



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
January 18, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

	<u>Pages</u>
1. <u>APPROVAL OF AGENDA</u>	1-2
2. <u>ADOPTION OF MINUTES</u>	
<u>Committee Minutes:</u>	
M1 Minutes of November 23, 2010 EASC Meeting	3-12
<u>APC Minutes:</u>	
M2 Minutes of Area A APC Meeting of December 14, 2010	13-15
M3 Minutes of Area B APC Meeting of November 4, 2010	16
<u>Parks Minutes:</u>	
M4 Minutes of Area A Parks Meeting of November 18, 2010	17
M5 Minutes of Area I Parks Meeting of December 14, 2010	18-19
3. <u>BUSINESS ARISING FROM MINUTES</u>	
4. <u>DELEGATIONS</u>	
D1 Scott Mitchell/Mat Jones regarding Cleasby Bike Park proposed Stewardship Agreement	20
5. <u>STAFF REPORTS</u>	
R1 Dan Brown, Parks Trails Technician, regarding Cleasby Bike Park Stewardship Agreement	21-22
R2 Alison Garnett, Planner II, regarding Application No. 4-A-07RS (Applicant – Jim Logan)	23-38
R3 Alison Garnett, Planner II, regarding Application No. 2-D-10RS (Applicant – Michael/Deborah Butler)	39-50
R4 Alison Garnett, Planner II, regarding Application No. 4-A-10RS (Applicant – John/Mary Braybrooks)	51-66
R5 Ann Kjerulf, Planner III, regarding Application No. 1-B-10RS (Applicant – Michael Walter)	67-86

R6	Rachelle Moreau, Planner I, regarding Application No. 5-E-10DP (Applicant – Kelvin McCulloch/Buckerfields)	87-98
R7	Rob Conway, Manager (for Maddy Koch, Planning Assistant) regarding Application No. 1-A-10ALR (Applicant – Father Sean Flynn)	99-111
R8	Rob Conway, Manager, regarding Application No. 7-B-10DP (Applicant – John McMillan)	112-153
R9	Tom R. Anderson, General Manager, regarding Sentinel Ridge And Area Petition – Mill Bay	154-171
R10	Rachelle Moreau, Planner I, regarding Amendments to the BC Meat Inspection Regulation	172-181
R11	Ryan Dias, Parks Operations Superintendent, regarding Electoral Area H Parks Maintenance Contract Award	182-184
R12	Kathleen Harrison, Legislative Services Coordinator, regarding Bylaw No. 3393 (Cowichan Station Area Association)	185-188
R13	Tom R. Anderson, General Manager, regarding Proposed Resolution to AVICC	189-207
R14	Tom R. Anderson, General Manager, regarding 2011 Electoral Area Services Committee Meeting Schedule	208
R15	Nino Morano, Bylaw Enforcement Officer, regarding 2010 Bylaw Enforcement Report	209-210
R16	Nino Morano, Bylaw Enforcement Officer, regarding Cowichan Valley Trap and Skeet Club Special Event Shoot 2011	211-213
6.	<u>CORRESPONDENCE</u>	
C1	Email sent December 13, 2010 regarding resignation from the Shawingan Lake Parks and Recreation Committee	214
C2	Memo dated December 9, 2010 from UBCM regarding Electoral Area Directors Meeting	215-217
C3	Local Government Leadership Academy 2011 Leadership Forum	218-223
7.	<u>INFORMATION</u>	
IN1	November 2010 Building Report	224-226
8.	<u>NEW BUSINESS</u>	
10.	<u>PUBLIC/PRESS QUESTIONS</u>	
9.	<u>CLOSED SESSION</u>	
	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 December 7, 2010	227-228
CSR1	Staff Report [Section 90(1)(i)]	229-238
CSR2	Staff Report [Section 90(1)(c)]	239
10	<u>ADJOURNMENT</u>	

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

Director L. Iannidinardo
Director K. Cossey
Director I. Morrison

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

Director B. Harrison
Director L. Duncan
Director M. Dorey

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, December 7, 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 K. Cossey
Director L. Duncan

CVRD STAFF

Tom R. Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Alison Garnett, Planner II
Carla Schuk, Planning Technician
Dave Leitch, Manager
Catherine Tompkins, Senior Planner
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding 12 items of new business, and two items of closed session 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 November 23, 2010 EASC meeting, be amended by adding "Schuk, Planning Technician" after "Carla" to D2 page 2, and that the minutes as amended be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

Vice-chair Marcotte assumed the Chair at this point.

D1 - Parker

Rob Conway, Manager, presented Staff Report dated November 30, 2010, regarding Application No. 5-A-10RS (Mill Bay Marina) to develop 14 residential townhouses on the upland portion of the Mill Bay Marina property located at 740 Handy Road.

The Committee directed questions to staff and the delegate.

Mr. Parker requested a two or three minute extension to the 10 minute delegation limit.

It was Moved and Seconded

That Mr. Parker be permitted an extension to the delegation time limit.

MOTION CARRIED

Terry Parker reviewed his letter dated November 24, 2010, and presented power point photos regarding concerns with the rezoning and development application for the Mill Bay Marina.

D2 - Pringle

Cam Pringle, applicant, regarding Application No. 5-A-10RS (Mill Bay Marina) reviewed his proposal to develop a new marina and 14 residential townhouses at 740 Handy Road, and provided a power point presentation.

The Committee directed questions to staff and the applicant.

Director Cossey arrived to the meeting at this point.

It was Moved and Seconded

1. That Application No. 5-A-10RS (Mill Bay Marina) proceed subject to the following:
 - That the marina be built prior to the condominiums being constructed;
 - That a bond be put in place to ensure the boat launch ramp is built;
 - That no boat shelters be permitted;
 - That the applicants work with the Ministry of Transportation and Infrastructure regarding safety concerns at the corner of Handy Road and Mill Bay Road.
2. That draft OCP and Zoning amendment bylaws for Application No. 5-A-10RS (Mill Bay Marina) be forwarded to the CVRD Board for consideration of first and second reading.

3. That application referrals to the Ministry of Transportation and Infrastructure, Mill Bay Volunteer Fire Department; Ministry of Environment, the Archaeology Branch of the Ministry of Tourism, Culture and the Arts, Fisheries and Oceans Canada, Cowichan Tribes, Malahat First Nation, Transport Canada, the Integrated Land Management Bureau and Mill Bay Waterworks, be accepted.
4. That a public hearing be scheduled with Directors Harrison, Cossey and Dorey appointed as Board delegates.

MOTION CARRIED

D3 - Hartwig

Rob Conway, Manager, presented Application No. 2-A-10DP (Mill Springs/Gerald Hartwig) for Phase II of the Mill Springs development located north of Bucktail Road, east of Deloume Road and Tudor Way, in order to subdivide 17 residential lots.

Gerald Hartwig, applicant, provided further information to the application.

The Committee directed comments/questions to the applicant and staff.

It was Moved and Seconded

1. That Application No. 2-A-10DP (Phase II of Mill Springs) be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for a 17 lot phase of subdivision on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 10) and Except Plan VIP83878, and VIP85356 and VIP85745.
2. That Staff be directed to arrange a meeting with officials from the Ministry of Transportation and Infrastructure to discuss opening Deloume Road at the north boundary of Mill Springs.

MOTION CARRIED

D4 - Drader

Alison Garnett, Planner II, presented Application No. 2-A-10RS (Drader) to rezone from R-1 to C-4 to permit an expanded commercial use of property located at 304 Trans Canada Highway, and to permit RV storage adjacent to the existing campground.

The Committee directed questions to staff.

Neil Drader, applicant, provided further information to the application.

It was Moved and Seconded

1. That draft OCP and Zoning Amendment Bylaws for Application No. 2-A-10RS (Neil Drader) be forwarded to the CVRD Board for consideration of first and second reading.
2. That the application referrals from the Ministry of Transportation and Infrastructure, Malahat Volunteer Fire Department, Vancouver Island Health Authority and Malahat First Nation be accepted;

3. That a public hearing be scheduled with Directors Harrison, Cossey and Duncan appointed as delegates of the Board, following receipt of a draft covenant for the following:
 - a 3 metre wide strip of the subject property along the road frontage for the purpose of protecting the Malahat Drive view corridor which prohibits the installation of signage, the removal of vegetation and the parking of vehicles, unless specifically authorized by the CVRD;
 - a provision to ensure that oil containment measures are implemented under all parked recreational vehicles, for the protection of the natural environment.

MOTION CARRIED

D5 - Butler

Alison Garnett, Planner II, presented Application No. 2-D-10RS (Butler) to rezone property located at 1721 Pritchard Road, Cowichan Bay, from R-3B to a new duplex limited height zone.

The Committee directed questions to staff.

The applicant was not present. Director Iannidinardo provided further information.

It was Moved and Seconded

That Application No. 2-D-10RS (Butler) be referred to the next EASC meeting in January 2011, so that the applicant can be in attendance.

MOTION CARRIED

D6 - Gisborne

Carla Schuk, Planning Technician, presented Staff Report dated December 7, 2010, regarding Application No. 2-H-10ALR (Gisborne) to subdivide property located at 13465 and 13467 Cedar Road, into two lots.

Greg Wyndlow, was present on behalf of applicant, and provided further information to the application.

The Committee directed questions and comments to staff and the applicant.

It was Moved and Seconded

That Application No. 2-H-10ALR (Gisborne), regarding the subdivision of Lot A, District Lot 39, Oyster District, Plan 29596 (PID: 000-031-071) into two lots, be forwarded to the Agricultural Land Commission with a recommendation to approve.

MOTION CARRIED

**D7 – Hummel/
Paterson**

Carla Schuk, Planning Technician, presented Application No. 6-I-10DP (Hummel/Paterson) to allow construction of a single family dwelling on Lot 62, Cypress Road, in accordance with the Watercourse Protection DPA.

The committee directed questions to staff.

It was Moved and Seconded

That Application No. 6-I-10DP be approved, and that a development permit be issued to Dana Hummel and Ken Paterson for Lot 62, Block 7, Cowichan Lake District, Plan 8301 except parts in Plans 10217, 10479, and 29280 (PID: 005-533-431), subject to the following:

- Strict compliance with the recommendations in Riparian Assessment Report No. 1099, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 23, 2008;
- Completion of a survey, by professional surveyors, of the 15m SPEA and that the SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
- Registration of a covenant on the title of the property for the protection of the 15m SPEA;
- Contracting a certified arborist to identify hazardous dead standing snags within the SPEA that are to be topped or taken down as specified by the arborist, remains of which are to stay within the SPEA as course woody debris;
- Submission of mid-construction and post-construction monitoring reports by the Qualified Environmental Professional via the Ministry of Environment RAR notification system prior to expiry of the development permit.

MOTION CARRIED

**New Business
D8 - Tompkins**

Catherine Tompkins, Senior Planner, provided a power point presentation giving an update on the South Cowichan Official Community Plan.

The Committee directed comments and questions to staff.

The Committee then recessed for a five minute break.

STAFF REPORTS

Chair Harrison resumed the Chair at this point.

**R1 – S. End Parks
Service Amendment**

It was Moved and Seconded
That CVRD Bylaw No. 3447 be amended by changing the bylaw citation to read
“South Cowichan Community Parks Service Amendment Bylaw, 2010”, and
that Bylaw No. 3447, as amended, be forwarded to the Board for consideration
of three readings and adoption.

MOTION CARRIED

**R2 – Saltair Parks
Service Amendment**

It was Moved and Seconded
That CVRD Bylaw No. 3446 – Saltair Community Parks Service Amendment
Bylaw, 2010, be amended by adjusting the proposed requisition amount to be
\$0.43 per \$1,000, and that Bylaw No. 3446, as amended, be forwarded to the
Board for consideration of three readings and adoption.

MOTION CARRIED

**R3 – Innovations
Fund Applications**

It was Moved and Seconded
~~That a combined GSPF/IF capacity building/ICS planning application of~~
\$370,000 be submitted for the “Cowichan Basin Water Management Plan
Implementation” project.

MOTION CARRIED

It was Moved and Seconded
That a General Strategic Priorities Fund Capital Project application of \$600,000
be submitted for the “Peerless Road Recycling Depot Upgrades & Ash Fill
Remediation” project.

MOTION CARRIED

It was Moved and Seconded
That an Innovations Fund Capital Project application of \$1,000,000 be
submitted for the “Saltair Power Generation” project.

MOTION CARRIED

**R4 – Towns for
Tomorrow**

It was Moved and Seconded
That an application of \$400,000 to the Towns for Tomorrow Funding Program
be submitted for the “Cobble Hill Sewer System” project.

MOTION CARRIED

**R5 – AVICC
Resolution**

It was Moved and Seconded
That the proposed AVICC Resolution drafted by Director Dorey be forwarded
to the Board for submission.
MOTION NOT VOTED ON

It was Moved and Seconded
That the proposed AVICC Resolution regarding “Reducing the Price of
Farmland through Taxation” be referred to staff to re-define.

MOTION CARRIED

R6 - Sidewalks

It was Moved and Seconded
That Staff Report dated December 2, 2010, from Tom R. Anderson, General
Manager, regarding sidewalks on MoTI road rights-of-way be referred to staff
for review.

MOTION CARRIED

**R7 – Parks year end
transfer to reserve**

It was Moved and Seconded
That the staff report dated December 7, 2010, from Brian Farquhar, Parks and
Trails Manager, regarding 2010 Community parks Yearend Transfer to Reserve,
be received and filed.

MOTION CARRIED

APC

AP1 to AP3 - Minutes

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

- Minutes of Area D APC meeting of November 17, 2010
- Minutes of Area I APC meeting of November 2, 2010
- Minutes of Area A APC meeting of November 9, 2010

MOTION CARRIED

PARKS

PK1 to PK5 - Minutes

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

- Minutes of Area D parks meeting of November 15, 2010
- Minutes of Area F parks meeting of October 7, 2010
- Minutes of Area G parks meeting of November 1, 2010
- Minutes of Area H parks meeting of September 23, 2010
- Minutes of Area H parks meeting of November 6, 2010

MOTION CARRIED

INFORMATION

**IN1 – FCM
Conference**

It was Moved and Seconded
That all Electoral Area Directors be approved to attend the FCM Sustainable Communities Conference on February 8-10, 2011 in Victoria, at a cost of \$635 each for registration plus expenses.

MOTION CARRIED

NEW BUSINESS

**NB2 – Restrictive
Covenant (Lintaman)**

Rob Conway, Manager, presented Staff Report dated December 3, 2010, regarding restrictive covenant on Lot 2, Stebbings Road (Lintaman/McMillan, File No. 7-B-10DP/RAR).

It was Moved and Seconded
That the Regional District approve the release of Covenant FB304195 subject to it being replaced with a new covenant to secure fire protection commitments; And Further, that \$7,675.50 of the \$19,675.50 security held in trust to secure commitments associated with Covenant FB304195 be released, with the remainder released upon completion of fire protection works.

MOTION CARRIED

NB3 – AVICC

It was Moved and Seconded
That the CVRD forward the appropriate forms to AVICC nominating Director Mary Marcotte for the "Electoral Area Representative" position on the AVICC.

MOTION CARRIED

**NB4, NB5, NB6 –
Grants in Aid**

It was Moved and Seconded
That the following grants in aid be approved:

- That a grant in aid, Area B – Shawnigan Lake, in the amount of \$1,000 be given to CMS Food Bank to assist with the food bank's needs.
- That a grant in aid, Area C – Cobble Hill, in the amount of \$1,000 be given to CMS Food Bank to assist with the food bank's needs.
- That a grant in aid, Area A – Mill Bay/Malahat, in the amount of \$1,000 be given to CMS Food Bank to assist with the food bank's needs.

MOTION CARRIED

**NB7 – Fuel
Management
Program**

It was Moved and Seconded
That the letter dated October 5, 2010, from the Cowichan Valley Naturalist Society expressing displeasure with work done at the Mill Bay Nature Park using money from the UBCM Fuel Management Program, be received and filed.

MOTION CARRIED

**NB8 – DP
requirement**

It was Moved and Seconded
That a development permit be required for construction work being undertaken at 1787 Cowichan Bay Road (File No. 7-D-09DP/Mueller).

MOTION CARRIED

**NB9 – Butler Gravel
Permit**

Tom Anderson, General Manager, presented Staff Report dated December 7, 2010, regarding Gravel Permit Referral (Butler Bros. Ltd.) on Langtry Road.

It was Moved and Seconded
That the Ministry of Energy, Mines and Petroleum Resources be requested to hold a public meeting for the proposed gravel permit at Lots 1, 2, 3 and 4, Section 9, Range 6, Plan 41254, and a portion of Lot 2, Section 9, Range 5, Plan 87193, and MoT Right of Way marked Road on Plan 41254, in order to address community concerns over the proposed gravel extraction, aquifer, and local waterworks.

MOTION CARRIED

NB10 – Grant in Aid

It was Moved and Seconded
That a grant in aid, Area C – Cobble Hill, in the amount of \$500 be given to Shawnigan Cobble Hill Farmers Institute to assist with a community celebration.

MOTION CARRIED

**NB11 – Leaking
vessel, Cow Bay**

Director Iannidinardo updated the Committee regarding the leaking vessel in Cowichan Bay waters. She advised that copper fittings had been stolen from the vessel which was causing the leaking. The Coast Guard has said that the hull is sound. Divers from Transport Canada have expressed concerns about fuel on board.

**NB12 – Medical
Grow-op**

Director Marcotte expressed concerns regarding a medical grow-op that is located across the street from the North Oyster Elementary School and the Community Centre.

Mr. Anderson requested Director Marcotte to provide him with the address of the operation and he would contact Health Canada regarding the various concerns of such an operation being located across from a school and community centre.

**NB13 – Appreciation
dinner, Area E**

Director Duncan stated that he would like to provide an appreciation dinner for his Commission in January 2011, and wants to be assured that money is available in the budget to do so.

Mr. Anderson noted that each Director is allotted \$600 every year for appreciation dinners. He advised Director Duncan that if his allotment was not used in 2010, it could be rolled over. The Committee stated that they had no problem with rolling money over until next year for that purpose.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 6:57 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:12 pm.

Chair

Recording Secretary

Area A Advisory Planning Commission Minutes

14 December 2010 at 6:30 PM

Mill Bay Fire Hall

Present: David Gall, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Dola Boas, Brian Harrison (Director, Area A), Roger Burgess (Alternate Director, Area A) and Rob Conway (MCIP, Manager, Development Services Division, CVRD)

Regrets: Geoff Johnson, Deryk Norton, Cliff Braaten left at 7:15 due to other commitments so was only present for the Braybrooks application

Audience: 6 public representatives

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 9 November 2010 meeting be adopted.

MOTION CARRIED

New Business:

Braybrooks Rezoning Application No. 4-A-10RS

Purpose: To rezone the subject property at 2658 Cameron Taggart Road to permit a 2 lot subdivision.

John Braybrooks, the applicant presented an overview of the property and answered questions from APC members.

- Property to west was recently subdivided to a minimum 1.0 ha or larger lots
- Shared septic field on site would need to be approved by VIHA
- Lot size of 1.0 ha minimum without community water and sewer required by VIHA and OPC.
- Not in current or proposed SCOPC to be included in the Urban Containment Boundary
- Precedent setting if approved
- Smaller lot sizes reflect subdivisions registered over the last 50 years, under current regulations the proposal is inconsistent with minimum lot size
- VIHA requires a minimum lot size of one hectare for lots on a well and septic.

APC Recommendations:

Area A APC was split 3 for and 4 against the proposal to subdivide the subject property to permit 2 lots.

The Area A APC recommends to the CVRD **Braybrooks Rezoning Application No. 4-A-10RS** not be approved.

Wyatt Rezoning Application No. 7-A-09RS

Purpose: To consider an application to amend the Area A OCP and Zoning Bylaw to permit development of 60 unit mixed housing development on approximately 3.8 hectares of land between Horton Road and Barry Road.

Rob Conway, MCIP, Manager, Development Services Division, CVRD provided the following information:

- Explained how this proposal deviates from the ALC Guidelines. The Guidelines are not firm standards; refer to level 1 p. 23 of handout for a visual example that meets the ALC Guidelines. The roadway is not referenced.
- Could the buffer be part of the property and then a covenant to protect the buffer? Then, the buffer area could not be used by the public e.g. trails, etc. – protected not a right of way. Yes possible – roadway would be within the property and not sure if acceptable to MoT also may affect sewer area. A private road going onto a Crown road (Barry Road) probably would not be acceptable to MoT.

Mark Wyatt, the applicant presented an overview of the 3 September amended application and answered questions from APC members. Comments and concerns presented by the APC were as follows:

- Falls short of the ALC guidelines, the commentary from ALC indicated it would inappropriate to deviate from the guidelines and not supported by the ALC.
- Some of the property is serviced for community sewer
- Property is in the UCB
- Better rendering of property in proper detail necessary
- Lot size too small, density too high to buffer adjacent working farm
- Parkland or cash in lieu could be a choice
- Mostly senior housing, then why proximity of schools important? – a contradiction
- ~~Senior housing could be controlled through strata~~
- Is the Ross Chapin, architect registered in BC? – not sure

Questions to be considered by APC members:

1. Does this application provide adequate protection for farm lands?
2. Is it appropriate to have this density do close to a farm?

APC members support the mixed use housing concepts in Mark Wyatt proposal - the real issue is the location of the subject property.

The Area A APC unanimously recommends to the CVRD **Wyatt Rezoning Application No. 7-A-09RS** not be approved.

Note: APC members were notified by June Laraman; on 16 December 2010 that Mark Wyatt has withdrawn his rezoning application for the property next to the Horton's.

Other:

SCOCP meeting 22 January 2011, June will notify APC in regard to attending.

Area A Director Update:

- **Mill Bay Marina** proceed subject to the following:
 - That the marina be built prior to the condominiums being constructed;
 - That a bond be put in place to ensure the boat launch ramp is built;
 - That no boat houses be permitted;
 - That the applicants work with the Ministry of Transportation and Infrastructure regarding safety concerns at the corner of Handy Road and Mill Bay Road.

A public hearing be scheduled.

- **Neil Drader** (*Rezoning Malahat Mountain Meadows RV Campground*), public hearing be scheduled following receipt of a draft covenant for the following:
 - A 3-metre wide strip of the subject property along the road frontage for the purpose of protecting the Malahat Drive view corridor which prohibits the installation of signage, the removal of vegetation and the parking of vehicles, unless specifically authorized by the CVRD;
 - A provision to ensure that oil containment measures are implemented under all parked recreational vehicles, for the protection of the natural environment.
- Handy/Mill Bay Road property rezoning to allow duplex – rejected
- Discussion with MoT regarding safety concerns for TransCanada Highway thru Mill Bay and dialogue started on new issues.
- Application for 50 units on Benko Road ready soon.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 8:20 pm.

The next regular meeting will be at 6:30 pm, **11 January 2011** at Mill Bay Fire Hall.

Nov. 4th, 2010
7:30 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre Elsie Miles Extension .

Present:

APC members: Chair Graham Ross-Smith, Carol Lane, recording secretary Cynara de Goutiere, Roger Painter,

Absent: John Clark Vice-Chair Sara Middleton, Rod MacIntosh

Delegation: Dave Aldcroft and Dave Polster from the Naturalists Society

ORDER OF BUSINESS

1) Introductions.

3) Presentation from Dave and Dave on the urgency of assuming some measure of Conservancy on the Proposed Eagle Heights Protected Area.

The Eagle Heights area is three quarters Weyerhaeuser owned and one quarter Crown, all in F1 and is adjacent to the Koksilah River Park. The major ecological assets - pocket grasslands, old growth forest, rare listed eco systems and rare listed plant species and Limestone karst features need protection. The two decade long dedication to the issue by the Naturalists needs support at the Regional level. Recognition in the new OCP would be helpful.

“ Conservation Values of a Proposed Eagle Heights Protected Area” prepared by Hans Roemer, Adolf Ceska and Oluna Ceska February, 2003 outlines the issues in depth and has been given to the CVRD for consideration.

4) Minutes.

Motion to accept minutes of October 2010 meeting. **Motion seconded and carried.**

5)

Motion APC recommends inclusion of Eagle Heights area as Eco-Sensitive area within bounds of new OCP.

Motion seconded and carried.

9) meeting adjourned.

AREA A PARKS AND RECREATION MEETING
NOVEMBER 18, 2010
HELD AT BRENTWOOD COLLEGE

M 4

Present: Director Brian Harrison, David Gall, Joan Pope, Ron Parsons, Charley Boas, Cathy Leslie, Clyde Olgivie, Greg Farley

Regrets: Kim Harrison, Roger Burgess

Absent: Al Brown



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

Approve meeting of last meeting: David Gall read the minutes from October 22, 2010. Minutes were adopted as read.

Old Business:

Tot Lot – Mill Springs

Ron Parsons has had a meeting with the CVRD regarding the Tot Lot at Mill Springs. They suggest a start up cost of \$30,000.00. This would start grading and planting grass.

Director Harrison will be talking to the developer next week and asking for help for the Tot Lot. (since that meeting you have probably all been notified that the developer is going to put some \$'s into the development).

CVRD is looking into grants for children with special needs that require special equipment for Tot Lot's.

Meridith Road:

The lots are now in place. The developer has to give Parks \$80 – 90,000.00 before the CVRD signs off. This money is to be used for Parks acquisitions only.

Kerry Village – Briarwood Trail:

David Gall is going to approach CVRD to see if they can put the entrance to the trail in a different place. He does not think the residents of Kerry Village will approve the use of the Common Ground behind their homes.

Mill Bay Marina:

The grant for assistance for a new ramp was turned down, so the developer is putting in a ramp and a dock. There will be a dedicated parkway of 15' in front of property. Area A Parks committee is requesting that benches be placed along the boardwalk.

New Business:

The trail from Boompond to Deloume is not clearly defined. It needs to be maintained and marked to show the path between the Waterworks and CVRD area.

Meeting adjourned at 8:35 pm. Next meeting is January 20, 2011 at Brentwood College.

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

DATE: December 14, 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 7:15pm.

PRESENT:

Chairperson: Marcia Stewart
Vice-chairperson: Sheny Gregory
Members: Dave Charney, Gerald Thom

ALSO PRESENT:

Director: Klaus Kuhn
Alternate Director:
Secretary: Tara Daly

REGRETS: Dan Nickel, Wayne Palliser

GUESTS:

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda with the following additions:

Under Old Business add Gatekeeper for Parks (information from Ryan Dias)

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of October 12, 2010 be accepted with the following amendment:

Under Director's Report the Font Board should be a sign on the Haul Road coming into Youbou from the west.

MOTION CARRIED

BUSINESS ARISING

- **Font Board** ~ Could removing some of the fluorescent tubes be tried to decrease the light; also has the photo cell been looked into?
- **Flag at Arbutus Park** has be removed by G. Thom and M. Stewart

CORRESPONDENCE

- NONE

DIRECTOR'S REPORT

- Director Kuhn has travelled to Germany for the Christmas holidays

COWICHAN LAKE RECREATION

- **Arena Renovations** ~ the warm room and dressing rooms will be used on December 20th for a Hockey Tournament
- **Upcoming Curling** ~ Men and Women Playdowns, BC Junior Championships with the winner qualifying for the Olympics
- **Winter Carnival** ~ December 23rd
- **New Year's Dance** ~ at Youbou with Third Rock, tickets are \$18 per person
- **Winter PlayBook** coming out soon

- **Ice removed** ~ May 2, 2011

CHAIRPERSON'S REPORT

- **NONE**

COWICHAN VALLEY REGIONAL DISTRICT

- B. Farquhar reported the vandalism at Woodland Shores (Stoker Park) is still being worked on by the RCMP but there are no leads; Commission was curious as to the deductible on the insurance

OLD BUSINESS

- **Caretaker (daily check)** ~ G. Thom will be responsible for Mile 77 Park; the Youbou Ball Team will be responsible for Little League Park; the gate should remain closed at Stoker Park to help with vandalism – S. Gregory will be responsible

NEW BUSINESS

- **Proposed re-zoning for Marble Bay Cottage development** ~ map didn't have enough detail so the Commission felt they needed more information to make an informed decision; the idea of a link or circle route is intriguing
- **Vandalism** ~ the occurrence at Stoker Park reiterates not developing the parks until there are houses in the area to oversee and use

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 8:15pm.

MOTION CARRIED

NEXT MEETING

January 11, 2011
7pm at Upper Hall

PLEASE NOTE: Location of meeting

/s/ Tara Daly
Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

13/01/2011

NAME OF APPLICANT:

SCOTT MITCHELL / MATTHEW RONALD JONES

ADDRESS OF APPLICANT:

PO BOX 8145, VICTORIA, BC, V8W 3R8

PHONE NO.:

250-361-7966

REPRESENTING:

SOUTH ISLAND MOUNTAIN BIKE SOCIETY (SIMBS)
Name of Organization

MEETING DATE:

18/01/2011

COMMITTEE/BOARD NAME:

EASC

NO. ATTENDING:

2

NO. WISHING TO MAKE A PRESENTATION:

2 (COOPERATIVE)

TOPIC TO BE PRESENTED:

- INTRO TO SIMBS RE: CLEASBY BIKE

PARK - PROPOSED STEWARDSHIP

AGREEMENT

NATURE OF REQUEST/CONCERN:

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



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011

FILE NO:

FROM: Dan Brown, Parks Trails Technician

BYLAW NO:

SUBJECT: Cleasby Bike Park Stewardship Agreement

Recommendation:

That the Board Chair and Corporate Secretary be authorized to execute a Stewardship Agreement with the South Island Mountain Bike Society (SIMBS) to involve the Society in the operation of the Cleasby Bike Park in Electoral Area 'C' (Cobble Hill).

Purpose:

To request approval to enter into a stewardship agreement with the South Island Mountain Bike Society pertaining to operation of the Cleasby Bike Park in Quarry Nature Park.

Financial Implications:

n/a

Background:

The Cleasby Bike Park is located within Quarry Nature Park in Electoral Area 'C'. It is purpose built for mountain bikes and features dirt jumps in varying degrees of size and difficulty from beginner to more difficult. The park has been a popular addition to Quarry Nature Park since construction was completed in spring 2009 with the input and participation of the Cobble Hill Parks Commission, CVRD Parks and Trails staff and volunteers from the community.

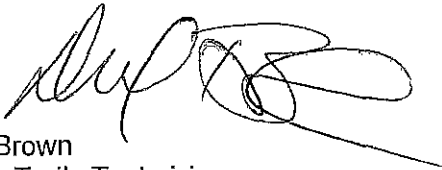
Since planning/construction of the bike park began, CVRD Parks and Trails have been seeking involvement of a local volunteer group to maintain the dirt jumps and provide a stewardship role in the use of the bike park. Currently, maintenance of the park is performed during CVRD organized volunteer events which are scheduled in the spring and fall. Garbage pickup, monthly inspections, and general park cleanup are performed by the CVRD park maintenance contractor.

In spring 2010 CVRD Parks and Trails staff began talks with the South Island Mountain Bike Society (SIMBS) regarding the potential for signing a stewardship agreement for SIMBS to manage and maintain the bike park under CVRD direction. SIMBS is active in park and trail stewardship in the Victoria area, their primary trail network being the Hartland/Mount Work trails. The knowledge and experience in the sport of mountain biking brought forward by SIMBS is extensive, as well as their collective knowledge of managing mountain bike facilities.

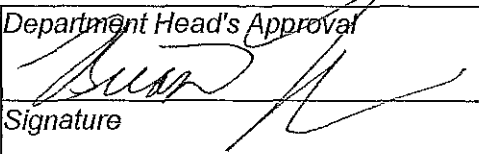
A stewardship agreement with SIMBS would include details of responsibilities of the society to maintain, repair, and monitor specific aspects of the dirt jump park, the promotion of safe, responsible mountain biking, creating opportunities for both youth and adult volunteer participation, and working with the CVRD on any future modifications or changes to existing jumps or other elements of the bike park. Signage, garbage pickup, monthly inspections, and general park cleanup would continue to be addressed by the CVRD under the community parks program. Local volunteers would be recruited and would be under the supervision and direction of a SIMBS director. The Society would also be required to provide appropriate insurance under the terms of the Stewardship Agreement indemnifying the Regional District for their activities within the bike park, inclusive of the use of volunteers.

Involvement by the SIMBS can not only benefit the bike park, but also creates opportunities to broaden the involvement of the local mountain biking with trails in the Cobble Hill Mountain Regional Recreation Area and other potential CVRD sites. SIMBS is also very active in the promotion of responsible use of trails, and as an advocate for mountain biking and multi-use trails in the Cowichan Valley.

Submitted by,



Dan Brown
Parks Trails Technician
Parks, Recreation and Culture Department

Department Head's Approval

Signature

DB/ca



C·V·R·D

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JANUARY 18, 2011**

DATE:	January 10, 2011	File No:	4-A-07RS
FROM:	Alison Garnett, Planner II Development Services Division	BYLAW No:	
SUBJECT:	Rezoning Application No. 4-A-07RS (Jim Logan)		

Recommendation:

That rezoning application 4-A-07 RS (Logan) be denied, partial fees refunded, and the file closed, unless the following three conditions are satisfied by March 31, 2011:

1. A letter is received from the Ministry of Transportation and Infrastructure, indicating that the sight distance issue has been resolved or can be resolved to their satisfaction;
2. A landscaping plan is submitted, including cost estimates, for the purpose of screening the RV storage from the perspective of the Trans Canada Highway;
3. A draft covenant is received, which prohibits any signs from being posted along the southern boundary of the property along the Trans Canada Highway.

Purpose:

To reconsider an application to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and Official Community Plan (OCP) Bylaw No. 1890, to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs).

This application has been inactive for a period of at least 12 months, with no clear indication that the applicant is preparing to comply with the conditions of the Board's approval, given in December 2009. A copy of the staff report from December 2009 is attached for background information.

Financial Implications: N/A

Interdepartmental Implications: N/A

Background:

This application appeared before the CVRD Board at the December 9, 2009 meeting, at which time the following resolution was passed:

09-631(8)

1. *That Rezoning Application 4-A-07RS (Logan) be approved, but that:*
2. *Prior to any reading of the amendment bylaws the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;*

3. *Prior to consideration of adoption of the amendment bylaws, that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; AND FURTHER that a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; AND FURTHER that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.*

To date, amendment bylaws have not been given first and second reading by the Board, and no progress has been made on the application. Planning staff have provided the applicant with a written letter to clarify the conditions of the Board's approval, and outline subsequent steps in the process. However, 12 months have passed without any indication that the applicant is able to attain MOTI's approval of the sight distance issue, or that a landscaping plan is forthcoming. In accordance with Development Applications Procedures and Fees Bylaw No. 3275, a letter was sent to the applicant in September of 2010, advising him that the application would be closed in January 2011, as the file had been inactive for 12 months.

We note that this application originated out of a bylaw enforcement complaint, as the owner is already operating a RV storage business in the F-2 zone of Electoral Area A- Mill Bay/Malahat. This rezoning application was submitted in an attempt to legalize this commercial/industrial use of the property.

Considering the above, staff recommend that the Board provide a deadline within which the applicant must meet three conditions. Specifically, by March 31, 2011, staff recommend that the applicant a) submit preliminary approval from the Ministry of Transportation and Infrastructure regarding the sight distance issue, b) submit a landscaping plan which would provide screening from the perspective of the Trans Canada Highway, and c) submit a draft covenant which would prohibit signage along the TCH road frontage.

If these conditions are not met by March 31, 2011, staff recommend that a partial refund of fees be issued, and the file closed. Alternatively, if these three conditions are met by the deadline, then staff will draft amendment bylaws. In accordance with the December 2009 Board resolution, a BCLS survey, fencing, security, and registration of the covenant will still be required prior to consideration of adoption of the amendment bylaws, should the application proceed towards that stage.

Options:

Option A:

That rezoning application 4-A-07 RS (Logan) be denied, partial fees refunded, and the file closed, unless the following three conditions are satisfied by March 31, 2011:

1. A letter is received from the Ministry of Transportation and Infrastructure, indicating that the sight distance issue has been resolved or can be resolved to their satisfaction;
2. A landscaping plan is submitted, including cost estimates, for the purpose of screening the RV storage from the perspective of the Trans Canada Highway;
3. A draft covenant is received, which prohibits any signs from being posted along the southern boundary of the property along the Trans Canada Highway.

Option B:

That application No. 4-A-07 RS (Logan) be denied immediately and that a partial refund of application fees be given in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

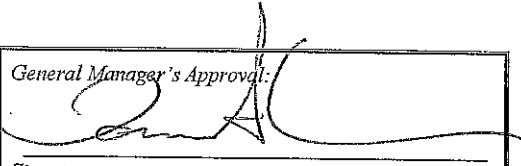
Option A is recommended.

Submitted by,



Alison Garnett
Planner II
Development Services Division
Planning and Development Department

AG/ca
Attachments

General Manager's Approval:

Signature



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 1, 2009

Date: November 25, 2009 File No: 4-A-07RS
FROM: Dana Beatson, Short Range Planner BYLAW No: 2000
Development Services Division
SUBJECT: Rezoning Application No. 4-A-07RS (Jim Logan)

Recommendation:

~~That Rezoning Application 4-A-07RS (Logan) be approved, but that:~~

Prior to any reading of the amendment bylaws the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;

Prior to consideration of adoption of the amendment bylaws, that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; AND FURTHER that a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; AND FURTHER that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.

Purpose:

To consider an application to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and Official Community Plan (OCP) Bylaw No. 1890, to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs).

Background:

Location of Subject Property: 841 Ebadora Lane

Legal Description: Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591RW, Except Plans 739-R, 29558, 38364, VIP55979 and VIP61126 (PID 002-435-349)

Date Application and Complete Documentation Received: August 14, 2007

Owner Jim Logan

Size of Parcel: The total parcel area is ± 3.65 ha (± 9 acres) and the portion of the parcel proposed to be rezoned is ± 0.8 ha (± 2.0 acres).

Existing Plan Designation: Forestry

Proposed Plan Designation: ± 2.0 acres of the property is proposed to be designated to industrial.

Existing Zoning: F-2 (Secondary Forestry)

Proposed Zoning: Approximately 2.0 acres of the subject property is proposed to be rezoned to a new restricted light industrial zone that allows for the outdoor storage of RVs (I-1B).

Minimum Lot Size Under Existing Zoning: The minimum parcel size in the F-2 zone is 4.0 hectares.

Minimum Lot Size Under Proposed Zoning:

- 0.8 ha for parcels served by a community water and sewer system
- 0.8 ha for parcels served by a community water system only
- ha for parcels served neither by a community water or sewer system

Existing Use of Property: Residential. There is currently one single family residential dwelling on the northwest portion of the property. There are approximately 5 RV's stored on the southern portion of the property.

Existing Use of Surrounding Properties:

North: Residential (zoned R-1)
South: Trans Canada Highway and Forestry lands beyond (zoned F-1)
East: Forestry (zoned F-2)
West: Forestry (zoned F-2)

Services:

Road Access: Ebadora Lane

Water: Existing well

Sewage Disposal: Existing on-site sewage disposal

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies a stream planning area on the northern portion of the site. The Planning Atlas states that it is a TRIM stream with possible fish presence.

Archaeological Site: There are no confirmed archaeological sites on the subject property.

Property Context:

The subject property is located at 841 Ebadora Lane approximately half a kilometer east of Whittaker Road. The property is approximately 3.65 ha (9 acres) in size and gently slopes from the centre of the property to its eastern boundary. The majority of the site is treed and vegetated with the exception of the portion of the site where the single family dwelling and driveway are located and the 2.0 acres of land where the RVs are proposed to be stored.

Currently there is a naturally vegetated buffer along the southern parcel line. This buffer was measured from the ditch along the Trans Canada Highway to the applicant's property line. The buffer area is approximately 10 metres wide on the northern end and 17 metres wide on the southern end along the parcel line. The applicant and CVRD staff are uncertain as to how much of this buffer area is located in the Trans Canada Highway right-of-way (owned by the Ministry of Transportation and Infrastructure) and how much, if any, is located on the owner's actual property.

This neighborhood is characterized by larger rural residential and forestry parcels that range in size from about 1.0 ha to 84 ha (2.5 – 207 ac). This neighborhood, including the subject property, is largely designated Forestry in the OCP with the exception of the residential lots to the north of the subject property, which are designated rural residential.

The Proposal:

The applicant is proposing to amend Zoning Bylaw No. 2000 and OCP Bylaw No. 1890 by rezoning approximately two acres of the subject property from F-2 (Secondary Forestry) to a new zone and re-designating the two acre portion from Forestry to Industrial so that the outdoor storage of RVs may be permitted.

According to the site plan submitted by the applicant, 2.0 acres on the southeastern portion of the property would be occupied by the outdoor storage of RVs. The applicant has informed CVRD staff that the type of RVs that will be stored onsite will include: motor homes, fifth wheel trailers, travel trailers and tent trailers. The applicant has indicated that all recreational vehicles that will be stored on-site will be licensed under the *Motor Vehicle Act*. The applicant anticipates that there will be a maximum of 20 recreational vehicles on-site during any given season between the months of April and October of each year. It should be noted that rezoning a 2.0 acre portion of the property will likely permit more than 20 RVs onsite. The applicant has noted that he will be towing and transporting ninety percent of the vehicles on and off the property and that the remaining RVs will be transported on and off the site by their registered owners.

According to the conceptual site plan submitted by the applicant the proposed road access for the property is from Ebadora Lane via private driveway.

In terms of servicing, the subject property is currently serviced by a well and on-site sewage disposal. The Malahat Volunteer Fire Department provides fire protection for this property.

As part of the rezoning application, the applicant is not proposing any parkland dedication. The CVRD Parks and Trails Division received a copy of this report for their review and comment. As approval of this application will not result in a subdivision application, parkland dedication or cash-in-lieu during the subdivision process under Section 941 of the *Local Government Act* will not be required.

The CVRD Environmental Planning Atlas (2000) identifies a stream planning area on the northern portion of the site. The Planning Atlas states that it is a TRIM stream with possible fish presence. CVRD staff confirmed the presence of a ravine and creek during a site visit in August 2009 and it appears that it is located more than 30 metres away from the proposed RV storage area.

Policy Context:

Official Settlement Plan:

The subject property is presently designated as Forestry in the OCP. This designation in the plan is intended to ensure forestry lands are protected for forestry use. Forestry lands contribute to the rural character of Mill Bay/Malahat, sustain wildlife habitat, and often provide recreational and educational opportunities within communities. Some objectives of the Forestry designation are:

- a) *To encourage forest land owners to make forest lands available for recreational enjoyment and education; and*
- b) *To safeguard the area's scenic and recreational appeal.*

Relevant Forestry policies in the OCP include:

Policy 6.3.1 – Except where specifically prohibited by other policies contained within this Plan or the policies of the provincial government, forestry uses shall be given priority in the forestry designation.

Policy 6.3.9 – The retention of aesthetic values such as buffers along the Trans Canada Highway shall be strongly encouraged.

As mentioned previously, the proposed OCP designation is industrial. The plan suggests that new industrial development in the Plan area may be introduced to permit light industrial uses with requirements for storage of materials, landscaping, traffic mitigation and environmental protection. The Plan further suggests that the highway corridor must be protected by buffering industrial uses from the highway. Some objectives of the industrial designation include:

- a) *Ensuring light industrial activity does not impact negatively on the attractive character of the community or the natural environment, including groundwater resource; and*
- b) *Permitting clean, light industrial uses, with rigorous requirements for storage, landscaping, traffic mitigation and environmental protection.*

Industrial policies in the OCP applicable to the subject application include:

Policy 9.3.1 – The designation of additional land for industrial use shall take into consideration the following criteria:

- a) The site shall have easy, direct, approved access to a major public road system other than the Trans Canada Highway;*
- b) The development will not generate additional traffic on residential streets; and*
- c) The development shall not be detrimental to the natural environment or detract from the visual attractiveness of the area.*

Policy 9.3.6 – The dedication of a natural buffer or greenway of a width not less than 20 metres (66 ft) or 5% of the parcel width, whichever is less, shall be required as a screen between industrial uses and adjacent non-industrial uses or public roadways.

Zoning:

Electoral Area A Zoning Bylaw No. 2000 presently has two forestry zones (F-1 and F-2). The F-1 zone is a primary forestry zone and the F-2 zone is a secondary forestry zone. The subject property is zoned F-2 (Secondary Forestry) and the F-2 zone permits: the management and harvesting of primary forest products, excluding: sawmilling, manufacturing, dry land log sorting operations, offices and work yards; one single family dwelling; agriculture, silviculture, horticulture; bed and breakfast accommodation; home occupation; one secondary suite or one small suite per parcel. It should be noted that a majority of the property (i.e. \pm 7 acres) will remain zoned as F-2 with the exception of 2.0 acres of land that is proposed to be rezoned to industrial.

The applicant is proposing to use a portion of the property for the outdoor storage of RVs. The outdoor storage of recreational vehicles is one of the uses permitted in the I-1A Zone (Light Industrial Mini Warehousing) and is similar to the motor vehicle storage use which is permitted within the I-2 Zone (General Industrial). Because the applicant is only applying to permit a limited industrial use on 2.0 acres and not any other industrial uses, staff have recommended that a new industrial zone that would only permit one use: the outdoor storage of RVs, be developed for the property. The draft I-1B Zone – Light Industrial Recreational Vehicle Storage has been attached for your reference.

A copy of the F-2 zone and suggested I-1B - Light Industrial Recreational Vehicle Storage including a complete list of permitted uses, is attached to this report.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed and discussed this application at their November 2009 meeting where they passed the following recommendation:

The six of seven APC members present recommended the application be accepted with caveats:

- *Implement Option 1 to establish a new industrial zone – the suggested I-1B - Light Industrial Recreational Vehicle Storage Zone with a fence around the new zone to define the exact location of the new zone.*
- *The appropriate screening and fencing from TCH (as per CVRD recommendations) be implemented.*
- *That oil collection devices be placed under vehicles that are motorized such as motorized RVs, boat engines etc.*
- *No signs on the TCH highway be permitted.*
- *Dust control on property driveway should be employed.*
- *Trailer certification should be required.*
- *Landscaping Bond should be posted.*
- *MoTI must approve before zoning can be changed.*

Referral Agency Comments:

This application was referred to government agencies on August 26, 2009. The following is a list of agencies that were contacted and the comments received.

- *Ministry of Transportation and Infrastructure (Victoria) –Approval Not Recommended due to poor sight distance. The access to the site does not have sufficient safe sight distance for leaving the site.*
- *Central Vancouver Island Health Authority – Approval recommended subject to the following conditions: (1) if the applicant wishes to allow clients to use the existing septic system as a sani-dump, an Authorized person, as described in the Sewerage System regulation, should be contacted to determine if the system is acceptable for such a use and perform any upgrades and (2) the existing water system should not be used to deliver drinking water to the recreation vehicles, unless this office has approved it as a Community Water System under the Drinking Water Protection Act and Regulation.*
- *CVRD Public Safety Department – It is recommended that: a minimum two points of access/eagress to the proposed development be considered to provide citizenry and emergency services personnel secondary evacuation route in the event of congestion. The property is located within the Shawnigan Lake RCMP Detachment area, the BC Ambulance (Station 137 Mill Bay) response area, and within the Mill Bay Fire Improvement District response area.*
- *Ministry of Environment – No comment received.*
- *Cowichan Tribes – No comment received.*
- *Malahat First Nation – No comment received.*
- *Malahat Volunteer Fire Department – No comment received.*
- *CVRD Parks and Trails Division – No comment received.*

Development Services Division Comments:

Provided certain conditions are met, the APC was supportive of this application to rezone 2.0 acres of the property from F-2 to the new light industrial zone recommended by staff, the I-1B - Light Industrial Recreational Vehicle Storage Zone.

Because the property is being split-zoned staff feel it is necessary to have the 2.0 acre I-1B Zone surveyed and fenced so it is clear where the exact location of the I-1B Zone is on the property. Staff are recommending that the applicant have the 0.8 ha portion of the site surveyed by a BCLS and it be fenced prior to consideration of adoption of the amendment bylaws.

Because this site is highly visible from the Trans Canada Highway (TCH) appropriate landscaping and screening also needs to be implemented. The applicant has informed CVRD staff and the APC that he intends on placing creating a .91 metre (3 foot) high berm along the southern boundary of the property coupled with a 5 metre (15 foot) cedar hedging. Staff are recommending that at minimum landscaping needs to be placed along the southern, western and eastern fence boundaries of the 2.0 acre industrial lands so that the RV's are not visible from the TCH. Staff is recommending that the applicant submit a landscape plan with cost estimates and that this be received prior to giving any readings of the amendment bylaws. Prior to consideration of adoption of the amendment bylaws, it is recommended by staff that a security (ILOC) be deposited with the CVRD to ensure that landscape screening in the landscape plan is completed.

The Ministry of Transportation and Infrastructure (MoTI) have recommended that this application not be approved because access to the site does not have sufficient safe sight distance for leaving the site. Because the subject property is located within an 800 metre radius from an intersection of a controlled access highway, the TCH, MoTI will be required to sign the Zoning Amendment Bylaw prior to final adoption. Staff are recommending that prior to any reading of the amendment bylaws that the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction.

Staff are recommending that no signage be placed along the TCH. Under normal circumstances the applicant is permitted to have a sign on the property related to the RV storage or a home based business and guidelines regarding the sign are contained within the CVRD sign bylaw and the Trans Canada Development Permit Guidelines. In order to prevent the applicant from posting a sign along the TCH, the CVRD is recommending that prior to consideration of adoption of the bylaws that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway.

The APC expressed concerns regarding the possibility of increased dust being emitted from the driveway as trailers are being towed back and forth on and offsite. In order to reduce dust emitted onsite the applicant has indicated that he would be putting new surface material on his driveway in the form of crushed asphalt in order to control the amount of dust onsite. If the EASC feels it is necessary to have the applicant place this surface material on his driveway they could request that it be done as a condition of final adoption of the bylaws and make this a condition of final adoption.

The APC also indicated that oil collection devices be placed under the RV's. The only way to place oil collection devices under the vehicles is by requiring the applicant to pave the entire two acres onsite where the RV's are going to be stored. The applicant does not have plans to pave the 2.0 acre portion of the property. If the EASC feels it is necessary to have the applicant place oil collection devices under the vehicles and that the area be paved the EASC could recommend that the applicant do this before final adoption of the bylaws and make this a condition of final adoption.

The APC expressed an interest in having all of the RV's onsite be certified. RV certification is difficult to manage and enforce through zoning.

Development Permit Process:

The subject property is within the Trans Canada Development Permit Area and the Riparian Areas Development Permit Area. If a portion of the subject property is successfully rezoned to permit RV storage the applicant will be required to meet the guidelines of the development permit area and obtain a development permit from the CVRD before development occurs. The purpose of the Trans Canada Development Permit Area and Riparian Areas Regulation Development Permit Area is to establish guidelines for the protection of the natural environment and provide guidelines for the form and character of industrial development. The development permit guidelines for both development permit areas have been attached for your reference.

Options:

Option A:

That Rezoning Application 4-A-07RS (Logan) be approved, but that:

That prior to any reading of the amendment bylaws, the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;

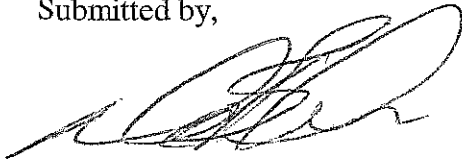
Prior to consideration of adoption of the amendment bylaws, that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; AND FURTHER that a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; AND FURTHER that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.

Option B:

That Rezoning Application 4-A-07RS (Logan) be denied and that a partial refund of application fees be given in accordance with the CVRD Development Application Procedures and Fees Bylaw No. 3275.

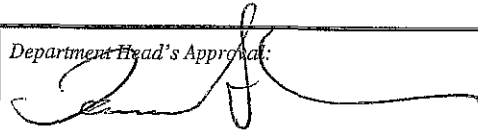
Option A is recommended.

Submitted by,



Dana Beatson
Short Range Planner
Development Services Division
Planning and Development Department

DB/ca
Attachments

Department Head's Approval:

Signature



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

The Regional District does not warrant the accuracy,

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

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

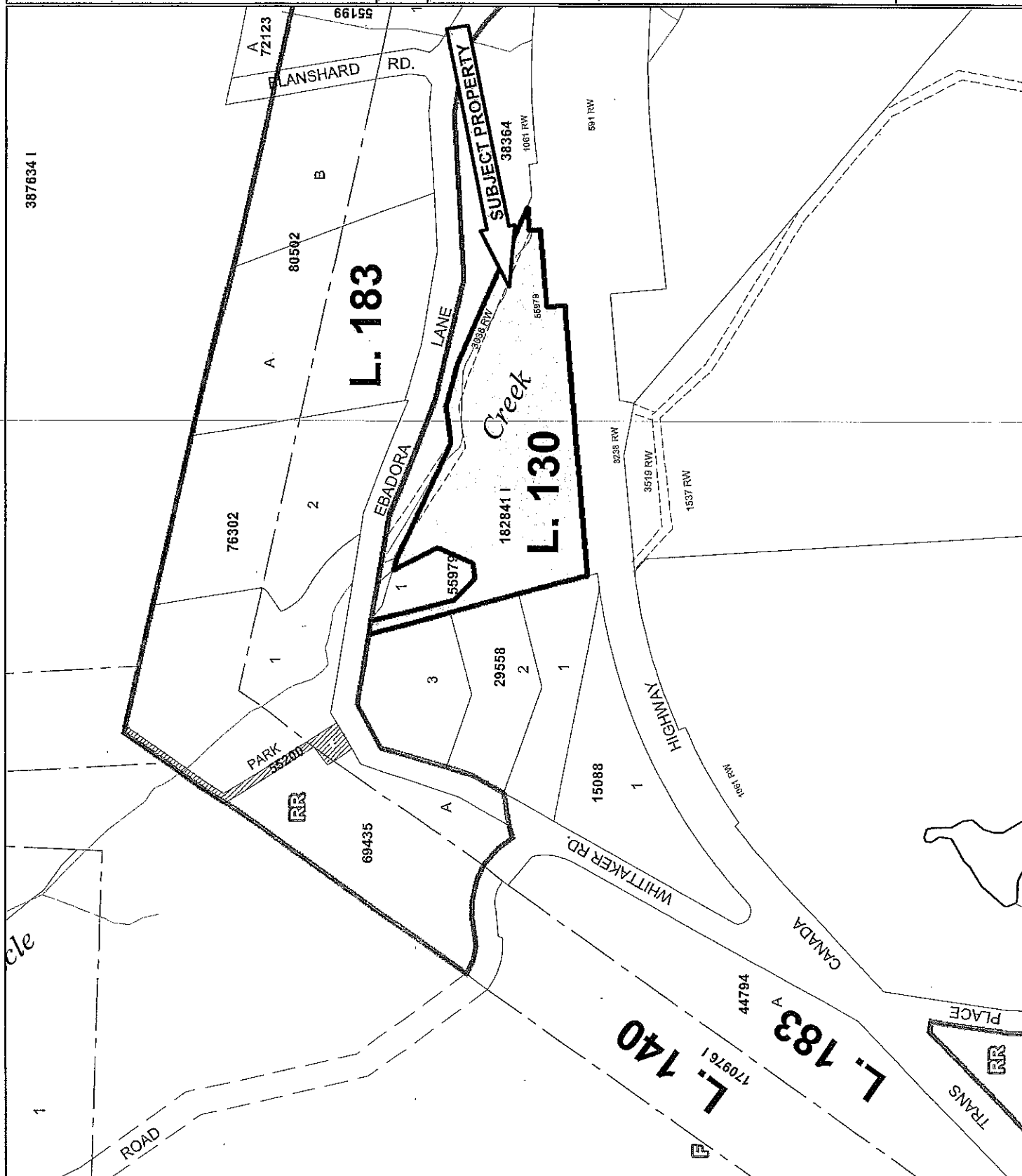
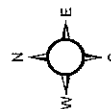
FILE: 4-A-07-RS

DO

Legend



Subject Property
OCP Electoral Area





Cowichan
Valley
Regional
District

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The Regional District does not warrant the accuracy.

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

FILE: 4-A-07-RS

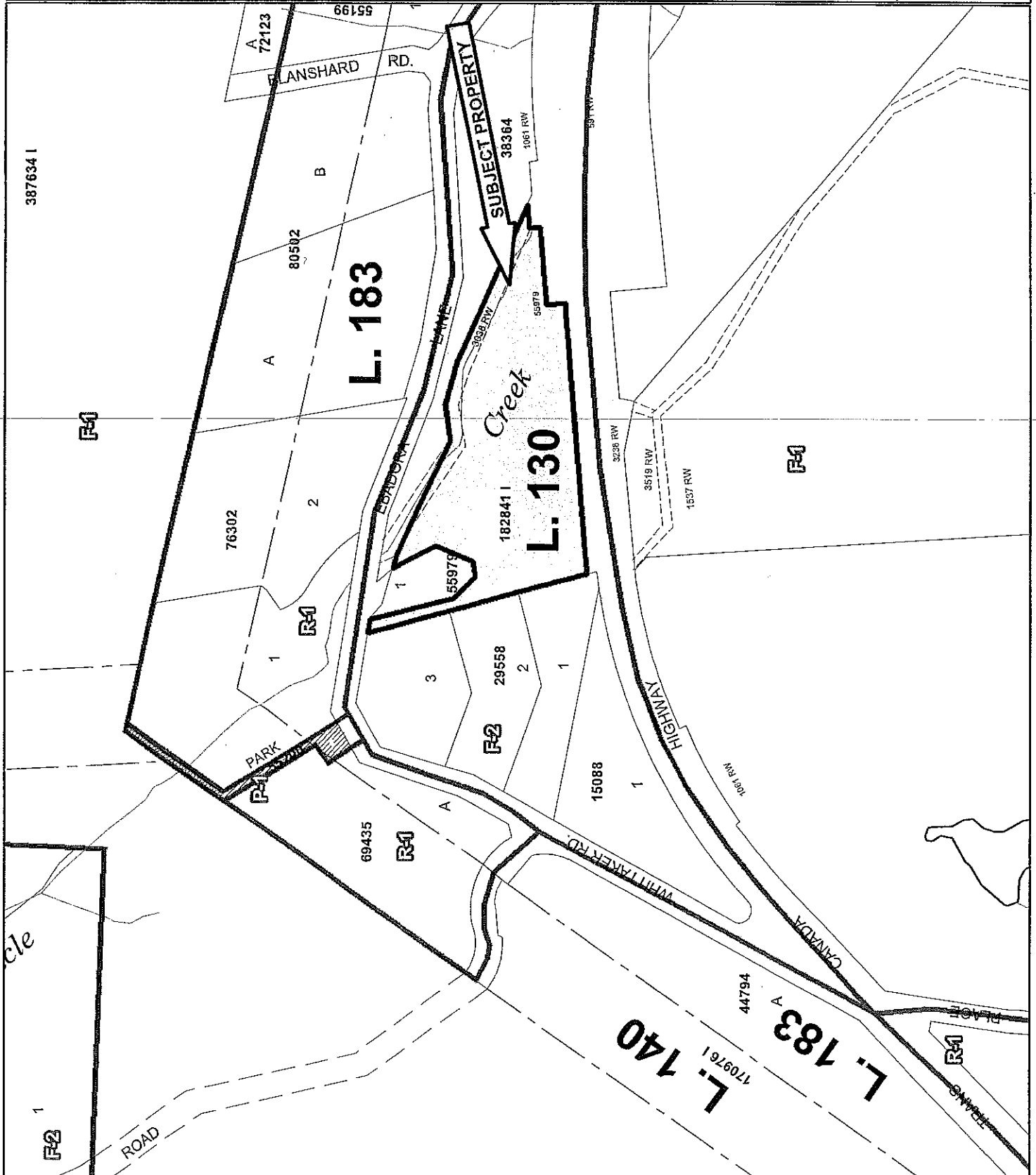
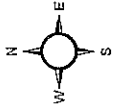
ZONING

Legend



Subject Property

Zoning Electoral Area A





Cowichan
Valley
Regional
District

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The Regional District does not warrant the accuracy.

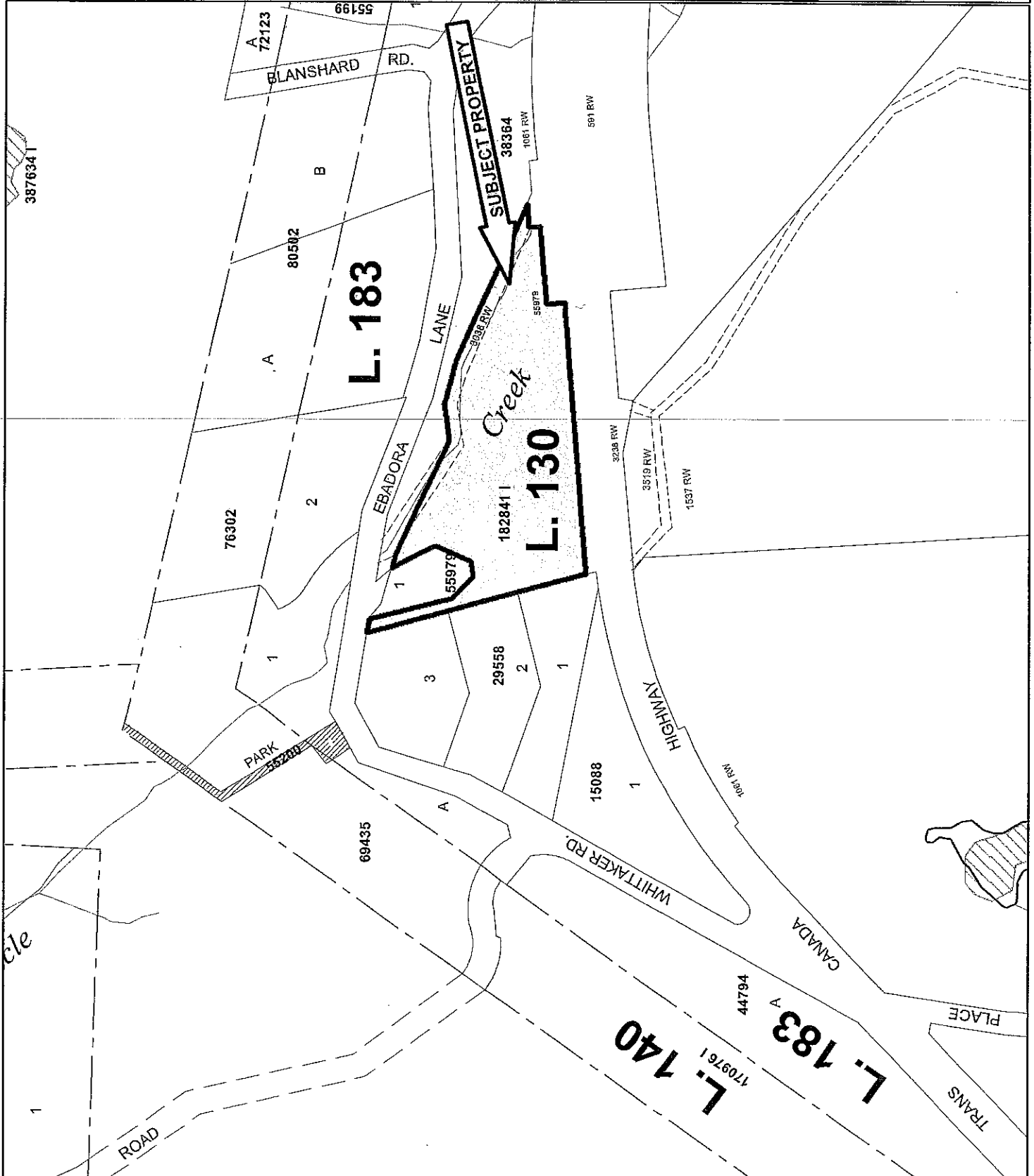
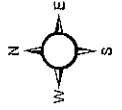
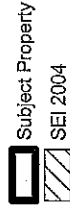
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FILE: 4-A-07-RS

Sensitive Ecosystem Inventory

Legend



SUBDIVISION PLAN OF:

PART OF LOT A, DISTRICT LOT 130, MALAHAT DISTRICT, PLAN 38364;
 PART OF THOSE PARTS OF LOT 130, MALAHAT DISTRICT,
 LYING TO THE NORTH OF PLAN 591 R.W., EXCEPT
 PLAN 739-R, PLAN 29558 AND PLAN 38364.

3.C.G.S. 92-B.053

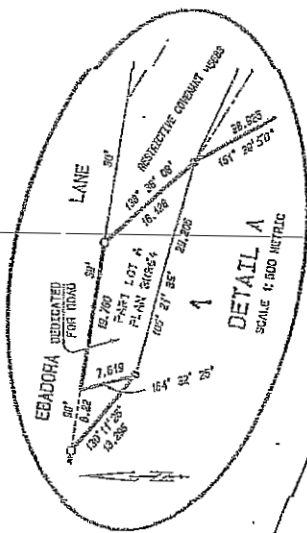
THIS PLAN IS PREPARED PURSUANT TO SECTION 996 OF THE MUNICIPAL ACT

SCALE = 1 : 1000

ALL distances are in metres and decimals thereof, unless otherwise stated.



EBADORA DEDICATED FOR TOWN



LEGEND

Astronomic Bearings are derived from Plan 29558

- Dashed line with post found
- Dashed line assumed from post set

EBADORA

SEE DETAIL A LANE

PART 1

0.255 ha.

PLAN

LOG HOUSE

REMAINDER OF PART OF LOT 130 300ft



REMAINDER LOT A PLAN 38364

Area 87,000ft² (2.0 acres)

Approximate location of 2.0 acre portion of property proposed to be used for the outdoor storage of recreational vehicles

APPROVED FOR ROAD DEDICATION
 BRITISH COLUMBIA HYDRO AND POWER
 OWNERS OF CHARGE NUMBER - L63543
 BY ITS ATTORNEY IN FACT (D.F. # EP 1877)

[Signature]
 Supt. of Highways
 4613

[Signature]
 EVIDENCE FILED
 4613

[Signature]
 APPROVED SIGNATURE
 4613

[Signature]
 APPROVED SIGNATURE
 4613

PLAN VIP 55979

Deposited in the Title Office at Victoria, British Columbia this 10th day of April, 1993.



APPROVAL

Approved under the Land Title Act this 10th day of April, 1993

[Signature]
 Approving Officer
 Ministry of Transportation and Highways

This plan lies within the
 Cowichan Valley Regional District.

The registered owner of the land has executed this plan in accordance with the provisions of the Land Title Act.

[Signature]
 REGISTERED OWNER
 Date of 10th day of April, 1993.

Registered Owner

[Signature]
 Even if they appear to be as to signature.

[Signature]
 BCL

Registration

540 VIEW ST

Address VICTORIA, BC

I, Bruce Hanson Lewis, a British Columbia Land Surveyor in Victoria, in British Columbia, certify that I am present at and personally supervised the survey represented by this plan and that the survey and plan were completed on the 10th day of April, 1993.

[Signature]
 B.C.L.S.



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011 **FILE No:** 2-D-10 RS
FROM: Alison Garnett, Planner II **BYLAW No:**
Development Services Division
SUBJECT: Rezoning Application 2-D-10 RS (Butler)

Recommendation:

That Application No. 2-D-10RS (Butler) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Purpose:

An application has been received to amend Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015. The applicants are proposing to rezone $\pm 853 \text{ m}^2$ ($\pm .21$ acres) of land from the R-3B Zone (Urban Residential – Limited Height) to a new duplex limited height zone.

This application appeared before the EASC December 7, 2010, but was referred to the January 18th 2011 meeting, to allow the applicants an opportunity to attend the meeting. The applicants have been given advance notice of this meeting date.

Background:

Location: 1721 Pritchard Road, Cowichan Bay

Legal Description: Lot A (DD A26121), Section 6, Range 4, Cowichan District, Plan 12744

Date Application and Complete Documentation Received: January 20, 2010

Owner(s): Michael and Deborah Butler

Size of Parcel: $\pm 853 \text{ sq.m.}$ ($\pm .21$ acres)

Contaminated Site Profile Received: Declaration pursuant to the *Waste Management Act* signed by the property owner. No Schedule 2 uses noted.

Existing Use of Property:

The subject property currently has a small cottage on it that was built in the 1930s.

Existing Use of Surrounding Properties:

North: Residential (zoned R-3B)
South: Residential (zoned R-3B)
East: Multiple Family Residential (zoned RM-3)
West: Residential (zoned R-3B)

Agricultural Land Reserve Status: The subject property is outside of the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) does not identify any environmentally sensitive areas on the subject property.

Archaeological Sites: There are no identified archaeological sites on the subject property.

Existing Plan Designation: Urban Residential

Proposed Plan Designation: Not being amended.

Existing Zoning: The subject property is zoned R-3B (Urban Residential – Limited Height).

Proposed Zoning: A new duplex limited height zone is proposed

Minimum Lot Size Under Existing and Proposed Zoning:

The minimum parcel size in the R-3B Zone is:

- 700 m² for parcels served by a community water and sewer system;
- 0.2 ha for parcels served by a community water system only;
- 0.8 ha for parcels served by neither a community water or sewer system.

Services:

Road Access: Pritchard Road

Water: Community Water is proposed

Sewage Disposal: Community Sewer is proposed

Property Context:

The subject property is located on Pritchard Road in Cowichan Bay. This is a sloped, 0.21 acre lot that is primarily lawn and landscaped gardens. The north and east parcel boundaries are heavily vegetated providing a visual buffer between the subject property and the adjacent condo building.

This neighborhood in Cowichan Bay is characterized by residential use and designated Urban Residential within the OSP. Properties to the immediate north, west, and south of the site contain urban residential parcels that range in size from about 600 m² to 3900 m². Multi-family residential uses are located to the immediate east and northeast of the property.

The Proposal:

Overview

This application proposes to rezone the subject property from R-3B (Urban Residential – Limited Height) to a new zone for the purpose of permitting a duplex on the property. The applicants have indicated to CVRD staff that they intend to demolish the existing home and applying to strata title the proposed duplex. A conceptual site plan illustrating the proposed layout and location of the duplex onsite is attached to this report, but at this point the applicants have not provided a conceptual building design.

Site Access

The subject property has access off Pritchard Road, which is along its southern boundary. The applicant has indicated that Pritchard Road will continue to be used to access the parcel if the rezoning application is approved.

Water

The applicants have indicated the property currently has one connection to Cowichan Bay Water District, so an additional connection will be required for the second residence. Cowichan Bay Water Districts comments are noted below.

Sewer

The subject property is located within the Cowichan Bay Sewer System Service Area, and the subject property currently has one community sewer connection. One additional connection is required for the additional dwelling unit being proposed.

Fire Protection

The subject property is located within the Cowichan Bay Fire Protection Area and the Cowichan Bay Volunteer Fire Department provides fire protection for this property.

Park Dedication

The applicant is not proposing any park dedication. As no subdivision is proposed, park dedication under Section 941 of the *Local Government Act* is not required.

Watercourses and Environmentally Sensitive Areas

The CVRD Environmental Planning Atlas (2000) does not identify Environmentally Sensitive Areas on the subject property. No watercourses or wetlands were seen during a site visit conducted by staff on July 7, 2010.

Policy Context:

Official Settlement Plan:

The Area D OSP designates the subject property as Urban Residential. The Area D Official Settlement Plan (p. 8, 9 & 10) states that some of the objectives of the Plan are, *"to protect areas and views of exceptional natural beauty and visual amenities for the general public"* (p.8), *"to provide for a diversity of lifestyles by permitting a variety of lot sizes and housing alternatives"* (p.9), and *"to evaluate all new residential development on the basis of its effect on existing water supplies"* (p. 10).

The OSP also contains policies that relate to the subject application; they include:

Policy 7.1 – Infilling shall be encouraged adjacent to existing residential areas and within those areas designated Urban and Suburban Residential on the Plan Map. Further designation of land for residential use shall be conditional upon a review of residential land availability in the area.

In cases where this review indicates that there is sufficient land available to satisfy the anticipated population growth over a five year period, re-designation should be denied or deferred until infilling has occurred.

Policy 7.9 – Land designated Urban Residential shall be subject to the following net density standards (including all parks, roads, and schools).

URBAN RESIDENTIAL DEVELOPMENT STANDARDS

Services Provided

No services

Community Water

Community Water and Sewer

Maximum Net Density

1 unit per .8 hectares

1 unit per .2 hectares

1 unit per 700 m²

Policy 7.11 – Duplexes shall be permitted on a single parcel providing the allowable maximum density is not exceeded.

Policy 7.11.1 – Notwithstanding Policy 7.11, the Board may, by way of rezoning, consider permitting duplexes on parcels of land in the Urban Residential Designation, provided parcels are connected to a community water system and the Eagle Heights (CVRD) sewer system. In considering such zoning amendment applications, the Board shall have regard for the surrounding land uses, traffic and such other matters as may be considered relevant.

Off-street Parking Bylaw No. 1001

Currently on-site there is one parking spot on the subject property. Parking Bylaw No.1001 stipulates that when a building contains two or less dwelling units, as is the case with the proposed duplex, there must be two spaces per dwelling unit. In this case, this rezoning proposal would require four parking spaces. As the applicants are proposing four parking spaces, the proposed duplex would be in compliance with CVRD Bylaw 1001.

Advisory Planning Commission Comments:

The Area D Advisory Planning Commission reviewed this application on October 20, 2010 where the following motion was passed:

*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 (7.5 m) that is applicable to any new duplex application in the limited height zone of Area D.
The motion passed 7-0.*

Referral Agency Comments:

This application was referred to government agencies on August 26th, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Interests unaffected*
- Vancouver Island Health Authority – *This office has no objection provided all units are connected to community water and sewer systems*
- Cowichan Tribes – *No comments received.*
- Cowichan Bay Volunteer Fire Department – *Interests unaffected*
- Cowichan Bay Water District – *The owner must make formal application to CBWD for water, and pay all applicable fees. The owner must comply with CBWD Engineering Specifications and Standards.*
- CVRD Parks and Trails Division – *Parks and Trails staff have reviewed the application and will not be referring it to the Parks Commission during the rezoning stage.*
- CVRD Public Safety Department – *Proposal is within North Cowichan/Duncan RCMP Detachment area; Proposal is on the border of BC Ambulance Service Station 152 (Duncan) and Station 137 (Mill Bay) response areas and either station could be called to respond; Proposal is within the boundaries of the CVRD Regional Emergency Program; With the proposed cottages set back from the road area, the proposed development should ensure that community and emergency services personnel have sufficient space to enter the property; Proposal is inside the response area of the Cowichan Bay Volunteer Fire Department.*
- CVRD Environmental and Engineering Department – *Currently Cowichan Bay Sewer Service Area is at capacity and unable to add additional users at this time.*

Planning Division Comments:

A primary challenge for this application is community sewer availability. The subject property is located within the Cowichan Bay Sewer Service Area, but as noted in the comments received from CVRD Environmental and Engineering Department, Cowichan Bay Sewer system is at capacity, and unable to provide service to the proposed second residence. The development potential of a duplex on this lot is therefore in question.

This is somewhat regrettable, as the APC appears supportive of a duplex within Cowichan Bay village, so long as the appropriate height limits are in place for view protection. Planning staff also support this application from a land use perspective, as it proposes a modest increase in density within the village area, and the land is already designated for Urban Residential use. Furthermore, this application complies with those Plan policies that encourage infilling and variation in housing types.

The height issue raised in the APC's comments are based on the applicant's original request to rezone the property to an existing duplex zone within the Area D Zoning Bylaw: R-3A Urban Residential Duplex zone. This zone currently applies to three parcels located on Francis Street in the Koksilah area, approximately 5 km from the subject property. The R-3A zone has a height limit of 10 metres for all buildings and structures. We have received comments from the public (attached) which object to the proposed 10 metre height limit, as the subject property is currently in a height limited zone. This issue can be addressed by creating a new height limited duplex zone in order to ensure view protection in Cowichan Bay village. The applicants are amenable to a 7.5 metre height restriction.

However, the uncertainty of redeveloping this lot due to the inability to meet servicing requirements leaves staff in a position to recommend that this application be denied. This recommendation comes from a practical perspective, and is reinforced by OSP policy 7.11.1, which states that a duplex must be connected to a community water and sewer system. In accordance with Bylaw No. 3725, the applicants could reapply in 12 months, at which time there may be additional capacity in the Cowichan Bay Sewer system.

Alternatively, it is possible for the duplex zoning to be in place prior to securing the additional sewer unit. In this scenario, the applicants could elect to maintain the small home in the interim, or a portion of the duplex could be constructed, with the second half added when the additional sewer unit becomes available. In this scenario, staff recommend that steps be taken to ensure that on-site sewage disposal is not pursued prior to the additional community sewer system becoming available. There is more uncertainty with this scenario, but with safeguards in place, this is an option that the EASC may wish to consider.

Options:

A:

1. That Application No. 2-D-10RS (Butler) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

B:

1. That draft bylaws for application No. 2-D-10RS (Butler) for a new limited height duplex zone be prepared and presented at a future EASC meeting;

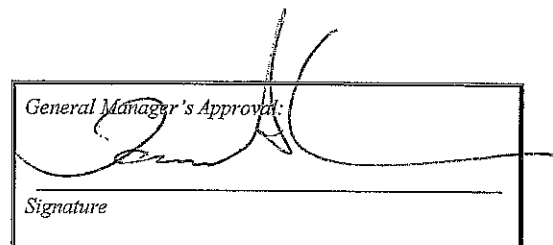
2. That the application referrals from the Ministry of Transportation and Infrastructure, Cowichan Bay Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes and Cowichan Bay Waterworks be accepted;

Option A is recommended.

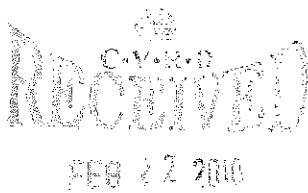
Submitted by,



Alison Garnett, Planner II
Development Services Division
Planning and Development Department



AG/ca



1722 Pritchard Road RR1
Cowichan Bay, B.C.
V0R 1N1

February 11, 2010

Mr. T. Anderson
Planning Department
CVRD
175 Ingram Street
Duncan, BC
V0L 1N8

Dear Mr. Anderson:

I am writing with respect to the Development Application for Re-Zoning of the property at 1723 Pritchard Road in Cowichan Bay. My understanding is that the re-zoning, if approved, would permit the construction of a 10 metre high building in the middle of an area which is otherwise restricted to 7.5 metres in height. This would make nonsense of the ruling restricting new construction in the area to 7.5 metres and would set a very undesirable precedent for future development applications.

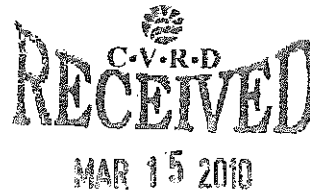
In my view the CVRD should immediately issue a new zoning provision for this protected area of Cowichan Bay permitting the construction of a duplex or other building not covered by the present zoning but limited to 7.5 metres in height.

If this is not done and the current Application amended accordingly I can assure you that my neighbours and I will vigorously oppose it. I hope and believe that other Cowichan Bay residents would do likewise.

We live at 1722 Pritchard Road, directly across from the property in question, and our views of the Bay could be considerably compromised by the proposed development.

Yours sincerely,

David Griggs



March 10, 2010

Cowichan Valley Regional District
Duncan, BC

Attention: Mr. Tom Anderson

Re: Rezoning application, 1723 Pritchard Road, Cowichan Bay

Sir,

We respectfully ask the CVRD to deny Mr. And Mrs. Butler's application to rezone their property at 1723 Pritchard Road from "Urban Residential - Limited Height" to "Urban Residential - Duplex". The additional 2.5 meters of height permitted under the Duplex zoning will adversely affect our and our neighbours' view of the bay. The 7.5 meter height limit was introduced to preserve bay views for all residents and we see no reason why the restriction should be lifted, or a precedent made, in this case.

Respectfully yours,

Two handwritten signatures are present. The first signature, on the left, is for Sharron Keetley and is written in a cursive style. The second signature, on the right, is for Eric Brown and is also written in a cursive style.

Sharron Keetley
1726 Pritchard Road
Cowichan Bay

Eric Brown

Rob Conway

From: Tom Anderson
Sent: Wednesday, February 17, 2010 11:51 AM
To: Rob Conway
Subject: FW: Rezoning application

From: KAREN STUBBS [mailto:karenandcal@shaw.ca]
Sent: Wednesday, February 17, 2010 11:45 AM
To: Tom Anderson
Cc: Iannidinardo, Lori; Rutherford, Gordon; Hosking, Brian; Einarsson, Donna
Subject: Rezoning application

Re: Rezoning application for 1721 Pritchard Road - Butler.

This application is requesting to change a property zoned R-3B Height Restricted Single Family Residential to R-3A duplex. This duplex zoning has a 10 metre height limit. The existing zoning has a 7.5 metre height limit. This area of Cowichan Bay is all height restricted.

The question of whether a duplex is appropriate for the site is clouded by the 10 metre height of that zoning. Perhaps a limited height duplex zone would be a more appropriate application. Any 10 metre building in the middle of a height restricted zone does not make sense. Perhaps revising this application before it goes to public hearing will save everyone time and money. Every previous attempt to do an end run around the height restrictions has failed. Need we go down this path again?

Cal Bellerive



Cowichan
Valley
Regional
District

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

The Regional District does not
warrant the accuracy.



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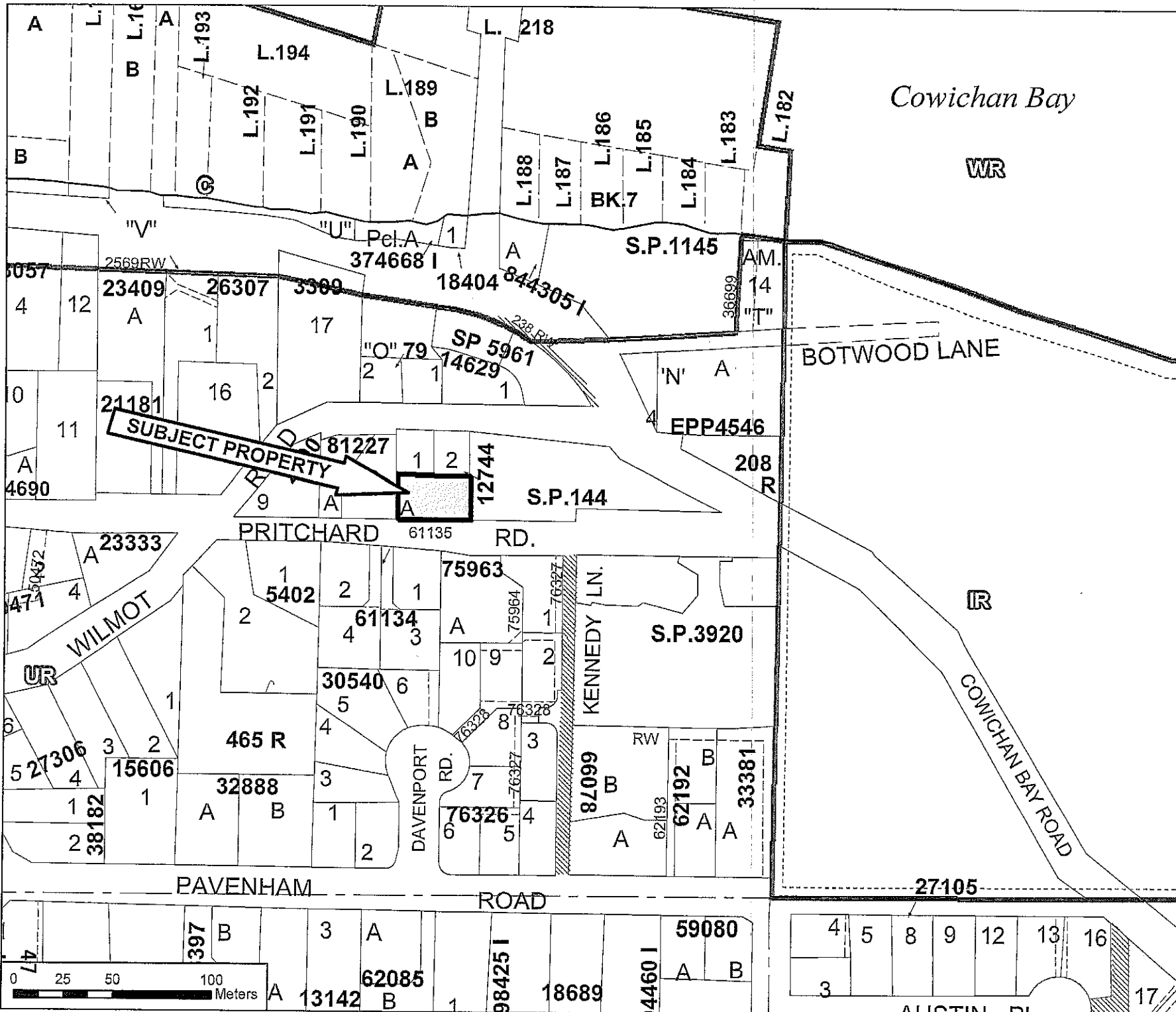
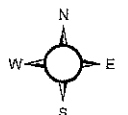
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 2-D-10-RS

OCP

Legend

 Subject Property
 OCP Electoral Area D





Cowichan
Valley
Regional
District

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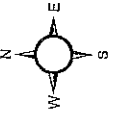
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FILE: 2-D-10-RS

ZONING

Legend



Cowichan Bay

W-2

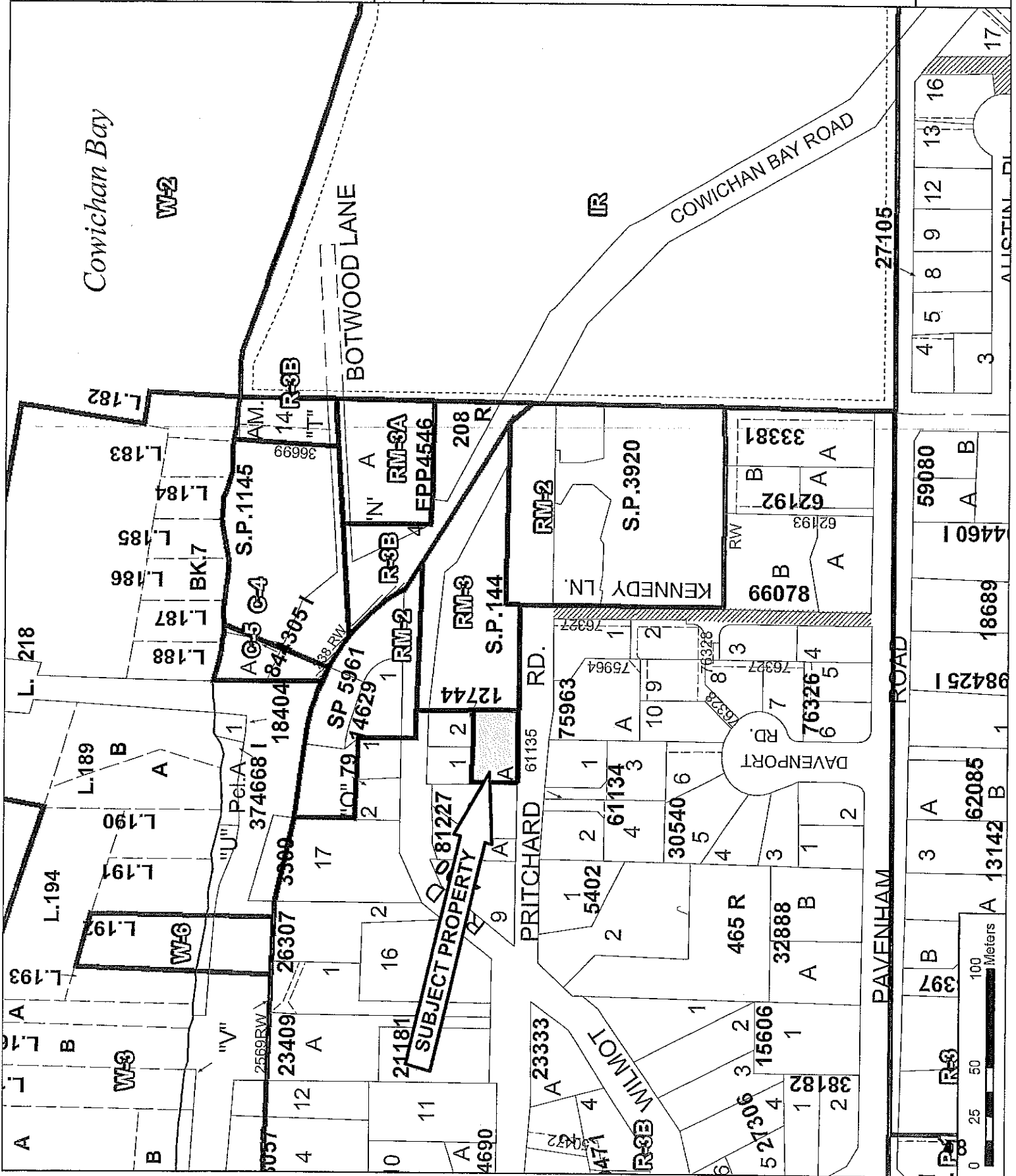
BOTWOOD LANE

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COWICHAN BAY ROAD

27105

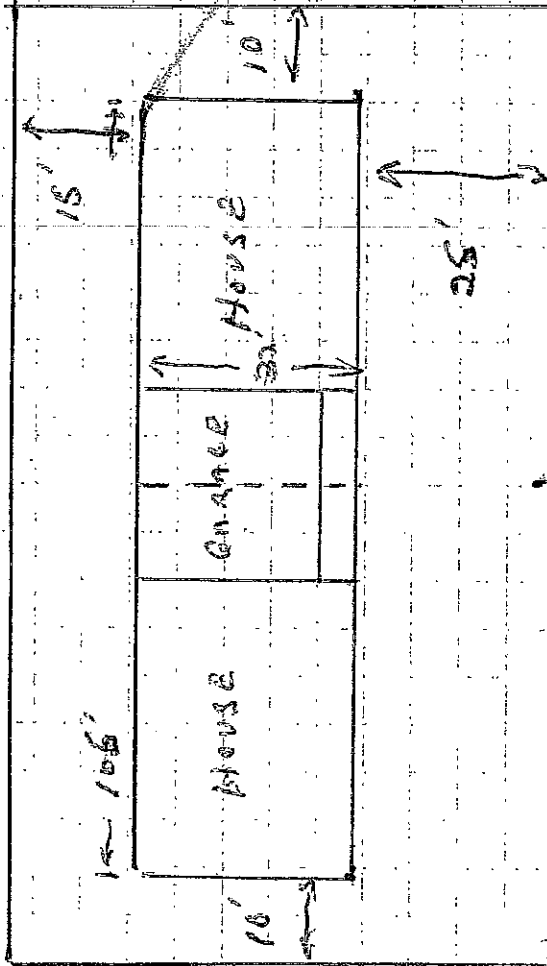
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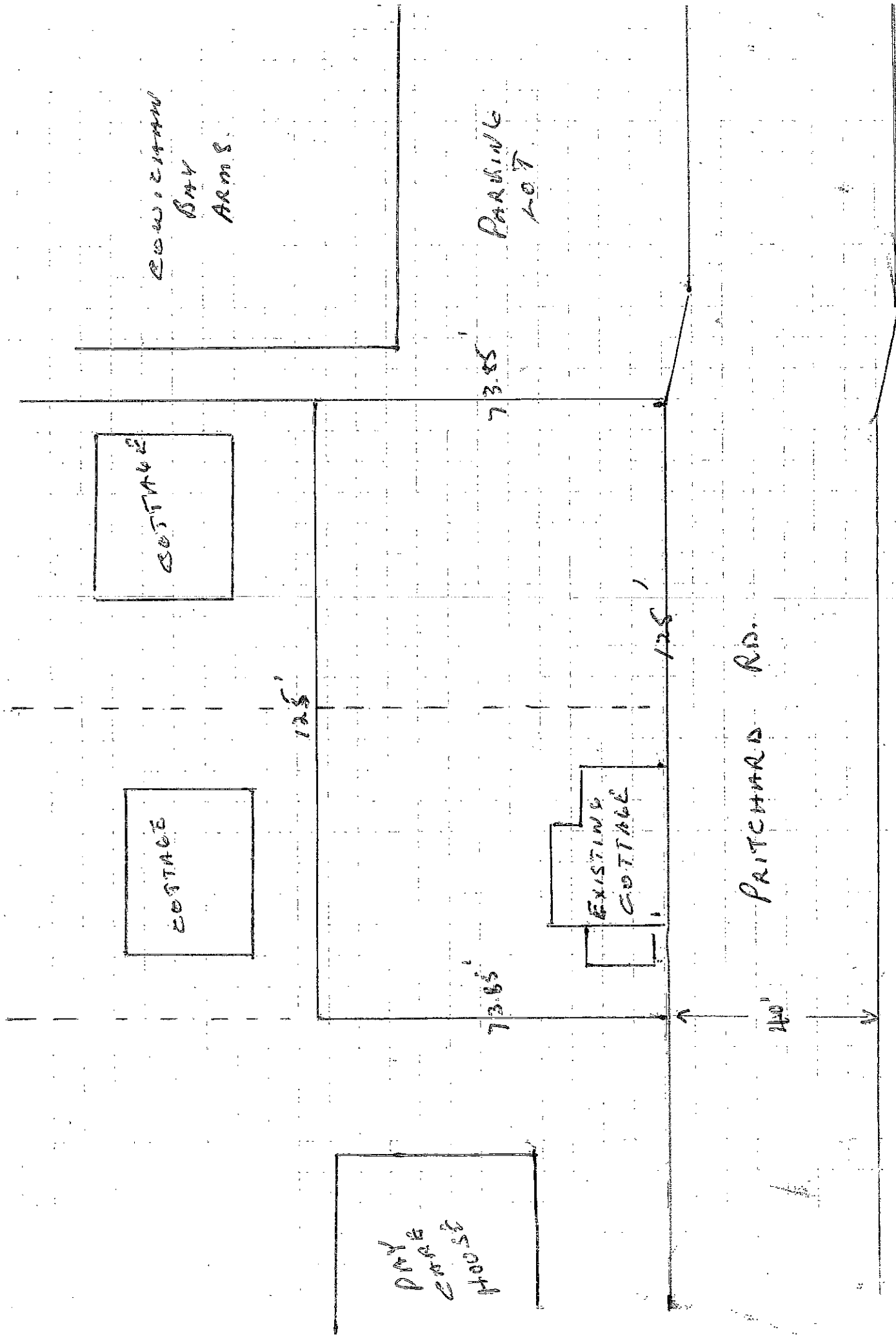
PROPOSED
DUPLEX
DEVELOPMENT.

SCALE 1" = 25'
APPROX.



Pritchard Rd.

S



SCALE 1" = 25'
APPROX



R 4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JANUARY 18, 2011

DATE: January 11, 2011 **FILE No:** 4-A-10 RS
FROM: Alison Garnett, Planner II **BYLAW No:**
Development Services Division
SUBJECT: Rezoning Application 4-A-10 RS (Braybrooks)

Recommendation:

That Application No. 4-A-10RS (Braybrooks) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Purpose:

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and Official Community Plan Bylaw No. 1890, for the purpose of permitting a two lot subdivision.

Background Information:

Location: 2658 Cameron Taggart Road

Legal Description: Lot 3, Sections 1 and 2, Range 7, Shawnigan District, Plan 23232 except part in Plan 46763

Date Application and Complete Documentation Received: May 21, 2010

Owner(s): Mary Braybrooks
Applicant: Mary and John Braybrooks

Size of Land Parcel: 0.96 ha (2.3 acres)

Contaminated Site Profile Received: Declaration pursuant to the Environmental Management Act signed by owners.

Existing Use of Property: Single family residence

Existing Use of Surrounding Properties:

North: Suburban residential
South: Institutional
East: Cameron Taggart Road and residential
West: Suburban residential

Road Access: Cameron Taggart Road
Water: On site
Sewage Disposal: On site

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

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

Archaeological Sites: None identified in CVRD mapping

Fire Protection: Shawnigan Lake Service Area. Fire protection is provided by the Shawnigan Lake Volunteer Fire Department.

Existing Plan Designation: Suburban Residential

Proposed Plan Designation: Unchanged

Existing Zoning: R-2 Rural Residential

Min lot size under existing zoning: 1 hectares without servicing

Proposed Zoning: New residential zone

Min lot size under proposed zoning: 0.4 ha without servicing

Property Context:

The subject property is a 0.96 ha residential lot located near the intersection of Cameron Taggart Road and Shawnigan-Mill Bay Road, on the western border of Electoral Area A - Mill Bay/Malahat. Currently on the property is a single family home and accessory buildings. The lot is not located within the vicinity of a community water or sewer system, but rather is serviced by an onsite well and septic field. The lot is also located outside of the Plan area's Urban Containment Boundary (UCB).

The subject property is zoned R-2 Suburban Residential, and designated Suburban Residential in the Official Community Plan (OCP) Bylaw No. 1890. The land use surrounding the subject property is a combination of residential and agriculture lots of mixed parcel sizes, with the exception of the Lions Hall located immediately to the south, which is zoned P-1 Parks and Institutional.

Although the area is characterized by rural residential and agricultural uses, many small lot residential subdivisions have developed along the Shawnigan-Mill Bay Road corridor in the past 50 years. For example, the six lots across Cameron Taggart Road (which are zoned A-2 Secondary Agriculture), were created by subdivision in 1954. These A-2 zoned lots range in size from 0.5 ha to 0.1 ha.

The Proposal:

The applicant is requesting that the subject property be rezoned in order to subdivide and create two lots approximately 0.5 hectare and 0.4 hectare in size. The lot is currently 0.96 hectares, and therefore has no subdivision potential under the current zoning. The attached site plan shows that the applicant intends to create a new lot at the rear of the subject property, accessed by a panhandle driveway from Cameron Taggart Road. On this new lot, the applicant wishes to construct a single story, accessible home, in which they would reside.

The applicants are proposing a shared onsite septic field to service both lots. Vancouver Island Health Authority approval for this system would be required. With respect to water supply, the applicants indicated that a new well would be drilled to service the new lot.

The applicant has not indicated whether any amenities or community benefits would be provided as part of this proposed development. At the subdivision stage, parkland dedication would not be required pursuant to Section 941 of the *Local Government Act*, as fewer than 3 lots are proposed.

Policy Context:

Zoning:

As this proposal involves subdivision, minimum lot size relative to zoning and level of servicing is a primary consideration. The table below provides a summary of relevant minimum parcel sizes from Zoning Bylaw No. 2000.

Zone	Minimum lot size
R-1 Rural Residential	2 hectare
R-2 Suburban Residential	0.4 ha with community water 1 ha without community water or sewer
R-3 Urban Residential	0.1675 with community water and sewer 0.2 with community water 1.0 ha without community water or sewer

The size of the proposed lots in this application (0.4 hectares) is not sufficient in meeting the minimum lot size requirements for any single family residential zone within the Zoning Bylaw, as the subject property is not within a community water or sewer service area.

We note that the current lot size and zoning would permit a small suite or secondary suite (each with a floor size limit of 85 m²) to be constructed as an accessory residence. However the applicants have indicated that the small suite would not meet their needs, and are therefore proceeding with this rezoning application.

Official Community Plan:

Policy 7.3.2

Rezoning proposals for residential development will be considered based upon the following criteria:

- a) protection of hazard lands and environmentally sensitive areas;*
- b) impact on surface water and groundwater;*
- c) sewage disposal impacts and pollution potential;*
- d) relationship to the natural resource management policies of this Plan;*
- e) integration with natural surroundings and adjacent land uses;*
- f) provision of greenspace and parkland;*
- g) provisions for public safety; and*
- h) other criteria which encourage the creation of a sustainable community.*

Policy 7.5.1

For lands designated as Suburban Residential, the maximum density (excluding all roads, parks and schools) shall not exceed one dwelling unit per hectare (2.5 acres), where community water is not provided. Where community water is provided, the maximum density shall not exceed one dwelling unit per 0.4 hectares (1 acre).

Also to consider are the Residential Objectives (Section 7.2):

- a) to create an urban containment boundary (UCB) within which urban residential densities may be permitted, and beyond which such densities shall not be permitted;*
- b) to allow only residential development which does not detract from the area's rural or village character, jeopardize the area's resource lands or add to the risk of groundwater or environmental degradation*

c) to provide for aging in place through a full range of housing for seniors in central locations within the urban containment boundary (UCB);

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed this application December 14th, 2010, where the following recommendation was made:

Area A APC was split 3 for and 4 against the proposal to subdivide the subject property to permit 2 lots. The Area A APC recommends to the CVRD Braybrooks Rezoning Application No. 4-A-10RS not be approved.

Referral Agency Comments:

This application was referred to government agencies on November 9, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Approval recommended for rezoning. This is not approval of any proposed subdivision.*
- Vancouver Island Health Authority – *Approval not recommended. The proposed lot sizes do not meet the minimum requirements of the Vancouver Island Health Authorities Subdivision Standards for lots on a well and on-site septic. Reconsideration may be given if connection to a permitted community water system is proposed.*
- Malahat First Nation – *No comments received.*
- Shawnigan Lake Volunteer Fire Department – *Interests unaffected.*
- CVRD Parks and Trails Division – *Parks and Trails staff have reviewed the application and will not be referring it to the Parks Commission during the rezoning stage.*
- CVRD Public Safety Department – *Approval is recommended, subject to the following comments: Proposal is within Shawnigan Lake RCMP Detachment area; Proposal is within BC Ambulance Service Station 137 (Mill Bay) response area; Proposal is within the Malahat VFD Fire Protection response area.*
Public Safety has the following concerns regarding the proposed zoning: Wildland Urban Interface Mapping indicates the area hazard interface as "Moderate" which is defined as: will not support a crown fire but will support surface fire spread that could directly impact adjacent structures. Suppression success likely, As a result, the following is recommended:
 1. *Confirmation that the water system in the area is compliant with "NFPA 1142, Standard on Water Supplies for Suburban and rural Fire Fighting" to ensure necessary firefighting water flows.*
 2. *Sufficient access/egress for emergency services equipment and citizenry to access/egress simultaneous should evacuation be required.*
- CVRD Environmental and Engineering Department – *Interests unaffected: This property is not in a CVRD water or sewer service area, therefore water management department has no objection or comment on this rezoning.*

Planning Division Comments:

This proposal would not be out of place with respect to the surrounding settlement pattern, which is characterized by various lot sizes, reflecting subdivisions registered over the last 50 years. However this application is inconsistent with the current minimum parcel sizes which are established in the Zoning Bylaw and reiterated in OCP policy. The 1 hectare minimum lot size for parcels without community servicing (for both the R-2 and R-3 zones) are based on land use planning principles, as well as health and safety standards. As noted above, the Vancouver Island Health Authority recommends that this application not be approved, as the 0.4 hectare lot size being proposed does not meet VIHA's standards of 1 hectare for lots on a well and septic.

The extension of a community water system to the subject property would allow this subdivision under the current zoning. However there is the question of whether a community water system, and the associated subdivision potential, is desirable in this area. The subject property is located outside of the Urban Containment Boundary, and therefore, in staff's opinion, does not qualify as infill development. The prevalence of small lots in this area functions to blur the distinction between the rural and urban areas of Mill Bay/Malahat and potentially weakens the intent of the Urban Containment Boundary.

The applicant's request to subdivide in order to build a smaller, single story accessible home (essentially to "age in place") is quite understandable. The Residential Objectives in the OCP acknowledge the need for a full range of housing types; however the policy states that this type of development should be located in central locations within the UCB where services can be efficiently provided.

The Mill Bay/Malahat APC considered the land use implications of this application, and have recommended that this application not be approved. We note that approval of this application would necessitate a site specific OCP and Zoning amendment, essentially to vary the existing lot size standards. Staff are of the opinion that this application does not merit an exemption from the existing policy and regulation, and that further subdivision in this location is not wise land use planning. Our opinion is reinforced by the VIHA's and the APC's comments and we therefore recommend that the application not be approved.

Options:

A:

1. That Application No. 4-A-10RS (Braybrooks) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

B:

1. That draft bylaws for application No. 4-A-10RS (Braybrooks) for a new residential zone be prepared and presented at a future EASC meeting;

2. That the application referrals from the Ministry of Transportation and Infrastructure, Shawnigan Lake Volunteer Fire Department, Vancouver Island Health Authority be accepted;

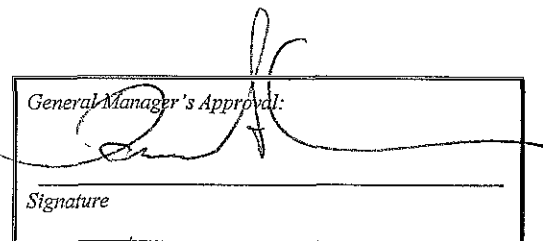
Option A is recommended.

Submitted by,



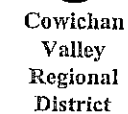
Alison Garnett, Planner II
Development Services Division
Planning and Development Department

AG/ca



General Manager's Approval:





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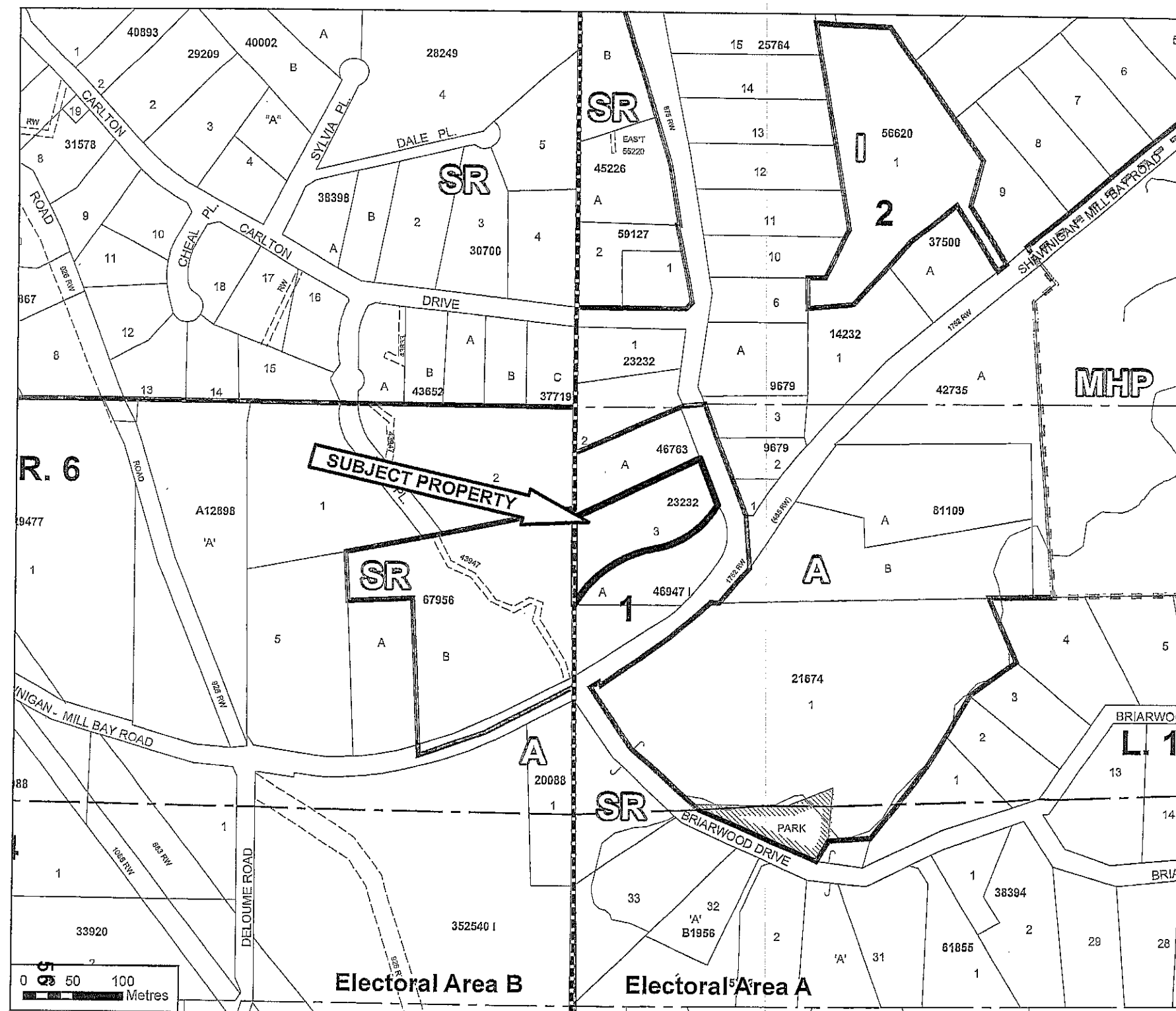
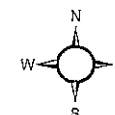


The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-10-RS

OCP

 Subject Property
 Electoral Area Boundary
 OCP Electoral Area A
 Urban Containment Boundary





Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.

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

The original Bylaws should be consulted for full details of interpretation and application of the Bylaws.

FILE: 4-A-10-RS

ZONING

Legend



Subject Property



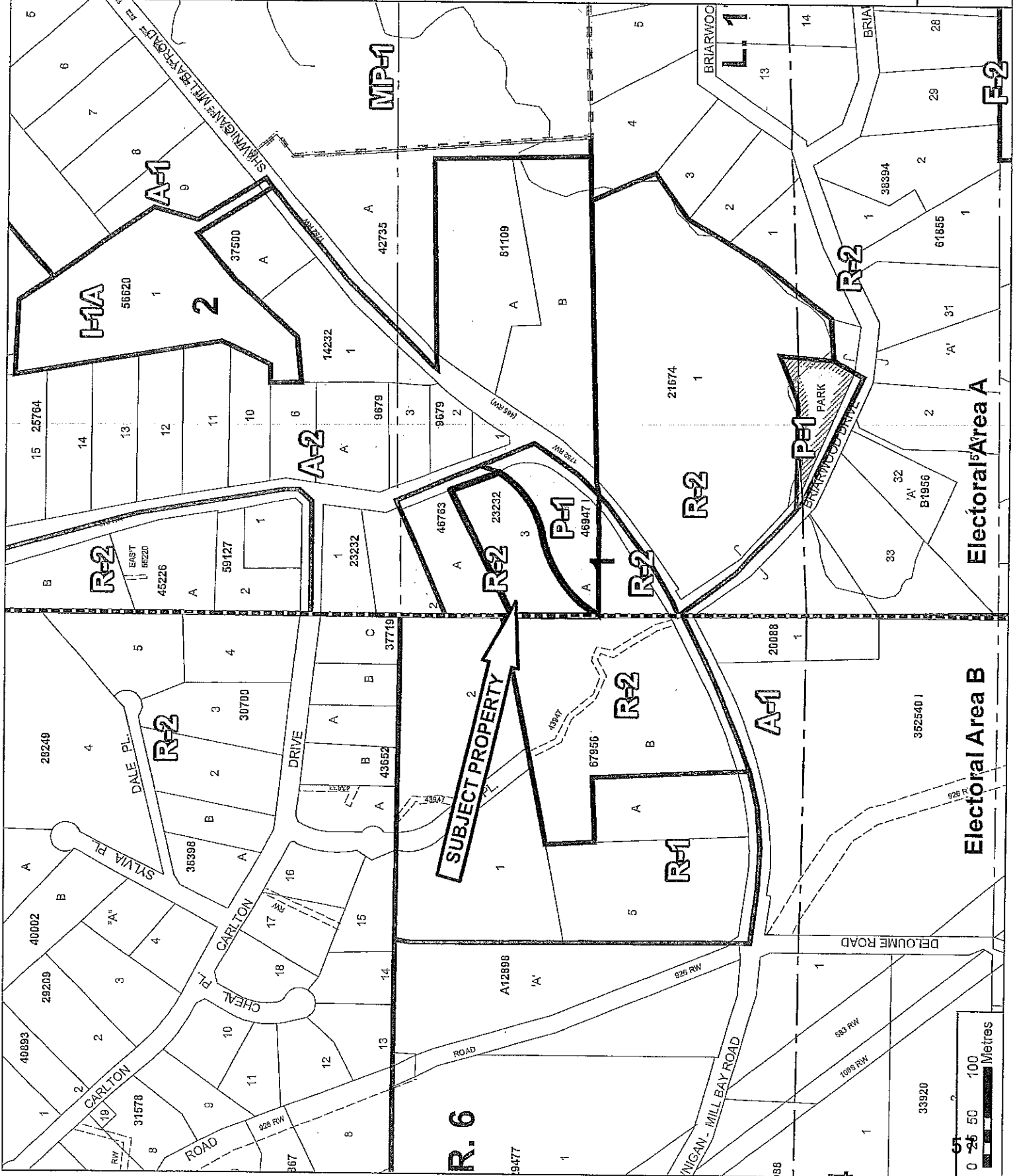
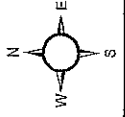
Electoral Area Boundary



Zoning Electoral Area A



Urban Containment Boundary





Cowichan
Valley
Regional
District

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

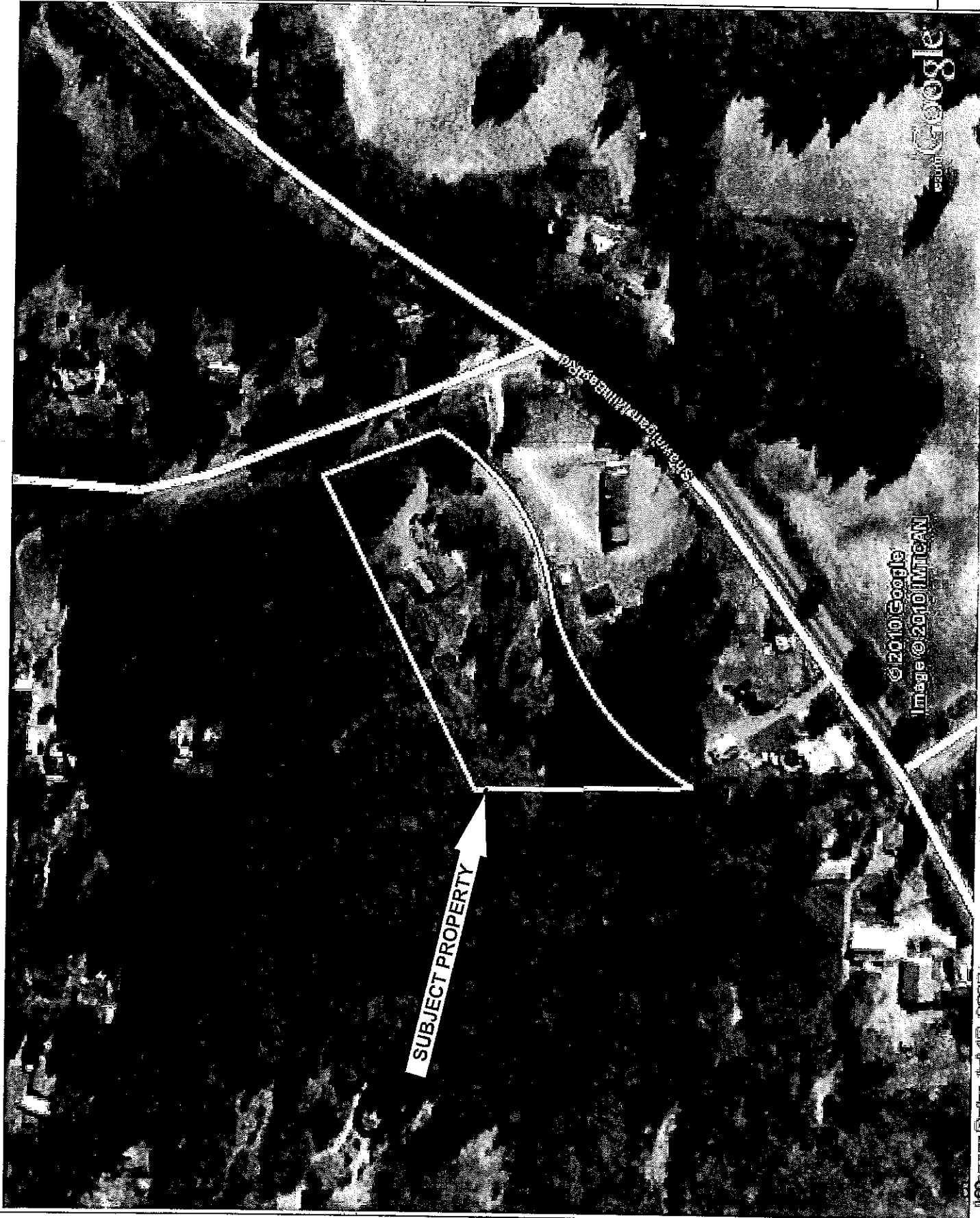
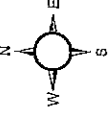
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of the Bylaws.

FILE: 4-A-10-RS

Google Earth
Photo (2005)



© 2010 Google

Image © 2010 IMTEAN

Imagery Date: Jul 17, 2005

49°38'56.04" N

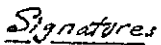
123°25'13.81" W

elev 76 m

Eye alt 484 m



A. J. Powering
 Approving Officer for the Dept.
 of Public Works, Victoria B.C.



Witness. *R. White*

Fig 3.

Sworn before me
this 26th day of Aug. 1953 } B

Lloyd L. L.
A Notary Public in and for the Po
British Columbia



THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING ☒

DEVELOPMENT PERMIT ☐

Uses Proposed:

☒ Single Family Residential

☐ Industrial

☐ Multi Family

☐ Institutional

☐ Commercial

☐ Agricultural

☐ Other _____

Environmental Protection and Enhancement

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

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

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

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?			N/A	
8.	Utilize pre-existing roads and services?				ACCESS OF EXISTG ROAD (CAMERON TAGGART)
9.	Revitalize a previously contaminated area?			N/A	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?	YES			INTEND TO USE SOLAR COLLECTORS, HEAT PUMP & PASSIVE SOLAR
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?	YES			AS ABOVE

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

		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?	YES			WE WILL CONTINUE TO COMPOST ALL VEGETABLE MATTER ON SITE.
13.	Provide an area for a community garden?				WILL PROVIDE FENCED AREA FOR VEGETABLE GARDEN.
14.	Involve innovative ways to reduce waste, and protect air quality?			N/A	
15.	Include a car free zone?			N/A	
16.	Include a car share program?			N/A	

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

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	YES			LANDSCAPING TO BE TREES & GRASS.
18.	Recycle water and wastewater?			N/A	

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	Yes			
20.	Utilize natural systems for sewage disposal and rain water?	Yes			
21.	Use energy saving appliances?				AS REPLACEMENT REQUIRES

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

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

Please explain how the project will be constructed sustainably.

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

Community Character and Design

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

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

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

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

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

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

Economic Development

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

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?			N/A	
2.	Promote diversification of the local economy via business type and size appropriate for the area?			N/A	
3.	Increase community opportunities for training, education, entertainment, or recreation?			N/A	
4.	Positively impact the local economy? How?				BUSINESS FOR LOCAL BUILDING CONTRACTORS. INCREASED PROPERTY TAX BASE
5.	Improve opportunities for new and existing businesses?		No		
6.	Please outline any other economic development features.				

Other sustainable features?

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

M Braybrooke
Signature of Owner
Date May 21, 2010

Signature of Agent
Date _____



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

Date: January 7, 2011 **File No:** 1-B-10RS
FROM: Ann Kjerulf, Planner III **BYLAW No:** 985
Community & Regional Planning Division
SUBJECT: Rezoning Application No. 1-B-10RS (Walter)

Recommendation:

That Rezoning Application No. 1-B-10RS (Walter) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Purpose:

An application has been received to amend Electoral Area B – Shawnigan Lake – Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned F-1 (*Primary Forestry*) and designated for *Forestry* by Electoral Area B (Shawnigan Lake) Official Community Plan Bylaw No. 1010.

Background:

Application Date: March 2010
Owner: M. Walter Contracting Ltd.
Applicant: Michael Walter

Location: Riverside Road – Electoral Area B – Shawnigan Lake
Legal Description: Parcel A (DD 375861), District Lot 36, Helmcken District (009-710-809)
Size of Parcel: ± 27.42 hectares (± 67.76 acres)

Existing Use: Forestry – According to the applicant, the portion of the site that is north of the Koksilah River was logged as recently as three or four years ago; and the southern portion of the site was logged 30 to 40 years ago.

Adjacent Uses: All surrounding land parcels are zoned F-1 and designated Forestry. Parcels immediately to the east and west are owned by the Crown.

Existing OCP Designation: Forestry
Proposed OCP Designation: Forestry (no change)
Existing Zoning Designation: F-1 (Primary Forestry)
Proposed Zoning Designation: Another forestry zone, similar to F-2 (Secondary Forestry)

Minimum Lot Size (F-1): 80 ha
Minimum Lot Size (F-2): 4 ha

Road Access: Riverside Road
Water: Drilled wells for residential lots (proposed)
Sewage Disposal: On-site disposal (proposed)

Fire Protection:	The site is not within a CVRD Fire Protection Area. The closest fire station is the Cowichan Bay Fire Station, several kilometers away.
Public Transit:	No scheduled service to area
Agricultural Land Reserve Status:	N/A
Environmentally Sensitive Areas:	Sensitive Ecosystem polygons V1423 and V1417A (CVRD Environmental Planning Atlas)
Contaminated Sites Regulation:	Declaration signed; no Schedule 2 uses noted
Archaeological Sites:	None confirmed on the subject property

SITE CONTEXT

The ± 27.42 ha (± 67.76 acre) site is located in Electoral Area B and accessed by Riverside Road, approximately 0.5 km east of the Kinsol Trestle. The site is bisected by the Koksilah River, with no bridge crossings between the northern and southern portions. The site is well-treed. There are currently no dwellings on the property. All adjacent land parcels are designated Forestry, zoned F-1, and are 12 ha (30 acres) and larger. Parcels immediately to the east and west are Provincial Crown-owned lands.

PROPOSAL

An application has been made to rezone the site from F-1 (Primary Forestry) to another forestry zone, similar to F-2 (Secondary Forestry), for the purpose of accommodating a seven lot residential subdivision. The applicant wishes to create one ± 1 ha (2.5 acre) parcel to the north of Riverside Road with the remaining property north of the Koksilah River divided into six lots ranging from ± 2 to 2.2 ha (5 – 5.5 acres) in size. The southern ± 12 ha (± 30 acres) portion of the site is proposed to be dedicated as parkland.

While the proposal does not satisfy the requirements of the F-2 zone, this would be the zoning designation that is most consistent with the proposal. As such, the F-2 zone is used as a frame of reference for this proposal.

The minimum lot size in the F-2 zone is 4 hectares. As the proposed residential lots do not meet the minimum lot size requirement in the F-2 zone, a new zone would need to be created which has a 2 hectare minimum lot size. Section 13.4(a) of Bylaw 985 allows a parcel that is physically separated from the remainder of the parcel by a public road to be subdivided from the remainder of the parcel. This would exempt the proposed ± 1 ha lot from a minimum 2 ha lot size requirement. The applicant has submitted a conceptual subdivision plan illustrating the proposed layout of the parcels (see attached).

Site Access

The northern portion of the site is accessed by Riverside Road; the southern portion has no road access. Riverside Road is the proposed access for the seven lot subdivision. The amount of land to be set aside for road dedication, location of site and driveway accesses will be determined at the time of subdivision by the BC Ministry of Transportation and Infrastructure (MoTI), the subdivision approving authority.

Parcel Frontage

The proposed lots do not appear to meet the frontage requirement of 10% of the perimeter of the parcel outlined in Section 13.7 of Zoning Bylaw No. 985. However, MoTI could waive this requirement at the time of subdivision.

Water and Sewer Servicing

The property is not serviced by a community water or sewer system and there are no onsite water or sewer services at the present time. Individual wells and on-site sewage disposal are proposed.

Fire Protection

The site is outside the Cowichan Bay Fire Protection Area.

Parks and Trails

As part of the rezoning application, the applicant is proposing to dedicate the southern portion of the property as park and place a covenant on the riparian area north of the river. Pending an EASC recommendation to approve this application, the matter of park dedication will be referred to Electoral Area B – Shawnigan Lake Parks and Recreation Commission for their comment and input regarding parks and trail opportunities onsite.

The Local Government Act (Section 941) requires a 5% parkland dedication in a location acceptable to the local government (or cash-in-lieu) from subdivisions where the smallest parcel is 2.0 ha or less in size and 3 or more new parcels are created. The subdivision would yield more than three new parcels and the smallest parcel would be less than 2.0 ha in size. As such, 5% parkland dedication or cash-in-lieu would be a requirement of subdivision.

Environmentally Sensitive Areas

The CVRD Environmental Planning Atlas (2000) identifies a stream planning area along the Koksilah River which is known to be a fish-bearing watercourse. As such, the applicant is required to undertake a riparian area assessment and obtain a development permit approval from the CVRD prior to the subdivision of land.

Agency Referrals

The proposed amendment was referred to the following external agencies for comment: the Central Vancouver Island Health Authority; the Ministry of Transportation and Infrastructure; the Ministry of Environment; the Ministry of Forests, the Cowichan Bay Fire Department; Cowichan Tribes; Malahat First Nation; and School District 79. The application was also referred to the following internal CVRD departments for comment: the Parks and Trails Division of the Parks, Recreation & Culture Department, and the Public Safety Department.

POLICY CONTEXT

Official Community Plan

The Electoral Area B Official Community Plan Bylaw No. 1010 provides the policy context for making land-use decisions including those for rezoning applications. It is important to consider the goals, objectives and policies of the Plan in relation to the rezoning application at hand. The overriding goal of the Plan is *“to accept a reasonable share of Vancouver Island growth while protecting and enhancing Electoral Area B recreational, scenic, and forest resources.”*

Specific plan objectives, that are relevant to this rezoning application, include:

- *“To provide for a variety of residential accommodation and different lifestyles while preserving the essential rural character of Shawnigan.”*
- *“To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing developed areas.”*
- *“To discourage intensive commercial and residential development that would erode the present rural and resort character of the area.”*
- *“To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas.”*
- *“To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake.”*

Specific plan policies that relate to the use of forestry and resource lands, and that are relevant to this application, include:

- Policy 2.1: Forestry related uses shall be given priority on lands designated Forestry in the Plan, however, the following subordinate uses may be permitted in the Electoral Area B Zoning Bylaw:*
- a) Mineral and aggregate extraction and processing;*
 - b) Outdoor recreational activities, not involving permanent structures;*
 - c) Residential, agricultural and horticultural uses.*
- Policy 2.3: The potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.*
- Policy 2.6: It is the Board's Policy that further residential development should be discouraged in the areas designated Forestry. Furthermore, linear residential growth along Renfrew Road, Koksilah River, and other natural waterways shall be discouraged in order to preserve the wilderness features of these areas.*
- Policy 2.7: Lands within the Forestry designation shall generally be zoned as F-1 (Primary Forestry), wherein the minimum parcel size is 80 hectares.*
- Policy 2.10: The primary purpose of the F-2 (Secondary Forestry) Zone, with a minimum parcel size of 4 hectares is to provide a buffer between large forestry parcels and residential land designations, as a means of limiting the potential for land-use conflicts. In considering applications for rezoning of Primary Forestry (F-1) to Secondary Forestry (F-2), the Regional Board will give preference to proposals that meet the following criteria:*
- a) The subject lands are designated for forestry use in the Official Community Plan;*
 - b) The subject lands are adjacent to residentially-designated lands or between forestry land and residentially-designated lands;*
 - c) A very substantial dedication of public park and/or community forest (a public amenity) is a component of the application, and the proposed dedication is in a location and of a character considered by the Board to be beneficial to the community and region.*
- Policy 6.1 The majority of future residential growth shall be encouraged to locate adjacent to the existing Village area to the north and north-east of Shawnigan Lake. Preference will be given to development outside of the Shawnigan Lake Watershed.*
- Policy 9.2: The Regional District shall endeavour to secure control over lands adjacent to lakes and watercourses for park purposes where they become available, whether through purchases, lease, dedication or other means.*

Zoning Regulations

According to Electoral Area B – Shawnigan Zoning Bylaw No. 985, the property is zoned F-1 (Primary Forestry), which has a minimum parcel size of 80 ha and permits the following uses:

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry-land log sorting operations;
- (2) Extraction crushing milling concentration for shipment of mineral resources or aggregate minerals, excluding all manufacturing;

- (3) Single-family residential dwelling or mobile home;
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry;
- (6) Bed and breakfast accommodation;
- (7) Secondary suite or small suite on parcels that are less than 10.0 hectares in area; and
- (8) Secondary suite or a second single-family dwelling on parcels that are 10.0 hectares or more in area.

In order for the property to be subdivided, a Zoning Bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to another Forestry designation, similar to F-2. The F-2 designation permits the following:

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) Single-family residential dwelling or mobile home;
- (3) Two single-family residential dwellings on parcels 8.0 ha or larger
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry; and
- (6) Bed and breakfast accommodation

Under the existing F-1 zone a maximum of two single family residential dwellings are permitted on this parcel because the parcel is larger than 10.0 hectares. There are currently no existing dwellings on the subject parcel. The rezoning proposal has a potential density of seven single family residential dwellings. Additionally, each dwelling could potentially have a secondary suite. The F-1 and F-2 zoning regulations are attached to this report for reference.

ADVISORY PLANNING COMMISSION COMMENTS

The Area B Advisory Planning Commission reviewed this application on October 7, 2010 where the following motion was passed:

“APC recommends that the CVRD not approve this application.”

Further to this, the Advisory Planning Commission passed a second motion:

“APC recommends that (the) Koksilah River corridor be reviewed for special River Corridor Zoning.”

In addition to the APC recommendation, the Area B APC Chair has provided comments to help elaborate on the reasons for the foregoing motions. The October 7, 2010 Area B APC meeting minutes and correspondence from the APC Chair are attached to this report.

REFERRAL AGENCY COMMENTS:

This application was referred to government agencies on September 27, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *No written comments received to date. Verbal comments suggest doubt as to whether or not Riverside Road is a gazetted road.*
- Central Vancouver Island Health Authority – *Interests unaffected. The applicant will be required to meet the Vancouver Island Subdivision Standards at the subdivision stage.*
- Ministry of Forests – *No comments received*
- Ministry of Environment – *Comments were received January 6, 2011. Concerns were expressed regarding potential negative impacts on environmentally sensitive riparian habitat and the addition of another “pocket of development to the landscape.” If this application proceeds, development should be guided by the Ministry of Environment publication “Develop with Care: Environmental Guidelines for Urban and Rural Development” (see attached memo)*
- Malahat First Nation – *No comments received*

- Cowichan Tribes – Comments were received November 29, 2010. Cowichan Tribes does not support rezoning of any forest lands due to “lack of planning” and the “possible effects of unlimited development and growth.” Specific concerns include water extraction, linear development along the Koksilah River, damage to salmon and wildlife, splitting of forestry parcels resulting in “further alienation of Cowichan Tribes from the traditional use and cultural practices on the land and the river.” (see attached memo)
- School District No. 79 – No comments received.
- CVRD Parks and Trails Division, Parks Recreation & Culture – Comments pending
- CVRD Public Safety Department – Recommended that the application not be approved. The proposal is outside the fire response area and the area is identified as a high to extreme risk for wildfire. Notations include completion of a “Wildland Urban Interface Assessment”, two point of access/egress, and compliance with NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting. (see attached memo)

PUBLIC RESPONSE

To date, staff have received two phone calls from local residents regarding the rezoning application. These residents expressed neither support nor opposition for the proposal.

A formal notification process would be undertaken if staff is directed to prepare bylaws and schedule a public hearing.

PLANNING COMMENTS

Proposed Use

The OCP directs that Forestry uses be given priority in areas designated for Forestry while allowing subordinate residential uses; explicitly discourages linear residential growth along the Koksilah River; and contemplates rezoning parcels from F-1 to F-2 where the parcel would provide a buffer between residential and forestry uses.

The proposed subdivision of the subject property would result in the conversion of land from forestry to residential and recreational uses. Given the size of the parcels to be created (<2.2 ha), it is unlikely that the land on the northern portion of the property would remain in active forestry use. As the subject property is surrounded by Forestry-designated land, the rezoning would not serve to provide a buffer between forestry and residential uses. Furthermore, the proposed subdivision contradicts the direction of the OCP to discourage linear residential growth along the Koksilah River. Given the location of the site, there is a question as to whether or not fire service is even a possibility.

Rezoning to the F-2 designation appears to be supported in cases involving a “very substantial dedication of public park and/or community forest...and is in a location considered to be beneficial to the community and region.” The southern portion of the subject property, proposed to be gifted as park, is an area that currently experiences informal recreational trail use and is identified by the Electoral Area B Parks Master Plan as an area that could be acquired for a trail connection. It should be reiterated that the OCP considers that the “potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.” The potential for the southern portion of the subject property to be placed in a community forest designation could be considered in light of the OCP policy.

It should be noted that parkland dedication through rezoning is not the sole method for obtaining parks and trail amenities. The Official Community Plan speaks to a variety of available methods such as “lease, purchase, dedication and other means.” Albeit, dedication through rezoning appears to be the most common method for obtaining parkland.

Good community planning practices speak to the collocation of different types of land uses (e.g. housing, jobs, shopping and services) in order to achieve efficiencies in land use. Examples of potential efficiencies include reduced reliance on private automobile use, less time spent commuting, decreased costs for infrastructure and servicing, and the ability to preserve large tracts of resource land by clustering other, more intensive land uses. The proposed rezoning would result in suburban residential development in an area with no public transit that is several kilometers away from employment, shopping and services. With respect to provincial (Bill 27) climate change legislation, there should also be consideration of the potential impact of the proposed rezoning and subdivision in regard to greenhouse gas emissions. Transportation represents the greatest source of GHG emissions in the CVRD.

It is also interesting to note that over the past five years, the CVRD has received 145 applications for OCP amendments and/or rezoning. 37 (25%) of these applications have involved requests to rezone land from F-1 (Primary Forestry) to another designation and roughly half of the applications have involved requests to rezone F-1 land to a residential zone. 17 of 28 applications – 60% – were approved and 12 applications are currently pending. More than 50% of applications received are for properties located in Electoral Area B.

Given that 25% of all applications for OCP/zoning amendment received over the past five years have involved forest lands, it is clear that forest lands are continuing to undergo speculative pressure and that a regional forest lands policy may be useful in guiding decisions on future applications of this nature. Notably, the CVRD Corporate Strategic Plan, dated September 2010, identifies the development of a long-term land use strategy/policy for forestry lands in the Cowichan Region as a strategic action to achieve sustainable land use.

Based on current Official Community Plan policies and planning principles which are inconsistent with this application; the Electoral Area B Advisory Planning Commission motion that the application not be approved; and concerns expressed by the Ministry of Environment, Cowichan Tribes, and CVRD Public Safety Department, staff is obliged to recommend that this application be refused.

Public Response

None received to date

Conceptual Subdivision Plan

The proposed subdivision is conceptual at the rezoning stage as key considerations such as site access, road dedication and lot layout have not yet been fully determined. These details will be finalized once the applicant receives approval from the Ministry of Transportation and Infrastructure. However, at this stage of the process, it is most important that the EASC consider whether or not the proposed use is suitable given the site context and direction of the Official Community Plan with regard to the use of Forestry lands.

South Cowichan Official Community Plan Review

Electoral Area B is currently undergoing a major Official Community Plan review along with Electoral Areas A and C. During this process, consideration of broad planning matters such as land use, growth management and appropriate uses and lot sizes for resource lands are being reviewed. At this point in time, there is direction from the OCP Steering Committee to include OCP policies to strengthen protection of lands designated for Forestry including the potential for a policy to direct the elimination of the F-2 zone.

Options:

Option A

That Rezoning Application No. 1-B-10RS (Walter) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option B

That Rezoning Application No. 1-B-10RS (Walter) be tabled pending the outcome of the South Cowichan OCP Review.

Option C

1. That the applicant provides a wildland urban interface assessment and confirm commitments with respect to park land dedication;
2. That the applicant undertakes to guide development according to the Ministry of Environment publication, *"Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006"* to the satisfaction of the Manager of Development Services.
3. That the applicant undertakes to comply with *NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting* to the satisfaction of the Chief Building Official.
4. That the applicant arranges with Cowichan Tribes to have the site examined by Tribes' staff, elders and cultural advisors for past and contemporary cultural use and that the applicant commits to incorporating such considerations in the siting of buildings and overall design of the development.
5. That the southern portion of the property identified for park dedication be placed into a community forest designation with accommodation for a trail connection as identified in the Electoral Area B Parks Master Plan.
6. That a covenant be placed on the northern portion of the property, in the riparian corridor adjacent to the Koksilah River.
7. That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes and School District 79 be accepted;
8. That draft bylaws be prepared and presented at a future EASC meeting for review.


If Option C is moved, staff require additional direction as to whether (a) a new forestry/residential or river corridor zone should be developed or (b) the rezoning should comply with the minimum lot size requirements of the existing F-2 zoning designation.

Option A is recommended.

Submitted by,



Ann Kjerulf, Planner III
Community and Regional Planning Division
Planning and Development Department

General Manager's Approval:

Signature

AK/ca
Attachments

Oct. 7th, 2010
7:30 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .

Present:

APC members: Chair Graham Ross-Smith, Vice-Chair Sara Middleton, Carol Lane, recording secretary Cynara de Goutiere, Roger Painter, Rod MacIntosh

Absent: John Clark

Delegation: Mike Walters

Also Present: Director Ken Cossey

ORDER OF BUSINESS

1) Introductions.

2) Revision of Agenda. add correspondence.

3) Presentation Mike Walters for # 1-B-10RS.

Proposal is to rezone +/- 67/76 acre parcel from F1 to F2, so that on the North side of the Koksilah River 6 lots can be created of 5-5.5 acres each. The part of the property on the South side would be designated as park. The property is not in the fire protection area.

4) Minutes.

Motion to accept minutes of May 2010 meeting. **Motion seconded and carried.**

6) New Business from Director Ken Cossey

- As of Oct. 12, Shawnigan Lake will have first Parks Master Plan.

It is suggested that CVRD provide APC with hard copies of the Parks Master Plan.

- October 15th "Meet the Director" 1-5 PM and Nov.25 6-9 PM
- Else Miles meeting hoping for long term lease and then will lobby for official eventual purchase.
- Farmer's Market Plan in the works for core area of village.
- O.C.P. April -May looking at final adoption. Public Presentation will be shortly.
- Incorporation is puttering along. Phase 2 not yet funded. Would not proceed until 2012. Warren Jones in CVRD is to provide electronic copy of Phase 1 governance to us.
- Regional Recreation is being discussed.

5) Application #1-B-10RS Walters. Discussion.

Motion APC recommends that the CVRD not approve this application.

Motion seconded and carried.

Motion APC proposes another zone for River Properties "River Corridor Zone" as applications arise, applied case by case. This application would form the template.

Motion seconded. Motion turned down.

Motion APC recommends that Koksilah River corridor be reviewed for special River Corridor Zoning.

Motion seconded. Motion carried.

6) Correspondence. Letter read from Chair Graham Ross-Smith to Partridge following the May APC meeting

7) Eco-Depot discussion

8) Discussion of whether internal APC housekeeping matters such as member attendance should be noted in the minutes. Joel Barry will provide direction in the matter.

9) meeting adjourned.

Ann Kjerulf

From: Graham Ross-Smith [rossmith@shaw.ca]
Sent: Wednesday, January 05, 2011 4:52 PM
To: Ann Kjerulf
Cc: cynarae@shaw.ca
Subject: Area B APC - the Walter application 1-B-10RS

Hi Ann,

I spoke with our APC's secretary, Cynara de Goutiere, about the reasons behind the APC's decision to recommend that the Walter application be declined. The following is my attempt to provide the rationale based on my discussion with Cynara and a re-read of the application documents.

The vote on the recommendation was not unanimous. The opportunity for the CVRD to acquire a significant parcel of new riverside park-land certainly weighed heavily in favour of supporting approval of the application.

However the cons seemed to outweigh the pros. To the best of my memory and that of Cynara, the cons were:

1. approval not supported by OCP policy "To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing development."
2. approval not supported by OCP policy "To promote the wise use and conservation of . . . resource lands . . . and ecologically sensitive areas."
3. approval not supported by policy that "forestry related uses shall be given priority on lands designated Forestry in the plan"
4. approval not supported by policy that ". . . further residential development should be discouraged in the areas designated Forestry," . . .
and ". . . linear residential growth along . . . Koksilah River . . .
shall be discouraged . . ."
5. the proposal to go to F-2 runs counter to the policy that "The primary purpose of the F-2 zone . . . is to provide a buffer between large forestry parcels and residential land designations" when the "lands are adjacent to residentially-designated lands or between forestry land residentially-designated lands; . . ." Mr. Walter's lands were not so positioned.
6. the proposal runs counter to Smart Growth principles as it would locate homes at a considerable distance from commercial and public services such as schools, health care professionals, stores, fire stations, etc. thereby requiring reliance on motor vehicles and increased local government expenditures for infrastructure development and maintenance.

Immediately following the item on the Walter application, the October minutes of the APC shows a motion being passed which suggests that the CVRD consider creating a new zone to deal with private lands along the Koksilah River: a "River Corridor Zone." Although we did not discuss this zoning category in any detail, I think that the intention behind the suggestion was to find a way to enable some residential/recreational uses of riverside lands that would protect these ecologically sensitive areas and would not entail having to resort to the use of the inappropriate F-2 zoning. It was my impression of the meeting that the commissioners also felt that they needed the direction of the soon-to-be-completed new OCP in order to deal with this application in the context of the latest thinking on the issues involved.

In future the Area B APC minutes will provide reasons for its recommendations. I regret that we failed to do so in this case.

I hope that the information provided above is helpful to you and your colleagues. Please note, however, that the contents of this note reflect my memory and interpretation of what transpired and do not, therefore, necessarily represent the thoughts or recollections of the other commissioners.



January 6, 2011

Your File: 1-B-10RS (Walter)
BCE File: 58000-35/RD10
Cliff/Ers: 93393

VIA FAX

Ann Kjerulf
Planner III
Cowichan Valley Regional District
175 Ingram St
Duncan BC V9L 1N8

Dear Ann Kjerulf:

Re: Zoning Amendment on Riverside Road, Parcel A, District Lot 36, Helmcken District

Thank you for providing us with the opportunity to review the above application for a zoning amendment on Riverside Road, Parcel A, District Lot 36, Helmcken District from Primary Forestry to Secondary Forestry for the purpose of accommodating a seven-lot residential subdivision. We apologize for the tardiness of our response.

We have the following concerns with this application. The proposed development may jeopardize the health of sensitive habitats that occur on the property. The valuable floodplain riparian habitat is environmentally sensitive as indicated by the Sensitive Ecosystem Inventory (SEI) polygons (V1412 and V1417A) on the CVRD environmental Planning Atlas (2000). The property straddles the Koksilah River which has high fish values, and we are concerned that development of the property would degrade fish habitat. In addition to negative impacts to the site, we are concerned about the negative impacts to the surrounding area, especially the Koksilah corridor, by adding another pocket of development to the landscape. We support the Electoral Area B Official Community Plan which preserves ecological integrity by discouraging sprawl of development into resource lands.

.../2

Ann Kjerulf
Cowichan Valley Regional District

- 2 -

January 6, 2011

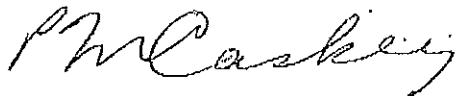
If this application is authorized, we strongly encourage development to be guided by the ministry's *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006* document is expected to address most development related questions. In particular, we recommend that you review sections 2 and 3 of the document which is available at:

http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/develop_with_care_intro.html. These sections focus on environmentally sound solutions at the community and site development level. Appendix B provides separate checklists for local government review and site level design to help focus your proposal review. Section 4 provides recommendations relative to environmentally valuable resources.

The *Develop with Care* document reflects the ministry's typical recommendations regarding various aspects of land development and land use designation and has undergone extensive peer and stakeholder review. Although *Develop with Care* does include some regulatory information, much of this document represents our recommendations intended to minimize the negative impacts of expanding urban and rural development on the landscape and on biological resource values, while creating more liveable communities.

If you have any further questions, contact myself or Marlene Caskey at 250 751-3220.

Yours truly,



for Ann Rahme, RPBio, MSc.
Ecosystem Biologist
West Coast Region



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1

Telephone (250) 748-3196 Fax: (250) 748-1233

November 29, 2010

Your File No: 1-B-10RS

Our File No: 857761

Planning Department
175 Ingram St.
Cowichan Valley Regional District
Duncan, BC V9: 6G6

Attention Ann Kjerulf, Planner III

Dear Ann Kjerulf:

Re: Amendment of Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned F-1

We recently received a referral package dated September 27, 2010 regarding an application submitted by Michael Walter for amendment of zoning bylaw 985. Cowichan Tribes was requested to provide comments on this proposal for the potential effect on our interests by October 22, 2010. Due to the high volume of referrals we are receiving we are late in our response.

Rezoning of forestry lands is occurring within our Traditional Territory at a rapid rate and because the CVRD does not yet have a regional growth strategy this rezoning for development has become haphazard and appears to be disorganized. Cowichan does not agree with rezoning of any forestry lands at this time because of lack of planning and the possible effects that unlimited development and growth might impose on our Traditional Territory.

Some of our concerns are the unknowns about how much water extraction our territory handle and the effect that increased water extraction may have on our rivers. With this particular application, we are also concerned also about the linear development along the Koksila River. This type of development can further damage the river, affecting the salmon and other wildlife. Splitting up of these forestry lands into private parcels, even though this land is already privately owned, further alienates Cowichan Tribes from the traditional use and cultural practices on the land and the river. The remaining undeveloped lands along all three of our rivers should be protected, and not developed to ensure the protection of our culture, rivers, fish and wildlife. We have depended upon the health of our rivers for thousands of years and today, to see the destruction of them and the loss of the salmon is felt with sadness within our community.

We suggest that a decision not be made until the South Cowichan OCP is completed. We request that one of our staff and elder or cultural advisor be shown the site and further it for examine past and contemporary cultural use.

Yours truly,

A handwritten signature in black ink, appearing to read 'L. George', written in a cursive style.

Larry George
Smaalthun
Manager, Lands and Governance Department

LG/hr



MEMORANDUM

DATE: October 1, 2010 **FILE NO:** 1-B-10RS (Walter)

TO: Ann Kjerulf, Planner III, Development Services Division

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Rezoning Application No. 1-B-10RS – Public Safety Application Review

In review of the Rezoning Application No. 1-B-10RS the following concerns affect the delivery of emergency services within the proposed area:

- ✓ Proposal is outside the Cowichan Bay Volunteer Fire Department (MVFD) response area and their input further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as a **high to extreme risk for wildfire**.
- ✓ It is recommended that a “Wildland Urban Interface Assessment” conducted by a qualified RPF or RFT with relevant applicable experience be required. The objective of the assessment is to review the potential wildfire risk associated with the proposed development and to provide recommended actions to reduce the risk of wildfire.
- ✓ Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route.
- ✓ The water system for the development must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.
- ✓ Proposal is within the North Cowichan Lake RCMP Detachment area.
- ✓ Proposal is on the border of British Columbia Ambulance Station 152 (Duncan) and Station 137 (Mill Bay) response areas and either station could be called to respond.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.



Covachan
Valley
Regional
District

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

The Regional District does not
warrant the accuracy.

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

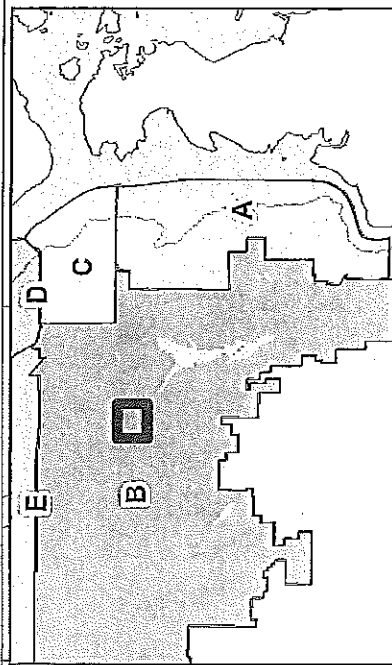
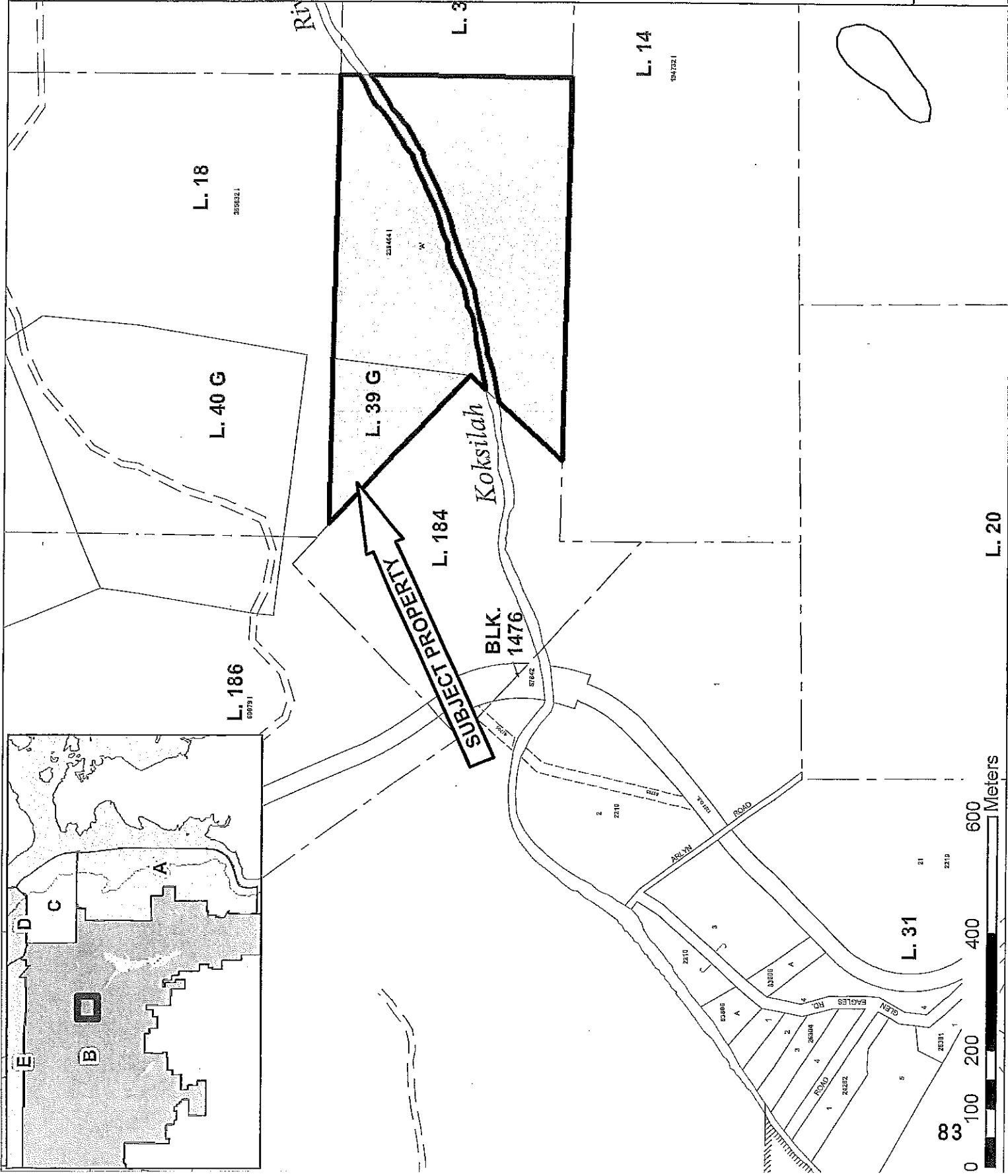
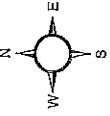
The original Bylaws should be
consulted for the purpose of
interpretation and application
of the Bylaws.

FILE: 1-B-10-RS

Legend



Subject Property





Cowichan
Valley
Regional
District

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FILE: 1-B-10-RS

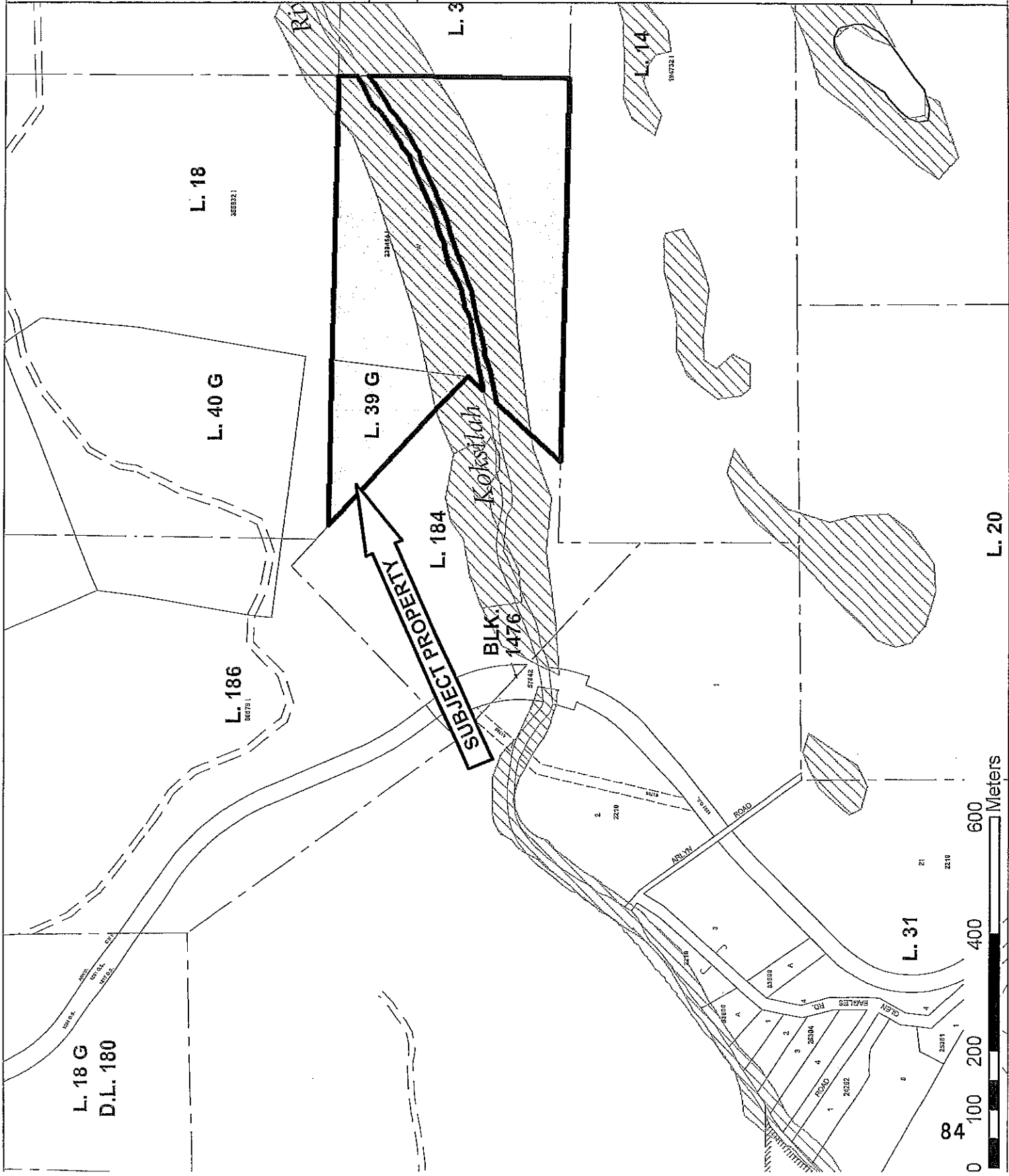
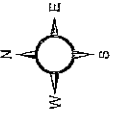
Sensitive Ecosystem Inventory

Legend



Subject Property

SEI 2004





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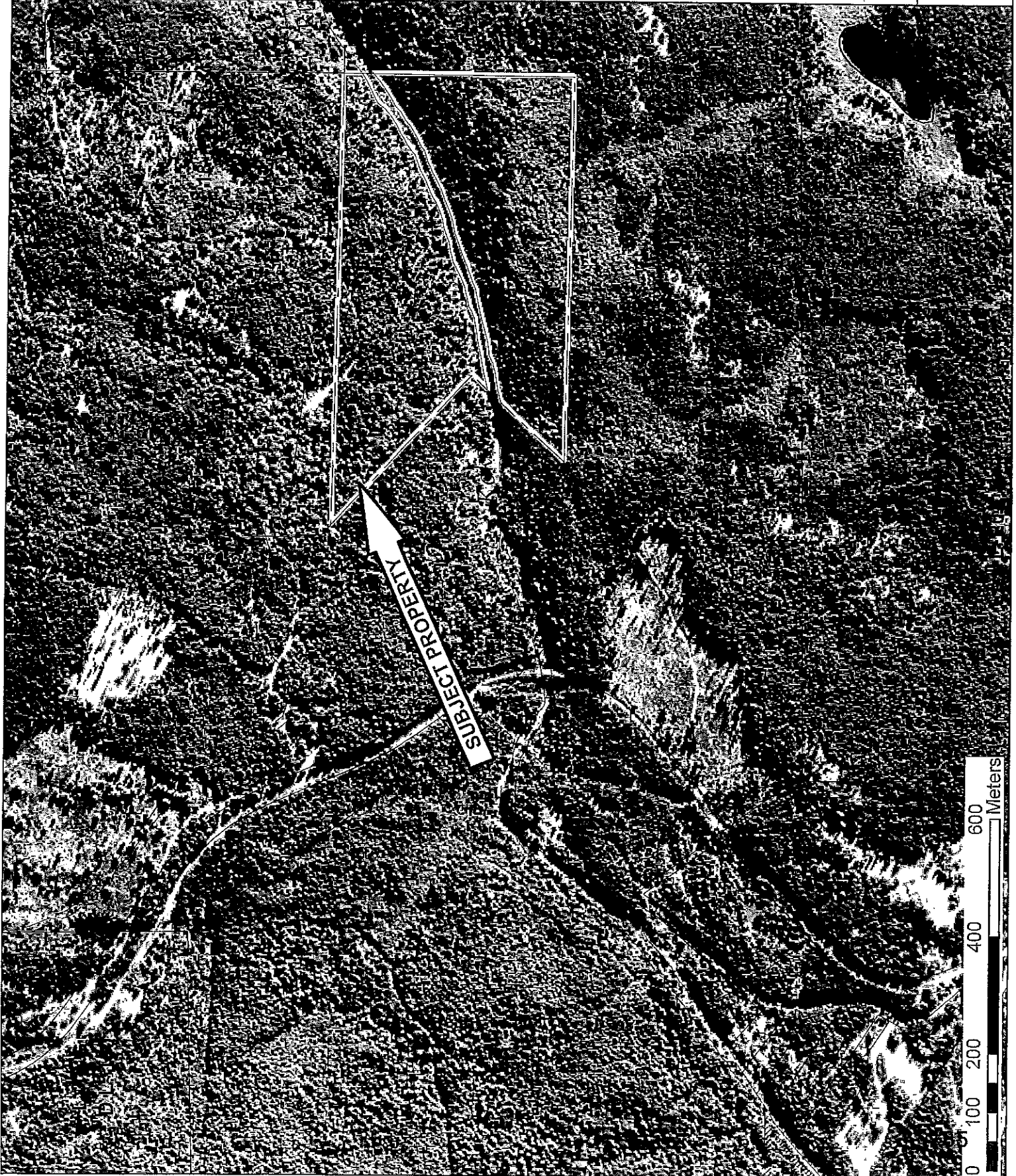
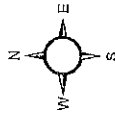
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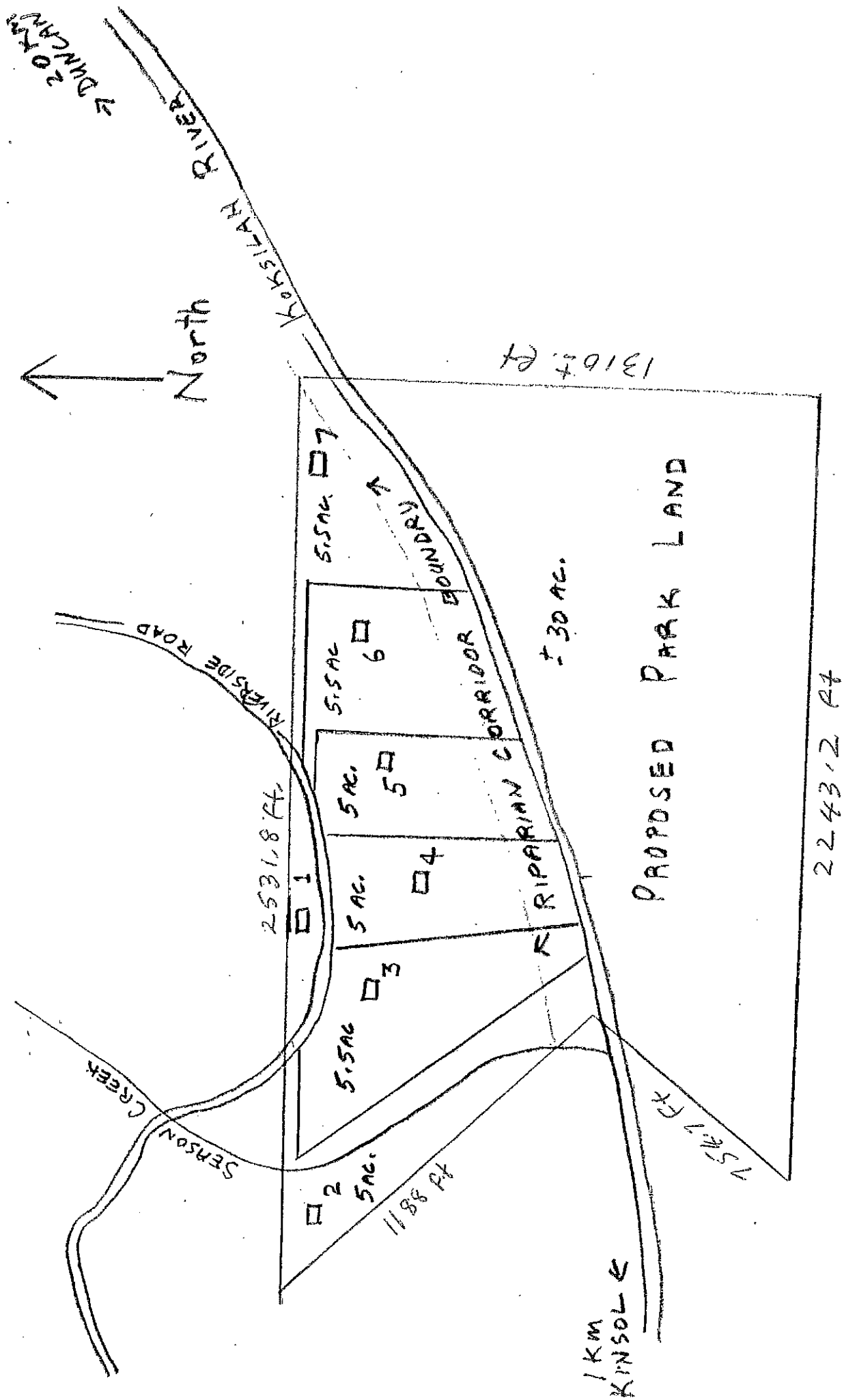
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-B-10-RS

Orthophoto (2002)





□ - Possible House Site

Parcel A
Lot 36
P.I. 009-710-809



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011 **FILE NO:** 5-E-10DP
FROM: Rachelle Moreau, Planner I **BYLAW NO:**
SUBJECT: Development Permit Application 5-E-10DP –Buckerfield's Ltd.

Recommendation:

That application No. 5-E-10DP be approved, and that a development permit be issued to Buckerfields Ltd. for Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to permit construction of a new greenhouse.

Purpose:

To consider a development permit application for a new greenhouse on the subject property (Buckerfield's).

Background:

Location of Subject Property: 5410 Trans Canada Highway

Legal Description: Lot 3, Section 14, Range 6, Quamichan District, Plan 15507
(PID: 004-154-614)

Date Application and Complete Documentation Received: October 22, 2010

Owner: Buckerfields Ltd.

Applicant: Kelvin McCulloch

Size of Parcel: 0.9 ha (2.25 acres)

Existing Zoning: Light Industrial (I-1)

Minimum Lot Size Under Existing Zoning: 0.1 ha (0.25 acres) for parcels served by community water and sewer

Existing Plan Designation: Industrial

Existing Use of Property: Retail sales of farm, animal, and pet supplies and feed

Existing Use of Surrounding Properties:

North: Industrial (I-1 zone)

South: Industrial (I-1 zone)

East: Trans Canada Highway and Reserve land

West: E & N Railway (Railway Transportation T-1 zone)

Services:

Road Access: Jacob Road (Trans Canada Highway frontage road)
Water: Eagle Heights Community Water
Sewage Disposal: Eagle Heights Community Sewer

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: None

Archaeological Site: None have been identified.

The Proposal:

To construct an approximately 511 m² (5,500 sq. feet) greenhouse on the western portion (rear) of the property.

Policy Context:

The subject property is designated "Industrial" in the Cowichan-Koksilah Official Community Plan (OCP) and is included within the Koksilah Development Permit Areas (DPA).

The Koksilah Development Permit Area establishes objectives for form and character and protection of the natural environment for commercially and industrially designated lands within the development permit area. Therefore, prior to any new construction, a Development Permit needs to be issued to ensure that the form and character of buildings meet certain aesthetic standards and that protection of the natural environment has been considered.

Planning Division Comments:

The subject property is located at 5410 Trans-Canada Highway with access off of Boys Road via Jacob Frontage Road. The Board approved issuance of Development Permit 8-E-09 DP at its July 14, 2010 meeting which permitted redevelopment of the existing Buckerfield's retail building, a new building addition and replacement of a greenhouse at the front of the property.

The current Development Permit application proposes to remove an existing warehouse at the rear (western) end of the property and construct a new greenhouse in its place.

The new greenhouse will not be visible from the Trans Canada Highway and the previous development permit specified landscaping and signage requirements with emphasis on the appearance of buildings from the front and from the highway.

For reference, Development Permit 8-E-09 DP included the following conditions:

- a) The proposed "Buckerfield's" signage on the pergola being replaced with a "B" only;
- b) The proposed signage on the gable of the new addition being consistent with proposed warehouse signage and installation of a half-moon vent about the sign;
- c) The LED sign is static and follows design specifications as per attachment A10a;
- d) Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;
- e) Oil interceptor installed for all parking lot drainage;
- f) Installation of green or black fencing in conjunction with attachment A4;
- g) Compliance with landscaping plan as per attachment A5;
- h) Wood fence posts be installed along the property front to mimic the look of the proposed pergola.

Koksilah Development Permit Area

The following section outlines how the application for construction of the greenhouse complies with the applicable Development Permit guidelines from the OCP. The application appears to be consistent with the DPA guidelines.

Environmental Protection

No streams or environmentally sensitive areas have been identified on the site, and no groundwater contaminants are produced on-site. The existing development permit specifies that an oil interceptor must be installed for all parking lot drainage. As the site is predominately gravel and asphalt there is limited impervious surfaces. The western portion of the property is currently covered with compacted road base and will not be paved.

Landscaping

The guidelines specify that landscaping should be provided around the periphery of the parcel with particular attention to road frontages and parcel boundaries that may abut other uses such as residential. A landscaping plan detailing landscaping requirements for the front of the property was approved through the existing development permit.

No new landscaping is proposed with this application as the location of the proposed greenhouse is not visible from the highway, is not highly visible to the general public, and will not be the primary retail greenhouse (which is located at the front of the property). The applicants suggest, however, that they will create a pleasing environment using seasonal plant stock and decorative pots consistent with a progressive and well-maintained retail operation.

There is currently a chain link fence covered in blackberry bushes along the rear property line abutting the railway. The southern property boundary abuts an industrially zoned property, and parking is proposed along this length.

Form and Character of Buildings and Structures

The proposed greenhouse will be professionally constructed, and the location of the building complies with required setbacks (0 metre interior side setback when the abutting parcel is Industrial, this application proposes a setback of 4.11 metres). For reference, drawings of the proposed structure are attached to this report.

Vehicle Access, Pedestrian Access and Parking

According to the overall site plan, there is room for approximately 34 parking spaces at the front, 4 loading spaces, and 64 parking spaces around the periphery which is ample parking for the proposed re-development and new greenhouse.

Signs

No new signs are proposed. As noted above, the previous development permit specified a number of conditions for signage associated with the redevelopment application.

Wiring

Services to the site are being provided underground as required by the previous development permit application. If the greenhouse requires power this will be provided underground or from a short line from an existing building.

Lighting

An overall lighting plan was approved with the previous development permit application.

Advisory Planning Commission Comments:

This application was not referred to the Electoral Area E Advisory Planning Commission, as the previous development permit application provided a comprehensive review of the primary design considerations of the site that are visible to the general public. In addition, this application is relatively minor, is out of view from the Trans Canada Highway and the general public.

Options:

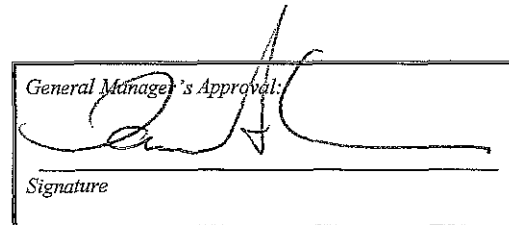
1. That application No. 5-E-10DP be approved, and that a development permit be issued to Buckerfields Ltd. for Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to permit construction of a new greenhouse.
2. That application No. 5-E-10DP not be approved in its current form, and that the applicant be directed to revise the proposal.

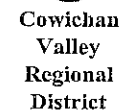
Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

RM/ca



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The Regional District does not warrant the accuracy.

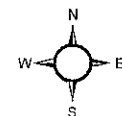
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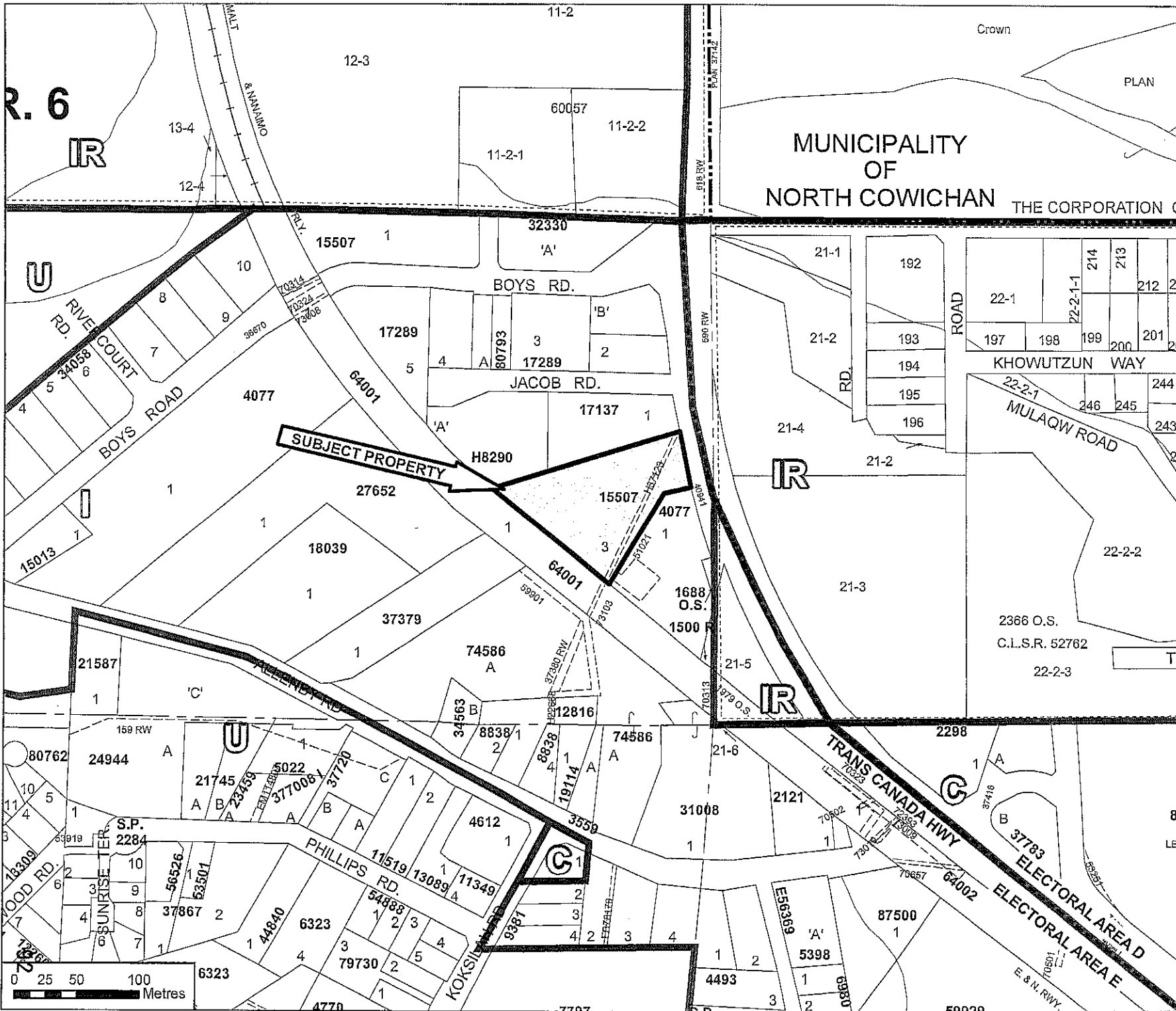
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 05-E-10-DP

Legend

 Subject_Property





**Cowichan
Valley
Regional
District**

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The Regional District does not warrant the accuracy.



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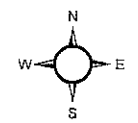
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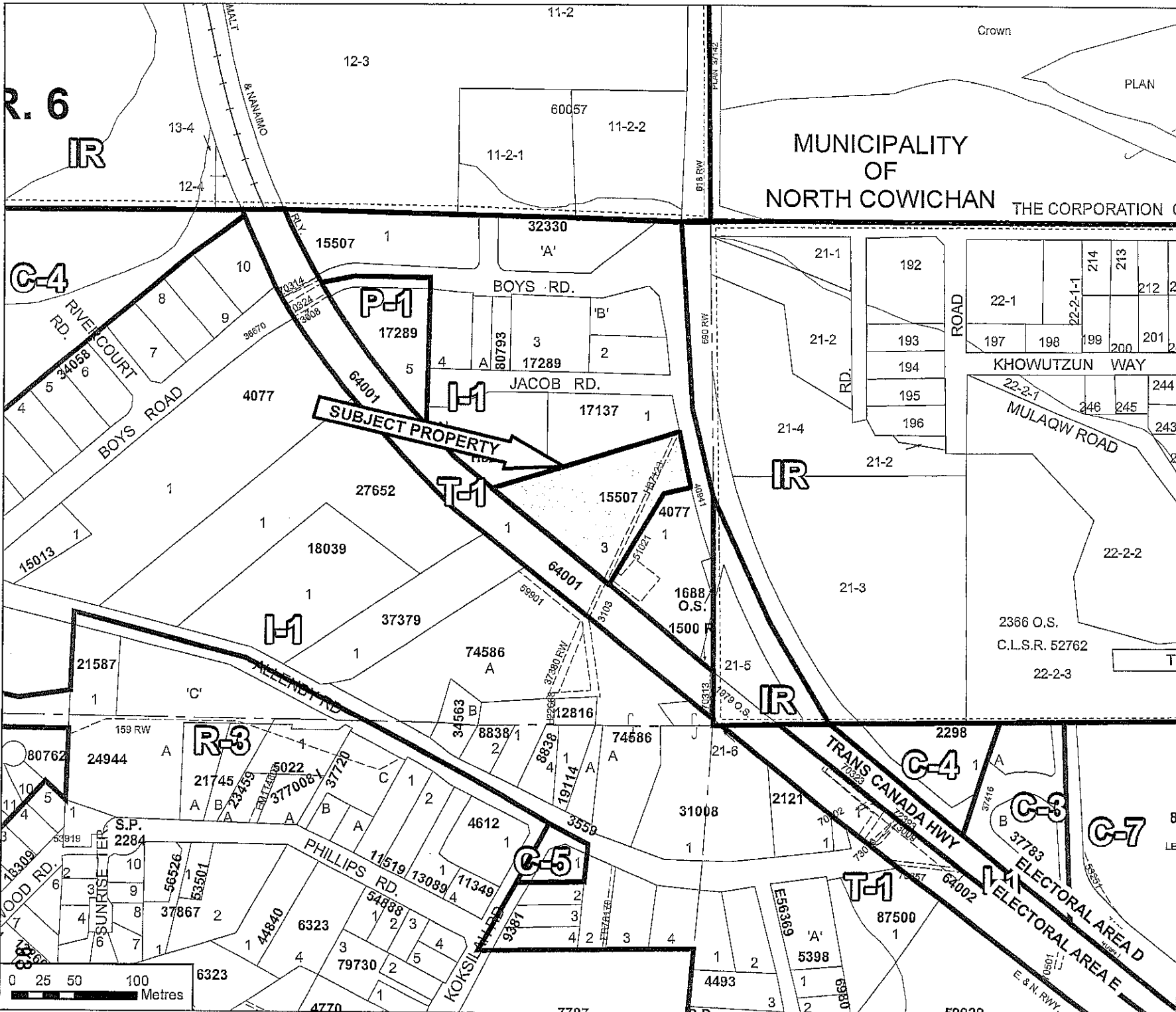
FILE: 05-E-10-DP

OCP

Legend

-  Subject_Property
-  OCP Electoral Area E





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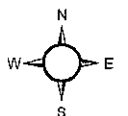
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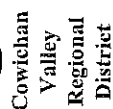
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ZONING

Legend

 Subject_Property
 Zoning Electoral Area E





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FILE: 05-E-10-DP

DPA

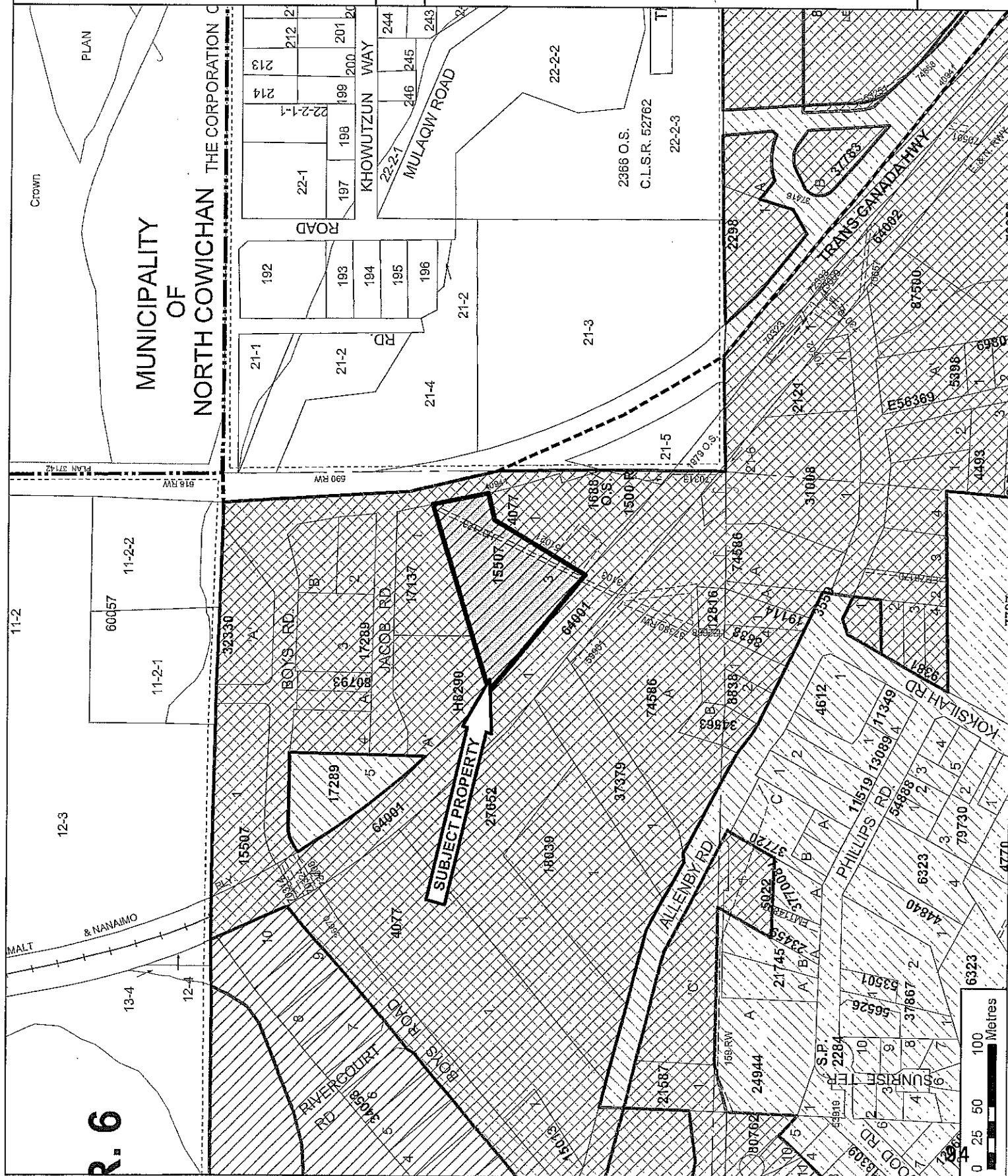
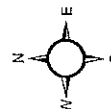
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Subject Property



OTHER DPA

RIPARIAN AREAS
REGULATION DPA



Cowichan
Valley
Regional
District

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FILE: 05-E-10-DP

Google Earth
Photo (2005)

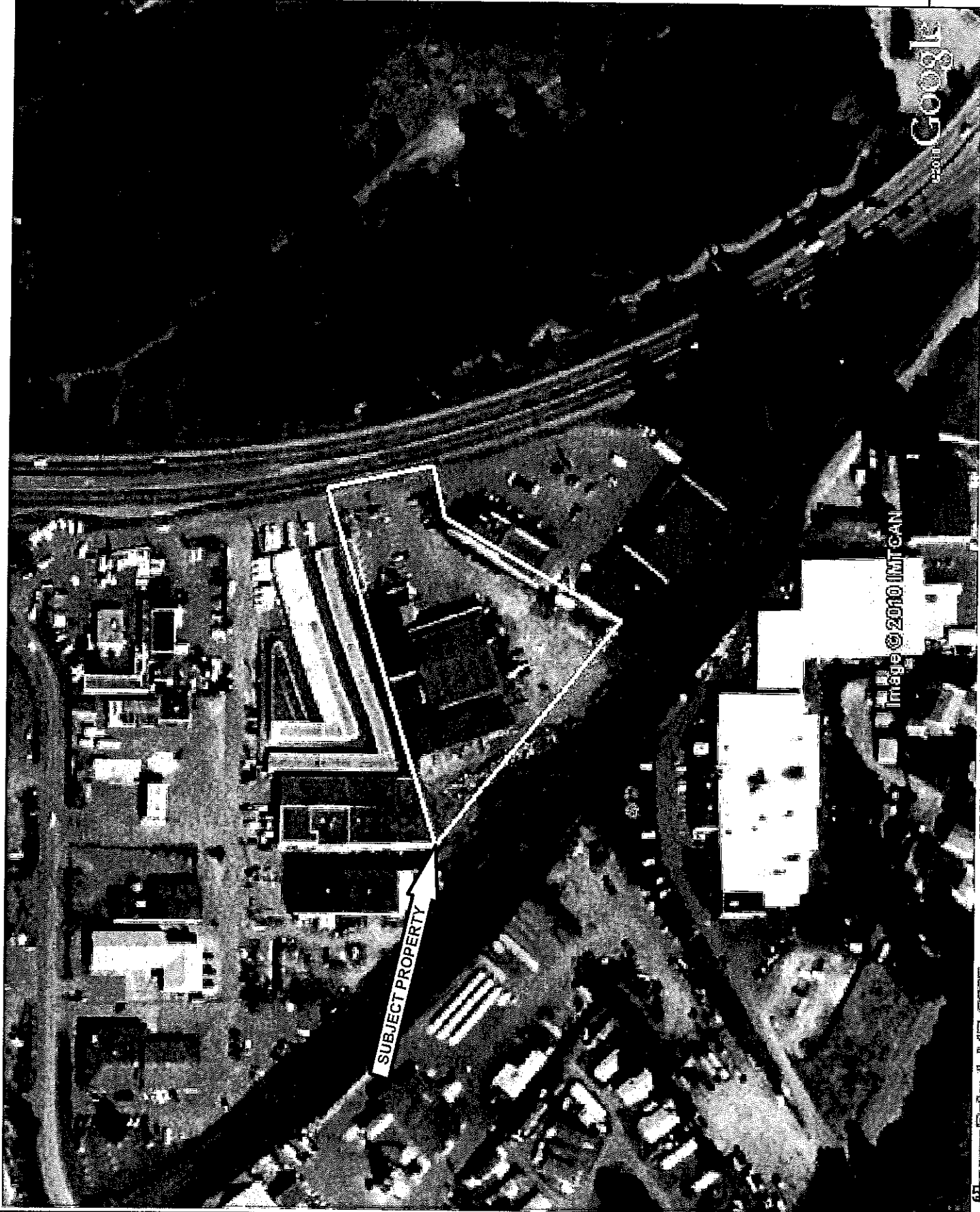
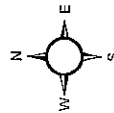


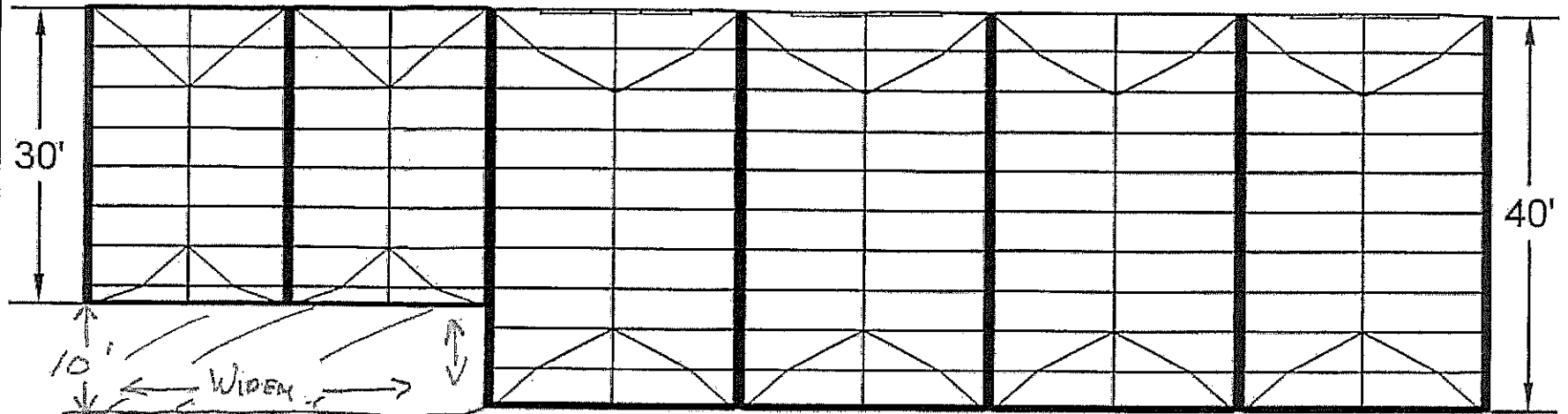
Image © 2010 IMT CAN

Imagery Date: Jul 17, 2005

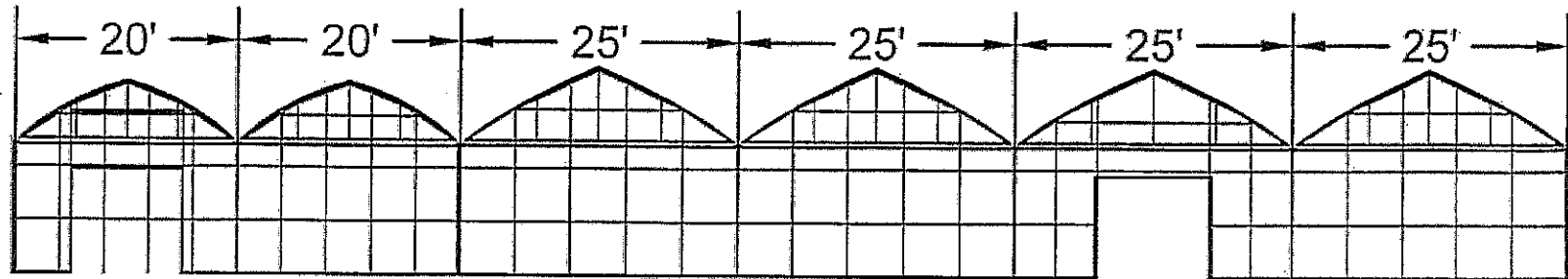
46°45'02.72" N 123°41'58.55" W

elev 62 m

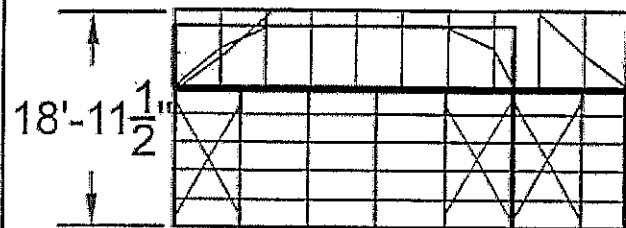
Eye alt 499 m



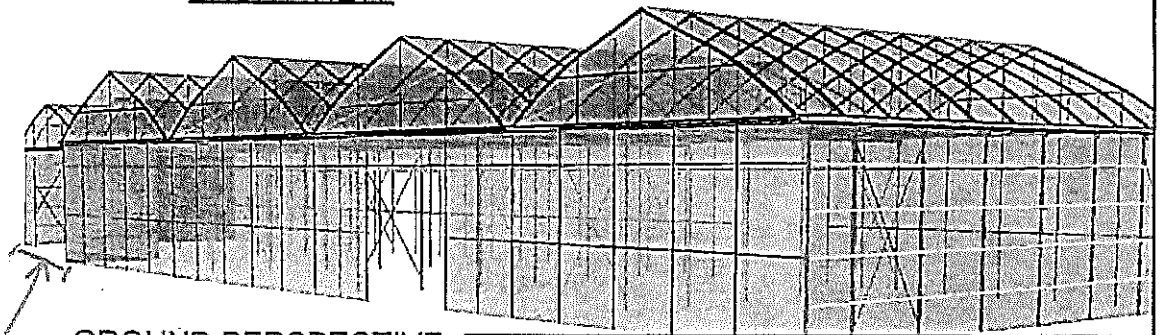
TOP VIEW



FRONT VIEW



SIDE VIEW



GROUND PERSPECTIVE

B&W Greenhouse Construction Ltd.	DATE	SEPT 21 2010
	DRAWN BY	JW
TITLE		
20' & 25' WIDE GUTTER-HOUSE		
PROJECT		
BUCKERFIELDS		



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 5-E-10DP

DATE: , 2010

TO: BUCKERFIELDS LTD.

ADDRESS: 5410 TRANS CANADA HIGHWAY

DUNCAN, BC V9L 6W4

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 (PID: 004-154-614)
3. Authorization is hereby given for construction of a greenhouse.
4. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
5. The following Schedules are attached:
 - Schedule A – Site Plan
 - Schedule B – Proposed Greenhouse
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. _____
PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL
DISTRICT THE TH DAY OF MONTH, 2011.

Tom Anderson, MCIP
General Manager, Planning and Development

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

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

Signature

Witness



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 18, 2011 **CVRD FILE NO:** 1-A-10ALR
FROM: Maddy Koch, Planning Assistant,
Planning and Development Department
SUBJECT: Application No. 1-A-10ALR (Father Sean Flynn)

Recommendation:

That Application No. 1-B-10ALR submitted by Father Sean Flynn, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a welcoming centre be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to:

- the new building complimenting the exterior (façade) of the old church
- a legal survey confirming compliance with parcel line setbacks

Background:

Location of Subject Property: 790 Kilmalu Road

Legal Description: Lot 1, Section 5, Range 9, Shawnigan District, Plan VIP62081
(PID: 023-211-407)

Date Application and Complete Documentation Received: July 7, 2010

Owner: The Bishop of Victoria

Applicant: Father Sean Flynn

Size of Parcel: ± 1.29 hectares (3.19 acres)

Existing Zoning: P-1 (Parks and Institutional)

Minimum Lot Size Under Existing Zoning: 1 hectare

Existing Plan Designation: Agricultural

Existing Use of Property: Institutional

Existing Use of Surrounding Properties:

North: Residential (Across Kilmalu Road, hobby farm) (A-1)
 South: Agricultural/ more church property (A-1)
 East: Farm (A-1)
 West: Tractor sales centre (A-1/P-1)

Services:

Road Access: Kilmalu Road
Water: Well
Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Environmentally Sensitive Areas:

The CVRD Environmental Planning Atlas does not identify any environmentally sensitive areas on the subject property but there is a TRIM stream and a stream planning area near the eastern portion of the subject property.

Archaeological Site: We have no record of any archaeological sites on the subject property.

The Proposal:

An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, for the purpose of constructing a welcoming centre on the subject property.

Soil Classification:

Canada Land Inventory Maps

$\pm 85\% 3^5_A - 4^5_A (2^5_D - 3^5_T) 10\% \pm 4W_P (3T) 5\% \pm 5W_D (3T)$

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	42.5
3	42.5	57.5
4	52.5	-
5	5	-
6	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations – can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture.

- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "C" indicates thermal limitations
- Subclass "P" indicates stoniness – improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations – not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

The subject property is presently composed of 52.5% Class 4 soil, 42.5% Class 3 soil and 5% Class 5 soil. The agricultural capability of the soil is mostly limited by aridity, with some areas being affected by topography and lack of perviousness. By taking improvement measures such as irrigation and drainage installation, the soil quality could be improved to 42.5% Class 2 soil and 57.5% Class 3 soil.

Policy Context:

The Official Community Plan designation for this property is Agricultural. The Area A – Mill Bay/Malahat OCP's Agricultural Objectives, as specified in Section 5 of Official Community Plan Bylaw No. 1890, state:

The objectives of the Regional Board pertaining to Agriculture are:

- a) To preserve and encourage agriculture, recognizing the agricultural heritage and character of the area;*
- b) To maintain an agricultural land base in the Plan area for present and future food production;*
- c) To prevent the development of agricultural land for non-agricultural uses which could preclude subsequent agricultural production;*
- d) To minimize conflict between agricultural and non-agricultural activities; and*
- e) To recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

Despite being designated as Agricultural in the OCP, the subject property is zoned Parks and Institutional, and is presently used as a church. This zoning presumably exists because the church was built in the late 1800s, prior to CVRD jurisdiction over the area.

For development applications taking place in the Agricultural Land Reserve, it is CVRD Board Policy to forward the applications to the Agricultural Land Commission (ALC) if the proposed development complies with CVRD bylaws, which this application does.

APC Comments:

The Electoral Area A Advisory Planning Commission (APC) met on October 12th, at which time they discussed this application and made the following recommendation:

*The Area A APC unanimously recommends to the CVRD that **ALR Application 1-A-10 ALR** be approved under the condition that the new building compliments the exterior (façade) of the old church.*

Planning Division Comments:

The subject property is ± 1.3 ha in size, zoned P-1 (Parks and Institutional) and is located on Kilmalu Road in Mill Bay. Currently there is a very old church, a cemetery, a parking lot and an accessory building on site. The applicant is proposing to build a ±438.91 square metre welcoming centre on the most easterly corner of the subject property.

At present, the church office (which doubles as the priest's home) operates out of a rental house located next door to the church at 780 Kilmalu Road. The church itself does not have any extra space onsite available for meeting, welcoming or office use. The proposed welcoming centre would provide space for these purposes and would eliminate rental costs. The proposed site of the welcoming centre is logical, as the rest of the property is occupied by a parking lot, overflow parking, an accessory building, the cemetery and the church itself.

It is recommended that this application be forwarded to the ALC with a recommendation to approve, subject to requiring the new building to compliment the exterior façade of the old church as per the Area A APC's recommendation. However, as the ALC is the approving authority in this case and the APC recommendation is related more to form and character than it is to agriculture, the ALC will not necessarily include this as a condition of approval.

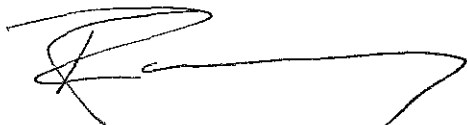
The site plan shows the proposed welcome centre being located near the 6 metre parcel line setback. Therefore, it is also recommended that the recommendation to approve be subject to a legal survey confirming compliance with parcel line setbacks.

Recommendation:

1. That Application No. 1-A-10ALR, made pursuant to Section 20(3) of the Agricultural Land Commission Act, to construct a welcoming centre be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to:
 - the new building complimenting the exterior (façade) of the old church
 - a legal survey confirming compliance with parcel line setbacks
2. That Application No. 1-C-10ALR, made pursuant to Section 20(3) of the *Agricultural Land Commission Act*, to construct a welcoming centre be forwarded to the Agricultural Land Commission with a recommendation to deny.

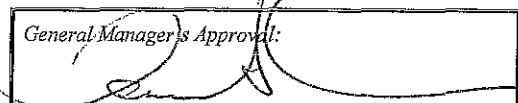
Option 1 is recommended.

Submitted by,



For: Maddy Koch,
Planning Assistant
Planning and Development Department

MK/ca
Attachments

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

Area A Advisory Planning Commission Minutes

12 October 2010 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Geoff Johnson, Brian Harrison (Director, Area A)

Regrets: David Gall, Dola Boas, Roger Burgess (Alternate Director, Area A)

Audience: 1 public representative

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 14 September 2010 meeting be adopted.
MOTION CARRIED

New Business:

ALR Application 1-A-10 ALR (Father Sean Flynn)

June Laraman, APC chair, presented an overview of the application.

Purpose: To construct a Welcoming Centre on the subject property pursuant to Section 20(3) of the *Agricultural Land Commission Act*.

CVRD Overview

OCP designation is Agricultural, however, subject property is zoned P1 (Parks and Institutional) which is reflected by it's current use as a church. The assumption is that this zoning exists because the church was built in the late 1800's. At present the church office (which doubles as the priest's home) operates out of a rental house located next door.

CVRD Comments

The church does not have any extra space for meeting or welcoming prospective congregational members.

The proposed site of the Welcoming Centre is logical as the rest of the property is occupied by a parking lot, overflow parking, an accessory building, the cemetery and the church. The proposed building would be approximately 438.91 square metre.

The surrounding properties to the east, north and south are primarily agriculture. To the west is the former RV sales site.

Father Sean Flynn, the applicant answered questions from APC members.

- Welcoming Centre, about 3,000 sq. ft., would be 2 storey and used for small group meetings, storage, office, and a library
- The Welcoming Centre may be a temporary use – approximately 2 years and then potentially convert to a Rectory.
- Existing church building is over 100 years old
- On map building option 1 is part of the grave yard so not a feasible building site

- Proposed site also provides for extension of the cemetery
- Septic field is very good
- Using well water
- Not wanting to remove from ALR at this point
- Church will remain as an historic building
- Building Rectory would involve other things, for example, there is another Catholic Church just a 10 minute drive away in Shawnigan Lake and the congregations of the two churches might merge
- Traffic will not increase with the proposed Welcoming Centre. It will be meeting place for small groups of no more than 10. It will not be used as a hall
- Congregation is aware of this application but no discussion with neighbours
- Architecture similar to existing building? Will have a cement basement and a wood façade. A designer has been selected; however, the design will not be completed until ALR application approval.

APC Recommendations:

The Area A APC unanimously recommends to the CVRD that **ALR Application 1-A-10 ALR** be approved with the condition the new building compliments the exterior (façade) of the old church.

Other:

SCOCP village meetings held on Sept. 30th, Oct. 4th and Oct. 6th are complete. The September 23rd meeting minutes for the Mill Bay workshop and the village meeting minutes will be posted on the CVRD web site. The proposed meeting dates for presenting the Working Draft SCOCP are November 25th with a backup meeting November 30th.

Area A Director Update:

- A Public Hearing to amend bylaw no. 3378 to allow for a new residential zone that would permit duplexes within the Urban Containment Boundary on 14 October 2010 at Kerry Park Recreational Centre, McLean Room at 7:00 PM.
- CVRD Parks and Recreation has applied for a major grant to aid in the building of the Mill Bay boat ramp by the marina.
- Foreshore policy for Mill Bay ongoing – Foreshore bylaw see CVRD <http://bc-cowichanvalley.civicplus.com/archives/30/Board%20Agenda%20August%202011%202010.pdf> (page 133)
- Term of appointment for elected representatives will remain at 3 years and the election date will change to mid October
- Limona has applied for a Development Permit, which will come before the EASC to determine if appropriate before the DP comes to the APC.
- RV location at Church Road is closed. It is now a retail location for tractor sales – currently non-conforming ALR use. The ALR does recognize the sale of farm equipment. Potential use for the space could be nursery, sale of farm produce, farm market or a community garden.

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 7:32 pm.

The next regular meeting will be at 6:30 pm, 9 November 2010 at Mill Bay Fire Hall.

KILAMALU ROAD

289.99'

*residential
(cross
kilmalu)*

DRIVEWAY
ENTRANCE

BENCH MARK
IRON POST = 100.00 FT



Agricultural

EXISTING
BUILDING

205.05'

Proposed Location
(Allows Walkout Basement)

**Welcoming
Centre**



188.59'

Agricultural

**St. Francis Xavier
Site Plan**

Scale: 1 : 500

CHURCH

EXISTING
PAVED PARKING

EXISTING
PAVED PARKING

UP SERVICE

FENCELINE

EDGE OF PAVEMENT

EDGE OF PAVEMENT

244.65'

168.70'

CHURCH ROAD

RV Sales Center

cemetery

*Praxis
property
used as
overflow
parking*

Location Option 1
(Slab on Grade or Crawlspace)

2ALD1.0 FIR2.2 CED2.3 ALD0.9 FIR2.4
CED3.0 CED2.3 OAK1.5
MAP0.8 MAP1.5
FIR1.6
FIR2.0
MAP2.1
OAK1.1
OAK1.9
OAK1.2
MAP3.3
CHE0.4
ARB3.3
MAP1.9
CHE0.3
CHE0.5
MAP0.9
MAP0.8
MAP0.9
MAP2.0
MAP3.0
CHE0.7

10.0 PARKS AND INSTITUTIONAL ZONES

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the P-1 Zone:

10.1 P-1 ZONE - PARKS AND INSTITUTIONAL**(a) Permitted Uses**

The following *uses* and no others are permitted in a P-1 zone:

- (1) *Assembly*;
- (2) *Civic use*, transportation facility including airport;
- (3) Ecological reserve, *public park*, greenbelt;
- (4) *Institution, religious facility*;
- (5) *Personal care facility*;
- (6) Public botanical garden;
- (7) Public school, private school including accessory boarding facilities and *accessory staff accommodation*;
- (8) One single *family dwelling per parcel accessory to a use* permitted in Section 10.1(a)(1)-(7).

(b) Conditions of Use

For any *parcel* in a P-1 zone:

- (1) The *parcel coverage* shall not exceed 40 percent for all *buildings and structures*;
- (2) The *height* for all *buildings and structures* shall not exceed 10 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	6.0 metres
Interior & Exterior Side	6.0 metres
Rear	6.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the P-1 zone shall be:

- (1) 0.2 ha for *parcels served by a community water and sewer system*;
- (2) 0.4 ha for *parcels served by a community water system only*;
- (3) 1.0 ha for *parcels served neither by a community water or sewer system*.



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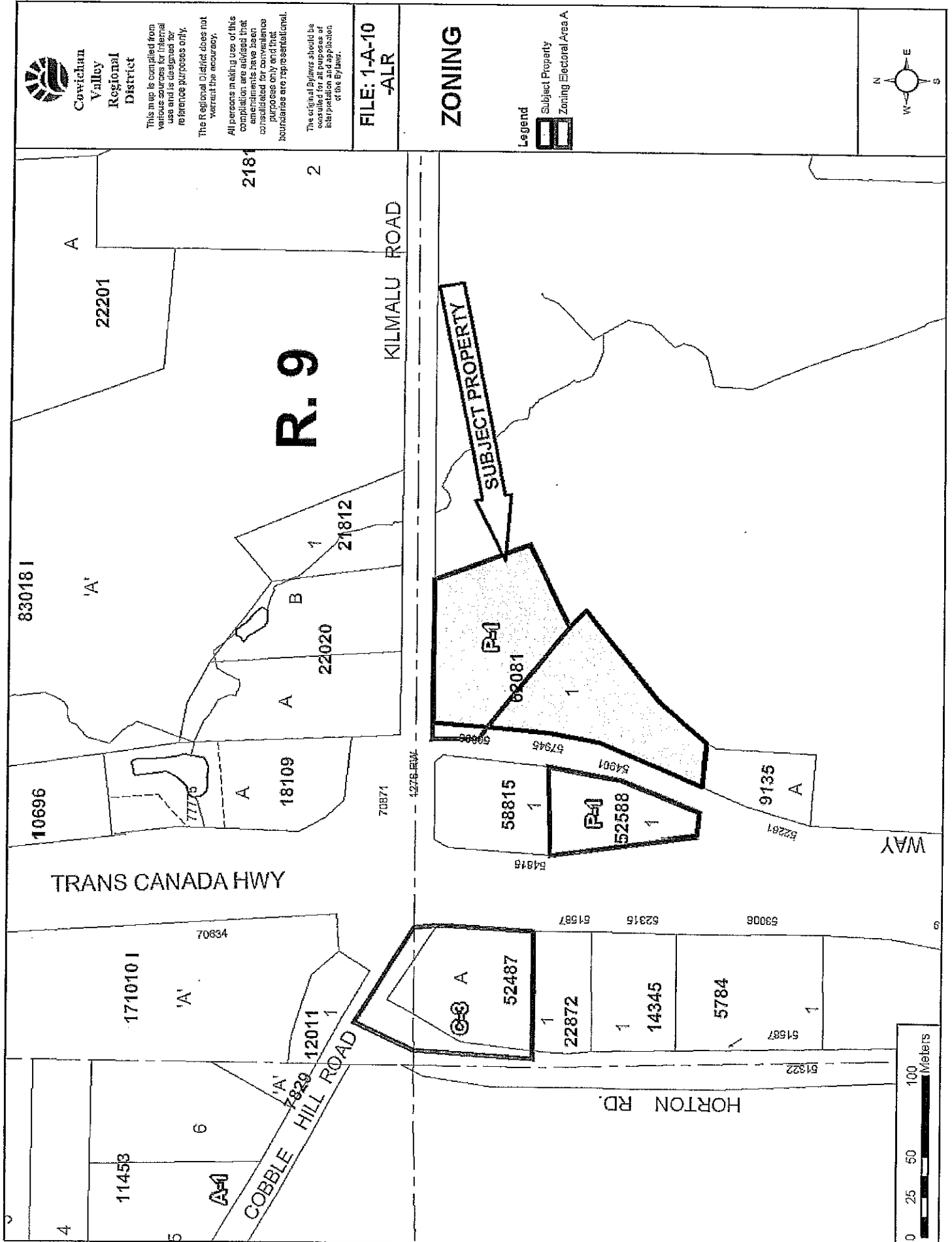
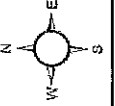
FILE: 1-A-10
-ALR

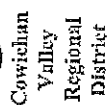
ZONING

Legend



Subject Property
Zoning Electoral Area A





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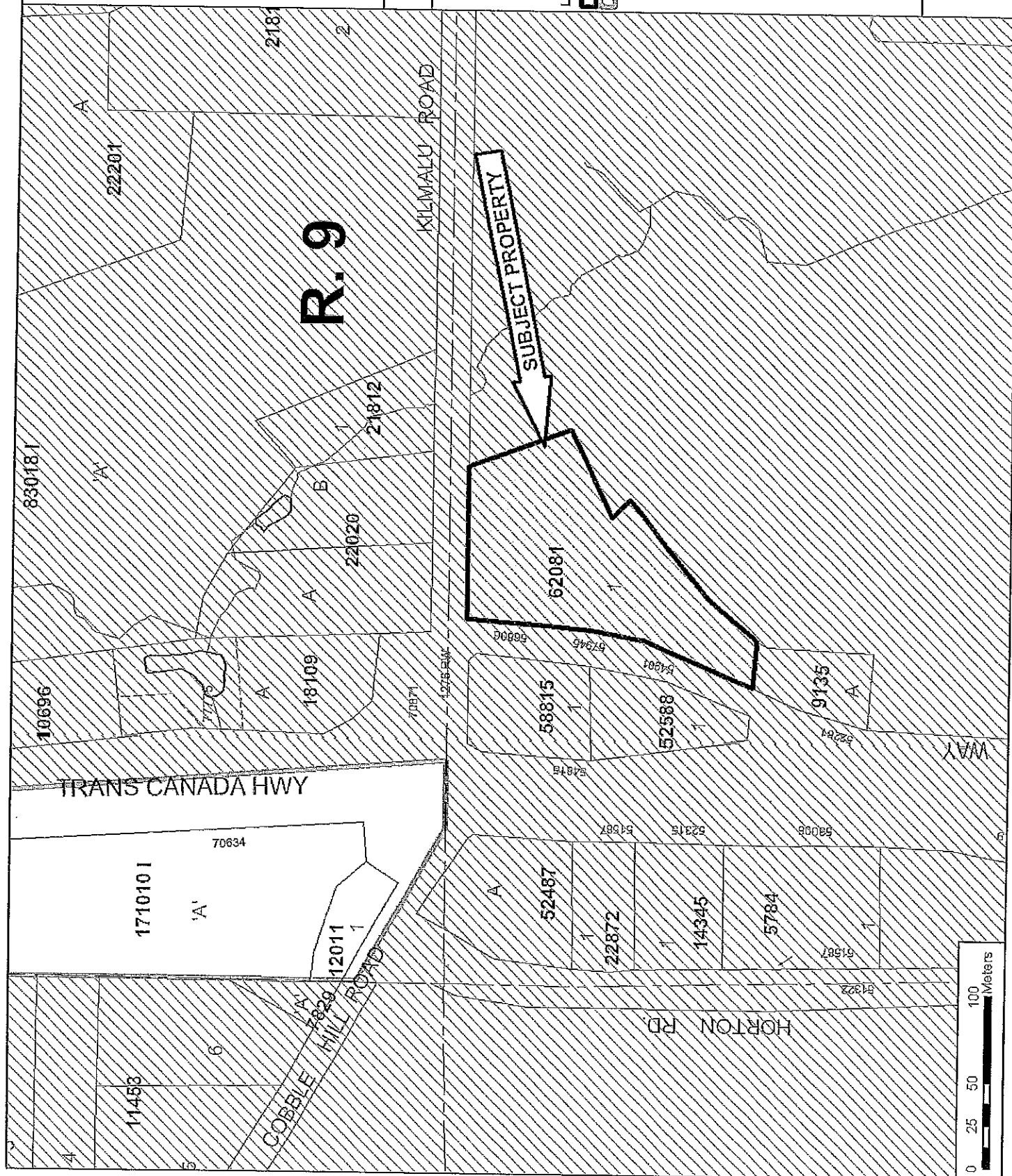
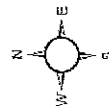
FILE: 1-A-10
-ALR

ALR

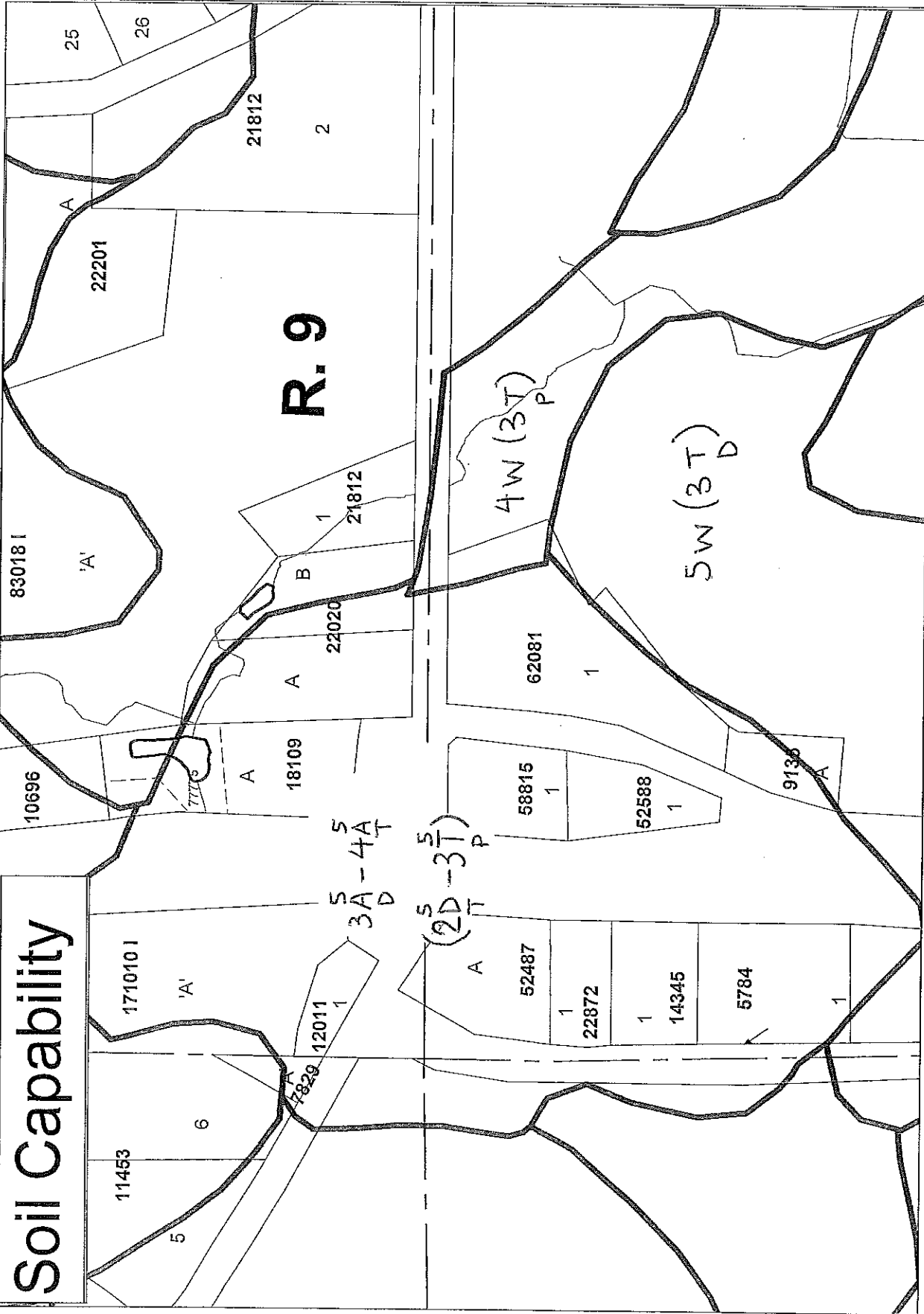
Legend



Subject Property



Soil Capability

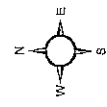


Cowichan
Valley
Regional
District

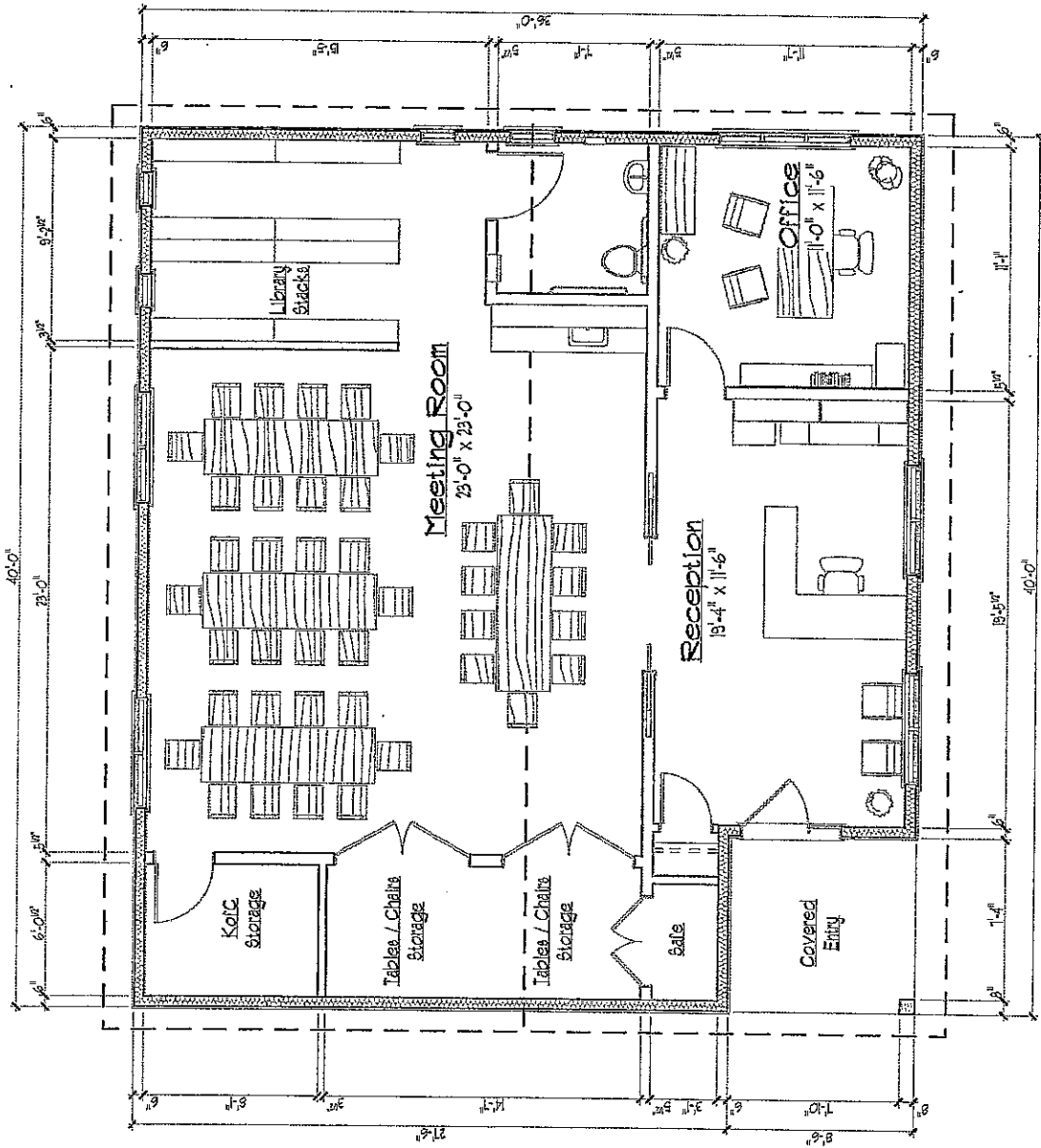
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Printed: August 31, 2010



Scale: 1:2,088



Main Floor Plan



R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JANUARY 18, 2011

DATE: January 11, 2011 **FILE No:** 7-B-10DP
FROM: Rob Conway, MCIP **BYLAW No:**
SUBJECT: Development Permit Application 7-B-10DP (Lintaman/McMillan)

Recommendation:

That application No. 7-B-10DP be approved, and that a development permit be issued to Pat Lintaman Design Ltd. and Anchorage Projects Ltd. for a six lot subdivision subject to:

- a. Strict compliance with RAR report #1467;
- b. Registration of a restrictive covenant to protect SPEAs outside of dedicated park and to drainage works on proposed lots;
- c. Reforestation of the perimeter buffer as identified in the October 14, 2010 report from Michael Gye and Heidi Krogstad Urban Forestry Ltd. and registration of a restrictive covenant to protect the 5.0 metre wide buffer and to limit signage in the buffer area to a single multi-tenant sign;
- d. Completion of a storm water management plan in accordance with the scope of work described in the October 25 and November 19, 2010 letters from WorleyParsons;
- e. Installation of underground utilities.

Purpose:

To consider a development permit application for a six lot subdivision.

Background:

Location of Subject Property: Stebbings Road and Shawnigan Lake Road.

Legal Descriptions: Lot 2, District Lot 132, Malahat District, Plan VIP75146 (PID:025-642-324)

Date Application and Complete Documentation Received: Initial application submitted March 3, 2010; Completed RAR report received December, 2010.

Owner: Pat Lintaman Design Ltd. and Anchorage Projects Ltd.

Applicant: John McMillan

Size of Parcel: Approximately 7 ha. (17.3 ac.)

Zoning: I-5 (Eco-Industrial) and F-1 (Primary Forestry)

Minimum Lot Size Under Existing Zoning: 1.0 ha. for I-5
80.0 ha. for F-1

OCP Plan Designation: Forestry and Industrial

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North: Forestry and Industrial
 South: Forestry
 East: Industrial
 West: Forestry

Services:

Road Access: Stebbings Road
Water: Well
Sewage Disposal: On-site
Fire Protection: Malahat Fire Service Area.

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: Van Horne Creek crosses the northern part of the subject property. A small tributary to Van Horne Creek is also located on the site.

Archaeological Site: None identified

Policy Context:

The portion of the subject property south of Van Horne Creek was re-zoned from F-1 to I-5 in 2009. The I-5 zone permits a range of light industrial uses on the subject property as described in the copy of the zone attached to this report.

When the property was rezoned, the I-5 zoned portion of the property was included in a development permit area with the intention of achieving the following objectives:

1. maintain the forested character of the site along Shawnigan Lake Road;
2. achieve a high standard of building and site design for future industrial development on the site;
3. minimize negative impacts on adjacent lands;
4. protect surface and ground water;
5. protect wildlife habitat and air quality;
6. achieve safety and accessibility;
7. promote energy conservation, water conservation and reduced greenhouse gas emissions.

The Eco-Industrial Development Permit Area requires that the owner obtain a development permit prior to commencing development on the site, including subdivision, construction of buildings and land clearing. As the property has a streams located on it, it is also within the Riparian Area Regulation Development Permit Area. The development permit areas include guidelines as to how development on the property should occur. Applications for development permits are expected to comply with the development permit guidelines.

The owners are proposing to subdivide the subject property and require a development permit in order to do so. As it is not known at this stage what industrial uses will be located on the proposed lots or how they will be developed, this application only addresses the subdivision of the land. Subsequent development permits will be required for construction or other development on the individual industrial lots.

Proposed Development:

This application proposes to create five industrial lots of between 0.9 and 1.0 hectares in area south Van Horne Creek, a 0.95 hectare forestry lot on the north side of the creek and a 0.87 hectare park dedication. Access to the industrial lots would be from a new internal road off of Stebbings Road.

Access to the forestry lot (proposed Lot 6) would be from Shawnigan Lake Road. All of the proposed lots are fee simple (i.e. not strata) and the proposed road is intended to be a public road built to Ministry of Transportation and Infrastructure standards. A plan showing the proposed subdivision layout is attached to this report as Schedule 1.

Compliance with Eco Industrial Development Permit Guidelines:

Since the subject application is only for the subdivision of the land and not development of the proposed lots for industrial use, some of the Eco Industrial Development Permit Area guidelines do not apply. Guidelines that staff believe do apply to the subject application are highlighted below, followed by staff comments regarding compliance with the respective guideline.

- (b) A treed buffer shall be provided between the industrial use and adjoining non-industrial parcels, South Shawnigan Lake Road and Stebbings Road. The buffer shall be densely vegetated such that parking areas, garbage collection areas, service areas, outdoor storage areas, fuel tanks, air conditioning units and delivery areas are buffered to reduce noise and visual impacts.***

Much of the subject property is currently forested. The applicants have provided an arborist's report (Schedule 4) that documents the density of existing trees around the perimeter of the I-5 zoned area. The report confirms that the site is heavily forested along the Shawnigan Road frontages and along the majority of the Stebbings Road frontage. There are, however, some gaps along the Stebbings Road frontage that will require replanting. The west boundary of the I-5 area is also identified as sparsely treed, but there are existing trees and under-storey vegetation in this area. The perimeter buffer will be protected by a restrictive covenant to prevent tree removal within the 5.0 metre buffer area.

Additional landscaping will be required for the proposed lots following subdivision.

- (c) Landscaping shall be in keeping with the visual beauty of the area. Existing mature trees shall be incorporated into the landscape design.***

The applicants are proposing to retain existing trees within the buffer areas and re-plant where necessary.

- (d) Vehicle access points, circulation patterns and parking layouts shall be designed in such a way as to reduce impacts upon Shawnigan Lake Road, Stebbings Road and adjacent parcels. Sites shall be designed to allow delivery trucks to maneuver without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles shall be able to reach all parts of the development easily.***

Access to the proposed industrial lots will be from a new road that will access onto Stebbings Road. The road location has been chosen to achieve required sight distances on Stebbings Road. The road design and alignment will be subject to Ministry of Transportation and Infrastructure approval.

Access, traffic circulation and parking on the proposed lots will be addressed in subsequent development permit applications.

- (e) Underground wiring shall be encouraged instead of overhead wiring.***

The subdivision will be serviced with three-phase power. The applicants have advised that this type of hydro is very expensive to service underground. Primary servicing of the proposed lots is expected to be with overhead wiring, with servicing from the street to the individual lots expected to be underground.

- (i) Signs shall be designed to reflect the architecture of the site and be in harmony with the landscaping plans for the site, but shall be limited in height and area commensurate with the site characteristics. If multiple signs are required, they shall be grouped and shared. Florescent lighting shall not be used. Non-lit signs, or frontal lighting with incandescent bulbs is preferred.**

The applicant has proposed a multi-tenant sign that would be located at the south corner of the new road and Stebbings Road. The sign is intended to provide a central location for identifying businesses within the development from Stebbings Road. The proposed sign is relatively low (12 feet) and has been tastefully designed using cedar timbers and a shingled gable that will provide weather protection and architectural character. The sign will be lit with overhead incandescent lighting, in accordance with the guideline. Staff recommend that the multi-tenant sign be the only sign permitted within the perimeter vegetated buffer and that the covenant for the buffer be drafted so as to preclude other signage. Details of the proposed sign are provided on Schedule 3.

- (l) A storm water management plan is required. Impervious surfaces shall be limited to protect property from flooding, erosion or other undesirable impacts as the result of changes to storm water runoff.**

The applicants will complete a storm water management study prior to subdivision of the proposed lots. The study will analyze pre- and post development storm water patterns and will include mitigation measures to ensure post development run-off does not exceed predevelopment rates. It will also include recommended low impact best management practices for future development on the proposed lots. Recommended measures are expected to include limitations on impervious surface coverage, source controls to reduce and slow the rate of storm water discharge (examples include absorbent landscaping, pervious paving, infiltration facilities and rainwater re-use) and water quality protection measures such as settling ponds and natural or constructed wetlands. Two letters from WorelyParsons that outline the scope of the storm water management plan and the types of low impact development strategies to be employed are provided in Schedule 5.

- (m) A treed buffer 30 metres in width is required from the high water mark of Van Horne Creek. Wetland areas and streams are subject to the Riparian Area Regulation Development Permit Area. Riparian areas shall be left natural and wild to protect surface waters and riparian ecosystems. Bark mulches, impermeable landscape surfaces landscape fabric and plant species that require the use of pesticides or fertilizers shall not be located in these areas.**

The Streamside Protection and Enhancement Area (SPEA) on the south side of Van Horne Creek was identified in the Riparian Area Assessment Report that was submitted with the application as 25.5 metres from the high water mark of the creek. The entire SPEA on the south side of the creek is proposed to be dedicated as park. Although this is slightly less than the 30 metres recommended in the guidelines, staff believe the dedication of the area as park provides protection that is superior to other available protection measures such as a restrictive covenants or fencing. It will also be possible to achieve additional buffering of the creek with permits for development on the individual lots.

It should be noted that some of the proposed industrial lots are less than the 1 hectare zoning minimum. It was necessary to reduce the lot size due to the additional park dedication. Section 13.2 of Zoning Bylaw No. 985 allows the parcel size to be reduced slightly below the zoning minimum where land is dedicated for public use.

- (n) ***Proposed sewage treatment and disposal methods shall be designed to avoid impacts upon the environment and shall meet the requirements of the South Sector Liquid Waste Management Plan.***

The subject property is proposed to be serviced with individual sewage disposal systems on the proposed lots. Prior to creating the lots, the owners will have to confirm that the soil conditions comply with the Vancouver Island Health Authority's standards for subdivision. Sewage disposal systems for the individual lots will not be designed until there is development proposed on the lots. Sewage disposal systems for the proposed lots will be designed by a waste water practitioner, in accordance with VIHA guidelines. The South Sector Liquid Waste Management Plan recognizes individual on-site sewage disposal systems approved by the Health Authority as an acceptable form of sewage disposal on large lots.

- (r) ***The latest best management practices for land development of the BC Ministry of Environment shall be respected.***

The subdivision layout has been prepared using Ministry of Environment best management practices (Develop with Care). The storm water management plan will also utilize best management guidelines and principles.

- (t) ***All internal road building and drainage works shall conform with appropriate functioning condition assessment methods.***

These techniques have been utilized in the drainage design for the site and will be incorporated into the storm water management plan.

Compliance with Riparian Area Regulation Development Permit Guidelines:

Any development within the riparian assessment area of a creek, as defined by the *Riparian Area Regulation* requires a development permit in accordance with the RAR development permit area guidelines. In order to submit an application for this development permit area, applicants must have a report prepared by a Qualified Environmental Professional that identifies the Streamside Protection and Enhancement Area (SPEA) associated with any streams on the subject property and recommendations for appropriate protection measures.

The Riparian Assessment Report that was provided with this application identified Van Horne Creek and an un-named tributary to Van Horne Creek as being subject to the Riparian Area Regulation. The report identifies a 25.5 metre SPEA on the north and south side of Van Horne Creek and a 10 metre SPEA on either side of the tributary.

The lower segment of the un-named tributary is intended to be left intact. However, the upper segment, near the middle of the property, is proposed to be re-aligned. The applicant has provided correspondence confirming that DFO staff do not object to the proposed re-alignment and have provided a Section 9 *Water Act* notification required for the in-stream works. The re-alignment is expected to improve upstream drainage and improve the quality of water discharged into Van Horne Creek by reducing erosion and providing storm water storage and treatment.

The Riparian Assessment Report recommends that the identified SPEA areas be protected by temporary fencing and signage. Staff agree that the recommended protection measures are adequate for the SPEA that will be dedicated as park. It is felt, however, that additional protection may be necessary for the SPEA outside of the park dedication – specifically on the north side of Van Horne Creek and for the tributary SPEA. Staff therefore recommends that drainage works associated with the stream re-alignment that are located on the proposed lots should also be protected by covenant.

As the Riparian Assessment Report is a lengthy document, it was not included in the agenda package. It is, however, available for viewing at the Planning and Development Department.

Advisory Planning Commission Comments:

At the request of the Area Director, this application was not referred to the Area B APC.

Park Dedication:

Section 941 of the *Local Government Act* requires that 5% of the subject property be provided as park or that cash-in-lieu be provided. The Area B Parks Commission reviewed the proposed subdivision and expressed interest in land dedication along Van Horne Creek. 5% of the subject land is equivalent about 0.35 ha. (.86 ac.). Although this is all the owners are obliged to dedicated, they have generously offered to dedicate 0.87 ha., or about 2.5 times the minimum dedication. The larger park dedication will provide better protection of the riparian area adjacent to Van Horne Creek and better options for a future trail route through the park.

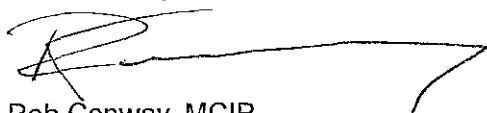
Summary:

The applicants have made a good effort to comply with the guidelines of the Eco Industrial and Riparian Area Regulation Development Permit Areas. Staff believe the application is consistent with the applicable guidelines as they apply to subdivision. Subsequent development permits will be required for the individual lots prior to development occurring. The current application addresses a number of guidelines that apply to the entire site and should facilitate development permit area compliance with proposals for development on the future lots. Issuance of a development permit for the six lot subdivision is recommended.

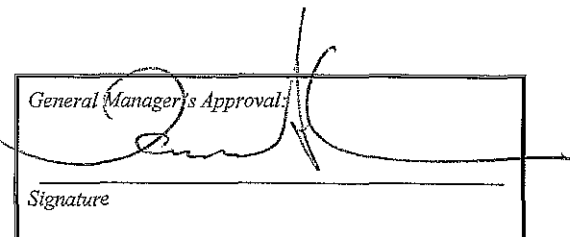
Options:

1. That application No. 7-B-10DP be approved, and that a development permit be issued to Pat Lintaman Design Ltd. and Anchorage Projects Ltd. for a six lot subdivision subject to:
 - a) Strict compliance with RAR report #1467;
 - b) Registration of a restrictive covenant to protect SPEAs outside of the dedicated park and to protect drainage works on proposed lots;
 - c) Reforestation of the perimeter buffer as identified in the October 14, 2010 report from Michael Gye and Heidi Krogstad Urban Forestry Ltd. and registration of a restrictive covenant to protect the 5.0 metre wide buffer and to limit signage in the buffer area to a single multi-tenant sign.
 - d) Completion of a storm water management plan in accordance with the scope of work described in the October 25 and November 19, 2010 letters from WorleyParsons;
 - e) Installation of underground utilities.
2. That application No. 7-B-10DP not be approved in its current form, and that the applicant be requested to revise the proposal.

Submitted by,



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



RC/ca

Attachments:

- Schedule 1 – Proposed Plan of Subdivision
- Schedule 2 – RAR Assessment Plan
- Schedule 3 – Sign Details
- Schedule 4 – Arborist's Report
- Schedule 5 - WorleyParsons Correspondence re: Storm Water Management
- Schedule 6 – Eco Industrial and RAR Development Permit Guidelines
- Schedule 7 – 1-5 Zone
- Schedule 8 – Draft Development Permit

Plan of Proposed Subdivision of Lot 2,
District Lot 132, Malahat District,
Plan VIP75146.

'Shawnigan Lake'

Scale 1:750

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

Legend:

Deposits are in metres, based on geodetic datum,
and derived from GPS observations.

All distances are in metres and distances
between points are indicated.

Distances are derived from Land Title Office records.

Legend:

- Existing
- Proposed
- Existing line along
- Proposed line along
- Existing utility pole
- Proposed utility pole
- Existing over head wire
- Proposed over head wire
- Existing utility pole anchor
- Proposed utility pole anchor
- Existing edge of old logging road
- Proposed edge of old logging road
- Existing edge of water feature
- Proposed edge of water feature
- Existing edge of pavement
- Proposed edge of pavement
- Existing corrugated metal pipe
- Proposed corrugated metal pipe
- Existing fence structure
- Proposed fence structure
- Existing distance
- Proposed distance
- Existing park hole with associated number
- Proposed park hole with associated number

Contour Interval = 1.0 m

2 September 2010 (Adj Park Areas)
30 August 2010

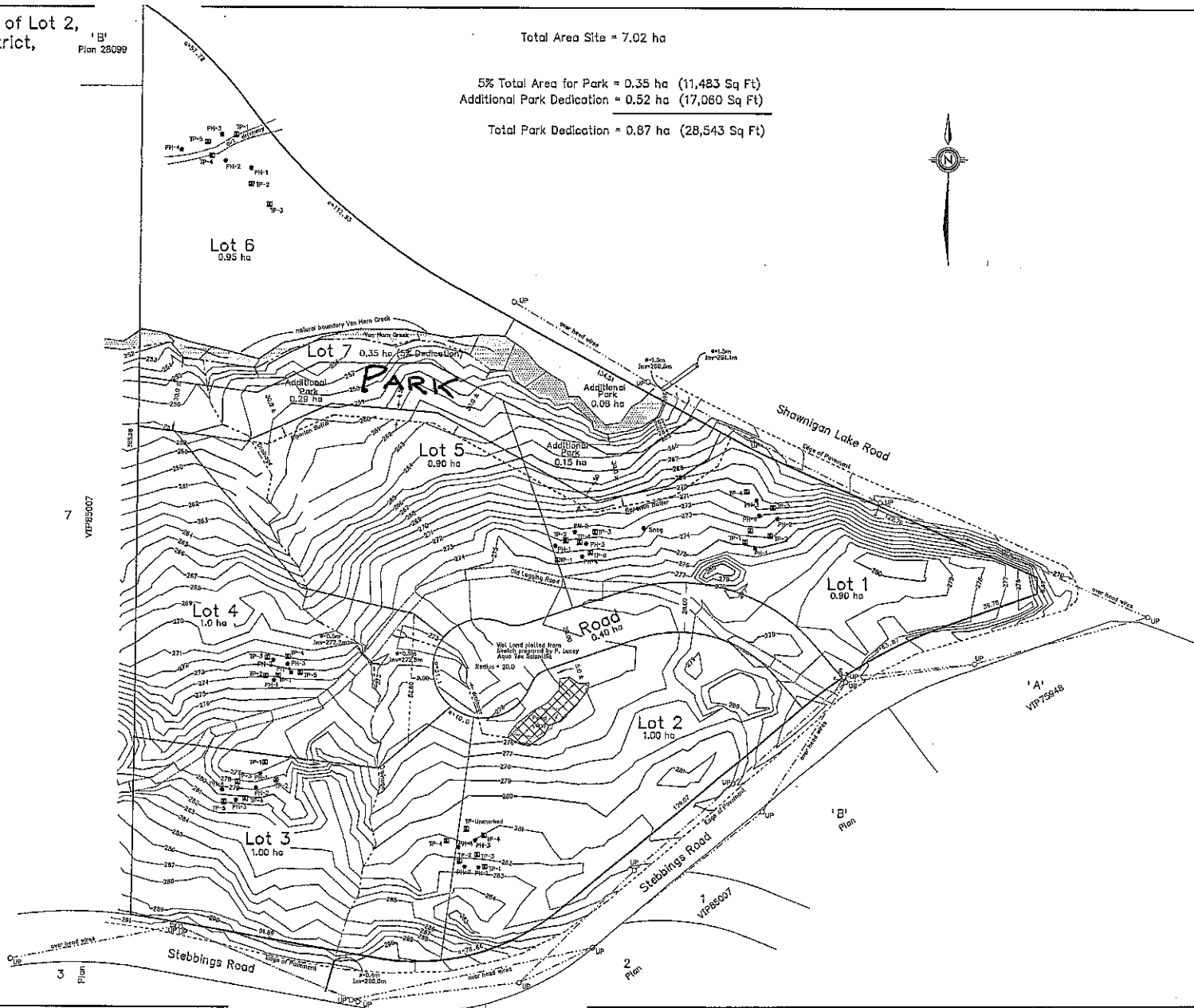
Michael J. Hollway
Land Surveying Inc.
#115 - 2241 Seale Road
Victoria, B.C. V9B 1K1
(250) 478-5539

File: 34105-01-01-01

Total Area Site = 7.02 ha

5% Total Area for Park = 0.35 ha (11,483 Sq Ft)
Additional Park Dedication = 0.52 ha (17,060 Sq Ft)

Total Park Dedication = 0.87 ha (28,543 Sq Ft)



Plan of Proposed Subdivision of Lot 2,
District Lot 132, Malahat District,
Plan VIP75146.

'Shawnigan Lake'

Scale 1:750

7.5 0 7.5 15 22.5 30 Meters

The intended plot size of this plan is
100 m x 100 m by 500 m x 100 m (2 plots)
when plotted at a scale of 1:750

Legend:

Boundaries are in height, based on geodetic datum,
and derived from GPS measurements.
All distances are in metres and decimals
unless otherwise indicated.
Boundaries are derived from Land Title Office records.

RAA denotes line along
denotes utility pole
denotes overhead wires
denotes utility pole anchor
denotes edge of water feature
denotes edge of pavement/ridge at old logging road
denotes corrugated metal pipe
denotes invert elevation
denotes diameter
denotes RAA setback
denotes SPEA setback
denotes Litterfall and Insect Drop ZOS setback
denotes LWD, Bank and Channel Stability ZOS setback
denotes Shade ZOS setback
denotes High Water Mark (as determined by Aqua-Tex Scientific Consulting Ltd.)

Contour Interval = 1.0 m

RAR Setbacks
(as per Aqua-Tex Scientific Consulting Ltd.)

Van Horne Creek

LWD, Bank and Channel Stability ZOS - 10 m
Litterfall and Insect Drop ZOS - 15 m
Shade ZOS - 25.5 m
SPEA - 20.5 m
RAA - 30 m

Tributary 'A'

LWD, Bank and Channel Stability ZOS - 10 m
Litterfall and Insect Drop ZOS - 10 m
Shade ZOS - 0.9 m
SPEA - 10 m
RAA - 30 m

RAR = Riparian Assessment Regulations
LWD = Large Woody Debris
SPEA = Streamside Protection & Enhancement Area
RAA = Riparian Assessment Area
ZOS = Zone of Sensitivity

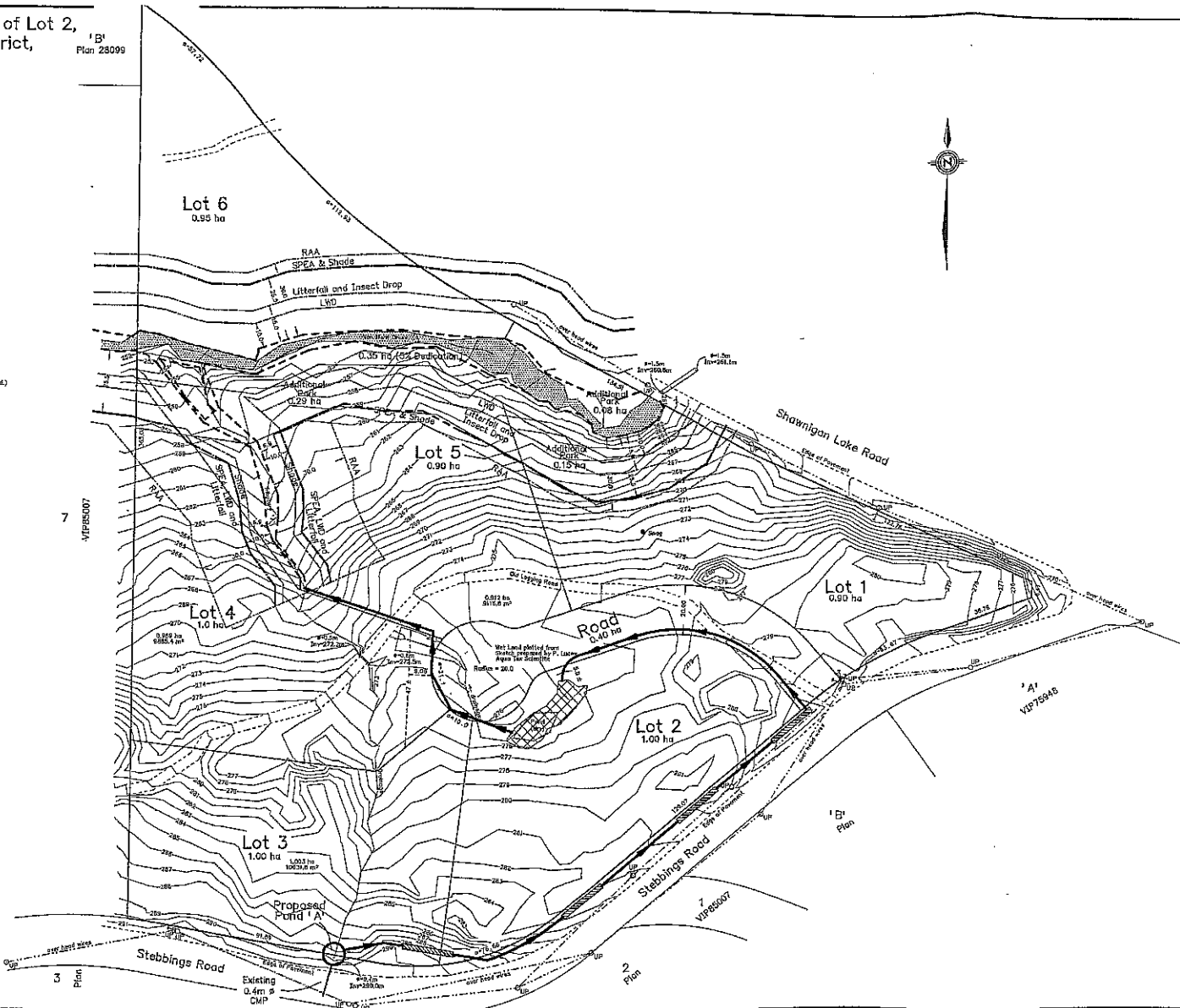
denotes proposed storm water
watercourse
denotes proposed right-of-way
boundary of property

Based on Aqua-Tex information
November 27, 2009

November 2010 (Adj P/L Lots 4 and 5)

Michael J. McInerney
Land Surveyor
#113 - 2214 Sooke Road
Victoria, B.C. V8B 1K1
(250) 474-5336

File: 34165-Batch-RAA-August2010

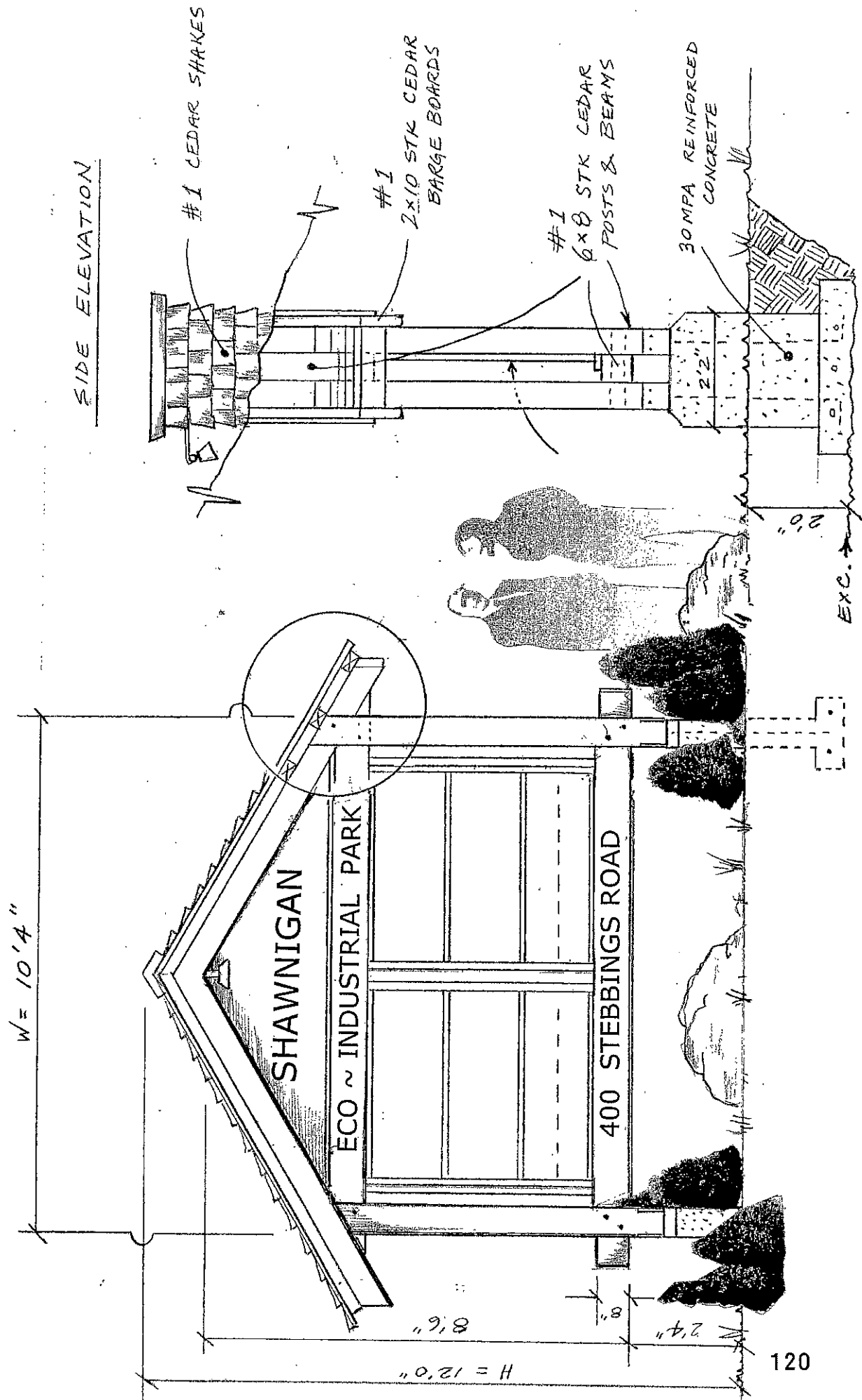


Proposed Free Standing Sign

For Eco-Industrial Park

On Lot 2, Stebbings Road

Scale: 3/8 inch = 1 foot September 4, 2010

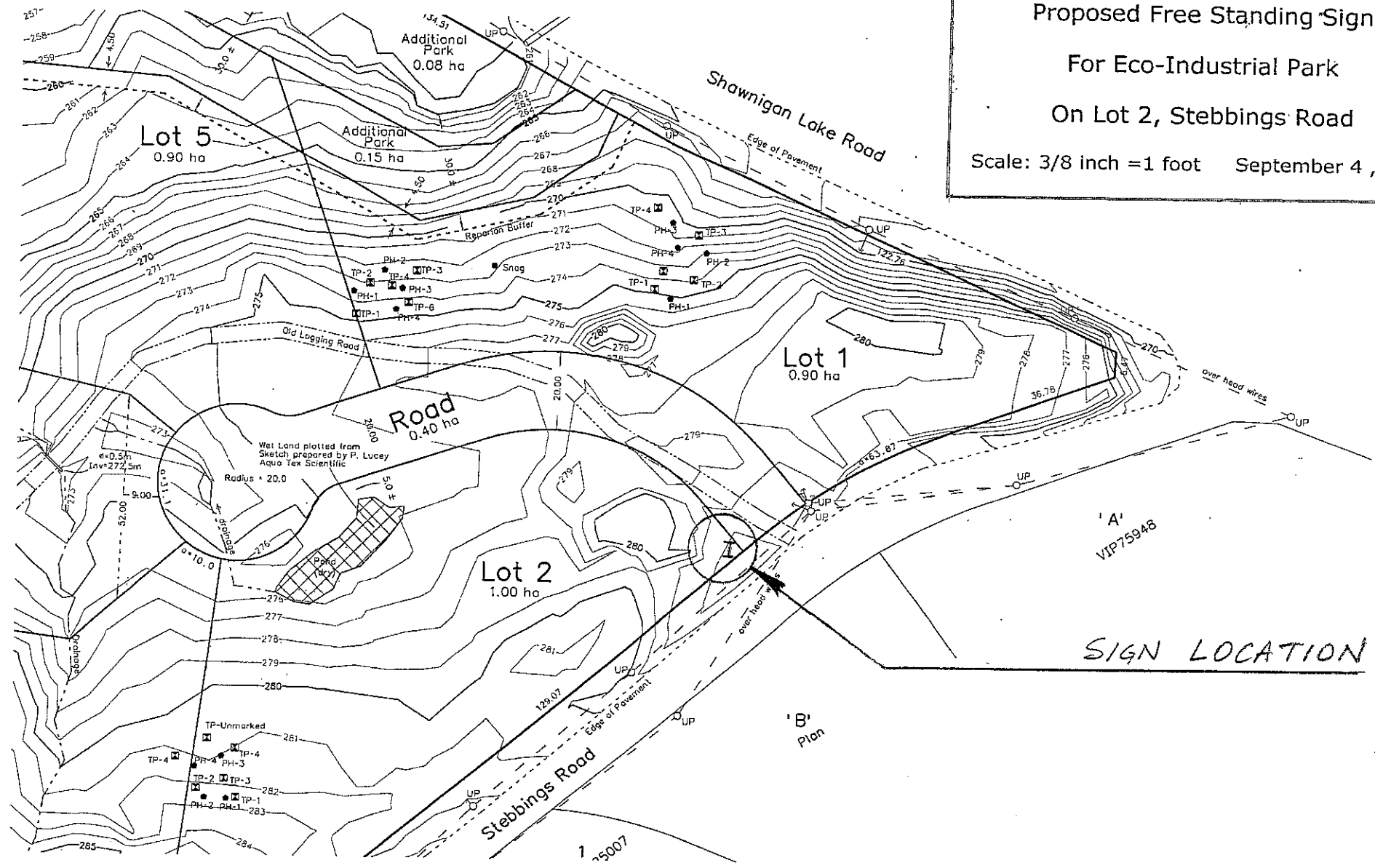
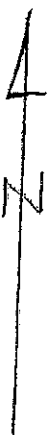


Proposed Free Standing Sign

For Eco-Industrial Park

On Lot 2, Stebbings Road

Scale: 3/8 inch = 1 foot September 4, 2010



Michael Gye & Heidi Krogstad Urban Forestry Ltd.

Consulting Arborists

Trees & Development • Hazard Assessment • Appraisals

October 14, 2010

John McMillan
Burr Properties Ltd.
655 Fort Street
Victoria BC V8W 1G6

Dear Mr. McMillan,

Subject: Stebbings Road Site Tree Report

Assignment and Method:

The CVRD have asked for a site plan identifying the proposed covenanted area and a summary of the trees thereon. It should identify areas that are lacking trees and it should list the species, density and the general location of the existing trees.

The photographs below of the proposed covenant strip were taken to illustrate the text of the summary and allow the reader to better understand the report and the site plan.

The property is located at the corner of Stebbings and South Shawnigan Lake Roads, about a kilometer from the Malahat turn off. The proposed covenant area is 5 metre wide strip that runs along the inside of the property lines adjacent to Stebbings Rd and South Shawnigan Lake Rd. as far as Van Horne Creek.

Observations

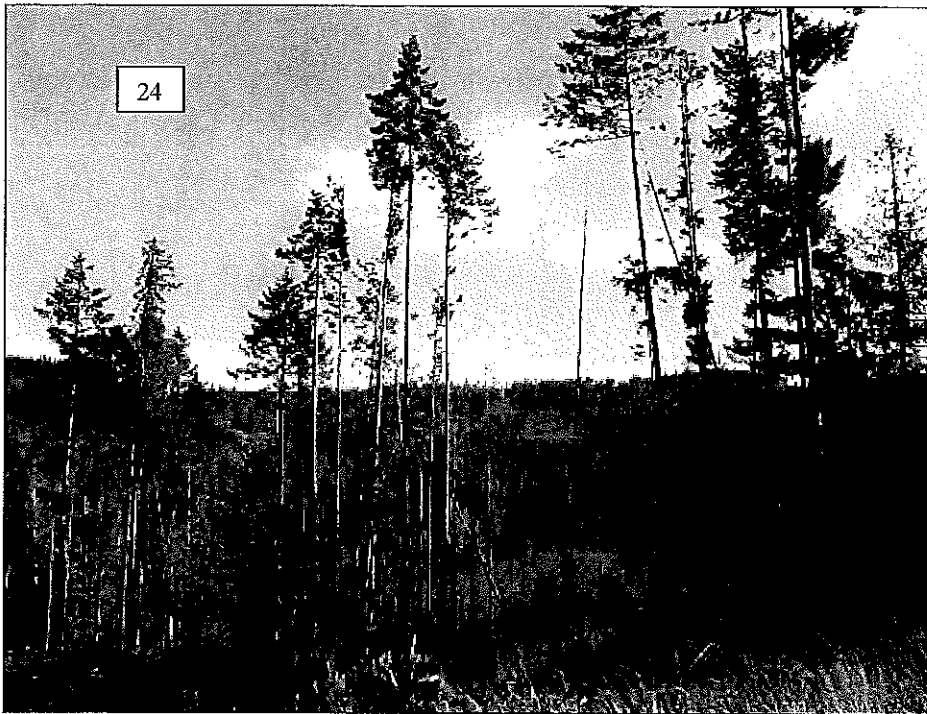
Observations were made and noted by both Michael Gye and Heidi Krogstad during the site reconnaissance with the client on September 29th 2010. Photographs were taken by Michael Gye on the same day. The weather was clear and the visibility good.

The site observations are documented on the attached site plan. Camera shots and view angles are also shown on the site plan to assist the reader with orientation. The term Height to Diameter is abbreviated to H/D. Trees with high H/D ratios are common in unmanaged forests. Please call with any questions. Thank you for consulting with us.

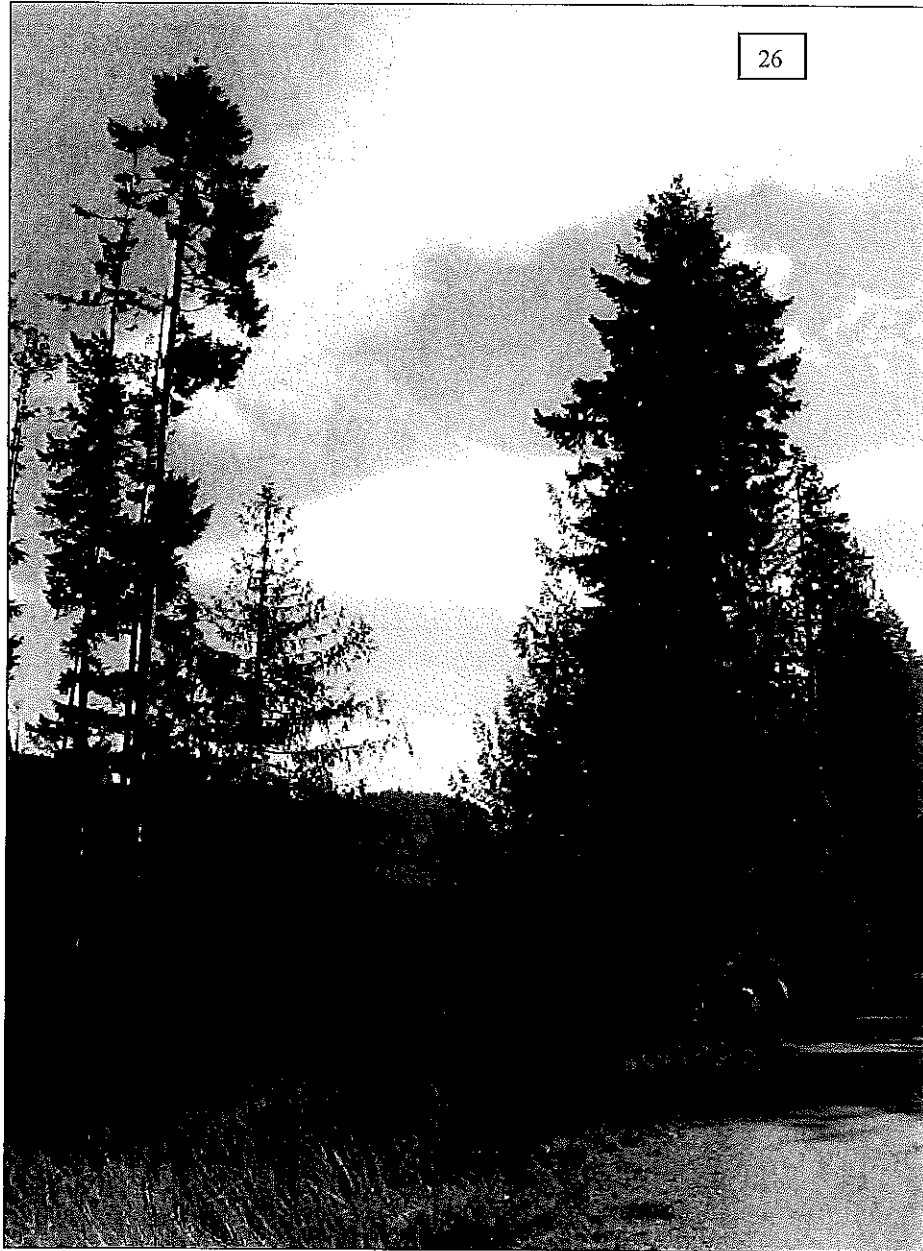
Yours truly,



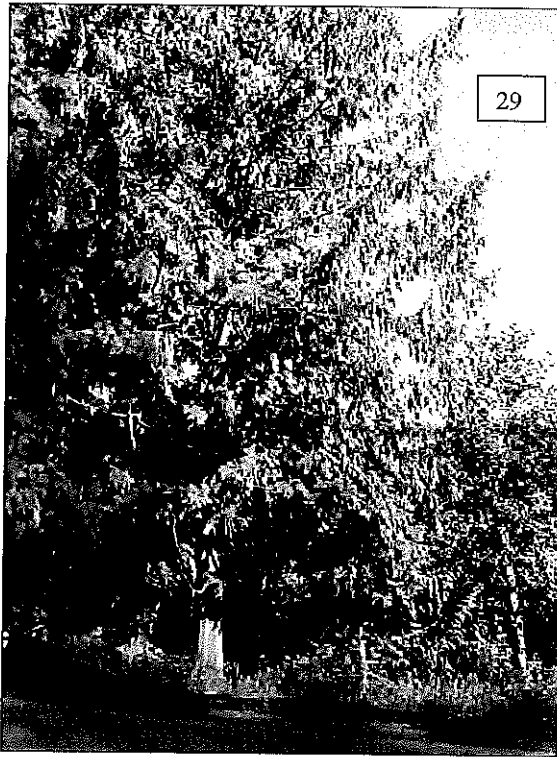
Michael Gye, Consulting Arborist
For Michael Gye & Heidi Krogstad Urban Forestry Ltd.



Western edge of LOTs 3 and 4:



South west corner of LOT 3



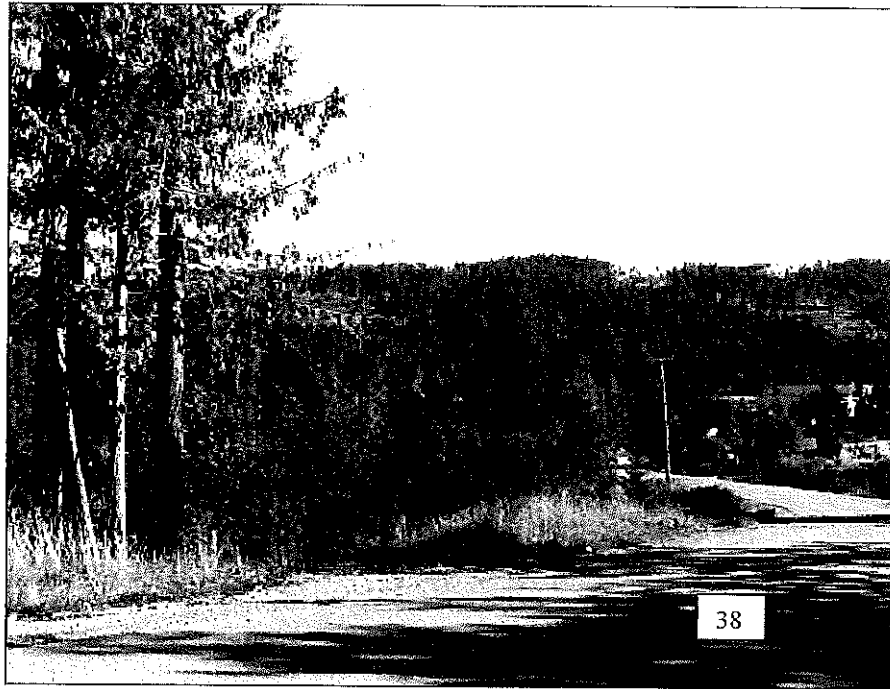
Southern edge of LOT 3



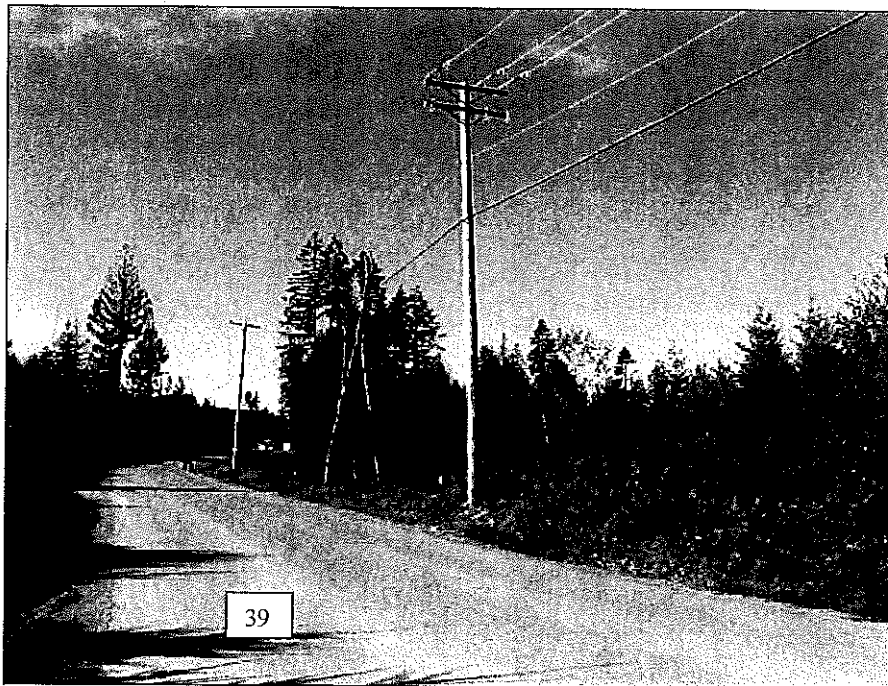
Southern edge of LOT 3



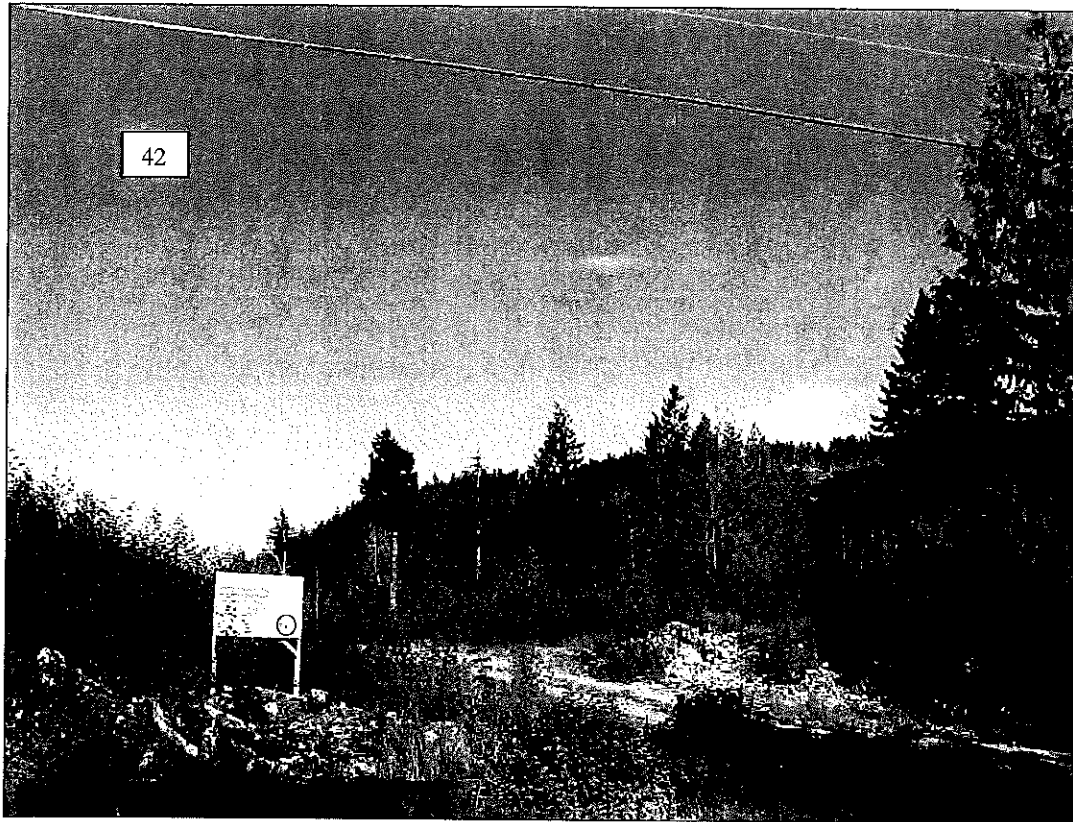
Upper end of south eastern edge of LOT 2



Upper end of south eastern edge of LOT 2



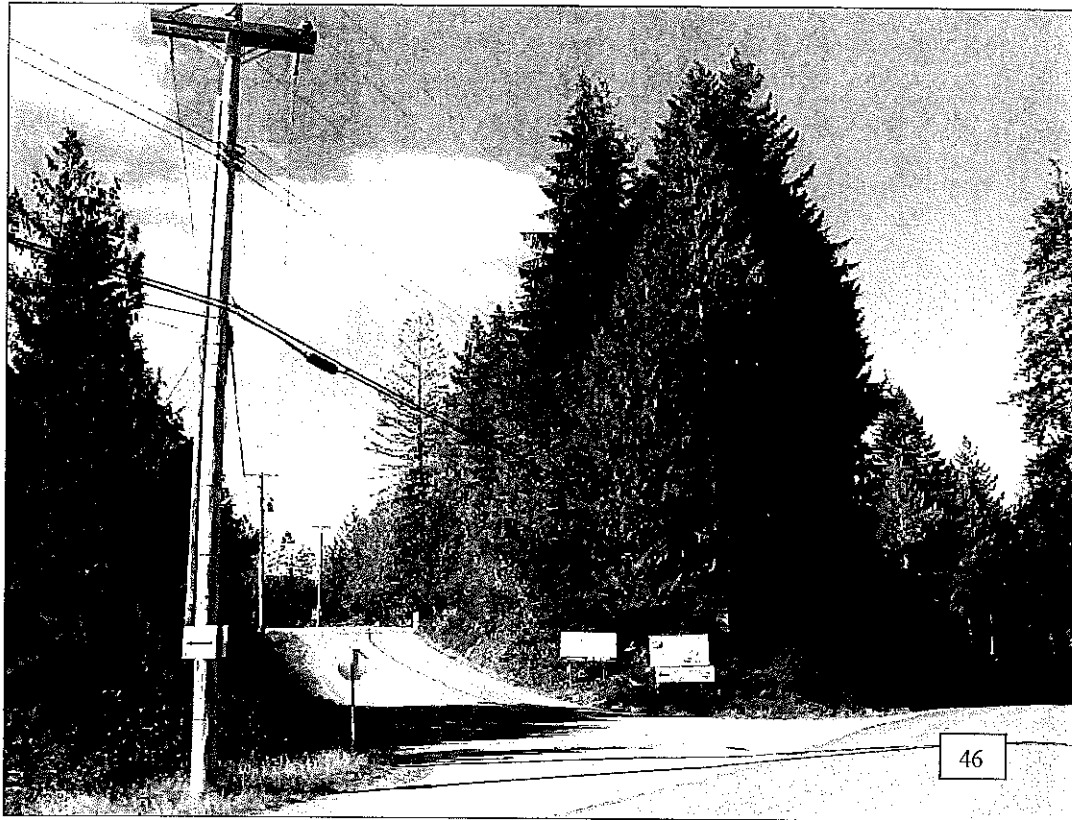
Lower end of south eastern edge of LOT 2



South edge of LOT 1 - Photo of old site entrance



South edge of LOT 1 looking down toward South Shawnigan Lake Rd.



East corner of the site at the junction of Stebbings Rd. and S. Shawnigan Lake Rd



*North east edge of LOT 1 on South Shawnigan Lake Rd.
(near the Stebbings Road junction)*



*North east edge of LOT 1 on South Shawnigan Lake Rd.
(Looking toward Van Horne Creek riparian area)*

Arborist's Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborist cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbours, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees, is to eliminate all trees.

Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character, nor is any opinion rendered as to the quality of any title. Any and all existing liens and encumbrances have been disregarded, and any and all property is appraised/evaluated as though free and clear, under responsible ownership, and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written consent of the consultant.
7. Neither all nor any part of the contents of this report, nor copy thereof, shall be used for any purpose by anyone but the person to whom it is addressed, without the prior written consent of the consultant; nor shall it be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior written or verbal consent of the consultant; particularly as to value conclusions, identity of the consultant, or any reference to any professional society or institute, or to any initialled designation conferred upon the consultant stated in his qualifications.
8. This report and any values expressed herein represent the opinion of the consultant and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflect the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible components without dissection, excavation, or probing unless otherwise noted. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Plan of Proposed Subdivision of Lot 2,
District Lot 132, Malahat District,
Plan VIP75146.

'Shawnigan Lake'

Scale 1:750

Metres
0 7.5 15 22.5 30 37.5

The intended plot size of this plan is
254 cm in width by 680 mm in height (B size)
when plotted at a scale of 1:750

Legend:

Boundaries are in metric, based on pendular datum,
and derived from GPS observations.
All distances are in metres and double
checked unless otherwise indicated.
Distances are derived from Land Title Office records.

- denotes tree size
- denotes utility pole
- denotes sewer head pipe
- denotes utility pole anchor
- denotes edge of old logging road
- denotes edge of water feature
- denotes edge of pavement
- denotes proposed metal pipe
- denotes invert elevation
- denotes distance
- denotes park hole with associated number
- denotes heat pit with associated number

Contour Interval = 1.0 m

ARBORIST NOTES:

Site plan marked up with comments
following site visit. Cloud areas
approximate 5 meter visual buffer
strip. Tree density, species and
age classes are noted.

Prepared by:

Michael Gye & Heidi Krogstad Urban Forestry Ltd.
ph: 250-654-0550

2 September 2010 (Adj Park Areas)
30 August 2010

Michael J. McIlroy
Land Surveying Inc.
#113 - 2244 Sooke Road
Sooke, B.C. V9B 3X1
(250) 474-5530

File: 24165Subdiv-08

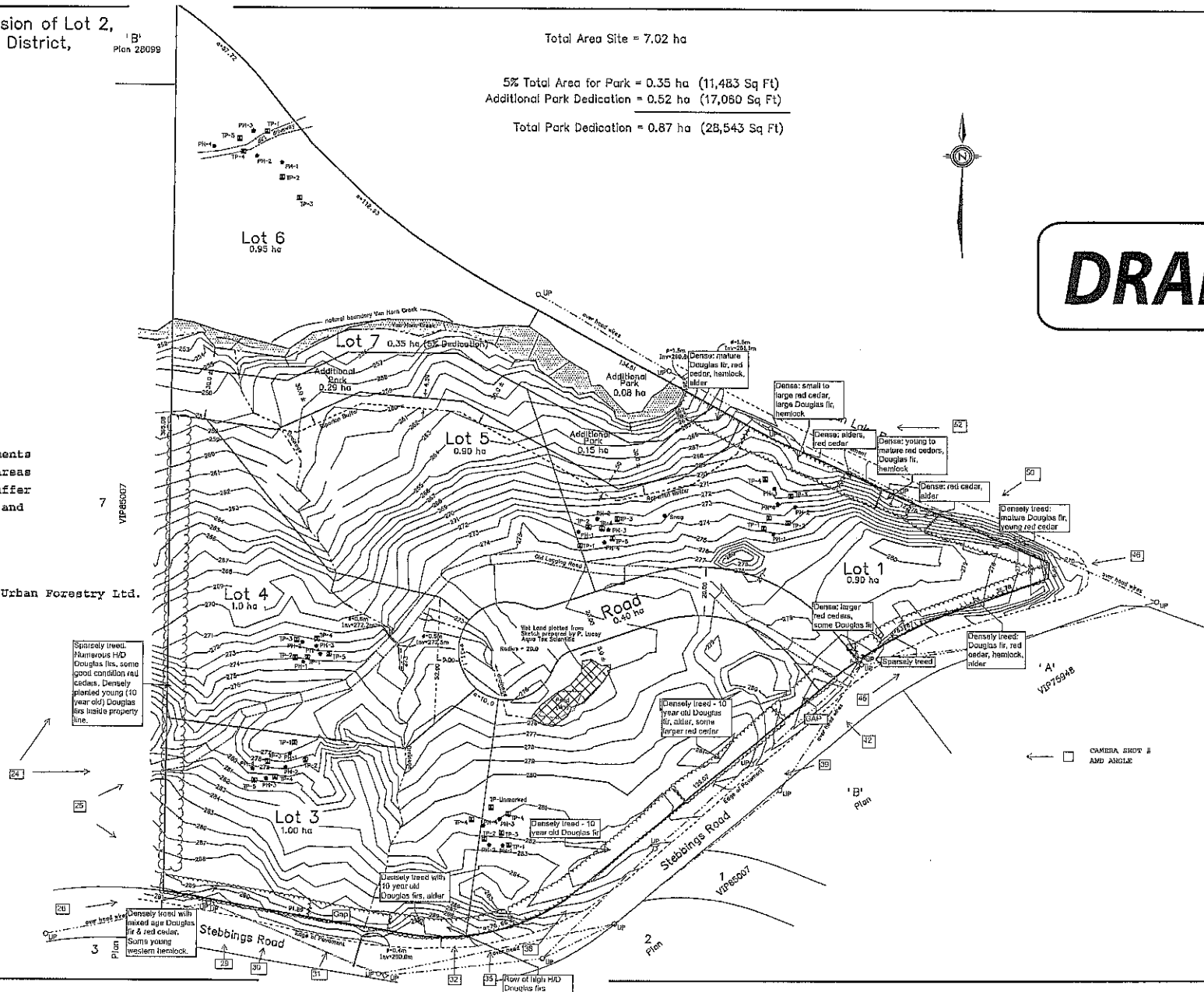
Total Area Site = 7.02 ha

5% Total Area for Park = 0.35 ha (11,483 Sq Ft)
Additional Park Dedication = 0.52 ha (17,060 Sq Ft)

Total Park Dedication = 0.87 ha (28,543 Sq Ft)



DRAFT



SCHEDULE 5 – WorleyParsons Correspondence re: Storm Water Management



WorleyParsons

resources & energy

WorleyParsons Canada Ltd.
Infrastructure & Environment Division
106, 2780 Veterans Memorial Parkway
Victoria, BC V9B 3S6 CANADA
Phone: +1 250 384 1499
Facsimile: +1 250 384 1201
www.worleyparsons.com

25 October 2010

Proj. No.: VPRO
File Loc.: Victoria

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

Attention: Mr. Rob Conway

Dear Sir:

**RE: LOT 2, DISTRICT LOT 132, MALAHAT DISTRICT, PLAN VIP 75146
DEVELOPMENT PERMIT APPLICATION**

STORMWATER MANAGEMENT STUDY: SCOPE OF WORK

Preamble

Pursuant to instructions from Messrs. Pat Lintaman and John McMillan, Malahat Joint Venture (the Client), I am pleased to provide you with an outline of the stormwater management planning tasks our firm will be retained to complete in support of the Client's proposal to subdivide the above-mentioned site.

I have kept this submission brief, and would be pleased to expand on any of the information presented herein on request.

Scope of Work

The stormwater management plan produced by this investigation will contain the following information:

- Existing legal, regulatory, and environmental setting of the site;
- Proposed surface drainage realignments on the site (see attached plan);
- Existing surface drainage conveyancing infrastructure on and downstream of the site;
- Estimation of impervious surfaces to be created by the proposed development plan for the site, assuming full build out as permitted under CVRD Bylaw No. 3239, "Eco-Industrial I-5" zoning designation;
- Stormwater modelling methodology employed, including analysis the effects of major (1 in 100 year return) and minor (2 to 10 year returns) storm events using an un-calibrated, continuous-simulation computer simulation;
- Pre- and post-development stormwater runoff simulations, conclusions, and recommendations;



WorleyParsons

resources & energy

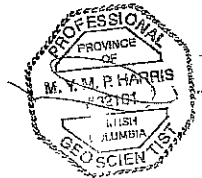
- Recommendations for low-impact "Best Management Practices (BMPs)" strategies in accordance with standard engineering practice¹ to mitigate stormwater runoff, including the use of settling ponds, infiltrative basins, and retention structures as defined by the site's surface drainage conditions and the hydraulic character of its soils; and
- Preliminary impact assessments for soils, surface waters, groundwater, vegetation, wildlife habitat / biodiversity, and downstream appurtenances.

Stormwater runoff mitigation measures will be designed to ensure that post-development runoff will not exceed pre-development rates.

In accordance with Shawnigan OCP Bylaw No. 1010, lot-specific BMPs will include the minimisation of impervious surfaces, the use of rainwater catchment tanks to facilitate on-site water reuse, the use of permeable pavements, and the positioning of parking with over 30 spaces in non-contiguous areas. A combination of natural wetland protection or artificial wetland creation to buffer storm flows will also be employed where environmentally appropriate.

Please contact the undersigned if you have any questions.

Respectfully,
WorleyParsons Canada Ltd.



Mike Harris, B.Sc., P.Geo., ROWP
Senior Geologist

cc: Pat Lintaman / John McMillan: Malahat Joint Venture

¹ *Stormwater Planning: A Guidebook for BC.* <http://www.env.gov.bc.ca/epd/epdpm/mpp/stormwater/stormwater.html>

Plan of Proposed Subdivision of Lot 2, District Lot 132, Malahat District, Plan VIP75146.

'Shawnigan Lake'

'B'
Plan 28089

Scale 1:750



The intended plot size of this plan is
214 mm in width by 340 mm in height (B size)
when plotted at a scale of 1:750

Legend:

Distances are in metres, based on geodetic datum,
and computed from GPS observations.
All distances are in metres and decimals
Vertical values are in metres.

Distances are derived from Land Title Office records.

- denotes tree stump
- denotes utility pole
- denotes over head wires
- denotes utility pole holder
- denotes edge of water feature
- denotes edge of pavement/edge of old logging road
- denotes corrugated metal pipe
- denotes joint elevation
- denotes diameter
- denotes RAA setback
- denotes SPEA setback
- denotes Litterfall and Insect Drop ZOS setback
- denotes LWD, Bank and Channel Stability ZOS setback
- denotes Shale ZOS setback
- denotes High Water Mark (as determined by Aqua-Tax Scientific Consulting Ltd.)

Contour Interval = 1.0 m

RAR Setbacks
(as per Aqua-Tax Scientific Consulting Ltd.)

Van Home Creek

LWD, Bank and Channel Stability ZOS - 10 m
Litterfall and Insect Drop ZOS - 15 m
Shale ZOS - 25.5 m
SPEA - 25.5 m
RAA - 30 m

Tributary 'A'

LWD, Bank and Channel Stability ZOS - 10 m
Litterfall and Insect Drop ZOS - 10 m
Shale ZOS - 6.9
SPEA - 10 m
RAA - 30 m

RAR - Riparian Assessment Regulations
LWD - Large Woody Debris
SPEA - Streamside Protection & Enhancement Area
RAA - Riparian Assessment Area
ZOS - Zone of Sensitivity

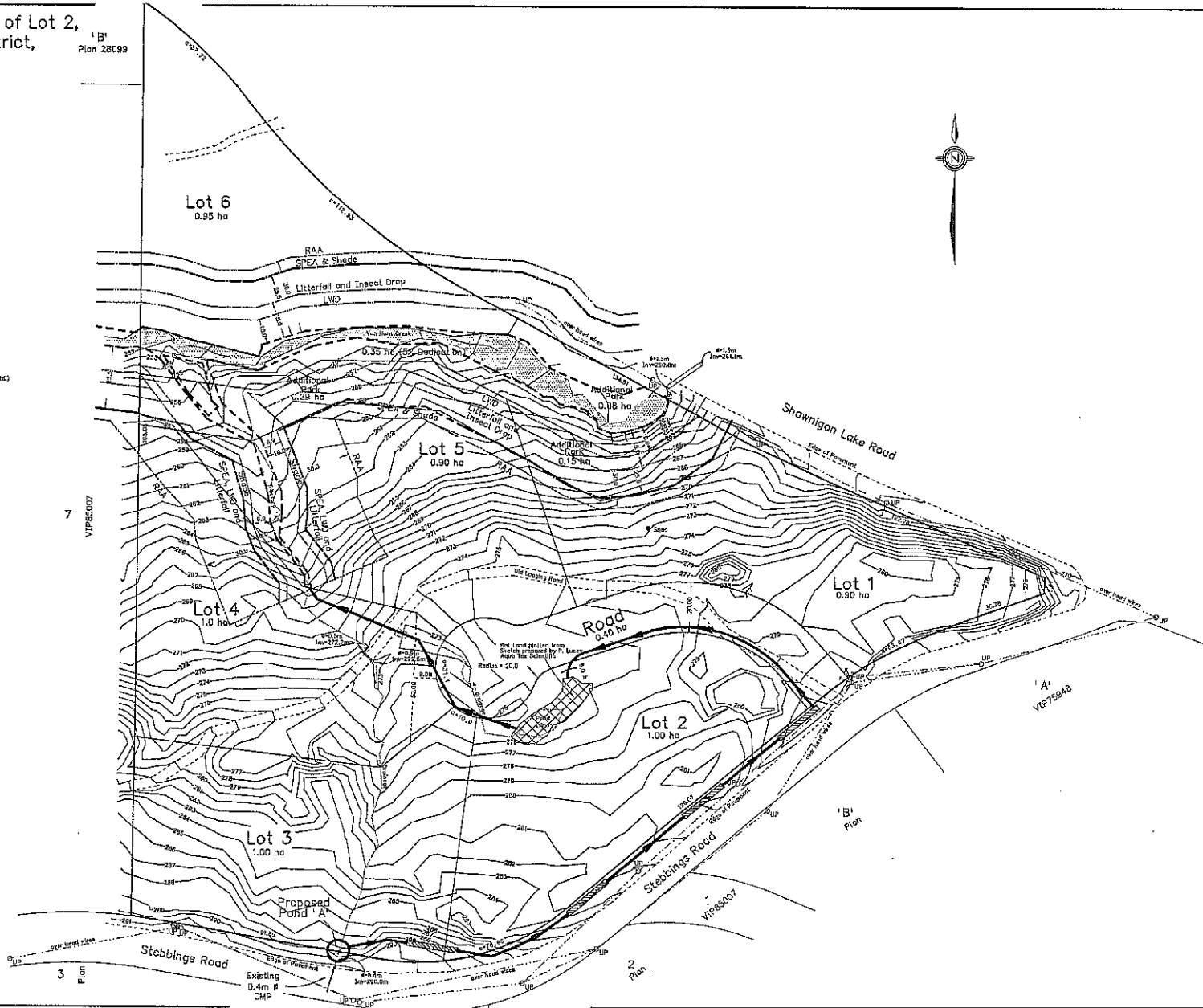
- denotes proposed alarm water
- denotes proposed rapid infiltration
- denotes proposed rapid infiltration
- denotes proposed rapid infiltration

Based on Aqua-Tax Information
November 27, 2009

August 2010

Michael J. McIlroy
Land Surveying Inc.
#113 - 2244 Sunka Road
Victoria, B.C. V8N 1M1
(250) 474-5520

File: J:\MSK\Subdiv-RAR-August 2010





WorleyParsons

resources & energy

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19 November 2010

Proj. No.: VPRO
File Loc.: Victoria

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

Attention: Mr. Rob Conway

Dear Sir:

**RE: LOT 2, DISTRICT LOT 132, MALAHAT DISTRICT, PLAN VIP 75146
DEVELOPMENT PERMIT APPLICATION**

**STORMWATER MANAGEMENT STUDY: BEST MANAGEMENT
PRACTICES**

Preamble

Pursuant to instructions from Messrs. Pat Lintaman and John McMillan, Malahat Joint Venture (the Client), I am pleased to provide you with supplemental information pertaining to potential low-impact development strategies and source-control engineered works that could be employed on the above-mentioned site to control post-development surface runoff.

Selected strategies and works that will be used on the site to achieve its stormwater control performance targets will be in accordance with standard engineering practice as defined by the BC Ministry of Environment's innovative publication, "Stormwater Planning: A Guidebook for British Columbia". Pertinent sections of this guideline have been paraphrased below. The final combination of measures employed will be appropriate for the site's climatic setting, hydrology, and hydraulic character of its soils, and considerate of the entire spectrum of possible rainfall events that might affect the site – criteria that will be defined as part of a detailed drainage study.

Low Impact Development Practices

Runoff from impervious surfaces is the primary cause of drainage-related problems, such as stream degradation and flooding risk. Limiting impervious coverage can reduce runoff volume and partially mitigate these problems.

There are a number of site design practices that could be applied on the site to minimize the creation of impervious coverage (i.e. reduce the total post-development impervious area) for a wide range of land uses, including:

- Reducing road widths: Paved roadways are often larger than they need to be. Reducing road width not only reduces impervious area, but also reduces motor vehicle speeds, improves



pedestrian and bicycle safety, reduces infrastructure costs, and allows more of the paved surface to be shaded by an overarching tree canopy;

- Reducing building footprints: Building footprints can be reduced (thus reducing rooftop area) without compromising floor area. Taller, more slender building forms provide greater flexibility to develop building layouts that preserve naturally vegetated areas and provide space for infiltration facilities;
- Reducing parking standards: The reduction of parking standards reduces the amount of space devoted to parking (driveways, parking lots, and parkades). There are other factors that could reduce the need for parking, which might include the implementation of transportation demand management strategies and metered parking. Reducing parking standards not only reduces impervious area, but also reduces parking-related development costs; and
- Non-contiguous parking: The configuration of parking areas in non-contiguous arrangements creates absorptive surfaces between discrete impermeable parking surfaces to accommodate surface water infiltration, thus reducing the potential impact from runoff events due to the concentration of surface flows; and
- Preserving significant natural features: Preserving natural vegetation and soils in their undisturbed state is key to minimizing changes in the natural water balance. There are certain natural features that are especially important for maintaining the health of aquatic ecosystems, including riparian forests, wetlands, natural infiltration areas, and floodplains. These features can also have significant benefits in terms of reducing flood risk, and will be identified at the site design level and preserved through creative site design practices that integrate significant natural features with open spaces.

Source Control Engineered Works

In addition to implementing low impact site design practices that will reduce impervious coverage, source controls will be employed to further reduce runoff from impervious surfaces on development parcels (rooftops, driveways, parking lots) and roads (paved roadway and sidewalks. Source control can also have significant benefits in terms of reducing runoff rates (i.e. provide runoff control and flood risk management).

There are a number of source control works that could be employed on the site to reduce runoff volume. These works are designed to create hydraulic disconnects that isolate runoff from end-receptors by capturing rainfall at the source, returning it to natural hydrological pathways, and/or re-using it at source for other applications:

- Absorbent landscaping: In an urbanized condition, it is common practice to remove the surface soil layers, re-grade and heavily compact the site, and then replace only a thin layer (often 50mm or less) of imported topsoil. This practice creates a surface condition that results in significant amount of runoff from lawn and landscape areas. Runoff from landscaped areas can be virtually eliminated by providing a 300-mm layer of landscaped absorbent soil, even under very wet conditions where the hydraulic conductivity of the underlying soil is low. Forests are one of the most effective forms of absorbent landscaping. Since trees typically have very deep



rooting zones (often in the range of 2 metres), there is virtually no surface runoff from forested areas. Tree canopies that shade impervious surfaces (e.g. roadways) can reduce the runoff from these surfaces by intercepting rainfall;

- Infiltration facilities: Direct runoff from impervious surfaces is the primary cause of drainage-related problems (e.g. stream degradation, flooding risk). This direct runoff can be eliminated to a large extent by infiltrating runoff from impervious surfaces on development and roads. The hydrologic function of a forested infiltration area can be approximated using infiltration facilities (e.g. bioretention areas) that are designed to retain runoff and provide time for it to infiltrate. There are two general categories of infiltration facilities that could be employed on the site:
 - Surface facilities: Runoff is stored in a layer of absorbent soil, sand or gravel and/or on the ground surface in a ponding area. Surface facilities can be aesthetically landscaped and integrated into the design of open spaces (often called bioretention facilities or rain gardens). Bioretention can also be applied at the neighbourhood scale (e.g. constructed wetlands serving multiple units). Surface facilities can also be infiltration trenches, which store runoff in a layer of clean gravel or stone; and
 - Sub-surface facilities: Runoff is stored in sub-surface layers of gravel, sand or drain rock and/or in infiltration chambers (e.g. inverted plastic half pipes). Absorbent landscaping can be installed over the surface, and with proper engineering, pavement and light vehicle traffic may be allowed on the surface (e.g. a soak-away pit under a driveway). Note that infiltration facilities can also be a combination of the two types described above. For example, infiltration swales along roads may consist of an absorbent soil layer (surface swale) on top of a sub-surface infiltration trench (gravel filled soak-away);
- Pervious paving: Runoff from paved surfaces can be virtually eliminated by replacing impervious pavement with pervious paving materials that allow rainwater to infiltrate through cracks between the paving units. Pervious paving can be applied on areas with light or no vehicle traffic (e.g. driveways, shoulders of roadways, sidewalks, and overflow parking areas). Pervious paving materials are placed over a reservoir base course of fractured drain rock (similar to railway ballast), which can be sized to store a given design storm. Since pervious paving effectively reduces the impervious coverage on lots or road right-of-ways, applying pervious paving can also improve the effectiveness of infiltration facilities (by reducing the concentration of runoff discharged into these facilities);
- Innovative parking area designs: Infiltration strategies can be implemented for a typical commercial/industrial land use with extensive surface parking areas. A combination of swales with infiltration trenches and bioretention areas could be integrated into parking lot design to infiltrate runoff from rooftops and paved surfaces; and
- Rainwater re-use: Just as the trees in a forest use a significant portion of rainfall, capturing rainfall for human re-use can play a key role in managing the water balance at the site level. The benefits of rainwater re-use go beyond stormwater management (i.e. reducing the volume and rate of runoff from developed areas). Re-use can also reduce the amount of water drawn from reservoirs and reduce the costs of water supply infrastructure.



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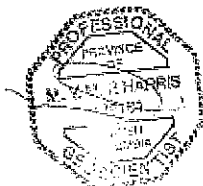
There are also a number of source control works that could be employed on the site to improve runoff water quality at source through settling, filtration, and the natural attenuation of common stormwater contaminants. These include the following:

- Sediment settling ponds: designed to capture and retain natural and man-made particulates that may enter surface runoff during intense or prolonged rainfall events; and
- Natural / constructed wetlands: Designed to use natural, attached-growth microbial populations to reduce or remove trace contaminants such as hydrocarbons and heavy metals that might originate from off-site or post-development on-site sources.

Closure

I trust this letter provides the supplemental information on stormwater management strategies and works that could potentially be employed at the site. Please contact the undersigned if you have any questions.

Respectfully,
WorleyParsons Canada Ltd.



Mike Harris, B.Sc., P.Eng., ROWP
Senior Geologist

cc: Pat Lintaman / John McMillan: Malahat Joint Venture

12.10 ECO-INDUSTRIAL DEVELOPMENT PERMIT AREA

I. Category

- (a) The Eco-Industrial Development Permit Area is designated pursuant to Section 919.1(1)(a), (b), (e), (f), (h), (i) and (j), for
- (a) Protection of the natural environment, its ecosystems and biodiversity;
- (b) Protection of development from hazardous conditions,
- (c) Establishment of objectives for the form and character of intensive residential development;
- (d) Establishment of objectives for the form and character of commercial, industrial and multifamily residential development;
- (e) Establishment of objectives to promote energy conservation;
- (f) Establishment of objectives to promote water conservation; and
- (g) Establishment of objectives to promote the reduction of greenhouse gas emissions.

II. Justification

- (a) The CVRD Board wishes to encourage a very high standard of visual quality in the Shawnigan Lake area. The Shawnigan Lake Road corridor is a main corridor to the South Cowichan and shall leave a favourable impression upon visitors and residents, and enhance their enjoyment of the area.
- (b) The CVRD wishes to ensure that the design of any industrial development within Electoral Area B Shawnigan Lake has a very high standard of aesthetic quality, in keeping with the community's high expectations for visual quality.
- (c) The CVRD wishes to ensure that industrial lands shall be developed without negative impacts to adjacent lands.
- (d) Land uses within the Shawnigan Lake Industrial Development Permit Area may impact Shawnigan Lake and streams, wetlands and the underlying aquifer. An objective of the CVRD Board is to ensure that the integrity of surface water and groundwater is protected from inappropriate development.
- (e) The CVRD Board wishes to ensure that land (including wildlife habitat), water and air quality is protected.
- (f) The CVRD Board wishes to ensure that the industrial development offers safety and accessibility and is adequately landscaped and screened.
- (g) The Board wishes to promote energy conservation, water conservation and a reduction in greenhouse gas emissions.

III. Scope

The Eco Industrial Development Permit Area applies to those lands shown outlined in a thick black line on Figure 5g.

IV. Guidelines

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the Eco Industrial Development Permit Area, the owner shall obtain a development permit that conforms to the following guidelines:

- (a) A Canadian Green Building Council LEED (Leadership in Energy and Environmental Design) rating system, or its equivalent, as determined by a LEED-accredited professional consultant retained by the owner, is required. Development shall be

LEED certified and site preparation shall meet or exceed "Develop with Care" guidelines with any applicable criteria from the Canadian Green Building Council LEED rating system, or its equivalent, being used as a standard. The applicable LEED methodology, or its equivalent, shall be acceptable to the CVRD.

- (b) A treed buffer shall be provided between the industrial use and adjoining non-industrial parcels, South Shawnigan Lake Road and Stebbings Road. The buffer shall be densely vegetated such that parking areas, garbage collection areas, service areas, outdoor storage areas, fuel tanks, air conditioning units and delivery areas are buffered to reduce noise and visual impacts.
- (c) Landscaping shall be in keeping with the visual beauty of the area. Existing mature trees shall be incorporated into the landscape design.
- (d) Vehicle access points, circulation patterns and parking layouts shall be designed in such a way as to reduce impacts upon Shawnigan Lake Road, Stebbings Road and adjacent parcels. Sites shall be designed to allow delivery trucks to maneuver without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles shall be able to reach all parts of the development easily.
- (e) The use of permeable parking materials such as hard grass (grass-crete) is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage. Parking areas are required to contain oil/water separators where they are paved with impervious materials.
- (f) Parking lots containing over thirty spaces shall be located in discontinuous areas, or be separated by mid-lot landscaping, incorporated into the design.
- (g) Parking areas and pedestrian routes shall be well lit, without glare to adjoining non-industrial parcels or public roads.
- (h) Underground wiring shall be encouraged instead of overhead wiring.
- (i) Signs shall be designed to reflect the architecture of the site and be in harmony with the landscaping plans for the site, but shall be limited in height and area commensurate with the site characteristics. If multiple signs are required, they shall be grouped and shared. Florescent lighting shall not be used. Non-lit signs, or frontal lighting with incandescent bulbs is preferred.
- (j) All building and landscaping designs shall promote personal and public safety. Crime Prevention through Environmental Design (CPTED) shall be considered in landscaping plans and building designs.
- (k) Roofing materials and insulation must meet or exceed the appropriate fire rating requirements contained in the BC Building Code. Eaves, attics, decks and other building openings shall be screened to prevent the accumulation of combustible material. Fuel reduced buffers at least 10 metres in width shall be maintained around buildings to minimize fire risk.
- (l) A storm water management plan is required. Impervious surfaces shall be limited to protect property from flooding, erosion or other undesirable impacts as the result of changes to stormwater runoff.
- (m) A treed buffer 30 metres in width is required from the high water mark of Van Horn Creek. Wetland areas and streams are subject to the Riparian Areas Regulation Development Permit Area. Riparian areas shall be left natural and wild to protect surface waters and riparian ecosystems. Bark mulches, impermeable landscape fabric and plant species that require the use of pesticides or fertilizers shall not be located in these areas.

- (n) Proposed sewage treatment and disposal methods shall be designed to avoid impacts upon the environment and shall meet the requirements of the South Sector Liquid Waste Management Plan.
- (o) The use of rainwater catchment tanks and cisterns for re-use is required.
- (p) The use of alternative and renewable sources of energy shall be considered.
- (q) Site planning for buildings and land uses shall incorporate studies, submitted to the CVRD, to facilitate utilization of energy and water conservation measures, including solar orientation, prevailing wind direction, elevation contours, existence of significant vegetation and means to retain mature vegetation.
- (r) The latest best management practices for land development of the BC Ministry of Environment shall be respected.
- (s) Baseline noise levels shall be provided, and noise restrictions imposed.
- (t) All internal road building and drainage works shall conform with appropriate functioning condition assessment methods.
- (u) Grease traps are required for restaurant operations.

V. Exemptions

The terms of the Eco-Industrial Development Permit Area shall not apply to the following:

- Interior or minor exterior renovations to an existing building;
- Changes to the text or message of existing signage allowed by a previous development permit;
- Construction or renovation of single family dwellings.

VI. Variances

Where a proposed development plan adheres to the guidelines of this development permit area, the Regional Board may give favourable 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 would be incorporated into the development permit.

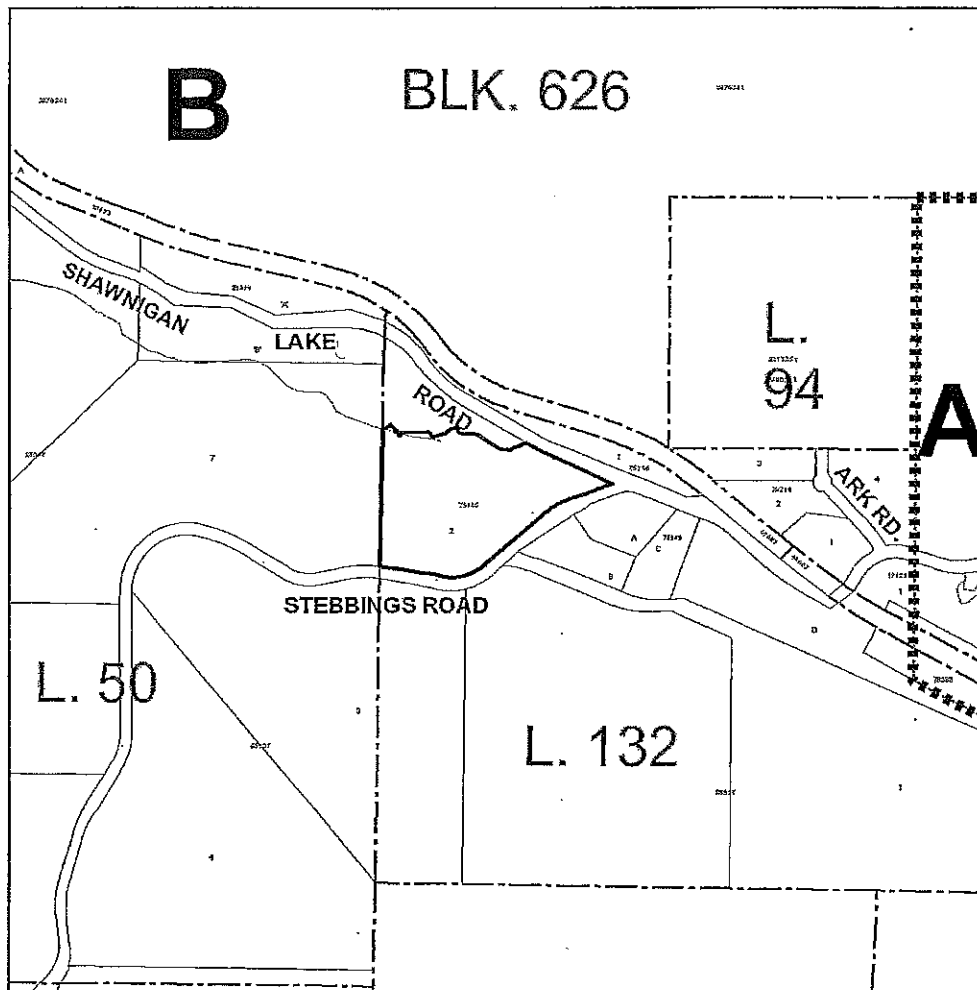
VII. Application Requirements

Before the CVRD Board authorizes the issuance of a development permit for a parcel in the Eco-Industrial Development Permit Area, the applicant's submission shall include:

- (a) A written description of the proposed development.
- (b) Information with respect to the subject property in the form of one or more maps/elevation drawings as follows:
 - Location and extent of proposed work;
 - Location of watercourses and water bodies, including top of bank;
 - Percentage of and location of impervious surfaces;
 - Setback distances from watercourses and waterbodies;
 - Existing tree cover, and proposed areas to be cleared;
 - Existing and proposed buildings and structures;
 - Location of existing and proposed parcel lines;
 - Existing and Proposed building setback distances from parcel boundaries;
 - Existing and proposed roads, driveways, parking and loading areas, vehicular

- access points, pedestrian walkways, and outdoor lighting design,
 - Existing and proposed drainage works, runoff mitigation, water retention areas, culverts and ditches;
 - Location of water lines, wells and utility lines;
 - Topographical contours, including location of slopes exceeding 25 percent grade;
 - Location of lands subject to periodic flooding;
 - Areas of sensitive native plant communities;
 - Proposed landscaping plan, identifying the number of plant species types proposed for all landscaping areas;
 - Existing and proposed septic tanks and sewage treatment systems, and drainage fields; and
 - Existing and proposed sign design and location.
- (c) A preliminary building design, including proposed roof and exterior finish details.
- (d) The CVRD may require the applicant to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering, which shall include:
- i. A hydrogeological report/environmental impact assessment assessing any impact of the project on water surfaces in the area; and
 - ii. A report on the potential impact of the development on the groundwater resource.
 - iii. For development that shall create more than 280 m² of new impervious surfacing, a report prepared by a professional engineer that determines the extent of changes to the natural drainage system, identifying any conditions that shall be incorporated into the development permit to protect property from flooding, erosion or other undesirable impacts as the result of changes to stormwater runoff. Particular attention shall be paid to ensuring that drainage changes shall not result in detrimental impact such as runoff conditions on adjacent lands or into nearby watercourses. A combination of natural wetland protection or artificial wetland creation, to buffer storm flows shall be incorporated, along with measures to minimize impervious surfaces.
 - iv. A baseline noise level study may be provided, and noise restrictions imposed.

FIGURE 5g



ECO INDUSTRIAL DEVELOPMENT PERMIT AREA

12.8 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

12.8.1 CATEGORY

This development permit area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity.

12.8.2 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).

12.8.3 JUSTIFICATION

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).

12.8.4 RIPARIAN ASSESSMENT AREA

The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Figure 5f – RAR Development Permit Area Map. Notwithstanding the areas indicated on Figure 5f, the actual Development Permit Area will in every case be measured on the ground, and it will be:

- 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
- 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.

12.8.5 APPLICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring, 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:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the *Local Government Act*.

12.8.6 GUIDELINES

Prior to undertaking any of the development activities listed in Section 12.8.5 above, an owner of property within the Riparian Areas Regulation Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- a) 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.
- b) 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.
- c) 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;
- d) 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;
- e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- f) Shawnigan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.

12.8.7 EXEMPTIONS

In the following circumstances, a development permit will not be required:

- a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- d) Creation of a passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

12.8.8 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.

12.8.9 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Riparian Areas Regulation Development Permit Area (RARDPA), a single development permit may be issued. Where other DPA guidelines would conflict with those of the RARDPA, the latter shall prevail.

11.7 I-5 ZONE – ECO - INDUSTRIAL ZONE

(a) Permitted Uses

The following uses and no others are permitted in an I-5 Zone:

- 1) secondary processing and manufacturing of wood products, including the making of plywood, lath, particleboard and similar products, and the manufacturing of modular or pre-fabricated homes and structures, excluding sawmills, pulp and paper mills and log storage and sorting;
- 2) boat building, repair and storage;
- 3) book binding, publishing, and storage;
- 4) building supplies, sale and storage;
- 5) clothing cleaning, manufacture, repair and storage;
- 6) equipment repair, sales, storage and rental;
- 7) feed, seed and agricultural supplies, sales and storage;
- 8) food processing, storage, packaging, and catering, excluding fish cannery and abattoir;
- 9) industrial processing, manufacturing, repair, storage and packaging enclosed within a building;
- 10) laboratory, kennel and animal hospital;
- 11) lumber yards, storage yards, auction grounds;
- 12) recycling facility for bottles, wood, metal and/or paper, excluding automobile parts and any type of septage, animal material, or animal substance;
- 13) warehousing, mini-warehousing, freight handling and storage;
- 14) research and development education centre;
- 15) micro brewing outlet, excluding neighbourhood pub;
- 16) restaurant, excluding drive through;
- 17) research, development, incubation and high technology facilities;
- 18) incubator mall concept;
- 19) office, retail sales, accessory to a principal use;
- 20) one single-family dwelling unit or mobile home accessory to a use permitted in 11.7(a)1 to 18.

(b) Conditions of Use

For any parcel in an I-5 Zone:

- 1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- 2) the height for all buildings and structures shall not exceed 10 metres;
- 3) the setbacks for the types of parcel lines set out in Column 1 of this section are set out for all buildings and structures in column II:

Column I Type of Parcel Line	Column II Buildings and Structures
Front	9.0 metres
Interior Side	0 metres where the abutting parcel is zoned Industrial; 9.0 metres where the abutting parcel is not zoned Industrial
Exterior Side	4.5 metres
Rear	9.0 metres



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 7-B-10DP

DATE: JANUARY XX, 2011

TO: PAT LINTAMAN DESIGN LTD.
and ANCHORAGE PROIJECTS
LTD.

ADDRESS: 3325 ANCHORAGE AVENUE
VICTORIA, BC V9C 1X1

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below for purposes of subdivision:
Lot 2, District Lot 132, Malahat District, Plan VIP75146 (PID 025-642-324)
3. Authorization is hereby given for the land to be subdivided into six parcels, plus land for park purposes in accordance with the conditions listed in Section 4 below.
4. The development shall be carried out subject to the following conditions:
 - Strict compliance with RAR Report #1467;
 - Registration of a restrictive covenant to protect SPEAs outside of the dedicated park and to protect drainage works on the proposed lots;
 - Reforestation of the perimeter buffer as identified in the October 14, 2010 report from Michael Gye and Heidi Krogstad Urban Forestry Ltd. and registration of a restrictive covenant to protect the 5.0 metre wide buffer and to limit signage in the buffer area to a single multi-tenant sign;
 - Completion of a storm water management plan in accordance with the scope of worked described in the October 25, 2010 and November 19, 2010 letters from WorleyParsons;
 - Installation of underground utilities.

5. The following schedules are attached:

- Schedule 1 – Proposed Plan of Subdivision
- Schedule 2 – RAR Assessment Plan
- Schedule 3 – Sign Details

6. This Permit is not a Subdivision Approval. No subdivision approval shall be recommended until all items of this Development Permit and other requirements of subdivision have been completed to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. X PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 9th DAY OF FEBRUARY, 2011.

Tom Anderson, MCIP
General Manager,
Planning and Development Department

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

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 Pat Lintaman Design Ltd. and Anchorage Projects Ltd., other than those contained in this Permit.

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 12, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Sentinel Ridge and Area Petition – Mill Bay

Action:

Direction of the Committee is requested.

Purpose:

To inform the Committee of the petition received from Sentinel Ridge and area residents.

Financial Implications:

Not known at this time.

Interdepartmental/Agency Implications:

This issue has implications regarding CVRD Engineering and Parks Departments along with the Provincial Ministry of Transportation and Infrastructure. Responses from these Departments and Agency are included in the Background Section below.

Background:

The CVRD is in receipt of the attached covering letter and petition from Sentinel Ridge and Area residents regarding issues surrounding traffic safety in their area. The petition signed by 80 residents is titled "Petition to plan for an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay." The covering letter to the Regional District for the Petition describes the traffic problems and suggests ways of mitigating the problems. The covering letter also identifies a number of other issues of concern for residents in the area that were not part of the petition but have been brought forward for discussion/comment. As the issues identified span the jurisdiction of the Provincial Ministry of Transportation and Infrastructure along with a number of CVRD Departments, the comments below reflect those that have authority over the issues identified.

Traffic Situation

The Petitioners provide a number of suggested ways of mitigating the traffic situation:

1. Stop all heavy truck traffic that is going through these areas. Traffic using the mentioned, already populated areas simply as conduits for transporting building materials to new developments south of Sentinel Ridge must find or be provided with other access roads.
2. An intermediate, temporary traffic solution is using Liggett/Sangster. This will put fewer people in danger, but is still not conducive to good traffic safety.

3. A better solution is to convince the Highway Authority to open up Butterfield Road as soon as possible.

The Ministry of Transportation and Infrastructure own all road right of ways and are the agency that has authority over subdivision approval. The Ministry of Transportation and Infrastructure, Provincial Approving Officer, Bob Wylie, has provided the following comments to the suggestions above.

"As development proceeds, new road dedication and construction will be provided. Comments relating to the intended road connections are as follows:

- Sangster Road to serve as the primary frontage road connecting Noowick, Butterfield and Bamberton Roads.
- Ocean Terrace primary access to be via a redesigned Butterfield/TCH #1 intersection, with secondary access via Sangster Road.
- There is currently NO requirement for Rozon Road to be extended beyond the Bickford subdivision into Ocean Terrace. A resolution from the CVRD Board (July 14, 2010), requesting this connection, was sent to the Approving Officer Sep 30, 2010. The developer is currently reconsidering his development plan and phasing. When his intentions are known, the Ministry will be in a better position to consider this request.
- Co-operation between all developers is necessary to acquire road dedication and construction (i.e. Beadle (Sentinel Ridge), Bickford, Sangha & Wyatt (Ocean Terrace)). Timing of this process is driven by development and subdivision approvals.
- With new development comes increased construction traffic. This will diminish with build out. Rozon Road will be impacted with traffic from the Bickford subdivision, but not Ocean Terrace."

Sidewalks:

The matter of whether to require sidewalks within the Sentinel Ridge development was an issue that was dealt with by Brian Farquhar, Manager, Parks and Trails during the Development Permit Application process. The comments below have been forwarded by Mr. Farquhar for inclusion in this report.

"The Developer had originally proposed to install sidewalks along the main roads within the development; however the Ministry of Transportation and Highways would not agree to the sidewalks being constructed within their road right-of-way unless a third party (i.e. CVRD) assumed liability and financial responsibility for the sidewalks. In review with CVRD's solicitors the legal advice was to not enter into such arrangement as the Regional District does not have the regulatory authorities as that which Municipalities have over their sidewalks and boulevards. In particular, the Regional District cannot assign responsibility for snow/leaf clearing to property owners fronting the sidewalk by way of bylaw, which Municipalities have the legislative authority to enact thereby limiting their liability exposure from slip/fall incidents, which I understand is one of the highest incidences of claims against with local governments. Given the roadways in Sentinel Ridge this is of concern. Also, the solicitors pointed out that the CVRD would have no authority over nor be able to regulate the use of sidewalks (i.e. cyclists, skateboarders, etc).

This was communicated to the Developer during the subdivision stage and the outcome was a \$75,000 contribution to the Electoral Area A Community Parks for trail and park improvements in and around the Sentinel Ridge development, which was endorsed by the CVRD Board. These funds

remain unspent in the Electoral Area A Community Parks reserve funds. I am not aware of any commitments made by the Developer to potential purchasers with regards to a sidewalk.

The only residential development I am aware of within the Electoral Areas that has sidewalks within the MOTI road right of way is parts of Mill Springs, which apparently were put in through assignment of responsibility to the Mill Springs Strata Corporation. Perhaps this is an avenue the Sentinel Ridge residents could pursue with MOTI directly as an option, though I understand the sidewalk issue in Mill Springs has been a contentious issue between Highways and the Strata as to who is responsible for the sidewalks."

Sewage Plant Concerns:

The issue of odours emanating from the sewage treatment plant has been forwarded to our Engineering and Environment Department who are responsible for the operation of the plant and system. Mr. Dave Leitch, Manager, Water Management Division, has provided the comments below.

"The following is some background about the creation of the Sentinel Ridge Waste Water Treatment Plant (WWTP) as well as an address to the questions put forward in the petition:

The WWTP at Sentinel Ridge is technically referred to as a Membrane Bio Reactor plant that produces "Class A" effluent. This is the highest classification that exists for sewage treatment and in fact meets the Ministry of Environment water quality criteria for human inhabitation. Therefore as far as meeting modern standards, there is no better technology available.

At the time of transfer of ownership, the CVRD took a 2 year maintenance bond to cover any operating deficiencies that may occur to the plant for which we have had none and have given the bond back to the developer. However, this is a WWTP that was planned to service several different subdivisions, (Malahat, Bickford, Mill Bay Marina and Sentinel phase 2), and therefore is in a period of phased staging. Upon expanding the plant in future stages, if there is works that can be done to help improve issues like odors we will charge these developments to undertake these works. We have recently installed a bio-filter at the plant which helps capture the odorous gases released from the facility and filter/scrub them through an engineered media.

Of course, as a result of developing a subdivision like Sentinel Ridge, there will need to be a treatment plant within the subdivision and without the plant there is no subdivision. The lands and location of the plant were given to the CVRD by the developer knowing that he was going to have a number of houses within a close proximity of the plant. The "for sale" houses mentioned in the petition are homes built and currently owned by the developer knowing that these homes may be a more difficult sale because of their location. To blame the fact that a \$750,000.00 house that backs onto a WWTP hasn't sold because of "intermittently occurring odor" is a bit of a stretch.

The CVRD approved this plant and its operation has in fact exceeded our expectations. The residents feel that there is no recourse to correct the problem and that they will have to pay for any upgrades, but this is simply not the case. There is no corrective action to be taken and any future upgrades will be 100% paid for by developers. The odors from this WWTP are very minimal and only detectable at times if you are standing within a few meters of the property.

The advancement in sewer treatment technology has made enormous progress in the last number of years, but there needs to be some level of expectation of people when you place a home within 15 meters of a sewer treatment plant. The expectation of having a facility receive raw sewage and have zero residual odors is just not possible."

Right of Ways

The matter of rights of ways is an issue that can be best dealt with by Brian Farquhar, Manager, Parks and Trails. The comments below have been forwarded by Mr. Farquhar for inclusion in this report.

"The references to rights of way refer to two separate distinct elements, one of which is an easement across Lot A to the east in favour of the Bickford Property for access and the other is actually a parkland strip dedication between Lots 5 and 6. The parkland strip is owned by CVRD and was requested of the developer to facilitate a future trail eastwards onto Lot A to the east from Rozon Road if/when Lot A were subdivided as a means of improved pedestrian access to Mill Bay Road.

As to the easement across Lot A in favour of the Bickford property I will follow-up with Bickford's subdivision surveyor as to what possible legal options there are for CVRD to assume the rights to this easement and could it be used as a public trail/walkway. Hopefully this is possible as I agree this provides a nice route option to Mill Bay Road."

Road Damage on the Corner of Mill Bay and Noowick Roads

The Ministry of Transportation and Infrastructure are responsible for the maintenance of all road right of ways. The Ministry of Transportation and Infrastructure Regional Approving Officer, Bob Wylie, has provided the following comments to the concerns noted.

"This appears to be a road maintenance issue and the concerns will be forwarded to the Ministry's maintenance contractor (Main Road)."

Comment:

The comments that Sentinel Ridge and area residents have expressed are not unlike those that are expressed by residents when any new development proceeds through various phases of construction. The options that have been put forward as ways of mitigating the problems are valid options but at the same time, they tend to simply move the problem to another group of residents. The most valid options is that Butterfield Road intersection with the Trans Canada Highway is constructed sooner than later. In order for that to proceed, a number of property owners would have to agree to move their development timetables forward. If the Committee would like to pursue that avenue, a meeting with the land owners/developers noted above could be arranged in order to determine the possibilities of this initiative.

With regard to sidewalks in the area, the Regional District could once again, pursue this idea with our solicitors and insurers to see if anything has changed since this idea was previously set aside. The Regional District could also report back on whether there are any other options such as establishing soft surface trails adjacent to the existing roads that may be feasible.

Submitted by,



Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca

To: CVRD Planning Department, Councillors October 21, 2010

Re: PETITION FROM THE CITIZENS LIVING ALONG MILL BAY ROAD,
SENTINEL RIDGE and ADJACENT STREETS

Number of persons contacted : 83
Number of positive respondents: 80

Note 1: Of the 3 that did not want to sign, only 1 person was negative. The other two thought they were dependent on the work that the developments might bring.

Note 2: Below you will find what some of the concerns are from those that signed the petition and also from some of those that participated in the discussions that took place on Oct 19, 2010 at the Cowichan League Community Center where about 45 people from the area were present.

October 21, 2010

Dear Sirs,

This letter contains a description of the traffic problems as perceived by residents in the Sentinel Ridge development area and also adjacent roads including Noowick, Huckleberry, Mill Bay Road and others. Also, some other concerns that are specific to the Sentinel Ridge area residents are listed.

Description of the Traffic Problem

During the building process of homes in the Sentinel Ridge area south of Mill Bay Centre, it eventually became clear to the new residents that sidewalks were supposed to have been put in, but that this was not done. Most houses in Sentinel Ridge were built by building companies and the house owners thought that sidewalks would be put in late in the building process when most of the building materials had been delivered. Driveways plus sidewalks were then thought to be put in at the finishing stage.

This did not happen. No sidewalks were put in.

The traffic safety situation is now very dangerous, since further developments on adjacent lands to the south of Sentinel Ridge now require the use of Rozon Road in Sentinel Ridge as access/delivery roads. Those developments are two being done by Bickford and one by Ocean Terrace and the total number of residences to be built over the next 5 - 8 year period is over 300. Bickfords are presently hauling crushed rock from Victoria using trucks with pups that loaded weigh about 30 tons and about 20 – 25 truckloads per day

are now brought up Rozon Road. Bickfords would like a solution, too. (From oral communication with D. Bickford on Oct 15, 2010. Butterfield is their preference).

Simultaneously, there is pedestrian traffic on Rozon Road. There are about 22 children younger than 12 that live in Sentinel Ridge. They visit with each other and some of them also use Rozon Rd to walk to/from the school bus on Mill Bay Road. As pointed previously, there are no sidewalks or bikepaths and the result is that these children, sometimes accompanied by parents with child carriages, are at an increased risk of being involved in traffic accidents.

When heavy trucks negotiate steep hills, they gear down while their diesel motors rev up. *The combustion efficiency* when this happens is very low and the resulting particulate matter consists of small carbon particles which enter our lungs when breathed in. Those particles are known to have over 200 different hydrocarbons on their surfaces, some of which have been identified as being carcinogens and some that have not yet been investigated. Furthermore, *such particle accumulations and concentrations are much higher at ground level where the smaller children are breathing.*

In short, the traffic situation does not meet any of the requirements as regards traffic safety or is not conducive to

- a) the CVRD OCP stipulations or bylaws. Excerpts from that manual are provided below. The manual clearly states in at least 4 places that the Development Permit must include sidewalks, paths and bikeways that are *separate* from the roadways.
- b) an adequately balanced view of basic traffic safety as that regards the situation where people, especially children, and heavy trucks are using the same roadways
- c) a modern view of pollution from heavy machinery in close proximity to where people are doing their daily activities, which includes walking/biking to or from schools or where young families or older people try to make their way to for example green areas or the beach.
- d) a modern view as regards the planning of communities that are laid out so as to allow and encourage walking or biking to work, shop, go to schools or exercise.
- e) the promises made in sales contracts that were entered into when lots where bought from developers according to the CVRD OCP manual regarding Development Permits. Such contracts were based on printed descriptions made by developers and such descriptions were based on the stipulations and bylaws in the CVRD OCP manual.

Excerpts from the CVRD OCP Manual

Guidelines in the OCP for the Mill Bay Development Permit Area are very clear about how and where traffic, safety, sidewalks, greenways, walkways and bike paths should be included and constructed. This is stated in four places: (These items are in *italics* in the text below)

In 14.5.4 JUSTIFICATION:

- "An objective of the Regional District is to ensure that the design of any intensive residential, multi-family residential, commercial and industrial development is attractive, **with rigorous requirements (!)** for the storage of materials, landscaping, *traffic mitigation and environmental protection*.
- 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.
- An objective of the Regional District is to ensure that intensive residential and multi-family residential development is designed to encourage, safety and accessibility, and is aesthetically landscaped and screened.

In 14.5.5 GUIDELINES

Vehicular Access

- b) 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.
- c) 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.

In 14.5.6 REQUIREMENTS

.....a development permit application ... shall include>

- b) 7. the location of all greenways or open space,

Other OCP Directions

14.5.8 VARIANCES

<Nothing in the VARIANCES section mentions absolving a developer from responsibility to put in sidewalks or bike paths or in any way not observe general traffic safety....>

Suggested mitigation of the traffic situation

The residents in the areas and along the roads mentioned above are understandably upset with the traffic situation and would therefore like to see a solution. Below, the areas and roads are simply referred to as "areas".

This is what we, the residents suggest:

1. Stop all heavy truck traffic that is going through these areas. Traffic using the mentioned, already populated areas simply as conduits for transporting building materials to new developments south of Sentinel Ridge must find or be provided with other access roads.
2. An intermediate, temporary traffic solution is using Liggett/Sangster. This will put fewer people in danger, but is still not conducive to good traffic safety.
3. A better solution is to convince the Highway Authority to open up Butterfield as soon as possible.

Other questions, problems and suggestions

1. Sewage plant on Cooper's Hawk in Sentinel Ridge

This plant does not meet rudimentary requirements as regards odours. Longtime residents along Noowick Rd as well as new residents of parts of Sentinel Ridge are bothered by this smell. The plant is simply not up to modern standards. Since CVRD now is the owner of the plant, the residents require some kind of action to solve the problem. If the Performance Bond given by the manufacturer/installer needs to be invoked, that may be the way to try to bring this plant up to a modern standard. There are three finished, visually attractive houses adjacent to this plant that have been for sale for about 2 years. No sale, so far and that presumably is due to the intermittently occurring odour problem.

The residents feel that there is little or no recourse to correct the problem. We have also been told (B. Harrison) that if a correction costs more than what the performance bond includes, the residents will have to pay for the upgrading. Our view is that if CVRD have approved this new sewage plant, then CVRD is also responsible for its correct operation *and* upgrades. Thus, CVRD's approval should have had such depth and competency that there is some kind of guarantee that the plant's function prevents odours. We are, after all, living in modern times and pungent odours from sewage plants no longer occur in modern societies. When houses stand empty for years and presumptive buyers of properties in our area notice it, then that affects the property values of the whole area.

Solution

Up to CVRD.

2. Right of Ways

When the present residents bought lots in the new areas, i.e. Sentinel Ridge, there were Right of Ways in some places, which enhanced the buying appeal for the area. At the time of purchase, such RoWs were seen as an integral part and reason for paying substantially more for lots in Sentinel Ridge than in some other areas.

There was one such narrow RoW between lots 5 and 6, which was going to lead – we were advised by the developer – to another path to allow foot/bike traffic separate from the street, i.e. Rozon Road. Nothing came of this.

Further, there is another RoW running to the East from the Bickford development. This RoW has recently been fenced off making it necessary for young families with small kids to use Rozon Road when they go down to the shore line along Mill Bay Road. Again, this is unsatisfactory. Formerly, parents with strollers and baby carriages were a common sight on this RoW.

Solution

We would like CVRD to ensure that the RoWs are kept open and accessible. If the RoW that runs East from Bickford's development is in favour of Bickford, *we would like CVRD to make sure that the RoW is transferred to CVRD as soon as possible* or latest, when the Bickford subdivision is registered. In case this does not happen, it seems probable that such "temporary and appealing enhancements in the purchasing process" will be thought of as fraudulent ruses by purchasers of lots in this area. The solution is a much more "above board" discourse between CVRD officials and residents.

3. Road Damage on the Corner of Mill Bay and Noowick Roads

This is the usual way that heavy truck traffic enters the Sentinel Ridge development. The road surface on the corner is now very bumpy and the drainage pipe is partially exposed. It has been in this state for the last 8 months. Cars and trucks now drive partially on the wrong side of the road to avoid the bumps. This is in itself a hazard.

Solution

Up to CVRD.

4. Timing

We would like a written response from CVRD. with time lines and dates for the actions necessary for mitigation to allay our concerns. It is realized that this may take some time and we would graciously suggest that we have your response by Jan 10, 2011.

5. Respondents

Signatories to the petition are the actual respondents, but we would be grateful for your response being sent to:

Paul Carmichael, Block Watch Captain for the area
2364 Rozon Road, Mill Bay, B.C., V0R 2P4
250 733-2833

Per Akermalm
2310 Rozon Road, Mill Bay, B.C. V0R 2P4
250 733-0886

PETITION SUMMARY

Regarding Use of Rozon Road as Main Access Road to/from Developments South of Mill Bay.

There are at least two land use developments proposed for the area shown on the map included with this petition – Bickford Phase Two (40 residences), Ocean Terrace (138 acres, presumably about 280 residences).

Rozon Road is the planned access road for traffic to/from Mill Bay Centre to a large percentage of future inhabitants of these proposed developments.

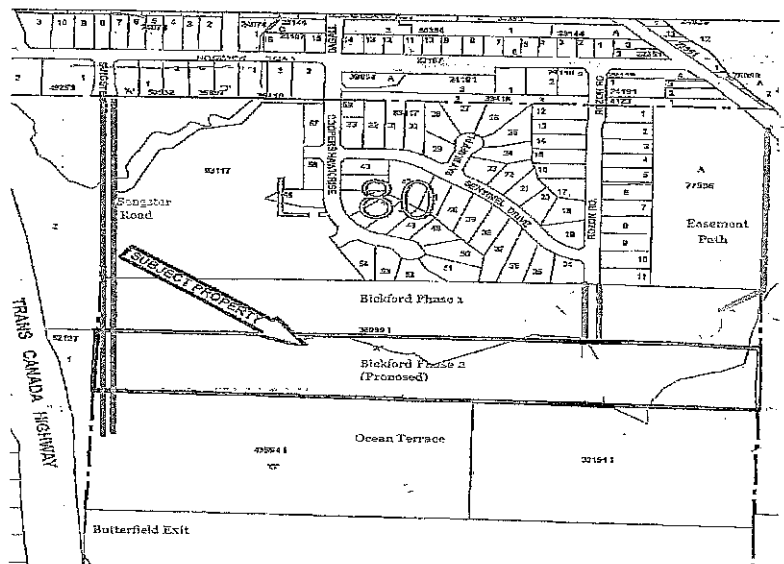
We the residents in the area affected by this potential increase in traffic volume would like to see a traffic solution other than the Rozon Road as this is the route currently proposed by the CVRD planning department.

Please consider that:

- *At least 22 children below the age of 12 live along the present one-block stretch of Rozon Road with many more living to the west. There are no sidewalks.* Children must use Rozon Road to walk or ride bikes to see friends as well as to catch the bus to go to school. Families with strollers often walk up and down the street as this currently is the only way to gain access to the beach.
- Rozon Road is one of the steepest hills in the area and cars and trucks must use low gear to go up the hill. Since combustion is much less efficient when motors rev up, the increased pollution levels - especially from diesel engines - will be considerable.

Consequently, a situation with more traffic is not safe for the present inhabitants, especially the younger ones.

We therefore petition that an alternative traffic arrangement be considered for developments south of the approved Bickford (phase one) development. The most logical one is Sangster Road which will run parallel to the highway. We suggest that an emergency vehicles only access be in place if required.

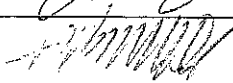



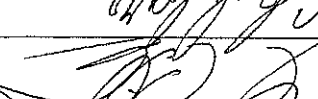
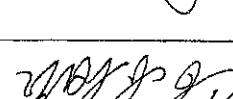
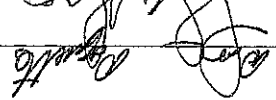

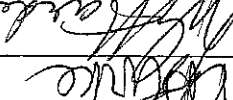
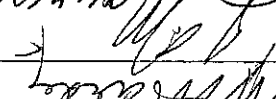
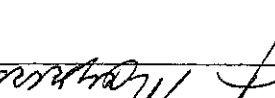


If you are interested in signing this petition please email Paul Carmichael at:

greatdayinmillbay@gmail.com








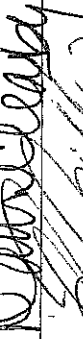


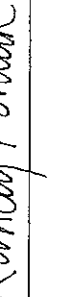
Petition to plan for an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

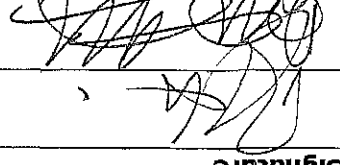
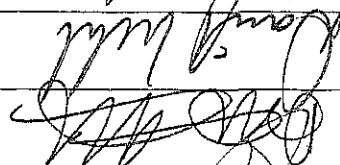
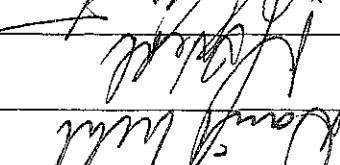
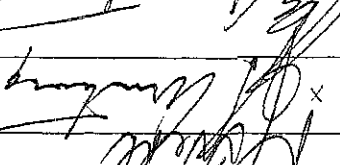
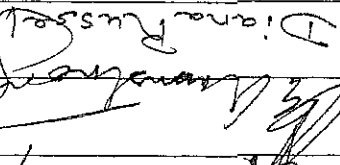
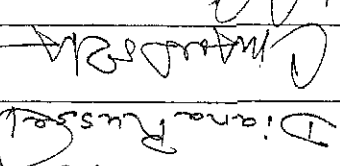
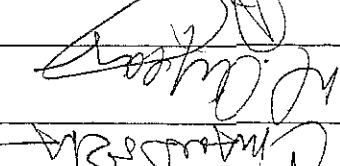
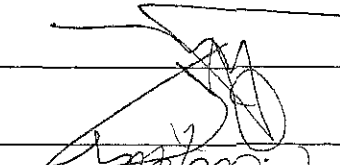
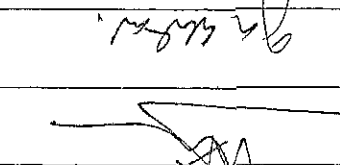
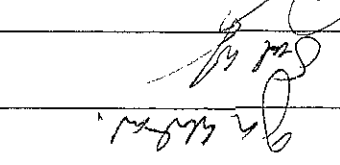
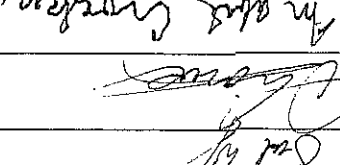
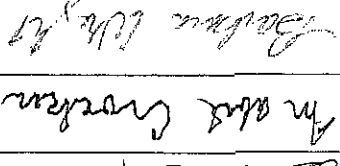
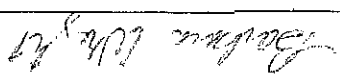



Petition summary and background	See attached summary.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now and put in place an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

Printed Name	Signature	Address	Comment	Date
W. WRIGHT		2431 MILL BAY RD.	WYNEWRIGHT@SHAW.CA	AUG 30/10
JIM DRUMMOND JR		2430 MILL BAY RD		AUG 30/10
KARA ROBINSON		2440 MILL BAY RD.		AUG 30/10
CHRISTIE COLLESON		2316 ROZON RD		SEP 5/10
Ray Call		"		"
A.C. CARP		2487 MILL BAY RD.	Please stay to the road.	SEP 13/10
SHIRI PAQUETTE		2483 MILL BAY RD		SEP 13/10
J. JASSEL		2471 HALLAD RD.		SEP 13/10
K. BURKE		2485 HALLAD RD		SEP 13/10
M.G. HADRY		2481 MILL BAY RD	fully support	SEP 13/10
J. MORRISON		2429 BAYVIEW RD	"	"

Petition to plan for an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

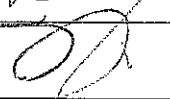
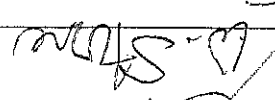
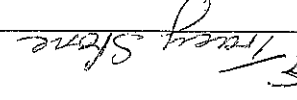
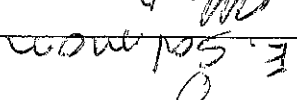
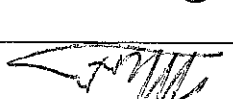
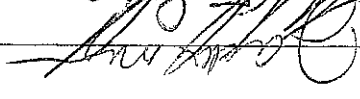

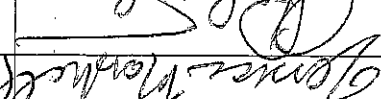

Petition summary and background	See attached summary.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now and put in place an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

Printed Name	Signature	Address	Comment	Date
Frances Brown		2373 Rozon Rd.	In Full Support	August 23
Rainbow Lyon		2367 Rozon rd.	"	Aug 23
Wanda Atkinson		2361 Rozon Rd	in full support	Aug 23
Ann Smith		2334 Rozon Rd.	IN FULL SUPPORT	Aug 23
Corene Gillis		2328 Rozon Rd	" " "	Aug 23
Michael Gillis		2329 Rozon RD.	" " "	Aug 23.
Christina Van Der Horst		2322 Rozon Rd.	" "	Aug 23
Dawn Cleasby		535 Sentinel Dr		Aug 23
Randy Zinkew		541 SENTINEL DR	" " "	"
KOSTI ZINKIEW		"	" "	"
Randy Konrad		547 Sentinel dr.	FULLY SUPPORT	Aug 23, '0

Printed Name	Signature	Address	Comment	Date
RICK HENSON		2333 COOPERS HUK		AUG 23
DAVID MAURE		2348 COOPERS HUK RD		23 AUG
DAVID WEBB		2343 ROZON RD		AUG 23
Michelle Webb		2343 ROZON RD		AUG 23
JO Armstrong		525 NOODICK RD		AUG 30
CE Armstrong		525 NOODICK RD		AUG 30
Russell		2380 MILL BAY		AUG 30
Camille		2376 MILL BAY		AUG 30
D. AYERST		2401 MILL BAY RD		AUG 30
J. AYERST		2401 MILL BAY RD		AUG 30
A. MOLL		2409 MILL BAY RD		30/8/10
J EBERHARD		2409 MILL BAY RD		30/8/10
D. Jordan		2414 MILL BAY RD		20/8/10
D COOTE		2408 MILL BAY RD		20/8/10
M. CRACKER		2418 MILL BAY RD		
B. WRIGHT		2431 YACHT BAY RD		AUG 30/2010












Petition to plan for an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

Petition summary and background	See attached summary.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now and put in place an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

Printed Name	Signature	Address	Comment	Date
J. ALEXANDER		594 DAGUER ROAD	TO SUB-DIVISION NEEB ACCESS OFF HIGHWAY	
WARR STONE		2509 MILL BAY ROAD		
Suey Stone		2509 Mill Bay Rd.		
E. Salmon		610 Shorewood Rd. Mill Bay Rd.		
MART SALMON		610 Shorewood Rd. Mill Bay Rd. VER 2PI	Highway Access only.	SEP/13/00
Jacqueline		609 Shorewood Rd. Mill Bay Rd. 2PI	People speed a mill Bay Road and treat it as a highway	SEP 13/00
MARK GOUTE		2538 Mill Bay Rd.		SEP 13/00
Jessie Marshall		2516 Mill Bay Rd		
Alvin Ridout		2502 Mill Bay Rd		SEP 13/00

Petition to plan for an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

Petition summary and background	See attached summary.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now and put in place an alternative traffic arrangement to utilizing Rozon Road as a thoroughfare to newly proposed developments south of Mill Bay.

Printed Name	Signature	Address	Comment	Date
Perc Alexander		2310 Rozon, Mill Bay		Aug 23, 10
Bob Wallace		516 DOONICK RD		Aug 23, 10
GEORGE BOYLE		2368 Rozon Rd, Mill Bay		Aug 23, 10
ROBERT LYON		2346 Rozon Rd. Mill Bay	DONT SHUT DOWN DEVELOPMENTS, RE-ROUTE IT!	23-Aug-10
Thomas Lee		538 Sentinel Dr.		Aug 23, 10
Sheila Hanson		544 Sentinel Dr.		Aug 23, 10
Robert + Hanson		544 Sentinel dr.		Aug 23, 10
Tiffney Tall		550 Sentinel cum		Aug 23, 10
Greer Gordon		2322 Cooper-Huck Rise		Aug 23
Debbie Erb		2351 Coopers Neck Rd		Aug 23
Steve Erb		2351 Coopers Neck Rd		Aug 23

Printed Name	Signature	Address	Comment	Date
Sandi Simenstad	<i>[Signature]</i>	581 Noowick Rd.		Aug 23
TOM MILLAR	<i>[Signature]</i>	566 Sentinel Dr.		"
Norm Duedek	<i>[Signature]</i>	1377 Georges Hawk Rd. Mill Bay BC.		"
Holly Diks	<i>[Signature]</i>	2339 Georges Hawk Rd Mill Bay BC V0R2P0		"
STIM SQUIRE	<i>[Signature]</i>	Box 271 Mill Bay	VOR-2P0 (Sentinel Ridge)	
STEPHANIE GIBBS	<i>[Signature]</i>	589 Bay Bluff Place V0R2R4 Mill Bay		"
LESLIE KUENAN	<i>[Signature]</i>	532 Sentinel Drive Mill Bay		8/30
Mae K. Blane	<i>[Signature]</i>	527 Noowick Rd Mill Bay		09/30
Ramona Coulombe	<i>[Signature]</i>	535 Noowick Rd		Aug 30 2010
Hardisha Buddick	<i>[Signature]</i>	539 Noowick Rd		Aug 30 2010
Rog, Fugard	<i>[Signature]</i>	549 Noowick Rd		30 Aug 10
MEAN C. FUGARD	<i>[Signature]</i>	549 Noowick Rd		30 Aug 10
WIKI SHERMAN	<i>[Signature]</i>	555 Noowick Rd		30 Aug 10
Cash Findlay	<i>[Signature]</i>	559 Noowick Rd		30 Aug 10
DAVID PAUVILLE	<i>[Signature]</i>	571 Noowick Rd		30 Aug 10
MICHAEL AVOIE	<i>[Signature]</i>	577a Noowick Rd	HAD ENOUGH OF SPEEDING TRAFFIC.	30 Aug 10



R 10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011

FILE No:

FROM: Rachelle Moreau, Planner I

BYLAW No:

SUBJECT: Amendments to the BC Meat Inspection Regulation

Recommendation:

That this report be received as information only.

Purpose:

To update the committee on proposed amendments to the BC Meat Inspection Regulation (MIR) 2004, and provide an overview of the existing legislation.

Financial Implications: N/A

Interdepartmental/Agency Implications:

As a result of new licensing provisions, local governments may be required to provide zoning confirmation on licensing requests.

Background:

In 2004, the Province established the BC Meat Inspection Regulation to address evidence of poor and high risk practices, food-borne illness outbreaks, and animal disease outbreaks. Currently, the regulation requires that any slaughter where the end product will be sold must be conducted within a Class A, B or C licensed facilities, with no license required for personal use.

The MIR provides licenses to meat producers and processors that allow either slaughter only (Class B), or both slaughter and cut-and wrap-services (Class A). These licenses are issued by BC Centre for Disease Control (BCCDC). Within our region, there are 4 licensed facilities:

- Class A – Island Farmhouse Poultry Ltd – Poultry
- Class A – Hidden Valley Processing – Red meat
- Class A – Braun's Custom Butcher Shop – Red meat
- Class B - Westholme Meat Packers Ltd – Red meat and poultry

Current amendments to the MIR enable new licensing opportunities for small farms to slaughter their own animals and sell the product (direct sales only). This is intended to ensure a high level of food safety, while providing opportunities for farmers not well-served by Class A or B facilities.

As of January 2011, a new "Class E" type of license is available to farmers who wish to slaughter their own animals on their own property (or have someone onsite to do this). These licenses are issued by the Health Authority, and there is no fee. Applicants need to clearly demonstrate if, and why, they need additional slaughter capacity or services in order to be issued a licence. Criteria to be considered for obtaining a Class E license include the following and are reviewed on a case-by-case basis:

- Outside a 2 hour travel radius from an existing provincially licensed facility;
- Legitimate need for additional slaughter capacity (e.g. current facilities don't meet the needs of the farmer)

New Class E licenses allow:

- Slaughter 1-10 animal units annually (e.g. equivalent of 1-10 cows, 4-40 hogs, 180-1800 broiler hens) for direct sale only;
- Slaughter and minimal processing of own animals only;
- Sales only permitted in same regional district where meat was produced.

It is unknown how many farmers will be interested in applying for Class E licenses.

Local government process

Local government may interface with the new licensing requirements as Class E licenses will be required to obtain zoning approval. For example, if a farmer wants to apply for a Class E license they will need to ensure that slaughter/processing is a permitted use.

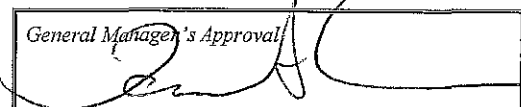
For your reference, in the 9 electoral areas where agriculture is a permitted use, the definition of agriculture generally includes "...processing on a parcel the primary agricultural products harvested, reared or produced on that parcel..." , which means it would be a permitted use.

Therefore, there will likely be no regulatory barriers from the CVRD for farmers to obtain Class E licenses, and the only potential impact will be administrative with the Planning and Development Department being required to provide the zoning confirmation.

Submitted by,



Rachelle Moreau, Planner I
Development Services Division
Planning and Development Department

General Manager's Approval

Signature

RM/ca



1

2010 Meat Inspection Regulation (MIR) Amendment –
Implementation of Class D and E Licensing

Information and Dialogue session for Local Government

November 22, 2010

Outline

- What did we set out to do with the BC Meat Inspection Regulation (MIR) and why?
- What were the drivers for change?
- 2010 MIR amendments: overview and implementation
- How do we collaborate for success?

3

What did we set out to do, and why?

Why meat inspection?



- Evidence of poor & high-risk practices
- Food-borne illness outbreaks
- Animal disease outbreaks
 - ▣ First case N. America BSE: Canada May 2003
 - ▣ International BSE guidelines: Canada identified as a "risk" country for BSE → Enhanced Feed Ban

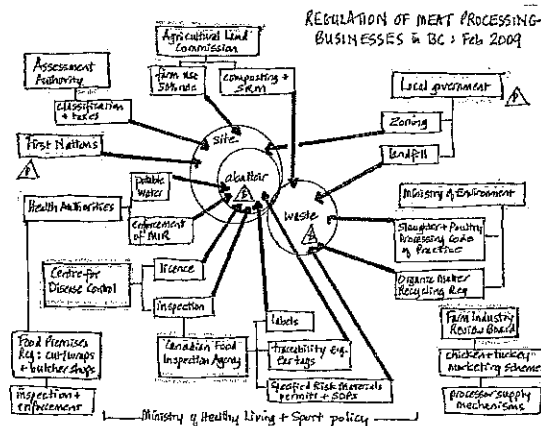
Intent of the B.C. MIR (2004)



- Increased food safety
- Increased consumer confidence
- Viable meat processing sector
- Outcomes-based approach
- Consistent regime across the Province

6

What were the drivers for change?



Livestock producers

- Loss of about 1/3 BC livestock since 2005 → loss of farms
- Of 100 animals available for slaughter, 10 are processed in provincial plants
- Where slaughter is available, livestock production can rebuild 2-3 X
- Key issue: availability of slaughter capacity



Pasture to Plate
Felix Schellenberg
Redstone, B.C.

Meat processors



Country Locker
Dwain and Shelley Funk
Vanderhoof, B.C.

- Need steady, reliable supply
- Can't pass capital costs on to customers
- Lack affordable (or any) solutions for waste
- Hard to get labour
- Many very small (vs. very few very large)
- **Key issue: profitability**

Retailers, chefs, consumers

- Strong demand for local meat
- Consumers with health concerns
- Importance of relationship, story of product
- Chefs want variety, celebrate terroir
- **Key issues: availability, quality and cost**



Summary: the drivers for change

- Lack of slaughter services and local meat production in underserved communities remains a concern
- Insufficient capacity during peak season in served areas
- Small producers stopped or went underground – **illegal activity continues to increase**
- Threats to A&B viability post licensing continue: debt, waste and labour
- Our Goal: to enable safe & legal slaughter in all areas of the Province

12

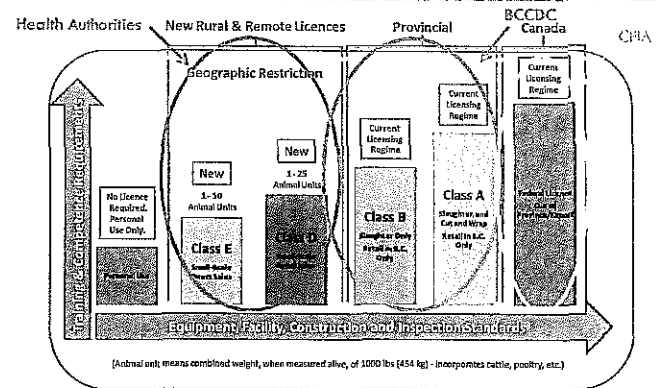
2010 MIR amendments

Overview and Implementation

Three key regulatory changes

1. Introduction of graduated licensing system & new Class D and E licences
2. Phasing out of Class C transitional licences
3. New ticketing provisions for MIR violations

1: Graduated Licensing model



What has been achieved to date?

Type of facility	2004	2005-present	Total Sept. 2010
Class A or B (Includes 1 red, 2 poultry mobiles)	14	27	41
Class C (temporary)	N/A	15	15
Class D	N/A	N/A	28
Class A/B proponents with plans approved by BCCDC	0	11	11
Federally registered	13	2	15

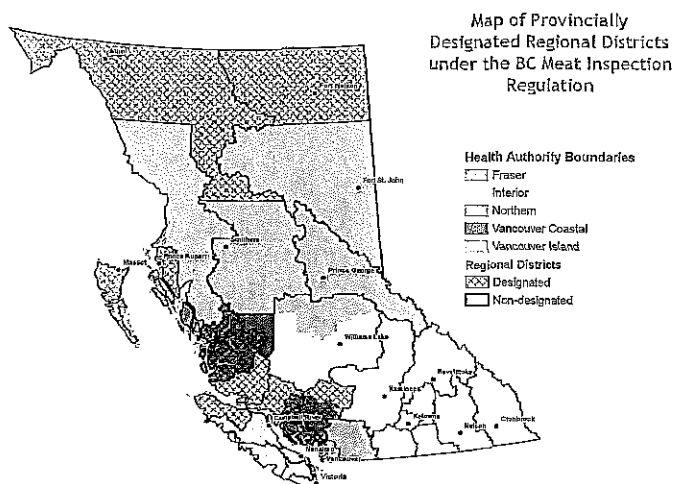
D and E licences: a risk-based approach

CLASS D

- Only available in 9 "designated areas"
- Slaughter up to 25 animal units annually
(1 animal unit = 1000lbs live weight)
- Permits retail and direct consumer sales
- Slaughter of own and others' animals
- Sales geographically restricted to regional district in which the meat was produced
- Minimal processing
 - quartering of red meat
 - removal of head/wings/legs on poultry

CLASS E

- Available across province
 - Freely available in 9 designated areas
 - Restricted issuance in 19 non-designated areas
- Slaughter up to 10 animal units annually
- Direct consumer sales only
- Slaughter of own animals only
- Sales geographically restricted to regional district in which the meat was produced
- Minimal processing
 - quartering of red meat
 - removal of head/wings/legs on poultry



17

How were areas “designated”?

Nine regional districts across B.C. were “designated” as rural and remote based on a number of key factors

1. The absence of licensed slaughter facilities
2. A poor business case for establishing a Class A or B facility in the area
 - Small livestock numbers
 - Small population density
3. Time and difficulty transporting animals to a licensed slaughter facility
 - Distance to an existing facility
 - Accessibility (i.e., marine travel/extreme travel conditions)

Key Implementation Principles

1. Continue to ensure a high standard of food safety.

- Risk-based model maintains high safety standards and policies commensurate with a lower level of risk associated with D&E facilities
- Geographic sales restrictions = ↓ product transportation distances
- Limited processing = ↓ contamination risk
- Animal number restrictions = facilitates traceability, ↓ risk
- Increased producer liability and accountability

2. Create capacity in rural and remote areas with limited or no access to slaughter services.

- Improve accessibility to locally produced food in remote areas
- Grow B.C.’s small-scale livestock sector in remote areas

Key Implementation Principles (con’t)

3. Continue to support existing provincially licensed Class A and B facilities.

- Goal: a network of B.C. slaughter facilities with varying capacities that can meet regional needs
- Balance between “local food” & B.C. “food security”

4. Grow BC livestock industry.

“How do I get a Class D or E licence?”

Four steps in the application process:

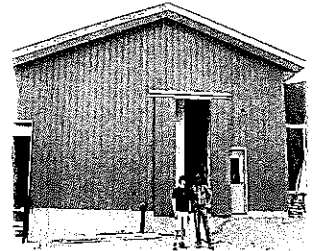
1. Complete SlaughterSafe training
2. Develop a Food Safety Plan
3. Undergo a Site Assessment
4. Submit an application package

In a non-designated area?

All applicants in non-designated areas must complete a **“Class E Feasibility study”** prior to starting the application process

Non-designated Areas ...and Class E licensing

- Class E licence issuance limited within “served areas” - a **2 hour travel radius** from each existing provincially licensed facility
- Legitimate need for additional slaughter capacity will be considered:
 - Species-specific needs
 - Custom slaughter (halal, kosher, organic)
 - Travel barriers (marine travel, ‘extreme’ conditions)
- Class E Feasibility Study “self-assessment” reviewed by Provincial Coordinator to determine eligibility
 - Local government consultation is key



Tarzwel Farms (Class B)
Creston, BC

SlaughterSafe Training

- 1 day course: ½ day classroom, ½ day on-farm
- Focuses on food safety principles in the slaughter process and “how to” develop a customized Food Safety Plan
- Required for all persons performing slaughter under a D or E licence (licensees and slaughter experts)
- Developed in collaboration with small-scale producers for small-scale producers
- This course does not teach people how to slaughter!!



SlaughterSafe course: Haida Gwaii, BC
September 2010
Photo credit: Jim Tallman

Assessment and Enforcement

- Initial site assessment
- Routine site assessments (every 2-5 years)
- Complaint driven assessments
- Record-keeping audit



A new role for Regional Health Authorities

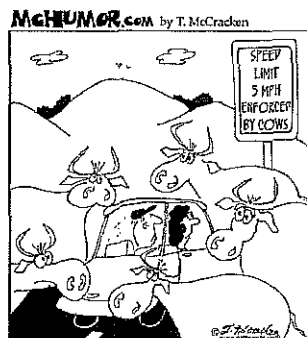
1. Organize and deliver SlaughterSafe training.
2. Conduct initial site assessments of proposed D & E rural slaughter establishments.
3. Review and approve Food Safety Plans.
4. Continue to enforce the MIR, with an increased focus on curbing illegal slaughter
5. Issue Class D and E licences.
6. Act as an information resource for producers interested in applying for D and E licences.

2: Class C phase-out

- **Why?**
 - Eliminate competitive advantage of uninspected facilities over Class A and B facilities
 - Equalize food safety standards
- **What is involved?**
 - Transition Plan with milestones and final dates for upgrading
 - Food safety plan
 - Regular progress updates
- **When?**
 - Transition plan target: fall 2010
 - Completion date target: late 2011/2012

3: Enhanced ticketing

- 11 new ticketing provisions introduced under the MIR
- Increased enforcement of illegal slaughter activities
- Continued use of graduated enforcement model
 1. education
 2. warnings & orders
 3. ticketing
 4. licence removal
 5. prosecution under the MIR



Key Considerations for Local Governments

- **Our collective goals are:**
 - to enable safe & legal slaughter in all areas of the Province
 - to build the small-scale B.C. livestock industry & support existing A&B licensed facilities = improved B.C. food security
- **A Class D or E rural slaughter establishment is a FARM where safe, legal and limited slaughter occurs – it is NOT an abattoir**
- **What is the role of local governments?**
 - How can applicants best access zoning and other relevant information?
 - How do we strengthen working relationships & information exchange between the Province, health authorities & local governments?



29

How can we collaborate for success?

For more information...

Please see the Ministry of Health Services website:

<http://www.health.gov.bc.ca/protect/meat-regulation/>

Or, contact Ron Duffell or Lisa Levesque.

Ron.Duffell@gov.bc.ca

(250) 952-1724

Lisa.Levesque@gov.bc.ca

(250) 952-2025



R 11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 12, 2011 **FILE NO:**
FROM: Ryan Dias, Parks Operations Superintendent **BYLAW No:**
SUBJECT: Electoral Area H Parks Maintenance Contract Award

Recommendation:

That the 2011-2013 Electoral Area H Community Parks Maintenance Services Contract be awarded to Irrigation Landscape Specialist (I.L.S.) Inc. in the amount of \$27,592.32 including HST, based on the Request for Proposals submission received Friday December 17, 2010.

Purpose:

To request award of the 2011-2013 Electoral Area H Community Parks Maintenance Services contract, based on a 35-month service period from February 01, 2011 to December 31, 2013.

Financial Implications:

This contract would be funded by the Electoral Areas H Community Parks Budget.

Interdepartmental/Agency Implications:

N/A

Background:

Parks Maintenance Services contracts are used to achieve consistent service delivery in CVRD Parks for the maintenance and upkeep of developed park facilities, amenities and greenspace areas for public use and enjoyment in a safe maintained environment. In order to maintain this level of service for park care, parks maintenance contracts detail the extent and frequency of duties that a contractor must consistently fulfill throughout the term of the maintenance contract. These requirements are outlined in a Request for Proposal ("RFP") document, which provides detail on the scope of work expected from a contractor that is consistent with a standard of care established by CVRD Parks.

The Parks maintenance contractor provides the CVRD with the necessary contract staff, equipment, tools, vehicles, supplies and resources to complete the parks maintenance services requirements of the Regional District. In addition, through contracting of parks maintenance services the Regional District transfers all liability to the contractor related to parks maintenance services, and minimizes the Regional District's exposure to potential risk related incidents or occurrences within CVRD Parks that could result from providing this type of service delivery.

The 2009-2010 Electoral Area H Parks Maintenance contract expired on December 31, 2010. Prior to expiry of this contract the Electoral Area H Community Parks Commission requested issuance of a new parks maintenance services RFP for a three year term (2011-2013), rather than extend the 2009-2010 parks maintenance contract for an additional three years.

Staff initiated this process by engaging the Area H Parks Commission back in the fall of 2010, in order to receive feedback regarding any proposed changes and modifications to the parks maintenance duties for the 2011-2013 maintenance contract. The feedback received from the Commission allowed staff to streamline the duties based on the maintenance needs of each individual park. The RFP range of duties are established on the basis of providing a base level of parks maintenance services to address park visitor safety issues, appearance and upkeep of park sites and address risk management/liability exposure of the Regional District for parkland sites either owned/or leased by the CVRD from the Province to manage as community parks in Electoral Area H.

Advertising for the parks maintenance services contract for Electoral Area H Community Parks was placed in the Ladysmith Chronicle and Nanaimo Daily Press during the RFP advertisement period of November 30th to December 17th. In addition, Staff also conducted a mandatory site visit for all interested contractors on December 9th at 10:00 am to walk all the parks within the contract. Seven contractors joined parks staff along with Director Marcotte in the walk about to perform a visual review the duties of the contract within each park.

RFP submissions received for Electoral Area H Contract:

Nine RFP packages were requested by interested parties, with seven proposal submissions received prior to the submission deadline of December 17th 2010 at 2:00 pm. Proponents were required to provide a detailed proposal including an all-inclusive proposal price (including HST) with further break down of costs per year.

Parks and Trails Division staff completed evaluation of all proposals in the areas of past work experience, work history, knowledge of the contract expectations, references and past performance appraisals, and proposal price based on the standardized evaluation criteria outlined in the RFP. Five of the seven proposals received met the mandatory proposal criteria as outlined in the RFP and are ranked below based on scored evaluations:

RFP Ranking Summary			
	Proponent Ranking	Score	Price incl. taxes (35 months)
1	ILS - Ladysmith	71/100	\$ 27,592.32
2	Timbercoast - Nanaimo	50/100	\$ 36,948.62
3	Green Thumb - Ladysmith	43/100	\$ 44,278.00
4	Grant Vizely - Cedar	42/100	\$ 21,000.00
5	D&J Carson Holdings- Yellow Point	26/100	\$ 82,628.54
	Happy Trails Park Mtnce – Nanaimo	Did not Qualify	
	Tobias Paul Louis Marcoux - Nanaimo	Did not Qualify	

Proposals received from Happy Trails Park Maintenance and Tobias Paul Louis Marcoux were disqualified on the basis of not meeting the mandatory proposal criteria as clearly outlined in the RFP. In particular these two proposals did not include a completed Appendix Form C (which binds the proponent to the terms and conditions of the RFP) as part of their proposal submissions.

Scoring fifth in the evaluation process was D&J Carson Holdings, which in particular did not provide any details on previous park maintenance experience and had the highest proposal price at \$82,628.54 for the three year term. While the lowest contract price was submitted by Grant Vizely at \$21,000 for the three year term, this proponent did not demonstrate any previous parks or grounds maintenance experience in the proposal and provided very little detail with respect to how the park maintenance components outlined in the RFP would be achieved. As a result, this proponent scored fourth in the RFP evaluation. Green Thumb Property Maintenance scored third overall in the evaluation based on minor property maintenance experience and a price of \$44,278. Hourly rates for

extra work by this proponent were also noted as the highest of all the proposals received, with a rate in the order of \$54.00 per hour by 2013.

The proposal package received from Timbercoast scored second overall in the evaluation, providing the third lowest price at \$36,948.62 and demonstrating some grounds maintenance experience on two properties. However, this firm did not identify any experience with park maintenance.

The highest score in the evaluation process was to Irrigation Landscape Specialist (I.L.S.) based out of Ladysmith. The proposal from I.L.S. Inc. demonstrates a wide range of experience in park maintenance, including successfully completing the 2009-2010 Area H Parks Maintenance contract, extensive relative work, and staff qualifications applicable to park maintenance which exceed that of the other proposals submitted. The price received from ILS was the second lowest at \$27,592.32.

A breakdown identifies the costs proposed by I.L.S. Inc. over the 35 month term is as follows:

Electoral Area	2011	2012	2013	Term Total
Area H	8,212	8,212	8,212	24,636
HST	985.44	985.44	985.44	2,956.32
TOTAL	\$9,197.44	\$9,197.44	\$9,197.44	27,592.32

I.L.S. Inc. has demonstrated that it has the resources, qualifications and experience to undertake the 2011-2013 Electoral Area H Community Parks Maintenance contract services. It should be noted that there were minimal issues with respect to the 2009-2010 parks maintenance services contract performed by I.L.S. Inc in Electoral Area H and it is expected this level of service would be continued with issuance of a new contract for 2011-2013 based on this past performance.

Submitted by,



Ryan Dias,
Parks Operations Superintendant
Parks, Recreation and Culture Department

RD/ca

Department Head's Approval:

Signature



R12

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: December 17, 2010 **BYLAW No:** 3393

FROM: Kathleen Harrison, Legislative Services Coordinator

SUBJECT: Bylaw No. 3393 – A Bylaw to Create an Annual Financial Contribution Service Within Electoral Area B – Shawnigan Lake for the Cowichan Station Area Association.

Recommendations:

1. That it be recommended to the Board that an annual financial contribution service be created within Electoral Area B – Shawnigan Lake with a maximum requisition limit of \$5,000 to assist the Cowichan Station Area Association with costs associated with the operation and maintenance of the Hub, a community space located at 2375 Koksilah Road (former Cowichan Station School Site) and the delivery of community based programs and services, heritage projects and community events.
2. That "CVRD Bylaw No. 3393 – Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service Establishment Bylaw, 2011", be forwarded to the Board for consideration of first three readings, and following provincial and voter approval, be considered for adoption.
3. That it be recommended to the Board that voter approval to establish the Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service be obtained through an alternative approval process.

Purpose: To introduce Bylaw No. 3393 that provides an annual financial contribution within Electoral Area B – Shawnigan Lake to the Cowichan Station Area Association with a maximum requisition limit of \$5,000 to assist with costs associated with the operation and maintenance of the Hub, a community space located at 2375 Koksilah Road (former Cowichan Station School Site) and the delivery of community based programs and services, heritage projects and community events; and to confirm the *Alternative Approval Process* as the means of obtaining voter approval for the establishment of this service.

Financial Implications: The maximum amount of money that may be requisitioned annually in support of this service is the greater of \$5,000 or \$0.00334 per \$1,000 of net taxable land and improvements. The average costs to residential taxpayers within the proposed service area with property assessed at \$100,000 would be approximately \$0.31 annually.

.../2

Interdepartmental/Agency Implications: This bylaw requires the approval of the service area voters and the Inspector of Municipalities before it can be adopted. Pursuant to Section 797.5 of the *Local Government Act* and Section 84 of the *Community Charter*, voter approval may be obtained through an alternative approval process for the establishment of this proposed service.

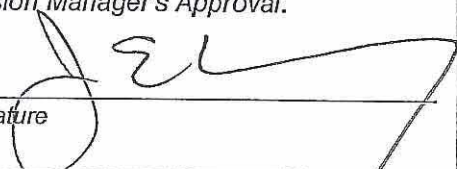
Background: At the request of the Electoral Area B Director, an annual financial contribution service bylaw, in the amount of \$5,000 for the Cowichan Station Area Association has been drafted and is attached for consideration.

Submitted by,



Kathleen Harrison
Legislative Services Coordinator

Attachment: Bylaw No. 3393

Division Manager's Approval:

Signature



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3393

A Bylaw to Establish a Service Within Electoral Area B – Shawnigan Lake to Provide an Annual Financial Contribution to the Cowichan Station Area Association

WHEREAS pursuant to sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of a regional district;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a service within Electoral Area B – Shawnigan Lake for the purpose of assisting the Cowichan Station Area Association with costs associated with the operation and maintenance of the Hub, a community space located at 2375 Koksilah Road (former Cowichan Station School) and the delivery of community based programs and services, heritage projects, and community events;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3393 – Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service Establishment Bylaw, 2011**".

2. SERVICE BEING ESTABLISHED

The service being established under the authority of this bylaw is a service within Electoral Area B – Shawnigan Lake for the purpose of providing an annual financial contribution to assist the Cowichan Station Area Association with costs associated with the operation and maintenance of the Hub, a community space located at 2375 Koksilah Road (former Cowichan Station School) and the delivery of community based programs and services, heritage projects, and community events. The service shall be known as the "Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service".

.../2

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are the boundaries of Electoral Area B – Shawnigan Lake.

4. PARTICIPATING AREA

Electoral Area B – Shawnigan Lake is the only participating area for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area, as per the *Local Government Act*;
- b) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$5,000 or an amount equal to the amount that could be raised by a property value tax of \$0.00334 per \$1,000 of net taxable value of land and improvements within the service area.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

I hereby certify this to be a true and correct copy of Bylaw No. 3393 as given Third Reading on the _____ day of _____, 2011.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



R13

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Proposed Resolution to AVICC

Action:

That the Committee provide direction on this matter.

Purpose:

To receive Committee direction.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

Not known.

Background:

Director Dorey has proposed that the attached draft resolution and discussion paper be considered by the Committee with the goal that it be forwarded by the Board for further consideration by the Association of Vancouver Island and Coastal Communities. At the December 7, 2010 EASC meeting a motion was passed to refer the draft resolution back to staff to "re-define." The draft resolution is attached for further consideration.

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca
attachment

PROPOSED AVICC RESOLUTION

REDUCING THE PRICE OF FARMLAND THROUGH TAXATION

COWICHAN VALLEY REGIONAL DISTRICT

WHEREAS the price of farmland is escalating beyond the affordability of potential farmers.

AND WHEREAS farmland is being subdivided and being sold to some buyers that have no intention of ever farming the land and thus are competing with real farmers artificially driving the price up of newly subdivided farmland.

THEREFORE BE IT RESOLVED that the government institute a premium level of taxation higher than residential rates as a method of discouraging non farmers from purchasing newly subdivided farmland and using it as a country estate.

DISCUSSION;

One of the biggest obstacles to farming as a career is the price of land. It has become too expensive. Unless you inherit a farm young people can't get started in farming. Let's look at why it's so expensive. The notion exists that at some time in the future everyone will be able to subdivide farmland into small

lots for residential dwellings. Residential lots are worth a lot of money. So people are willing to pay more money for farmland than actual farmers could afford to pay. This competition drives the price of farmland out of reach for farmers. This makes farming financially nonviable for farmers because of the high price of land. Non farmers are buying this land with never having any intention of farming it.

One of the possible solutions to bringing the price of farmland down to affordable levels is through taxation. Presently if you own farmland and you actually farm it, you get a reduced level of taxation. This is good. If you don't farm it, you are taxed at the residential rate which is higher. This makes sense also. A proposed third higher level of taxation for newly formed lots of Agricultural Reserve Land will help solve this problem.

Applications come forward to regional districts and municipalities to subdivide Agriculture Land Reserve land into smaller lots. Subdividing this land is thought by many to be a good thing because you can do intensive farming on a 5 acre lot economically. Young people can get started on these small lots as well. The problem arises when this land is sometimes bought by people who are never going to farm it. They say, "What's the problem, it's still in the ALR?" The problem is how do we separate the farmers buying this land from the non farmers? Some buyers just want a quiet country estate of 5 acres. The problem is, this land is lost to farming forever. How do we stop it? One solution is to tax these newly subdivided lots at a premium rate much higher than the residential rate IF THEY DON'T FARM IT. They would then think twice about buying one of these agricultural lots if they weren't serious about farming. This new high premium tax rate would only apply to newly subdivided agricultural lots. The question arises, "How serious are we about using farmland for farming?"

Farm Assessment Review Panel

Abbotsford, October 27, 2008

The BC Agriculture Council appreciates the opportunity to appear before the Farm Assessment Review Panel in Abbotsford as part of the Panel's province-wide public consultation process. These consultations provide vital stakeholder input to the review of farm assessment regulations. We appreciate the opportunity to provide our members' and the Council's views on ways to streamline property assessment rules and procedures while ensuring equity, fairness and transparency.

The BC Agriculture Council represents the collective interests of BC's primary agriculture producers. We represent over 12,000 farmers and ranchers through their membership in producer commodity and sector farm organizations from all regions of the province. Our members are proud to be growing and producing safe, nutritious food that contributes to the health and well being of British Columbians.

The agri-food industry serves as the foundation for an agriculture and food cluster in BC which includes the production, processing, distribution and sale of products that generates over \$35 billion in revenues, employs over 290,000 people. It accounts for 2.3% of provincial GDP and 14% of the provincial workforce.

Farm status is an important component of farming; it forms the baseline identification for tax purposes and for many benefits that only farmers may access. Benefits such as farm plates, PST exemption, coloured fuel, and exemption from BC Hydro's two step conservation rates assist in the profitability of agriculture. In addition it's often linked to federal and provincial programs - environmental farm planning is one such example.

Three Baseline Principles:

The BCAC feels that there are three principles that are an essential foundation of the farm assessment review process and any possible changes:

1. Support for the ALR.
2. Maintaining or strengthening the competitiveness of agriculture.
3. The recommendations and changes must leave agriculture in a better and stronger position.

Five Conceptual Ideas for further Study:

BCAC has developed some initial concepts and recommendations around analysis that needs to be conducted around the farm assessment process. We feel that the concepts have sufficient merit to warrant full analysis.

1. BCAC policy supports the ALR. Small lot agriculture is an important part of maintaining the productive capacity of small ALR sections of land. The farm assessment review should continue to support small lot agriculture. Land is a limiting resource and must be protected and available for agriculture to exist.

Farm Assessment Review Panel

Abbotsford, October 27, 2008

2. BCAC does not support split classifications – it weakens the competitiveness of farming and it does not allow for environmental farm areas such as riparian areas, buffer zones, and set backs.
3. BCAC recommends a study into the home and home site principle in conjunction with a flat tax rate for all farms within the ALR. Landholders of ALR land would not need a certain income level to qualify for the flat rate. Buildings that are actively used for farming should be excluded.
4. The Province should consider delinking farm benefits from the farm assessment process. In order to gain farm benefits, farms would have to earn a certain level of farm income and farmers would have to purchase a farmer identity card or register in some way.

Note: points 3 and 4 should be considered in conjunction with each other.

5. BCAC recommends that the definition of farmer and farmed products be revisited to deal with the changes to farming practices and crops.

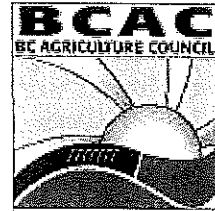
Other Considerations:

1. Farms on non-ALR land should still retain a certain threshold level of farm income to qualify as a farm because this land still has development rights. It could be linked to federal income tax process. Possible additional options include a recapture tax if the land comes out of agricultural production within a certain period. It should be possible to roll over between generations or farm owners so long as the land is still being farmed.
2. When a farm is sold and continues to be actively farmed it should not take the new owner a year to qualify for farm status.

In addition the BCAC recommends that the Farm Assessment Review Panel issue an interim report that summarizes what they've heard and what needs to occur during the process. An interim report would allow for more effective feed back and response from agriculture across the province and from within each sector.

The Council is concerned that there may have been significant gaps in the consultation process due to changes in schedules and challenges in communication and notice. For this reason the interim report process and a second round of consultation may be very appropriate and necessary.

The BCAC is willing to assist with any future analytical work or pan-agricultural consultations or communications.



AGRICULTURE AND THE AGRICULTURE LAND RESERVE:

A POSITION STATEMENT OF THE BC AGRICULTURE COUNCIL

The BCAC supports the principle of the Agriculture Land Reserve as a vital tool to provide a viable climate in which to operate our industry.

It must be recognized that the single most important factor in preserving farmland is to preserve the farmer by ensuring that a comprehensive economic and regulatory framework exists that supports viable farm operations for good farm owners and managers.

While Agriculture in general is continuously modifying its practices to meet expectations of consumers and demands from the environmental lobby, the preservation of farm land is intrinsically linked to the ability of the producer to make a living and prosper.

The reasons to support the Agriculture Land Reserve and the industry are many:

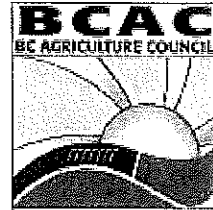
1. Economic Contribution:

The agriculture sector in BC makes a substantial contribution to the economy of the Province:

- With more than 20,000 farms and over 1100 food processing industries, the agriculture and agrifood sector provides direct employment for over 54,000 people and generates over \$2.3 billion in farm cash receipts.
- The total value of the industry from producer to consumer (from “farm to fork”) is over \$19 billion and provides total employment to over 267,000 British Columbians.
- Agriculture is a stabilizing factor in many rural and regional communities. The industry has maintained stability, employment, and economic activity in these areas.

2. Food Security:

The ALR provides for security of food supply. At present agriculture in BC produces about 50 percent of the food consumed in the province. With the continued increase in the population base and the loss of production capacity we are at risk of becoming increasingly dependent on imports to secure adequate nutrition for the population.



Preservation of productive agricultural land through the means of the Agriculture Land Reserve (ALR), coupled with an array of regulatory and economic incentive tools, will ensure that the agriculture sector will be in a position to meet the demands of a continuously growing population.

3. Environmental Benefits:

Farmland provides important aesthetic and environmental value. Agricultural land is seen to provide a separation between adjoining communities, to limit suburban sprawl and to contribute to cleaner air, biodiversity, and fish values. This benefit accrues mostly to the urban and suburban populations of the Lower Mainland, the Islands and the Okanagan, but can still be considered a contribution to the public good.

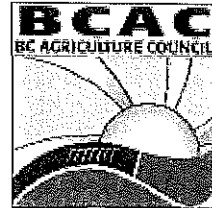
4. Land Base is a Scarce Resource:

Only 5.0% of BC's land is suitable for agriculture. 80% of BC residents live in or adjacent to agricultural areas that are responsible for 78% of BC's farm revenues.

Specific Complementary Policy Requirements to Maintain Support for the ALR:

In addition to the need for a comprehensive provincial agri-food policy that ensures the competitiveness and viability of the sector, a number of specific policy requirements must be in place in order for the industry to continue to support the ALR:

1. Government commitment to the Farm Practices Protection Act and the principles of "right to farm legislation." Producers have to be protected from 'nuisance' lawsuits by residential or special interests.
2. Approvals for exclusion of property from the ALR must include specific measures to mitigate impact on adjacent farm properties. These measures must be implemented on the non-ALR side of the boundary and must be meaningful and strictly enforced as a condition of approval.
3. Where producers are forced to alter normal farm practices as a result of government direction in response to residential interest, producers will have to be compensated for the loss of income on an ongoing basis and/or be provided financial support for capital costs for the changes.
4. Strong local government support for the industry including a commitment to the industry through agriculture plans, effective agriculture advisory committees with representation determined by local producer associations, planning processes and local government bylaws that are consistent with agriculture viability.



Focus for Economic Development Needs:

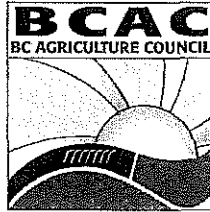
At present there is still land in the land reserve, which has no potential for the production of any crops. Applicants for exclusion from the ALR for economic development needs near population centers should focus on these properties.

Conclusion

To preserve the Agricultural production base, the maintenance of the Agriculture Land Reserve is crucial for both the agricultural producers and the population at large. However, this alone will not guarantee the viability of the agriculture sector.

A combination of appropriate government policies (Farm Practices Protection Act, etc.), support programs consistent with our trade obligations (EFPs, business risk management insurance) are needed to insure that the sector can provide a reasonable income to all producers.

The agriculture sector is, among its many other functions, the steward of the ALR and needs to be supported by Government and the Public in this role.



Agricultural Land Commission (ALC) Review of Operations, Policies and Legislation

BC Agriculture Council Discussion Document

The Future of the ALR, the Future of Farming, the Future of Food

The ALC has established a three-member panel to undertake a review of all facets of the Commission, including operations, policies and legislation, to ensure that it is positioned to continue the agricultural land preservation program well into the future. The stated purpose of the review is to determine if the Commission is capable of meeting its mandate as outlined in section 6 of the *Agriculture Land Commission Act* and to explore opportunities to more effectively and efficiently administer the Agricultural Land Reserve (ALR).

The established Panel is now in the process of engaging in focussed discussions with stakeholders, including the BCAC (*Appendix A*). The purpose of this background document is to provide some context of the ALC review for organizations participating in it, as well as to seek input from BCAC members on the issues concerning the ALR and the Commission.

The Scarcity and sensitivity of ALR farmland in BC:

Of the 89 million hectares of land within the Provincial land base, only 4.6 million hectares are within the Agriculture Land Reserve (ALR), and of that there are only 2.8 million hectares of farmland. Less than 3% of the ALR is capable of supporting a broad range of agriculture, with just over 1% is considered prime agricultural land.

As a result of the province's very limited agricultural land, and the development pressure that occurs in these areas, much of BC agriculture has increasingly been operating within an urban shadow. The Fraser Valley, Southern Vancouver Island, and the Okanagan contain 2.7% of the provincial land area, 81% of B.C.'s population, and 81% of annual farm gate sales. Since the ALR was created, according to ALC statistics, these regions have experienced a net loss of more than 35,000 hectares.

Agricultural land is sensitive. Fertile soil and the physical and environmental conditions for agriculture are unique and irreplaceable. Competing demands for resources such as water, increasing pressures from other sectors to make alternate use of agricultural lands, and the inevitable urban/rural conflicts that arise around normal farm practices are all impacting the viability of the agriculture sector. At the same time, farming is becoming

increasingly important as the world becomes more concerned about food security and supply, climate change, a growing public interest in the role of agriculture in relation to the natural environment and, by farmers throughout the province, a concern about their future. Maintaining the productive capacity of the ALR is a societal interest that cannot be taken for granted.

Population growth is rapid in British Columbia, and, historically, agricultural land has been developed because it is one of the easiest places to build. By 2030, BC's population is expected to grow by 30% to 5.5 million people – further increasing the development pressures on our very limited farmland resources and, at the same time, increasing the need to have a productive agricultural land base in BC. There is no indication that this development pressure will diminish.

The contributions provided to society from agriculture go far beyond maintaining an agricultural land base for future generations. Agriculture supports communities and a way of life. BC's farming and ranching landscapes provide for protection of open space, clean air and water, wildlife corridors and habitat, conservation of biodiversity, as well as tourism and recreational opportunities. Agriculture is ranked as one of the largest economic sectors of the province, with attendant family, community, cultural and provincial economic benefits. Agriculture provides links to the past and opportunities for the future.

Prior to the creation of the Agricultural Land Reserve in 1973, government figures estimated 6,000 hectares of prime agricultural land was lost to urban non-agricultural development each year.

BCAC Position Statement on Agriculture and the ALR:

The principle of an established Agricultural Land Reserve is recognized by the BCAC as an important tool to maintain the long-term ability to produce crops and livestock in BC. The BCAC policy position statement on the ALR (*Appendix B*) has the following comment:

"The BCAC supports the principle of the Agriculture Land Reserve as a vital tool to provide a viable climate in which to operate our industry.

It must be recognized that the single most important factor in preserving farmland is to preserve the farmer by ensuring that a comprehensive economic and regulatory framework exists that supports viable farm operations for good farm owners and managers.

While Agriculture in general is continuously modifying its practices to meet expectations of consumers and demands from the environmental lobby, the preservation of farm land is intrinsically linked to the ability of the producer to make a living and prosper."

BCAC's position on the ALR has not changed – the ALR continues to be a vital part of agricultural production in BC. What has changed since BCAC developed its policy statement on the ALR is the regulatory and environmental background that farmers and ranchers operate within every day as they carry out farm practices on the ALR. What has also changed is the economics of farming in BC. Statistics Canada figures indicate that realized net income for BC farmers and ranchers has been an unprecedented four consecutive years of negative net farm income. In 2009 net farm income was negative \$226 million, which was preceded by negative farm incomes of \$280 million, \$142 million, and \$75 million in the previous three years. All indications are that improvements have not been made to these numbers in 2010. Compared to the first quarter in 2009, BC net farm income for 2010 has plummeted 12.3 percent. Further discussion of these and other factors that impact our farmland and the future of farming in BC are outlined in *Appendix C*.

BCAC ALR Resolution, March 2010:

In the context of these economic and regulatory challenges and at the request of some members, the ALR was discussed at a policy dialogue held in conjunction with the March 2010 BCAC Annual General Meeting. The following resolution was passed on March 17th 2010:

Whereas the preservation of agriculture through the Agricultural Land Reserve serves a compelling public interest;

Whereas there are increasing expectations by government and society that farmers will provide the public benefits of environmental and stewardship functions;

Whereas economic viability in the agricultural sector is a required component of maintaining the long-term integrity of the ALR; and

Whereas there are increasing challenges in maintaining overall farm profitability, managing changing production requirements and ensuring the effective intergenerational transfer of farms and ranches;

Therefore Be It Resolved that a review of the provisions of the Agricultural Land Reserve be undertaken with the express objective of:

- 1. Enabling the viability of farming and ranching in the Province;*
- 2. continuing to meet the societal goal of preserving suitable agricultural land over the long term; and*
- 3. maximising the agricultural productivity of the ALR*

Further Be It Resolved that farm representatives have a direct role in the review process.

Discussion Points for the ALC Review:

It is becoming increasingly difficult for farmers and ranchers to farm in BC and, by extension, in the ALR. The ALR may be preserving farm and ranch land, but British Columbia does not currently have an economic environment whereby farmers and ranchers are, overall, profitable. The only way to truly position the ALC to be able to

effectively continue its agricultural land preservation program into the future, is to re-establish the viability of the BC agriculture sector.

1. Issues for direct consideration by the Agricultural Land Commission within its mandate:
 - a. Expand the definition of agricultural products and farm activities to support a more diversified production base that includes a wider selection of value-added processes, energy generation, and alternative crops.
 - b. To establish workable criteria for allowing home site severance of ALR lands to help facilitate the intergenerational family transfer of active farming operations. The future of farming in BC will depend on younger generations entering the industry, and we have to find creative ways of making it more economically viable to do so.
 - c. The ALR continues to hold land unsuitable for agricultural production, and there is productive farmland outside the ALR. Are there further opportunities for identifying these lands with the objective of maximising the agricultural productivity of the ALR?
 - d. Are there additional planning tools available that would further contribute to the clear separation of urban development and active farmland, with the objective of reducing conflict situations?
 - e. Part of the ALC's mandate to encourage local governments and others to accommodate farming in the ALR in their plans, bylaws and policies, yet it appears that many local governments impose undue restrictions on both primary agriculture and on the many companies that rely on agriculture, both up and down the value chain. Could the ALC be provided with more effective tools to meet this part of its mandate?
2. The Province must give much higher consideration to its public policy of preserving farmland for future generations, and acknowledge its uniqueness and the major restrictions it imposes on existing farmers and ranchers operating within the ALR. While the ALC may not have a direct mandate in the following areas, it is important to have the discussion because these issues are directly linked with farmland preservation.
 - a. A key priority for the Province in the development of any policy or legislative change that impacts on agriculture must be the economic viability of farming and ranching in the ALR. If this had been established as a priority over the past year, for example, Government would have:
 - i. Identified access to water for agriculture as a fundamental priority in its initial public consultation documents on modernizing the *Water Act*. Protecting agricultural land from development is only part of the equation – farmers must also have secure and affordable access to water.
 - ii. Ensured that any deforestation that occurs for agricultural development would not be included in the province's zero net deforestation calculations under this new Act.

- b. There is a growing public expectation that agriculture meets high environmental standards, particularly given the fact that much farmland in BC is adjacent to streams and waterways, which play essential roles in habitat and water management. There are, for example, over 3,000 environmental farm plans completed in B.C. which go beyond what is required through legislation, and industry and government must work together on recognizing such initiatives.
 - c. The impact on farmers and ranchers operating in the ALR must be given higher consideration at the Federal/Provincial level when implementing measures such as recovery plans under the *Species at Risk Act*. More consideration and linkages with the initiatives outlined in 'b' must be established, as well as putting mitigating factors such as compensation in place.
3. Other priorities for improving the viability of BC agriculture.
- a. Develop business management programs that address long-term and short-term declines in farm/ranch revenues.
 - b. Encourage innovation and applied research to increase crop choices, decrease costs, and increase efficiency.
 - c. Develop a program to compensate farmers and ranchers for the public goods and ecological goods and services that ALR land provides.
 - d. Ensure the continuation of incentive-based programs to off-set costs that agriculture incurs in implementing environmental and food safety programs.
 - e. The future of farming in BC is young farmers. It is difficult to attract young farmers if the rewards for farming are not improved. And if no one wants to farm, how do we retain and even increase provincially grown food. What is the value of the ALR? Possible options are financial programs for new entrants and programs that promote agriculture as career choice.
 - f. Invest in a provincial branding program to increase the profile of BC's farmers and ranchers and the food they produce and grow.

Other Calls for an ALC Review:

There have been other calls to review aspects of the ALR. The government's own BC Agriculture Plan recognized the wide-ranging needs of farm and ranch families with respect to changing production requirements and the intergenerational transfer of farmland and therefore committed to reviewing the provisions of the Agricultural Land Reserve (page. 31). Similarly, the Ranching Task Force (page 13) provided direction to review aspects of the ALC and ALR:

- To consult on the criteria to be considered when assessing subdivision proposals meant to facilitate the intergenerational family transfer of active ranch operations.
- To consult on the development a protocol agreement between the ALC and UBCM to address issues associated with local government's authority under the *ALC Act* to not forward applications to the ALC. The objective here is to increase

- flexibility in dealing with restrictions such as non-farm uses, processing of agricultural products using more than 50% from off-farm sources and on-farm energy projects such as anaerobic digesters and wind farms
- To review the agricultural suitability of lands in the ALR in selected areas of the province to ensure that the ALR boundary accurately reflects lands with agricultural suitability.

Background Reference Material

Forever Farmland – Reshaping the Agricultural Land Reserve for the 21st Century
<http://sfulocalfood.ca/wp-content/uploads/2009/03/DSF-ALR-final3.pdf>

BC's Self Reliance – Can BC Farmers Feed our Growing Population?
http://www.al.gov.bc.ca/resmgmt/Food_Self_Reliance/BCFoodSelfReliance_Report.pdf

Stakes in the Ground – Provincial Interest in the Agricultural Land Commission Act
 A report to the Minister of Agriculture and Food, by Moura Quayle, September 25, 1998
<http://www.al.gov.bc.ca/polleg/quayle/>

The BC Agricultural Land Reserve: A Critical Assessment. The Fraser Institute, Diane Katz.
<http://www.fraserinstitute.org/research-news/display.aspx?id=13485>

History of the ALR. Agricultural Land Commission.
http://www.alc.gov.bc.ca/publications/Alr_history.htm

ALC 2009/10 Business Plan.
http://www.alc.gov.bc.ca/publications/ALC_Business_Plan_2009-10.pdf

ALC 2008/09 Annual Report.
http://www.alc.gov.bc.ca/publications/Annual_Report_2009.pdf

Ranching Task Force Report 2009. (Agricultural Land Reserve p. 13-14)
http://www.ranchingtaskforce.gov.bc.ca/attachments/ranching_task_force_2009.pdf

BC Agriculture Plan – *particularly “Bridging the Urban/Agriculture Divide”*.
http://www.agf.gov.bc.ca/Agriculture_Plan/Agriculture_Plan.pdf

A Work in Progress: The British Columbia Farmland Preservation Program. Barry Smith.
http://www.smartgrowth.bc.ca/Portals/0/Downloads/AWorkinProgress_Smith.pdf

Case Studies of Agricultural Land Commission Decisions: The Need for Inquiry and Reform. Environmental Law Clinic, University of Victoria, 2006.
[http://www.elc.uvic.ca/documents/ALR%20Final%20Report%20\(FINAL-2\).pdf](http://www.elc.uvic.ca/documents/ALR%20Final%20Report%20(FINAL-2).pdf)

Appendix A:

Text of Letter requesting input to ALC Review:

Re: Review of Agricultural Land Commission Operations, Policies and Legislation

The Agricultural Land Commission has been in existence for nearly 38 years and during that time has worked within the context of its legislation to meet and further the goal of the preservation of agricultural land in BC. As the recently appointed Chair of the Commission, I am embarking on a review of all facets of the organization, including operations, policies and legislation, to ensure that it is appropriately positioned to continue the agricultural land preservation program well into the future.

The purpose of the review is to determine if the Commission is capable of meeting its mandate as outlined in section 6 of the *Agriculture Land Commission Act* and to explore opportunities to more effectively and efficiently administer the Agricultural Land Reserve (ALR). In this regard, I intend to engage in focussed discussions with stakeholders and would appreciate the opportunity to meet with representatives from your organization.

I have selected a review committee that will be holding a series of meetings around the province during August and September 2010. The meetings will be held in Burnaby, Nanaimo, Castlegar, Kelowna, Kamloops, Fort St. John and Prince George. The first meetings will involve stakeholders based in the south coast area and be during the week of August 23 in Burnaby. As we complete final preparations for the meetings I would appreciate your assistance in providing the name of a contact person to assist with arrangements.

Thank you in advance for your cooperation.

PROVINCIAL AGRICULTURAL LAND COMMISSION

Richard Bullock, Chair

Appendix B:

AGRICULTURE AND THE AGRICULTURE LAND RESERVE: **A POSITION STATEMENT OF THE BC AGRICULTURE COUNCIL**

The BCAC supports the principle of the Agriculture Land Reserve as a vital tool to provide a viable climate in which to operate our industry.

It must be recognized that the single most important factor in preserving farmland is to preserve the farmer by ensuring that a comprehensive economic and regulatory framework exists that supports viable farm operations for good farm owners and managers.

While Agriculture in general is continuously modifying its practices to meet expectations of consumers and demands from the environmental lobby, the preservation of farm land is intrinsically linked to the ability of the producer to make a living and prosper.

The reasons to support the Agriculture Land Reserve and the industry are many:

1. Economic Contribution:

The agriculture sector in BC makes a substantial contribution to the economy of the Province:

- With more than 20,000 farms and over 1100 food processing industries, the agriculture and agrifood sector provides direct employment for over 54,000 people and generates over \$2.3 billion in farm cash receipts.
- The total value of the industry from producer to consumer (from “farm to fork”) is over \$19 billion and provides total employment to over 267,000 British Columbians.
- Agriculture is a stabilizing factor in many rural and regional communities. The industry has maintained stability, employment, and economic activity in these areas.

2. Food Security:

The ALR provides for security of food supply. At present agriculture in BC produces about 50 percent of the food consumed in the province. With the continued increase in the population base and the loss of production capacity we are at risk of becoming increasingly dependent on imports to secure adequate nutrition for the population.

Preservation of productive agricultural land through the means of the Agriculture Land Reserve (ALR), coupled with an array of regulatory and economic incentive tools, will

ensure that the agriculture sector will be in a position to meet the demands of a continuously growing population.

3. Environmental Benefits:

Farmland provides important aesthetic and environmental value. Agricultural land is seen to provide a separation between adjoining communities, to limit suburban sprawl and to contribute to cleaner air, biodiversity, and fish values. This benefit accrues mostly to the urban and suburban populations of the Lower Mainland, the Islands and the Okanagan, but can still be considered a contribution to the public good.

4. Land Base is a Scarce Resource:

Only 5.0% of BC's land is suitable for agriculture. 80% of BC residents live in or adjacent to agricultural areas that are responsible for 78% of BC's farm revenues.

Specific Complementary Policy Requirements to Maintain Support for the ALR:

In addition to the need for a comprehensive provincial agri-food policy that ensures the competitiveness and viability of the sector, a number of specific policy requirements must be in place in order for the industry to continue to support the ALR:

1. Government commitment to the Farm Practices Protection Act and the principles of "right to farm legislation." Producers have to be protected from 'nuisance' lawsuits by residential or special interests.
2. Approvals for exclusion of property from the ALR must include specific measures to mitigate impact on adjacent farm properties. These measures must be implemented on the non-ALR side of the boundary and must be meaningful and strictly enforced as a condition of approval.
3. Where producers are forced to alter normal farm practices as a result of government direction in response to residential interest, producers will have to be compensated for the loss of income on an ongoing basis and/or be provided financial support for capital costs for the changes.
4. Strong local government support for the industry including a commitment to the industry through agriculture plans, effective agriculture advisory committees with representation determined by local producer associations, planning processes and local government bylaws that are consistent with agriculture viability.

Focus for Economic Development Needs:

At present there is still land in the land reserve, which has no potential for the production of any crops. Applicants for exclusion from the ALR for economic development needs near population centers should focus on these properties.

Conclusion

To preserve the Agricultural production base, the maintenance of the Agriculture Land Reserve is crucial for both the agricultural producers and the population at large. However, this alone will not guarantee the viability of the agriculture sector.

A combination of appropriate government policies (Farm Practices Protection Act, etc.), support programs consistent with our trade obligations (EFPs, business risk management insurance) are needed to insure that the sector can provide a reasonable income to all producers.

The agriculture sector is, among its many other functions, the steward of the ALR and needs to be supported by Government and the Public in this role.

Appendix C:

Interconnections of agriculture in the ALR:

Protecting land for agriculture is only one piece of the puzzle. There are several other factors that impact our farmland and the future of farming in BC, and the following are some examples.

Economic Viability:

Statistics Canada figures indicate that realized net income for BC farmers and ranchers has been an unprecedented four consecutive years of negative net farm income. In 2009 net farm income was negative 226 million, which was preceded by negative farm income of \$280 million, \$142 million, and \$75 million in the previous three years¹. All indications are that improvements have not been made to these numbers in 2010. Compared to the first quarter in 2009, the net farm income for 2010 has plummeted 12.3 percent.

Land supply and price:

Land supply within the ALR is an issue for the continuation of farming in BC. As urbanization and development has put pressure on the removal of farmland from the ALR, farmers are left to compete with each other for farmland driving prices up. The situation has been further exacerbated by land speculators – which have driven land prices to a point where they are significantly impacting production decisions. Many farmers are facing significant debt loads as a result of land costs being driven to between \$40,000 and \$100,000 per hectare. Land prices are significantly changing the face of farming in BC. It impacts who can afford to buy the land and what the land will be used for. Some parcels of land in the Fraser Valley are being converted to rural residential use – large houses on ALR land without any agriculture.

Urbanization:

In addition to impacting land supply, urbanization has also put significant pressures on the ALR in terms of imposing major limitations on existing farm practices. The close proximity of farmers to their urban neighbours has increased the complaints around normal farm practices, with objections to normal farm noises, farm smells, and the visual elements of farming. While the *Farm Practices Protection Act* has helped to mitigate these complaints, significant pressures continue.

Regulatory framework:

Federal, provincial, regional, municipal regulations all impact agriculture's ability to farm on the ALR. The cumulative effect of varying regulations and policies are beginning to raise serious questions about whether farmers and ranchers can even continue to farm on the ALR. Over the past number of months alone, the BCAC has responded to a number of government initiatives at the federal, provincial and local levels that could have wide-ranging consequences for farmers and ranchers.

¹ Source: <http://www40.statcan.ca/l01/cst01/agri02j-eng.htm>

1) Species at Risk Act (federal)

This federal act has the potential to restrict the uses of productive farmland in order to protect an endangered species. For example, current proposals for the Nooksack Dace recovery strategies would require landowners to set aside 30 meters of land on each side of the stream to protect what has been determined to be critical habitat for this fish species. Farmers and ranchers support preserving endangered species, but they are looking for a reasonable approach that will allow them to continue farming and/or direct financial compensation for the loss of productive farmland.

2) Migratory Birds Convention Act (federal)

Under current proposals, this federal act would require farmers to obtain permits for normal farm activities such as planting, cultivating, and harvesting to prevent or minimise the incidences of incidental takes of migratory bird species.

3) Water Act Modernization (provincial)

The province currently reviewing the *Water Act*; some of the potential changes being discussed are the elimination of historic water rights under the FITFIR principle and regulating the usage of ground water. Farmers are more than willing to conserve but without water ALR land cannot be used to grow crops or raise livestock, and farmers and ranchers may not be able to bear the extra costs to access water.

4) Zero Net Deforestation Act (provincial)

The Act has entrenched zero net deforestation in legislation with a target date of 2015 through voluntary actions. Agriculture is very concerned that the voluntary approach may change if the government is not able to meet its legislated target by 2015. There is concern that the act may impose restrictions on farmers to clear or develop ALR land for food, forage or other agricultural production.

5) Metro Vancouver/West Coast Reduction (local)

As just one example of a local government imposing unnecessary restrictions on a company providing a critical service for the agriculture sector, the BC Environmental Appeal Board ruled in March 2010 that it was “not reasonable” for Metro Vancouver to have made the permit amendments to West Coast Reduction’s air permit. Despite the ruling, Metro Vancouver continues to work on ways to impose additional requirements for odour control on the company.



R14

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: 2011 Electoral Area Services Committee Meeting Schedule

Action:

That the Committee approve a 2011 EASC meeting schedule and forward it to the Regional Board for information.

Purpose:

~~It is requested that the Committee consider the proposed Electoral Area Services Committee~~
schedule below so that a recommendation may be forwarded to the Regional Board for information.

Financial Implications:

The proposed schedule will result in some cost savings.

Interdepartmental/Agency Implications:

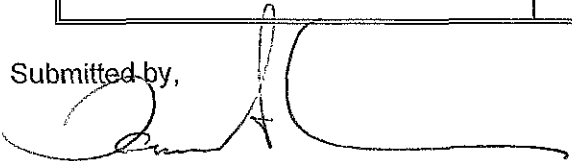
N/A

Background:

Once again, it is proposed that meetings be held on the first and third Tuesdays of the month and that meetings start at 3:00 pm. As per usual, only one meeting will be held in both July and August and meetings will be cancelled if there is insufficient material to be considered.

Tuesday, January 18 th	Tuesday, June 21 st
Tuesday, February 1 st	Tuesday, July 5 th
Tuesday, February 15 th	Tuesday, August 2 nd
Tuesday, March 1 st	Tuesday, September 6 th
Tuesday, March 15 th	Tuesday, September 20 th
Tuesday, April 5 th	Tuesday, October 4 th
Tuesday, April 19 th	Tuesday, October 18 th
Tuesday, May 3 rd	Tuesday, November 1 st
Tuesday, May 17 th	Tuesday, November 15 th
Tuesday, June 7 th	

Submitted by,


Tom Anderson,
General Manager
Planning & Development Department
TA/ca



R15

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 12, 2011 **FILE NO:** 1-REG-11BE
FROM: Nino Morano, Bylaw Enforcement Officer **BYLAW NO:**
SUBJECT: 2010 Bylaw Enforcement Report

Purpose:

Update on Bylaw Enforcement activities in 2010

Financial Implications:

None

Interdepartmental/Agency Implications:

Information

Background:

Bylaw Enforcement Report 2010

Bylaw Enforcement in 2010 had not changed significantly compared to previous years. The normal file load was affected by increases in waste management (mainly landclear burning, dumping), zoning, parks and assisting other agencies compared to 2009. The adoption of the Landclearing Debris Bylaw has significantly increased the workload, working in conjunction with Engineering.

The Ticket Information Authorization Bylaw (No.3209) has proven to be a useful tool in enforcement since it became operational in June 2009. Compliance is often gained with the knowledge that a ticket is a real possibility and some issues are resolved more quickly than before. This was the first full year having this bylaw in place and resulted in thirteen (13) tickets issued in areas such as dog control, waste management and parks with none disputed and all paid except for one (1).

Dog control is contracted out to the SPCA who handle all first contact complaints. If issues become irresolvable at this level they are then turned over to the Bylaw Enforcement Official and subsequently to the CVRD solicitor, if need be. Dog related issues have not changed significantly in 2010. An excellent working relationship with the SPCA continues and has resulted in more than adequate customer service.

The CVRD relies on vendors such as pet and convenience stores in the community to sell dog licences. This past year proved rather challenging with two (2) vendors who became delinquent in submitting their remittances on time resulting in discontinuing this relationship. The vendor list has actually increased, though, by adding community centers in Shawnigan, Mill Bay, Lake Cowichan and Youbou.

Issues that continue to come up regularly that are not regulated by bylaw include: backyard burning, soil fill/removal, animal control (excluding dogs), altering of land outside of development permit areas (tree cutting and pollution) and general nuisance issues.

The following is a breakdown of files from year to year and bylaw to area:

File Total Comparison by Year:

Area	Year 2000	Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010
A	29	30	22	13	18	21	26	27	21	18	33
B	59	62	47	58	46	42	42	38	52	51	43
C	33	40	26	35	21	30	20	23	27	10	25
D	17	17	20	19	14	16	15	15	12	15	21
E	36	31	34	25	30	34	22	21	19	34	22
F	20	21	19	20	17	13	16	13	20	9	15
G	16	13	9	12	9	9	9	10	14	16	11
H	13	10	21	11	14	9	18	17	12	15	16
I	12	15	14	13	19	15	25	19	18	16	17
CVRD						3	6	4	5	8	9
Total	235	239	212	206	188	193	199	187	200	192	212

2009 Breakdown of Files by Area:

Area	Zoning	Waste	Assist Other Agencies	D P Area	Noise	Un-sightly	Dog/Animal	Liquor	Parks	Building	Fireworks	Signs	CVRD	Year Total
A	13	4	1	3	1	1	1	5	2	1		1		33
B	7	11	8	5	2	3	3	1	2		1			43
C	8	5	2	2	3		1		2	2				25
D	4	4	2	2	2		4		2	1				21
E	2	4	4	1	2	4	1	3	1					22
F	1	2	1		1	2	2	2	1	1	2			15
G	4	2	1		1	1		2						11
H	4	4	3		1	3						1		16
I	3	2		8		1	1			2				17
CVRD		3			2				1		1	1	1	9
Total	46	41	22	21	15	15	13	13	11	7	4	3	1	212

The statistics above do not show the numerous issues that are often resolved over the phone (averages 5 calls/day) or the front counter or files carried over from previous years or the regular communication with Provincial & Federal agencies. Complainants usually want to know what rules and regulations apply to their issues and then weigh their options. Bylaw Enforcement continues to work closely with Staples McDannold & Stewart for advice on legal issues that come up regularly with the goal of voluntary compliance. Authorization for legal action from the Board was requested and subsequently authorized once in 2010 along with three (3) Notices Against Land Title registered. There has been a significant amount of success in concluding files to everyone's satisfaction, although a few issues are still under investigation. There are approximately 37 files that are currently under investigation and 7 ongoing files with our solicitor.

Submitted by,


 Nino Morano
 Bylaw Enforcement Officer
 Planning and Development Department
 NM/ca

General Manager's Approval:


 Signature



R16

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

DATE: January 11, 2011 **FILE NO:** 1-E-11BE
FROM: Nino Morano, Bylaw Enforcement Officer **BYLAW NO:**
SUBJECT: Cowichan Valley Trap and Skeet Club
Special Event Shoot 2011

Action:

That the Electoral Area Services Committee consider whether or not it is in the public interest to allow these Special Event Shoots and the extra weekend shoot in October, and provide direction on this request.

Purpose:

Zoning & Noise Bylaw Compliance

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

We are in receipt of the attached letter from the Cowichan Valley Trap and Skeet Club (CVTSC) located on Cowichan Lake Road in Area "E" requesting to hold two (2) "Special Event" Competitive Shoots in 2011 (April 9, 10 & April 23, 24). Also, according to the submitted schedule October has one additional shoot over and above the "two weekends per month" requirement #3 (see below).

Directors may recall that in the fall of 1993 the Cowichan Valley Regional District went to court in an attempt to limit the extent of the use of the Gun Club property to what had taken place prior to the inception of zoning in 1974.

In January 1994, Justice H.D. Boyle ruled that:

1. The Plaintiff's (CVRD) claim of violation of its Building Bylaw be dismissed.
2. The Defendant (Gun Club) forthwith remove or cause to be removed the western most three of five concrete trap shooting bunkers, the two skeet shooting towers and the concrete walkways constructed after 1974.
3. The Defendant be restrained and enjoined from using or allowing the use of the property as a place to discharge firearms other than on one fixed, regular evening per week, to be determined by the Defendant, and on one full day, two weekends per month.

4. The Defendant be restrained and enjoined from using or allowing the use of that property as a place to discharge firearms on more than one consecutive day, unless authorized as a special event under the Plaintiff's relevant Noise Bylaw, or in competitions of a wider than local nature unless authorized as a special event under the Plaintiff's relevant Noise Bylaw.
5. The Defendant be restrained and enjoined from the cutting down or allowing the cutting down of timber on that property without prior authorization of the Plaintiff.

The Gun Club did not file a Notice of Appeal and the Court Order remains in force.

In accordance with the Court Order, the CVTSC have requested permission under the "Special Events" section of the CVRD Noise Bylaw No. 1060 to hold competitive shoots of a wider than local nature and of more than one consecutive day.

Section 5 states:

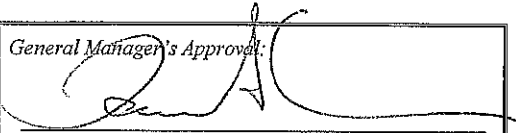
"Notwithstanding the provisions of this Bylaw, where it is impossible or impractical to comply with S. 3(g) of this Bylaw or in the case of a special event, a person may apply for and receive from the Regional District a permit waiving the requirements of this Bylaw for a specific time over a specific location, if in the opinion of the Regional District, such a waiver is in the public interest."

For your information, the CVTSC requested and was subsequently permitted to hold three (3) special event shoots in 2010. Upon review of this file, it was noticed that no more than four special event shoots has ever been permitted in one year. During 2010, this office did not receive any concerns from nearby residents.

Submitted by,



Nino Morano
Bylaw Enforcement Officer
Planning and Development Department

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

NM/ca
Attachment (CVTSC Shoot Schedule for 2011)



COWICHAN VALLEY TRAP & SKEET CLUB

SINCE 1953

Cowichan Valley Trap & Skeet Club

Shoot Schedule for 2011

January 02, 2011
 January 9, 2011
 February 6, 2011
 February 27, 2011
 March 13, 2011
 March 20, 2011

*Practice every Tuesday evening April 05 to September 27, 2011
 6:00 PM to 9:00 PM*

April 9, 10, 2011	Special Event
April 23, 24, 2011	Special Event
May 15, 2011	
May 29, 2011	
June 05, 2011	
June 19, 2011	
July 10, 2011	
July 24, 2011	
August 7, 2011	
August 21, 2011	
September 11, 2011	
September 18, 2011	
October 2, 2011	
October 23, 2011	
October 30, 2010	
November 6, 2011	
November 20, 2011	
December 04, 2011	
December 11, 2011	

CI

From: Ken Cossey [kcossey@seaside.net]
Sent: Wednesday, December 15, 2010 8:35 AM
To: margaret; Trina White
Cc: Cathy Allen
Subject: Re: Hello From Trina

Cathy,

With out using this e-mail, can we get a report on the Jan 18th EASC advising the committee that Trina White has resigned form the SL Parks and Recreation committee. I have accepted this with regrets.

Ken

----- Original Message -----

From: Trina White
To: kcossey@seaside.net ; margaret
Sent: Monday, December 13, 2010 6:10 PM
Subject: Hello From Trina

Hi Margaret and Ken,

I have been meaning to call or email for ever.. I keep telling myself next month I will make it to a meeting. Well it is a bin a while and I sadly do not see things changing. I went back to work in January and was also working on my masters. I then got a promotion to GM of the hotel, however, between family, work and school everything has dropped off for me. I also two months ago found out that I am due again with our second child. Great news but now I am tired all the time. So I sadly need to step down and have someone new join the commission to carry on the work that the community deserves. Once I am done school I will for sure get in touch to see if there is something available as I have truly enjoyed my seven years of work on the board and I feel that there is still so much work to be done.

Again thank you so much and I wish you both the best through the holidays.

Kind Regards,

Trina White

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1170 / Virus Database: 426/3314 - Release Date: 12/13/10

UBCM MEMBER NOTICE

TO: Chair and Regional District Board
Administrator

FROM: Al Richmond, Electoral Area Representative

DATE: December 9, 2010

RE: **ELECTORAL AREA DIRECTORS MEETING**

CONFERENCE FOCUS

A meeting for Electoral Area Directors is planned for **Tuesday, February 15, 2011 and Wednesday morning, February 16, 2011** at the Delta Vancouver Airport Hotel in Richmond. The intent is to hold the meeting in conjunction with the Local Government Leadership Academy to help reduce travel costs.

The conference focuses on issues of concern to Electoral Area Directors and provides an opportunity to discuss common problems and share potential solutions to the problems identified. Some of the issues that are under consideration at this time are:

- Rural Governance in Regional Districts;
- Regional District Management of Infrastructure Funding;
- Regional District Legislative and Regulatory Changes.

Attached is a form soliciting issues for discussion during the general consultation session on Electoral Area issues that will be held as part of the meeting. If you have discussion ideas to share, please fill out the form and return it to UBCM by January 28, 2011.

Who Should Attend?

The conference is open to Regional District Chairs, Electoral Area Directors and Administrators/regional district staff.

DON'T MISS THIS OPPORTUNITY – Register On-line Today

Register on-line at www.ubcm.ca and click on "Events"

OR

Register on-line at www.civilmunicipal.ca at

<http://www.civilmunicipal.ca/event/leadership-academy-2011.asp>



UBCM MEMBER NOTICE

EA Directors Meeting - Page 2

REGISTRATION FEE: \$150.00 (+ HST) = **\$168.00**

- Session will start at 9 am Tuesday
- Fee includes coffee breaks and Tuesday Lunch, Wednesday morning hot breakfast
- Deadline for registration is Friday, Feb. 4, 2011
- Cancellation notice required five working days prior to event to receive a refund

VENUE: Delta Vancouver Airport Hotel
3500 Cessna Drive
Richmond, BC
Phone: 604-278-1241 or 1-800-268-1133
Fax: 604-276-1975
Email: dvareservations@deltahotels.com
Web: www.deltahotels.com

ACCOMMODATION:

A limited room block has been reserved for conference delegates at the Delta Vancouver Airport Hotel in Richmond. Please advise hotel staff that you are registering under the room block for the "ELECTORAL AREA DIRECTORS MEETING" in order to receive a conference rate of \$139 per night. You are encouraged to book as soon as possible, as the room block will be released on January 15, 2011.

If you have any questions please contact: Ken Vance, Senior Policy Advisor
Ph: 604-270-8226 Ext. 114
E-mail: kvance@ubcm.ca

Electoral Area Directors Meeting

February 15 -16, 2011

Delta Vancouver Airport Hotel, Richmond, BC

Soliciting Issues for DISCUSSION

We would like to talk about:

ISSUE #1 (EXPLAIN):

REASON FOR DISCUSSING ISSUE

- ☐ GET IDEAS
- ☐ GET HELP
- ☐ SHARE OUR EXPERIENCE

ISSUE #2 (EXPLAIN):

REASON FOR DISCUSSING ISSUE

- ☐ GET IDEAS
- ☐ GET HELP
- ☐ SHARE OUR EXPERIENCE

ISSUE #3 (EXPLAIN):

REASON FOR DISCUSSING ISSUE

- ☐ GET IDEAS
- ☐ GET HELP
- ☐ SHARE OUR EXPERIENCE

Thank you very much for your input.


NAME: _____

REGIONAL DISTRICT: _____

PHONE: _____ FAX: _____

E-MAIL: _____

Please fax back to UBCM office at (604) 270-9116 or e-mail kvance@ubcm.ca by January 28, 2011

	<p>Local Government Leadership Academy 2011 Leadership Forum</p> <p>February 16 to 18, 2011 Delta Vancouver Airport Hotel</p>
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Minister Stephanie Cadieux & New Mayor Naheed Nenshi of Calgary Headline 2011 Leadership Forum

The LGLA is pleased to make two announcements concerning the 2011 Leadership Forum. First is that the Honourable Stephanie Cadieux, Minister of Community, Sport and Cultural Development will bring greetings from the Province at the Friday morning plenary session. Second is that the keynote speaker on Wednesday afternoon is Mayor Naheed Nenshi of Calgary. The topic he will be discussing is "Reflections on Leadership". This opening session will be one that you will not want to miss.

Conference Focus

The focus of the 2011 Leadership Forum is "Reflections on Leadership". The forum will provide delegates with concurrent sessions that cover theory and practice within the following themes:

- Theme 1 – Leading Across (*Intergovernmental Relations – Making Them Work*)
- Theme 2 – Leading Within (*Reflecting on Your Leadership*)
- Theme 3 – Leading in Front (*Social Media – A Way to Engage Communities*)

Who Should Attend?

Since its inception in 2007, this annual conference has been well-received by elected officials and senior administrators from BC local governments and First Nation communities. All those with an interest in leadership at the local level will benefit from attendance, including those working towards an LGLA Certificate. For more information see the LGLA website: lgla.ca.

Local Government Leadership Academy

The mission of the Local Government Leadership Academy (LGLA) is to provide local government and First Nations elected officials and senior administrators with comprehensive, timely and dedicated leadership development opportunities in the interest of improving governance at the local level.

Registration

Registration Fee: **\$425 until January 21, 2011**
 \$525 from January 22 to February 4, 2011

Registration covers the costs of the conference, the opening reception, two breakfasts, lunch on day two and refreshment breaks.

Please register online: civicinfo.bc.ca/event/lgla2011Forum.asp

Location & Accommodations

Delta Vancouver Airport Hotel
3500 Cessna Drive, Richmond, BC

Phone: 1-800-268-1133 or 604-278-1241
Fax: 604-276-1975

Web: www.deltahotels.com

Email: dva.reservations@deltahotels.com

A block of rooms has been set aside for forum delegates at a rate of \$129.00 per night at the Delta Vancouver Airport Hotel. Please contact the hotel to reserve your accommodations and indicate that you are attending the LGLA Forum in order to receive this rate.

Sponsors of the 2011 Leadership Forum

The LGLA would like to acknowledge the generous contributions of the following organizations:



**British Columbia
Municipal Safety
Association**

BC Hydro 
FOR GENERATIONS



YA YOUNG ANDERSON
BARRISTERS & SOLICITORS

Toll Free: 1-800-665-3540
Web: younganderson.ca

Contact

For further information please see the LGLA website (lgl.ca) or contact Lisa Zwarn, LGLA Program Manager. Tel: 778-294-4120. Email: lzwarn@shaw.ca.

Local Government Leadership Academy 2011 Leadership Forum

Program at a Glance

Detailed program
begins on page 4

Wednesday, February 16, 2011

1:00 – 1:30 p.m.	Registration
1:30 – 1:45 p.m.	Welcome by the LGLA Chair
1:45 – 3:00 p.m.	Reflections on Leadership
3:00 – 3:30 p.m.	Break
3:30 – 5:00 p.m.	Intergovernmental Relations – Making Them Work
5:00 – 6:00 p.m.	Reception

Thursday, February 17, 2011

7:00 – 8:30 a.m.	Breakfast
7:30 – 8:00 a.m.	Early Morning Session – BC Municipal Safety Association
8:30 – 10:00 a.m.	Concurrent Sessions Theme 1 – Interest Based Negotiations Theme 2 – Reflecting on Your Leadership Style Theme 3 – Social Media Primer
10:00 – 10:30 a.m.	Break
10:30 a.m. – 12:00 p.m.	Concurrent Sessions Theme 1 – Interest Based Negotiations Theme 2 – Reflecting on Your Leadership Style Theme 3 – Social Media Primer
12:00 – 1:00 p.m.	Lunch
1:00 – 2:30 p.m.	Concurrent Sessions Theme 1 – The Art of Contingent Leadership Theme 2 – The Art of Leading Well Theme 3 – The Art of Using Social Media
2:30 – 3:00 p.m.	Break
3:00 – 4:30 p.m.	Concurrent Sessions Theme 1 – The Art of Contingent Leadership Theme 2 – The Art of Leading Well Theme 3 – The Art of Using Social Media
5:00 – 7:00 p.m.	Dinner (on your own)
7:00 – 9:00 p.m.	Plenary – Getting Your Message Across

Friday, February 18, 2011

7:30 – 9:00 a.m.	Breakfast
9:00 – 9:15 a.m.	Greetings from the Ministry of Community, Sport & Cultural Development
9:15 – 11:00 a.m.	Changes in Local Government Elections
11:00 – 11:15 a.m.	Closing by the LGLA Chair

Local Government Leadership Academy 2011 Leadership Forum

Program in Detail

Wednesday, February 16, 2011

Afternoon Plenary Session 1:45 – 3:00 p.m.

Reflections on Leadership

Mayor Naheed Nenshi, City of Calgary

The LGLA is delighted to have Mayor Naheed Nenshi of Calgary be the keynote speaker for the 2011 Forum. Mayor Nenshi will discuss his approach to organizing a winning campaign team and engaging Calgarians on critical policy issues that are important to the community. Mayor Nenshi is a passionate Calgarian, an accomplished business professional, and a community leader with a solid track record on getting things done. He spent many years at an international business consulting firm before leaving to form his own business, the Ascend Group, a consultancy that assists public, private and non-profit organizations to grow. His real passion, however, is making cities work better. He is the lead author of *Building Up: Making Canada's Cities Engines of Growth and Magnets for Development*.

Afternoon Plenary Session 3:30 – 5:00 p.m.

Intergovernmental Relations – Making Them Work

In today's world, it is hard for local governments to achieve their objectives without effective and positive relationships with other governments, whether they are the provincial government, the federal government, First Nations or neighbouring local governments. This panel of local elected officials will share their experiences in dealing with some important issues in a complex intergovernmental environment and provide delegates with an improved understanding of how to build these relationships and achieve results in the area of growth management, economic development and transit.

Reception 5:00 – 6:00 p.m.

Thursday, February 17, 2011

Breakfast 7:00 – 8:30 a.m.

Early Morning Session 7:30 – 8:00 a.m.

Making Your Organization a Leader in Worker Health & Safety

BC Municipal Safety Association

Does your organization have a safety management system that feeds into a great safety culture? Do you know about the potential 15% reward available from WorkSafeBC through the Certificate of Recognition Program, for organizations which do have a great safety management system? This short presentation will give you the highlights of the program, and introduce you to the many ways the BC Municipal Safety Association can help you with worker health and safety.

Morning Concurrent Sessions 8:30 – 10:00 a.m. & 10:30 a.m. – Noon

Theme 1 – Interest Based Negotiations

Jamie Chicanot, ADR Education

Win-lose negotiating styles may work in the short term but they do not create long term relations that last. Interest based negotiations focus on developing mutually beneficial agreements based on interests (needs, desires, concerns and fears) of those involved. Interest based negotiations will be explored for its practical value in building durable solutions and its impact on preserving, even enhancing relationships within the local government and First Nations context.

Theme 2 – Reflecting on your Leadership Style

Tracey Lee Lorensen, Paragon Strategic Services Ltd.

What are the leadership skills an individual can develop to be a successful community leader? In this session we will explore eight key skills that are critical to success: Emotional Intelligence, Contextual Thinking, Directional Clarity, Creative Assimilation, Change Orchestration, People Enablement, Reciprocal Communication and Driving Persistence. At the end of this session you will have an opportunity to sign up for a subsequent webinar that will introduce you to an assessment tool to get feedback from others on your leadership strengths.

Theme 3 – Social Media Primer

Todd Pugh, Executive Director, CivicInfo BC

Gordon Price, Program Director, City Program, Simon Fraser University

Social media represents the most significant change in how people communicate within one another. It also represents considerable opportunities for elected officials to engage with the public and community groups. This session will give you an overview of the new communication tools and their impact. It is a chance for you to decide if you want to engage in blogs, Facebook, Twitter to name just a few. Gordon Price will comment on how social media is changing the local democracy and relationships with citizens.

Afternoon Concurrent Sessions 1:00 – 2:30 p.m. & 3:00 – 4:30 p.m.

Theme 1 – The Art of Contingent Leadership

Successful local governments have positive and constructive relationships between elected officials and senior administrative staff. These relationships require each party to fulfill its responsibilities, but often they need to negotiate the boundaries of their respective roles and responsibilities. Negotiating this space is challenging but when done well it demonstrates contingent leadership. This panel of elected officials and chief administrative officers will share their experience in practicing the art of contingent leadership.

Theme 2 – The Art of Leading Well

"Leadership is practised not so much in words but in attitude and in actions." – Harold Geneen
Personal stories of successes achieved and challenges faced by long time elected officials highlight what it means to be a leader. A panel of seasoned elected officials will share with you their highlights and experiences in the important lessons of leadership.

Theme 3 – The Art of Using Social Media

"Politicians are figuring out what social media technologies like blogs, Facebook, MySpace and Twitter have to offer; direct access to voters. More than ever before they can bypass the professional press and deliver an uncensored, unfiltered – and unchecked – message." – Mediashift, November 2009

Local governments that are leaders in using social media will share how they have successfully built better connections with the public and community groups.

Evening Plenary Session **7:00 – 9:00 p.m.**

Getting Your Message Across

Kevin Brown, Kevin Brown Communications

You know all the good work that you have done but how do you get that information out to others in the most effective way. This session will help you to determine your message and then to develop a strategy that can use all of the various communications tools at your disposal. Kevin Brown has almost 25 years in media and public relations, combining theory and best practices in the area of community relations. He has a Certificate of Accreditation in Public Relations issued by the Canadian Public Relations Society.

Friday, February 18, 2011

Breakfast **7:30 – 9:00 a.m.**

Morning Plenary Session **9:00 – 11:00 a.m.**

Changes in Local Government Elections

The recommendations of the joint UBCM-Provincial Local Government Elections Task Force are currently being implemented. These recommendations include changes to campaign activities and financing. The session will start off with an overview of what the proposed changes are followed by a panel of elected officials to share how they will be implementing these changes in their November 2011 campaigns. A question and answer period will conclude the session.

1180/95/2011 Forum/2011 Forum Notice 3



MEMORANDUM

DATE: December 2, 2010

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF NOVEMBER, 2010

There were 30 Building Permits and 1 Demolition Permit(s) issued during the month of November, 2010 with a total value of \$ 2,813,010

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				159,030	22,000		3	83	181,030	17,338,593
"B"				1,383,370	94,600		12	141	1,477,970	14,214,305
"C"							0	70	0	8,458,359
"D"				59,400	140,160		4	42	199,560	5,638,720
"E"			25,000	303,300	130,500		6	51	458,800	5,311,144
"F"							0	18	0	1,031,366
"G"				88,200	50,000		2	37	138,200	4,291,410
"H"				334,130	6,000		2	27	340,130	1,791,252
"I"					17,320		2	24	17,320	2,360,545
Total	\$ -	\$ -	\$ 25,000	\$ 2,327,430	\$ 460,580	\$ -	31	493	\$ 2,813,010	\$ 60,435,694

B. Duncan, RBO
Chief Building Inspector
BD/db

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

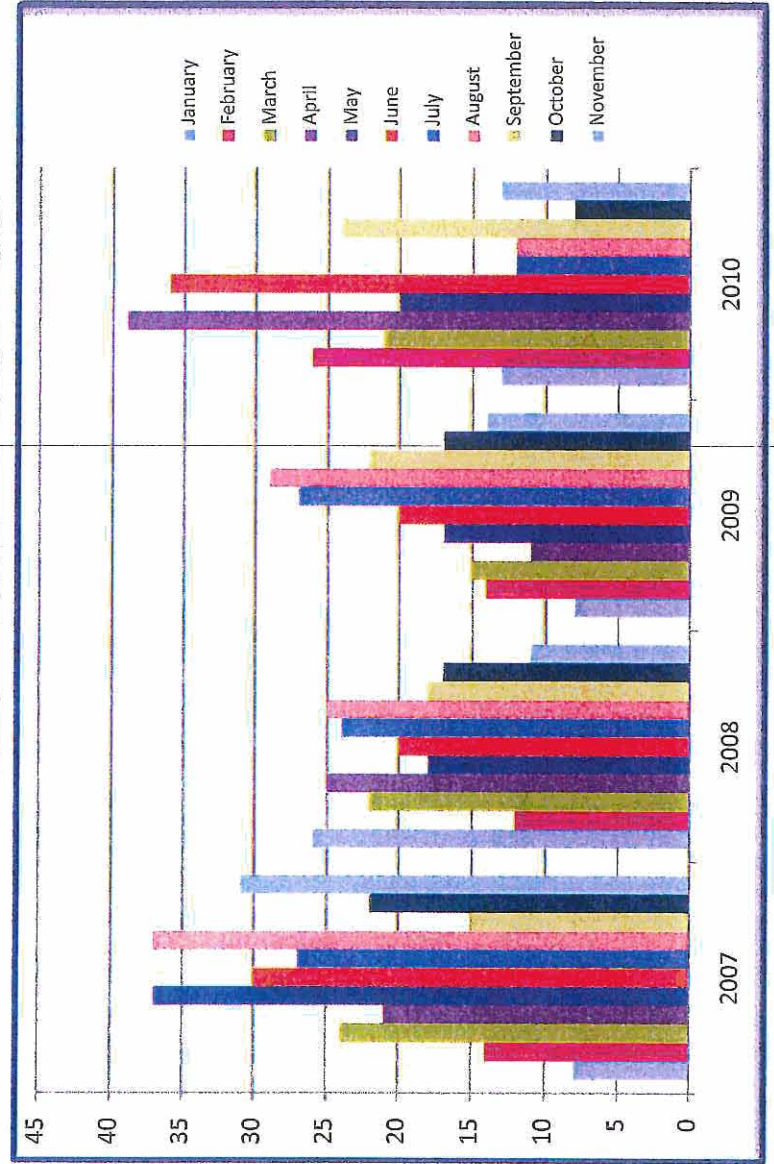
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CVRD

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
November	31	11	14	13
YTD Totals	266	218	194	224





CVRD

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
November	58	37	34	31
YTD Totals	547	543	479	493

