocery'.

With the current interest in alternative modes of transportation and future regional transportation planning the E&N Railway could potentially service DL51 and the Four Corners site. This service could allow residents alternative transportation methods into town for a day trip or up and down the Island for leisure activities.



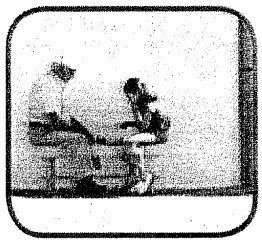
" A spirited community that values its small town feeling and offers residents a full and healthy way of life..."

~ Ladysmith Vision Statement

2.2 Demographic and Community Growth

According to statistics from the CVRD the total population of Area H in 2006 was 2,274. The median age in the Area according to 2006 statistics was 49.9 compared to the BC median age of 40.8. In 2006, 41.3% of the population in Area H were between the ages of 50 and 75. Single detached housing encompassed 87.6% of the total housing stock available according to 2006 statistics.

The current OCP projects a growth rate for a 5 year period of 1.4%. Current statistics show a growth rate of 4.1%, reflecting increased demand for community development and supporting the subject proposal to accomodate residential growth on DL51. The increasing and aging population can be served by the sustainable and environmentally sensitive community development practices proposed on DL51.



3.0 Regulatory Context

The North Oyster Diamond OCP highlights an emphasis on the triple bottom line: Social, Economic, and Environmental concerns. As noted in the OCP, "The community wants to maintain and improve the country and residential feel of the community", while assuring the retention of their agricultural presence, as well as enhancing environmentally sensitive and recreational lands.

The proposed development of DL51 will foster the community's social, economic, and environmental goals by harnessing the character and atmosphere of a rural community. The dedication of park and open space is assuring environmental and social goals are met by protecting environmentally sensitive areas, such as Bush Creek, from non-intrusive recreational activities while improving the social atmosphere of the community. This significant park space will provide the community with an opportunity to expand its planned walking trail system.

The residents of North Oyster – Diamond identify themselves through their agricultural presence and country residential character. The site will meet the residents' economic and social goals by maintaining and allowing agricultural opportunities for new or local residents desiring land for hobby farm use. The interest in local hobby farming for food production is an excellent opportunity for residents to contribute low yield products to the surrounding local community.

The proposed development intends to meet the needs of the community by supplying affordable housing options in keeping with the rural vision outlined in the current OCP. Providing affordable housing options for an aging population allows local residents the opportunity to remain in Area H, rather than having to relocate outside the community to obtain affordable housing options; which according to real estate market research is often the case. Losing long-time local residents to other communities would undoubtably have social and economic repercussions.

The following sections provide a brief overview of the current regulations governing land use on DL51.

Zoning: Currently, the property is zoned as A-1 Primary Agriculture, which permits uses such as agriculture, horticulture, fish farm and one single family residential dwelling or mobile home; two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger. Under current zoning the property also permits horse riding arenas/ stables, and day care uses.

OCP: According to the Area H North Oyster-Diamond Official Community Plan (OCP),

DL51 is designated for agricultural use, with a 12 hectare minimum parcel size. However, the site is not within the Agricultural Land Reserve (ALR). We note that the property has been assessed according to the "Land Capability Classification for Agriculture in British Columbia" which concludes that the majority of the site soils would need special management practices in order to be farmed at full capacity. Additional details are included in Section 7.0 of this report.

DPA: The property is within the Bush Creek Development Permit Area, which was designated for the protection of the environment, its ecosystems, and biodiversity. Minimizing degradation on this site is essential for the protection of habitat and the Bush Creek and Cassidy aquifers. The guidelines of the Bush Creek DPA must be followed at the time a Development Permit is being sought.

The property is also subject to the Riparian Areas Protection Development Permit Area, should any development occur within 30 metres of a watercourse.

"...to reflect the interests of local residents in the community...to allow for proper land and water uses, [to] improve upon the well-being of the community, and [to] maximize the opportunities for area residents"

~ North-Oyster Diamond OCP

Parks Network Dedication

District Lot 51 will be allotting a significant portion of the property for CVRD parks and trails, effectively expanding the park space in Area H, allowing residents more recreational opportunities. The OCP states that "the regional district shall strive to obtain parkland for community recreation, nature preservation and shoreline recreation in the following priority locations": VI) Nature park within District Lot 51 adjacent to Bush Creek *(Source: Area H North Oyster-Diamond Official Community Plan)*. The retirement community on DL51 would encourage and support this endeavor.

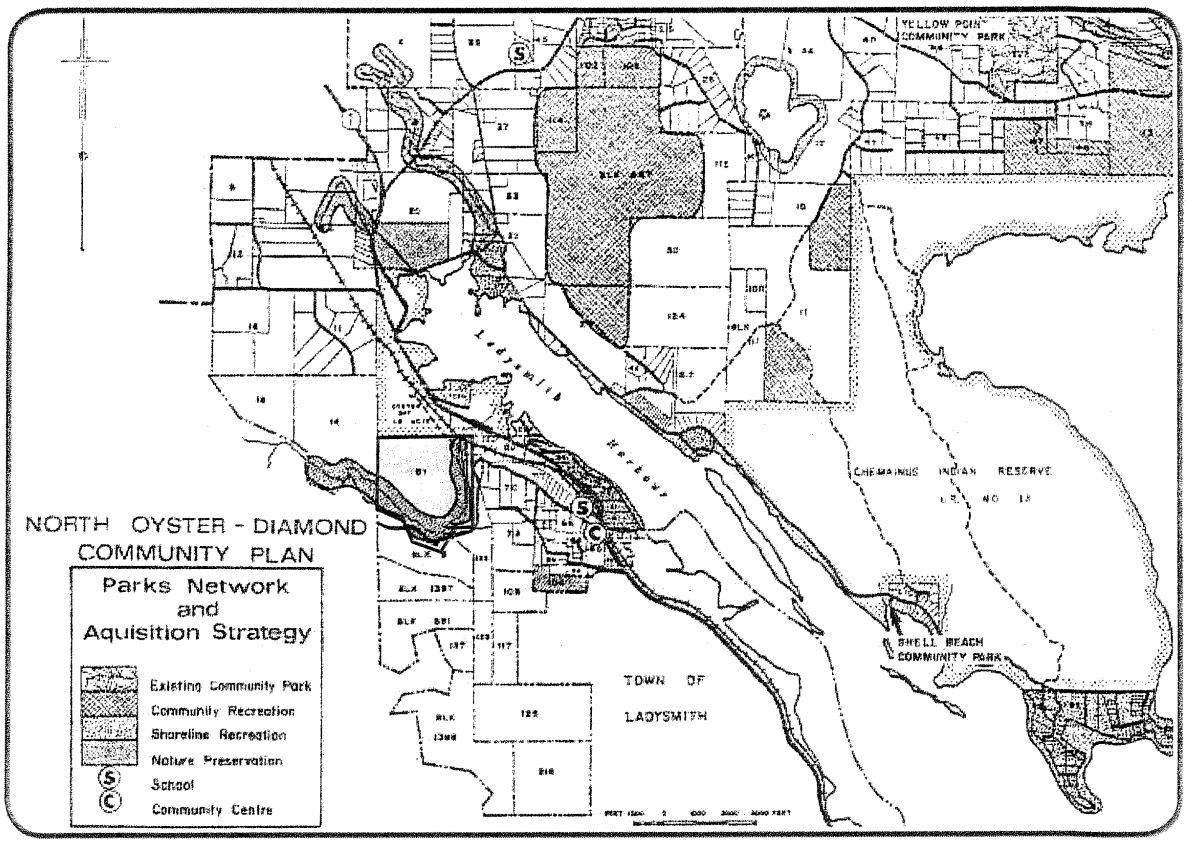


Fig 3

Water Servicing

The Diamond water district is part of the Provincial Governments' improvement district which is a government body of 5 elected officials, whose mandate is to govern the supply of water, fire protection.

The subject property was assessed in the summer of 2008 to determine the availability of water. Within the boundaries of the Bush Creek Aquifer lie three wells along the perimeter of DL51. The Bush Creek Aquifer also shares boundaries with the Cassidy Aquifer. Further technical review can be found in section 7.1 of this document.

North-Oyster Diamond OCP Transportation Policies

The board encourages the Ministry of Transportation (MOT) and highways to work toward the implementation of the road network plan (as outlined in the following map).

The North-Oyster Diamond OCP indicates that residential development should be encouraged to locate along local roads where direct access from residential lots would not cause the interruption of a steady flow of through traffic. Therefore residential development along major network roads shall be discouraged to keep traffic flow steady. DL51 will be built off Oyster-Sto Lo road which connects to the Trans-Canada Highway. The market focus of this development is to a senior's demographic therefore the traffic volume will be spread out during the day, rather than contribulting to peak period traffic.

The OCP also states that further policies to be encouraged by the board are for the provision of walkways. These walkways should be with or separate from existing road allowances. District Lot 51 will be providing connecting walkways throughout the property allowing better pedestrian circulation throughout the neighbourhood.

Finally the OCP states that, "retention of the E & N Railway and the Comox logging

Railway right-of-way shall be encouraged to provide further rail transportation through the community." With future growth at the Four Corners First Nations Lands and with the proposed development of DL51, this area has an excellent opportunity to connect with the VIA railway (current).

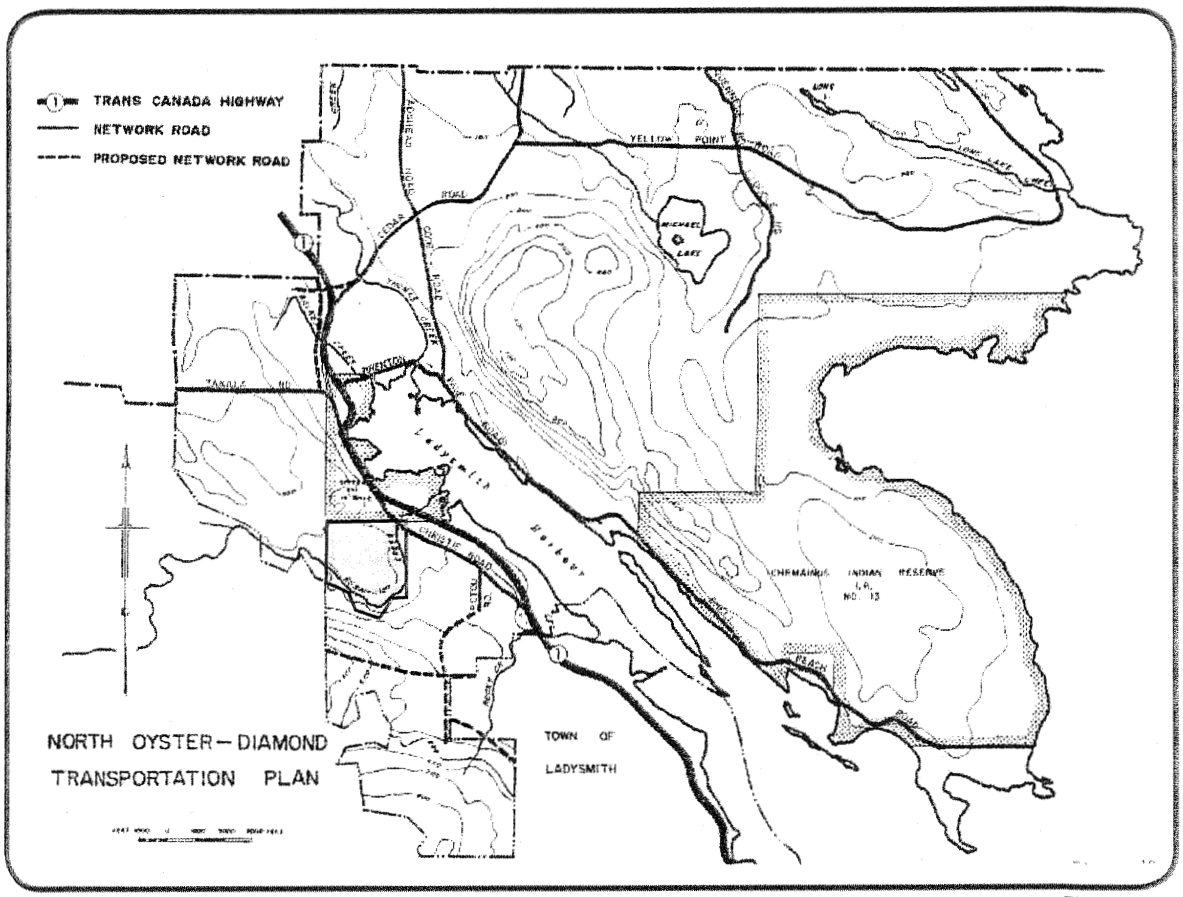


Fig 4

4.0 DL51 Background

Planning Background

In the spring of 2006, an application was submitted to the CVRD for a Rezoning and Official Community Plan Amendment of the subject property. The application sought to re-designate the property from Primary Agriculture A-1 to Rural Residential R-1 lots. The purpose was to accommodate 85 single-family residential lots. In the summer of 2006, the application was amended to propose a 20-lot residential subdivision under Secondary Agricultural A-2 zoning. The CVRD did not move forward on these previous applications.

ALR Background

District Lot 51 is not within the Agricultural Land Reserve. DL51 has a history of applications concerning the removal of the property from the Agricultural Land Reserve (ALR). On December 6, 1983 the CVRD Planning Department made the following recommendation to the Planning Committee: "That it be recommended to the B.C. Agricultural Land Commission that the request to remove the property from the ALR be approved due to poor soil capability on approximately 80% of the entire parcel, and also due to severe topographic conditions limiting its agricultural suitability." On May 29, 1986 due to the non-farming history of the property, topographic, and soil limitations the Agricultural Land Commission decided to exclude the property from the Agricultural Land Reserve Plan of the Cowichan Valley Regional District.

5.0 Current Proposal - Land Use Planning Concept

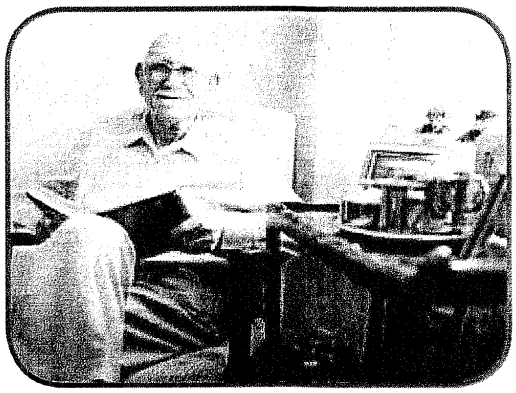
The purpose of this current application is to present a revised land use concept for the property. The vision for the site is to develop a unique retirement community, that reflects the rural setting of the property, while providing affordable, attractive housing to supply local residents with alternative choices. In particular, we believe there is a need for new housing within Area H to allow local residents to remain in their community as they age. This proposal responds to market conditions by providing new housing choices for those looking to downsize from their current acreage properties. The proposal includes two forms of residential development: clustered manufactured homes, utilizing the guidelines of the MH-1 zone (Manufactured Home Residential) and rural residential agricultural use under the A-2 zone (Secondary Agriculture).

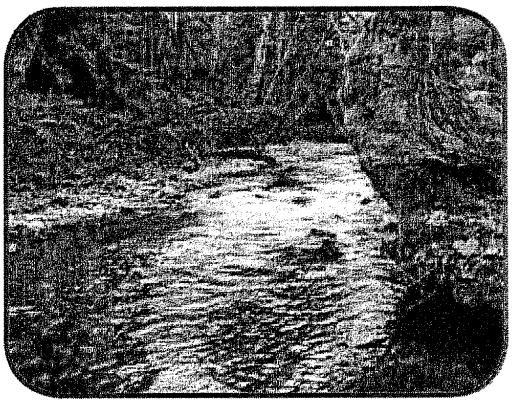
The plan layout was developed through detailed site analysis and an open space zoning approach, whereby the natural and geophysical features of the site have been identified for preservation as open space, while limiting the extent of land proposed for new residential and agricultural use. The Bush Creek corridor is an important natural feature on the site and is proposed for protection and dedication to the CVRD as parkland. The existing topography has also informed the land use plan by creating a natural divide between the residential and park uses.

The range of housing types proposed, including 2-hectare lots for agricultural hobby farm use and clustered manufactured homes, provide opportunities for a diversity of residents. The land use concept capitalizes on the agricultural setting of the site and creates new seniors-oriented living opportunities with a unique rural character.

The plan proposes to accommodate 15.55 hectares of Secondary Agricultural use lands, representing 22.5% of the property. These lands are sited on the portion of the property that has some agricultural potential based on the soil analysis.

The proposed manufactured home community is located along the periphery of the Secondary Agricultural lands, to provide a strong sense of connection to the rural landscape and agricultural setting. These units will provide smaller, more affordable living opportunities for local residents, and those seeking to downsize from larger properties.

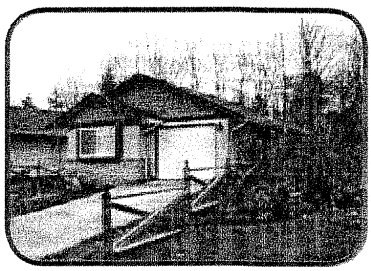




5.1 Manufactured Homes

The proposed project will utilize manufactured homes on a permanent basement or foundation. These homes will be prefabricated off site, which cuts down on the waste of materials and construction cost. Furthermore, the assembly of these homes will not be impacted by significant weather conditions, as the majority of the structure will be assembled in a controlled environment and subsequently delivered to the site for assembly onto the foundation. These homes will be built following the A-277 Canadian National Building code which follows specific standards for engineered truss floors and walls.

One advantage to manufactured homes is that the fabrication of building components can run a parallel schedule with site work resulting in more efficient and timely construction completion. However, the biggest advantage for the purchaser is cost savings, as research indicates that manufactured homes can cost 25 to 30 percent less than site-built homes, subject to market conditions. Like traditional site-built homes, the opportunity to encourage and increase energy efficiency in manufactured homes, through the installation of energy efficient standards and energy efficient materials and appliances installation is a viable objective.



5.2 Agricultural Use

The site will be following the agricultural objectives outlined in the Area H Official Community Plan by maintaining and fostering agricultural land resources on a portion of the plan area. This will encourage future food production in the area and ensure that the needs and activities of agricultural operations will be taken into considertation during the development of residential uses on adjacent properties. Developing a balanced mix of residential and agricultural uses will encourage and maintain the country character of North Oyster-Diamond District.

Soils

The subject property is zoned as A-1 Primary Agriculture, but is not within the Agricultural Land Reserve. The majority of the site has been logged in the past and generally has a gently undulating topography, running north to south through the central portion of the property, situated along the BC Hydro Right of Way and along part of the eastern section of the property. The ROW is largely cleared of native plant species and is characterized by invasive Scotch Broom and low lying bush. The property is also characterized by steeply sloped sections along the western portion of the property above the Bush Creek corridor. The north eastern portion of the property has fairly steep hills and patchy wooded lot areas with low lying bush.

According to the soils map provided, the majority of the property has Class 5 Agricultural Capability classification. A more detailed Soil Classification information can be found in section 7.2 of this document.

Soils in Class 5 have severe limitations where they are not capable of use for sustained production of annual field crops. However, they may be improved by the use of farm machinery for production of native or tame species of perennial forage plants. For these soils to be feasible for use, clearing of bush, cultivation, seeding, fertilizing and water control must take place; climate conditions may also severely limit Class 5 capability.

The subclass of these Class 5 soils is P: Stoniness. This subclass is made up of stony soils which significantly hinder tillage, planting, and harvesting operations.

According to the classification, even with special management practices such as remediating this stoniness P subclass, this soil class cannot be remediated for improved carrying capacity.

A small portion of the property has Class 7 soils which have no capability for soil bound agriculture. This soil class has a subclass of T, which indicates topography, and include the lands located along the bank of the Bush Creek corridor.

The only soils with the ability for potential agricultural use indicated by the analysis are the soils located around the central portion of the property. These soils are classified as Class 4, with a subclass of W. Class 4 indicates the land is capable of only a range of restricted crops because of soil and climate conditions. The subclass W indicates excess water within the soil. However, this portion of the site, through special management practices and the removal of excess water within the soil, is capable of reaching Class 2 agricultural capability with a C subclass. Class 2 lands

DL51 Soil Classification Map

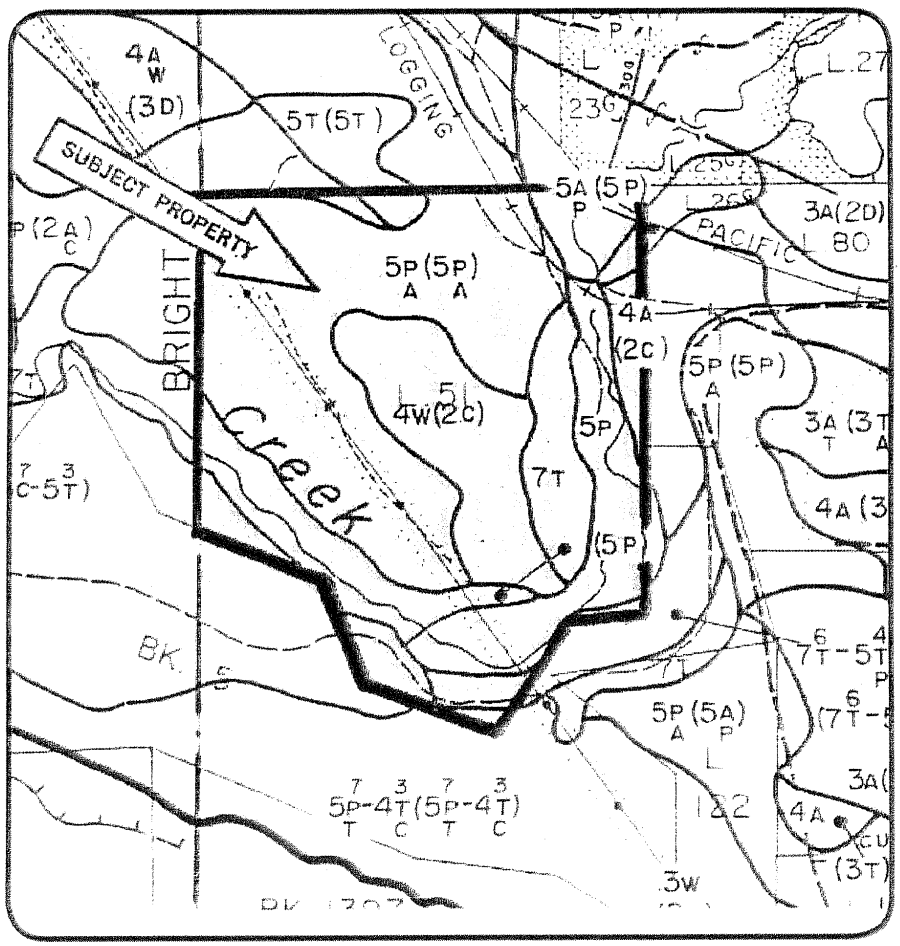


Fig 5

are capable of producing a fairly wide range of crops; however, soil or climate may reduce capability, but pose no major difficulties in management.

The *Land Capability Classification* usually gives the land two ratings: unimproved and improved. Unimproved ratings describe the land in its current undisturbed state or native condition, without any improvements to the soils. Improved ratings, noted in brackets, indicate the land's potential once appropriate management practices identified by the subclass, such as stone removal, irrigation or drainage, have been implemented.

Soil Classification of DL51

Location	Classification
North & West portions	5P/A
Central Portion	4W (2C)
Soils along Bush Creek (South & East portions)	7T & 5P (5P)

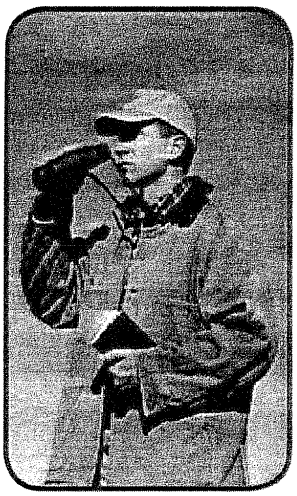
*Coding in brackets indicates improvability

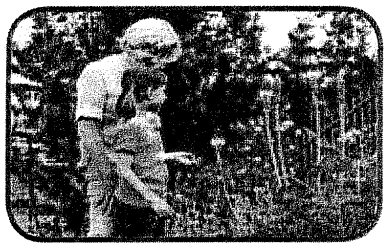
Soil Summary

Based on detailed review of the soil map provided and the agricultural land capability ratings, the DL51 property does not appear to be capable of producing high yields of crops or range of different crops, or both. The property's agricultural capability may be best equipped for hobby farm use and may not be economically viable for a sustainable yearly harvest, which would still require intense management practices. A portion of the site with the better 4W soils has been identified for future A-2 Secondary Agricultural use.

5.3 Open Space Planning

The site plan of DL51 has designated a significant portion of land to parks and open space and strategically clustered the dwelling units on small lots. This form of cluster site planning is intended to preserve open space and natural features on the remainder of the site. The clustering of these lots are carefully integrated following the natural topography of the land, respecting the natural amenities of the view corridors and Bush Creek Riparian corridor. Furthermore the site is also designed with the intention of preserving the most capable soils for possible agriculture use and designating almost half of the land for natural open spaces.



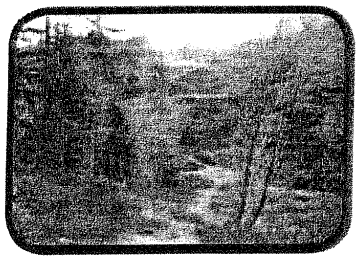


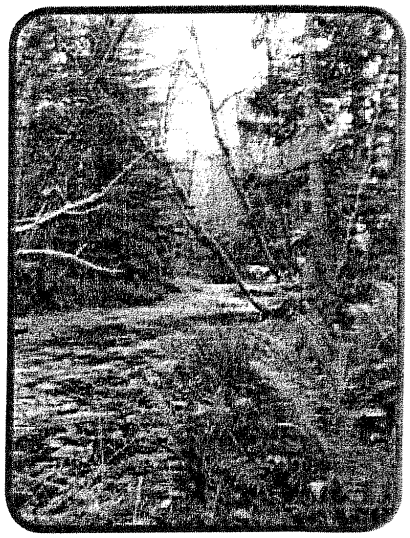
6.0 Land Use Plan

The following table and land use plan represent the conceptual layout for the subject property.

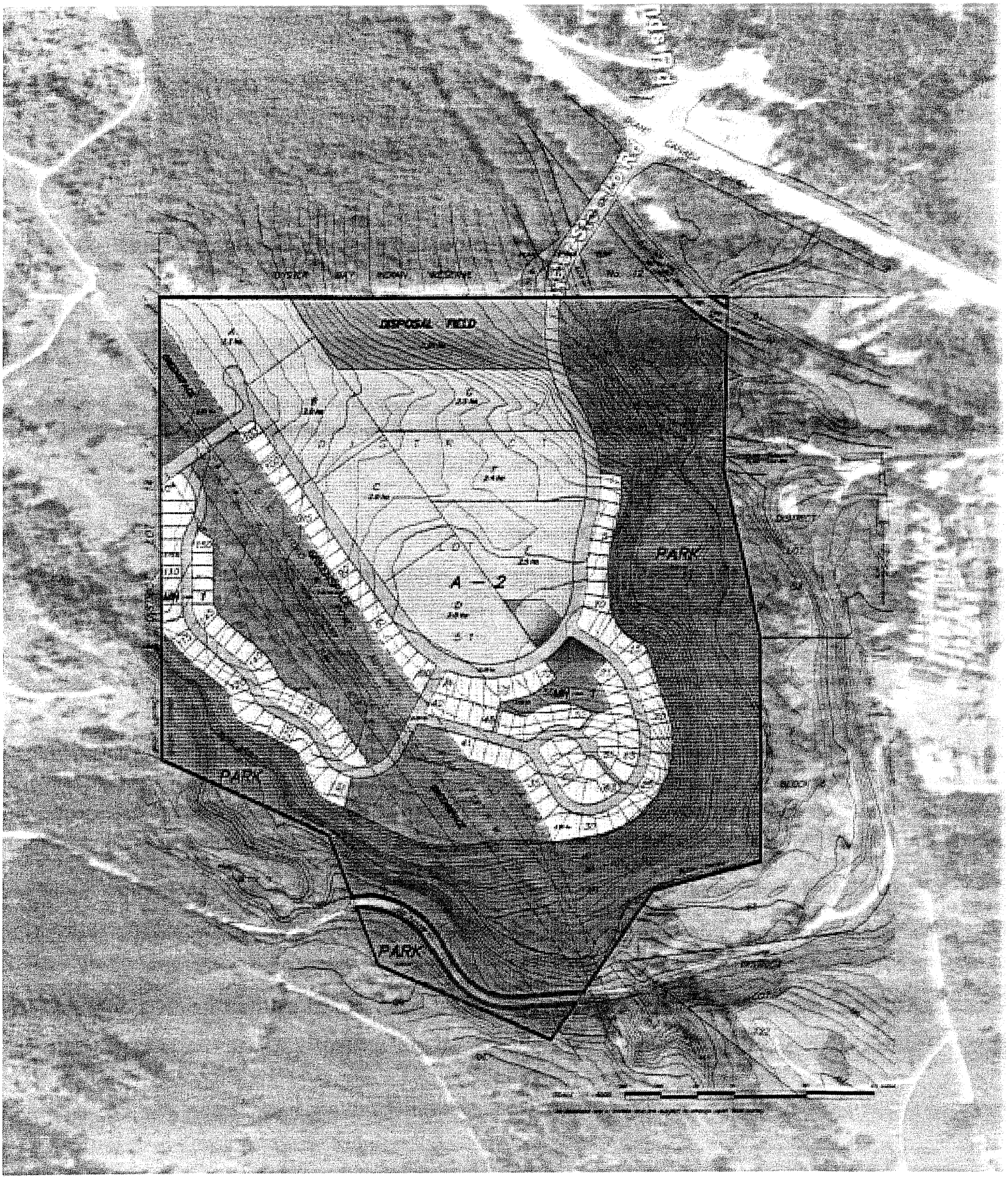
Proposed plan includes:

- Community center
- Communal gardens
- Public gathering spaces
- Walkways and pedestrian network
- Parking provisions for community center
- agricultural lots w/ opportunity for garage 'shop' and out buildings
- Single family manufactured homes w/ opportunity for garages for hobby craft use ie) woodworking
- Public landscaping plan throughout development and common spaces





Proposed Use	Area (hectares)	Area (%of total site)
Park	24.66	38.80%
Open Space	7.04	10.22%
A-2 Secondary Agriculture	15.55	22.50%
MH-1 Manufactured Homes	15.91	23.00%
Road Dedication	2.70	3.90%
Utility / Disposal Area	3.26	4.60%
Total	69.12 hectares	

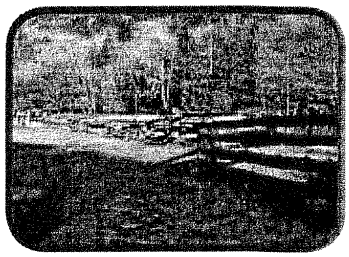

DISPOSAL FIELD
PARK
A — 2
PARK
PARK

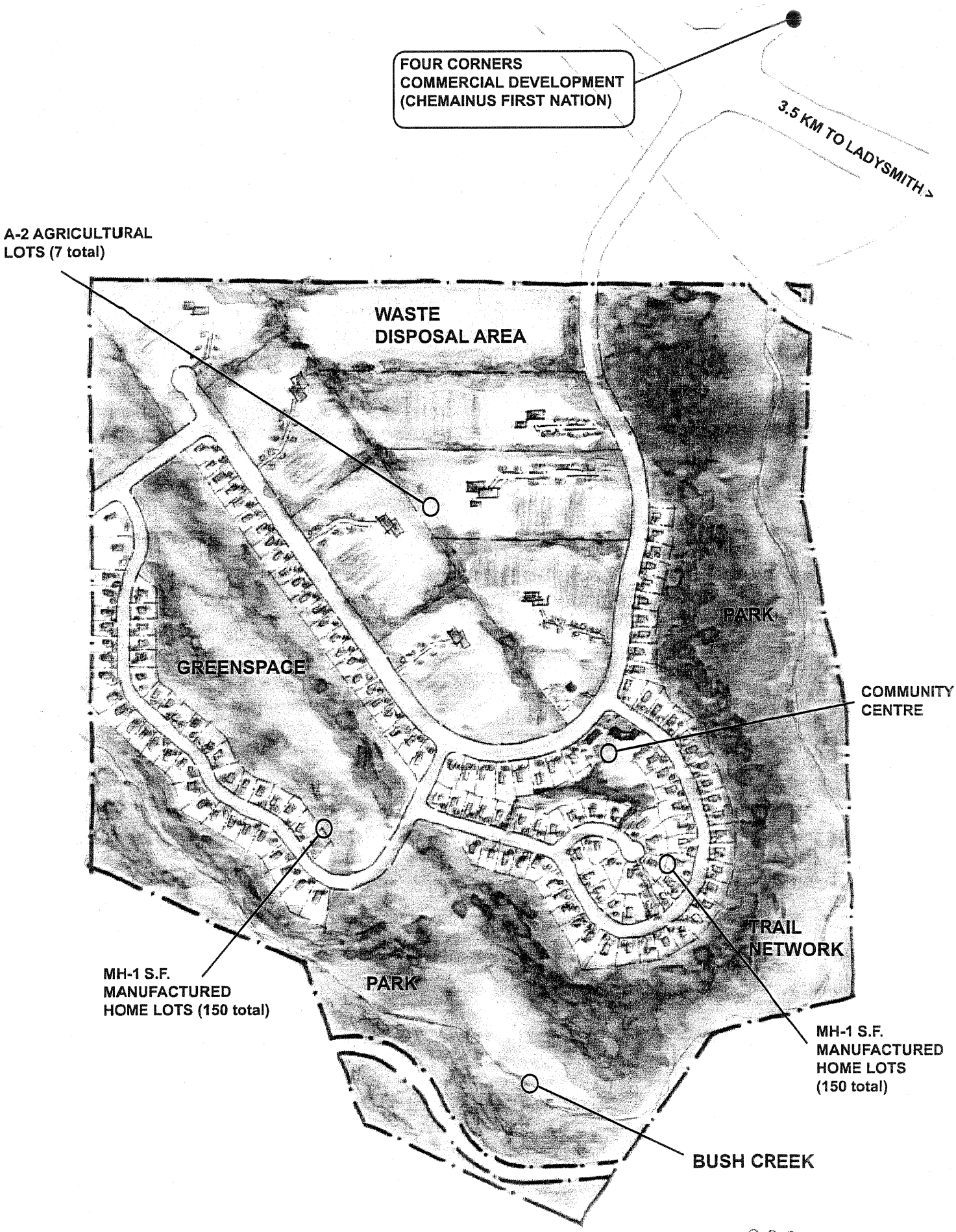
The application proposes to rezone the site to accommodate a unique rural residential development, including clustered manufactured home use and 2-hectare agricultural properties. To ensure the protection of natural habitats, the Bush Creek corridor and additional open space for a total of 31.7 hectares, or 49% of the total property will be retained as parkland and green space.

The proposed strata-lot manufactured home use is located in the south central portion of the property, with a total area of approximately 15.91 hectares, representing 23% of the site. The northern portion of the property will be converted to agricultural use by designating 15.55 hectares, or 22.5% of the property, as Secondary Agricultural use. These rural residential/ agricultural lots are located on the portion of the site where the better soils exist, thereby enabling the preservation of agricultural lands.

The proposed parkland and open space designation encompasses 46% of the total property. These lands will be dedicated to the CVRD for the purpose of protecting green space, wildlife corridors, and the surrounding water supplies. The proposed park dedication will ensure sensitive ecosystems such as Bush Creek and the encompassing Bush Creek and Cassidy aquifers are protected from building encroachment and infiltration from harmful materials. The proposal is also following the Riparian Area Regulation, which was passed by the Province in 2004. This Act establishes guidelines of leaving a minimum 30 metre riparian area setback from wetland areas, such as creeks or ponds with the intention of protecting sensitive natural habitats. The site plan is in keeping with the guidelines of the Riparian Areas Protection Development Permit Area.

The site has been assessed to ensure adaquate water supply and the proposed disposal field exceeds the requirement of the proposed community's needs.




FOUR CORNERS
COMMERCIAL DEVELOPMENT
(CHEMAINUS FIRST NATION)
3.5 KM TO LADYSMITH >
A-2 AGRICULTURAL
LOTS (7 total)
WASTE
DISPOSAL AREA
PARK
GREENSPACE
COMMUNITY
CENTRE
TRAIL
NETWORK
MH-1 S.F.
MANUFACTURED
HOME LOTS (150 total)
PARK
MH-1 S.F.
MANUFACTURED
HOME LOTS
(150 total)
BUSH CREEK

000155

6.1 Sustainable Design Principles

Several initiatives to ensure sustainable growth in the Cowichan area have been undertaken by the CVRD. The sustainable missions brought forth reflect the vision and concerns of the local community and have been highly considered while developing this plan. The 12 steps to sustainability outlined by the CVRD's Environment Commission, have been identified and incorporated into the planning process, ensuring a strong, sustainable and environmentally sensitive community development is achieved.

Highlights of these mission statements include a strong focus on 'listening to the land' and building appropriately. The DL51 lands identified as suitable for agriculture use are allocated as such, and sensitive areas, such as the riparian corridor along Bush Creek and Cassidy aquifer, are retained as greenspace. Construction disturbance and waste management have been highly considered, identifying manufactured homes as a suitable construction method for waste reduction. A concentrated sewage disposal area is identified in the plan for residential servicing, as opposed to individually lot managed sewage disposal or septic systems.

The integration of strong pedestrian networks, walking paths, open space and community gardens, goes well beyond achieving a smaller carbon footprint, to encouraging a strong sense of place and fostering a socially sustainable development.

The proposed development of DL51 has considered co-habitation partnerships; mixing working hobby farms with cluster housing and green space, further meeting the community's smart growth objectives.

The proposed development meets the need for a desirable retirement community. Providing the opportunity for local seniors to downsize, while staying in their community supports the critical goal that positive, community-oriented design and development serve and enhance the greater Cowichan area.

CVRD- 12 Big Ideas Overview

The CVRD appointed 15 community members in April of 2007 to form the Environment Commission. The purpose of this commission was to develop a strategy around environmental issues and concerns raised around the community.

The commission put together 12 big ideas that they believe are of concern to the community and put these ideas to the community to start a conversation and gain feedback on what is most important to members of the public. These 12 big ideas take on a broad range of issues surrounding climate change, protecting sensitive habitats, and how to be greener in the community.

Each of these 12 big ideas is presented within a summary paragraph built around a key phrase. The following 12 points are the main phrases of the 12 big ideas. The purpose of this brief summary is to reflect how the proposal for District Lot 51 in Ladysmith follows the CVRD's "12 Big Ideas" to sustainability.

1. Get real about climate change

As the 'umbrella' initiative to sustainable development, the foundation of the development practice needs to address climate change from the ground up. Respecting the existing ecosystem, this site provides a significant amount of open space. Furthermore, construction methods (manufactured homes) and the site planning are aimed towards protecting sensitive habitats.

2. Eat local because food security matters

Recognizing the social, environmental and ecological value of the rich agricultural land in the region, development of the DL51 site is supporting this endeavour by proving large 2 hectare (5 acre) lots ideal for hobby farm use, to be protected as Agricultural lands. With proper soil management to increase the soil quality, a portion of the site has been identified as having potential for growing a range of crops. The portions of remaining land, which have been identified through soils analysis as being unsuitable for agricultural development, have been allocated for the development of a seniors oriented community. The opportunity for 'community' gardens centrally located further supports this initiative, while also supporting the development of a strong sense of community.

3. Be energy smart

Construction methods are the first step in developing sustainable, energy efficient development practices. Building manufactured modular homes will produce less construction waste and new homes that are being built are providing more energy smart and efficient appliances.

4. Get up to speed on the new green economy

The proposed development addresses our changing needs as we age by supplying seniors-orientated housing for locals downsizing from their previous larger family homes. By downsizing, monthly energy use and costs may be reduced. Development of a 'social center' within walking distance of all homes in the development, in the form of a clubhouse and community garden provides a forum for interaction, engagement and discussion by savvy seniors about such things as the environment.

5. Clear the air to reduce carbon

The development of the site would see the retention of as many trees and open green space as possible. The manufactured homes could be fit with natural gas units, instead of wood burning units, reducing the carbon emissions into the air.

6. Don't hog the water so there is enough for all

Taking natural water cycles into account, the development would lean toward green infrastructure, bio-swales, and natural pathways. Development would be positioned and managed so as not to interfere with the flow rate of Bush Creek. In the construction phase, the homes could be built with fixtures such as low flush toilets and showerheads.

7. Grow up, not out

Supporting Cowichan's vision to densify and contain growth, the proposed development seeks to establish a fairly dense seniors-oriented development where pedestrian connectivity is supported and a social center encourages the development of a 'sense of community'. Sprawl is minimized through 'smart growth' cluster development practices.

8. Revive biodiversity

The development of the DL51 site recognizes the need to revive, restore and protect biodiversity. Several initiatives have been considered to achieve this goal. A large section of the site will be retained as agricultural land. Protection of the sensitive riparian zone around Bush Creek has been increased well beyond the RAR boundary of 30 metres. As well, construction methods at the banks will be managed to control sediment damage. Further consideration to the impact of development has been considered, with a focus on manufactured homes, which significantly reduce site disturbance during construction. The proposed development has considered co-habitation partnerships; mixing working farms with cluster housing and green space.

9. Get serious about zero waste

The proposal considers waste management on-site at a single concentrated location, rather than waste disposal systems managed at an individual lot level. The development proposal identifies the construction of manufactured homes, which significantly reduces onsite construction waste.

10. Be carbon neutral

Pedestrian networks throughout the development, extending to a publicly accessible park along Bush Creek, increase the likelihood and encourage residents

of the development to choose alternate methods of accessing the clubhouse, gardens and beyond. The potential for extending the proposed trail network into a regional trail system would increase the opportunity to work toward a more carbon neutral state. Also, the site is located next to the E&N Railway, which in the future could be developed with enhanced passenger and transit service.

11. Audit our assets

A significant portion of the site, along Bush Creek, has been identified as a sensitive area and will remain untouched and designated as parkland for public use and for the protection of natural systems. The site also contains a tract of land that is viable for agricultural use. It is proposed that this section of land be developed as 2 hectare (5 acre) lots, suitable for hobby farm usage. The remaining land will be developed as single-family lots, with significant greenspace and communal gardens, which will contribute to a social and environmentally sustainable development. Approximately 46% of the total site will remain as undeveloped open space.

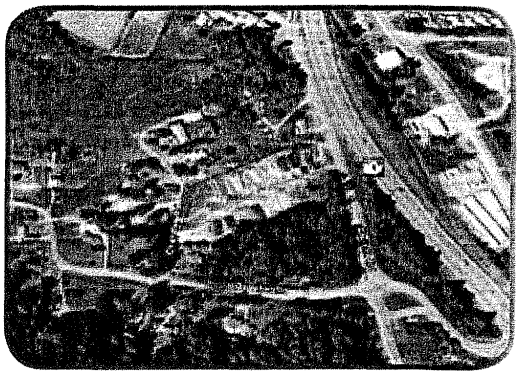
12. Lead the way

The proposed retirement community could set a precedent for green, community-oriented development. The conceptual site plan identifies adherence to the 12 steps to sustainability and encourages a change in mindset towards seniors living and supports the critical goal that positive, community oriented design and development serve and enhance the greater community of Cowichan.

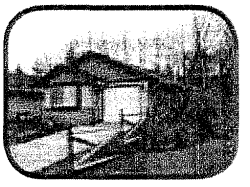
6.3 Residential Precedents

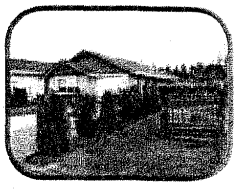
The proposed retirement community is intended to supply alternative housing options for the surrounding community. The three communities below are examples of affordable senior housing developments located around the region that provide precedents for District Lot 51 to will follow in terms of design and character. These communities have a similar context in terms of their location relative to commercial amenities and rural settings.

Lancaster Mews (Chandler Ridge)

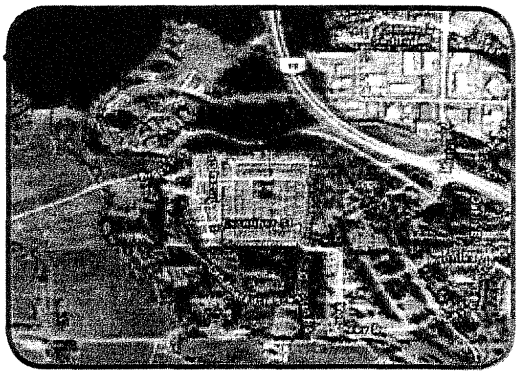


The Lancaster Mews development is located off of Christie Road along the Trans Canada Highway . The site is situated approximately 1.5 kilometres north of downtown Ladysmith and is perched along a forested area with large acre lot single family homes and farms. The homes are each about 1200 square feet in area with single car garages and modest landscaped yards and gardens with approximately .11 acre lots. The homes at Lancaster Mews are site-built wood frame construction.

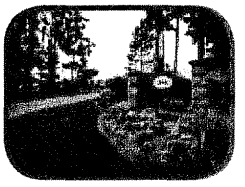




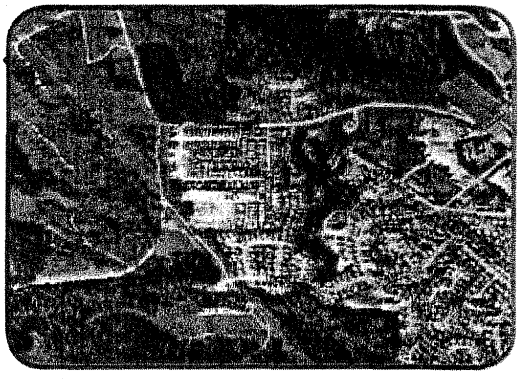
Deerwood Place Estates



The Deerwood Place Estates near Brannen Lake is a Modular Home development located in Nanaimo BC. The site has a rural country setting, 2.5 – 3 kilometres from shopping and amenities. The approximately 300 unit site is situated off of the Nanaimo Parkway and nestled around sporadic single family homes, agricultural farmland and patchy forested areas. Ranging in size from 900 to 1500 square feet, each of the 10 different styles of manufactured homes were built on a solid foundation by Retire West. Retire West builds and manages manufactured home sites in British Columbia. The site also offers other amenities that are managed by Retire West. These include common open spaces, a large community club house, and landscaped gardens.

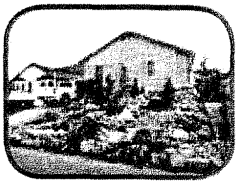


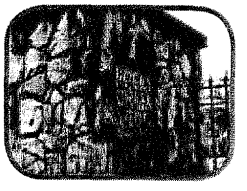
Rocky Creek Village



The Rocky Creek Village manufactured home development is located off of Birchwood Road in Ladysmith. This development is an adult orientated 55+ affordable housing project that has approximately 85 manufactured homes. These prefabricated homes range in size from 24'x40' to 27'x54' models.

The site borders mostly forested sections and some single family housing and includes amenities such as an on site manager who is responsible for maintenance of the common open space areas and landscaping. Rocky Creek Village is also approximately 2.5 km from shopping and downtown amenities.





7.0 Background

The proposed plan will require site access and site servicing improvements. Oyster Sto-Lo Road is proposed to be extended from the Trans-Canada Highway into the subject property to service the site. The total road dedication proposed is 2.7 hectares or 3.9% of the site.

7.1 Site Servicing

The subject property was reviewed in the summer of 2008 to assess the availability of water. Within the boundaries of the Bush Creek Aquifer there are three existing wells along the perimeter of DL51. The Bush Creek Aquifer also shares boundaries with the Cassidy Aquifer. Lowen Hydrology Consulting Ltd conducted an analysis on the sustainability of pumping Well #3. Well #3 is located upslope from Bush Creek and offset to the west by 30.5 meters. According to the Lowen Hydrology study, the proposed production well (Well #3) has more than twice the capacity necessary to supply water to the proposed residential uses.

The application proposes to provide a waste disposal field along the northern portion of the property. This site would be approximately 3.26 hectares in area and would accommodate the disposal requirements of the development in a concentrated, centralized location, instead of pursuing individual lot disposal sites and septic tanks. Locating the disposal site in the northern portion of the property ensures the prevention of potential harm to water supplies.

7.2 Soil Analysis

According to the classification system known as the *Land Capability Classification for Agriculture in British Columbia* the site has a variety of soil Classes and Subclasses. The map below identifies the location of Soil Classes and Subclasses in relation to the subject property.

The *Land Capability Classification System for Agriculture in British Columbia* uses a rating system to identify land based on its potential and limitations to accommodate agricultural activities. The rating system is based on climate and soil characteristics, as well as on consideration of landscape characteristics, drainage, and topography. The *Land Capability Classification* has two main components: the capability class and the capability subclass. The class identifies potential for agriculture and the subclass identifies limitations or special management practices.

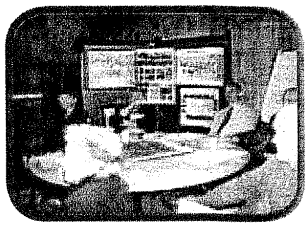
The ratings give no indication of the yield of individual crops. A rating system of 4 may produce higher yields than a Class 2 or 3, but the Class 4 will have narrower range of crops that it can produce than a Class 2 or 3.

Soil Classifications:	
Class 2	Lands have minor limitations for agricultural production
Class 4	Lands have limitation that require special management practices or severly restrict the range of crops
Class 5	Lands have limitations that restrict its capability to produce perennial forage crops
Class 7	Lands have no capability for arable culture of sustained natural grazing
Subclass A	Indicates soil moisture deficiency
Subclass C	Indicates adverse climate (thermal limitations to plant growth)
Subclass P	Indicates stoniness
Subclass W	Indicates excess water

8.0 Conclusion

The proposed Rezoning and OCP amendment and rezoning envisions the creation of a unique rural retirement community that will provide affordable housing choices to the local, aging demographic. The site planning has carefully considered the CVRD's interests in the preservation of agricultural capacity and the dedication of green space for environmental protection. The plan proposes to designate a significant portion of the 69 hectare property as parkland and open space while retaining 22.5% of the property for agriculture use. The proposed site-sensitive, rural development of modular manufactured homes and agricultural lots will provide an attractive affordable community for local seniors and supply this area of the CVRD with new opportunities for small-scale agricultural uses.

A program of community consultation will help inform the planning process and will involve actively engaging the community for their thoughts in regards to the proposed DL51 development. The applicants have sought out and spoken with neighboring land owners, including representatives of the Chemainus First Nation. Consultation with the broader Area H community, Advisory Planning Commission (APC) and CVRD Planning staff will continue during the planning process.



References

Figures

Fig.1: Cowichan Valley Regional District. North Oyster – Diamond, Area H. Zoning Map.

Fig 2: Google Earth. 49 degrees 00' N 123 degrees 51' W.Dec 10, 2008

Fig 3: Cowichan Valley Regional District. North Oyster – Diamond, Area H. Official Community Plan_Section 2, *Transportation Plan,* Duncan British Columbia.

Fig 4: Cowichan Valley Regional District. North Oyster – Diamond, Area H. Official Community Plan_Section 2, *Parks and Network Acquisition Strategy,* Duncan British Columbia.

Fig 5: Ministry of Environment Land Capability Classification for Agriculture in British Columbia" Link: http://www.env.gov.bc.ca/wld/documents/techpub/moe1/moem1.pdf

Precedent Sources

DeerWood Place Estates II. http://www.retirewest.ca/deer.htm. Feb 10, 2009.
Rocky Creek Village. http://www.icad.bc.ca/rcv/home.htm . Feb 10, 2009.

Studies / Documentation References

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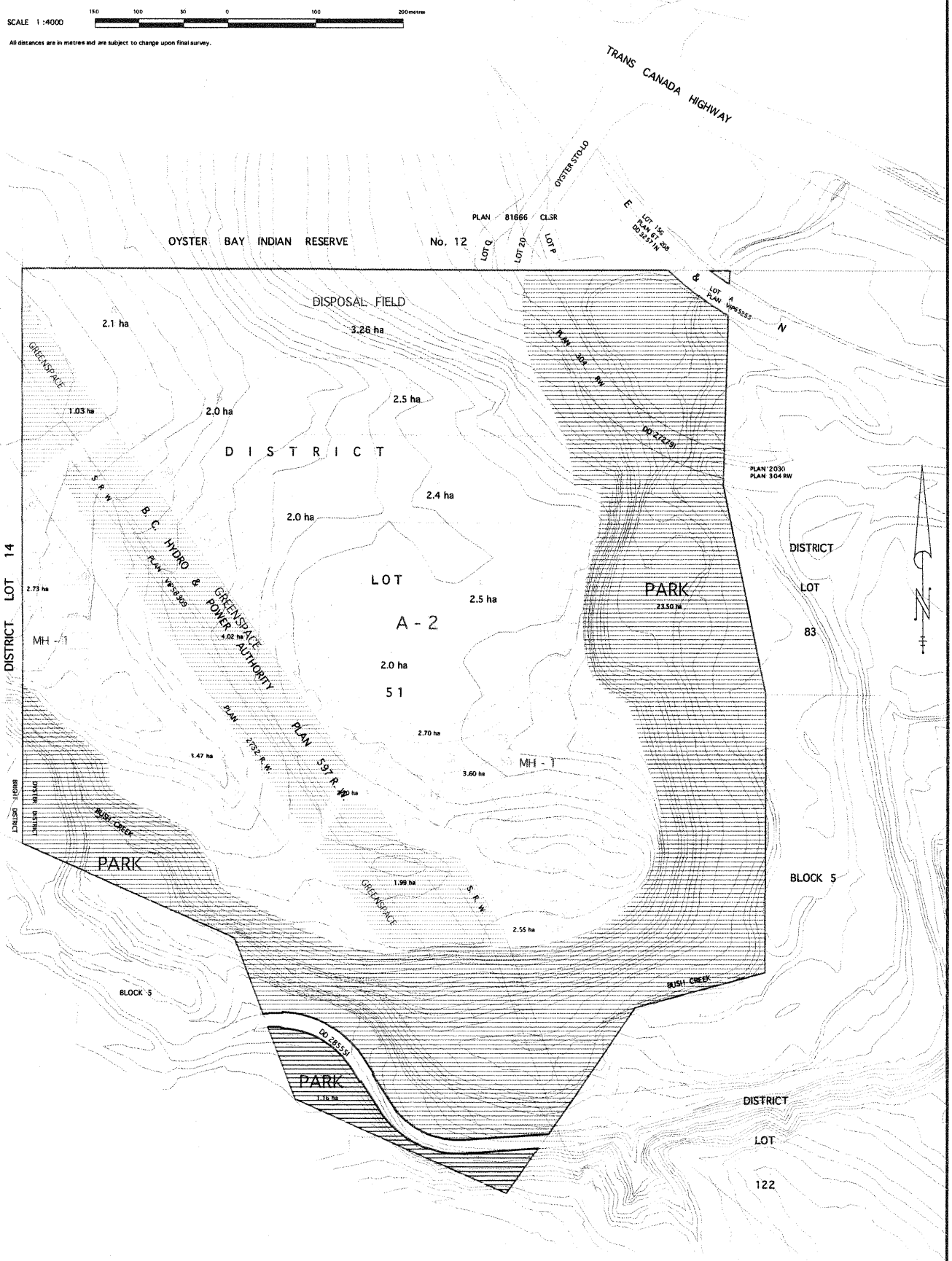
Cowichan Valley Regional District. North Oyster – Diamond, Area H. Zoning Bylaw No. 3021. CVRD Planning Department

Cowichan Valley Regional District. North Oyster – Diamond, Area H. Official Communty Plan_Sections 1 and 2 Duncan British Columbia.

PLAN OF PROPOSED SUBDIVISION OF
DISTRICT LOT 51, OYSTER DISTRICT, EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, EXCEPT PART COLOURED RED ON PLAN DEPOSITED UNDER DD 27279I, AND EXCEPT PART SHOWN OUTLINED IN RED ON PLAN DEPOSITED UNDER DD 285551; THAT PART OF DISTRICT LOT 51, OYSTER DISTRICT, SHOWN COLOURED RED ON PLAN DEPOSITED UNDER DD 27279I.

SCALE 1:4000 — 150 100 50 0 100 200 metres

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



Total Area of District Lot 51 = 69.0 ha
PARK (24.66 ha) + GREENSPACE (7.04 ha) = 31.7 ha 46%
Area of A-2 LOTS = 15.55 ha 22.5%
ROAD DEDICATION = 2.7 ha 3.9%
STRATA DEVELOPEMENT (150 UNITS) = 15.91 ha 23%
DISPOSAL AREA = 3.26 ha

000166

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DL 51, Area H –North Oyster/Diamond
Summary of Technical Issues/Plan Refinements

Introduction

The CVRD received an application for Official Community Plan Amendment and Rezoning of the DL 51 site in the spring of 2009. Since time of submission, the applicants have completed detailed consultation with the community and the Advisory Planning Commission (APC), which has resulted in some minor plan amendments that respond to input received. In addition, CVRD staff has reviewed the application and identified some technical issues requiring clarification. The purpose of this summary brief is to outline the issues raised and to provide a documented response to supplement the application materials and to present the revised plan (attached as Appendix 1).

Parkland Dedication Timing

A significant portion of the site is proposed for parkland dedication to the CVRD for preservation of the Bush Creek corridor. It is proposed that the parkland dedication be provided at time of registration of the phase 1 subdivision plan.

Future Fire Hall Site

A 0.4 hectare (1-acre) site is proposed as a potential future fire hall site serving the local area. It is proposed that the identified site be provided to the CVRD at time of registration of the phase 1 subdivision plan.

Sustainability and Green Features

A number of sustainable development features have been integrated into the site plan, which is based on the principles of open-space planning and clustered development. Site features include the preservation of the Bush Creek corridor and the creation of public walking trails. The incorporation of agricultural lots and community gardens contribute to the rural character and provide opportunities for local food production and agribusiness. In addition to the sustainable site plan features, APC members emphasized the importance of incorporating stormwater management strategies and native or low water-use plantings as opportunities for preserving and managing the water resources. The applicants propose to design the project by incorporating select LEED standards as outlined below. We note, however, that the applicants do no intend to seek LEED certification of the project.

LEED Home:
Location and Linkages: The placement of homes in socially and environmentally responsible ways in relations to the larger community, through avoiding development on environmentally sensitive lands; providing access to open space and encouraging walking, physical activity and time spent outdoors; and, incorporating a community centre space for social gathering.

Energy and Atmosphere: Install ENERGY STAR-certified windows, lighting, and appliances.

Materials and Resources: Limit overall material construction waste; select environmentally preferable products, such as low-emitting materials (adhesives, sealants, paints and coating, carpet, composite wood and laminate adhesives) and low-flow water fixtures.

LEED Neighbourhood Development/Sustainable Sites (US):
Pre-design Assessment and Planning: Conduct a pre-design assessment and explore opportunities for site sustainability; protect and restore riparian buffers, rehabilitate streams. manage stormwater on-site, protect and enhance on-site water resources and receiving water quality; design rainwater /stormwater features to provide a landscape amenity; use appropriate

non invasive plants; limit development on soils designated as prime farmland; use native plants.

Site Design: promote equitable site development, promote equitable site use, promote awareness and education; protect and maintain unique cultural and historical places, provide optimal site accessibility, safety, and wayfinding, provide opportunities for outdoor physical activity, provide views of vegetation and quiet outdoor spaces for mental restoration, provide outdoor spaces for social interaction, reduce light pollution.

Construction: Reduce soil disturbance during construction, divert construction and demolition materials form disposal, reuse or recycle vegetation and rocks generated during construction

Operation and Maintenance: plan for sustainable site maintenance, provide for storage and collection of recyclables.

Engineering - Wastewater Treatment Facility

The applicants have met with CVRD Engineering to present the wastewater treatment strategy for the site. The system is designed to meet CVRD standards and be turned over to CVRD Engineering for ongoing management once the infrastructure and the system are operational.

Emergency Road Access

DL 51 is accessed off of Oyster Sto-Lo Road from the signaled intersection with the Trans Canada Highway. The site plan accommodates the potential for access to lands beyond through dedication of the public road to the western property line. Subject to future planning by the adjacent landowners and the CVRD, there may be potential for a road link to connect with transportation infrastructure to the north. As planned, however, the site is accessed via the single road connection. To address the need for a potential alternative emergency access route, the applicants have requested the CFN to consider the potential for shared use of their existing road serving their water tower, a roadway that runs parallel to DL 51's northern property line on adjacent CFN lands. We note, however, that such permission has not been granted and it is unknown at this time if CFN could accommodate this concept.

Appendix:

I. **Revised Land Use Plan**

PLAN OF PROPOSED SUBDIVISION OF
DISTRICT LOT 51, OYSTER DISTRICT, EXCEPT THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, EXCEPT PART COLOURED RED ON PLAN DEPOSITED UNDER DD 272791, AND EXCEPT PART SHOWN OUTLINED IN RED ON PLAN DEPOSITED UNDER DD 285551; THAT PART OF DISTRICT LOT 51, OYSTER DISTRICT, SHOWN COLOURED RED ON PLAN DEPOSITED UNDER DD 272791.

SCALE 1 : 2000 — 150 100 50 0 100 200 metres

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

Total Area of District Lot 51 = 69.1 ha
PARK (24.11 ha) + GREENSPACE (5.25 ha) = 29.36 ha 42.5%
Area of A-2 LOTS = 17.30 ha 25.0%
ROAD DEDICATION = 2.44 ha 3.5%
STRATA DEVELOPEMENT (147 UNITS) = 16.2 ha 23.5%
DISPOSAL AREA = 3.46 ha
PROPOSED FIREHALL = 0.4 ha

STRATA DEVELOPEMENT TOTAL AREA = 16.2 ha 23.5%
STRATA DEVELOPEMENT STRATA ROADS = 3.02 ha 4.4%
STRATA DEVELOPEMENT COMMON AREAS = 3.94 ha 5.7%
STRATA DEVELOPEMENT STRATA LOTS 9.16 ha 13.3%
STRATA DEVELOPEMENT MINUMUM LOT SIZE 540 square meters
STRATA DEVELOPEMENT AVERAGE LOT SIZE 623 square meters

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000170

DL 51, Area H –North Oyster/Diamond
Summary of Community Consultation

Introduction

An Official Community Plan Amendment and Rezoning application for DL51 was submitted to the Cowichan Valley Regional District (CVRD) in March 2009. The proposed land use change is intended to support a seniors'-oriented rural community. Consultation with area residents and stakeholders, including the Chemainus First Nation (CFN), the Advisory Planning Commission (APC) and the broader community has been an integral part of the planning process and has informed the refinement of the land use plan since time of application.

An open and iterative program of consultation with the CFN, including presentations to the Chief and Council, has afforded the project support through the passing of a Band Council Resolution in favour of the proposed land use change.

This document is intended to supplement the application for DL 51 and to provide an overview of the community and stakeholder consultation that has taken place. Specific documents supporting these processes are appended to this document.

Chemainus First Nation

The Chemainus First Nation (CFN) is a key stakeholder in the DL 51 lands. As immediate neighbours to the DL 51 site and significant landowners in the area, the CFN has an interest in the future use of the subject lands. As well, the Bush Creek corridor runs through the DL 51 site to its outlet at the north end of the Ladysmith Harbour on CFN lands. As such, CFN are also stakeholders in the long-term management and stewardship of Bush Creek and its riparian context.

Land use planning for DL 51 has been completed with consideration to the development planning being pursued by CFN for their "Four Corners" lands at the intersection of Oyster Sto-Lo Road and the Trans Canada Highway. The long-range vision for the "Four Corners" lands is to realize a mixed-use commercial development that will offer opportunities for economic development. The intent is to provide a distinct and welcoming service corridor offering benefits to local residents of Ladysmith, the North Oyster/Diamond area, tourist, through traffic and neighbouring communities.

The proposed residential development of the DL 51 lands - encompassing a mix of housing opportunities - is seen as complementary to the neighbourhood node concept for the "Four Corners" development site. The envisioned seniors'-oriented rural community and agricultural lots will create a local population that could benefit from local services proposed for the "Four Corners" site. The commercial development concept for "Four Corners" centers around a neighborhood service node, including commercial office space, medical/dental or health care services, retail space, produce market and grocery services, all of which would be used by the new residents of the DL51 neighbourhood. The DL 51 and "Four Corners" plans offer complementary visions for future community growth.

Throughout the planning process, the applicants have consulted and met with representatives of the CFN to share information and seek input on the development plans as they were revised and refined. A Band Council Resolution in support of the project was passed on April 22, 2009, and a letter articulating the support of the CFN has been submitted to the CVRD.

The following is presented as a summary of the key steps in the consultation process:

December 2008:	Presentation to CFN Council and Economic Development Officer
March 2009:	Presentation to CFN Council and Economic Development Officer
April 2009:	Band Council Resolution in support of project
May 2009:	Presentation to new Chief John Elliott and Economic Development Officer
November 2009:	Open House/Neighbourhood Meeting, attendance by Chief John Elliott and Economic Development Officer
December 2009:	Open House/Neighbourhood Meeting, attendance by Council Member Kevin Frenchy and Economic Development Officer
December 2009:	Meeting with CFN Chief and Council and Economic Development Officer
December 2009:	Meeting with Chief John Elliott and Economic Development Officer

Through this comprehensive program of consultation with the Chief and Council, the project has gained the support of the CFN.

Advisory Planning Commission

October 8, 2009: A formal presentation of the proposed seniors'-oriented rural community was presented to the 'Area H' APC by the applicant. Community members were in attendance at this meeting; however, at the APC's request, questions/comments were reserved, as an opportunity would be given at the upcoming Community Open House. The presentation described the land use concept and provided an opportunity for questions feedback. At this time, an invitation for a site visit was extended and planned for November 7, 2009.

Key APC Input:

- Consider potential for age restriction (55+) to deter low income housing
- Include water conservation and water stewardship efforts
- Ensure protection of aquifer
- Prefer single storey buildings with the potential additional storeys to respond to topography (i.e. basements on sloping sites)
- Remove seniors' housing from main public dedicated road to enhance safety
- Allow for potential to gate the seniors' community to provide higher security/sense of safety

November 7, 2009 Site Visit: Members from the Advisory Planning Commission, the Advisory Parks Commission and the Fire Protection Service Commission were invited to attend a morning walking tour of the property. Reflecting the feedback provided by the APC at the October meeting, the applicant had subsequently revised the proposed land use plan and presented the updated plan to commission members at the site visit. The walking tour of the site provided an informal presentation where specific features and areas of interest and concern were identified.

December, 2009: The APC reviewed the community feedback received through the two open house events and a decision to move forward with the application process was made by the APC.

The APC has submitted a report to the CVRD regarding the proposed development and recommends that the application move to public hearing.

Community Consultation_Public Open House Events

In response to the APC's desire for broad public process, two well-attended open houses were planned and took place on November 9, and December 7, 2009. There were between 30 and 50 people in attendance at both sessions; attendees included representatives from Chemainus First

Nation, local stakeholders, property owners and community members. Questionnaires were distributed at both open houses to give attendees an opportunity to provide feedback. An option to take the questionnaires and fax or submit feedback, within the week following the open house events, was extended. Open houses were advertised in the Ladysmith Chronicle and the Take 5 publications.

[The presentation panels displayed at the Open House events are attached – Appendix IV]

Nov 9, 2009, Open House #1, Diamond Hall: A series of 11 presentation boards were displayed, providing the community with an overview of the proposed development, including site services, water, land uses and character. Team members in attendance included the property owners, a hydro-geologist, an engineer, and planners, who were available to engage community members and to answer questions regarding the proposed land use application. A sign-in sheet was provided in addition to questionnaires; submissions were accepted either at the open house or faxed with feedback the following week. Representatives from the APC, CFN, local landowners and community members were also in attendance.

Summary of Feedback from Open House #1 Questionnaires:

Two questionnaires were returned; both expressed support for the proposed development.

"I spoke with Bon Thorburn, P.Eng Re. Sewage and storm water plans and Dennis Lowen, P. Eng, P. Geo regarding water supply and was very satisfied with the answers. I have been involved in property ownership development and regulation since 1971, most recent on the planning and development - advisory commission for the city of Naniamo (PDAC)"

"As such I believe this team has done their "due diligence" so that the community receives the highest and best use from DL 51. I personally would be interested to live there."

[Full details of questionnaire results are attached – Appendix III]

December 7, 2009, Open House #2, North Oyster Community Hall: In response to direction from the APC and interest from the public, a second open house was held. In addition to the presentation panels displayed from the first open house, a formal presentation was given, providing an overview of the proposed development. All team members were in attendance, including a hydro-geologist, an engineer and planners and were available to answer questions and address concerns expressed by community members. The presentation was followed by a two-hour question and answer session. Sign-in sheets and questionnaires were available with the option to send in feedback within the week to ensure everyone had an adequate opportunity to provide feedback. Representatives from the APC and the CFN were in attendance.

Summary of Feedback from Open House #2 Questionnaires:

The proposed land uses were well received, with supportive responses to the proposed agriculture land, the preservation of Bush Creek and the inclusion of amenities such as a community building, walking trails and an RV parking area.

Some concern was expressed regarding the affordable manufactured homes for seniors, sewage disposal system and the availability and preservation of water resources.

"I like some of the concepts - I'm concerned about housing density, especially as it relates to services, vehicle additions. Also quality of the housing development as it relates to any group - seniors included. As a senior myself I would not like to see the building sites so small and all premanufactured. Have you considered 10-25% pre-manufactured homes with the rest built on site on larger lots. [footnote on page: CVRD would own and operate the system]"

Appendices:

I. **Open House Advertisements**

II. **Open House Questionnaires**

III. **Open House Feedback Summary Forms**

IV. **Presentation Panels**

Neighbourhood Information Meeting

Monday, November 9, 7:00 – 9:00 pm

Diamond Hall, 4968 Christie Road

OCP Amendment & Rezoning Application

District Lot 51 (also known as the former Regan Property, across from Ivy Green Mohawk)

You are invited to attend our **Open House** to find out about the plan proposing: Seniors' Manufactured Home Community, Agricultural Lots, Community Amenities, Parks & Open Space.

For more information, please call 250-748-6133

0001175

Neighbourhood Information Meeting

Monday, December 7th, 7:00 – 9:00 pm

North Oyster Community Hall

OCP Amendment & Rezoning Application - District Lot 51

(also known as the former Regan Property, across from Ivy Green Mohawk)

You are invited to attend our **Open House** to find out about the plan proposing: Seniors' Manufactured Home Community, Agricultural Lots, Community Amenities, Parks & Open Space.

Presentation at 7:15 - followed by Q&A and an opportunity to engage in further discussions with our professional team, including hydrogeologist, engineer and planners.

For more information, please call 250-748-6133

000176

DL 51 Neighbourhood Meeting

09 November 09, 7 pm at Diamond Hall

1. Do you support the vision for the site? YES NO UNSURE

2. Do you support the proposed mix of land uses?

a) Affordable, manufactured housing for seniors	YES	NO	UNSURE
b) Agricultural lots	YES	NO	UNSURE
d) Dedicated Park -Bush Creek Corridor	YES	NO	UNSURE
e) Community Amenities, including gardens, walking trails, community building, RV parking	YES	NO	UNSURE

3. The proposal identifies approximately 31.9 hectares (78.8 acres) of the site as park and green space.

Do you support the preservation of the Bush Creek corridor, with an area of approx.24.5 hectares (60.5 acres), as a dedicated CVRD park?	YES	NO	UNSURE
Do you support the concept for approximately 7.4 hectares (18.3 acres) of neighbourhood green space, including walking trails and community gardens?	YES	NO	UNSURE

4. Comprehensive technical analysis of the site's water supply and sewage disposal plans has been presented at the open house. Do you have any questions about the proposed site servicing plans? If so, please specify:

5. Do you have other comments that you would like to share with the team?

Please feel free to call **250.748.6133** for further information.

Comment forms can be submitted at the Neighbourhood Meeting or via fax to **250.746.4400**.

Deadline: return by **Thursday November 12th, 2009, 9am**

DL 51 Neighbourhood Meeting
09 November 09, 7 pm at Diamond Hall
Comment Form Results

	Question	Yes %	Yes Subtotal	No %	No Subtotal	Unsure %	Unsure Subtotal	Unanswered %	Unanswered Subtotal	Total Responses
1	Do you support the vision for the site?	100.0%	2	0.0%		0.0%		0.0%		2
2	Do you support the proposed mix of land uses?									
a	Affordable, manufactured housing for seniors	100.0%	2	0.0%		0.0%		0.0%		2
b	agricultural lots	100.0%	2	0.0%		0.0%		0.0%		2
d	dedicated park - Bush Creek Corridor	100.0%	2	0.0%		0.0%		0.0%		2
e	Community amenities, including gardens, walking trails, community building, RV parking	100.0%	2	0.0%		0.0%		0.0%		2
3	The proposal identifies approx 31.9 hectares (78.8 acres) of the site as park and green space									
a	Do you support the preservation of the Bush Creek corridor, with an area of approx. 24.5 hectares (60.5 acres), as dedicated parkland for the community?	100.0%	2	0.0%		0.0%		0.0%		2
b	Do you support the concept for approx. 7.4 hectares (18.3 acres) of neighbourhood green space, incl. Walking trails and community gardens	100.0%	2	0.0%		0.0%		0.0%		2

4 Comprehensive technical analysis of the site's water supply and sewage disposal plans has been presented at the open house. Do you have any questions about the proposed site servicing plans? If so, please specify:

1 I spoke with Bon Thorburn, P.Eng Re. Sewage and storm water plans and Dennis Lowen, P. Eng, P. Geo regarding water supply and was very satisfied with the answers. I have been involved in property ownership development and regulation since 1971, most recent on the planning and development - advisory commission for the city of Naniamo (PDAC)

5 Do you have other comments that you would like to share with the team?

1 As such I believe this team has done their "due diligence" so that the community receives the highest and best use from DL 51. I personally would be interested to live there. [name on form]

000178

DL 51 Neighbourhood Meeting
07 December 09, 7 pm at North Oyster Community Hall
Comment Form Results

	Question	Yes %	Yes Subtotal	No %	No Subtotal	Unsure %	Unsure Subtotal	Unanswered %	Unanswered Subtotal	Total Responses
1	Do you support the vision for the site?	16.7%	2	83.3%	10	0.0%		0.0%		12
2	Do you support the proposed mix of land uses?									
a	Affordable, manufactured housing for seniors	33.3%	4	58.3%	7	0.0%	0	8.3%	1	12
b	agricultural lots	75.0%	9	16.7%	2	0.0%	0	8.3%	1	12
d	dedicated park - Bush Creek Corridor	66.7%	8	16.7%	2	8.3%	1	8.3%	1	12
e	Community amenities, including gardens, walking trails, community building, RV parking	58.3%	7	25.0%	3	8.3%	1	8.3%	1	12
3	The proposal identifies approx 31.9 hectares (78.8 acres) of the site as park and green space									
a	Do you support the preservation of the Bush Creek corridor, with an area of approx. 24.5 hectares (60.5 acres), as dedicated parkland for the community?	75.0%	9	8.3%	1	8.3%	1	8.3%	1	12
b	Do you support the concept for approx. 7.4 hectares (18.3 acres) of neighbourhood green space, incl. Walking trails and community gardens	66.7%	8	25.0%	3	0.0%	0	8.3%	1	12

4 Comprehensive technical analysis of the site's water supply and sewage disposal plans has been presented at the open house. Do you have any questions about the proposed site servicing plans? If so, please specify:

2 *This seems like a very workable concept. Good luck*

4 I like some of the concepts - I'm concerned about housing density, especially as it relates to services, vehicle additions. Also quality of the housing development as it relates to any group - seniors included. As a seior myself I would not like to see the buiding sites so small and all premanufactured. Have you considered 10-25% pre-manufactured homes with the rest built on site on larger lots. [footnote on page: CVRD would own and oporate the system]

5 Can you comment on services for 300+ people such as doctor services, hospital care, etc. Ladysmith appears to already be at its maximum

6 *Purple pipes for people*

10 [under #1e: "but poor mix"] [by yes for #2a: "or more"][by yes for #2b: "or more"]

11 The water supply seems well capable of supplying this project

12 Sewage disposal plan is vaguw at best. Water supply may affect the cassidy aquafier

5 Do you have other comments that you would like to share with the team?

2 Will there be access along the existing power line which is currently used by horse riders?

6 Mixed use like this needs a 150m buffer between housing for seniors and farms. Thx

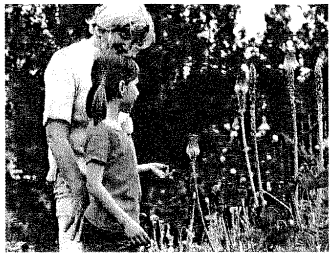
8 Have you done your own soil testing or are relying on gov't maps?

11 Have to admire your patience with the convoluted process that you have to go thru + believe you have an excellent proposal for this community. RE Cliff slope - if not logged off (+ *it is to be protected by being in a park) there should be erosion or slippage*

12 This is not a development that is needed in this area. There is too much chance of problems with the aquafier and bush creek which is a salmon bearing stream containing a hatchery

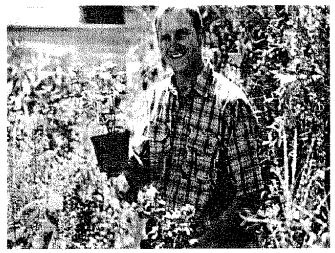
SENIORS'-ORIENTED RURAL COMMUNITY

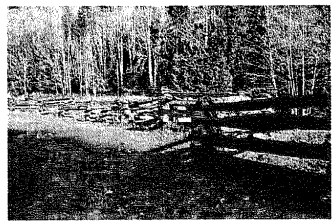
District Lot 51

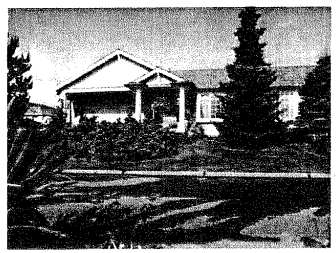


VISION:

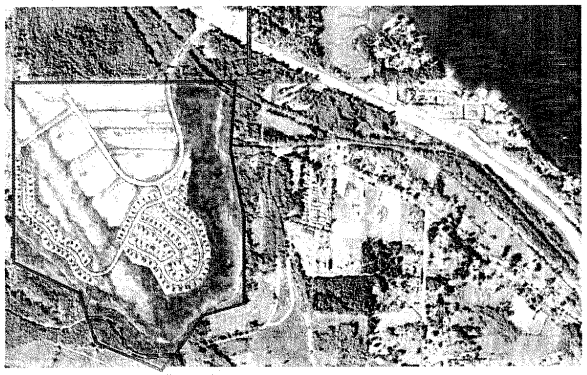
A 'retirement community' reflective of the agricultural setting and respectful of the natural environment"







District Lot 51, also known as the former Regan Property, across from Ivy Green Mohawk



Seniors'-oriented housing

- 147 strata manufactured home sites

Agricultural lands

- 7 2-hectare agricultural lots

Community amenities

- Walking trails, community gardens and 32 hectares of open space, including 25-hectare Bush Creek corridor dedication to CVRD

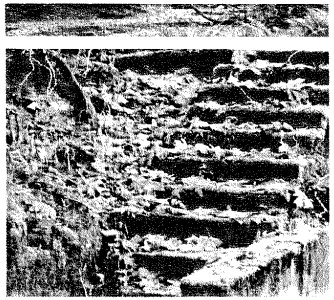
Heart Lake Developments Ltd.
Landeca Services Inc.
Lowen Hydrogeology Consulting Ltd.
ThorConsult Ltd

0001180

SENIORS'-ORIENTED RURAL COMMUNITY

District Lot 51

Site and Community Context



Agriculture:

- The OCP states that "The community wants to maintain and improve the country and residential feel of the community", while assuring the retention of their agricultural presence, as well as enhancing environmentally sensitive and recreational lands .
- The potential for local farming contributes to the community's agricultural goals.

Topography:

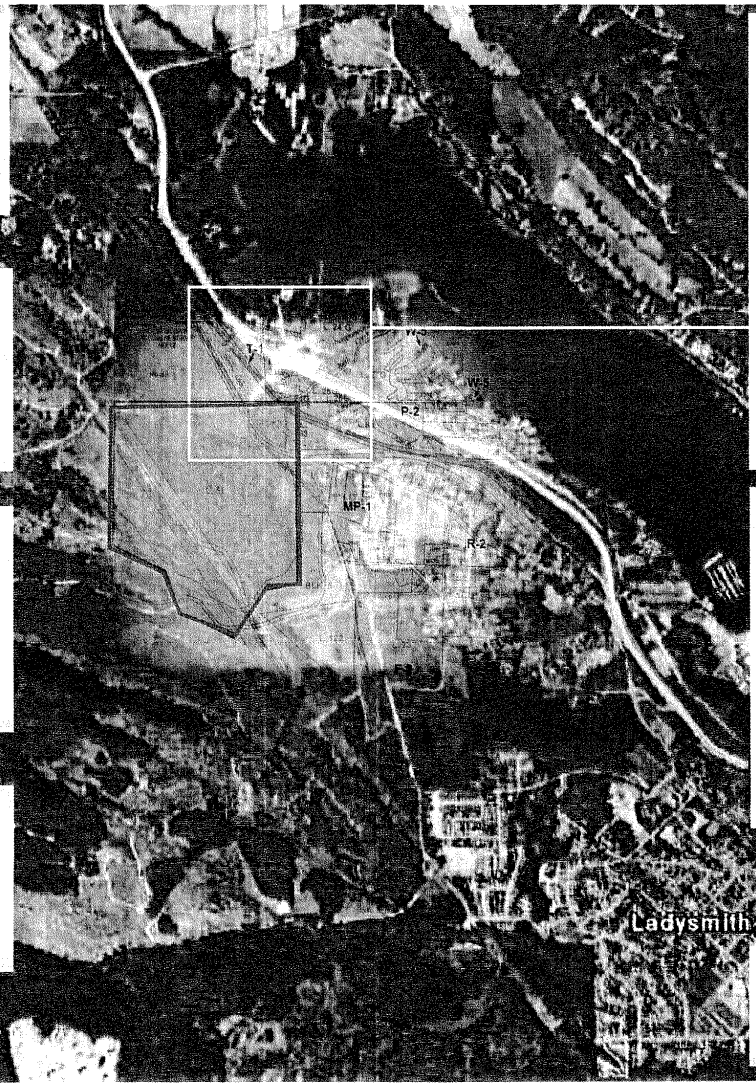
- The BC Hydro and gas ROW run through DL51 in a general north-south direction.
- The west side of the property has fairly steep sections with more dense vegetation and sporadic patches of trees and vegetation.
- The eastern portion of the property has steeper sections, which open significant views toward the Bush Creek corridor and to adjacent forested lands

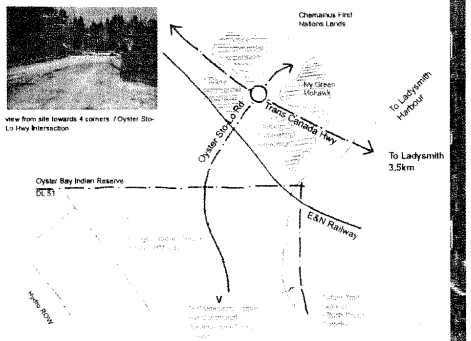
Demographics and Needs Analysis

- According to CVRD statistics the total population of Area H in 2006 was 2,274.
- The median age was 49.9 compared to the BC median age of 40.8.
- In 2006, 41.3% of the population in Area H were between the ages of 50 and 75.
- There is an increasing and aging population that can be served by this seniors'-oriented community development.

Bush Creek:

- Bush Creek travels southeast along the southern boundary of the site and then channels in a northward direction toward Ladysmith Harbour.
- Dedication and preserve of the creek corridor will help deter the damaging recreational use and garbage dumping.





view from site towards 4 corners / Oyster Sto-Lo Hwy Intersection

4 Corners Development:

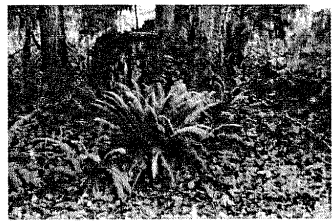
The development of the 4 corners by Chemainus First Nations presents an opportunity to increase the connectivity and commercial amenity base for local residents

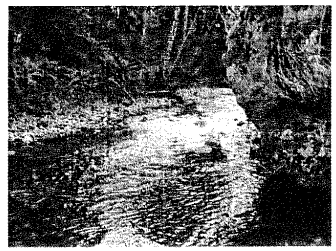
Connectivity:

- DL51 is within close proximity to Ladysmith's commercial services and the potential new commencial development at CFN's 4 corners.
- Oyster Sto-Lo Road connects DL51 to the Trans Canada Highway. This intersection encompasses the First Nations Four Corners Commercial zone that currently accommodates the Mohawk gas station and A&W restaurant. The First Nations 4-Corners site is actively being considered as a potential growth area for more commercial services by the Chemainus First Nations. Such future commercial developments could provide direct local amenities for residents of DL51.
- Future regional transportation planning for the E&N Railway could potentially service DL51 and the Four Corners site.

" A spirited community that values its small town feeling and offers residents a full and healthy way of life..."

~ Ladysmith Vision Statement





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SENIORS'-ORIENTED RURAL COMMUNITY

District Lot 51

Land Use Concept

Approach:

The land use plan was developed through detailed site analysis and an open space zoning approach, whereby the natural and geophysical features of the site have been identified for preservation as open space, while limiting the extent of land proposed for new residential an agricultural use. Bush Creek corridor is an important natural feature on the site and is proposed for protection and dedication to the CVRD as parkland. The existing topography has also informed the land use plan by creating a natural divide between the residential and park uses.

Key Features:

Seniors'-oriented community

- **Affordable, attractive housing options for seniors** in an agricultural setting
- Allow local residents to age in place and **remain in their community** as they age
- Clustered manufactured homes

Agricultural lots

- rural residential agricultural

Bush Creek riparian protection

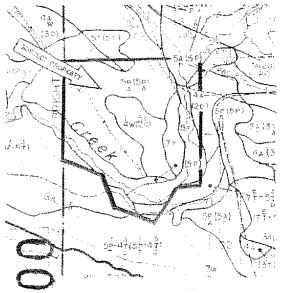
Parks and open spaces

Community garden

Community Clubhouse/Center

- gathering spaces

Walkways and Pedestrian Network



DL51 Soil Classification Map

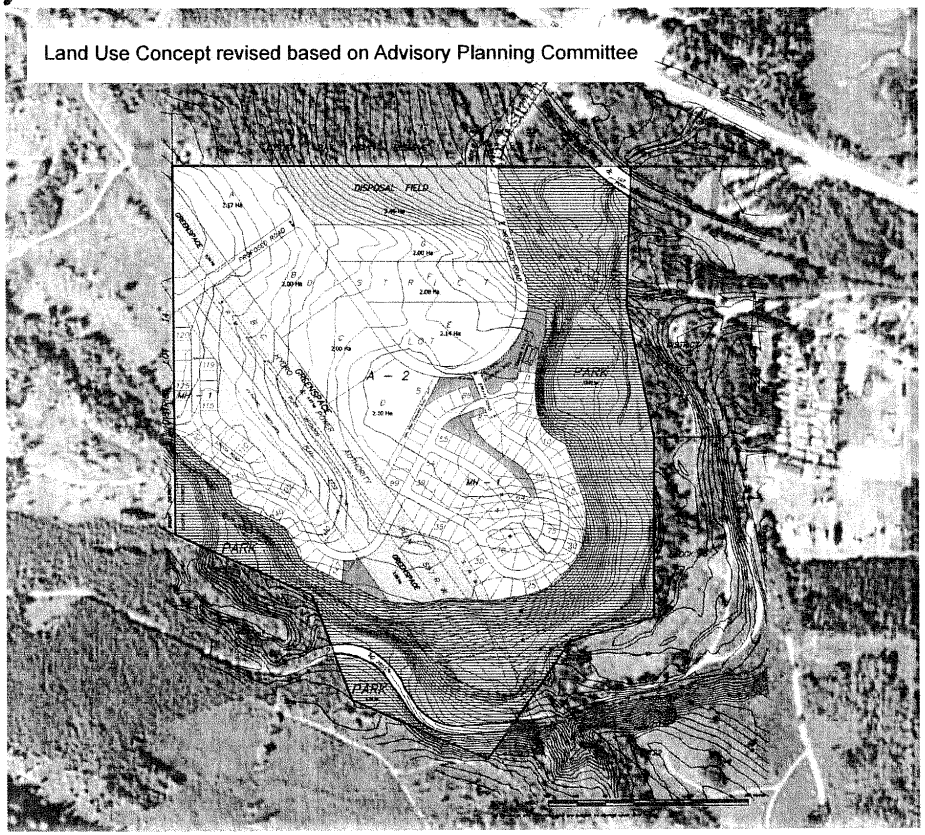
Agricultural Lands - Soil Capacity

- The site will encourage future farming/agricultural use in the area and ensure that the needs and activities of agricultural operations will be taken into consideration during the development of residential uses on adjacent properties.
- Agricultural uses will encourage and maintain the country character of North-Oyster Diamond District
- The portion of the site identified as having 4W class soils is proposed for agricultural use, as these soils, with some remediation, are the better quality, suited for agricultural according to the soil classification system.

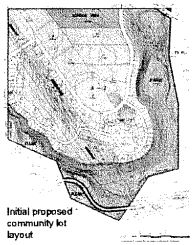
Soil Classification of DL51

Location	Classification
North & West portions	5P/A
Central Portion	4W (2C)
Soils along Bush Creek (South & East portions)	7T & 5P (5P)

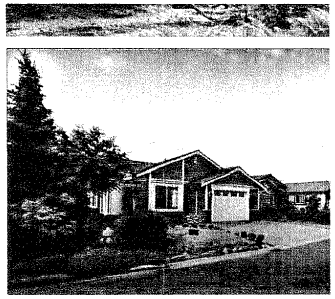
*Coding in brackets indicates improvability

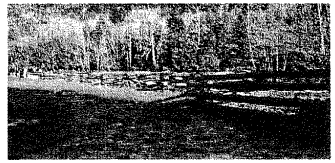


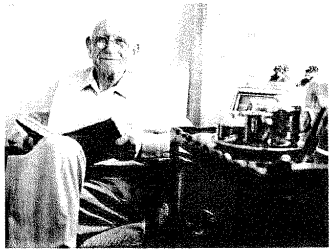
Proposed Use	Area (hectares)	Area (%of total site)
Park	24.51	35.50%
Open Space	7.39	10.70%
A-2 Secondary Agriculture	14.41	20.90%
MH-1 Manufactured Homes	17.00	24.60%
Road Dedication	2.33	3.40%
Utility / Disposal Area	3.46	5.00%
Total	69 ha	

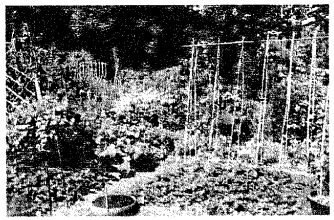


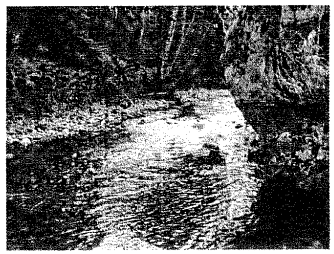
Initial proposed community lot layout









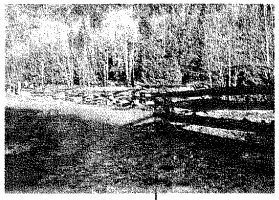


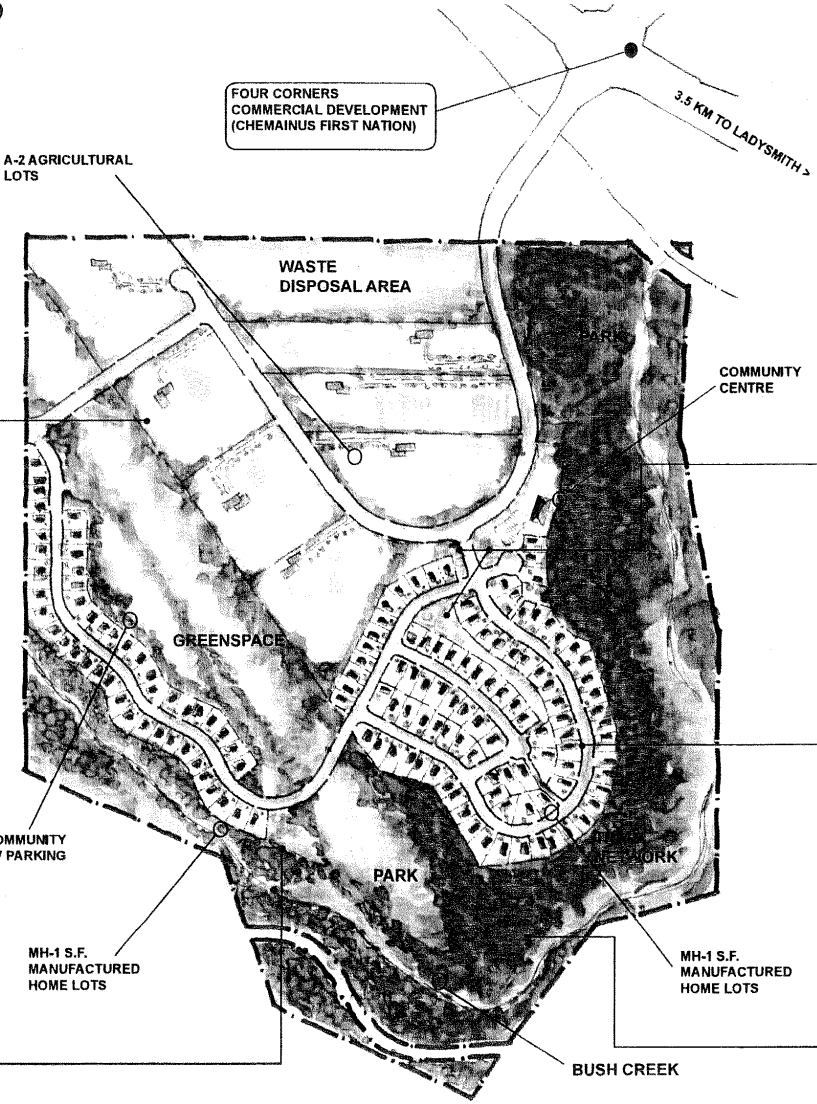
0001182

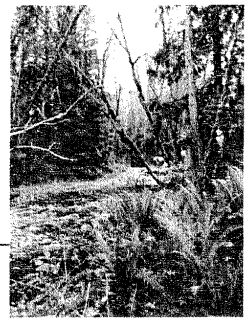
SENIORS'-ORIENTED RURAL COMMUNITY

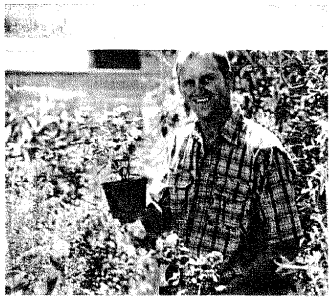
District Lot 51

Site Plan









Key Features:

Strata Manufactured Homes
Community Clubhouse
Secure Gateways
Community Gardens -multiple
Waste Disposal Area
Agricultural Lands

Community RV Parking
Sustainable Streetscape - bio-swales, native plants etc.
Key View Corridors

0001183

SENIORS'-ORIENTED RURAL COMMUNITY

District Lot 51

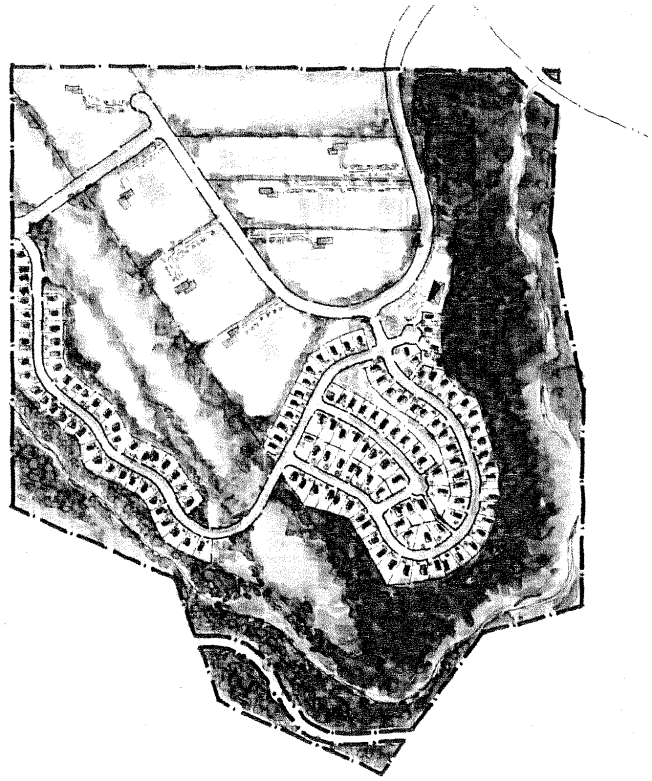
Manufactured Homes

Concept:

- The proposed seniors'-oriented community will intended to supply alternative and more affordable housing options for residents of the surrounding community.
- Strata manufactured home lots are located in the south central portion of the property, with a total area of approximately 17 hectares, representing 24.6% of the site.
- Seniors'-oriented design with main level living

Advantages of manufactured homes:

- **Affordability** - manufactured homes typically cost 25-30% less than site-built homes
- **Sustainability** - reduced material waste, reduced energy consumption, use of "green" building materials,finishings and fixtures
- **Efficiency** - prefabricated off site, controlled quality and manufacturing environment, built following the A-277 Canadian National Building code, building fabrication to run in parallel to site works for more timely completion.



Precedent developments:

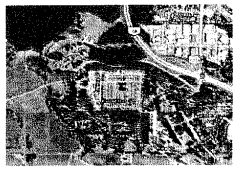
- The two community precedents are examples of affordable senior housing developments located around the region that provide precedents in terms of design and character.
- These communities have a similar context in terms of their location relative to commercial amenities and rural settings

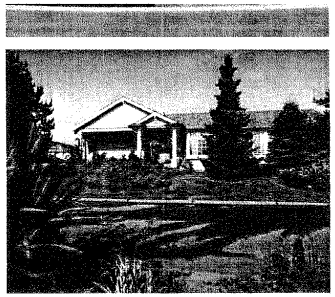
Lancaster Mews (Chandler Ridge)

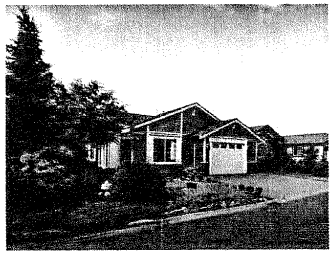
- Located off of Christie Road along the Trans Canada Highway approx. 1.5 km north of downtown Ladysmith
- **Adjacent land use:** Forested area with large acre lot single family homes and farms.
- The homes are each about 1200 square feet in area with single car garages and modest landscaped yards and gardens with approximately .11 acre lots.
- The homes at Lancaster Mews are site-built wood frame construction.

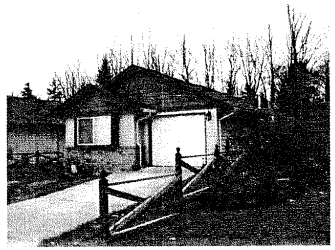
Deerwood Place Estates

- Manufactured home development located in Nanaimo BC, near Brannen Lake.
- 300 units ranging in size from 900 to 1500 ft² built on a solid foundations
- **Adjacent land use**: Rural country setting, 2.5 – 3 kilometres from shopping and amenities; nestled around sporadic single family homes, agricultural farmland and patchy forested areas.
- **Amenities**: managed common open spaces, a large community club house, and landscaped gardens.









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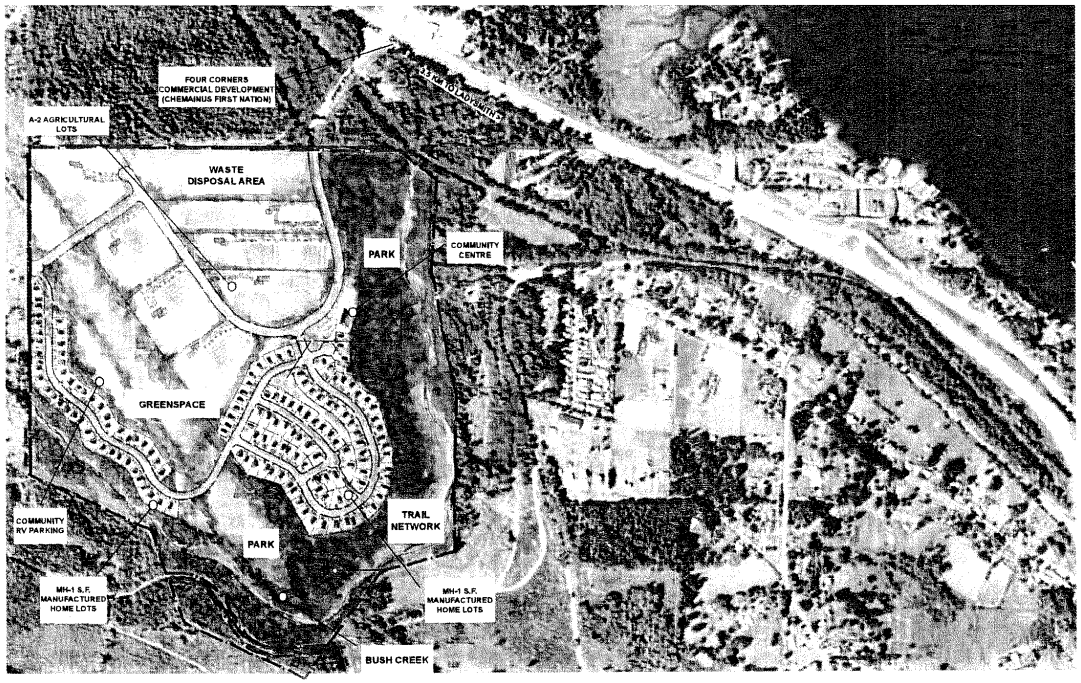
SENIORS'-ORIENTED RURAL COMMUNITY

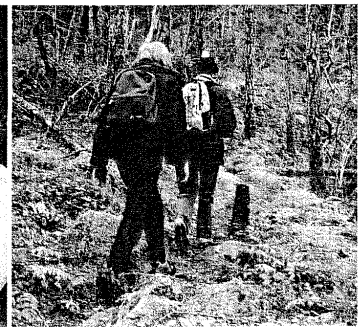
District Lot 51

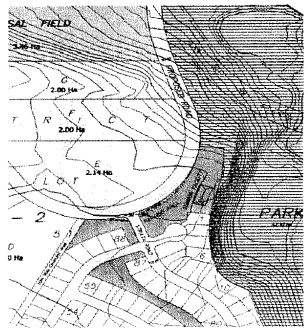
Open Space & Community Amenities

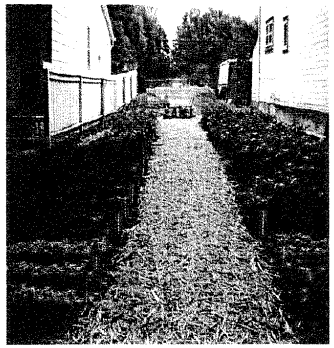
Key Features:

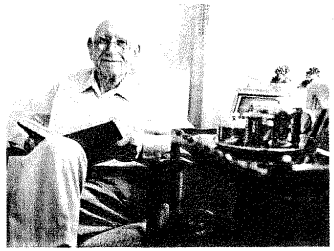
- Preservation of Bush Creek, creation of public trails and open spaces
- Integration of amenities within community, including community gardens, community building /center and RV parking areas
- Natural and geophysical features of the site have been identified for preservation as open space, while limiting the extent of land proposed for new residential an agricultural use.
- Bush Creek corridor is an important natural feature on the site and is proposed for protection and dedication to the CVRD as parkland.
- The existing topography has also informed the land use plan by creating a natural divide between the residential and park uses.
- Over 31 hectares or 46% of the site proposed as park and open space
- Clustered site planning is intended to preserve open space and natural features on the remainder of the site.
- The site is also designed to create agricultural lots on the most capable soils.











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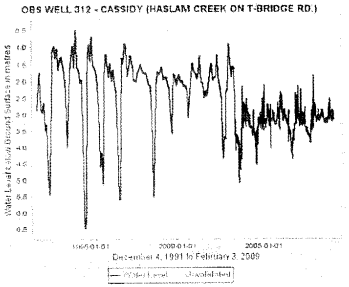
SENIORS'-ORIENTED RURAL COMMUNITY

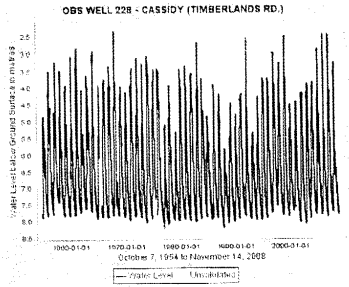
District Lot 51

Water

The proposed water supply is sustainable.

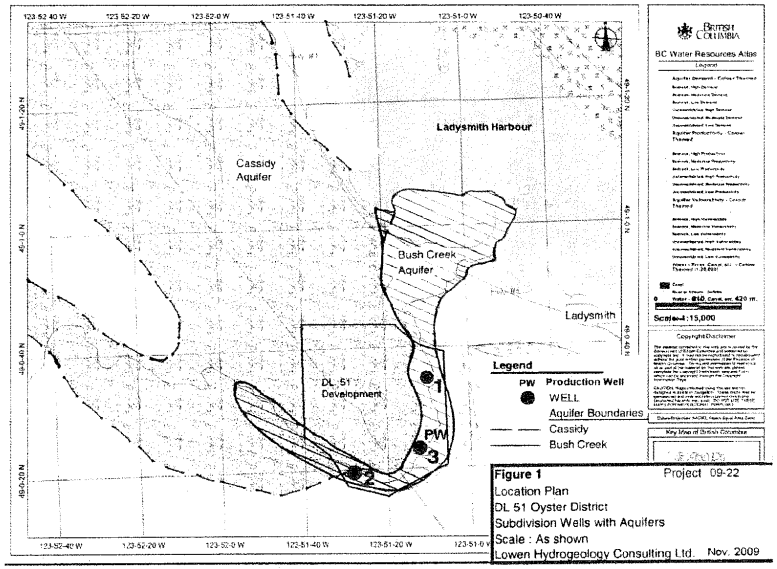


Upper Cassidy Aquifer

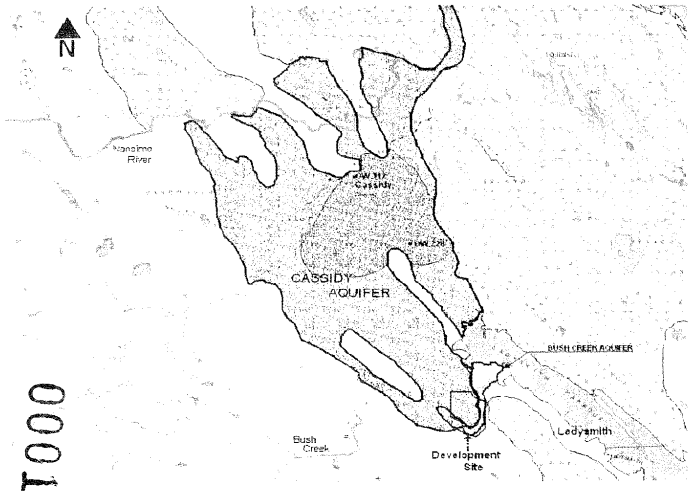


Lower Cassidy Aquifer

- The two Cassidy Aquifer hydrographs, show groundwater levels over time measured by automatic recorders in the observation wells.
- Annual fluctuations are evident; higher water levels in the wet season and lower in the dry season.
- Conclusion: Overall water levels are stable.

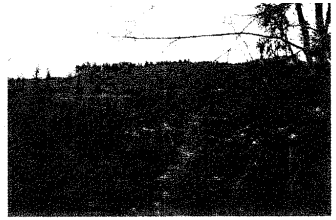


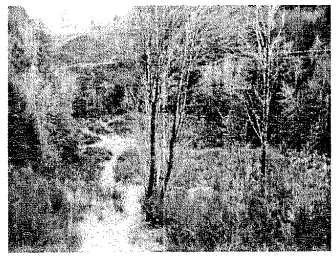
- The Bush Creek and Cassidy Aquifers are shown here.
- Well # 3 is the proposed water supply source for the subdivision.
- The well is 26 m. (85 feet) deep and has a capacity of 15 L/s (200 Igpm)
- The well is capable of supplying 360 homes, more than twice as many as are proposed.
- The well would extract approximately 5% of the natural groundwater flow beneath the development site.
- Conclusion: The well water quality is very good

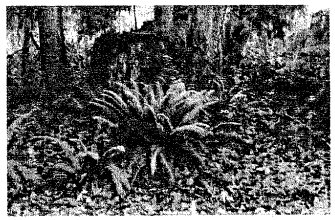


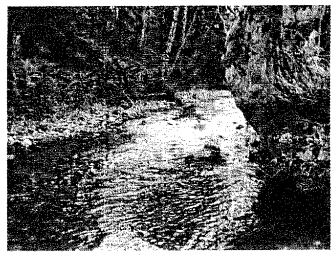
- Shows the extent of the Cassidy Aquifer from Bush Creek to Nanaimo River
- Cassidy Aquifer (in southern region) flows SE into the Bush Creek Aquifer.
- Central Region of the Cassidy Aquifer has an Upper and Lower Water Bearing zone.
- The Lower zone does not extend to Bush Creek.
- There are 2 observation wells in the Cassidy Aquifer but none in the Bush Creek Aquifer.

Meandering Bush Creek runs through proposed park









000186

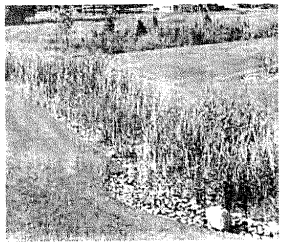
SENIORS'-ORIENTED RURAL COMMUNITY

District Lot 51

Servicing

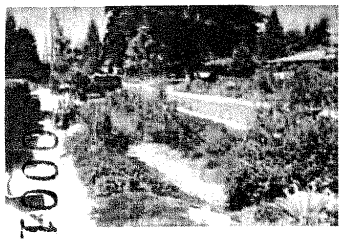
Key Features:

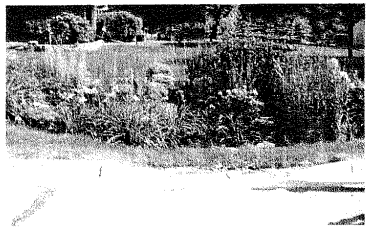
- On site sewage disposal field
- Storm water management strategies
- Grey water systems (to be determined)
- Sustainable streetscape design; bio-swales, native plantings etc.
- water-use efficiency strategies

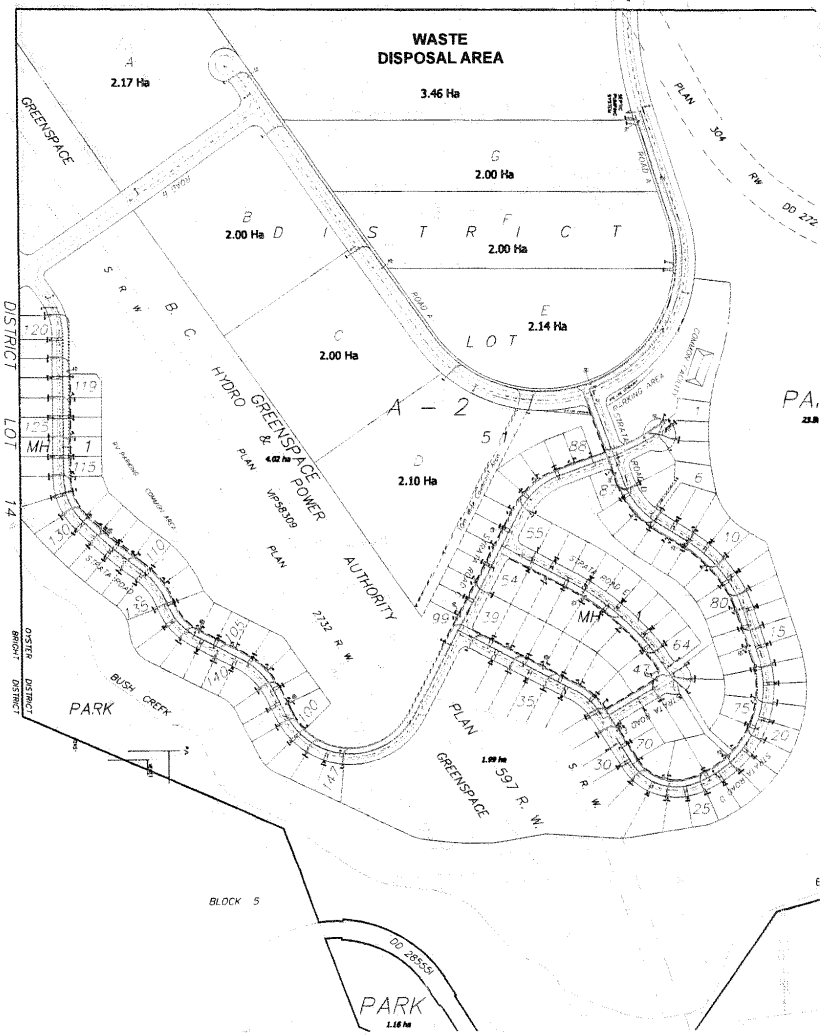


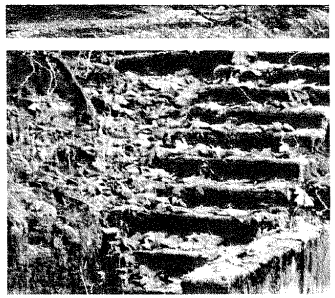
"...to reflect the interests of local residents in the community...to allow for proper land and water uses, [to] improve upon the well-being of the community, and [to] maximize the opportunities for area residents"

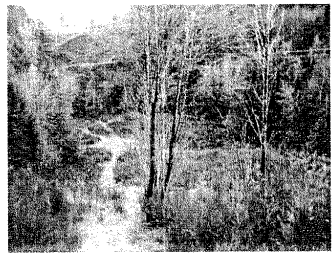
~ North-Oyster Diamond OCP

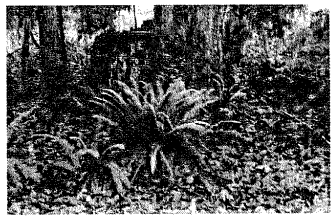


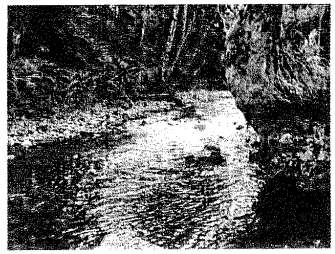












0001187

SENIORS'-ORIENTED RURAL COMMUNITY

District Lot 51

Sustainability – 12 Big Ideas

1 Get real about climate change

As the 'umbrella' initiative to sustainable development, the foundation of the development practice needs to address climate change from the ground up.

- Respecting the existing ecosystem, this site provides a **significant amount of open space.**
- **Construction methods** (manufactured homes) and the site planning are aimed towards protecting sensitive habitats.

2 Eat local because food security matters

- **Agricultural Lands:** Recognizing the social, environmental and ecological value of the rich agricultural land in the region, development of the DL51 site is supporting this endeavour by proving large 2-hectare (5 acre) lots ideal for hobby farm use, to be protected as Agricultural lands.
- **Proper soil management** to increase the soil quality, a portion of the site has been identified as having potential for growing a range of crops.
- **Community Gardens:** The opportunity for centrally located 'community' gardens further supports this initiative, while also supporting the development of a strong sense of community.

3 Be energy smart

Construction methods are the first step in developing sustainable, energy efficient development practices.

- Building manufactured modular homes will produce **less construction waste** and new homes that are being built are providing more **energy smart and efficient appliances**.

4 Get up to speed on the new green economy

- **Downsizing Seniors' housing**: The proposed development addresses our changing needs as we age by supplying seniors-orientated housing for locals downsizing from their previous larger family homes. By downsizing, monthly energy use and costs may be reduced.
- **Pedestrian friendly development:** Site planning for a 'social center' within walking distance of all homes in the development, in the form of a clubhouse and community garden provides a forum for interaction, engagement and discussion by savvy seniors about such things as the environment.

5 Clear the air to reduce carbon

- **Sustainable practices**: The development of the site would see the retention of as many trees and open green space as possible.
- **Construction:** The manufactured homes could be fit with natural gas units, instead of wood burning units, reducing the carbon emissions into the air.

6 Don't hog the water so there is enough for all

- **Green Infrastructure:** Taking natural water cycles into account, the development would lean toward green infrastructure, bio-swales, and natural pathways.
- Development would be positioned and managed so as not to interfere with the flow rate of **Bush Creek.**
- Homes could be built with environmentally sensitive fixtures such as low flush toilets and showerheads.

7 Grow up, not out

- **Connectivity:** Supporting Cowichan's vision to densify and contain growth, the proposed development seeks to establish a fairly dense seniors-oriented development where pedestrian connectivity is supported and a social center encourages the development of a 'sense of community'.
- Sprawl is minimized through **'smart growth' cluster development practices**.

8 Revive biodiversity

The development of the DL51 site recognizes the need to revive, restore and protect biodiversity. Several initiatives have been considered to achieve this goal:

- A large section of the site will be retained as **agricultural land.**
- **Protection of the sensitive riparian zone** around Bush Creek has been increased well beyond the RAR boundary of 30 metres.
- Construction methods at the banks will be managed to **control sediment damage**.
- Consideration to the impact of development has been considered, with a focus on manufactured homes, which significantly **reduce site disturbance** during construction.
- The proposed development has considered cohabitation partnerships; mixing working farms with cluster housing and green space.

9 Get serious about zero waste

- **Waste management:** The proposal considers waste management on-site at a single concentrated location, rather than waste disposal systems managed at an individual lot level.
- The development proposal identifies the construction of manufactured homes, which significantly **reduces onsite construction waste**.

10 Be carbon neutral

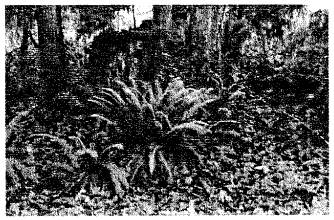
- **Pedestrian networks** throughout the development, extending to a publicly accessible park along Bush Creek, increase the likelihood and encourage residents to choose alternate methods of accessing the clubhouse, gardens and beyond.
- The potential for extending the proposed **trail network** into a regional trail system would increase the opportunity to work toward a more carbon neutral state.
- Also, the site is located next to the E&N Railway, which in the **future** could be developed with **enhanced passenger and transit service**.

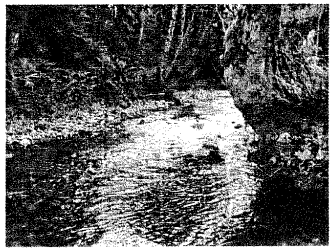
11 Audit our assets

- A significant portion of the site, along Bush Creek, has been identified as a sensitive area and will remain untouched and designated as **parkland for public use and for the protection of natural systems**.
- The site also contains a tract of land that is viable for agricultural use. It is proposed that this section of land be developed as 2 hectare (5 acre) lots, suitable for **hobby farm** usage.
- The remaining land will be developed as single-family lots, with significant greenspace and communal gardens, which will contribute to a **social and environmentally sustainable development**.
- Approximately **46% of the total site** will remain as undeveloped **open space**.

12 Lead the way

- The proposed retirement community could set a **precedent for green, community-oriented development**.
- The conceptual site plan identifies adherence to the **12 steps to sustainability** and,
- encourages a change in mind-set towards seniors living and supports the critical goal that positive, community oriented design and development **serve and enhance the greater community of Cowichan.**





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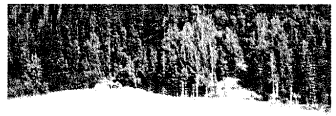
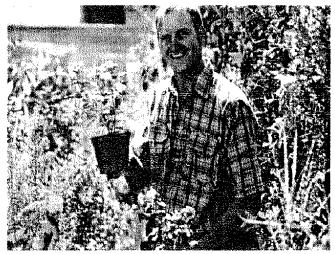
SENIORS'-ORIENTED RURAL COMMUNITY

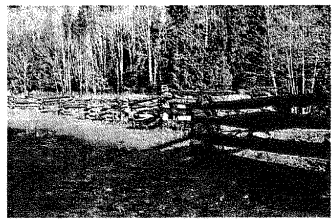
For more information, please call **250.748.6133**

District Lot 51

Where we are to-date...







PRE-APPLICATION PLANNING AND STAKEHOLDER CONSULTATION (2008)

APPLICATION TO CVRD (SPRING 2009)

PRESENTATION TO APC (OCTOBER 2009)

NEIGHBOURHOOD INFORMATION MEETING (NOVEMBER 2009)

PRESENTATION TO APC (NOVEMBER 2009)

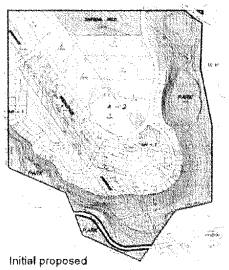
CVRD PROCESS, INCL. CONSIDERATION BY EASC, REGIONAL BOARD

PUBLIC HEARING

CONSIDERATION BY REGIONAL BOARD

REVISIONS TO CONCEPT PLAN BASED ON APC FEEDBACK (OCTOBER 2009)

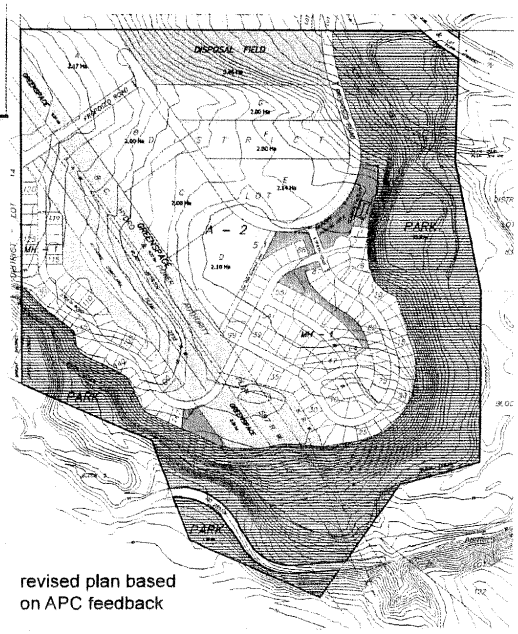
APC - SITE VISIT (NOVEMBER 2009)



Initial proposed community lot layout

Overview of Revised Concept Plan

- Relocate seniors' housing off of 'main' dedicated roadway
- Provide opportunity for increased security at gateway to community
- Integrate community gardens throughout development
- Provide provisions for RV parking on-site
- Reduce number of housing units, while highlighting agricultural character



revised plan based on APC feedback

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SENIORS'-ORIENTED RURAL COMMUNITY

For more information, please call **250.748.6133**

District Lot 51

COMMENTS...What do you think?

Post your comments here!

Post your comments here!

Post your comments here!

Post your comments here!

Post your comments here!

Do you support the proposal for seniors' affordable housing?

What features of the concept plan do you like?

Do you support the preservation of Bush Creek as a CVRD dedicated Park?

Do you have any questions about the proposed site servic ing plans?

Do you have any other comments that you would like to share with the team?

000190

5R1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 2, 2010

DATE: February 19, 2010 **FILE NO:**

FROM: Brian Farquhar, Parks and Trails Manager **BYLAW NO:**

SUBJECT: Amendment to the Area I Community Parks 2010 Budget

Recommendation:
That the Electoral Area I (Youbou Meade Creek) Community Parks Budget be amended, as follows:

- Decrease the Annual Requisition amount by $12,000
- Decrease the Minor Capital under Operating Expenses by $12,000

Purpose:
To request amendment to the 2010 Electoral Area I (Youbou/Meade Creek) Community Parks Budget prior to adoption of the 2010 CVRD Budget and Five Year Financial Plan by the CVRD Board.

Financial Implications:
N/A

Interdepartmental/Agency Implications:
N/A

Background:
Director Kuhn has requested the amendment of the 2010 Electoral Area I (Youbou/Meade Creek) Community Parks budget to reduce the requisition by $12,000 be brought forward for consideration by the Electoral Area Services Committee in advance of formal adoption of the 2010 CVRD Budget and Five Year Financial Plan.

Submitted by,

Brian Farquhar,
Parks and Trails Manager
Parks, Recreation and Culture Department

BF/ca

SR2

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 2, 2010

DATE: February 25, 2010 **FILE NO:**

FROM: Brian Farquhar, Parks and Trails Manager **BYLAW NO:**

SUBJECT: 2010 Community and Sub-Regional Parks Working Paper Budgets

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Action:
Committee direction is required.

Purpose:
To request direction from the Committee on remaining 2010 Community Parks and Trails Program budget items.

Financial Implications:
Dependent upon direction of the Committee and Board.

Interdepartmental/Agency Implications:
N/A

Background:
The attached report is being brought forward from the December 1, 2009 EASC meeting. Additional information will be handed out at the March 2nd meeting.

Submitted by,

Brian Farquhar,
Parks and Trails Manager
Parks, Recreation and Culture Department

BF/ca
Attachment

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF DECEMBER 1, 2009

DATE: December 1, 2009 **FILE NO:**

FROM: Brian Farquhar, Parks and Trails Manager **BYLAW NO:**

SUBJECT: 2010 Community and Sub-Regional Parks Working Paper Budgets

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Recommendation:
That the Electoral Area Services Committee provide direction on the proposed 2010 Working Paper budgets for the Community Parks and Trails Program budgets 231-239, 279, 281, 282 and 456.

Purpose:
To request direction from the Committee on preparation of 2010 budgets for the Community Parks and Trails Program budgets 231-239, 279, 281, 282 and 456.

Financial Implications:
Dependent upon direction of the Committee and Board.

Interdepartmental/Agency Implications:
N/A

Background:
The Cowichan Valley Regional District's Community Parks and Trails Services Program encompasses local community parks services (Functions 231-239) in each of the nine (9) Electoral Areas and two sub-regional parks services; Bright Angel Park (Function 281) and South Cowichan Parks (Function 282). These services provide for the operational, maintenance, capital development and parkland acquisition costs incurred annually for each Electoral Area's local community parks and trails service, and for the sub-regional parks services of Bright Angel Park and South Cowichan Parks. The management, planning, land stewardship, acquisition, operation and capital development administration and coordination services have historically been separately funded through the Community Planning service (Function 325).

In 2008 the Regional Board approved realignment of the Community Parks and Trails Program from the Planning and Development Department to the new Parks, Recreation and Culture Department in early 2009. For the 2010 budget year, the Community Parks administration and coordination services have been moved from the Community Planning service (Function 325) and set up under a new functional budget; Community Parks and Trails Service (Function 279). This new functional budget is inclusive of staff wages, administrative costs, parks vehicles and resource support costs directly attributable to the Community Parks and Trails Program which were historically under the Community Planning service (Function 325).

Community Parks and Trails Program

The Community Parks and Trails Program continues to expand with the support of Parks and Recreation Commissions, land use development opportunities and local community demands for expanded opportunities for local outdoor recreation, greater environmental protection and improved community-connectivity for walking and cycling. The priorities of the Community Parks and Trails program in recent years has been a continued focus on acquisition of lands for community park and community trail/pathway corridors, capital development within new parks, expansion of existing park amenities, upgrades/replacement of aging park facilities, broadening community engagement in planning for future community needs for parks and trails, and improving public awareness and values of their local parks and trails systems. The range of outdoor recreation facility development has incorporated everything from passive nature walk trails to picnic areas, boat launches, playgrounds, sport courts, sports fields, community pathways, tennis courts and more recently dirt bike jump parks and dog off-leash parks.

Individual Parks and Recreation Commissions annually provide input on the draft Community Parks and Sub-Regional Parks budgets during preliminary budget preparations each fall. For the 2010 budget year, Parks staff attended several of these meetings during this past fall at the request of individual Parks Commissions to assist with discussion and input on 2010 community parks and trails service budget priorities for individual Electoral Area functional budgets. At this time, the 2010 working paper requisitions for individual Electoral Area community parks remain at the same requisition levels as approved in the 2009 budget, except for those budgets which specific Electoral Area Directors have requested adjustments during the fall budget input process with the Parks and Recreation Commissions. Such adjustments are reflected in the 2010 working paper budget package provided to the Board of Directors in mid November. A summary of noted changes to functional budgets 231 thru 239, 281 and 282 is attached.

In reviewing both the growth of the CVRD's Community Parks and Trails Program and the resources to support the program, the following provides a summary of the program since 1997, which at the time was supported by only two full time parks staff (Parks Operations Coordinator and the Parks Planning Technician) under the direction of the Manager of Development Services.

Community Parks and Trails Program Summary
Community Parkland Inventory 1997-2009

	1997	2009
Community Parks, Trails & Community Pathways	64 sites	155 sites
Community Parkland & Community Forestlands	470 acres	2,188 acres

As noted above, the Regional District through the Community Parks and Trails Program has become a significant land management steward within the Cowichan Region's eastern coastal communities and eastern portion of Cowichan Lake. The CVRD manages these lands under a variety of tenures; from fee-simple ownership to license agreements and leases with other agencies (primarily through the Provincial Government). The terms and conditions of these license agreements and leases specify the conditions under which the CVRD can manage and develop the lands, and the liability obligations the Regional District assumes with respect to public use of these lands. The growth in the number of community parks and trails sites has increased demands on the program with respect to interphase management with adjoining landowners (i.e. hazard trees, fire risk) and addressing issues of trespass and encroachments. With over 150 parks and trail sites across nine (9) electoral areas, the issues of interphase management and trespass continues to increase demands on staff time and resources.

Electoral Area Directors and respective Parks and Recreation Commissions continue to provide input and direction on the growth and development of community parks and trails within each of the nine (9) Electoral Areas. This growth has for the most part been proportional to the degree of development activities (subdivision and rezoning) which have created opportunities for local parkland acquisition and the support of local communities for the development of expanded and new park facilities and community pathway/trail construction. The extent of the success of the Community Parks and Trails Program over the years is reflective in the summary above of the number of sites secured. Communities across the region continue to identify priorities to secure and maintain lands for outdoor recreation and environmental protection, as expressed by the communities in Electoral Areas A, B,C and D while engaged in parks and trails master planning activities, and more recently as part of the region-wide survey by the Regional District this past spring.

Development of CVRD's Electoral Area community parks and trails has been guided by input from local Parks and Recreation Commissions, providing direction on the interests and demands of local communities on the type and extent of new park facilities and amenities. The following table summarizes the parks and trails assets inventory value between 1997 and 2009, as new parks and trail systems have developed over the years; either funded through local community parks annual budget requisitions or, as seen more extensively in recent years, as components of packaged development proposals providing fully developed park sites and/or trails/pathways which are transferred to the CVRD for public ownership at time of subdivision.

Community Parks and Trails Program
Capital Assets (Park/Trail Development Value)

	1997	2009
Community Parks Capital Assets (approx. replacement value)	$2.3 million	$7.25 million

(Note: The Community Parks Capital Assets value is inclusive of playgrounds, ballfields, boat launches, community pathways, sport courts, picnic areas, tennis courts, parking lots pedestrian bridges, washroom & concession buildings, community wharf/floats, etc.)

Expanding of the Community Parks and Trails system within the Electoral Areas, both in terms of acquisition of new sites and development of existing parks, however does have ongoing financial implications on the resource requirements to manage, maintain and operate these site for community use and enjoyment. The following table summarizes the annual costs of the growing Community Parks and Trails Program within the nine (9) Electoral Areas for budget functions 231 thru 239, 281 and 282 inclusive (but excluding budget function 279) over the past thirteen years:

Community Parks and Trails Program
Functions 231-239, 281 &282
Funding Summary 1997-2009

1997	2009
• Requisitions Total: $527,140	• Requisitions Total: $1,281,820
• Operations/Core: $395,413 • Capital Program: $418,000 **Annual Budgets Total: $813,413 (Community Parks & Trails)**	• Operations/Core: $1,228,828 • Capital Program: $1,994,896 **Annual Budgets Total: $3,090,458 (Community Parks & Trails)**

(Note: The Capital Program costs includes budgeted amounts for community parkland acquisition, inclusive of Transfer from Reserves and debt borrowing)

Electoral Area Directors and respective Parks and Recreation Commissions continue to provide input and direction on the growth and development of community parks and trails within each of the nine (9) Electoral Areas. This growth has for the most part been proportional to the degree of development activities (subdivision and rezoning) which have created opportunities for local parkland acquisition and the support of local communities for the development of expanded and new park facilities and community pathway/trail construction. The extent of the success of the Community Parks and Trails Program over the years is reflective in the summary of the number sites acquired above for the benefit and use by local communities.

As noted above, a summary of changes to the 2010 Working Paper Budgets for Community Parks Functions 231 thru 239, 281 and 282 is attached. The following table provides a summary of the collective changes proposed for these budgets between 2009 and 2010:

	2009 **Approved Budget**	**2010** **Working Paper Budget**
Requisitions Total	$1,281,820	$1,283,620
Operations/Core Program	$1,228,828	$1,226,219
Capital Program	$1,994,896	$2,182,193
Annual Budgets Total	**$3,090,458**	**$3,374,042**

The 2010 Working Paper budgets for the Community Parks and Trails functions denotes similar funding priorities as were approved in the 2009 budget for these functions (231 thru 239, 281 and 282). The capacity of the existing administrative and coordination support to sustain the growing demands of the overall program, however, is challenged due to the expanding operational demands of the program on existing staff resources with the growth in the number of community parks and trails, extent of built facilities and amenities and site interphase issues. The Community Parks and Trails program was supported by two full-time staff in 1997, when the number of park sites were less than half that exist today and the land-base was but one-quarter of the number of acres currently managed today under the program. Operational and capital budgets have also grown proportionately to the number of park sites and trails; however full-time staffing levels for the program have remain constant since 1997 with the Parks Planning Coordinator and Parks Planning Technician positions, supplemented by the Parks and Trails Manager and Parks Operations Superintendent positions which are shared (and proportionately funded) with Regional District's Regional Parks and Trails Program.

The capacity of the existing staff resources to undertake the full extent of the community parks program in the coming years is constrained due to increased demands on staff time to respond to the operational and maintenance requirements of growing number of existing community parks and trail sites. Operational demands of the program include parks maintenance contracts administration, parks risk management & public safety assessments, hazard tree assessments, vandalism & encroachment issues, facility/asset inspections and maintenance repair/replacement scheduling, vegetation management and parks maintenance contracts monitoring. In particular, while a number of community parks capital projects were completed in 2009, several larger projects did not proceed or were not completed as planned (notably the Shawnigan Hills Sports Field Phase I Expansion, the Cobble Hill Train Station Trees for Tomorrow Project, the Mill Bay Historic Church Restoration). Concerns were also noted in 2009 with the reduced staffing attention to the Community parks operations and maintenance program, as capital projects which did proceed at times priorized staff resources in order to meet timeframes and expectations of local Parks Commissions and contractors retained to complete the works. For 2010, emphasis of the existing resources of the community parks program is required on the maintenance and operation of current parks and trails assets, to ensure each community's investments are being well cared for and maintained.

The continued level of development interest across the region is also placing significant demands on Parks staff capacity to address subdivision and rezoning applications forwarded from the Planning and Development Department, inclusive of preparing reports for consideration by local Parks Commissions as part of the referral process. There are several sizable applications on the horizon for which it is anticipated significant parks staffing resources will be required. Over the past year, the subdivision/rezoning application referral demands on the Community Parks and Trails Program has resulted in reduced capacity to plan for capital development projects and undertake community parks planning initiatives. This past year, in addition to the challenges to provide planning support for several major capital projects which did not proceed, parks planning initiatives identified for completion in 2009 which either have not yet been completed or did not commence for a variety of reasons include completion of four community parks and trails master plans, undertaking site management plans for several parks/sites to guide future development and management and completion of studies to address site specific issues (i.e. Cowichan River Pedestrian Bridge Crossing Study).

Direction from the Committee and Board is therefore required on resources to support the Regional District's Community Parks and Trails Program which has continued to grow in recent years with addition of new local parks and trails in all nine (9) Electoral Areas. Options the Committee and Board may wish to consider for the Community Parks and Trails Program for 2010 are:

a. <u>Reduce and Divest the Community Parks and Trails Program</u>
   - Implement funding reductions to Community Parks Core budgets.
   - Close and remove assets from park sites identified for closure.
   - Re-assess long-term community parks and trails commitments.
   - Determine capacity to maintain non-CVRD park lease/license agreements.

b. Hold and Maintain Current Parks and Trails Inventory
   - Implement Community Parks Core funding only (zero new capital or new activities)
   - Priority of existing staff resources on maintaining existing parks and trails inventory.
   - Parkland acquisition negotiated through developments to be "land banked".
   - Divert any capital funding available to reserve funds for decisions in future years.

c. Continued Growth and Expansion of the Community Parks and Trails Program
   - Community Parks Core and Capital Budgets Implemented as proposed for 2010.
   - Continue negotiated parkland and amenity dedications through developments.
   - Undertake planning initiatives to assist/guide future community park management.
   - Review capacity requirements to meet Parks Commission & community expectations.

The above options for the Community Parks and Trails Program service levels have implications on the staff resourcing support for the program. A reduction in funding across the nine (9) Electoral Area community parks functions and the two sub-regional parks functions would necessitate a review of the program's current resources which support the program. Similarly, if the direction of the Committee and Board is to hold and maintain the current inventory of community parks and trails, the staffing resources of the Community Parks and Trails program would be aligned to manage and maintain existing assets. This option is supportable by existing staff resources funded under the Community Parks and Trails function (279).

If, however, the consideration of the Committee and Board is to move forward in 2010 with continued growth and expansion of the Community Parks and Trails Program, the capacity of the Program's existing staff resources is not sufficient to achieve the deliverables that would be expected and required. The demands of continued growth of the Community Parks and Trails program across the nine (9) Electoral Areas and at the sub-regional level are two-fold;

a. Increased demands on parks planning to support parkland and park assets acquisition through development proposals and negotiated acquisitions (i.e. donation, crown grants and purchase) as well as working with local Parks Commissions and communities to prepare local area parks master plans and site plans to assist with strategic land acquisition and budgetary decisions on future park development/operations, and;

b. New community and trail development through individual community parks capital budgets or new park/trail development funded by others (grant funding, subdivision/rezoning development contributions). As noted above, for 2010 the working paper capital budgets for community and sub-regional parks is over $2 million (inclusive of funding for parkland acquisition). Existing full-time staffing resources of the Community Parks and Trails program is limited to the Parks Planning Coordinator, for which the increasing demands of the community parks operations and maintenance aspects of the program has become the primary role and response of this position.

Community Parks and Trails Budget (279)

For 2010, the CVRD 2010 Requisition Review for the core budget provides a summary for proposed for the Community Parks and Trails Function (279) is $453,650, which would be funded entirely through tax requisition. As noted above, this service historically was provided through the Community Planning Function (325), which for the 2009 budget year funded the Community Parks and Trails Program with a core budget of $391,672. The proposed increase of $61,978 for 2010 is to cover wage/benefit increases, support service increases of other CVRD Departments and minor increases in program costs. The 279 function also includes proposed minor increases in recoveries from the community parks functions (231-239) and minor recoveries from sub-regional parks (281 and 282), as these functions directly benefit from the 279 function.

In addition to the core budget recommendation for the Community Parks and Trails service in 2010, the Corporate Leadership Team is recommending one additional item to this budget for consideration by the Committee and Board, specific to supporting continued growth in demands on the program, specifically: 1. Funding 2/3 Parks & Trails Planner Position (New)

1. Funding 1/3 Parks & Trails Planner Position

The Parks & Trails Planner position is required to provide the staffing resource support for the continued growth and increased demands of the Community Parks and Trails program, in particular advancing the community parkland acquisition opportunities within the nine (9) Electoral Areas as supported by local Parks Commissions and communities. The growing inventory of community parks and trails sites requires preparation of park management & site plans to guide appropriate community park development, manage site use, engage public participation in the management and stewardship of these site and ensure that appropriate environmental management prescriptions are developed to enhance the ecological attributes of these significant sites and protect from degradation through inappropriate use or activities.

This position will lead the Parks and Trails coordination responsibilities within the Parks and Trails Division under the direction of the Manager, Parks and Trails. Funding for the position is proposed to be split, with 2/3 of the position to be funded under the Community Parks and Trails budget (279) and the remaining 1/3 funded under Regional Parks budget (280). This approach is suggested to realize the maximum benefits of the position through a cost-sharing to limit budget implications of the new position. Annual review of the level of effort of the Parks & Trails Planner position between these two functions is also suggested to be undertaken annually to reassess funding support levels from the Community and Regional Parks programs.

The impacts to the Regional Parks and Trails program in 2010 if no new staffing resources are applied to the program would be to assess the capacity to undertake the Hold and Maintain option outlined above to ensure existing community parks and trails are managed and operated to a level which provides for safe public use and enjoyment and provides a level of care necessary to appropriately maintain existing park assets and facilities. The parks planning focus would be applied to continuation of pursuing parkland acquisition opportunities as identified through land use development proposals with local Parks Commissions; however the basis would be for land-

banking such acquisition opportunities for subsequent park development and public access decisions in future years when resources and capacity is available to proceed.

Additional Community Parks and Trails Program Funding Consideration

In addition to the funding recommendation of the Corporate Leadership Team, the Electoral Area Services Committee is also requested to give consideration to funding a Parks Coordinator – Capital Projects position to move major capital projects forward under the Community Parks and Trails Program. As outlined above, the capacity of existing Community Parks and Trails Program resources to undertake capital projects has diminished with the growth in demand of the operational and maintenance requirements of the existing community parks and trails inventory.

The role of the Parks and Trails Planner position above is not inclusive of project management and development of regional parks or regional trails. The Parks Coordinator – Capital Projects position does entail these skill sets and requirements to oversee capital project development within regional parks and for the regional trail initiative. Funding options for the position identified would be to establish a shared funding between the Community Parks and Trails Program (279) and Regional Parks (280), similar to that proposed for the Parks and Trails Planner position, or to establish the position on the basis that approved capital budgets under the Community Parks and Trails program would fund the position with no requisition increase (with a similar provision for funding the position through approved capital budgets for those Regional Park function that annually provide capital funding for new regional park and regional trail development projects). Approval of this position under either scenario would require inclusion of an additional parks vehicle, as this position would be regularly working in the field directing capital projects. The annual costs of the 2/3 Parks Coordinator – Capital Projects is shown on the attached Requisition Review Summary for Community Parks and Trails under the "Additional items to be discussed" heading.

Submitted by,

Brian Farquhar,
Parks and Trails Manager
Parks, Recreation and Culture Department

BF/ca
Attachments

SR3

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 2, 2010

DATE: February 24, 2010 **FILE NO:**

FROM: Tom Anderson, General Manager **BYLAW NO:**

SUBJECT: AVICC

Action:
That the Committee provide direction if desired.

Purpose:
To receive Committee direction.

Financial Implications:
Unknown.

Interdepartmental/Agency Implications:
Unknown.

Background:
Director Marcotte has requested that the subject of AVICC be placed on the agenda for discussion purposes. Director Marcotte will reveal the specific focus of discussion at the Committee meeting.

Submitted by,

Tom Anderson,
General Manager
Planning and Development Department

TA/ca

SR 4

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 2, 2010

DATE: February 23, 2010 **FILE NO:**

FROM: Tom Anderson, General Manager **BYLAW NO:**

SUBJECT: Board of Variance (BoV) Appointments

Action:
Directors are requested to provide a recommendation to the Regional Board which contains the names of the three individuals they wish to fill the Board of Variance three year term positions.

Purpose:
To receive Committee direction of filling vacant Board of Variance positions.

Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:
The role of the Board of Variance is to consider matters related to exemption from siting, dimensions or size of a building or structure; siting of a manufactured home in a manufactured home park; the prohibition of a structural alteration or addition pursuant to Section 911(5) of the *Local Government Act* (non-conforming use) and a subdivision servicing requirement under Section 938(1) within an area zoned for agricultural or industrial use. In the past when the Board of Variance was quite active the majority of applications were siting or building size related with a few dealing with additions to non-conforming uses. We have never had a Board of Variance rule on a subdivision servicing requirement.

The powers of the Board of Variance are quite strong but within a narrow perspective. Every application has to be considered as to whether it is a minor variance or whether there is undue hardship. It is within the purview of the Board to determine what is a minor variance or what is undue hardship as these matters are not defined. Any decision made by the Board of Variance is final. Overall, the role of the Board of Variance of this Regional District has greatly diminished due to the advent of the "Development Variance Permit process", however, should an application be received to do a structural alteration or addition to a non-conforming use, we still require a Board of Variance.

In the fall of last year, Mr. Kashmir Dasanjh tendered his resignation as a member of the Board of Variance. In addition, Mr. Deryk Norton who was appointed to the Board of Variance in 2006, became ineligible to sit on the BoV when he became appointed to the Electoral Area A Advisory Planning Commission. As such, we are in a situation where if we were to receive an application to the BoV, we would not have the quorum necessary to legally rule on the matter. Subsequently, direction was given by the Committee to proceed with advertising to recruit new members to the Board of Variance. Advertising took place in January and early February which resulted in applications from three individuals who have put their names forward for consideration. It should be noted that Tom Earl, the remaining Board of Variance member, has agreed to continue on the Board of Variance if that is the wish of the Regional District, however, his three year term would have to be renewed. All applications, including Mr. Earl's have been attached for your consideration.

Submitted by,

Tom Anderson,
General Manager
Planning and Development Department

TA/ca
Attachments

Tom Earl
6107 Everest Way, Duncan, B.C. V9L 5N5 Phone: 250-748-4333 Fax: 250-748-4316
E-mail: taearl@island..net Cell:250-715-7759

Jan 1, 2004

C·V·R·D
RECEIVED
JAN 05 2004

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

Attn: J. Barry
Corporate Secretary

Please accept this as my application for one of the three advertised positions on the CVRD Board of Variance.

My wife and I retired to the Cowichan Valley five years ago, after having served 36 years in the RCMP. During those years I was an active community volunteer and I have been looking for a unique way in which I can again serve my community.

My resume is attached.

Yours truly,

T. F. (Tom) Earl

RESUME

Thomas Forbes EARL

6107 Everest Way,
Duncan, B.C.
V9L 5N5

Residence Phone: (250) 748-4333
e-mail taearl@island.net
Fax - 250-748-4316

Canadian citizen: S.I.N. 703-706-713

Health: Excellent

Marital Status: Married with two adult children

B.C. Drivers Licence No: 1125052

EDUCATION: Grade 12 Ponoka, Alberta - 1960
B.C. Equivalency Certificate - 1988

POST EDUCATION:

(Many of these courses were taken at Canadian Police College)

- Public Relations and Community Policing Training
- Instructional Techniques
- Staff Management
- Time Management
- Report Writing
- Supervisory Techniques
- Incident Negotiations
- Investigational Techniques
- Financial & Budgeting Practices
- Senior Police Administration
- Security Planning & Implementation
- Quality Assurance Training

COMMUNITY SERVICE:

- Director of Cowichan Valley Shrine Club
- Past Member of Campbell River Advisory Planning Committee
- Past President of Campbell River Transition Society
- Past President of Campbell River Shrine Club
- Director Swan Valley Intermediate Care Lodge
- Chairman Creston Valley Shrine Circus Committee
- Past President Gizeh Temple Clown Unit - Creston
- Director Kerry Park Minor Hockey
- Past President Malahat Lions Club
- Trustee Shawnigan Lake Improvement District
- Past President Gizeh Temple Clown Unit - Duncan
- Past President Cowichan Valley Shrine Club
- South Cariboo District Scouter
- Past President of Ladysmith Lions Club

WORK EXPERIENCE:

1999 - 2001 - Manager for Safety Net Security South Island
1993 - 1998 - Operational Commander - Campbell River Det.
1989 - 1993 - Staff Sergeant - i/c Creston Detachment
1982 - 1989 - Sergeant - i/c Shawnigan Lake Detachment
1980 - 1981 - Sergeant - i/c Lytton Detachment
1978 - 1979 - Corporal - Operational NCO - 100 Mile House Det.
1976 - 1977 - Corporal - i/c Sayward Detachment
1972 - 1975 - Corporal - i/c Forest Crimes Section - Vancouver
1971 - 1971 - Investigator - Counterfeit Section - Vancouver
1966 - 1970 - Investigator - Ladysmith Detachment
1964 - 1965 - Investigator - Duncan Detachment
1963 - 1963 - Investigator - Victoria Detachment
1962 - 1962 - Recruit Training - Regina Sask.
1960 - 1961 - Banker - C.I.B.C. Ponoka Alta.

ATTRIBUTES:

- Strong decisive and outgoing personality
- Excellent supervisory and training skills
- Public relations oriented
- Excellent Inter-personal relations and management skills
- Conscientious, dependable and self motivated
- Community spirited

AWARDS:

- RCMP Long Service Medal - 35 year gold bar
- Canada 125 medal for Community Service

REFERENCES:

- Insp. Larry Stright - OIC Campbell River Det
  275 S. Dogwood St.,
  Campbell River, B.C. V9W 2P6
  Phone: 250-286-6221

- Mayor Lela Irvine
  P.O. Box 1339,
  Creston, B.C.
  Phone: 250-428-2214

- Edward R. Wilson (C/Supt. retired)
  35188 Spencer Street,
  Abbotsford, B.C. V3G 2E3
  Phone: 604-864-0443

- Additional References will be provided upon request.

January 11 2010

C·V·R·D
RECEIVED
JAN 20 2010

Tom Anderson; General Manager
Planning and Development Department
Cowichan Valley Regional District

Sir;

I am applying for the appointment to the CVRD board of Variance.
Please find attached my resume, outlining my background both personal and professional.
Should you have any questions please feel free to call me.
Thanking you in advance.

R J Brooke

R.J. (Bob) Brooke
Contact information
Phone 250 743 5957 (home)
250 746 6621 (work)

Po Box 81
3514 Watson Avenue
Cobble Hill B.C.
250 743 5957
Bob.brooke@shaw.ca

Application for the appointment to CVRD Board of Variance

QUALIFICATIONS

Resident of the CVRD for 20 Years.

Previous positions and appointments.

Past Director of the Vancouver Island Real Estate Board (VIREB) 2007-2009.

Committee member for several CVRD task forces including; South end amalgamation, and the standing review of the south end Community plan.

Currently serving as a trustee for the Cobble Hill Improvement District 2003- 2010.

Trustee for the Meredith Road Improvement District 1995-2001.

EDUCATION

1966- 1969 Westmount High School (Montreal Que.)

1969- 1971 Dawson College (Montreal Que.)

EMPLOYMENT

1994- Present Royal Le Page Duncan Realty

Employed as Salesperson (independent contract).

Licensed June 1994.

Received my Agent 9:15 license in 1997.

Duties are those attached to General Real Estate including but not limited to understanding the various components of property ownership i.e.; zoning, plot plans, titles, and the contents of those titles.

1975-1994

United Van Lines (Williams Moving)

Employed as an independent contractor from 1988- 1993

Also served as a shop steward and sat on several union contract bargaining committees.

Att: Mr. Tom Anderson
General Manager, Planning Dept.
CVRD

From: Mr. Dalu Peng
1580 Babine Rd, Crofton, BC, V0R 1R0
Ph/Fax: 250 246 3773, email: prawncrab@live.ca Jan 18, 2010

Re: member of CVRD Board of Variance

Dear Mr. Anderson:

Very pleased to take this opportunity to apply for the above mentioned seat of CVRD Board of Variance.

My family moved to the Valley from Nanaimo since 1996. I am in residential / commercial real estate development and construction business.

I have completed 2 commercial units, 11 residential units (two single family, two duplex and one fourplex) and some ongoing land development. I have the hand on experience on planning, architecture and all aspects of new home construction process. My knowledge of BC building codes is current.

I also participated in a number of community activities: Crofton Fire department; MD fundraising; Crofton seawalk construction; rebuilt of Crofton Boat Launch; Warmland community Church; Cowichan Valley Inter-culture Society; Language teaching in VIU and other community related activities.

With the knowledge and skills in this field to offer, I believe I could be an important asset to CVRD to serve our community.

Truly,

Dalu Peng

RECEIVED
JAN 21 2010
11:01
pm

RESUME

Dalu Peng
1580 Babine Rd, Crofton, BC, V0R 1R0
Ph/fax: 250 246 3773, email: prawncrab@live.ca

Education, certifications and credentials:

75-80	B.Sc, in Physics and Computer Engineering, Shanxi Univ. China.
85-89	M.Sc, in Electrical Engineering, Univ. of Alberta.
90-92	Licensed Realtor, Edmonton, AB
03-05	PMP, certification of Project Management Professional, PMI, USA
05-08	Licensed Residential Builder, BC.

Working History

96-now	Real estated development and construction, Lee's Development Crp. BC.
06-07	Language Instructor, UIV, BC, p/t
99-01	Firefighter, Crofton Fire Department, BC, p/t

Working related certificate:

** First Aid II; CPR Level A, B; First Medical Responder I, II, III; H2S alive; TDG; WHMIS; NSC; PSC; Driver License 5, 6, 3 airbrake.

6618 Westcott Road
Duncan V9L 6A4

February 4 2010

Mr. Tom Anderson
General Manager CVRD
175 Ingram Street
Duncan V9L 1N8

Dear Tom:

This letter and resume is in response to your recent advertisement for a CVRD Board of Variance volunteer to fill the vacant position.

My resume is attached and I offer the following supportive and relevant information.

In the 1970's, I successfully subdivided a piece of rural property in Surrey. In 1980 we designed and I oversaw the construction of a 2200 sq. ft house in West Vancouver. Located on the edge of a fish bearing stream it was somewhat difficult to get a building permit but we were successful During the 1980's we designed and hand built , without power, a 1200 sq. foot cottage on Nelson Island . It includes full bathroom facilities, wood burning cook stove and corner fireplace with solar and propane power and generator back-up.

Upon arriving in the Cowichan Valley in 1997, we designed and project managed the construction of a 2600 farmhouse located on acreage on the north end of Somenos Lake. Concurrently I undertook a major renovation of a 2 bedroom log home on the property.

Most recently, I have been actively involved in the design and construction of a 1200 sq. foot 2 storey cottage in Cowichan Bay. I am quite familiar with construction techniques, methods and materials.

Several years ago, I was a member of the Tax Assessment Appeal Board and participated in the review process in Lake Cowichan Bay.

I attempted on two separate occasions to subdivide our current acreage which is located in the ALR (zoned A-1). Both times I was unsuccessful. Dealing with the Agricultural Land Commission is to say the least - interesting.

In the spring of 2008, we held a Spirit Festival in Cowichan Bay. I was the co-organizer of this event. It was a major undertaking and I was actively involved for a 15 month period. Apart from the weather, the event was a real success. We raised over $40,000 and $20,000 went into a Cowichan Bay Beautification Fund which I still co-administer.

In 2009 I was co-organizer of both another Spirit Event and the 1st Annual Prawn Festival in Cowichan Bay. I am a Director of the Cowichan Wooden Boat Society, the Cowichan Bay Improvement Association and the Craig Street Pub.

As an active and accredited mortgage broker I have had the opportunity to not only view many pieces of property, but also have had an insight into the human side of real estate purchase, sale and development.

Lastly, I have orchestrated my way through the Development Permit and Building Permit process in the CVRD. Although following the process has taken over two years, construction is well under way and the final product will raise the bar for future development in Cowichan Bay. Following the process brings much more insight than reading about it.

What are my reasons for seeking appointment?

Firstly, I consider myself to be quite intelligent. My analytical skills are excellent and I am quite capable of multitasking in any situation. I communicate reasonably well, both in writing and orally and most importantly I am a good listener. I am creative, high energy and an out-of-the-box thinker. I can make a real contribution.

Secondly, I have empathy for humans who genuinely are experiencing hardship. That does not mean that one necessarily sacrifices fundamental principles however decision making must consider the impact on the applicant, as well as economic, environmental, visual impacts, past and future precedent.

Thirdly, I am probably slightly right of center and I generally support change and development. I am of the opinion that for a community to survive, change is necessary. However in any decision making process, one must consider both the positives and negatives. I am intolerant of people who resist any and all change.

If you are interested in pursuing this further, please call me upon your return from your vacation as I do have a few questions.

Regards,

Hylton S. McAlister

Curriculum Vitae
for Hylton Stewart McAlister

PERSONAL

Address: 6618 Westcott Road (since 1997)
Duncan
V9L 6A4

Phone No. 250 715-0880
Fax 250 715-0895
Cell 250 709-5971
Email: dhmcalister@shaw.ca

Marital Status : Married no kids; 2 dogs
Age: 64

Formal Education:

West Vancouver Secondary 1964
UBC Bachelor of Science 1967 (major in Mathematics with minors in Physics; Chemistry and Computer Science)

Other Relevant Education

British Columbia Real Estate Course (2003)
BC Mortgage Broker Certification (2003)

Work History

Summer Student - worked in Crofton Mill (1964) with BC Forest Products
- Pitt Lake with BCFP (1965)
- Caycuse with BCFP (1966)

H.A. SImons - Consulting Engineers (1967-1969)

B.C. Telephone Co - (1969- 1971) - Systems analyst
Trans Canada Telephone System (1971 - 1973) - HQ Statistics in Montreal
B.C. Telephone (1973 - 1992) - held a variety of positions including:
- Rates Supervisor
- Costs and Economics Supervisor
- BTE - Marketing Manager - Data
- BTE - Marketing and Engineering Manager - Data Systems
- BTE - New Ventures Manager
- BTE - Supply Operations Manager

Stentor (1992 - 1993) - National Director - Service Development
B.C. Telephone (1993 - 1997)
- Marketing Director - Local Exchange Services
- Strategic Planning Director
- Special Assignment - Commonwealth Games (Victoria)
- Marketing DIrector - Long Distance Services

Resigned 1997

AP1

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS COMMISSION MEETING

C·V·R·D RECEIVED FEB 15 2010

DATE: February 9, 2010
TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:07pm.

PRESENT:
Chairperson: Marcia Stewart
Vice-chairperson: Sheny Gregory
Members: Dan Nickel, Gerald Thom, Wayne Palliser

ALSO PRESENT:
Director:
Alternate Director:
Secretary: Tara Daly
REGRETS: Dave Charney, Director Klaus Kuhn

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda with addition of:
Mile 77 Park under New Business

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of January 12, 2010 be accepted.

MOTION CARRIED

BUSINESS ARISING

- meeting for the chairs of the Regional District parks hasn't happened yet

CORRESPONDENCE

- Ian Graeme ~ wants to make sure the Commission is aware of the $5/$100 000 assessed value taxed for park acquisition in the Regional District and that the last year the Board of Directors chose not to tax the full amount; he will be attending the upcoming Board meeting and making a presentation

DIRECTOR'S REPORT

- attending EASC meeting
- noted that there is a slight increase in the port-a-potty rentals for the parks
- QUESTIONS FROM COMMISSION TO DIRECTOR:
  1) Woodland Shores ~ follow-up with Tom Anderson re: the time-line of changing the zoning from F1 to residential
  2) Woodland Shores ~ where does the affluent go after treatment?
  3) School ~ why is the Town of Lake Cowichan seem to be taking a leading interest in whether or not there will be a school at Youbou Lands (note: there is a school in Youbou now)

COWICHAN LAKE RECREATION

- received $1 million Grant for the Arena renovation which the Commission wishes to pay down the monies borrowed
- Winter PlayBook was successful; Spring PlayBook deadline is February 24th, an ad for our Park naming contest could be free if room, if not ¼ page is $75 and a ½ page is $105; our activities can be

put in as part of the programs for the Cowichan Lake Area ~ the Commission doesn't wish to pay for an ad so will only put one in if it's free

CHAIRPERSON'S REPORT

- **None**

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **through a grant, 6 displaced Forest Workers** have been taking down windfalls, covering exposed roots, and cleaning the trails in Price Park and will move onto cleaning the Marble Bay Park trails
- **Student Crew** ~ because of the aforementioned grant the student crew can concentrate on the trail at Creekside Estates
- **Maintenance Contractor** ~ has begun doing the winter clean-up at no extra cost, a handrail at Nantree Park is broken but will have to wait for the water to recede

COWICHAN VALLEY REGIONAL DISTRICT – Brian Farquhar

- **Woodland Shore taxes** have been changed from F1 to residential ***(Commission would like to know when that took place)***; $6500 operational costs for three Woodland Shores parks (breakdown: $1500 Upland Park, $2500 Waterfront Park, and $2500 Playfield) covers such items as water consumption, fertilizer, doggie bags, general maintenance keeping in line with other parks with similar amenities and similar size; **what percentage of the $180 000 paid into taxes is designated for park maintenance? If there isn't $12 000 then it shouldn't be spent this year**
- **From Commission ~ a letter of intent is coming from the Boy Scouts of Canada stating they wish to maintain the trails and would report anything that they are unable to deal with, $12 000 in budget can be taken out because pulling broom is impossible (let nature take care of it, with trees growing up it would be choked out), more tree planting isn't needed this year**
- **From Commission ~ it is understood that Wayne Hopkins (developer at Woodland Shores) is paying $375/lot towards Lake Enhancement rather than a covenant put in place protecting the foreshore (riparian area) and parks and that CVRD is attempting to get government approval to allow the by-law officer to issue tickets on the spot for any infractions**

It was Moved and Seconded that Area I (Youbou/Meade Creek) Parks Commission sees no need to spent $12,000 on Upland Park in the year 2010 unless it is generated through taxes received from Woodland Shores property
AND FURTHER THAT
the Commission is aware of maintenance needs on the other two Woodland Shores parks but only after they have been brought up to approved standards which should include:

at least 6" topsoil
levelling
drainage improvements
re-seeding

thereby decreasing the on-going maintenance costs for watering and fertilizing.

MOTION CARRIED

OLD BUSINESS

- **Woodland Shores** ~ there is a crack in the slab at the playground, there is a concern with the safety of the bark chips put in place in the playground both from an environmental (fire-wick) stand point and physical (getting into eyes) stand point – would rather have sand (pebbles) as there is at Arbutus Park; should there be further bracing at the corners of the structure in the picnic area of Waterfront Park?
- **Table Top** ~ W. Palliser will get the key for the storage room at Little League Park and take the top home for finishing, the Youbou OAPO #115 are buying a plaque to install noting that it was a donation

from them

- **Gatekeeper** ~ R. Dias noted that the submitted names aren't really interested, S. Gregory will continue to look for someone, W. Palliser volunteered his time as a last resort
- **Annual General Meeting** ~ W. Palliser will put information on the Font Board
- **Community Events**

April – Price Park walkabout identified wild foliage with Kathryn Swan, M. Stewart to confirm a date with her

May 20th – to coincide with Heritage Days in Lake Cowichan, we will announce the name of the Waterfront Park at Woodland Shores, cake will be served, T. Daly to ask about bowling passes for prizes and M. Stewart will get Park hats, advertising will be done by a write-up in the Gazette, posters put around the area, and announcement at the Parks AGM

June 27th – 11am at Mile 77 Park, a picnic with free drinks and hotdogs

- Tanya Soroka asked about naming of Bald Mountain park/trail system – the Commission noted that it is Bald Mountain and it will remain Bald Mountain

NEW BUSINESS

- **Mile 77 Park** ~ the trees that were planted last year need staking, Maintenance Contractor has stripped the bark off the trees on the grass with the weed-wacker – the Commission feels it should be their responsibility to replace the damaged trees
- **Fuel Management Prescriptions** ~ 2 grants available – one is 100% planning costs covered and the other is 75% labour covered which would reduce fuel and thinning 10 metres on either side of the trails through Bald Mountain with a cost of $157 to Parks

It was Moved and Seconded that $157 be spent to allow Fuel Management Prescription and implementation on Marble Bay Park trails through two (2) available grants.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 9:30pm.

MOTION CARRIED

NEXT MEETING

March 9, 2010
7pm at Youbou Lanes

Annual General Meeting ~ Sunday, February 28, 2010 at 1pm in the lower Youbou Community Hall

/s/ Tara Daly
Secretary

AP2

February 4th, 2010
7:00 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .

Present:
APC members: Chair Graham Ross-Smith, Sara Middleton, recording secretary Cynara de Goutiere, John Clark, Rod MacIntosh
Director Ken Cossey
Absent: Roger Painter ,Vice-Chair Carol Lane
Delegation: Tom Swift for Camilla Holdings

ORDER OF BUSINESS

1) **Introductions**.
2) **Tom Swift presented Application No 6-B-009RS.** This is application for Amendment to the OCP and Zoning Bylaw to change from R-3 to a new zone to allow 23 lots on the Shawnigan Village 2.78 ha property. Lot is in Watershed. Proposal consists of central strata road with residential lots ranked around and sewage disposal at E end of lot. Proposed green walkway on W and S boundary has yet to be discussed with Parks Commission.

Question asked about indicated blocks labeled 78740 on site and adjacent site.
Is this a covenant? Will be investigated.

Residential units proposed to be in $475,000 range.
APC members questioned the layout design. Although proposed density is acceptable, it was suggested that a more creative approach with enhanced community and green-space focus would be desirable. Considering that the OCP is in revision at this time, we would like to see an exemplary land-use plan for a new higher density zoning proposal.

3) **Minutes**.

Motion to accept minutes of September 2009 meeting. **Motion seconded and carried**.

4) **Director's Report**
- Sager development. Very close to finalization with M of Environment on Septic plans. May have CVRD pump and haul for backup, or upgrade and run out to Cobble Hill.
- Budget Process initiated.
- Corporation meeting with Ministry for Phase 2 of Study. Boundary redefinition addressed.
- Half Iron Man in May. Volunteers will be needed.
- West Shawnigan Lake Park. We now have License of Occupancy from the Province. CVRD responsible for maintenance.
- Shawnigan Hill redevelopment Feb 18th.
- Shawnigan Lake Community Centre and Parks and Rec going back into one body.

- Parks Plan close to finalizing. Open House in spring to display plan to Community.
- Elsie Miles. Still up in air, but going for lease arrangement with plans to purchase.

5) Discussion of Camilla Holding application.
John Clarke suggested an alternate layout for higher density zoning which would have central common green space with narrow perimeter lane access. Fire protection would thus be enhanced. Tom Swift was brought back into this discussion. He had a question about narrow lanes being acceptable by the Fire Department, but it was argued that a road right around the lot which would also access neighbouring lots would be an improvement. Tom also questioned whether neighbouring lots would want to be backing onto lane and backsides of residences.

> **Motion** that APC postpone the discussion of Application No 6-B-009RS until March meeting, with request that planner be present . **Motion seconded and carried.**

6) Election of offices.
Nominations:
Graham Ross-Smith as Chair.
Sara Middleton as Vice-Chair,
Cynara de Goutiere, Recording secretary.
Approved.
Meeting time agreed to be first Thursday of month at 7:00 PM.

7) Discussion of "lead hand" . It was agreed that it was important for some APC members to have visited sites, though appointment of one lead hand could be construed as potentially biased. We agreed to notify Graham before meeting if we had made a site visit. Graham would also appreciate being notified that we plan to attend meetings.

Meeting adjourned
Next meeting March 4th

RECEIVED
FEB 19 2010

PK1

Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Commission Meeting, held on February 18, 2010 at the Glenora Community Hall.

Present: Director Loren Duncan, Paul Slade, Frank McCorkell, Howard Heyd, Irene Evans and Ron Smith.

Call to Order: The meeting was called to order at 10:15 a.m.

Minutes: The minutes of the October 15, 2009 meeting were distributed and reviewed by the Commission members present and accepted.

Business Arising: Director Duncan told the Commission that 8 picnic tables have been ordered and will be coming at various times over the coming year. A number of them are slated for the Glenora Staging Area Community Park.

Howard Heyd wanted to know if the property owners adjacent to Johns Road had been notified that the Parks Dept. will be doing various improvements to the right-of-way for access to the Cowichan River. Director Duncan believed this will have to be done prior to starting the work later this spring or summer.

At this point the meeting moved into closed session.

The closed session meeting rose without report and returned to regular session.

New Business:

1. Skylight above the kiosk area of the on the Glenora Staging Area washroom. It was pointed out by some frequent users and also noticed by the Commission Chair yesterday that flies were being trapped in the skylight and could not get out. Evidently in the summer they flies and wasps fly up into the skylight, get trapped and after drop down dead onto the picnic tables and food. It was recommended that the parks staff fit a clear Plexiglas sheet at the bottom of the skylight thus keeping the flying insects out of the area.

2. Dog feces: Users of the Glenora Staging Area Park and the Trans Canada Trail also mentioned to the Chair that more attention has to be paid to the dog feces problem. This is especially a problem for those using the park and trails who are visually challenged (as this particular group was). They suggested that better signage should be put up near where the dog bag stand is located, a disposal can located somewhere in the same area, and that there is a regular checking of the grass and picnic area to remove any feces.

3. The Chair mentioned that work is now underway to construct the new B.C. Hydro line along Miller road and through Maple Grove Park at the bottom of Hakawy Road.

4. Horse Paddocks: Frank McCorkell indicated that he has been trying to contact some ot the members of the local horse riding clubs without luck and wants to have the material for the first two paddocks ordered so that they can be built right away. The Commission agreed that this be undertaken immediately.

Next Meeting: The next meeting will be at the CVRD offices on Thursday morning, March 4, 2010 at 10a.m.

Adjournment: The meeting adjourned at 11:25 a.m.

PK2

FEB 11 2010

SHAWNIGAN PARKS AND RECREATION COMMISSION

NOVEMBER 18, 2009 SLCC

Attendees: Margaret Symon, Betty Lord, Bill Savage, Lori Treloar, Trina White, Tanya Soroka, Brian Farquhar, Ken Cossey

Scribe: Lori Treloar

Guests: Tammy Hibberson and Mavis McClintock of the Portuguese Water Dog Club

Presentation:

The Portuguese Water Dog Club would like to use the West Provincial Park for a water trial event in Aug 2010. They already have $10000 in reserve for supplies ie: gates for defined areas, boats, buoys etc.

It is a peaceful and quiet event that would happen over a weekend in August, possibly Aug 6-8. Friday would be set up and Saturday and Sunday the actual trials would take place between 7ish-4:30ish. There would be approx. 30 dogs involved each day and then spectators. There is interest in some camping on site if possible. This could become an annual event if successful. Overnight security (camping on site) would be involved.

Parks and Trails Master plan – review and comments

Brian recommended that we begin review even with the absence of Catherine Whittome. Brian led the commission through a page by page review of the document. There was discussion and clarification. The commission resolved that more time was needed to make changes. It was suggested that the group meet twice in December. Bill suggested that it had taken this long to get to this point that we did not want to rush the final process. He suggested that each member of the commission read the past studies before meeting again.

Shawnigan Fuel Reduction Project.

Shawnigan Hills benefitted with removal of broom and thinning around the forest edge. South Coast Standing Stem

Memory Island will have a work crew before the end of November.

Shawnigan –Kinsol ½ Marathon was a success. It was sunny and everyone was happy to have the trestle as part of the event.

New Subdivision proposal on Norbury – approx .02H. It was agreed that cash-in-lieu was more appropriate than a piece of land that would be of little value as parkland.

Appreciation dinner Nov. 27 at 6:30. SLCC.

Meeting adjourned: 9:30

Next meeting: Dec. 15, 2009

PK 3

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FEB 22 2010

Area A Parks & Recreation AGM
Meeting Minutes
February 4th, 2010
Held at Mill Bay Community League Hall

Director Harrison conducted the AGM meeting with the following agenda being distributed to the audience:

1) **Welcome and Introduction of present Parks Committee**
2) **Overview of Mill Bay Community Parks**
3) **Previous Year's Activities**
4) **Future plans, 2010 important issues, activities and opportunities**
5) **South Cowichan Parks & Recreation Commission**
6) **Report on 2010 Mill Bay Parks Budget**
7) **Review of Parks Commission Election Process (Bylaw 2859)**
8) **Election of up to 5 Commission members (term to expire November 2012)**

1) Welcome and Introduction of present Parks Committee:

Director Harrison welcomed the attendees and thanked the existing Area A Parks Commission members for their efforts in 2009. Director Harrison asked acknowledged the 2009 participants:

Elected Commission members: David Gall – Chair, June Laraman – secretary, Mario Iannidinardo and Joan Pope.

Appointed Commission members: Clyde Olgivie – Vice Chair, Greg Farley, Cathie Leslie & Paris Webster.

2) Overview of Mill Bay Community Parks:

Director Harrison provided an overview of the Area A Parks Commission role in the community and the importance of community involvement to ensure the preservation of the important environmental features and attributes as outlines in the Area A OCP and the Area A Parks & Recreation draft plan.

3) Previous Year's Activities

David Gall, Area A PRC chair provided an update of the accomplishments in 2009.

Key activities were: the completion of the Mill Springs Trail, the provision of a tot lot for Mill Springs, the Briarwood trail connection to Kerry Village and the construction of beach access and a lookout point off Inlet Drive.

David Gall pointed out that there was a copy of the draft master Area A Parks & Recreation Plan on the CVRD website.

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4) **Future plans, 2010 important issues, activities and opportunities**

Director Harrison provide an overview of the key priorities, opportunities and challenges in 2010:

- The build-out of the tot lot for Mill Springs (will utilize the Area A PRC reserve budget)
- The potential for a significant parks dedication with the Bamberton Project
- The upcoming Limona application which will green space, parks & tot lots
- The existing developments of Sangha, Sentinel Ridge and Ocean Terraces which all will need Parks attention as they build out.
- Key challenge is the Mill Bay Marina application, which is in flux. Director Harrison stressed the importance of maintaining this space as public access for Mill Bay residents.

Director Harrison also highlighted the CVRD acquisition of the Stocking Lake/ Heart Lake regional Park.

5) **South Cowichan Parks & Recreation Commission**

The Area A Alternate director, Roger Burgess, provided an overview of the function of the South Cowichan Parks Commission and how it is different from the Area A Park's function. He cited the projects under its mandate, which include the Mill Bay Historic Church and Cemetery. Roger pointed out that there was an open house on Jan 23 to obtain public input on potential future uses and that an architect had been retained to determine the cost elements and work plan for the project. Next steps on this project by the commission will be to review the public feedback and the architect assessment.

6) **Report on 2010 Mill Bay Parks Budget**

Director Harrison reviewed the budget structure for parks & recreation within the CVRD and stated that the 2010 budget was in the process of being developed. He did point out that the current Area A Parks and Recreation budget was in $112,674.

7) **Review of Parks Commission Election Process (Bylaw 2859)**

Director Harrison reviewed the election process for the Parks & Recreation Commission. He informed the group that bylaw 2859 allowed for 10 commission members and that the Area Director has voting rights on the commission if needed.

Director Harrison also stated that the current appointed members would be submitted for reappointment.

He outlined the election process by explaining that the election process would b for the five elected positions and should there be more than five nominees, the decision would be made via ballot.

8) **Election of up to 5 Commission members (term to expire November 2012)**

Director Harrison requested nominations from the audience. The following people were nominated:

David Gall
Joan Pope
Kim Harrison
Ron Parsons
June Laraman

As there were only five nominations, it was acclaimed that the aforementioned individuals would be recommended for the elected positions.

The meeting was adjourned at 8:25PM.

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FEB 23 2010
Financial Services Department

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Giles Area C

Grantee: Grant Amount $500.00

NAME: Cowichan Lawn Bowl Foundation

ADDRESS: 135 Third Street
Duncan BC V9L 1B9

Contact Phone No: 715-6481

PURPOSE OF GRANT: To assist with Great Cowichan Caper

REQUESTED BY: Gerry Giles
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0372 113	$500.00	10.0

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BUDGET APPROVAL ✓

VENDOR NO.

Disposition of Cheque:

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COWICHAN SENIORS CARE FOUNDATION

135 Third St.
Duncan, B.C. V9L 1R9
Cell: (250) 715-6481
Fax: (250) 746-8819
cscfoundation@shaw.ca

Gerry Giles , Electoral Director,
Area C, CVRD
175 Ingram Street, Duncan, BC
V9L 1N8

C·V·R·D
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FEB 0 2 2010

February 2, 2010

Dear Gerry,

The Cowichan Seniors Community Foundation is staging a huge community event Sunday, June 6th, ***The Great Cowichan Caper***, to be held at the Cowichan Sportsplex. The purpose of this event is to raise funds for an ambitious $20,000.00 Seniors Community Fund that will be awarded to a worthwhile project for seniors in Cowichan. This award will be made on the day of the event. A contest is being launched shortly to engage the public in choosing the best use for this Seniors Community Fund. A panel will adjudicate and decide on the successful applicant (proposal).

Our Foundation has recently researched what are the highest priorities for emerging issues in Cowichan, including the Cobble Hill area. We are very aware that as our seniors populations grow, our communities need to be ready to meet the needs of seniors who may be otherwise compromised and forced to leave the Valley for lack of services and programs. We are aware that such services as a Volunteer Driving program which would enable seniors to access medical services in Victoria, support for early memory loss and deterioration making aging in place difficult, and many other support services need more funding and leadership.

We are requesting a Grant-in-Aid of $500.00 from your Electoral Area C to help off-set the production costs of the ***Great Cowichan Caper***. It is very important to us to include your region in our holistic planning for seniors choosing to retire and grow old in the Cowichan Valley, and in particular in the south end where affordable housing and transportation may be challenging.

Please find enclosed a package similar to that provided to the City of Duncan and the Municipality of North Cowichan. Since our promotional materials and media launch is being prepared at this time, we request a response to this request by March 15.

Thank you for your consideration to this request for support.

Sincerely,

Carol Hunt

Carol Hunt, Executive Director,

Cowichan Seniors Community Foundation (recent name change from Cowichan Seniors Care Foundation)

C2

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COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Giles Area C

Grantee: Grant Amount $500.00

NAME: Bed & Breakfast

ADDRESS: 9735 Mt Baker Road Mill Bay BC V0R 2P1

Contact Phone No: 743-0760

PURPOSE OF GRANT: Assist in staging the Band.

REQUESTED BY: Gerry Giles
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0312 113	$500.00	10.0

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VENDOR NO.

Disposition of Cheque:

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SUMMER PRODUCTIONS

bard@brentwood

T.GIL BUNCH CENTRE

C·V·R·D
RECEIVED
FEB 11 2010

February 10th, 2010

Ms. Gerry Giles,
Director, Electoral Area B,
Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C.
V9L 1N8

Dear Gerry:

Your support over the years for Bard@Brentwood is most appreciated. It has helped us to continue with our stated objective of providing arts and theatrical culture to our area in the Cowichan Valley.

We are all aware of the enormous pressure for support being placed on all agencies and organizations in these most stressful economic times.

Our project in 2010 is not insulated from the shrinking sources of funding. We are very concerned that our major funding from Direct Access Program Grant through the provincial government may not be available this year.

With this knowledge in mind we are hopeful that your generous support in the past will be able to be continued through the CVRD Grant – In - Aid program.

Should you have any questions please do not hesitate to contact me.

Rod Pearce
Chair of the Board
(250-743-0760)

T. GIL BUNCH CENTRE FOR PERFORMING ARTS
2735 Mt. Baker Road, Mill Bay, BC V0R 2P1
Box Office: (250) 743-8756 • Fax: (250) 743-8775 • http://bard.brentwood.bc.ca

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FEB 16 2010
Financial Services Department

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COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Ken Cossey Area B

Grantee: Grant Amount $ 750.00

NAME: BARD @ BRONTWOOD

ADDRESS: c/o ROD PEARCE CHAIR OF THE BOARD
2735 MT. BAKER ROAD
MILL BAY B.C V0R 2P1

Contact Phone No: (250) 743 0760

PURPOSE OF GRANT: ASSIST WITH THE PROVISION OF ART & CULTURAL ACTIVITIES IN SOUTH COWICHAN

REQUESTED BY: K. Cossey
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0312 -112	750.00	10.0

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SUMMER PRODUCTIONS

bard@brentwood

T.GIL BUNCH CENTRE

C.V.R.D.
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FEB 11 2010

February 10th, 2010

Mr. Ken Cossey,
Director, Electoral Area C,
Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C.
V9L 1N8

Dear Ken:

Your support over the years for Bard@Brentwood is most appreciated. It has helped us to continue with our stated objective of providing arts and theatrical culture to our area in the Cowichan Valley.

We are all aware of the enormous pressure for support being placed on all agencies and organizations in these most stressful economic times.

Our project in 2010 is not insulated from the shrinking sources of funding. We are very concerned that our major funding from Direct Access Program Grant through the provincial government may not be available this year.

With this knowledge in mind we are hopeful that your generous support in the past will be able to be continued through the CVRD Grant – In - Aid program.

Should you have any questions please do not hesitate to contact me.

Rod Pearce

Rod Pearce
Chair of the Board
(250-743-0760)

T. GIL BUNCH CENTRE FOR PERFORMING ARTS
2735 Mt. Baker Road, Mill Bay, BC V0R 2P1
Box Office: (250) 743-8756 • Fax: (250) 743-8775 • http://bard.brentwood.bc.ca

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C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KEN COSSEY Area B

Grantee: Grant Amount $ 500.00

NAME: COWICHAN SENIORS CARE FOUNDATION

ADDRESS: C/O CAROL HUNT EXECUTIVE DIRECTOR
135 THIRD ST
DUNCAN BC V9L 1R7

Contact Phone No:

PURPOSE OF GRANT: OFF-SET PRODUCTION COSTS OF THE "GREAT COWICHAN CAPER"

REQUESTED BY: K. Cossey
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-372 -112	500.00	10.0

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VENDOR NO.

Disposition of Cheque:

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COWICHAN SENIORS CARE FOUNDATION

135 Third St.
Duncan, B.C. V9L 1R9
Cell: (250) 715-6481
Fax: (250) 746-8819
cscfoundation@shaw.ca

Ken Cossey , Electoral Director,
Area B, CVRD
175 Ingram Street, Duncan, BC
V9L 1N8

C·V·R·D
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FEB 0 2 2010

February 2, 2010

Dear Ken,

The Cowichan Seniors Community Foundation is staging a huge community event Sunday, June 6th, ***The Great Cowichan Caper***, to be held at the Cowichan Sportsplex. The purpose of this event is to raise funds for an ambitious $20,000.00 Seniors Community Fund that will be awarded to a worthwhile project for seniors in Cowichan. This award will be made on the day of the event. A contest is being launched shortly to engage the public in choosing the best use for this Seniors Community Fund. A panel will adjudicate and decide on the successful applicant (proposal).

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We are requesting a Grant-in-Aid of $500.00 from your Electoral Area B to help off-set the production costs of the ***Great Cowichan Caper***. It is very important to us to include your region in our holistic planning for seniors choosing to retire and grow old in the Cowichan Valley, and in particular in the south end where affordable housing and transportation may be challenging.

Please find enclosed a package similar to that provided to the City of Duncan and the Municipality of North Cowichan. Since our promotional materials and media launch is being prepared at this time, we request a response to this request by March 15.

Thank you for your consideration to this request for support.

Sincerely,

Carol Hunt

Carol Hunt, Executive Director,

Cowichan Seniors Community Foundation (recent name change from Cowichan Seniors Care Foundation)

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FEB 16 2010
Financial Services Department

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KEN COSSEY Area B

Grantee: Grant Amount $ 250.00

NAME: THE COWICHAN SPIRIT OF WOMEN

ADDRESS: C/O HERGA LAMBRECHT
ONE KENNETH ST
DUNCAN BC V9L 5G3

Contact Phone No: (250) 748 8722

PURPOSE OF GRANT: SPONSORING UNDEREMPLOYED STUDENTS IN A COURSE

REQUESTED BY: K. Cossey
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0105 - 112	250.00	10.0

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VENDOR NO.

Disposition of Cheque:

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JAN 28 2010

The Cowichan Spirit of Women

One Kenneth Street, Duncan, B.C. V9L 5G3

Phone (250)715 3893 Facsimile (250) 748 3509

e-mail spiritofwomen@shaw.ca or e-mail helgal@shaw.ca

2010 01 25

Ken Cossey, Area B

Re Grant in Aid

Dear Mr. Cossey

We have received $100 to $500 grants in aid from many electoral areas of the *Cowichan Valley Regional District* over the years and are requesting grants from all the directors. The *Cowichan Spirit of Women*, organized in 1992, seek funds to operate their office, programs and activities.

The *Women Resource Centre,* which has operated fifteen years is temporarily closed as we look for a space. It is run by volunteers and a coordinator as funds permit. Computer, internet and office skills are taught to women; information and help is given and bimonthly newsletters are distributed. Movies are shown the last Tuesday night of the month while *Café Night is the third Tuesday, both at Sands Reception Centre.* We organize annual events: International Women's Day, Equinox and Solstice days, Canada's Day of Remembrance of Violence Against Women. In addition, *CSW* sponsors a variety of workshops, classes and seminars. Community involvement includes Volunteer Cowichan, Cowichan Women Against Violence Against Women, Canadian Federation of University Women and the Cowichan Intercultural Society. We aim to serve the women and children in the Cowichan Valley which helps men too. Our mandate is "women helping women" which builds a cohesive community for all.

All that we do together increases our profile in the community and ensures our continued success. Your contribution to a project such as sponsoring underemployed students in a course at approximately $75 to $150 each, co-sponsoring International Women's Day or assisting with the operation of the CSW would be greatly appreciated. The new rent and insurance will like increase dramatically. Thank you for your careful consideration of this important request for a grant in aid. On behalf of the *Cowichan Spirit of Women*, I thank you.

Respectfully yours

H. Lambrecht

Helga Lambrecht, Organizer, *CSW* 748-8722 or (250)744-8922 cell

C 6

THE MINISTRY OF ENVIRONMENT INVITES YOU TO PARTICIPATE IN UPCOMING

Water Act Modernization Workshop

Purpose of the Workshops

Living Water Smart: B.C.'s Water Plan identifies modernizing the *Water Act* as an important way to ensure water security for B.C.'s future. Modernizing the *Water Act* is about making our water laws simpler to understand, administer and enforce. A modern *Water Act* will also provide greater certainty for people, businesses and the environment and allow us to better adapt over time to changing demands and priorities.

The purpose of the one-day workshops is to share information, discuss principles for a new *Water Act*, and explore proposals for change. Options and solutions proposed in a discussion paper, to be released in February, will be the main focus of the workshops. Facilitated group discussions involving stakeholders from a range of sectors will help inform a modernized *Water Act* for B.C.

Who should attend?

To ensure that a diversity of interests and issues are fully explored, we invite representatives from a range of sectors including:

- Water licensees
- Water supply organizations
- Industry sectors
- Professional associations and unions
- Local and senior governments
- Environmental NGO's
- Recreation groups
- Riparian landowners
- Academic institutions
- First Nations

Register your interest!

To attend a workshop, please respond directly to livingwatersmart@gov.bc.ca or (250)387-9481. Please let us know which workshop you would like to attend and the organization you represent. Provide your contact information including phone and email.

Responses should be received by Friday, February 26, 2010 at 4:30 p.m.

Seating at the workshops is limited and it is possible that not all requests can be accommodated. Participant selection will ensure that the widest range of interests is represented at each session.

Please note

The workshops are only one of several opportunities to provide input on modernizing the *Water Act*. You are encouraged to keep informed of the project by visiting the Living Water Smart website at www.livingwatersmart.ca and the blog at http://blog.gov.bc.ca/livingwatersmart.

Workshops locations

- Nanaimo – March 5
- Prince George – March 8
- Kamloops – March 11
- Kelowna – March 12
- Abbotsford – March 29
- Smithers – April 13
- Nelson – April 16
- Fort St. John – April 20
- Vancouver – April 21

2010 Drought Response Planning workshops

Separate half-day drought planning sessions are being scheduled the day after, or the day before the *Water Act* Modernization workshops in some locations. More information is available at: www.env.gov.bc.ca/wsd/public_safety/drought_info

BRITISH COLUMBIA
The Best Place on Earth

Cobble Hill improving its community face in little nips and tucks

Mike D'Amour
News Leader Pictorial

A big part of Cobble Hill is in the finishing stages of a major facelift, but the southern Cowichan community is in for even more changes.

"There's some minor work to be finished up next week, but all told we are delighted to see that happen for the community," said Brian Farquhar, parks and trails manager for the Cowichan Valley Regional District, referring to the $110,000 revitalization to the area in and around the Cobble Hill train station.

The beautification project includes a park-and-ride and new vegetation, including trees and shrubs.

"We see a neat tie-in with the train station improvements with the backdrop of Cobble Hill Mountain and the Quarry Nature Park in behind where we have that wonderful bike park and dog off-leash area," said Farquhar.

But wait, said Cobble Hill Director and Chairwoman of the CVRD, Gerry Giles, there's more.

Cobble Hill recently acquired the Highway Works yard property, approximately two acres across the street from the cenotaph and the Cobble Hill/Shawnigan Farmer's Institute.

"It's a brown field (which has some salt contamination) in the centre of Cobble Hill and we were able to acquire it for a nominal amount," said Giles.

Nominal is an understatement — it was purchased for $1, plus a couple hundred dollars to pay back taxes.

"It's a key piece of property because right now it's an eyesore and any improvements made on that property would improve the look of Cobble Hill village as well," Giles said.

Right now the vacant land has only managed "to attract a fair number of tires," said Giles.

The Cobble Hill Parks Commission has, over the last few years, transformed the face of Cobble Hill village and it looks like a welcoming community, one we can all be proud of, she said. Giles also said the new look has prompted several businesses to enquire about opening in the area.

"When you do revitalize and area, it looks more attractive for businesses to locate in.

Could see a farm market, a gazebo, a park, a community garden or senior centre.

"There's a wide variety of opinions and some would like to see a little commercial development with some little shops," Giles said.

Whatever it becomes is up to the community, she said, while noting a first town hall meeting about the property will be in March or April.

Andrew Leong

Evergreen Independent School students Ansel Koehn and Alexandra Sinclair helped with the tree planting at the Cobble Hill train stop on Friday, during A Tree For Tomorrow, a Cobble Hill Community Planting Revitalization Project, to create a carbon sync out of an industrial brown field.

COMING SOON!

16 NEW CONDOS FOR SALE

Condos will be above the expanded 49th Grocery Store in Duncan. One block from the CDH, this opportunity to live or retire in one of the Valley's most historic neighborhoods may never be priced so reasonably again. Expected between $175,000 to $225,000. 750 to 1200 sq. ft., 1 to 2 barm. with ensuite. Secured underground parking with elevator. Some commercial space still available. A disclosure statement has yet to be filed thus this advertisement is not a formal offering for sale. First come list has already started. To register your interest call (250) 748-0190.

WINE TALK

with Rod Phillips
FEBRUARY 19, 2010
ASKROD@LIQUORPLUS.CA

Sponsored by... LIQUOR PLUS

What is the relationship between Alexander the Great (356 BC - 323 BC) and modern Australian Shiraz (1847- present)? If it wasn't for Alexander the Great, there may not be a modern Australian Shiraz.

Back when Alexander was leading his armies around the known world, wine was the drink of choice for the army. Local water had the nasty reputation of causing dysentery and death, so wine was drank by the great Greek legions.

I am no historian but in looking at the path of conquest embarked on by Alexander, I believe that he was in search of a great glass of wine (this is pretty much all I have in common with Alexander, other than I have hair and have been to Greece).

Greece, along with Persia (modern day Iran), Mesopotamia (modern day Iraq), and Anatolia (modern day Turkey), were known for their wines.

Pick of the Week

Finder's & Seekers 2006 Shiraz (Australia)

This was one of my Top Picks of 2009 and it is showing better now than it did in Oct. 2009. Opulent black fruit flavours entwined with savoury baking spices and seem to flows gracefully right through the finish.

SCORE: 89-92/100

$18.99 +dep

from Hermitage, or any Syrah based wines from France, that simply calling it Syrah would not do.

Super

1 - Iceberg Lettuce
1 - Bunch Green Oni
1 - Bunch Radishes

Italian Plu Tomatoes
2 lbs $

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