



NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
November 23, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

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10. **PUBLIC/PRESS QUESTIONS**
11. **CLOSED SESSION**

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

 - CSM1** Minutes of Closed Session EASC meeting of November 2, 2010 118-119
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12. **NEXT MEETING**

Tuesday, December 7, 2010
13. **ADJOURNMENT**

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

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

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

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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 2, 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 M. Dorey
Director G. Giles
Director L. Iannidinardo
Director I. Morrison
Director K. Kuhn
Director L. Duncan
Absent: Director K. Cossey,

CVRD STAFF

Tom R. Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Carla Schuk, Planning Technician
Brian Duncan, Chief Building Inspector
Nino Morano, Bylaw Enforcement Officer
Warren Jones, Administrator
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding four items of new business.

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

MOTION CARRIED

M1 - MINUTES

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

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Partridge

Carla Schuk, Planning Technician, presented Staff Report dated October 13, 2010, regarding request for accessory building fixtures at 2868 Renfrew Road (Partridge).

Craig Partridge, applicant, was not present.

It was Moved and Seconded

That the request by Craig Partridge to allow a wet bar and shower, in addition to the two permitted plumbing fixtures, within an accessory building at 2868 Renfrew Road (Lot 10, District Lot 15, Helmcken District, Plan 2210, except parts in Plan 47997 and VIP 76565), be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property, and on condition of septic approval.

MOTION CARRIED

STAFF REPORTS

SR1 – Malahat Fire Protection Area Expansion

It was Moved and Seconded

1. That the Certificate of Sufficiency confirming that the petition for inclusion in the Malahat Fire Protection Service Area is sufficient, be received.
2. That CVRD Bylaw No. 2414 be amended to extend the boundaries of the Malahat Fire Protection Service Area to include the following property: PID: 025-642-324 Lot 2, District Lot 132, Malahat Land District, Plan VIP75146.
3. That the Malahat Fire Protection Service Area amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR2 - Animal Control

Tom Anderson, General Manager, presented Staff Report, dated October 26, 2010, regarding 2011 Animal Control Budget.

It was Moved and Seconded

That the staff report dated October 26, 2010, from Tom Anderson, General Manager, regarding 2011 Animal Control Budget, be received and filed.

MOTION CARRIED

It was Moved and Seconded

That animal control license fees be increased by five dollars (\$5.).

MOTION DEFEATED

It was Moved and Seconded

That staff make concerted efforts to educate the public and increase awareness regarding the importance of purchasing dog tags, including inserting notices into utility bill envelopes, and posting signs, etc.

MOTION CARRIED

SR3 – File #2-D-10SA

It was Moved and Seconded

That the requirement to obtain a development permit for Application No. 2-D-10SA (Elmworth Construction/Muir) be deferred until the building permit stage.

MOTION CARRIED

**SR4 – Bylaw
Maintenance**

Mike Tippet, Manager, presented Staff Report, dated October 25, 2010, regarding regular OCP and Zoning Bylaw maintenance amendments.

It was Moved and Seconded

That staff be directed to prepare omnibus OCP and zoning bylaw maintenance amendments for Electoral Areas B, E and F, and that the draft amendment bylaws be brought before the Electoral Area Services Committee once drafted, for further direction.

MOTION CARRIED

**SR5 – CRD Soil
Removal Bylaw**

It was Moved and Seconded

That the Capital Regional District be advised that the CVRD has no concerns with proposed amending Bylaw No. 3681, a bylaw to amend the Juan De Fuca Electoral Area Soil Removal or Deposit Bylaw No. 3297.

MOTION CARRIED

It was Moved and Seconded

That staff be directed to review the Capital Regional District/Juan De Fuca Soil Removal or Deposit Bylaw No. 1, 2006, with the CVRD solicitor, to determine what sections may be applicable to the CVRD.

MOTION CARRIED

AP1 & AP2 - Minutes It was Moved and seconded
That the minutes of the Area A APC meeting of October 12, 2010 and the minutes of the Area B APC meeting of October 17, 2010, be received and filed.

MOTION CARRIED

PARKS

PK1 - Minutes It was Moved and Seconded
That the minutes of the Shawnigan Lake Parks meeting of October 21, 2010, be received and filed.

MOTION CARRIED

NEW BUSINESS

1 - Fireworks Tom Anderson, General Manager, noted that last year the CVRD presented new regulations that prohibited the sale and setting off of fireworks, and that positive responses were received after the 2009 Halloween season.

Mr. Anderson requested feedback from Directors as to how the 2010 Halloween season went in their respective areas. Each Director provided comments. Areas C, D, E, G, H, I reported a relatively quiet season with some areas hosting community events; and Areas A and F reported concerns regarding noise with not much improvement over previous years.

2 – Eelgrass Meeting Director Iannidinardo advised of a community meeting being held on November 30th from 7-9 pm at Bench School to discuss voting regulations for eelgrass habitat and invited Committee members to attend.

3 – Towns for Tomorrow Tom Anderson, General Manager, distributed a “Towns for Tomorrow” Program Guide prepared by the Ministry of Community and Rural Development, that provides an overview of the sustainability capital projects program available to smaller communities in BC, as well as grant application information.

Mr. Anderson noted that Directors should forward their suggestions to Jacob Ellis, Manager, Corporate Planning.

Warren Jones, Administrator, noted that the CVRD can apply for one \$400,000 maximum grant. Mr. Jones advised that Mr. Ellis will gather suggestions and forward a report to the November 23rd EASC meeting.

**4 – Marine Riparian
Bylaws**

Mike Tippet, Manager, requested that Directors delegate authority to staff to issue marine riparian area development permits. He noted that staff is comfortable with issuing such permits but would bring any controversial permits to committee for direction if deemed necessary. Mr. Tippet advised that the CVRD Fees and Procedures Bylaw would need to be amended if authority is given.

It was Moved and Seconded

That the CVRD Fees and Procedures Bylaw No. 3275 be amended to delegate authority to staff to issue Marine Riparian Area Development Permits.

MOTION CARRIED

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 3:56 pm.

RISE

It was Moved and Seconded

That the Committee rise without report.

MOTION CARRIED

adjournment

It was Moved and Seconded

That the meeting be adjourned.

MOION CARRIED

The meeting adjourned at 4:36 pm.

Chair

Recording Secretary



DI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2010

DATE: November 15, 2010 **FILE NO:** 4-G-10DVP
FROM: Maddy Koch, Planning Assistant **BYLAW NO:** 2524
SUBJECT: Development Variance Permit Application No. 4-G-10DVP (Stacey)

Recommendation:

That the application by Lorraine Stacey for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the exterior side parcel line from 4.5 metres to 0 metres, **be approved**, subject to:

- The following improvements being made to the addition by June 30, 2011:
 - i. Vinyl siding which matches that of the parent accessory building;
 - ii. Roofing which matches that of the parent accessory building;
 - iii. Front siding and a garage door installed.
- Strict compliance with the conditions of the Ministry of Transportation and Infrastructure's permit.

Purpose:

To consider an application to relax the exterior side parcel line setback to legalize an existing addition to an accessory building.

Background

Location of Subject Property: 10845 Chemainus Road

Legal Description: Parcel A (DD 3780721) of Lot 8 of District Lots 12 and 31, Oyster District, Plan 3508 (PID: 006-198-902)

Date Application and Complete Documentation Received: June 21st, 2010

Owner: Lorraine Stacey

Applicant: As above

Size of Parcel: ±0.7 acres (0.3 ha)

Zoning: R-2

Setback Permitted by Zoning: 4.5 metres from exterior side parcel line

Proposed Setback: 0 metres from exterior side parcel line

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-3)
West:	Commercial (C-2)

Services:

<u>Road Access:</u>	Chemainus Road
<u>Water:</u>	Saltair Water System Service
<u>Sewage Disposal:</u>	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) of Zoning Bylaw No. 2524 of Electoral Area G – Saltair.

For the purpose of: issuing a Development Variance Permit to legalize an existing addition located 0.58 metres over the exterior side parcel line.

Surrounding Property Owner Notification and Response:

A total of fourteen (14) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance. To date we have received one letter suggesting that the addition would be acceptable if improvements to its appearance were made, but unacceptable otherwise.

Planning Division Comments:

The subject property is a 0.7 acre corner lot located at 10845 Chemainus Road in Electoral Area G, Saltair. A house, an accessory building, an orchard, a garden and a large lawn cover this flat lot.

The applicants have constructed a non-conforming addition to an existing accessory building 0.58 metres over the exterior side parcel line. As this encroaches into the Ministry of Transportation's (MOT) right of way, the applicants have secured a permit from the MOT.

The applicants are requesting to vary the exterior side parcel line setback from 4.5 metres to 0 metres. This is a variance of 4.5 metres.

Options:

1. That the application by Lorraine Stacey for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the exterior side parcel line from 4.5 metres to 0 metres, **be approved**, subject to:
 - The following improvements being made to the addition by June 30, 2011:
 - i. Vinyl siding which matches that of the parent accessory building;
 - ii. Roofing which matches that of the parent accessory building;
 - iii. Front siding and a garage door installed.
 - Strict compliance with the conditions of the Ministry of Transportation and Infrastructure's permit.
2. That the application by Lorraine Stacey for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 4.5 metres to 0 metres, **be approved**.
3. That the application by Lorraine Stacey for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, **be denied**.

Option 1 is recommended.

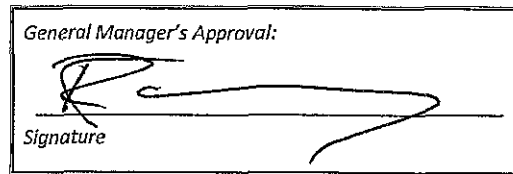
Submitted by,

Maddy Koch

Maddy Koch,
Planning Assistant
Planning and Development Department

MK/jah

Attachments



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

DEVELOPMENT VARIANCE PERMIT

NO: 4-G-10DVP

DATE: November 15, 2010

TO: LORRAINE STACEY

ADDRESS: 618 DUNSMUIR CRESCENT

LADYSMITH, BC V9G 1N8

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):

(PID: 006-198-902) Parcel A (DD 3780721) of Lot 8 of District Lots 12 and 31, Oyster District, Plan 3508

3. Zoning Bylaw No. 2542, applicable to Section 5.3(4) is varied as follows:

The setback for an exterior side parcel line is decreased from 4.5 metres to 0 metres, subject to:

- *The following being added to the addition by June 30 2011:*
 - a. *Vinyl siding which matches that of the parent accessory building*
 - b. *Roofing which matches that of the parent accessory building*
 - c. *Front siding and a garage door*
- *Strict compliance with all of the conditions of the Ministry of Transportation and Infrastructure's permit*

4. The following plans and specifications are attached to and form a part of this permit.

- **Schedule A – Ministry of Transportation and Infrastructure Permit**

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.

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

6. **AUTHORIZING RESOLUTION XXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 23RD DAY OF NOVEMBER 2010.**

Tom Anderson, MCIP
General Manager, Planning and Development Department

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.

NOTE:

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 LORRAINE STACEY other than those contained in this Permit.

Signature (owner/agent)

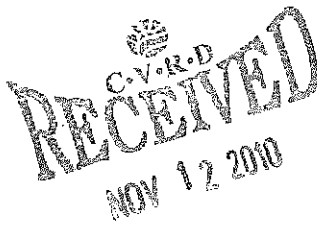
Witness

Print Name

Occupation

Date

Date



November 9th, 2010

Maddy Koch
CVRD
175 Ingram St
Duncan, BC
V9L 1N8

Dear Maddy Koch

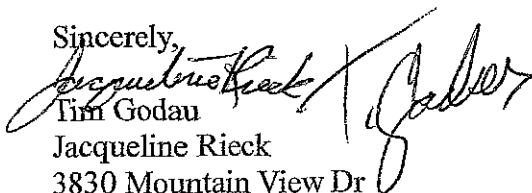
**Re: File Number 4-G-10DVP (Stacey) 10845 Chemainus Road (PID: 006-198-902)
Parcel A (DD 3780721) of Lot 8 of District Lots 12 and 31, Oyster District, Plan 3508.**

This letter is in response to your written notice request of October 27th 2010. In regards to the non-conforming addition, we are not opposed to the structure, however it is a unsightly eyesore to our neighbourhood.

1. First Option: We would like to either see the structure removed and rebuilt in compliance to CVRD Bylaws
2. Second Option: Approve variance with a specific time frame to have the structure completed in the style of the building it is attached to.

We hope this letter provides the information you were seeking. Thank you for your time and attention to this matter.

Sincerely,


Tim Godau
Jacqueline Rieck
3830 Mountain View Dr
Ladysmith BC
V9G 2A5

Feb. 260 P. 22





PERMIT TO AUTHORIZE EXISTING STRUCTURES CONSTRUCTED WITHIN THE RIGHT-OF-WAY OF A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure
Vancouver Island District
Third Floor
2100 Labieux Road
Nanaimo, BC V9T 6E9
Canada

("The Minister")

AND:

Lorraine M. Stacey
618 Dunsmuir Crescent
Ladysmith, British Columbia V9G 1N8
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

To use and maintain the structure comprising of a 10' x 6' garage encroaching 0.58 metres onto right of way of Mountain View Drive in so far as they relate to the use of that portion (the "Encroachment Area") of the public highway, as shown on the plan prepared by W.R. Hutchinson British Columbia Surveyor certified correct on the 22nd day of September, 2010, attached hereto as Schedule A. The structure is part of a legal lot described as Parcel A (DD3780721) of Lot 8, District Lots 12 & 31, Oyster District, Plan 3508 adjacent to the Encroachment Area.

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. Except to the extent permitted herein, the Permittee will ensure that the Structure at all times conforms with all legislation applicable to the Structure with respect to the construction and maintenance of the Structure and all specifications by regulatory bodies having jurisdiction over the Structure.
2. The Regional Director, as appointed from time to time by the Minister, having jurisdiction with respect to the Encroachment Area, or such person as the Minister may from time to time designate must have full and free access at any and all times to inspect the Structure or for such other purposes as the Regional Director may consider necessary.
3. Where the Structure comes in contact with any bridge, culvert, ditch or other existing work (the "Existing Works") the Permittee will ensure that the Structure is properly maintained and supported in such manner as not to interfere with the proper functions of the Existing Works during the existence of the Structure.
4. The Permittee will at all times take every possible precaution to ensure the safety of the public, and if requested by the Regional Director ensure that the Structure and all excavations, materials, or other obstructions in connection with the Structure are



fenced, illuminated, and guarded.

5. The Permittee acknowledges that this Permit is granted only for such times as the Encroachment Area is within the jurisdiction of the Minister. This permit must not be construed as being granted for all time, and does not vest in the Permittee any right, title, or interest in or to the Encroachment Area. If the Encroachment Area becomes included within an incorporated municipality or city, this Permit is terminated unless the Highway on which the Structure is located is classified as an Arterial Highway pursuant to Section 45 of the Transportation Act.
6. This Permit may be cancelled at any time without recourse at the discretion of the Regional Director by 30 days notice in writing in the manner herein provided. Not later than 90 days after the date on which this notice has been given by or on behalf of the Minister, the Permittee must ensure that all work has been completed in connection the removal, moving or alteration of the structure in the manner required by any notice. All costs of removing, moving or altering the Structure must be borne by the Permittee.
7. Where any public works are contemplated the Permittee will cooperate with any person designated by the Regional Director in connection with any construction, extension, alteration or improvement of the public works involving the Encroachment Area.
8. The Permittee acknowledges that the Minister and any employees, agents or contractors of the Minister will not be responsible for any damage to the Structure or any property of the Permittee and the Permittee hereby expressly waives any claim for damages and forever releases and discharges all such persons with respect thereto.
9. The permission herein granted to the Permittee will be in force only during such time as the Structure is used, maintained and owned by the Permittee in strict compliance with this Permit. The Permittee will notify the Minister if the Property is offered for sale and inform any purchasers of the Property of this Permit prior to sale. The Permittee will remain liable to the Minister hereunder until such time as a subsequent permittee has agreed to assume the same liabilities and obligations with respect to the Structure.
10. This Permit is valid only for the Structure as described herein. The Permittee acknowledges that routine maintenance of the Structure is permitted but the Structure must not be expanded, increased, or its use changed in any way except as provided for in section 4 of this permit.
11. The Permittee will provide:
 - (a) the location of the Structure in relation to the Encroachment Area and the Property on Schedule A; and
 - (b) a written description of the Structure both in form and content satisfactory to the Regional Director, Ministry of Transportation and Infrastructure for the Region in which the Structure is located.
12. The attached plan, indicated as Schedule A, showing location or position of the Structure constitutes a part of this Permit and any change without prior consent of the Regional Director will forthwith render this Permit terminated subject to section 18 of this Permit.
13. The Permittee will notify the Regional Director of any damage done to the Structure. If in the opinion of the Regional Director the Structure is destroyed or damaged such that reconstruction within the encroachment area is unwarranted this permit is terminated. The Structure must not be replaced or reconstructed on the Highway or in the Encroachment Area.
14. The Permittee shall be solely responsible for all loss or damage arising or occurring out of any act or omission, including the use, possession, control and custody, or any of them, of the Encroachment Area, of or by the Permittee, or the heirs, executors, administrators, and assigns of the Permittee, and shall indemnify and save harmless the Minister, together with the employees, agents, and contractors of the Minister, from and against any and all losses, claims, liabilities, demands, damages, actions, causes of action, costs and expenses, fines, penalties, assessments, and levies that the Minister or any of the employees, agents or contractors of the Minister may sustain, incur, suffer or be put to at any time or times (whether before or after the expiration or sooner termination of this Permit).
15. The Permittee will not interfere with any Highway or public works without separate written permission issued by the Regional Director.
16. All notices required to be given hereunder by the Minister will be effectively given if sent by mail to the address of the Permittee shown below and must be deemed to have been given at 12:00 noon on the third day after mailing. Notices to be given to the Minister by the Permittee will be effectively given if delivered to the Regional Director and must be effectively given upon delivery.
17. No termination or cancellation of this Permit will relieve or abate the obligations of the Permittee contained herein arising prior to such termination or cancellation all of which must survive the termination or cancellation of the Permit and must constitute continuing obligations of the Permittee.
18. No variation or alteration of the Permit will be effective unless in writing signed by or with the authority of the Minister.
19. The Permittee shall obtain and maintain during the term of this Permit and at the Permittee's own expense, liability insurance



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2010-05411

Office: Vancouver Island District

against third party claims arising as a result of the Permittee's possession, use, control and/or custody of the Encroachment Area shown in Schedule A.

Such liability insurance shall have coverage limits of not less than ONE MILLION DOLLARS (\$1,000,000) for bodily injury, including death, and property damage and shall be endorsed as follows:

It is understood and agreed that Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, together with the employees, agents and servants of the Minister, hereinafter referred to as the Additional Named Insured, is added as an Additional Named Insured.

The policy shall contain a cross liability clause and a clause giving notice of cancellation or material alteration to the Minister.

The Permittee shall submit evidence satisfactory to the Minister that the above insurance has been obtained and remains in force and effect.

20. This permit is subject to any other terms or conditions as specified on the attached Schedule B.
21. Any reference to a party includes heirs, executors, administrators and assigns.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Nanaimo, British Columbia, this 6th day of October, 2010

D. O'Brien

Debbie O'Brien
Senior District Development Technician
On Behalf of the Minister



PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure
Vancouver Island District
Third Floor
2100 Labieux Road
Nanaimo, BC V9T 6E9
Canada

("The Minister")

AND:

Lorraine M Stacey
618 Dunsmuir Crescent
Ladysmith, British Columbia V9G 1N8
Canada

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; reduction of the 4.5 metre setback requirement to allow portion of existing house to remain at 3.5 metres from property line adjacent to Mountain View Drive, on Parcel A (DD3780721) of Lot 8, District Lots 12 & 31, Oyster District, Plan 3508, as shown on drawing prepared by W.R. Hutchinson, BCLS, dated September 22, 2010.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2010-05413

Office: Vancouver Island District

Dated at Nanaimo, British Columbia, this 7th day of October, 2010

Debbie O'Brien
Senior District Development Technician
On Behalf of the Minister



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 23, 2010

DATE: November 23, 2010

FILE NO: 1-F-10ALR

FROM: Carla Schuk, Planning Technician

SUBJECT: ALR Application 1-F-10ALR (Rajala)

Recommendation:

That Application No. 1-F-10ALR, submitted by Sidney and Valerie Rajala, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 18, Block H, Section 15, Renfrew District (situated in Cowichan Lake District), Plan 1501 (PID 007-334-702) pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Purpose:

To consider an application to subdivide the subject property pursuant to Section 21(2) of the *Agricultural Land Commission Act* and pursuant to section 946 of the *Local Government Act*.

Background:

Location of Subject Property: 10315 & 10318 Swinburne Avenue

Legal Descriptions: Lot 18, Block H, Section 15, Renfrew District (situated in Cowichan Lake District), Plan 1501 (PID 007-334-702)

Date Application and Complete Documentation Received: April 29, 2010

Owner: Sidney and Valerie Rajala, and Benjamin and Rhonda Weber (as joint tenants)

Applicant: As above

Size of Parcel: 0.8 hectares (1.98 acres)

Existing Zoning: R-1 (Rural Residential)

Minimum Lot Size Under Existing Zoning: 2 ha

Existing Plan Designation: Rural Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Rural Residential (R-1)
 South: Rural Residential (R-1)/ALR
 East: Suburban Residential (R-2)/ALR
 West: Rural Residential (R-1)/ALR

Services:

Road Access: Swinburne Road
Water: Well
Sewage Disposal: Septic system

Agricultural Land Reserve Status: In

Soil Classification:

The CVRD does not have soil classification mapping in this area.

Environmentally Sensitive Areas:

The CVRD Environmental Planning Atlas does not identify any environmentally sensitive areas on or near the subject property.

Archaeological Site: None identified.

The Proposal:

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

Property Context:

The subject property is located on Swinburne Avenue, in the Walton Road subdivision at Gordon Bay. The subject property is approximately 0.8 hectares (2 acres) in size and is zoned R-1 (Rural Residential). There are currently two residences and accessory residential buildings on the subject property. The applicants built the secondary dwelling unit on the subject property in 2009 as permitted in the R-1 zoning. The owners of the property are applying to the Agricultural Land Commission (ALC) for permission to subdivide the subject property for their daughter and son-in-law to secure a separate title. This proposed subdivision will situate the secondary dwelling on proposed Lot A with the primary residence sited on proposed Lot B.

The subject property is one of twenty 0.8 ha lots within the Walton Road residential subdivision. Directly to the east of the subject property, and along the Cowichan Lake shoreline, are multiple smaller lot residences ranging in size from 0.2 ha to less than 0.1 ha, which are zoned R-2 Suburban Residential. It appears that only one of the nearby 0.8 ha parcels operates as a small scale hobby farm, and there are no large farm operations in the area.

Policy Context:

The Official Community Plan designation for this property is Rural Residential and the property is zoned Rural Residential (R-1). However, this property is also within the Agricultural Land Reserve (ALR). This application requires the EASC to consider conflicting guidelines within the Area F – Cowichan Lake South/Skutz Falls OCP. The OCP's Agricultural Objectives, as specified in Section 5 of Official Community Plan Bylaw No. 1945, state:

The objectives of the Regional Board pertaining to Agriculture are:

- a) To maintain the agricultural land base and encourage agriculture,*
- b) To prevent the development of agricultural land for non-agricultural uses which could preclude subsequent agricultural production,*
- c) To minimize conflict between agriculture and non-agricultural activities, and*
- d) To recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

However, the subject property is designated Rural Residential in the Plan Map. Though not adopted into OCP Policy, the Official Community Plan Background Report states in the Residential Development section that;

“The Walton Road subdivision at Gordon Bay should be removed from the Agricultural Land Reserve. To acknowledge the residential character of the subdivision and at the same time allow for agriculture and prohibit further subdivision, this area will be designated as Rural Residential.”

For subdivision applications it is CVRD Board Policy to forward the application to the Agricultural Land Commission (ALC) if the proposed subdivision complies with CVRD bylaws. This application was submitted under Section 946 of the *Local Government Act* because the proposed subdivision does not meet the minimum parcel size established for R-1 zoning in the Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600.

CVRD Bylaw No. 1741 establishes minimum parcel size for subdivisions pursuant to Section 946 of the *Local Government Act*, however Electoral Area F – Cowichan Lake South/Skutz Falls does not have a minimum parcel size attributed to it and is therefore not subject to the Bylaw. Also, Bylaw 1741 is not applicable to land in the ALR, thus this application complies with CVRD Bylaws. However, as the subject property is located in the ALR, approval is required from the ALC to permit this proposed subdivision.

Agricultural Capabilities:

As was noted above, the CVRD does not have soil classification mapping for the area. The applicants do not currently farm the property, and do not intend to do so in the future.

The owners applied for ALC approval, in 2008, to build a secondary dwelling on the property. Electoral Area F APC Memorandum, dated January 21, 2009, states that “the proposed location of the secondary dwelling is in the southwest corner of the lot, at a location that will have a reduced impact on the land’s agricultural potential.”

Planning Division Comments:

Under R-1 zoning, the minimum parcel size permitted is 2 ha. The subject parcel is currently 0.8 ha, therefore subdivision would not meet minimum parcel size under the current zoning. 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 lot size than permitted within the zoning 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. Under Section 946 regulations, the person making the application must have owned the parcel of land for at least five years prior to making the application. Sidney and Valerie Rajala have been on title since March of 2005, whereas Benjamin and Rhonda Weber (the Rajala’s daughter and son-in-law) were added to title in December 2008.

The Cowichan Valley Regional District Bylaw No. 1741, establishes minimum parcels sizes for subdivisions made pursuant to Section 946 of the *Local Government Act*. However, Electoral Area F does not have a minimum parcel size delineated within this bylaw. Furthermore, this bylaw does not apply to lands within the ALR, which the subject property is located within.

Section 946 of the *Local Government Act* also stipulates that no parcel shall be created through subdivision under Section 946 that is less than one (1) hectare in size, unless otherwise approved by the medical health officer. Because the existing parcel is 0.8 ha, both the new parcel and the remainder parcel will be less than 1 ha, and therefore will require approval from the medical health officer.

The section 946 application for the subject property appears to have come forward as a result of a previous conventional subdivision application from 2009 that was not supported by the CVRD nor the Vancouver Island Health Authority. Although staff have no reason to believe that the application will negatively impact existing agricultural capabilities of the subject parcel, it does appear to conflict with the minimum lot size and land use designation in the applicable zoning bylaw and OCP.

It is staff's opinion that a more appropriate course of action towards subdivision approval would be to apply to exclude the subject property from the ALR, seek rezoning approval to allow for public consultation on the proposed development and then apply for subdivision approval based on adherence to the minimum parcel size of the new zoning. There exist additional concerns that supporting a Section 946 subdivision application in this area could set a precedent for other parcels in the area to be subdivided and increase the density of the area, effectively compromising the minimum lot size established for the area as well as agricultural capabilities.

A.P.C. Comments:

The Electoral Area F Advisory Planning Commission met on September 15, 2010 and they discussed this application at that time. They submitted to us the following recommendation (in italics) with all present members in favour:

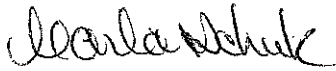
"We recommend to the regional Board that, in our view, the subdivision has no negative effect on the agricultural capability of this land. We do have concerns re the density of this area from a land use perspective."

Options:

1. That Application No. 1-F-10ALR, submitted by Sidney and Valerie Rajala, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 18, Block H, Section 15, Renfrew District (situated in Cowichan Lake District), Plan 1501 (PID 007-334-702) and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with *a recommendation to approve* the application.
2. That Application No. 1-F-10ALR, submitted by Sidney and Valerie Rajala, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 18, Block H, Section 15, Renfrew District (situated in Cowichan Lake District), Plan 1501 (PID 007-334-702) and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with *no recommendation*.
3. That Application No. 1-F-10ALR, submitted by Sidney and Valerie Rajala, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 18, Block H, Section 15, Renfrew District (situated in Cowichan Lake District), Plan 1501 (PID 007-334-702) and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with *a recommendation to deny* the application.

Staff recommends Option 3.

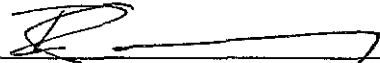
Submitted by,



Carla Schuk,
Planning Technician
Development Services Division
Planning and Development Department

CS/jah

Attachments

<p><i>General Manager's Approval:</i></p>  <p><i>Signature</i></p>
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Covichan
Valley
Regional
District


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

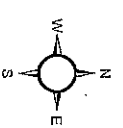
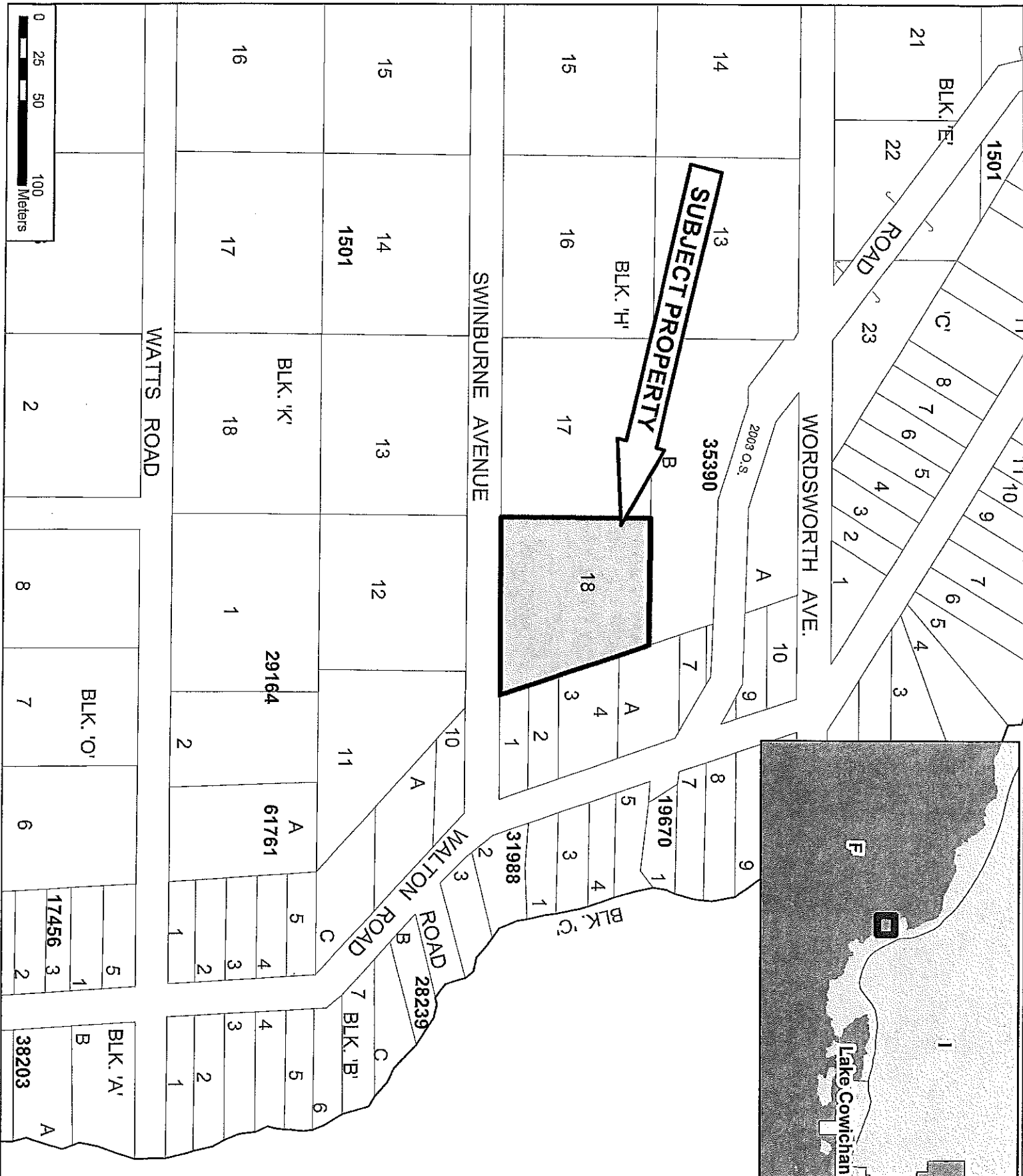
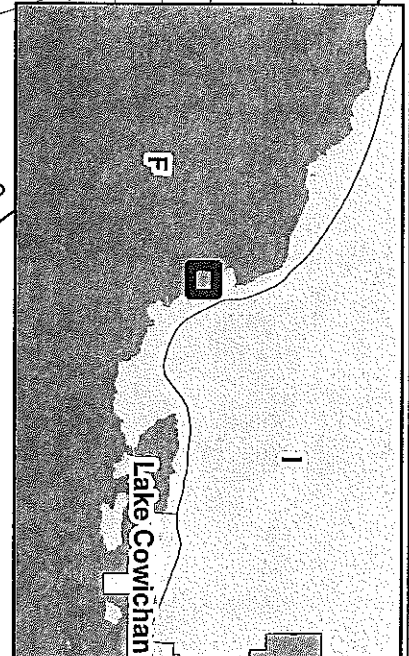
The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that attendants 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-F-10-ALR

Legend
 Subject Property



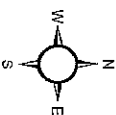
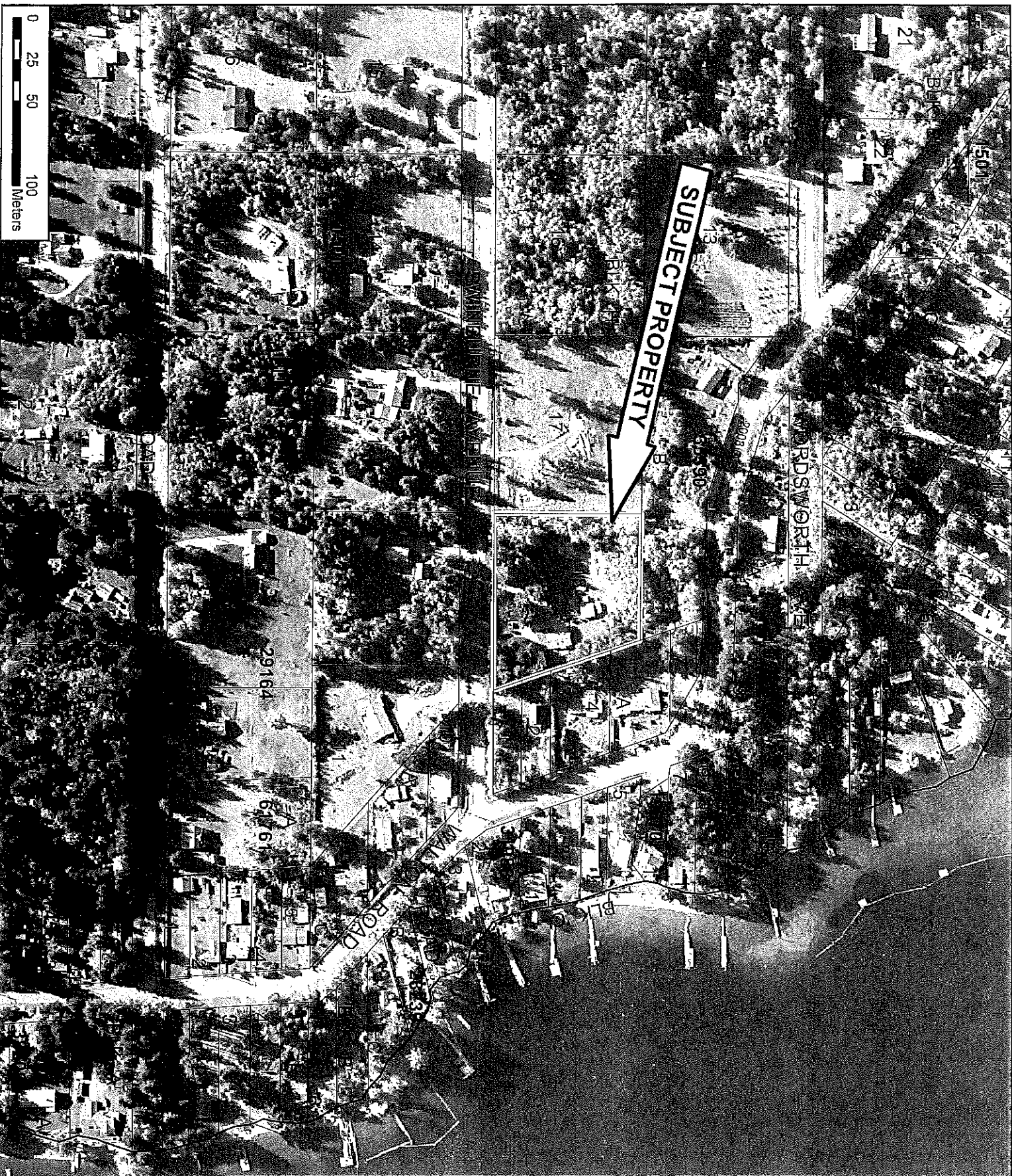
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FILE: 1-F-10-ALR

Orthophoto
(2004)



Cowan
Valley
Regional
District

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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.

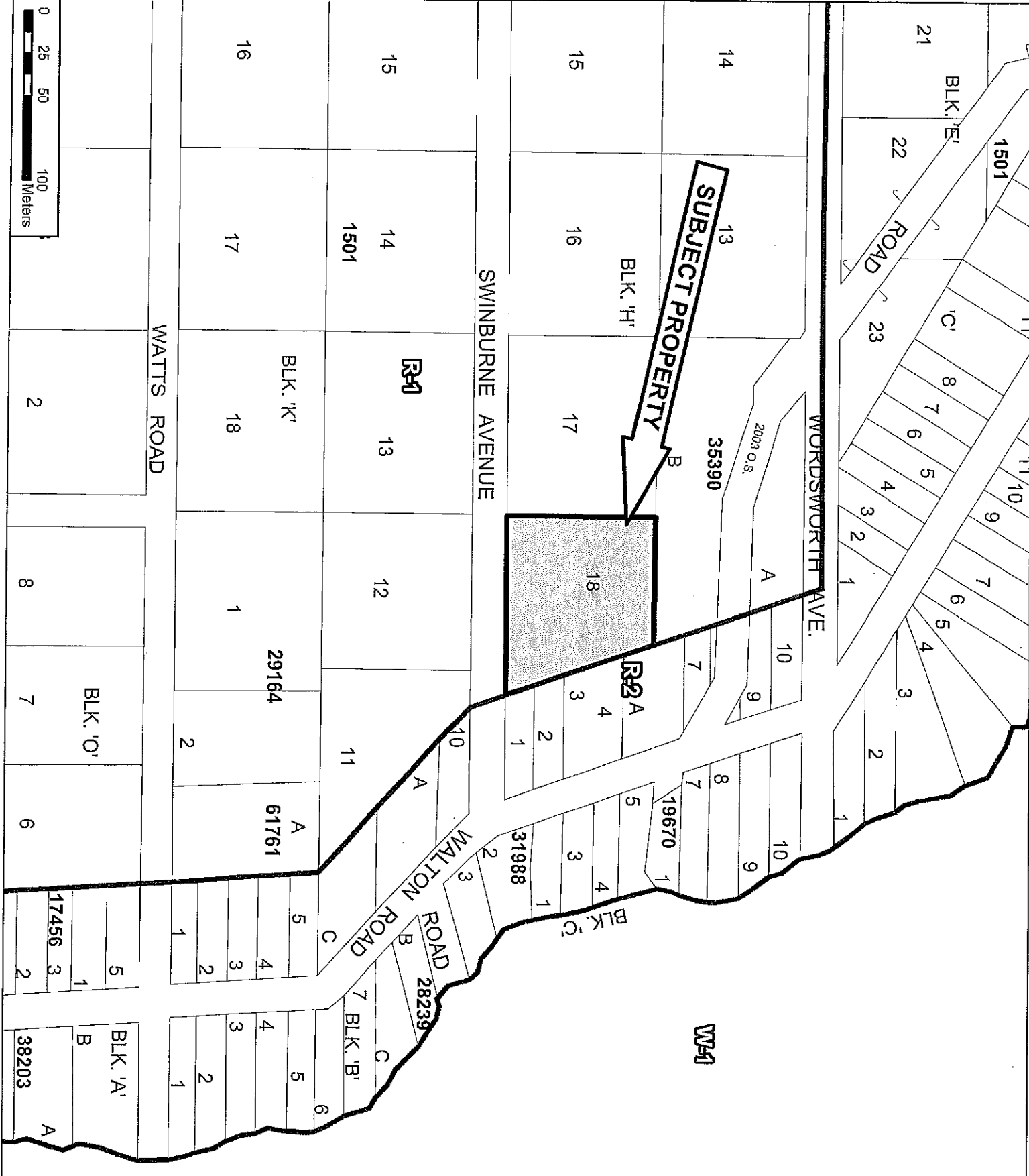
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-F-10-ALR

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area F



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F



5.10 **R-1 RURAL RESIDENTIAL 1 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-1 Zone:

1. **Permitted Uses**

The following principal uses and no others are permitted in the R-1 Zone:

- a. Single family dwelling;

The following accessory uses are permitted in the R-1 Zone:

- b. Agriculture, excluding intensive agriculture;
- c. Bed and breakfast accommodation;
- d. Buildings and structures accessory to a principal permitted use;
- e. Home-based business;
- f. Secondary dwelling unit or secondary suite.

2. **Minimum Parcel Size**

The minimum parcel size in the R-1 Zone is 2 hectares.

3. **Number of Dwellings**

Not more than one dwelling is permitted on a parcel, under 0.4 ha in area, that is zoned R-1. For parcels zoned R-1 that 0.4 in area or more, one additional secondary dwelling or secondary suite is permitted on a parcel.

4. **Setbacks**

The following minimum setbacks apply in the R-1 Zone:

Type of Parcel Line	Agricultural (including accessory buildings and structures)	Residential (including accessory buildings and structures)
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	4.5 metres

5. **Height**

In the R-1 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 7.5 metres, except in accordance with Section 3.9 of this Bylaw.

6. **Parcel Coverage**

The parcel coverage in the R-1 Zone shall not exceed 30 percent for all buildings and structures.

7. **Parking**

Off-street parking spaces in the R-1 Zone shall be provided in accordance with Section 3.15 of this Bylaw.

5. AGRICULTURE

The maintenance of farmland and encouragement of farming operations in the Plan area is one of the primary objectives of this Plan. Lands that have been placed in the provincial Agricultural Land Reserve (ALR), shown in Figure 4, have soils with high agricultural capability and are protected for future agricultural use. They are concentrated in the Robertson River valley, the lower reaches of the Sutton Creek watershed and the upper level bench lands immediately south of the Town of Lake Cowichan.

AGRICULTURE - OBJECTIVES

→ The objectives of the Regional Board pertaining to Agriculture are:

- a) to maintain the agricultural land base and encourage agriculture,
- b) to prevent the development of agricultural land for non-agricultural uses which could preclude subsequent agricultural production,
- c) to minimize conflict between agricultural and non-agricultural activities, and
- d) to recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.

AGRICULTURE - POLICIES

The policies of the Regional Board pertaining to Agriculture are as follows:

POLICY 5.1:

All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agriculture shall be designated as Agricultural on the Plan Map.

POLICY 5.2:

Agricultural pursuits shall be given priority within the Agricultural designation, provided they adhere to the policies of this Plan, and any activity or form of development which could damage the agricultural potential of agricultural lands shall not be permitted.

POLICY 5.3:

All uses and subdivision of ALR land shall be in accordance with the provisions of the Agricultural Land Commission Act, regulations thereto, and orders of the Agricultural Land Commission. The subdivision of land in the Agricultural Land Reserve shall be discouraged where it would render the land uneconomical to maintain in agricultural use.

Since a significant percentage of these properties are being lived on year round, the area should be recognized as an existing residential subdivision, and residents residing in this neighbourhood should be provided with at least a minimal level of services. Until such time as public road access is provided for these properties, however, they shall remain in a forestry designation and further subdivision should not be permitted.

HONEYMOON BAY, GORDON BAY, MESACHIE LAKE

The communities of Honeymoon Bay, Gordon Bay and Mesachie Lake, on the south side of the Lake, have experienced the realities of the boom and bust cycle typical of many single resource towns. Since the 1930's, the presence of the second largest mill on the Lake had maintained Honeymoon Bay's standing as the largest community on the south side of the Lake. During times of full production, the Honeymoon Bay sawmill and shingle mill employed a total of 287 workers, but through a combination of declining timber resources, an ageing sawmill and a prolonged period of weak market conditions, the mill was closed in 1981.

Today, Honeymoon Bay consists of a store, post office, fire hall, community hall, neighbourhood pub, community park, and approximately sixty houses. The Honeymoon Bay townsite has the advantage of a community water system, which draws its water from a gravel reservoir on Ashburnam Creek. The system serves an area of 109 hectares (270 acres) and was taken over by the CVRD in 1993. Substantial upgrading of the system is required prior to allowing for new residential users.

To provide for a supply of residential development and at the same time ensure that resource lands are adequately buffered from residential lands, a portion of Section 35 will be designated for mixed residential uses. The community water system will be required to be upgraded prior to the development of these lands.

The Gordon Bay community lies to the Northwest of Honeymoon Bay. This is one of the most desirable places in the Plan area from which to enjoy a full range of lake-based recreational activities. The area is best known for the Gordon Bay Provincial Park, with excellent lake access, and the March Meadows Golf Course. Due to the low demand for residential lots in Gordon Bay, additional lands will not be designated for residential use at this time.

→ [The Walton Road residential subdivision at Gordon Bay should be removed from the Agricultural Land Reserve. To acknowledge the residential character of the subdivision and at the same time allow for agriculture and prohibit further subdivision, this area will be designated as Rural Residential.

Mesachie Lake has managed to maintain its own separate community identity over the years, and is now a stable community of some 900 people (in the general vicinity). Mesachie Lake has a sewer system which is currently running at maximum capacity



Cowlitz Valley Regional District

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The Regional District does not warrant the accuracy.

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

FILE: 1-F-10-ALR

ALR

Legend

 Subject Property

 F-ALR



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)

- | | |
|---|---|
| <input type="checkbox"/> EXCLUSION
under Sec. 30(1) of the Agricultural Land Commission Act | <input checked="" type="checkbox"/> SUBDIVISION in the ALR
under Sec. 21(2) of the Agricultural Land Commission Act |
| <input type="checkbox"/> INCLUSION
under Sec. 17(3) of the Agricultural Land Commission Act | <input type="checkbox"/> Non-farm USE in the ALR
under Sec. 20(3) of the Agricultural Land Commission Act |

APPLICANT

Registered Owner: <u>Rhonda + Ben Weber, Val + Sid Rajala</u>		Agent:	
Address: <u>10315 Swinburne Rd</u>		Address:	
<u>Box 139 Honeymoon Bay, B.C.</u>			
	Postal Code <u>V0R 1Y0</u>		Postal Code
Tel. (home) <u>250 932</u> (work) <u>250 710</u>	Tel.		
Fax <u>3262</u> <u>9520</u>	Fax		
E-mail <u>rhondaweber@shaw.ca</u>		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
<u>Lot 18, Blk H, Sec 15, Cowichan Lk Plan 1501</u>	<u>1.98 acres</u>	<u>March</u>	<u>2005</u>

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): _____

PROPOSAL (Please describe and show on plan or sketch)

Under Section 946, (Rhonda Weber is the daughter of SID + VAL Rajala) we wish to subdivide lot 18 into two parcels of equal size. There are already two dwellings on the property. The CURD granted permission for the second dwelling to be built in the spring + summer of 2010. Each dwelling has their own septic system in place.

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

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

The uses of this property are in keeping with the neighborhood which is completely residential. Two houses, one garage, two wood sheds.

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

North
East
South
West

Residential
Residential
Residential
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.

April 29th 2010 Rhonda Weber
Date Signature of Owner or Agent

Rhonda Weber
Print Name

April 29/10 Ben Weber
Date Signature of Owner or Agent

BEN WEBER
Print Name

April 29/10 Valerie Rajala
Date Signature of Owner or Agent

Valerie Rajala
Print Name

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)

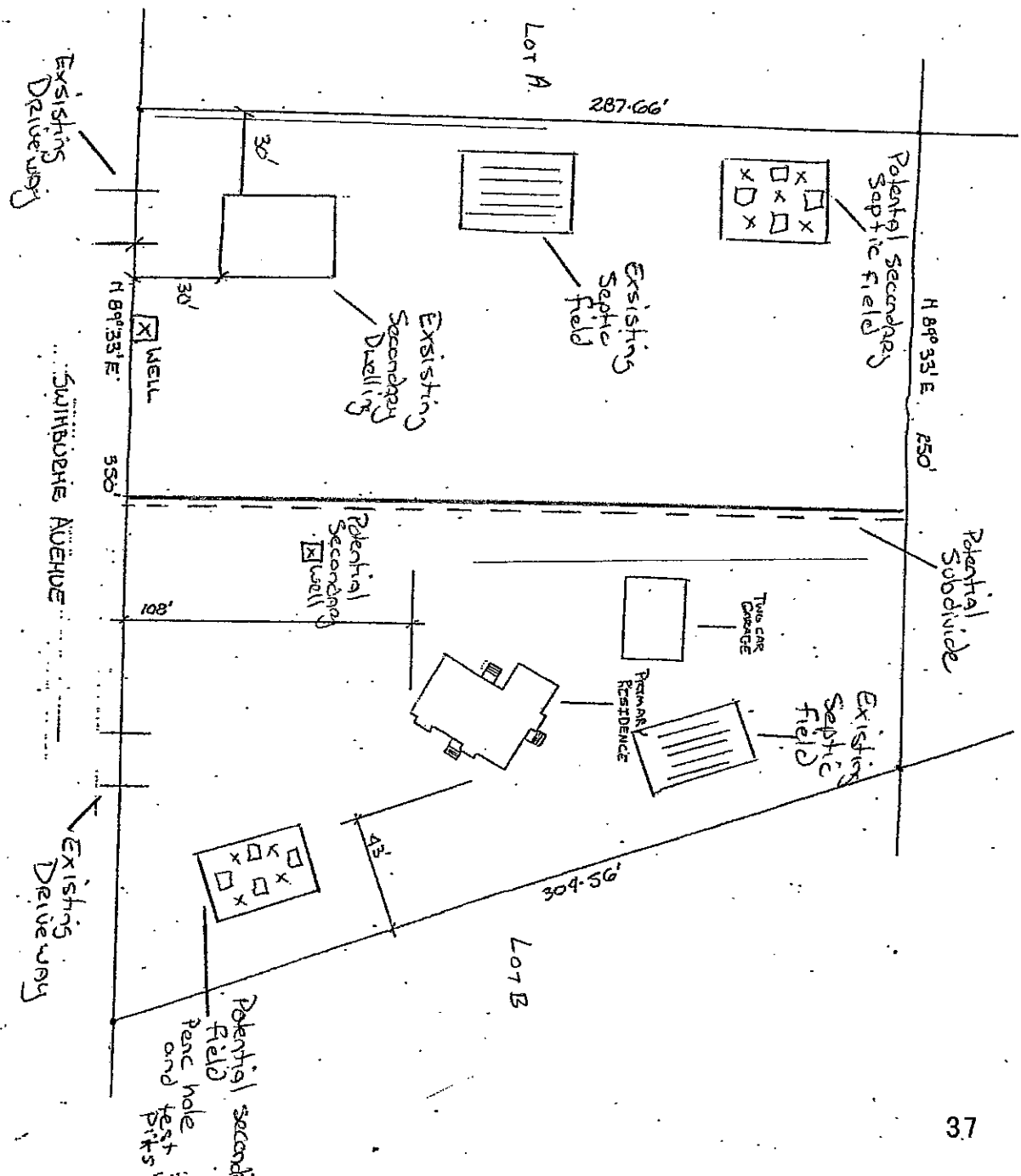
SITE PLAN

1"=40'

LOT
PLAN
BLOCK
SECTION
REFERENCE DISTRICT

- NOTES:
- 1) SEPTIC SYSTEM TO BE DESIGNED & SUPPLIED BY OTHERS.
 - 2) DRIVEWAY AND MAIN LOCATIONS TO BE DETERMINED.

Neighboring well



June 9/09

Subdivision to provide residence for a relative

946. (1) If the requirements of this section are met, an approving officer may approve the subdivision of a parcel of land that would otherwise be prevented from subdivision by a provision in
- (a) a bylaw under this Act other than a bylaw under subsection (4), or
 - (b) a regulation under the *Local Services Act* that establishes a minimum parcel size.
- (2) An application for subdivision of a parcel under this section may only be made if all the following requirements are met:
- (a) the person making the application has owned the parcel for at least 5 years before making the application;
 - (b) 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;
 - (c) the subdivision would not be a subdivision that an approving officer is prevented from approving by subsection (3).
- (3) Despite subsection (1), an approving officer must not approve a subdivision under this section in any of the following circumstances:
- (a) if
 - (i) the parcel proposed to be subdivided is classified as farm land for assessment and taxation purposes, and
 - (ii) after creation of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b), the remainder of the parcel proposed to be subdivided would be less than 2 hectares;
 - (b) if the parcel proposed to be subdivided
 - (i) is not within an agricultural land reserve established under the *Agricultural Land Commission Act*, and
 - (ii) was created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2)*, 1989;
 - (c) if the parcel proposed to be subdivided
 - (i) is within an agricultural land reserve established under the *Agricultural Land Commission Act*, and
 - (ii) was within the previous 5 years created by subdivision under this section, including subdivision under section 996 of the *Municipal Act*, R.S.B.C. 1979, c. 290, as it read before it was repealed and replaced by section 13 of the *Municipal Amendment Act (No. 2)*, 1989.
- (4) Subject to subsections (5) and (6), a local government may, by bylaw, establish the minimum size for a parcel that may be subdivided under this section, and different sizes may be specified for different areas specified in the bylaw.
- (5) A bylaw under subsection (4) does not apply to land within an agricultural land reserve established under the *Agricultural Land Commission Act*, with the exception of land to which section 23 (1) or (2) of that Act applies.
- (6) Any parcel created by subdivision under this section must be at least 1 hectare unless a smaller area, in no case less than 2 500 m², is approved by the medical health officer.
- (7) For 5 years after subdivision under this section,
- (a) the use of the parcel subdivided for the purpose of providing a residence as stated in subsection (2) (b) must be residential use only, and
 - (b) the use of the remainder of the original parcel must not be changed from the use of the original parcel, unless the use is changed by bylaw.
- (8) For a parcel of land that is not within an agricultural land reserve established under the *Agricultural Land Commission Act*, or that is within such a reserve but is land to which section 23 (1) or (2) of that Act applies, approval of subdivision under this section may only be given on the condition that

(Am) Nov 01/02

(Am) Nov 01/02

(Am) Mar 31/04

(Am) Mar 31/04

- (a) the owner of the original parcel covenants with the local government, in respect of each of the parcels being created by the subdivision, that the parcel ~~will~~ *NOT* ~~be~~ *does* ~~cov.~~
- (i) will be used as required by subsection (7), and
- (ii) will not be subdivided under this section, and
- (b) the covenants referred to in paragraph (a) be registered under section 219 of the *Land Title Act* at the same time that application is made to deposit the subdivision plan.
- (9) If a subdivision referred to in subsection (8) is approved, the approving officer must state on the note of approval required by section 88 of the *Land Title Act* that the approval is subject to conditions established by subsection (8).

RS1979-290-996; 1989-33-13; 1999-14-40 (B.C. Reg. 70/2000); 2000-7-177; 2002-36-87 (B.C. Reg. 171/2002); 2004-12-29

Division 12 – Contaminated Sites

Assessment of site profiles

(Rep) Jan 01/04

946.1 (1) *Repealed*. [2003-52-400 (B.C. Reg. 465/2003)]

(Am) Jul 08/04

- (2) A municipality or regional district must
 - (a) assess site profiles referred to in section 40 (1) [site profiles] of the *Environmental Management Act*, and
 - (b) in accordance with section 40 (4) [site profiles] of the *Environmental Management Act*, provide site profiles to a manager.

RS1979-290-999; RS1996(Supp)-323-9; 1993-25-11; 2003-52-400 (B.C. Reg. 465/2003); 2003-53-166

Environmental Management Act requirements must be met

(Sub) Jul 08/04

946.2 (1) This section applies to an application for one or more of the following:

- (a) zoning;
- (b) development permits or development variance permits;
- (c) removal of soil;
- (d) demolition permits respecting structures that have been used for commercial or industrial purposes.

(Am) Jul 08/04

- (2) A municipality or regional district must not approve an application referred to in subsection (1) with respect to a site where a site profile is required under section 40 [site profiles] of the *Environmental Management Act* unless at least one of the following is satisfied:
 - (a) the municipality or regional district has received a site profile required under section 40 of the *Environmental Management Act* with respect to the site and the municipality or regional district is not required to forward a copy of the site profile to a director under section 40 (4) (b) of that Act;
 - (b) the municipality or regional district has received a site profile under section 40 of the *Environmental Management Act* with respect to the site, has forwarded a copy of the site profile to the director under section 40 (4) (b) of that Act and has received notice from a director that a site investigation under section 41 [site investigations] of that Act will not be required by the director;
 - (c) the municipality or regional district has received a final determination under section 44 [determination of contaminated sites] of the *Environmental Management Act* that the site is not a contaminated site;
 - (d) the municipality or regional district has received notice from a director under the *Environmental Management Act* that the municipality or regional district may approve an application under this section because, in the opinion of the director, the site would not present a significant threat or risk if the application were approved;
 - (e) the municipality or regional district has received notice from a director under the *Environmental Management Act* that the director has received and accepted a notice of independent remediation with respect to the site;



D3

**ELECTORAL AREA SERVICES COMMITTEE
OF NOVEMBER 23, 2010**

DATE: November 16, 2010 **FILE NO:** 3-A-10DP
FROM: Carla Schuk, Planning Technician **BYLAW NO:** 2000
SUBJECT: Development Permit Application No. 3-A-10DP (Kerry Davis)

Recommendation:

That application No. 3-A-10DP *be approved*, and that a development permit, pursuant to the Mill Bay Development Permit Area, be issued to Kerry Davis for Lot 16, District Lot 47, Malahat District, Plan 3749, except that parts lying northerly and westerly of the northerly and westerly limits of Plan 1064 RW and westerly of the westerly limit of Plan 570 RW and except that part in Plan 51166 (PID: 006-144-128) for subdivision of the subject property.

Purpose: To consider the issuance of a Development Permit for Kerry Davis, situated within the Mill Bay Development Permit Area, to allow for subdivision of the subject property into three lots ranging from 0.2 ha to 0.4 ha.

Background:

Location of Subject Property: 696 Frayne Road

Legal Description: Lot 16, District Lot 47, Malahat District, Plan 3749, except that parts lying northerly and westerly of the northerly and westerly limits of Plan 1064 RW and westerly of the westerly limit of Plan 570 RW and except that part in Plan 51166 (PID: 006-144-128)

Date Application and Complete Documentation Received: April 29, 2010

Owner: Kerry Davis and Shawn Davis

Applicant: Kerry Davis

Size of Parcel: 8103 sq.m (0.8 hectare)

Existing Zoning: R-3A (Urban Residential - Limited Height)

Minimum Lot Size Under Existing Zoning: 0.2 hectares with community water connection

Existing Plan Designation: Urban Residential

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential (R-3A)
 South: Residential (R-3A)
 East: Residential (R-3A)
 West: Commercial (C-2) & Trans Canada Highway

Services:

Road Access: Frayne Road
Water: Mill Bay Waterworks
Sewage Disposal: On-site septic

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has not identified any environmentally sensitive areas.

Archaeological Sites: None identified

The Proposal:

An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Mill Bay Development Permit Policies contained within Official Community Plan Bylaw No. 1890 for the purpose of subdividing the subject property.

Background:

The subject property is located at 696 Frayne Road in Mill Bay on the eastern side of the Trans Canada Highway and is situated within the Mill Bay Development Permit Area. Two homes reside on the parcel, at 690 and 696 Frayne Road. The applicant intends to create three lots from the 0.8 hectares parent parcel with proposed Lot A and proposed Lot B being 0.2 hectares each, and proposed Lot C occupying 0.4 hectares of land. Currently the subject property's two homes 690 and 696 Frayne Road, are sited respectively on proposed Lot A and Lot B.

Policy Context

The applicant requires a Development Permit prior to proceeding onward with this proposal as the subject property falls within the Mill Bay Development Permit Area. Attached are the complete guidelines for the Development Permit Area.

Mill Bay Development Permit Area

Highlighted below are the applicable Mill Bay Development Permit guidelines along with information on how the proposed development addresses the guidelines.

a) Services and Utilities

1. Sewage disposal facilities will be approved by the Vancouver Island Health Authority and potable water will be provided by Mill Bay Waterworks.

2. No storm sewers will be provided as hazardous lands, unstable soil or water laden land has not been identified on the site and it is not anticipated that the creation of two new lots will have a negative impact on creeks or drainage in the immediate area.
 3. The subject property is serviced by Mill Bay Waterworks and, as such, water will not be drawn from Shawnigan or Hollings Creeks.
 4. No water laden land or unstable soil subject to degradation has been identified on the subject property.
 5. Not applicable.
- b) Vehicular Access
1. All access to the site will be via Frayne Road for both pedestrian and vehicular traffic, and no road construction is necessary for the completion of this subdivision.
 2. Not applicable.
 3. Not applicable.
 4. Not applicable.
- c) Vehicular Parking
Not applicable
- d) Pedestrian Access
Not applicable
- e) Landscaping
Not applicable
- f) Signage
Not applicable
- g) Lighting
Not applicable
- h) Overhead Wiring
Overhead wiring exists along Frayne Road, therefore the application would not comply with the development permit guideline recommendation of underground wiring installation. However, due to the small size of this subdivision and the prior existence of overhead wiring along the length of Frayne Road, it is the opinion of staff that this should not affect approval of the development permit.
- i) Building Design
Not applicable.
- j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands
No creeks, environmentally sensitive areas, or hazardous lands have been observed onsite.
- k) Timing of Development on Land
The Development Permit may specify the sequence and timing of development on the land, however, this development permit would only approve the subdivision of the property, and does not pertain to single family dwelling construction.

l) Siting of Buildings and Structures

Existing buildings conform to setbacks specified in the R-3A zone.

m) Riparian Areas Regulation Guidelines

Not applicable.

Advisory Planning Commission Comments:

The Electoral Area A Advisory Planning Commission met on September 14, 2010 and they discussed this application at that time. They submitted to us the following recommendation:

The Area A APC unanimously recommends to the CVRD that Development Permit Application No.3-A-10DP be approved.

Options

1. That Application No. 3-A-10DP ***be approved***, and that a development permit, pursuant to the Mill Bay Development Permit Area, be issued to Kerry Davis for Lot 16, District Lot 47, Malahat District, Plan 3749, except that parts lying northerly and westerly of the northerly and westerly limits of Plan 1064 RW and westerly of the westerly limit of Plan 570 RW and except that part in Plan 51166 (PID: 006-144-128) for subdivision of the subject property.
2. That Application No. 3-A-10DP ***be denied***, for Lot 16, District Lot 47, Malahat District, Plan 3749, except that parts lying northerly and westerly of the northerly and westerly limits of Plan 1064 RW and westerly of the westerly limit of Plan 570 RW and except that part in Plan 51166 (PID: 006-144-128).

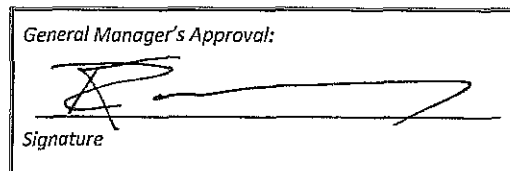
Staff recommends Option 1.

Submitted by,

Carla Schuk

Carla Schuk,
Planning Technician
Development Services Division
Planning and Development Department
CS/jah

Attachments





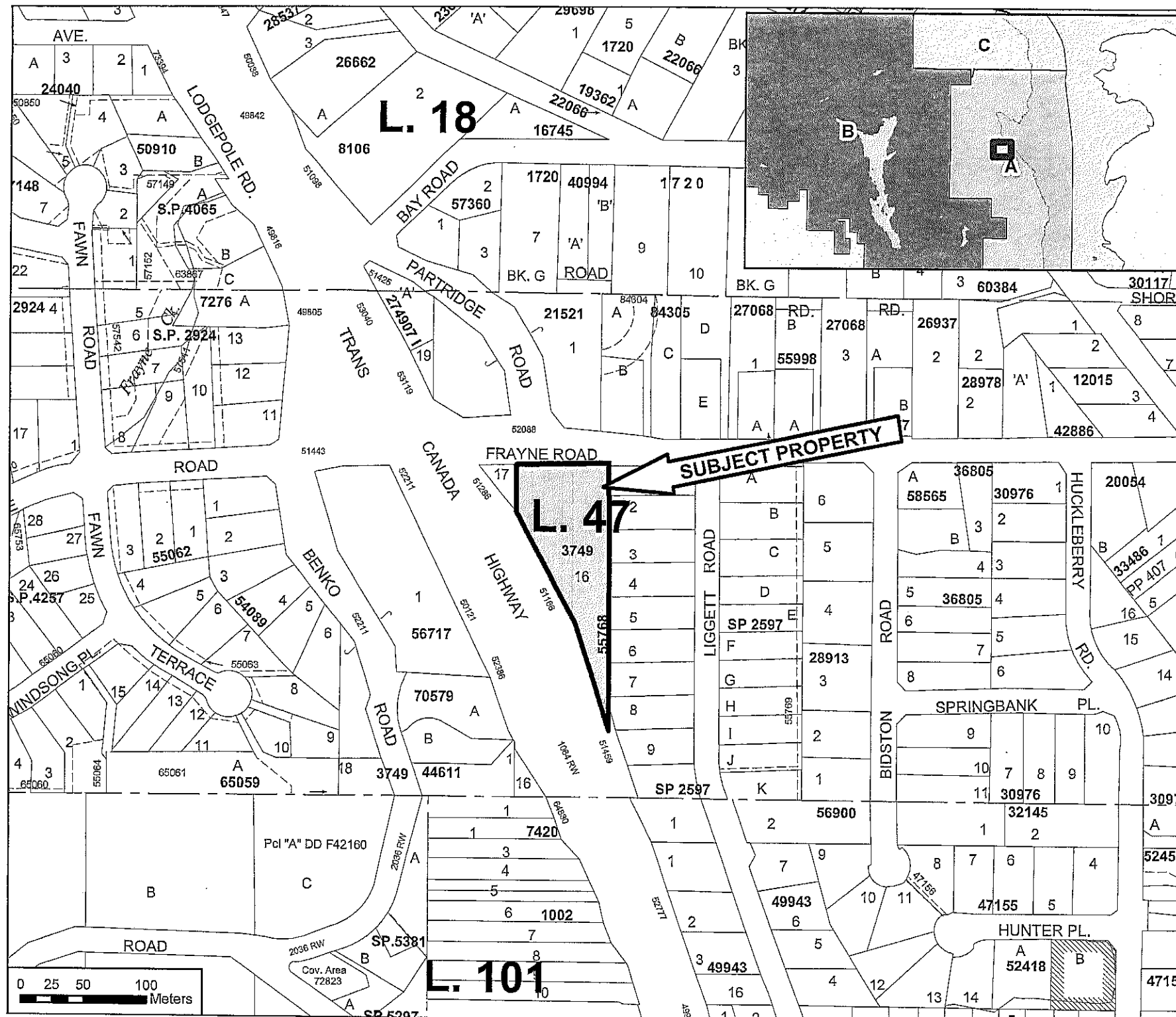
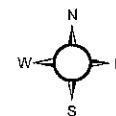
This map is compiled from various sources for internal use and is designed for reference purposes only.

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: 3-A-10-DP

Subject Property





Covician
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.

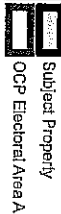
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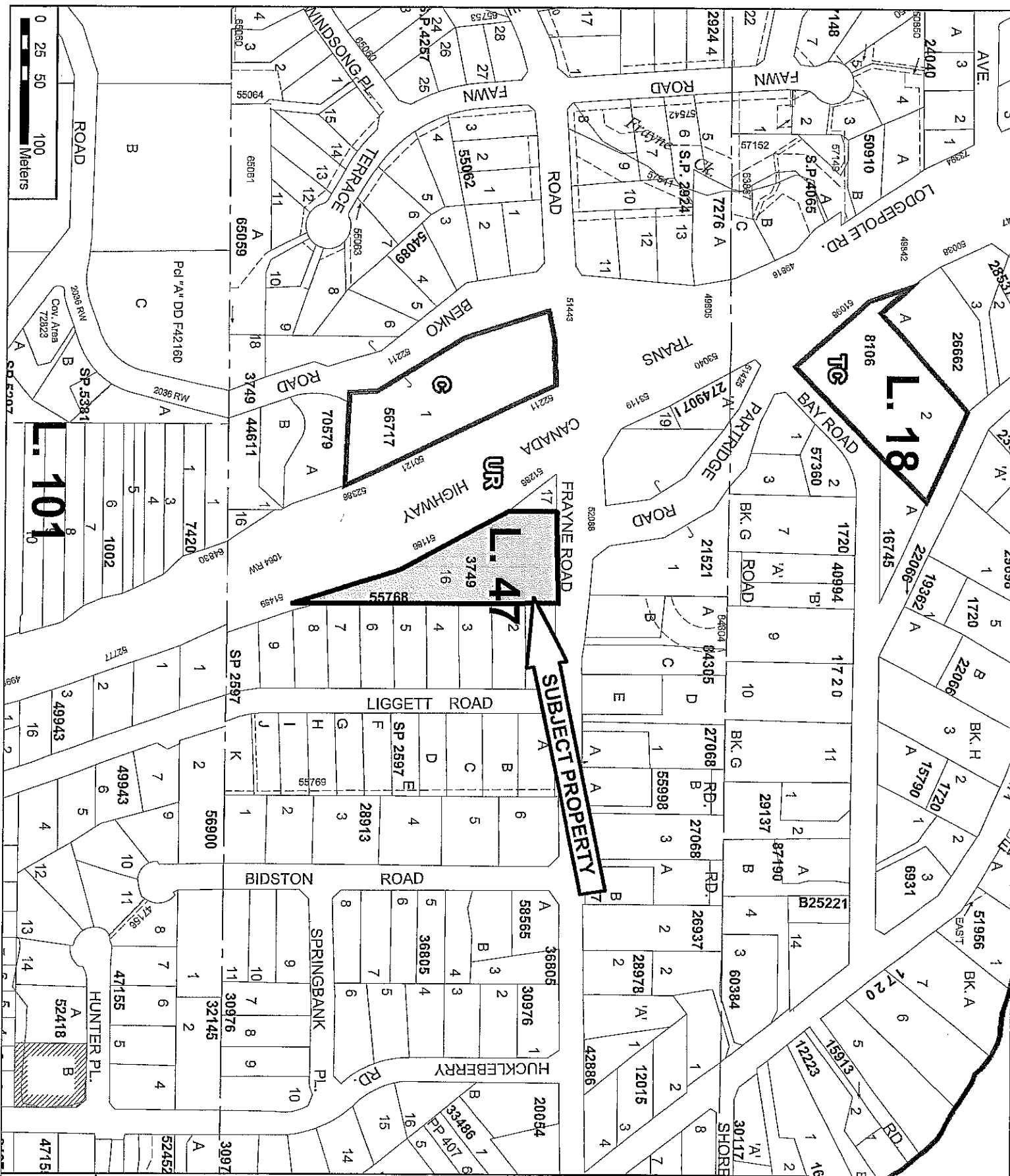
FILE: 3-A-10-DP

OCP

Legend



A





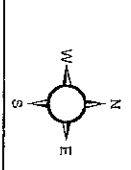
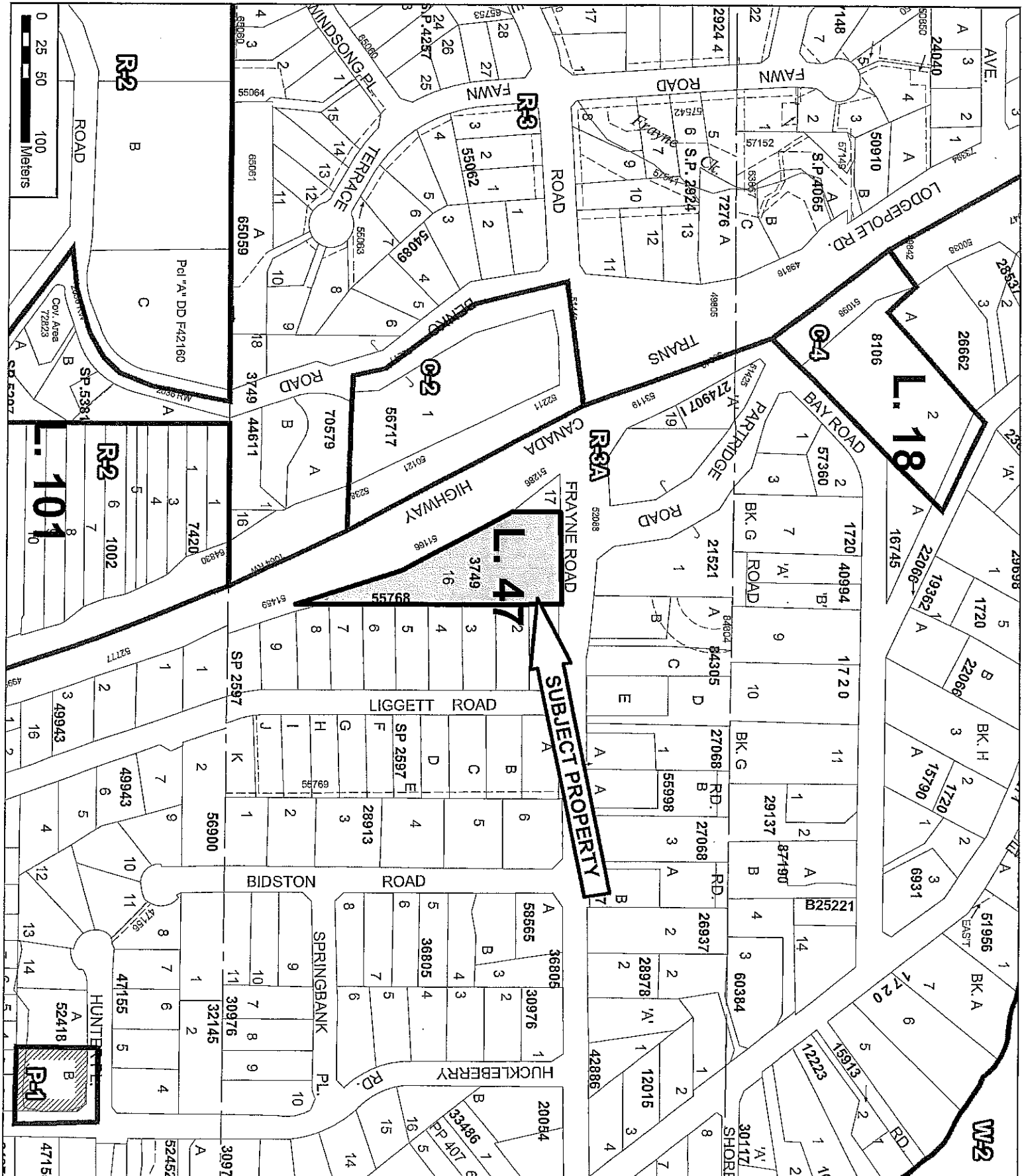
Covician
Valley
Regional
District

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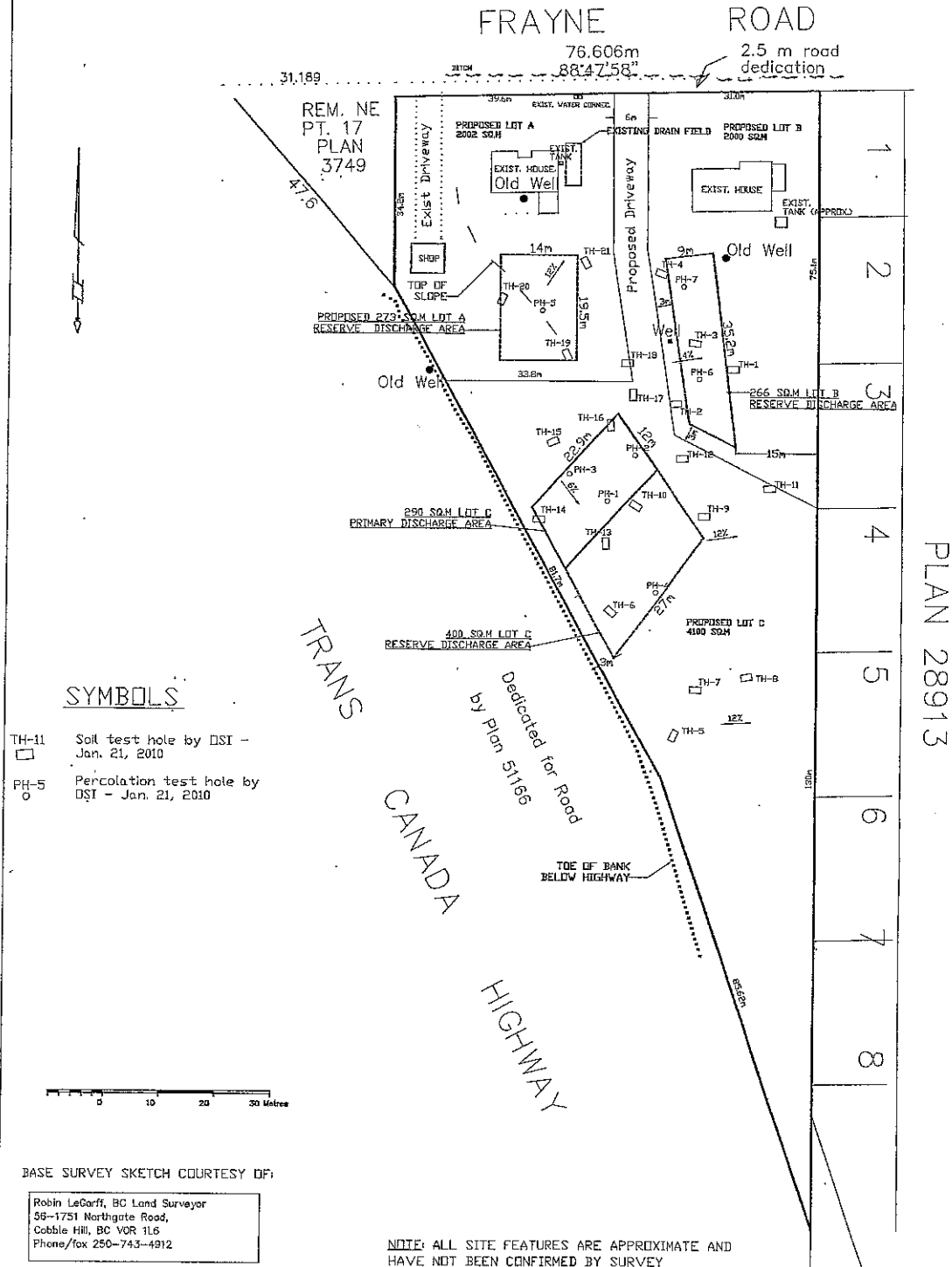
FILE: 3-A-10-DP

ZONING

- Legend
- Subject Property
 - Zoning Electrical Area A



**SKETCH SITE PLAN OF PROPOSED
3-LOT SUBDIVISION OF
PART LOT 16, D.L.47, PLAN 3749,
MALAHAT DIST., EXCEPT that part lying southerly and
westerly of Plan 51166**



PROJECT: 690 & 696 Frayne Road, Mill Bay - Proposed Subdivision

CLIENT: Kerry Davis



OSI ONSITE SYSTEMS INC.

5798 GARDEN STREET, DUNCAN B.C. V9L 3V9
 TEL: 250-746-8500 FAX: 250-746-1998 EMAIL: osleagle@shaw.ca

DRAWING BY: S. Pattenden

FILE No:

DESIGN BY:

DWG. No: 1 of 1

DATE: Feb. 17, 2010

SCALE: As shown

8.4.A R-3A ZONE – URBAN RESIDENTIAL (LIMITED HEIGHT)

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations apply in the R-3A Zone:

(a) Permitted Uses

The following uses and no others are permitted in an R-3A Zone:

- (1) One single family dwelling;
- (2) Bed and breakfast accommodation;
- (3) Daycare, nursery school accessory to a residential use;
- (4) Home occupation;
- (5) Horticulture;
- (6) Secondary suite or small suite.

(b) Conditions of Use

For and parcel in an R-3A Zone:

- (1) The parcel coverage shall not exceed 25 percent for all buildings and structures;
- (2) The height of all buildings and structures shall not exceed 7.5 m, except accessory buildings, which shall not exceed a height of 6 m;
- (3) The following minimum setbacks apply:

COLUMN I Type of Parcel Line	COLUMN II Residential Buildings & Structures	COLUMN III Buildings and Structures Accessory to Residential Use
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum parcel size in the R-3 Zone is:

- (1) 0.1675 ha for parcels served by community water and community sewer systems;
- (2) 0.2 ha for parcels served by a community water system only;
- (3) 1.0 ha for parcels served by neither a community water system nor community sewer system.

14.5 MILL BAY DEVELOPMENT PERMIT AREA

14.5.1 CATEGORY AND AREA

All lands located within the area highlighted in grey on Figure 7 are designated as the Mill Bay Development Permit Area. The Mill Bay Development Permit Area is proposed pursuant to the following sections of the Local Government Act:

- (a) Section 919.1(a) for protection of the natural environment, its ecosystems and biodiversity; 919(e) for the establishment of objectives for the form and character of intensive residential development, and 919.1(f) for the establishment of objectives for the form and character of commercial, industrial and multi-family residential development; and
- (b) Section 919(a) for protection of the natural environment, its ecosystems and biodiversity, for riparian assessment areas outlined in Section 14.5.2.

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to:

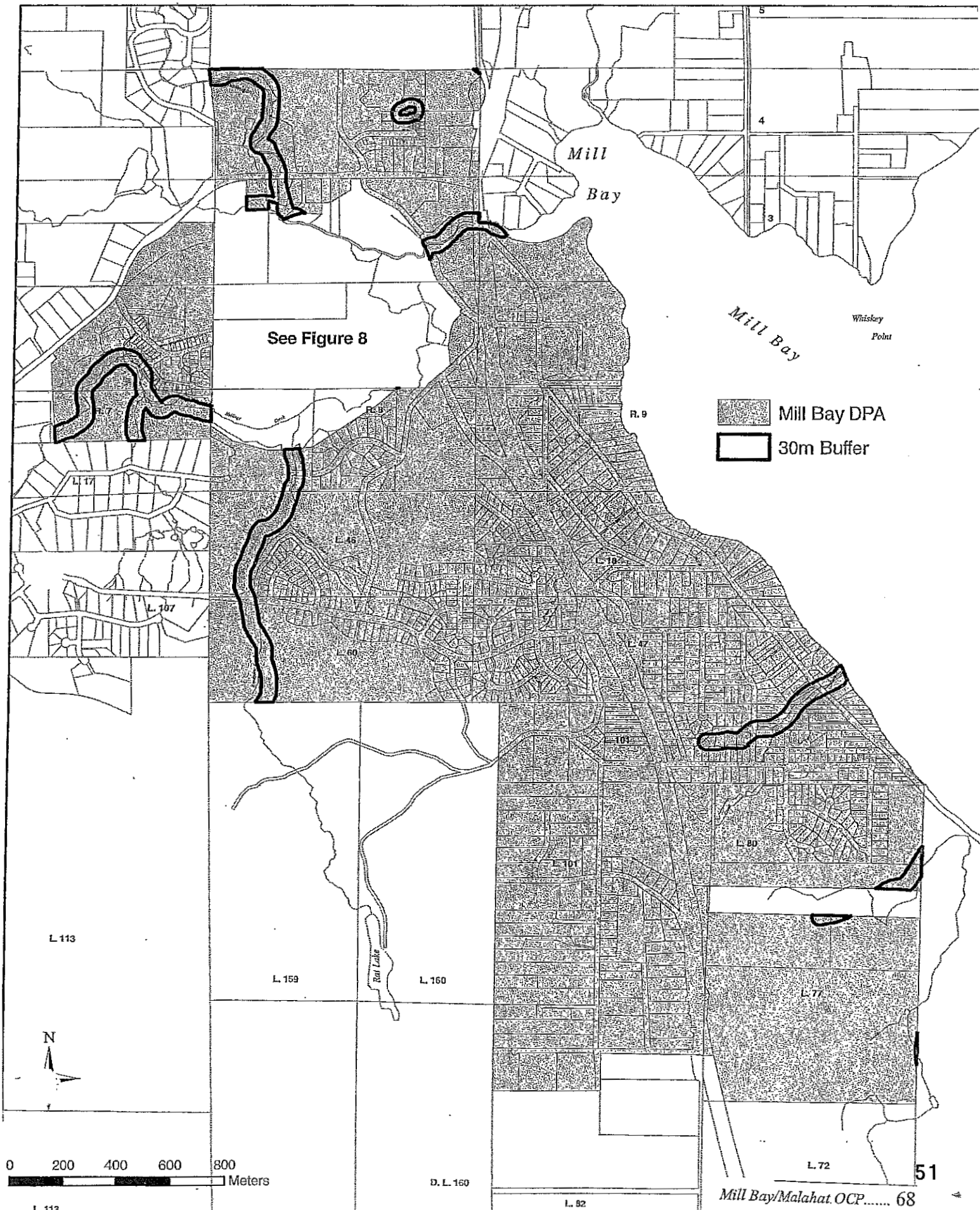
- (c) commencement of the subdivision of land or any commercial, industrial, or multi-family or related development within the Mill Bay Development Permit Area, shown in Figure 7; and
- (d) For riparian assessment areas outlined in Section 14.5.2, any of the following activities occurring in the Mill Bay Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation, subject to Section 14.5.1 (a) (b) and (c):
 - removal, alteration, disruption or destruction of vegetation;
 - disturbance of soils;
 - construction or erection of buildings and structures;
 - creation of nonstructural impervious or semi-impervious surfaces;
 - flood protection works;
 - construction of roads, trails, docks, wharves and bridges;
 - provision and maintenance of sewer and water services;
 - development of drainage systems;
 - development of utility corridors;
 - subdivision as defined in section 872 of the *Local Government Act*.

14.5.2 RIPARIAN ASSESSMENT AREAS

Additionally, Riparian Assessment Areas, as defined in the *Riparian Areas Regulation* that are within the area shown as Mill Bay Development Permit Area on Figure 7, are (as measured on the ground):

- a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and

Figure 7 - Mill Bay Development Permit Area



- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank,

And within these areas, the Riparian Areas Regulation Guidelines below will also apply.

14.5.3 DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

14.5.4 JUSTIFICATION

- a) An objective of the Regional District is to ensure that the design of any intensive residential, multi-family residential, commercial or industrial development is more stringently regulated than provided for in the zoning bylaw, in order to ensure that it is compatible with surrounding land uses.
- b) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial activities are attractive, with rigorous requirements for the storage of materials, landscaping, traffic mitigation and environmental protection.
- c) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial development does not impact negatively on the attractive character of any portion of the community, the livability of any residential neighbourhood, or the natural environment, in particular the groundwater resource.
- d) An objective of the Regional District is to ensure that intensive residential and multi-family residential development is designed to encourage affordability, safety, and accessibility, and is aesthetically landscaped and screened.
- e) Land uses within the development permit area may directly impact the Mill Bay Aquifer, the Saanich Inlet and/or freshwater streams, such as Shawnigan Creek, Hollings Creek or Handysen Creek, which flow into the Inlet. An objective of the Regional District is to ensure that the integrity of surface water and groundwater is protected from indiscriminate development. It is recognized that:
- a majority of residents in the Mill Bay Village area rely upon the Mill Bay aquifer for domestic water use, both in the form of drilled wells and the Mill Bay Waterworks Community Water System,
 - the Mill Bay Aquifer has a high vulnerability rating and a moderate productivity level, due to the depth to static water being shallow and, in many cases, the aquifer being unconfined (the aquifer flows north to northeast and has a mean depth of 7.2 metres (23 ft), a median depth of 6.7 metres (22 ft), with a total range of 0-38.1 metres (0-125 ft)),
 - the vulnerability of the Mill Bay Aquifer may be greatest in the upslope recharge areas and the northern area near Hollings Creek (the Mill Bay Aquifer is recharged through infiltration of precipitation along the upslope southern portion of the aquifer, groundwater flow is towards the

north and northeast, and the discharge zone is in the northern portion in the vicinity of Wheelbarrow Springs),

- significant areas along Shawnigan Creek and its tributaries may be subject to flooding, erosion and channel shifting,
 - provincial Fishery officials and the Federal Department of Fisheries and Oceans are concerned about the loss and degradation of trout and salmon spawning and rearing streams in the area,
 - the construction of buildings and structures and the clearing of land can create sedimentation problems which can adversely affect aquatic habitat, and
 - “Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia”, published by the Ministry of Environment requires that sensitive areas be left undisturbed wherever possible, with most development being preferably at least 30 metres away from the natural boundary of a watercourse.
- f) The province of British Columbia’s *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

14.5.5 GUIDELINES

Prior to commencing any development, including subdivision or construction, on lands within the Mill Bay Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:

- a) Services and Utilities
1. All sewage disposal facilities shall be approved by the Vancouver Island Health Authority or the Ministry of Environment.
 2. Storm sewers should be designed to retain and delay storm water runoff in order to reduce peak storm flows and the possible negative impact of flash flooding on the creeks. A storm water retention plan is encouraged to be developed as part of any engineering work in the development permit area.
 3. Primary water sources for housing should not include Shawnigan or Hollings Creeks.
 4. In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.
 5. Drainage facilities shall divert drainage away from hazardous lands.
- b) Vehicular Access
1. Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on

secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.

2. Unnecessary duplication of access points is discouraged. Where two or more multi family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.
3. Roads shall be paved with curbs, gutters, and sidewalks or similarly dedicated walkways/bikeways. Paths and bikeways shall be encouraged to link the on-site uses together and to connect with off-site amenities and services.
4. The Regional Board may give favourable consideration to variances of the terms of its parking bylaw (as stated in Policy 14.5.6 VARIANCES), for intensive residential development that features extended care facilities for seniors, if the development is located within the Urban Containment Boundary and in the vicinity of a public transit route which connects with Mill Bay Centre.

c) Vehicular Parking

1. Parking surfaces shall be constructed of asphalt or concrete and should be located a minimum of three metres from any parcel line.
2. Parking areas shall be designed to physically separate pedestrian and vehicular traffic.
3. Parking areas shall have interior landscaping, to break up large parking areas.
4. Parking areas shall be well lit and designed to provide for the safety of users.

d) Pedestrian Access

Within a development site, pedestrian routes should be clearly defined by means of separate walkways, sidewalks or paths in order to encourage and accommodate safe pedestrian access on and off the site. Where public sidewalks, pedestrian routes and crosswalks exist, the on-site walkways should tie in with these.

e) Landscaping

1. Landscaping shall be provided as a minimum 6 metre visual buffer between a multi family, commercial or industrial use and neighbouring parcels and public roads. Combinations of low shrubbery, ornamental trees, and flowering perennials are recommended.
2. Safety from crime should be considered in landscaping plans.
3. The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between a multi family use and public roads is encouraged.
4. Landscaping may include lawn areas, however for commercial and industrial uses such areas should not exceed 50% of the total landscaping on the site, and for multi family uses such areas should not exceed 80% of the total landscaping on the site.

5. The Development Permit may specify the amount and location of tree and vegetation cover to be planted or retained.

f) Signage

1. Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.
2. Where multiple free standing signs are required on a site, the signs shall be consolidated into a single, comprehensive sign.
3. Free standing Signage should be low and should not exceed 5 metres in height, except where a site is lower than the adjacent road surface. In these cases variations may be appropriate and should be considered on their own merit.
4. Facia or canopy signs may be considered provided that they are front-lit and designed in harmony with the architecture of the building or structure proposed.
5. Projecting signs shall be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of the commercial or industrial building.
6. Where signs are illuminated, favorable consideration shall be given to external lighting sources or low intensity internal sources. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies High intensity panel signs shall be avoided.
7. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies.

g) Lighting

Parking areas and pedestrian routes on a site should be well lit, however lighting should be designed to illuminate the surface of the site only without glare spill-over to adjacent parcels or to adjacent roads.

h) Overhead Wiring

Underground wiring shall be encouraged rather than overhead wiring.

i) Building Design (applies only to intensive or multiple family residential, commercial and industrial buildings)

Buildings and structures shall be designed in harmony with the aesthetics of the surrounding lands, on-site signage and landscaping plans. All plans and building designs should promote personal and public safety and should be referred to the Advisory Planning Commission for comment before being approved by the Regional Board.

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

This section applies to intensive residential, multi-family residential, commercial and industrial uses:

1. such development shall be discouraged within 30 metres of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.
 2. Any alteration, construction or development must not impact water quality and quantity, and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.
 3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
 4. Adequate buffering and protection of any sensitive native plant communities shall be provided.
- k) Timing of Development on Land
The development permit may impose conditions for the sequence and timing of development on land described in the permit.
- l) Siting of Buildings and Structures
The regulations of the zoning bylaw will normally prevail, however since site conditions will vary, there may be a need to alter the siting in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the site design.
- m) Riparian Areas Regulation Guidelines
Prior to undertaking any of the development activities listed in Section 14.5.1(d) above, an owner of property within the Mill Bay Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:
1. A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there

- are measures identified to protect the integrity of those areas from the effects of development; and
- iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
2. Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
 3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
 4. If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
 5. Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
 6. The CVRD Board strongly encourages the QEP report to have regard for "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment.

14.5.6 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Mill Bay Development Permit Area, the Regional District, in determining what conditions or requirements

it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a) a brief text description of the proposed development,
- b) maps/elevation drawings which include:
 - 1. the location of the project,
 - 2. a scale drawn site plan showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, pedestrian walkways and bike paths, and outdoor illumination design,
 - 3. a scale drawn landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
 - 4. a Signage plan showing all existing and proposed signs or sign areas,
 - 5. a preliminary building design including proposed roof and exterior finish details,
 - 6. the location of all natural watercourses and water bodies,
 - 7. the location of all greenways or open space,
 - 8. setback distances from a watercourse for construction or the alteration of land,
 - 9. location of break of land at the top of bank, or the significant or regular break in slope which is a minimum of 15 metres wide away from the watercourse, pursuant to the document "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment,
 - 10. topographical contours,
 - 11. the location of all soil test sites and soil depths,
 - 12. the location of hazardous slopes exceeding 25 percent grade,
 - 13. the location of lands subject to periodic flooding,
 - 14. existing and proposed roads, drainage systems, septic tanks and other sewage systems, irrigation systems, and water supply systems,
 - 15. the location of the sewage treatment plant and disposal field, if applicable,
 - 16. proposed erosion control works or alteration proposed, and
 - 17. areas of sensitive native plant communities.
- c) For development in areas that are subject to Section 14.5(a), a report of a Qualified Environmental Professional pursuant to Section 14.5.4(m).
- d) In addition to the requirements in subsections (a), (b) and (c), the Regional District may require the applicant to furnish, at his/her own expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
 - 1. a hydrogeological report/environmental impact assessment assessing any impact of the project on watercourses in the area,
 - 2. a report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition,

3. a report regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended,
4. a drainage and stormwater management plan, and
5. a report on the potential impact of the development on the groundwater resource.

14.5.7 EXEMPTIONS

The terms of the Mill Bay Development Permit Area do not apply to:

- a) construction or renovations of single family dwellings and accessory structures that lie outside of the area that is subject to Section 14.5(a);
- b) interior renovations to existing buildings;
- c) agriculture (except veterinary clinics) forestry, and parks;
- d) changes to the text or message on an existing sign that was permitted under an existing development permit.

14.5.8 VARIANCES

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favorable consideration to variances of the terms of its zoning, sign and parking bylaws, where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

14.5.9 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
- b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
- c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
- d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
- e) fails to comply with an order, direction or notice given under this Development Permit Area; or
- f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

Each day's continuance of an offence constitutes a new and distinct offence.



D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2010

DATE: November 17, 2010 **FILE No:** 04-A-06RS

FROM: Mike Tippet, Manager
Community and Regional Planning Division **BYLAW**
No: N/A

Rob Conway, Manager
Development Services Division

SUBJECT: Bamberton: Application Update

Recommendation:

That staff be directed to review information submitted by Three Point Properties Ltd. on November 15, 2010 and to prepare a report for a special EASC meeting in January, 2011 regarding the submission and if it provides a sufficient basis for preparing draft OCP and zoning amendment bylaws and a phased development agreement.

Purpose:

This report is provided in response to a request by the EASC on October 19, 2010 for an update regarding the Bamberton development application.

Financial Implications:

An ongoing commitment of staff resources, legal fees and other expenses are expected in order for amendment bylaws and a phased development agreement (PDA) to be prepared.

Interdepartmental/Agency Implications:

The Bamberton proposal has drawn on resources from most CVRD departments and continued departmental involvement will be required to complete the bylaws and PDA. Once draft bylaws and PDA are complete, consultation with government agencies and First Nations will commence.

Background:

At the Electoral Area Services Committee meeting of November 3, 2009 the following resolution was passed:

It was Moved and Seconded

That Application No. 4-A-06RS (Bamberton) proceed as follows:

- a. That detailed consultations with the Malahat First Nation, Ministry of Transportation and Infrastructure, and other agencies as appropriate,*

commence on the topic of the Bamberton application and that other local first nations on the original referral list plus Cowichan Tribes also be contacted regarding this application;

- b. That a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) be prepared in accordance with advice from the APC, staff and CVRD legal counsel over the coming months, and discussions with the applicants regarding proposed amenities be concluded in order to develop the PDA to draft stage;*
- c. That the draft documents and an accompanying detailed staff report including referral agency comments be brought before a future Electoral Area Services Committee with a recommendation as to whether it is appropriate to proceed with the amendments to the public meeting/public hearing stage.*

MOTION CARRIED

Since that resolution was passed, an interim progress report was presented in August to the Committee, and more than 3 months have since passed with very little progress from staff's perspective. As more than one year has passed since Committee direction was first given to proceed with preparing draft documents, it seems appropriate to review the progress and to seek input and direction from the Committee.

Bamberton has advised staff that it intends to submit a comprehensive package on November 15, 2010 that they believe will respond to staff requests for the additional detail necessary to prepare the draft Bamberton bylaws and PDA. At the time of preparing this report staff, will not have had an opportunity to fully review the submitted information.

Planning and Development Department Comments:

Application Information

The APC and EASC recommendation that the application proceed to the bylaw drafting stage was premised on there being development control mechanisms established that would ensure the lands would be developed as described in the application and in presentations made by the proponents. The expectation that there be certainty about future development on the lands has proven challenging. In order to ensure that the proposed land uses and densities are realistic and can be developed for the use intended, a considerable investment in survey, preliminary engineering and design are necessary. Without this work being completed in advance of development approvals, it would not be possible to know with certainty that land can be developed for the uses and densities proposed. Assigning zoning to land without first confirming feasibility is risky, as it creates expectations and perceived entitlements that may not be realistic. This problem could be compounded by the phased development agreement as it essentially entrenches zoning rights and makes future adjustments to zoning impossible unless consented to by the developer.

The Bamberton application was originally accompanied by a very general level of conceptual planning work for each of the proposed neighbourhoods. The application identified gross developable densities and conceptual land uses within three broad comprehensive development zones. Notional zoning regulations were also proposed for the proposed CD zones. The proposed zoning included considerable flexibility in that it allowed uses and densities to be

transferred within zones and between zones. In early discussions with the applicant, staff advised that a flexible approach to zoning likely would not be supported at Board level. We also indicated that land uses and densities would need to be confirmed through appropriate analysis before a draft zoning amendment – responsive to direction provided by the APC and Committee – could be prepared. Staff also advised that a high degree of detail would be expected for all phases proposed for rezoning.

This issue has been discussed at numerous meetings with the applicants since direction was given to proceed with drafting bylaws, and is re-iterated in a June 10, 2010 letter to Three Point Properties Ltd (attached). One of the principal reasons staff has not made significant progress on the draft bylaws and PDA is that the detailed information staff believe is necessary has not been forthcoming.

Information that was formally requested from the applicants in the June 10, 2010 letter (and that in most respects has not been received) includes the following:

- Detailed land use plans and descriptions of proposed uses, densities and development criteria for all neighbourhoods proposed for rezoning;
- A comprehensive package of development permit guidelines that clearly communicates design and development standards for the project that will allow the Regional District to manage future development on the site in an efficient and predictable manner;
- A comprehensive schedule of amenities and development features for Bamberton and confirmation of intentions with respect to unsecured commitments;
- Identification of any alternative subdivision and development standards that will be necessary for proposed development on the Bamberton site and amendments to existing bylaws that may be necessary.
- Confirmation of cost recovery for core sewer and water infrastructure is essential in order for the Bamberton project to proceed.

As previously mentioned Bamberton anticipates submitting a comprehensive package of information on November 15, 2010 that is intended to provide the detail necessary to facilitate the preparation of the necessary bylaws and PDA.

Application Changes:

A further challenge staff encountered with preparing draft development control documents is that there have been changes to the proposal that make it difficult for staff to understand exactly what is being proposed. In fairness to the applicants, some of the recent changes that were made from the initial submission were in response to recommendations in the Trillium Report and from the APC. However, there have also been changes proposed by the applicant since direction was given by the EASC to prepare the draft documents. Examples include reducing the number of playing fields proposed from two to one, cost caps on construction of the play field and other amenities, and the introduction of industrial uses into some of the residential neighbourhoods and a request for infrastructure cost recovery.

It may be that the process of preparing the bylaws and phased development agreement has obliged the applicant to more fully calculate the costs and implications of the various amenities and development features that were previously proposed. One of the principles that staff are following in the preparation of the draft documents is that the development pays its own way and all costs associated with development, including infrastructure, parks and trails improvements,

fire protection and so on should be directly funded by the development. This approach may have resulted in some unanticipated costs for the developer.

Changes to the proposal have also impeded the preparation of the draft documents. Changes have made it more difficult for staff to capture what is proposed in the bylaws we have been directed to prepare and to communicate this with the various departments and agencies. More importantly, perhaps, is that the APC and EASC have not had an opportunity to review and comment on proposed changes. A further concern is that the technical reports that were provided in support of the proposal do not necessarily reflect the amended application. Staff are uncomfortable preparing documents based on a version of the application that was not reviewed through the established process and do not believe we have direction from the EASC to do so.

Staff Resources:

The Bamberton application has utilized a considerable amount of time from Planning and Development Department staff as well as staff time from other departments. Continued effort by staff on this application without a focused effort by the applicants to deliver what we believe is necessary to complete the draft documents will continue to consume staff resources. The Committee may wish to consider if resources should continue to be allocated to the Bamberton application or if a new approach to reviewing and processing should be taken.

Next Steps:

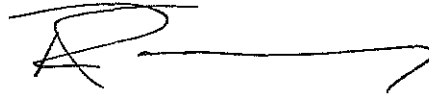
Staff has shared concerns about the lack of progress that has been made to date on the bylaws and the phased development agreement with the applicants. These concerns are summarized in an October 8, 2010 letter from the CVRD's Chief Administrative Officer that is attached to this report.

The applicants have indicated in the attached letter dated November 12, 2010 that they will be providing a package of material on November 15, 2010 that is consistent with the July, 2009 application and that includes the detail that has been requested by staff. This material was not available when this report was prepared and staff will not have had an opportunity to review it thoroughly prior to the EASC meeting on November 23rd. Given past issues regarding the level of detail and changes to the content of the application, staff suggests that this material should be carefully reviewed by all departments involved in the application and that a report be presented at a future EASC meeting summarizing the submission. If the committee is supportive of this approach, we propose that the report be considered at a special meeting in January, 2010.

Submitted by,



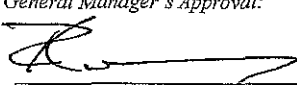
Mike Tippett, MCIP
Manager
Community and Regional Planning Division



Rob Conway,
Manager
Development Services Division

MT/RC/jah

Attachments

<p>General Manager's Approval:</p>  <p>Signature</p>
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BAMBERTON

Members of the CVRD Electoral Areas Services Committee
CVRD Planning Staff

November 12, 2010

Dear CVRD Staff and Area Directors:

Subject: Bamberton Rezoning Documents

Approximately one year ago, the recommendations of the Mill Bay (Area A) Advisory Planning Commission were received by the CVRD's Electoral Area Services Committee (EASC). In response to the recommendation, the EASC instructed the staff of the CVRD to begin working with the Bamberton Project Team to draft proposed Bylaws and a Phased Development Agreement for the project.

Since those instructions were given, the Bamberton Project Team has worked with the various CVRD departments (and outside consultants) in order to complete a package which is consistent with the project plans that have been reviewed with the community in a series of six public meetings, the subsequent review and analysis of the proposal by the authors of the "Trillium Report" (over a 12 month period), and the five review meetings with the Mill Bay (Area A) Advisory Planning Commission. CVRD staff specified the detailed information they required from the Bamberton Project Team in order for CVRD staff to prepare the bylaws and agreements necessary to implement the proposal.

The package of information that has been prepared in response to those instructions contains:

1. Letter of Introduction,
2. Executive Summary detailing the evolution of the application (rationale for basic changes etc.),
3. Draft Zoning Regulations for all Bamberton neighbourhoods,
4. Detailed amenity and other commitments for the Phased Development Agreement,



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5. Design Guidelines and Development Permit Guidelines,
6. Neighborhood Maps, and
7. Fully Revised Design Brief that will help inform the OCP Bylaw Amendment.

The package represents a comprehensive approach to a master planned community on the Bamberton property that will see years of environmental damage repaired and the re-introduction of a healthy and vibrant community with many living, recreational, and employment options. The transition of the site from being (predominantly) industrial and forestry to a more balanced, residential, recreational, and diverse employment center is also a priority. The proposal takes advantage of the work previously done by the developers at Dockside Green to ensure that natural resources are used wisely, and that progressive solutions to energy use, water conservation, transportation strategies, and waste management are utilized. The site has been carefully studied to ensure that development is proposed in appropriate areas and that substantial (and high-value) green spaces and ecosystems are preserved and protected.

Significant attention has been given to preserving the site as a jewel on the Saanich Inlet. The vast majority of the waterfront is left undeveloped with a low impact trail system designed to allow residents of the development (and the surrounding area) to enjoy public recreational access. The Bamberton Project Team has developed an excellent working relationship with the Malahat First Nation. By continuing to work closely with the Malahat First Nation, Bamberton will ensure that this area is respected, preserved and protected for traditional practices and future generations.

A key feature of the proposal is the creation of a large regional park on the south portion of the property. This would ensure that Sheppard and McCurdy Points – along with rare ecosystems (including a large section of old-growth, Moist Maritime Douglas Fir), and the majority of the foreshore – are protected.

Water for the project is provided from Oliphant Lake, which was created by the cement plant nearly a century ago. The watershed that supplies Oliphant Lake has been carefully studied to ensure that supplies are adequate. Innovative approaches to water conservation will be prescribed in the applicable bylaws, and through the legally registered comprehensive development requirements and design approvals Bamberton will impose on all development, in order to preserve and protect this important water resource. Treatment of sewage is to the highest (Class A) standards and recycled water is used for non-potable purposes (toilet flushing, irrigation, water features, and industrial uses). Treated effluent is disposed of in drain-fields,



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which have been carefully located to ensure maximum absorption and to recharge the ecosystems and aquifers that depend upon them.

The project will utilize local building materials and talent wherever possible and practical. The site already has many natural materials, and a growing number of talented building and construction organizations that have chosen to locate at the site in anticipation of its rebirth. In the early years the Lower Village area will continue to serve as a critical port-based economic driver, helping to build the site and employ many local residents. Over time that area will shift to a more residentially-focused waterfront village with a unique working industrial port.

Another feature of Bamberton that makes it unique is its history. The site will celebrate First Nations art and culture in respectful and substantial ways as well as ensure that use of the land for traditional practices is encouraged. During the past century, Bamberton was the site of a vibrant company town, which included employment, social, educational, and recreational options. The current plans have been significantly influenced by these factors and borrow heavily from their experience. The melding of the pre-industrial and industrial histories of the site will create opportunities for a vibrant social interaction that will be healthy and appealing.

It is also important to remember that a key environmental legacy and community amenity has already been created by the developer's work to date. The developer has transformed the environmental condition of the site. Bamberton was a damaged property when this project began. Decades of industrial operations and derelict and abandoned facilities, were remediated and dealt with over a three year period, that resulted in the Ministry of Environment granting certificates of compliance for the cleanup effort along with numerous awards for the massive project. The project team moved over 120,000 dump trucks of contaminated material (including Cement kiln Dust, Hydrocarbons, Asbestos and other items) at a cost of over \$25M in what was the largest private remediation ever undertaken in the province.

By completing the remediation the developer has eliminated the largest environmental risk to the Saanich Inlet in an innovative and comprehensive process. This provides a key and concrete example of the developer's commitment to environmental stewardship and a substantial environmental amenity that already benefits the whole community and the natural environment.

After all of the cleanup work, consultation, planning, and design has been completed; it is now time to place the proposal into the hands of the communities representatives (the CVRD) to determine how it would like to proceed. Bamberton is poised to become one of the most transformational communities in this part of the world, a process that will be commenced by CVRD's decision to take the next steps



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to implement this proposal through rezoning. The alternative, if the proposal does not move ahead, is that the site remains with its existing entitlements, and presumably develops as a heavy industrial and forestry site.

The Bamberton Team is proud of the proposed community and believes that it will be a fitting addition to the fabric of the Cowichan Valley. We request your clear and decisive action to put these plans into motion.

As you will see, from the submitted package, the Bamberton Project Team has fulfilled its commitments to provide the detailed proposal information. We trust that it will satisfy your needs and confirm our mutual vision of Bamberton's future and we ask that the EASC give the necessary direction and support to provide the staff time, focus and resources to work with the Bamberton Project Team to finalize the bylaws and agreements, and move forward to approval of the rezoning and implementation of the Bamberton vision.

We are of course pleased to provide any clarification or answer any questions you may have.

Sincerely,

On Behalf of The Bamberton Project Team

Ross Tennant



June 10, 2010

CVRD No. File 4-A-06RS

Three Point Properties Ltd.
1451 Trowsse Road
MILL BAY, BC V0R 2P4

Attention: Ross Tennant and Stefan Moores

Dear Ross Tennant and Stefan Moores:

Introduction

The purpose of this letter is to identify key issues that need to be resolved before CVRD staff will be able to prepare amendment bylaws and a phased development agreement for the CVRD's Electoral Area Services Committee. The intent is to provide an opportunity for Three Point Properties to address each of these key issues, after which we will prepare a report to the Electoral Area Services Committee. This report will discuss the progress made to date on the preparation of the draft bylaws and seek further direction from the Committee if required.

As a reminder, On November 12, 2009, the Board of the Cowichan Valley Regional District passed the following resolution (No. 09-578):

That Application No. 4-A-06RS (Bamberton) proceed as follows:

- a. That detailed consultations with the Malahat First Nation, Ministry of Transportation and Infrastructure, and other agencies as appropriate, commence on the topic of the Bamberton application and that other local first nations on the original referral list plus Cowichan Tribes also be contacted regarding this application;
- b. That a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) be prepared in accordance with advice from the APC, staff and CVRD legal counsel over the coming months, and discussions with the applicants regarding proposed amenities be concluded in order to develop the PDA to draft stage;
- c. That the draft documents and an accompanying detailed staff report including referral agency comments be brought before a future Electoral Area Services Committee with a recommendation as to whether it is appropriate to proceed with the amendments to the public meeting/public hearing stage.

Staff is planning to have draft bylaws in place before continuing with the consultations with First Nations and the Ministry of Transportation and Infrastructure and other agencies. We have had several meetings with TPP over the past 6 months with the aim of receiving information that would allow us to develop workable draft bylaws.

In order for the bylaw preparation to be finished, we require the support of TPP, specifically in the areas outlined later in this letter. Although the Committee did not give specific direction as to what form the bylaws should take, it clearly referenced the advice of the Mill Bay/Malahat Advisory Planning Commission. This advice suggested that the CVRD only consider moving forward with this application if the details of the land use proposal as well as the commitments by TPP would be assured through the drafting of the bylaws. In the months since the EASC gave their instructions, we have been trying to develop bylaws that would achieve this. We need an approach that will provide a reasonable level of certainty for both TPP and the community. At the end of 2009 and beginning of 2010, TPP provided a draft OCP and zoning amendment that were not usable because they contained such a degree of flexibility in density and land use patterns that the Committee and community would have found it unacceptable.

With respect to the proposed amendment, our goal is to provide technically sound bylaws to the Committee for consideration. We will require a reasonable degree of certainty in both the OCP amendment and zoning bylaw with respect to land use and density, and the spatial distribution of these around the site. We will require TPP to clarify as part of the phased development agreement a proposed phasing schedule and the various on-site and off-site amenities that would be provided if the development is to be approved. These requirements are more specifically set out in the sections below.

The basic premise of the APC and Committee is that all new development pays its own way. That means all infrastructure, from sewer, water and drainage control systems plus other matters such as playground equipment, trail improvements, street furniture and so on must be funded directly by the development. The other infrastructure consideration relates to off-site facilities. These include roads and highways, regional recreation facilities, schools and so on. The basic goal of the CVRD is to ensure that new development does not impair the functioning of these off-site facilities. It is our expectation that draft approval documents for Bamberton will address all on-site development related costs and off-site impacts.

1.) Infrastructure Cost Recovery

The normal approach followed by the CVRD over the past several years has been that all infrastructure necessary for the proposed development must be provided by the developer. In recent years it has been expected that sewer and water infrastructure be turned over to the Regional District, with the developer recovering these expenses through the sale of serviced real estate. TPP's approach differs from Regional District's standard practice in that you propose to collect a supplemental return from your buyers, paid as a user surcharge over time.

CVRD bylaws do not provide a density incentive for developments that would have privately-owned and operated sewer and water utilities. TPP has indicated previously that the infrastructure costs of their proposed development are so high that the project may not be feasible unless some of these "extra" costs are recovered using special utility fees.

Initial discussions at the CVRD senior staff level have indicated that there may be a willingness to recommend that some of the marginal costs of infrastructure which are directly attributable to unusually high standards of environmental responsibility may be considered for cost recovery, but cost recovery for all infrastructure is not likely to be recommended.

In the event that supplemental infrastructure cost recovery is deemed essential by TPP and the CVRD is not willing to do this as owner/operator of the systems, the only other alternative in order for the project to proceed would be for the CVRD to authorize the development with privately owned utilities. The rates for sewer utilities are not regulated by a utilities commission so it would be possible for a private operator of a sewer system to recover whatever costs they deem appropriate under this scenario.

To approve a very large, dense development like this on private utilities would be a major deviation from recent practices for the CVRD and no doubt most other developers who would be creating new utilities elsewhere in our region would wish to explore the same option. Making a decision to allow this would therefore be a very important policy change, with consequences well into the future. We have seen in the course of time that even the largest private utilities are often eventually turned over to the CVRD, especially when they are in need of wholesale refurbishment.

Action: Advise CVRD if cost recovery for core sewer and water infrastructure is essential in order for the Bamberton project to proceed. Should this be the case, the issue will be brought to the EASC for direction.

2.) Official Community Plan Amendment Bylaw

The proposed OCP amendment format consists of replacing the page in the present Mill Bay/Malahat OCP that refers to the potential of a residential development at Bamberton with a series of policies that would permit the site to be zoned for development. As part of that policy framework, we propose to curtail applications for very large residential developments elsewhere in Electoral Area A if the Bamberton application is approved. We do not require the assistance of TPP in developing policy language for the OCP amendment.

The OCP amendment would also contain the introduction and justification for the development permit areas for Bamberton. We are considering having two basic types of DPAs: one that has guidelines that would apply for subdivision approvals, prior to development of individual neighbourhoods and one that would apply prior to issuance of building permits. The building DP guidelines themselves would appear in the zoning bylaw, at the end of each zone to which they apply and the subdivision DP guidelines at the end of the zoning bylaw. Drafting of the development permit language in the OCP is not expected to require direct participation from TPP once we have your guidelines.

Action: No action with respect to the Official Community Plan Amendment Bylaw is requested at this time.

3. Zoning Amendment Bylaw

TPP initially proposed three comprehensive development zones (CD zones) for the entire property which coincide with the internal description of the north, central and south sections of the site. Within this proposal, each of the zones had a wide array of permitted uses, encompassing everything from Residential to Commercial and Industrial. The details of what would be permitted under each of the broad land uses listed in each zone are found in definitions, which is not a proper location for regulation (ideally, definitions are for interpretation only). There is also a proposal to be able to transfer up to 35% of density between CD Zones 1, 2 and 3. We are unable to support this approach to zoning because it fails to provide the degree of certainty that the public and the Board expects.

We believe that the risks in moving ahead with broad CD zoning are unacceptable, considering the complications that could arise if multiple developers obtain parts of the same CD zone. How would density be allocated to each developer, as opposed to them competing on a first-come-first-served basis? We cannot regulate the issuance of building permits on the basis of contractual arrangements made at the time of purchase of portions of a development area without other invasive and complex forms of covenants between the CVRD and the future landowner/developer. We wish to avoid such complications, and the type of zoning we are proposing would do that.

Pre-Zoning Approach 1

Staff will prepare a zoning amendment that would rezone the entire site as requested by TPP and as supported by the APC. However, in order to structure the zoning in a manner that will not require further public process beyond the current application, we will require far more precise information regarding the site and the development proposal. We will only be in a position to prepare zoning for the individual neighbourhoods if we have detailed information about the location of proposed uses within the neighbourhoods so that they can be accurately mapped. We will also require a better understanding of the uses, densities and development criteria you are requesting for uses within each of the neighbourhoods. Once received, this information would need to be reviewed and agreed upon before staff would recommend formalizing it in a zoning amendment. Our understanding is that the level of detail required for this type of zoning amendment is only available for one or two of the proposed neighbourhoods.

Action: If this zoning approach is favoured by TPP, submit detailed land use plans and descriptions of the proposed uses, densities and development criteria for all of the neighbourhoods proposed for rezoning.

Pre-Zoning Approach 2

In the event that Approach 1 is not acceptable to either the CVRD Board or TPP, the only apparent alternative that includes pre-zoning the site involves precisely zoning those neighbourhoods where the boundaries of different types of development are known with some certainty (e.g. the Northlands and possibly the Triangle neighbourhood) and taking a different approach for the remaining areas. For areas of the proposed development that will not have been assessed in depth by TPP before the bylaws are prepared (presumably all development areas other than Northlands and Triangle), we would propose to enact a type of pre-zoning that grants the raw density and identifies permitted land uses but that relies upon a secondary planning exercise to implement the zoning and develop the land.

The purpose of the secondary planning exercise would be to have TPP do the detailed site assessment and design work for both the subdivision layout, the functional relationship to previous and future phases and most importantly, the allocation of uses and density within the neighbourhood. This secondary or neighbourhood plan would be a public document that would be processed as an amendment to the OCP and therefore a public process would ensue, and complementary amendments to the zoning bylaw would also be made to solidify the location of the uses and densities within these neighbourhoods. Insofar as is possible, the intent would be to not adjust either upward or downward the permitted density or the allocation of permitted uses and this would be explicitly stated within the OCP. The density allowed within each neighbourhood would also be controlled by the Phased Development Agreement.

Action: If this zoning approach is favoured by TPP, submit detailed land use plans and descriptions of proposed uses, densities and development criteria for initial neighbourhoods and conceptual information for subsequent neighbourhoods for which detailed site planning has not yet occurred.

Under either pre-zoning approach, we do not anticipate land use and density transfers between areas. A low threshold of perhaps under 5% would be permissible without rezoning. We should also caution that the EASC and the Board may not support rezoning the entire site given the long build-out period and uncertainties about future housing demand, development impacts, servicing requirements and other issues. Should the pre-zoning approaches we have outlined in this letter not be supported we will need to explore other options.

Development Permit Guidelines

Development Permit Area guidelines will be located within the zoning bylaw. There will be two broad development permit areas for each neighbourhood – one to be applied prior to subdivision, at the neighbourhood planning level and one applied prior to building permit at the site design level. The subdivision DP guidelines will be at the end of the bylaw and the building DP guidelines at the end of each zone.

Development permit guidelines are expected to include, but are not limited to, the following issues:

- Lot layouts
- Road networks
- Drainage control (onsite rainfall retention)
- Natural hazard identification and mitigation (may vary use and density in a permit)
- Protection of the natural environment and biodiversity (to protect, where possible, micro sites not dedicated as park)
- Landscaping standards for both public and publically-visible private spaces
- Building form and character guidelines for multiple family, duplex and intensive residential areas
- Building form and character guidelines for Commercial, Industrial and Institutional uses;
- Standards for the reduction of greenhouse gas emissions (may include all methods that are external to buildings, including siting and solar access)
- Standards for the reduction of energy consumption associated with the development (only methods external to the buildings can be mandatory)
- Standards for the promotion of water conservation (external to buildings)

The CVRD will be relying on TPP to prepare development permit guidelines and we strongly encourage you to involve design professionals and other professionals with specialized knowledge and experience in the preparation of design guidelines. Staff will also be recommending that appropriate professionals be involved in preparing development permit applications. This will encourage a high standard of design and development at the application stage. It will also allow more flexibility in the structure and application of the design guidelines.

Action: Submit a comprehensive package of development permit guidelines that clearly communicates design and development standards for the project that will allow the Regional District to manage future development on the site in an efficient and predictable manner.

4.) Phased Development Agreement

A phased development agreement (PDA), in accordance with Section 905.1 of the *Local Government Act*, will be prepared to secure amenities and development features proposed with the Bamberton application. Other development controls such as restrictive covenants may also be necessary to complement the PDA. CVRD staff will be working with its legal counsel to determine the preferred combination of development controls and how they will be structured. The PDA will also include a schedule for the phasing and timing of development and the delivery of amenities and development features.

One of the primary benefits of a PDA for Three Point Properties is that it gives protection from zoning changes for the term of the agreement. The *Local Government Act* permits the Regional District to enter into PDAs for up to ten years, and up to twenty years with approval of the BC Inspector of Municipalities. As the Bamberton project has an anticipate build-out of 25 years or more, staff are supportive of an agreement term of up to 20 years and we propose that the PDA be drafted on this basis. Please be aware, however, that the 20-year term is dependant on Provincial approval and the PDA and possibly the OCP and Zoning amendment bylaws may require substantial changes if the 20-year term is not granted. In any case, as the build-out period of Bamberton is expected to extend beyond the term of the PDA, renewal provisions will likely be required and development entitlements for latter phases of the project may need to be withheld if all commitments cannot be reasonably achieved over the term of the PDA.

We anticipate the Phased Development Agreement to be an essential part of the development control documents for the Bamberton lands. It will provide a concise summary of the developer's obligations with respect to the Bamberton development and will be relied upon to communicate to the Regional Board and the public how the site will be developed. It is therefore essential that it captures all of the amenities and features that are proposed with the development, which cannot be secured through other available planning tools such as zoning or development permits. The PDA should provide enough detail that obligations and entitlements are clearly understood. While we understand that there can be uncertainty with land development, the direction we have had to date from the public, the Area A Advisory Planning Committee and the Regional Board is that there will need to be rigorous development controls in place to ensure Bamberton is developed as it has been presented, if it is to proceed. This expectation presents a significant challenge to both Three Point Properties and CVRD planning staff in drafting the PDA and associated documents.

In advance of drafting the phased development agreement, it will be necessary to identify the many amenities and features associated with the proposal, along with a schedule of when these will be provided. It will be important that you identify as many of your commitments as possible, because amenities and features that are not identified in the PDA will be considered unsecured and will be described as such to the Board and the public. We also encourage TPP to confirm your intentions with respect to unsecured commitments prior to the application proceeding to the Board.

It will be necessary for the CVRD to obtain enough detail about commitments so that they may be clearly documented. CVRD staff will be relying upon Three Point Properties to identify all commitments associated with the project containing sufficient detail with respect to commitments that they can be described without ambiguity in the PDA. Commitments that are reserved or vague will impede the preparation of the PDA.

We strongly encourage you to communicate with individual departments to ensure their respective issues are adequately addressed. Although the commitments that are to be included in the PDA are ultimately provided by TPP, CVRD staff will have a role in reviewing the commitments and providing advice to the Board. The principles previously described – that the development be self funding and that impacts outside of the project boundaries be mitigated – will guide staff input. Our preference is to have commitments within the PDA that staff are fully supportive of. However, ultimately it is not up to staff to determine the appropriate amenity package. We will be pleased to provide input with respect to amenities, but TPP will need to determine for itself if the amenities that are offered are sufficient for obtaining community and political support for the proposal.

We anticipated that the following topics will be addressed in the PDA:

- Parks and Trails
- Low Impact Development Features
- Fire Protection and Public Safety
- Infrastructure
- Social Hearts
- Community facilities, both onsite and offsite
- Project phasing
- Community features

Before PDA is drafted, the written confirmation regarding all amenities and features you are offering should be submitted. Ideally this information will be prepared in consultation with CVRD staff and other agencies. Please be aware that staff may, in some cases, require input from agencies and CVRD Committees and Commissions to give TPP clear direction. Once the PDA content has been reviewed by CVRD staff and the Electoral Area Services Committee we will have the PDA document prepared.

Action: Provide a comprehensive schedule of amenities and development features for Bamberton and confirmation of intentions with respect to unsecured commitments.

5.) Subdivision Servicing Bylaw

The CVRD is currently considering a draft subdivision servicing bylaw to replace existing Subdivision Bylaw No. 1215. This new bylaw, if adopted, would contain innovative standards for water use, environmentally sensitive development and other matters that are not at present addressed. Of particular relevance to TPP is the possible reduction of the minimum water supply standard, which would enable the density proposed by TPP using the Oliphant Lake supply. It is unlikely that the innovative road standards proposed in the current draft bylaw will be approved by the Ministry of Transportation and Infrastructure (MoTI) since these would apply throughout the region and the Ministry may be reluctant to adjust its standards.

If alternate development standards and subdivision servicing standards for Bamberton cannot be adequately addressed through existing bylaws or the proposed Bamberton amendment bylaws, it may be necessary to consider a subdivision servicing bylaw for the site, either within a revised regional bylaw, or in a stand-alone bylaw for Bamberton. At this point, the Committee has not instructed staff to pursue this option. We will need a better understanding from TPP about the proposed development standards for Bamberton and how they relate to existing and proposed bylaws before seeking direction from the Committee.

Action: Identify any alternative subdivision and development standards that will be necessary for proposed development on the Bamberton site and amendments to existing bylaws that may be necessary.

Summary

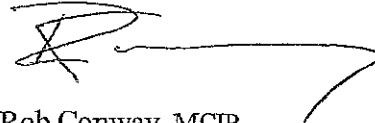
Following receipt of a response from TPP to the content of this letter, staff will be preparing an interim report to the Electoral Area Services Committee to advise it of progress made to date on the direction to prepare amendment bylaws. We anticipate including some of the content of this letter in the report and will include the responses you provide. Insofar as there is agreement between TPP and the CVRD on the above matters, the report will mainly constitute a progress report, most likely for information only. If there is not agreement on any particular item, we will seek Committee direction on how to deal with that particular issue. We request that you identify any points of contention you are aware of prior to review by the EASC, so we can obtain direction from the Committee before draft bylaws are brought forward.

Thank you for your attention to this, and we look forward to your response so that we may bring a report to Committee this summer.

Yours truly,



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



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

MT/RC/mca

pc. Director B. Harrison, Electoral, Area A – Mill Bay/Malahat
G. Giles, Board Chair
Tom Anderson, General Manager, Planning and Development Department
Warren Jones, Chief Administrative Officer



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2010

DATE: November 16, 2010
FROM: Jacob Ellis, Manager, Corporate Planning
SUBJECT: Towns for Tomorrow Program Application

Recommendation:

That the committee review the proposed list of potential projects for application to the Towns for Tomorrow Program. Committee members are also invited to recommend other projects that should be considered for application to this program.

Purpose:

To provide a list of potential projects for application to the Towns for Tomorrow Funding Program and to obtain input and/or direction on priority projects for application.

Background:

The Towns for Tomorrow Program invests in capital projects that help achieve the province's vision of vibrant, integrated, creative and prosperous communities. Specifically, projects will be selected based on their contribution towards reducing community greenhouse gas emissions, their public and environmental health benefits, the extent to which the ActNow BC principle of being more physically active is advanced, and the creation of seniors-friendly and disability-friendly communities.

The Towns for Tomorrow Program will provide funding to regional district communities with populations up to 15,000. For communities with a population under 5,000, the cost-sharing formula will be 80/20 – 80% provincial contribution, 20% local government contribution – with a maximum provincial contribution of \$400,000 for each approved project. For communities with a population between 5,000 and 15,000, the cost-sharing formula will be 75/25 – 75% provincial contribution, 25% local government contribution – with a maximum provincial contribution of \$375,000 for each approved project.

Under the Towns for Tomorrow Program, applicants will be required to utilize internal funding sources to meet their 20-25% contribution. This may include monies from the Gas Tax Community Works Funds, local sources such as borrowing or reserve funds. A community, for the purpose of application to the program, is considered to be a settlement area within a regional

district electoral area. The deadline for the Towns for Tomorrow program application is January 14, 2011.

It is anticipated that that this committee will be asked to provide direction on the project of choice for application to the above program at the next electoral areas services committee meeting on December 7, 2010.

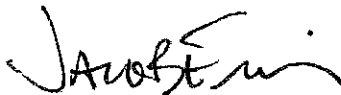
Financial Implications:

Internal contributions for any projects contemplated above should be included for consideration in the 2011 budget process.

Interdepartmental/Agency Implications:

n/a

Submitted by,



Jacob Ellis
Manager, Corporate Planning

Attachment

Appendix A
Project Description Summaries

POTENTIAL TOWNS FOR TOMORROW PROJECTS

1. Brulette Sewer System

The Brulette Sewer System has two failing sewer treatment plants that do not meet either the Ministry of Environment permit regulations or the CVRD's South Sector Liquid Waste Management Plan guidelines for sewage treatment. This project would include replacing the existing sewer treatment plant with a Class A membrane facility and developing the disposal fields to accept a greater volume of treated effluent for the Mill Bay area, possibly including the Francis Kelsey school and the Kerry Park Recreation Centre. The CVRD has the borrowing authority for a portion of the works but the community needs either some sort of grant assistance or a development partner to be able to build the facility.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

2. Carlton Water System

This is a small water system serving 31 homes that has asked the CVRD to take over the ownership and operation. The Carlton system and the CVRD's Fern Ridge system are very close in proximity. The project would upgrade the Carlton water system and explore connecting it into the Fern Ridge Water system. This would create a single, larger, more stable water system while upgrading the existing utility that is currently being operated privately.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

3. Mesachie Lake Sewer System

The Mesachie Lake Sewer System is a CVRD operated facility servicing 49 homes. This system is in a state of total failure. Complete replacement is needed, including finding additional land that could be used as a sewage disposal field. The project would include the construction of a new waste water treatment plant, disposal field, pump station and collection system. This project already has \$352,000.00 of Community Works Funds allocated to it, but the total estimated cost for this project would be between \$1.5 million and \$2 million.

Estimated Project Cost:	\$1.5-2 million
Estimated CVRD Contribution:	\$750,000 – 1,250,000
Towns for Tomorrow Grant Contribution:	\$400,000

4. Cobble Hill Sewer System

This Cobble Hill Sewer project would include extending an effluent re-use line through the Cobble Hill Village to the dog park, building washroom facilities and connecting the Galliers sewer system to the Twin Cedars treatment plant. The intent would be to use the treated effluent for irrigation purposes in the Village where applicable and for the washroom facilities that would be built as part of this project. In addition, the feasibility of running a sewer line from the Galliers treatment plant to the Twin Cedars plant would be examined. Galliers treatment plant facility is old, produces a large amount of odours, has little hydraulic capacity, and does not produce Class A treated effluent. This project will take the raw sewage from Galliers and pump it up to Twin Cedars for treatment. The existing disposal fields at Galliers would then be enhanced to accept more effluent for discharge.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

5. Cowichan Valley Trail (Trans Canada Trail) Staging Areas

With the completion of the Kinsol Trestle retrofit project plus other portions of the Cowichan Valley (CV) Trail in early 2011, there is a pressing need to construct additional public staging areas in the Glenora and Shawnigan portions of the CV trail system. Even in the absence of a marketing plan to encourage use of the trail, there has been an “exploding” user pattern of hikers, cyclists and equestrian riders using the trail system in 2010.

This project would include construction of a cookhouse and overnight camping site at the Glenora Staging Area; a parking lot and washroom facility near the south end of the Kinsol Trestle at Shawnigan Lake; kiosk signage in the Glenora and Shawnigan portions of the CV trail describing historically significant areas along this trail such as the old Chinese Cemetery, original pioneer settlements and First Nations cultural sites; and solar powered washroom facilities strategically placed in locations along the south portion of the CV Trail.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

6. Shellwood Water System upgrade

This is a small water system serving 30 homes that has asked the CVRD to take over ownership and operation. This upgrade project would provide the replacement of the existing reservoir and construct of a new water treatment plant. This system in Area H is very close to a First Nations community that we would explore the opportunity to connect to and share resources.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000

7. Sutton Creek/Honeymoon Bay Water System

The existing distribution piping within Sutton Creek Water System is in very poor condition, undersized and not capable of providing fire flows to the community. The CVRD recently expanded the Honeymoon Bay water system in 2010 to include the Sutton Creek community. However these upgrades were limited to running a connecting water main between the communities. This proposed project would replace the existing deteriorated distribution piping within Sutton Creek, increase capacity and ensure fire flows to the community.

Estimated Project Cost:	\$500,000
CVRD Contribution:	\$100,000
Towns for Tomorrow Grant Contribution:	\$400,000



SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2010

DATE: November 16, 2010
FROM: Jacob Ellis, Manager, Corporate Planning
SUBJECT: Innovations Fund and General Strategic Priorities Fund Program Applications

Recommendation(s):

1. That it be recommended that staff submit a combined GSPF/IF capacity building/ICS planning application of \$370,000 for the Cowichan Basin Water Management Plan Implementation project.
2. That the committee review the potential projects for application to the capital project component of the GSPF and IF. Committee members are also invited to recommend other projects that should be considered for application to this program.

Purpose:

To provide a list of potential projects for application to the IF/GSPF funding program and to obtain input and/or direction on priority projects for application.

Background:

The Innovations Fund (IF) and General Strategic Priorities Fund (GSPF) provide funding for projects that result in cleaner air, water, or reduced greenhouse gas emissions. Individual applications or combined program applications can be made to these programs. The early application intake deadline is February 1, 2011. The regular intake deadline is April 29, 2011.

Funding under the *GSPF program* is specifically targeted at projects that are larger in scale or regional in impact. The CVRD may submit one capital project application and one capacity building/integrated community sustainability (ICS) planning project application to the GSPF.

Funding under the *IF program* is targeted at projects that reflect an innovative approach to achieving the intended outcomes of reduced GHG emissions, cleaner air and cleaner water. The CVRD may submit one capital project application and one capacity building/integrated community sustainability (ICS) planning project application to the IF.

It is anticipated that that this committee will be asked to provide direction on projects for application to the above programs at the next Electoral Areas Services Committee meeting on December 7, 2010.

Financial Implications:

Internal contributions for any projects contemplated in the above programs should be included for consideration in the 2011 budget process.

Interdepartmental/Agency Implications:

n/a

Submitted by,



Jacob Ellis
Manager, Corporate Planning

Attachment

Appendix B
Project Description Summaries

POTENTIAL INNOVATIONS FUND CAPITAL PROJECTS

1. Saltair Power Generation

The Saltair water system is fed water from Stocking Lake, approximately 200m above the water treatment plant. As a result of the lake elevation, there is a great deal of water pressure and energy created at the treatment building. This project would transfer the hydraulic energy coming down from the reservoir by way of turbines into hydro electric power, creating excess amounts of energy that can be used on site to operate the plant and sold back to BC Hydro. It is anticipated that the facility would generate approximately \$20,000.00 worth of additional hydro electric power.

Estimated Project Cost:	\$1,000,000
CVRD Contribution:	\$0
Innovations Fund Grant Amount Requested:	\$1,000,000

2. Arbutus Ridge Sewer System

Sewage treatment within the Arbutus Ridge is accomplished through a Rotating Biological Contactor, RBC, which provides secondary treatment and discharges the effluent into septic fields located on the golf course. This project would upgrade the sewage treatment plant to a Class A level which would then allow us to surface discharge the effluent and use it for irrigation on the golf course. Additionally, due to the higher level of density of homes within the 650 unit community, and a number of possible energy users very close by, an examination would be undertaken to look at opportunities for heat energy recovery and reuse generated through the treatment process.

Estimated Project Cost:	\$1,000,000
CVRD Contribution:	\$0
Innovations Fund Grant Amount Requested:	\$1,000,000

Appendix C
Project Description Summaries

POTENTIAL GENERAL STRATEGIC PRIORITIES FUND CAPITAL PROJECT

1. Peerless Road Recycling Depot Upgrades & Ash Fill Remediation

For 25 years the Peerless Road recycling depot site hosted a Thermal Reduction Plant or municipal waste incinerator. Adjacent to the burn unit remains an unlined, uncapped ash fill consisting of approximately 20,000 tonnes of material. The site (long-term Crown Land lease to the CVRD) is ideally situated to serve as a central recycling drop-off depot and has provided limited service in this regard for the past ten years. In spite of the limited recycling options currently provided and dysfunctional orientation of the site, customer usage has tripled in this short period and continues to grow. This project will transform an existing contaminated site into full scale Public Recycling Depot.

Plans for a full scale facility involve importation of extensive fill material. However, the ash can be excavated and screened to recover the metal component, then the aggregate can be transferred across the site and used as a premium fill (the compaction qualities of ash commonly results in its use in road base) within a contained and engineered 'cell'. The recycled ash will form the base of the public recycling/tipping area, and will essentially be 'entombed'. As the CVRD is a provincial leader in its waste diversion efforts, providing a much needed public waste diversion facility, while recycling the 'wastes' of yesteryear and protecting the environment, ensures that such funding serves several key and publicly visible purposes.

Estimated Project Cost:	\$1,650,000
CVRD Contribution:	\$650,000
Regionally Significant Projects Amount Proposed:	\$400,000
<i>General Strategic Priorities Fund Grant Amount Requested:</i>	<i>\$600,000</i>



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2010

DATE: November 16, 2010

FILE NO:

FROM: Brian Duncan, Chief Building Inspector

BYLAW NO:

SUBJECT: Jarvis Property at 1695 Sandy Beach Road

Recommendation:

That the attached report from Richard Brimmell, P.Eng. be accepted as an updated evaluation of bank stability at the above address.

Purpose:

To have the Professional Engineer's report on file outlining future stability of the slope should the rip-rap wall not be constructed.

Financial Implications:

Interdepartmental/Agency Implications:

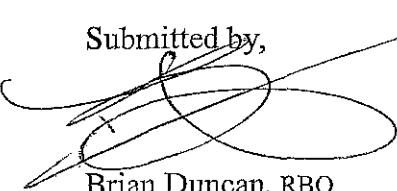
N/A

Background:

Mr. Jarvis was instructed to construct a rip-rap wall at the toe of the slope below his residence. The Geotechnical Engineer, Richard Brimmell, who was retained for the foundation of the Jarvis residence, will not sign off the Schedule C-B verifying he is satisfied with the stability of the bank until Mr. Jarvis has completed the wall.

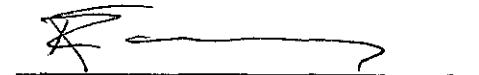
On September 27, 2010, staff was directed to place a Notice on Title for the property and to obtain an updated Engineer's report respecting stability of the bank below the Jarvis residence at 1695 Sandy Beach Road. Richard Brimmell was retained by Development Services to conduct an assessment of the bank. This report has been completed and is attached.

Submitted by,



Brian Duncan, RBO
Chief Building / Plumbing Inspector
Building Inspection Division
Planning & Development Department
BD/jah
Attachment

General Manager's Approval:



Signature

Brimmell Engineering
971 Bank St., Victoria, B.C.
V8S 4B1
Phone: 250-592-7645 Fax: 250-592-7640
rbrimmell@pacificcoast.net

CVRD
Att: Brian Duncan, Chief Building Inspector

October 27/10
File 04-138

Dear Sir: Re: Jarvis Residence, 1695 Sandy Beach Rd., Mill Bay
Geotechnical Considerations

As has been previously discussed, I provided geotechnical input and site reviews during construction of the house foundations [not including the deck] back in 2005. While foundation construction was in accordance with the recommendations, the design also called for a seawall along the base of the steep slope which has yet to be built. This report provides recommendations for a riprap seawall. Drawing 1 is appended, along with three photos.

The steep, sand bank down to the Saanich Inlet beach appears to have stood in its same configuration since house construction, although it is now overgrown. Mr. Jarvis is a specialist in concrete construction, and previous discussions involved some form of cast-in-place wall. However it is now recommended that a riprap [boulder] wall be built, with materials arriving and being loaded out by barge. A typical cross-section is presented on Drawing 1.

It is noted that the bottom row of boulders must be securely notched into the ground at the head of the beach. Minimum 0.9 m diameter, sound, angular boulders are to be neatly stacked no steeper than 45° and backfilled with well graded shotrock. If it can be done safely, the excavated bank is to be draped with filtercloth [medium-weight, nonwoven geotextile]. Excavated organics and soil must be removed from the site.

As shown by Drawing 1, the wall is to be 2.0 m higher than beach level. The wall is to be 30 m long, beginning just north of the wooden stairs [see Photo 1]. Subgrade preparation and wall construction is to be closely monitored by Brimmell Engineering. The excavating contractor will require approval from DFO and must abide by their recommendations. They will probably permit the front face of the wall to extend about 1.0 m in front [east] of the existing high water mark, although this should be confirmed.

The slope is known to have stood in approximately its existing configuration for 20+ years. Based on this evidence, and the fact that the slope is well vegetated, it seems likely that it will continue to stand without incident for many years. However, slippage and erosion tend to be unpredictable and can be triggered by a combination of high tides, large waves, emerging groundwater and surface runoff. Risk of such instability is highest during the winter.

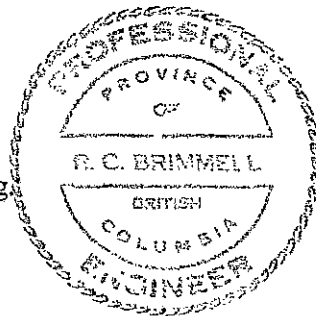
If, as some scientists predict, sea levels gradually rise over the years the risk would increase without the protection of the recommended riprap seawall. It is suggested that there would be a 50% risk of an alteration in the slope profile over the next 20 years if no form of shoreline protection is built. Any change in the slope profile, be it from erosion and/or landslide, would threaten the building foundations.

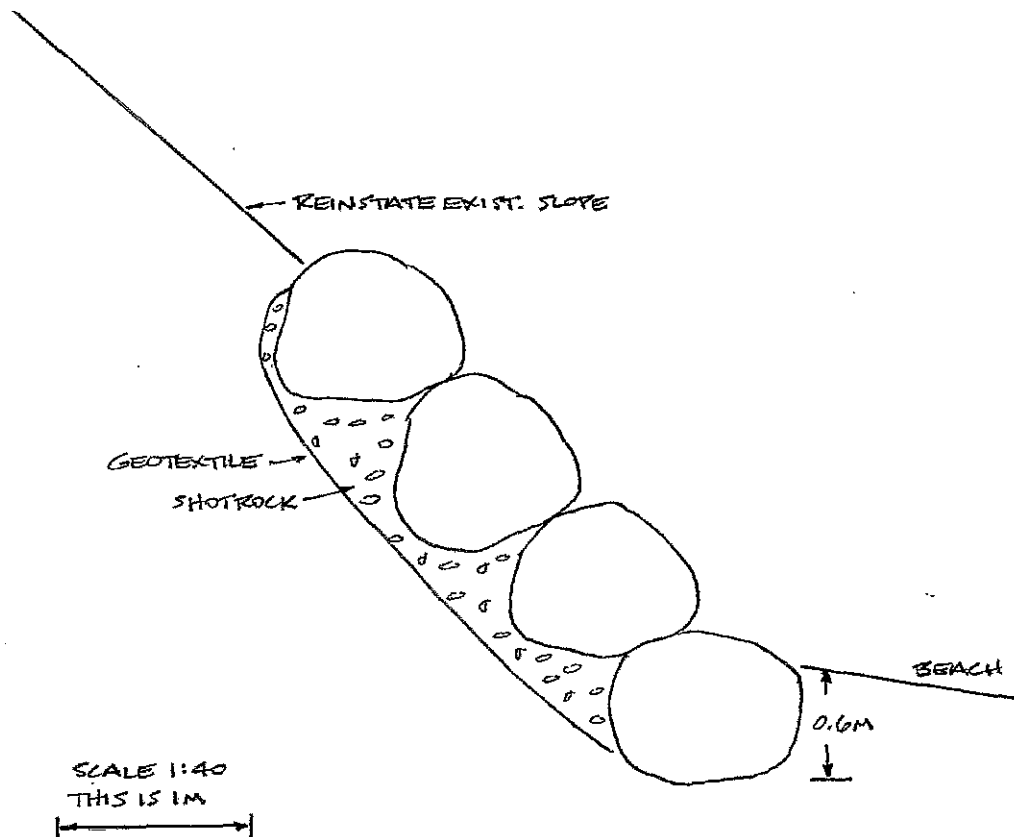
I trust that this information meets your present requirements. Please do not hesitate to call if there are any questions.

Yours truly,



Richard Brimmell, P.Eng.





Project: 1695 Sandy Beach Rd., Mill Bay	DRAWING 1 Oct 27/10	Name: Proposed Boulder Seawall Profile
Client: CVRD	Job No. 04-138	Brimmell Engineering



Photo 1: 1695 Sandy Beach Rd. shoreline



Photo 2: North of Photo 1



Photo 3: Closeup of bank, just north of stairs



SR4

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF NOVEMBER 23, 2010**

DATE: November 15, 2010

FILE NO:

FROM: Alison Garnett, Planner II

BYLAW NO: OCP Bylaw
1945

SUBJECT: Bill 27 (Greenhouse Gas Reduction) Bylaw Amendment for Area F Official
Community Plan

Recommendation:

1. That the Bill 27 Bylaw Amendment for Electoral Area F proceed to the Board for 1st and 2nd Reading,
2. That a Public Hearing be scheduled for the Amending Bylaw with Directors Morrison, Kuhn and Iannidinardo appointed as delegates,
3. That the Bill 27 Bylaw Amendment for Electoral Area F be referred to the Town of Lake Cowichan, Municipality of North Cowichan, Cowichan Tribes, School District No. 79, and Ministry of Community and Rural Development for comment.

The Proposal: This proposed Bylaw Amendment is intended to bring the Electoral Area F Official Community Plan Bylaw No. 1945 in compliance with Bill 27 Legislation.

Financial Implications: Individual hearing cost, which could be offset by combining hearing with other amendment bylaws.

Interdepartmental / Agency Implications: The Province requires local governments to introduce into all OCPs a policy framework for green house gas emissions reduction targets.

Background:

Through Bill 27, the *Local Government Statutes Amendments Act (2008)*, the Provincial Government has mandated that local governments reduce greenhouse gas (GHG) emissions. All Official Community Plans (OCP) must be amended to include emission targets, as well as policies and actions to attain those targets.

The approach taken to the Bill 27 requirement in Area F is similar to the other Electoral Areas, where the focus is on strengthening good land use planning principles. Estimates on greenhouse gas emissions show that transportation is the largest contributor of emissions in the region, therefore land use decisions made by local governments that strive to preserve resource land and concentrate residential growth within well defined residential areas are directly linked to efficient use of the land base and reduced transportation based emissions.

The proposed bylaw amendment would introduce a new section to the existing Plan, one entitled *Climate, Land, Resources and Energy Efficiency (Bill 27)*. Within that section, the objective for greenhouse gas emission reductions mirror those targets set by the Province: a 33% reduction from current levels by 2020 and an 80% reduction from current levels by 2050. The proposed policies encourage the retention of forestry lands, the incorporation of transit infrastructure in land use planning decisions, and the promotion of complete and compact residential settlement patterns. Due to the time constraints involved in amending nine Official Community Plans, it is suggested that a climate change action plan be initiated to provide a more comprehensive set of targets, indicators, policies and actions related to climate change.

Advisory Planning Commission:

Planning and Development staff have attended two Electoral Area F APC meetings (May 11, 2010 and September 15, 2010) to discuss the Bill 27 requirement and proposed bylaw amendments. Based on the APC's recommendations, policy was added to promote development in the Plan area if major sewer or water infrastructure is provided to the existing community. These services may reduce greenhouse gas emissions by allowing for densification of residential areas. With respect to agricultural policy, the APC was particularly interested in the introduction of smaller lot agricultural zones which may facilitate local agricultural production and consumption. Finally, the attraction of economic development in the Plan area is specifically identified, with the goal of providing local places of employment and reducing the need for residents to travel outside of the community.

The APC also raised many issues outside of the scope of greenhouse gas reduction objectives, including the desire to see amendments to the OCP specifically related to economic development and outdoor recreational/commercial opportunities. As some of the proposed OCP changes desired by the APC are not directly compatible with Bill 27, staff have suggested that these issues be addressed as a separate bylaw amendment.

Options

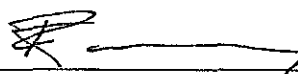
1)

1. That the Bill 27 Bylaw Amendment for Electoral Area F proceed to the Board for 1st and 2nd Reading,
2. That a Public Hearing be scheduled for the Amending Bylaw with Directors Morrison, Kuhn and Iannidinardo appointed as delegates,
3. That the Bill 27 Bylaw Amendment for Electoral Area F be referred to the Town of Lake Cowichan, Municipality of North Cowichan, Cowichan Tribes, School District No. 79, and Ministry of Community and Rural Development for comment.

Submitted by,



Alison Garnett,
Planner II
Development Services Division
Planning and Development Department
AG/jah

<p>General Manager's Approval:</p>  <p>Signature</p>
--



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3445

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1945, Applicable To Electoral Area F – Cowichan Lake South/Skutz Falls

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area F – Cowichan Lake South/Skutz Falls, that being Official Community Plan Bylaw No. 1945;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1945;

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3445 - Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Bill 27), 2010**".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1945, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this _____ day of _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. _____ as given Third Reading on the _____ day of _____, 2010.

Secretary

Date

APPROVED BY THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT UNDER SECTION 882(1) OF THE *LOCAL GOVERNMENT ACT* this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3445

Schedule A to Official Community Plan Bylaw No. 1945, is hereby amended as follows:

- 1) The following is inserted as Section 20 Climate, Land, Resources, and Energy Efficiency (Bill 27), and added to the Table of Contents.

20. Climate, Land, Resources, and Energy Efficiency (Bill 27)

Background

Bill 27, the *Local Government Statutes Amendments Act* (2008), requires that all local governments establish targets for reducing greenhouse gas emissions. In addition, all Official Community Plans (OCP) must include actions and policies which outline how those reduction targets will be achieved. The CVRD recognizes that Bill 27 raises some very important issues. Firstly, it should hasten the regional response to reduce emissions which are responsible for climate change. But the legislated amendments also provide a unique opportunity to review, strengthen and improve good community planning principles in this Plan. Policies that reduce greenhouse gas (GHG) emissions are based on reduced fossil fuel consumption and efficient use of energy, land and resources. Increased efficiency has a positive impact on improved health and quality of life for the region's residents, and overall environmental sustainability.

Vehicle related transportation is by far the largest contributor to overall emissions in this region. It represented an estimated 82.9% of the GHG emissions produced in 2007¹, as a result of driving to work, schools, and other daily activities. The distribution of land uses, which means the location of homes, workplaces, schools and recreational opportunities, and the preservation of resource lands, is controlled to a large extent by local governments. Understanding the connection between land use and transportation related emissions is one step; the imperative to incorporate climate change into the decisions on land use is another.

The CVRD realizes the urgent need to respond to climate change, and has set targets to reduce emissions. To move towards the established targets, the first proposed action is to undertake a climate change action plan throughout the CVRD as a whole, a process involving comprehensive community engagement and aggressive policies. A climate change action plan that is fully integrated into the OCP could take the region a step beyond emission reductions, to prepare mitigation measures for the anticipated consequences associated with climate change.

¹ Province of BC, Cowichan Valley Regional District Community Energy and Greenhouse Gas Emissions Inventory: 2007 (2009)

OBJECTIVES

- a. To reduce total greenhouse gas (GHG) emissions in the plan area by 33% from current levels by 2020, and by 80% from current levels by 2050;
- b. To reduce overall energy consumption in the region, encourage an efficient use of the land base and other resources, and promote a healthy and high quality of life for residents.

POLICIES**Policy 20.1:**

To meet the CVRD GHG reduction targets of 33% by 2020, and 80% by 2050, the CVRD Board will endeavour to adopt a climate change action plan, which would provide a more comprehensive set of targets, indicators, policies and actions specific to this Plan area.

Policy 20.2:

The CVRD Board will make the greenhouse gas emissions reduction targets noted in this Plan a fundamental consideration in future land use change decisions.

Policy 20.3:

To support local agricultural opportunities, community gardens, farmers markets and food processing facilities will be encouraged in appropriate locations within the Plan area, and the Board will consider creating new agricultural zones that facilitate small scale agricultural production.

Policy 20.4:

The CVRD Board will consider existing and future transit infrastructure in all land use planning decisions, as public transit is a critical component in reducing the area's GHG contribution. Furthermore, the CVRD will continue to pursue opportunities to make the Cowichan Valley Regional Transit System a viable transportation option in the region.

Policy 20.5:

The CVRD Board values and recognizes the natural carbon sequestration potential of the forestry lands within the Plan area. The CVRD encourages the Province of British Columbia to manage forest lands to maximize their ability to sequester carbon. For its part, the CVRD Board will focus on retaining sufficient forestry designated lands.

Policy 20.6:

In the future, the CVRD Board and community will consider identifying village areas, where mixed residential, commercial and institutional land uses will be focused. Complete and compact settlement patterns benefit community health, decrease the cost of transit and other servicing, and help achieve the greenhouse gas reduction targets.

Policy 20.7

The CVRD Board will encourage development that provides major infrastructure such as sewer and water improvements for existing communities in the Plan area, which in turn would allow for infilling and densification and help achieve the greenhouse gas reduction targets.

Policy 20.8

The CVRD Board will endeavour to attract economic development to the Plan area, to promote a sustainable economy, provide local places of employment and recreation, and thereby reduce vehicle travel out of the community.



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2010

DATE: November 16, 2010 **FILE NO:**

FROM: Ryan Dias, Parks Operations Superintendent **BYLAW NO:**

SUBJECT: Electoral Areas A-E, F and I Park Maintenance Contract Extensions

Recommendation:

That the existing Community Parks Maintenance Services Contracts with Easy Living Landscape Holdings Ltd. be extended for an additional three years, commencing January 01, 2011, for the following amounts for each contract over the thirty-six month term (exclusive of HST); \$621,755 for the Electoral Area A-E Parks Maintenance Services Contract (inclusive of South Cowichan Parks and Bright Angel Park), \$99,626.00 for the Electoral Area F Parks Maintenance Services Contract and \$147,262.00 for the Electoral Area I Parks Maintenance Services Contract.

Purpose:

To request Committee and Board approval to renew the Electoral Area A thru E (inclusive of South Cowichan Parks and Bright Angel Park), Electoral Area F and Electoral Area I Parks Maintenance Services Contracts based on the renewal terms within the individual contracts.

Financial Implications:

See background information below.

Interdepartmental/Agency Implications:

n/a

Background:

The terms and conditions of the Electoral Area A-E Community Parks Maintenance Service Contract (inclusive of South Cowichan Parks and Bright Angel Park), as well as the Electoral Area F and Electoral Area I Parks Maintenance Service Contracts are set to expire on December 31, 2010. All three individual service contracts were awarded to Easy Living Landscape Holdings Ltd., which was the lowest qualified bidder for each contract. The current contracts are for a two year term with an optional 3 year renewal. The renewal terms of each contract allow the Regional District the sole discretion of re-negotiating with the incumbent for contract renewal to a maximum of three additional years, and five years in total.

Parks Staff have reviewed the performance of Easy Living Landscape Holdings Ltd. and have received positive feedback from all the participating Community Parks Commissions about the level of parks maintenance services in the local parks. In addition, the Parks Commissions were given an opportunity at this past fall's 2010 budget planning meetings to comment on the proposed service contract rate increases for an additional three year term. No negative feedback was received from the Commissions, and all proposed increases have been incorporated into the preliminary 2011 proposed budgets being prepared for the specific community parks functions.

With respect to individual community parks budgets, the following identifies a breakdown of Park Maintenance Service Contract costs per Electoral Area in 2010 and proposed contract extension costs for 2011-2013, accounting for percentage increases proposed by the contractor for the 2011-2013 renewal term, minor adjustments to service contracts and new maintenance costs attributable to park property additions in 2009/2010. These costs were reviewed with individual Parks Commissions during the fall 2010 budget planning meetings. The proposed cost increases also include providing additional park maintenance services due to increased park visitor traffic to certain park sites (i.e. garbage service), as noted below.

Electoral Area A – Mill Bay/Malahat

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	28,000	29,600	31,080	32,634
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Inlet Drive</i>	425	450	472	496
<i>2. Hollings Creek Trail</i>	0	1,350	1,417	1,844
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	2,235	2,346	2,464
- Mill Bay Nature Park				
- Barry Rd Walkway				
- Huckleberry Park				
Total Service Cost per annum, plus applicable taxes	28,425	33,635	35,315	37,438

Electoral Area B – Shawnigan Lake

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	34,000	36,040	37,842	39,734
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Memory Island</i>	1,800	1,890	2,003	2,103
<i>2. West Shawnigan Lake</i>	8,350	8,850	9,293	9,758
<i>3. Gibsons 2 (Rotary Park)</i>	3,600	4,000	4,200	4,410
<i>4. Silvermine Trail</i>	2,460	2,608	2,738	2,875
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	n/a	n/a	n/a
Total Service Cost per annum, plus applicable taxes	50,210	53,388	56,076	58,880

Electoral Area C – Cobble Hill

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	28,000	29,680	31,164	32,722
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Cobble Hill Train Station</i>	12,799	11,780	12,369	12,897
<i>2. Cobble Hill Bike Park</i>	360	1,350	1,417	1,488
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	3,725	3,911	4,106
- Cherry Point Nature Park				
- Farnsworth Park				
- Manley Creek				
- Quarry Nature Park				
- Cobble Hill Train Station				
Total Service Cost per annum, plus applicable taxes	41,159	46,535	48,861	51,213

Electoral Area D – Cowichan Bay

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	24,000	25,440	26,712	28,047
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Wilmot Rd Trail</i>	1,200	2,400	2,520	2,646
<i>2. Tom Bannister Trail Extension</i>	0	1,417	1,417	1,488
<i>3. Credit for Cenotaph moving to South Cowichan Parks Budget</i>		-6,000	-6,000	-6,000
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	1,490	1,564	1,642
- Coverdale Watson				
- Kingscote Heritage Trail				
Total Service Cost per annum, plus applicable taxes	25,200	24,747	26,213	27,823

Electoral Area E – Sahtlam/Glenora

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	15,200	16,112	16,917	17,763
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. None to Report</i>				
<i>(Boy's Rd not added at this time)</i>				
Additional daily garbage services in peak season (June-Sept) not in base contract:		745	782	821
- Miller Rd Rest Stop				
Total Service Cost per annum, plus applicable taxes	15,200	16,857	17,699	18,584

South Cowichan Parks

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	10,045	10,648	11,180	11,739
- Cow Bay Boat Launch				
- Mill Bay Historic Church				
- South Cowichan Dog Park				
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Memorial (Cenotaph Park)</i>	5,750	6,000	6,300	6,615
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	745	782	821
- South End Dog Park				
Total Service Cost per annum, plus applicable taxes	15,795	17,393	18,262	19,175

Bright Angel Park

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	\$4,000	\$4,400	\$4,620	\$4,851
- Mowing, trails, parking areas and shrub beds added to maintenance contract in 2010 with re-division of caretaker duties under prior Committee direction				
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>N/A</i>	n/a	n/a	n/a	n/a
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	n/a	n/a	n/a
-				
Total Service Cost per annum, plus applicable taxes	4,000	4,400	4,620	4,857

The following provides an overall summary of costs for a thirty-six month extension of the Electoral Area A – E (inclusive of South Cowichan Parks and Bright Angel Park):

Electoral Area A – E 2011-2013 Contract Summary	2011	2012	2013	36 Month Total
Electoral Area A	\$33,425	\$35,315	\$37,438	\$106,178
Electoral Area B	\$53,388	\$56,076	\$58,880	\$168,344
Electoral Area C	\$46,535	\$48,861	\$48,861	\$146,609
Electoral Area D	\$24,747	\$26,213	\$27,823	\$78,783
Electoral Area E	\$16,857	\$17,699	\$18,584	\$53,140
South Cowichan Parks	\$17,393	\$18,262	\$19,175	\$54,830
Bright Angel Park	\$4,400	\$4,620	\$4,851	\$13,871
Total Area A – E Maintenance Contract Extension (36 month)				\$621,755

The Electoral Area F Parks Maintenance Services Contract 2011-2013 extension would be a total of \$99,626 (excluding taxes) over the thirty-six month period, as follows:

Electoral Area F – Cowichan Lake South/Skutz Falls

Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	33,333	35,333	32,322	33,938
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Mesachie Pull Out Rest Area</i>		450	1,260	1,323
<i>1. Credit – Honeymoon Bay Field conversion to off-leash dog park</i>		-5,000		
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	n/a		
Total Service Cost per annum, plus applicable taxes	33,333	30,783	33,582	35,261

The Electoral Area I Parks Maintenance Services Contract 2011-2013 extension would be a total of \$147,262 (excluding taxes) over the thirty-six month period, as follows:

Electoral Area I – Youbou/Meade Creek

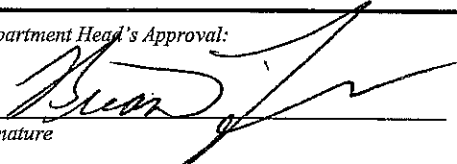
Maintenance Cost Breakdown	2010	2011	2012	2013
Maintenance Service Contract	32,085	34,010	35,710	37,496
Percentage Increase	0%	6%	5%	5%
Park Properties Added:				
<i>1. Woodland Shores – Uplands Park, Stoker Park, Southern Playfield, Community Pathway</i>	6,300	12,735	13,371	14,040
Additional daily garbage services in peak season (June-Sept) not in base contract:	n/a	n/a		
Total Service Cost per annum, plus applicable taxes	38,385	46,745	49,081	51,536

Submitted by,



Ryan Dias,
Parks Operations Superintendent
Parks & Trails Division
Parks, Recreation & Culture Department

Department Head's Approval:



Signature

RD/jah

API

**Advisory Planning Commission Minutes
Area D – Cowichan Bay**

C.V.R.D.
RECEIVED

NOV 16 2010

Date:	October 20, 2010
Time:	7:00 PM

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

PRESENT

ALSO PRESENT

Chair	Calvin Slade	CVRD Rep Ann Kjerulf	None
Secretary (acting)	Cal Bellerive		
	Dave Paras		
Members	Al Jones		
	Hilary Abbott	Guests: Mike and Debbie Butler	
	Linden Colette		
	Kevin Maher		
	David Slang		
Absent	Dan Butler		
	Brain Hoskin		
	Robert Stitt		
Director	Lori Iannidinardo		
Alt. Director			

ORDER OF BUSINESS

In the first hour Ann Kjerulf gave an over view of the current OCP process and answered questions from APC members. **Future growth and how future infrastructure needs would be met were some of the topics covered.**

In the second hour Rezoning application 2-D-10RS (Michael and Deborah Butler) was dealt with.

The Butlers made a short presentation then answered questions from the APC members. No members had issue with the duplex aspect of the application but the current zoning of the property is height restricted (7.5 m) and the application asks for a zone which is not height restricted. The Butlers and the staff report indicate that a height restriction covenant could be put on the property. Discussion among members was to determine the best approach to create a height restricted duplex zone for the property. After thoughtful discussion and input from all members a motion was passed that was considered the best and most secure approach.

The motion: The APC declines to approve the application to rezone the property to R3-A but recommends the property be rezoned to a new zone-Urban Residential Duplex Limited Height (7.5m) that is applicable to any new duplex application in the limited height zone of Area D.

The motion passed 7-0.

Meeting adjourn at 8: 37 pm

Cal Bellerive Acting Secretary

AP2

Electoral Area F – Advisory Planning Commission

Minutes of the Meeting
Wednesday September 15,, 2010

7:20 p.m. Meeting called to Order
Chair: Brian Peters

In Attendance;
Joe Allen, Ian Morrison, Phil Archibold, Peter Devana, Shirley Burden
and Guests : Allison Garnett and Ben Webber

Moved to accept the Agenda
New Business –
(I) ALR Application 1-F-10ALR (Rajala & Webber)

Applicant Ben Webber spoke on behalf of the families seeking the subdivision of the 2 acre properties in Honeymoon Bay. With a residence on each site, he is seeking the approval of the commission to allow such a subdivision. He explained the process they have endured to reach their goal and the by-laws required regarding septic fields etc. He underlined the fact that it is not their intention to develop the properties for further subdivision in future, there is no hidden agenda but a desire to secure separate titles for each family.

Much discussion ensued considering the fact the land is in the ALR. To recommend subdivision for this request could open the flood gates for future development. There is no by law to this impediment But commission members found the rules to be contradictory and confusing. There are 22 properties now in that area.

From a land use prospective this is one of the only areas that are allowed to do this. Consideration of the neighbours all serviced by wells and the future of water service to the Honeymoon Bay area, creates a conundrum in the decision. Suggestions re changes in land use as it is now zoned rural residential were discussed. Since it not suitable for agricultural use- perhaps it should not be in the ALR.

Me. Webber stated they are doing everything by the book- to find more restrictions at each step.

Commission members expressed concern that represent the people from Area F and we need to address the issue with that in mind and a public meeting may be necessary. It was decided that after the recommendation, perhaps an area meeting could be held.

Motion

We recommend to the regional Board that, in our view, the subdivision has no negative effect on the agricultural capability of this land. We do have concerns re the density of this area from a land use prospective.

All in favour.

(II) Greenhouse Gas Emissions Reduction

Allison Garnett introduced Draft 2 to the Commission for discussion and feedback from Area F.

Commission members stated that there needs to be more leverage with amenities from developers. Applicants must outline the economic benefit for the area, but we require a generic policy open to development of the infill area between Lake Cowichan and Honeymoon Bay, and to consider smaller lots in Forest and Agricultural Lands. The F1 Zone economic future is in those areas with strong interest in developing the tourism sector. More density would allow infrastructure like the sewer system and transit improvement.

An open invitation was extended to appreciative members to Allison and her team to attend future meetings..

Meeting adjourned at 9:45 p.m.

Next meeting; call of the Chair.

AREA A PARKS AND RECREATION MEETING NOV 15 2010
OCTOBER 22, 2010
HELD AT BRENTWOOD COLLEGE

Present: David Gall, Joan Pope, Ron Parsons, Charley Boas, Cathy Leslie.

Regrets: Clyde Olgivie, Greg Farley, Roger Burgess

Absent: Kim Harrison, Al Brown

Guest: Ryan Dias, Parks Operation Superintendent Parks and Trails.

Meeting called to order at 7:00p.m.

Approve meeting of last meeting: David Gall read the minutes from Sept 17, 2010.
Minutes were adopted as read.

Old Business: Nothing further to report on Bamberton proposals.

Ryan Dias spoke about costs to put in a "tot lot" at Mill Springs. Discussion took place and it was decided that some people from Mill Springs would meet with the C.V.R.D. Landscape Architect and come up with a design for the Tot Lot. With out some sort of design a monetary value cannot be placed on building the Tot Lot. This was hopefully to be done within a couple of weeks and we would have a report for our next meeting.

Ryan recommended we look after Huckleberry playground before we start work on Mill Springs.

New Business: C.V.R.D lawyers have drawn up an agreement for Kerry Village residents to view, for approval of access of their common ground to connect with the new Briarwood Trail.

The C.V.R.D. has applied for a Grant to upgrade the Mill Bay Boat Ramp.

Meeting adjourned at 8:30p.m.

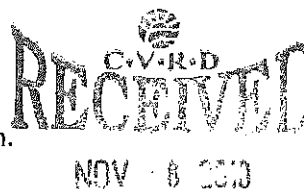
Next meeting November 18, 2010 @ 7:00 p.m. Brentwood College new boardroom

PK2

Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7:00 p.m. in the Dining Room of the Cobble Hill Hall on Thursday, October 28th 2010.

Those present: John Krug – Chair, Lynn Wilson, Ruth Koehn, Gord Dickenson, Alan Seal, Bill Turner and Director Gerry Giles.

Apologies: Richard Shaw, Ian Sparshu



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

Moved/seconded
that the agenda be adopted as presented.

MOTION CARRIED

Moved/seconded
that the Minutes of October 6th be adopted as circulated.

MOTION CARRIED

Business Arising:

- 1) Highways works yard – a.k.a. Cobble Hill Commons - an overview of activities was provided on the 10-10-10 plantings as well as the offer from Evergreen Independent School of painting murals for locating in the Commons. Next steps will likely be the removal of the chain link fence along the front of the property (Fisher Road) and replacing it with the split rail fencing. A donation of about 60 rails 10' long has been received. The community surveys regarding the use of the Commons property keep coming in.
- 2) An update was provided on the meeting with the Farmers Institute, Evergreen and the parks commission. George Baird, Chris Urquhart, Ruth Koehn, John Krug and Gerry Giles were present and during this meeting it was agreed that the children from Evergreen could use the basement of the Cobble Hill Hall to paint the murals and that the Institute look at using the Commons property for the sheep dog trials at next year's fair. It was agreed that the community would benefit from these three organizations working together.

New Business:

- 1) The 2011 budget as updated by parks staff was presented and discussed. It was Moved/seconded that the draft 2011 budget be recommended to the CVRD Board as presented.
MOTION CARRIED
- 2) It was agreed that a full service washroom at Quarry Nature Park was the 2011 priority and if possible this facility should be tied into the Twin Cedars sewer system.
- 3) The dog park meeting will be held in the youth hall on November 3rd at 7 p.m. The agenda for it was briefly discussed.
- 4) An update was provided on the pathway around the wetlands area. It was reported that the Twin Cedar developer would install a sewer line and purple pipe system from their treatment plant on Hutchinson Road through the wooded area west to Watson Avenue. A trail would then be constructed on the top of this piping once backfilled. It was

Moved/seconded

that the Cobble Hill Parks and Recreation Commission recommend approval of the installation of the sewer and purple pipe systems along the southern boundary of the Wetlands Park and also approve the construction of a pathway from Watson Avenue to Twin Cedar Drive on the top of this piping. **MOTION CARRIED**

- 5) The Draft Parks and Trails Master Plan was distributed to the commission. It was agreed that everyone would take their copy, proof read it and get any changes/suggestions back to John. The Plan priorities/funding would then be discussed at the next parks meeting.
- 6) An invoice for hedge trimming at Farnsworth Park was presented for payment. It was explained that the current maintenance contractor would not trim the top of this hedge as it involved climbing a ladder. It was

Moved/seconded

that the invoice in the amount of \$196.00 for hedge trimming be paid. **MOTION CARRIED**

Moved/seconded

that Parks staff investigate why the landscape contractor does not do regular maintenance on hedge tops. **MOTION CARRIED**

- 7) "Love Your Park Day" – a general discussion took place on the growth of broom and other such items that detracted from the general appearance of some of Cobble Hill's parks. It was agreed that volunteers could do much in the way of clearing broom; tidying and spreading bark mulch in a few of our neighbourhood parks.

Moved/seconded

that the Parks Commission investigates hosting a "Love Your Park Day" for selected parks in the spring. **MOTION CARRIED**

Bear proof garbage cans have been installed at the Train Station Park. The impression was the garbage containers at this location would be the concrete type so they blend with the park.

It was agreed that Director Giles would circulate some photos of the O'Connor Park murals.

Meeting adjourned at 8:50 p.m.

John Krug - Chair

PK3

Area D Parks Commission Meeting Minutes

Bench School

Monday, October 18, 2010



NOV 08 2010

Meeting called to order: 6:10 p.m.

Present: Steve Garnett, Lori Iannidinardo, Megan Stone, Kerrie Talbot, Val Townsend

Apologies: Bruce Clarke

Minutes from last meeting (September 20)

- Approved

South Cowichan Parks Commission Update

- Church renovation was adopted at the last meeting. Church will be put on foundation, hall removed, and park-like grounds set up. Discussion still pending as to location of washrooms. The maximum amount CVRD directors from 4 areas can contribute is \$62,000. Our commission has requested that budget stay at \$50,000.
- Still under discussion if Bright Angel Park should be a regional park or under portfolio of South Cowichan Parks Commission. This is a park with enormous potential, but also in need of extensive updates and maintenance.

Budget Priorities

- Can we use money in the general reserve fund for updating playground structures in the future? Kerrie will ask Brian F. and will also email Megan's email discussion to Brian.

10/10/10 plantings

- Trees were planted - need to be maintained. Lori gave Jane cages for trees for deer protection. Can we request funding for irrigation for Coverdale Watson? Hecate Park already has it. What would be the cost? It was a great planting day with lots of public participation. Kerrie will add our concerns for protection and irrigation to Brian's email.

Coverdale Watson upgrades

- Machinery has arrived and new tennis court is under construction.

Hecate Park Name

- Has been brought to our attention that the ship, Hecate, for which the park is named, has negative connotations to the First Nations People. Megan made the motion that the topic needs to be researched more and that Tribes be asked for input. Seconded by Steve. Passed.

Tribute Tree

- Lori wants to plant a fig tree at Hecate Park, near the boat launch, as a tribute tree to Mara Jernigan, a chef at Fairburn Farm and President of Cittaslow, who has recently moved to Victoria. A planting group needs to be arranged.

Memorial Benches

- Graham Gidden is surveying benches.

Parking lot pathway and Pritchard Rd. drain

- Still underway
- Note that no walkways are being added to new development on Cowichan Bay Rd. as initially promised (???)

Christmas party

- Scheduled for Friday, Dec. 3 at 7 p.m. at Kerry Park for Commission Park volunteers and guests.

Next meeting- November 15 @6 p.m. Bench School

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS COMMISSION MEETING

DATE: October 12, 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

ALSO PRESENT:

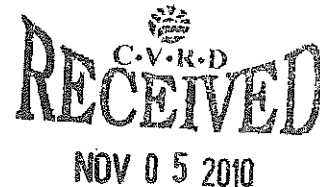
Director: Klaus Kuhn

Alternate Director:

Secretary: Tara Daly

REGRETS: Dave Charney, Wayne Palliser

GUESTS: Ryan Dias (CVRD)



ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda as circulated.

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of September 14, 2010 be accepted with the following amendment:

Sheny Gregory as Vice-chairperson

MOTION CARRIED

BUSINESS ARISING

- **Mile 77 Park** ~ the dead trees at the creek mouth have been removed. The dirt area around the trees on the grassy area will be increase to avoid damage done by weed-wacking
- **Nantree Park** ~ the broken wharf ladder will be fixed in January
- **Font Board** ~ is on from 5pm to 9:30pm. R. Dias is checking to see if it has a photo cell
- **Student Crew** ~ overage is a matter of bookkeeping not increased costs, Finance wants Student Crew costs in one place for monitoring
- **Maintenance Contract** ~ fragmenting the contract cannot be accomplished unless given by CVRD Board direction; Swordfern Park maintenance wouldn't show much of a savings by having a resident maintain; CVRD contractors have liability insurance
- **Maintenance Contractor duties** ~ washrooms aren't be cleaned very well, garbage isn't removed regularly at Nantree Park allowing the bears to get into it
- **Arbutus Park** ~ unsafe trees that were brought down have been cut up by a local resident but there were complaints/concerns by others so it has stopped to avoid confrontation
- **Mile 77 Park** ~ Commission suggested no watering at park next year; R. Dias noted watering was only three (3) days a week and the potential for weeds and the turf dieing is great, he noted that maintenance staff make decisions on the necessity to water; aeration and overseeing is done on a yearly basis, fertilizing is two (2) to three (3) times a year, once done through the winter

CORRESPONDENCE

- NONE

DIRECTOR'S REPORT

- attended UBCM
- **Mann property** ~ owners had previously commented on the public right-of-way located 15 metres from the high water mark suggesting a property exchange; the Commission would like to maintain the right-of-way
- **Woodland Shores** ~ no rezoning application has been received at this point for a boat launch
- **Font Board** ~ suggested at some point that it could say 'Entering Youbou – speed limit 50km'

COWICHAN LAKE RECREATION

- **PlayBook** is out with registration going well; badminton and ping pong will start in Youbou next Wednesday
- **Arena** completion date is the end of November 2010
- **Youbou Community Hall** kitchen (upper hall) is completed, electrical upgrades for the entire hall will be completed by the end of the year (2010), the outside of the hall will be powerwashed; L. Blatchford has asked that the upper section of the mainhall be painted to match the lower part

CHAIRPERSON'S REPORT

- **Photo-op** at Woodland Shores to announce the opening of the new park and the 'name the park' contest winners

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- covered in other areas

OLD BUSINESS

- NONE

NEW BUSINESS

- **Flag at Arbutus Park** ~ G. Thom will organize its winter removal
- **Font Board** ~ G. Thom will change noting the need to clean up yards and keep in garbage to deter bears
- **Park Maintenance forms** ~ email to M. Stewart; R. Dias noted that CVRD staff need to know about problems and encourage calls; for meaningful after-hours emergencies the Parks hotline is 250-715-9191
- **Budget discussions**
 - * **Student Crew** is basically \$800/day, sometimes subsidized by grants which amount to \$4/hour; currently only using crew for 1½ days isn't too productive so suggest either increasing or getting rid of them completely; the hired crew spends seventeen (17) weeks in the Regional District
 - * **Woodland Shores** costs for cutting grass, blowing, and weeding once a week is \$350, there are three (3) parks and weedwacking on trails included in budget numbers (\$13 000/year)
 - * **Little League Park** ~ the blackberries have been cut back along back access road
 - * **Woodland Shores ~ Stoker Park** needs toilet paper dispensers in washroom and another fertilizer session; **Playfield** will be fertilized one more time this year; **Uplands** will have tree removals done if necessary to maintain safety

- * **Short term Debt** ~ this is last payment
- * **Any Budget Surplus** ~ buy materials needed (toilets for Arbutus Park) in 2010 but do installation in 2011; upgrade electrical properly at Arbutus Park
- * **Arbutus Park** ~ sand for the beach needs to be brought in for next summer
- * R. Dias noted that Area I Parks are not in a growth mode, but more of a maintenance mode; with eleven (11) major parks, the area is the envy of the rest of the CVRD
- * Commission noted that Creekside Park should be Mile 77 Park in the budget
- **Spring Beach** ~ Director Kuhn will look into the direction that Ministry of Forests is going with maintenance and use of parkland
- **For Maintenance Contract discussion** ~ Mile 77 Park should be cleaned 1/week for the season; Little League Park should be cleaned 1/week for the season except during ball season from May 1st to July 15th when it should be cleaned 2/week; Stoker Park should be cleaned 1/week for July and August only
- **Gatekeeper** will inform Maintenance contractor or Parks staff of any major issues
- **Playground at Mile 77 Park** ~ swing set is a minimum of \$7 000; fundraising is a possibility

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 8:45pm.

MOTION CARRIED

NEXT MEETING

November 9, 2010

7pm at Upper Hall

PLEASE NOTE: Location of meeting

/s/ Tara Daly
Secretary



MEMORANDUM

DATE: November 16, 2010

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF OCTOBER, 2010

There were 28 Building Permits and 0 Demolition Permit(s) issued during the month of October, 2010 with a total value of \$ 10,321,012

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	248,700	8,000,000		546,470			4	80	8,795,170	17,157,563
"B"	20,480	15,000		561,810	164,120	60,000	11	129	821,410	12,736,335
"C"					41,300		3	70	41,300	8,458,359
"D"					40,480		1	38	40,480	5,439,160
"E"					105,880		4	45	105,880	4,852,344
"F"							0	18	0	1,031,366
"G"							0	35	0	4,153,210
"H"	134,000			53,100	6,720		3	25	193,820	1,451,122
"I"				271,680	51,272		2	22	322,952	2,343,225
Total	\$ 403,180	\$8,015,000	\$ -	\$ 1,433,060	\$ 409,772	\$ 60,000	28	462	\$ 10,321,012	\$ 57,622,684

B. Duncan, RBO
Chief Building Inspector
BD/db

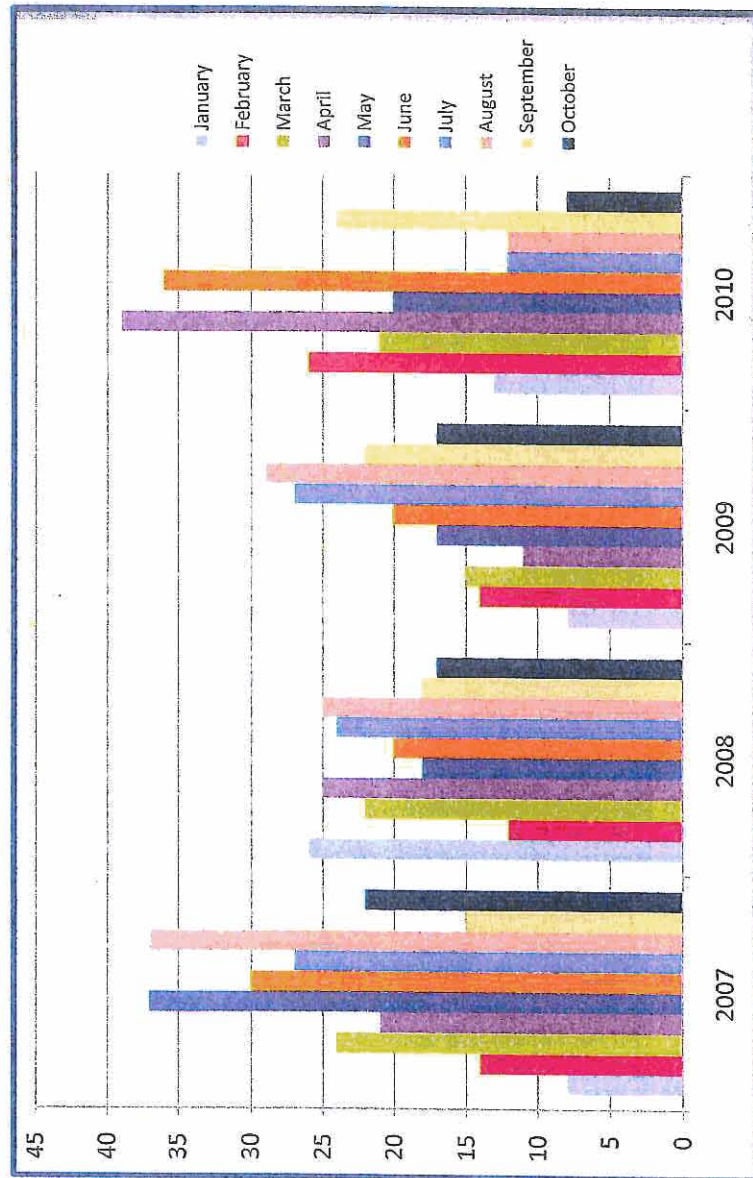
INT

NOTE: For a comparison of New Housing Starts from 2007 to 2010, see page 2
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3



Total of New Housing Starts

	2007	2008	2009	2010
January	8	26	8	13
February	14	12	14	26
March	24	22	15	21
April	21	25	11	39
May	37	18	17	20
June	30	20	20	36
July	27	24	27	12
August	37	25	29	12
September	15	18	22	24
October	22	17	17	8
YTD Totals	235	207	180	211





Total Building Permits Issued

	2007	2008	2009	2010
January	26	50	23	35
February	28	30	32	44
March	24	48	36	54
April	54	63	34	67
May	70	50	48	41
June	58	55	55	66
July	55	64	61	45
August	70	53	45	38
September	52	50	65	44
October	52	43	46	28
YTD Totals	489	506	445	462

