



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
February 1, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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**6. INFORMATION**

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

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

|             |  |         |
|-------------|--|---------|
| <b>CSM1</b> | Minutes of Closed Session EASC meeting of January 18, 2011     | 105-106 |
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**10. ADJOURNMENT**

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

Director 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

MI

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, January 18, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

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

**CVRD STAFF**

Tom R. Anderson, General Manager  
Brian Farquhar, Parks and Trails Manager  
Mike Tippet, Manager  
Rob Conway, Manager  
Ron Austen, General Manager  
Dave Leitch, Manager  
Alison Garnett, Planner II  
Rachelle Moreau, Planner I  
Cathy Allen, Recording Secretary

**APPROVAL OF  
AGENDA**

The Chair noted changes to the agenda which included adding one item of new business, and deleting Staff Report R11.

It was Moved and Seconded  
That Application No. 1-B-10RS (Michael Walter) be referred back to staff.

MOTION CARRIED

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 December 7, 2010, EASC meeting be adopted.

MOTION CARRIED

**M2, M3 – APC  
Minutes**

It was Moved and Seconded  
That the minutes of the Area A APC meeting of December 14, 2010 and the minutes of the Area B APC meeting of November 4, 2010, be received and filed.

MOTION CARRIED

**M4 – Parks Minutes**

It was Moved and Seconded

That the minutes of the Area A Parks meeting of November 18, 2010 be received and filed.

MOTION CARRIED

**M5 – Parks Minutes**

It was Moved and Seconded

That the minutes of the Area I Parks meeting of December 14, 2010 be received and filed

MOTION DEFEATED

It was Moved and Seconded

That the minutes of the Area I Parks Commission meeting of December 14, 2010, be referred back to the Commission for correction (delete Director Kuhn being Also Present and list under Regrets).

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**DELEGATION**

**D1 – Scott Mitchell**

Scott Mitchell and Mathuw Jones were present on behalf of the South Island Mountain Bike Society (SIMBS) regarding Cleasby Bike Park proposed Stewardship Agreement. Mr. Mitchell provided a history of the South Island Mountain Bike Society. The stewardship agreement would allow SIMBS to manage and maintain the bike park under CVRD direction.

The Committee directed questions to the delegates.

Director Giles suggested that the Society meet with the area parks commission.

It was Moved and Seconded

That the proposed Cleasby Bike Park stewardship agreement be referred to the Cobble Hill Parks Commission for input and that the SIMBS be invited to attend.

MOTION CARRIED

Director Giles advised the delegates that she would contact them regarding attendance at the next Area C meeting scheduled for January 27<sup>th</sup>.

## STAFF REPORTS

### **R1 – Stewardship Agreement**

Brian Farquhar, Parks and Trails Manager, reviewed staff report dated January 11, 2011, from Dan Brown, Parks Trails Technician, regarding Cleasby Bike Park Stewardship Agreement.

Director Giles suggested that the agreement be referred to both Cobble Hill and Shawnigan Parks Commission.

It was Moved and Seconded

That the matter respecting the CVRD entering into a Stewardship Agreement with the South Island Mountain Bike Society (SIMBS) to operate the Cleasby Bike Park in Quarry Nature Park, in Cobble Hill, be referred to both the Cobble Hill Parks Commission and the Shawnigan Lake Parks Commission for input, and that the proposed Stewardship Agreement be brought back to a future EASC meeting for further consideration.

### MOTION CARRIED

### **R2 – Application 4-A-07RS**

Alison Garnett, Planner II, reviewed Staff Report dated January 10, 2011, regarding reconsideration of Rezoning Application No. 4-A-07RS (Jim Logan) to rezone 2.0 acres located at 841 Ebadora Lane to permit outdoor storage of recreational vehicles. Original approval was given in December 2009 dependent on conditions, which have not been met.

The Committee directed questions to staff and the applicant.

Jim Logan, applicant, was present and provided further information to the application.

It was Moved and Seconded

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 June 30, 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.

### MOTION CARRIED

**R3 – Application 2-D-10RS**

Alison Garnett, Planner II, presented Staff Report dated January 11, 2011, regarding Application No. 2-D-10RS (Butler) to rezone 853 sq.m. located at 1721 Pritchard Road from R-3B to new duplex limited height zone.

The Committee directed questions to staff.

Michael Butler, applicant, was present and provided further information to the application.

The Committee directed questions to the applicant, Planning staff and Engineering staff.

It was Moved and Seconded

That Application No. 2-D-10RS (Butler) be denied and that a partial refund of application fees be given.

**MOTION DEFEATED**

It was Moved and Seconded

That Application No. 2-D-10RS (Michael and Deborah Butler) be tabled until after the Cowichan Bay Official Community Plan process is completed.

**MOTION CARRIED**

**R4 – Application No. 4-A-10RS**

Alison Garnett, Planner II, presented staff report dated January 11, 2011, regarding Application No. 4-A-10RS (Braybrooks) to permit a two lot subdivision at 2658 Cameron Taggart Road.

The Committee directed questions to staff.

John Braybrooks, applicant, was present and provided further information to the application.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 4-A-10RS (John and Mary 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.

**MOTION CARRIED**

**R5 – Application No. 1-B-10RS**

Agenda item R5 (Application 1-B-10RS – Michael Walter) was referred back to staff with the approval of the agenda.

**R6 – Application No.  
5-E-10DP**

Rachelle Moreau, Planner I, presented staff report dated January 11, 2011, regarding Application No. 5-E-10DP (Buckerfields) to permit a new greenhouse on the property located at 5410 Trans Canada Highway.

It was Moved and Seconded

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.

**MOTION CARRIED**

**R7 – Application No.  
1-A-10ALR**

Rob Conway, Manager, presented staff report dated January 18, 2011 from Maddy Koch, Planning Assistant, regarding Application No. 1-A-10ALR to construct a welcoming centre on property located at 790 Kilmalu Road.

Father Sean Flynn, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 1-A-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 complementing the exterior (façade) of the old church
- a legal survey confirming compliance with parcel line setbacks

**MOTION CARRIED**

**R8 – Application No.  
7-B-10DP**

Rob Conway, Manager, presented Staff Report dated January 11, 2011, regarding Application No. 7-B-10DP (Lintaman/McMillan) for a development permit to allow a six lot subdivision at Stebbings Road and Shawnigan Lake Road.

The Committee directed questions to staff and applicant.

It was Moved and Seconded

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:

1. Strict compliance with RAR report #1467;
2. Registration of a restrictive covenant to protect SPEAs outside of dedicated park and to drainage works on proposed lots;
3. 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;
4. 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 Worley Parsons;

5. Installation of underground utilities.

MOTION CARRIED

Note: staff to speak to Director Cossey prior to the next Board meeting regarding requirement to install underground utilities.

**R9 – Sentinel Ridge**

Tom Anderson, General Manager, presented staff report dated January 12, 2011, regarding Sentinel Ridge and Area Petition from the Citizens Living Along Mill Bay Road, Sentinel Ridge and Adjacent Streets.

Paul Carmichael, Block Watch Captain, provided background to the Petition from Sentinel Ridge area residents respecting traffic issues and proposed developments.

Committee members directed comments and questions to Mr. Carmichael and staff.

It was Moved and Seconded

That staff be directed to arrange a meeting with the Ministry of Transportation and Infrastructure, CVRD staff, and area developers to discuss traffic and safety concerns from developments in the Mill Bay area as well as proposed solutions.

MOTION CARRIED

**R10 – BC Meat  
Inspection Regs**

Rachelle Moreau, Planner I, presented Staff Report dated January 11, 2011, regarding amendments to the BC Meat Inspection Regulation.

The Committee directed questions to staff.

It was Moved and Seconded

That staff report dated January 11, 2011, from Rachelle Moreau, Planner I, regarding Amendments to the BC Meat Inspection Regulation, be received and filed.

MOTION CARRIED

**R11 – Parks  
Maintenance  
Contract**

Agenda item R11 (Area H Parks Maintenance Contract) was deleted from the agenda at the Approval of the Agenda.

**R12 – Bylaw 3393**

It was Moved and Seconded

1. 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 voter approval to establish the Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service be obtained through an alternative approval process.

**MOTION CARRIED**

**R13 – AVICC  
Resolution**

It was Moved and Seconded

That the following resolution be forwarded to the Regional Board for consideration and submission to AVICC:

“REDUCING THE PRICE OF FARMLAND THROUGH TAXATION:

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.”

**MOTION CARRIED**

It was Moved and Seconded

That the proposed AVICC resolution respecting “Reducing the Price of Farmland Through Taxation” be forwarded to the Regional Agricultural Committee as well as the Municipality of North Cowichan for review and comment.

**MOTION CARRIED**

**R14 – EASC Schedule**

It was Moved and Seconded

That the following Electoral Area Services Committee meeting schedule for 2011 be approved with meeting start time to be 3:00 pm:

|  |                                     |
|--|-------------------------------------|
| Tuesday, January 18 <sup>th</sup>          | Tuesday, May 31 <sup>st</sup>       |
| Monday, January 31 <sup>st</sup> (Special) | Tuesday, June 21 <sup>st</sup>      |
| Tuesday, February 1 <sup>st</sup>          | Tuesday, July 5 <sup>th</sup>       |
| Thursday, February 24 <sup>th</sup>        | Tuesday, August 2 <sup>nd</sup>     |
| Tuesday, March 1 <sup>st</sup>             | Tuesday, September 6 <sup>th</sup>  |
| Tuesday, March 15 <sup>th</sup>            | Tuesday, September 20 <sup>th</sup> |
| Tuesday, April 5 <sup>th</sup>             | Tuesday, October 4 <sup>th</sup>    |
| Tuesday, April 19 <sup>th</sup>            | Tuesday, October 18 <sup>th</sup>   |
| Tuesday, May 3 <sup>rd</sup>               | Tuesday, November 1 <sup>st</sup>   |
| Tuesday, May 17 <sup>th</sup>              | Tuesday, November 15 <sup>th</sup>  |

MOTION CARRIED

**R15- 2010 BE Report**

It was Moved and Seconded

That the 2010 Bylaw Enforcement Report, be received and filed.

MOTION CARRIED

**R16 – CV Gun Club**

It was Moved and Seconded

That the request by the Cowichan Valley Trap and Skeet Club, located on Cowichan Lake Road in Area E, to hold two (2) "Special Event" Competitive Shoots in 2011 (April 9-10 and April 23-24) as well as one additional weekend shoot in October, be approved.

MOTION CARRIED

**CORRESPONDENCE****C1 – Resignation  
parks commission**

It was Moved and Seconded

That the resignation of Trina White from the Shawnigan Lake Parks and Recreation Commission be accepted, and that a letter of appreciation be forwarded to Ms. White.

MOTION CARRIED

**C2 – EA Directors  
Meeting**

Mr. Anderson requested confirmation of those Directors planning on attending the Electoral Area Directors meeting February 15-16 in Richmond.

The following Directors noted they plan to attend:  
Marcotte; Kuhn; Giles; Duncan; Morrison; Harrison

**C3 – 2011 Leadership Forum**

Mr. Anderson requested confirmation of those Directors planning on attending the Local Government Leadership Academy 2011 Leadership Forum February 16-18 in Richmond.

The following Directors noted they plan to attend:  
Marcotte; Kuhn; Morrison; Duncan; Giles

**INFORMATION**

**IN1 – Building Report**

It was Moved and Seconded  
That the November 2010 Building Report be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**1 – Bank Erosion, Cowichan Bay**

Director Iannidinardo advised of concerns regarding bank erosion and run-off into the ocean resulting from clear cutting/development in Cowichan Bay and showed recent videos of properties and affected areas.

General discussion ensued. For information purposes only.

**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 6:20 pm.

**RISE**

The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:23 pm.

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Chair

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Recording Secretary



R1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 1, 2011

DATE: January 25, 2011 FILE NO: 3-E-10ALR  
FROM: Carla Schuk, Planning Technician, Planning & Development Department  
SUBJECT: ALR Application 3-E-10ALR (Ellison)

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**Recommendation:**

That Application No. 3-E-10ALR, submitted by Shawn and Mathew Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a single family dwelling and a small suite on the subject property be forwarded to the Agricultural Land Commission with a ***recommendation to approve*** the application.

**Purpose:**

To request approval of a non-farm use within the Agricultural Land Reserve for the purpose of constructing a single family dwelling and a small suite on the approximately 4.3 ha (10.6 acres) subject property.

**Background:**

Location of Subject Property: Lot 1, Section 11, Glenora Road

Legal Descriptions: Lot 1, Section 11, Range 4, Quamichan District, Plan 5021 except part in Plan 7132 and VIP86767 (PID 006-048-234)

Date Application and Complete Documentation Received: July 21<sup>st</sup>, 2010

Owner: Shawn and Mathew Ellison

Applicant: As above

Size of Parcel: Approximately 4.3 ha (10.6 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Agriculture

Existing Use of Surrounding Properties:

North: Agriculture/CN Railway ROW  
 South: Agriculture  
 East: Residential  
 West: Agriculture

Services:

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

Agricultural Land Reserve Status: In

Soil Classification:Revised CLI Maps:

| <u>Unimproved</u> | <u>Improved</u>                          |
|-------------------|--|
| <u>+98% 3A;</u>   | <u>(2D<sup>B</sup> - 3T<sup>2</sup>)</u> |
| W                 | T  |
| <br><u>+2% 5A</u> | <br><u>(5T)</u>                          |
| T                 | P  |

| <i>Soil Classification</i> | <i>% of subject property<br/>(Unimproved)</i> | <i>% of subject property<br/>(Improved)</i> |
|----------------------------|---|---|
| 2                          | -   | 78  |
| 3                          | 98  | 20  |
| 4                          | -   | -   |
| 5                          | 2   | 2   |
| 6                          | -   | -   |
| 7                          | -   | -   |
| <b><u>TOTAL</u></b>        | <b>100</b>                                    | <b>100</b>                                  |

Explanation of Land Capability Classifications:

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

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 98% Class 3 with soil moisture deficiency in some areas and excess water in others, and 2% Class 5 with soil moisture deficiency and topography limitations. With soil improvement methods, such as irrigation and drainage, 78% of the soil is improvable to Class 2, 20% Class 3, and 2% remains Class 5.

**Environmentally Sensitive Areas:** The Cowichan Valley Environmental Planning Atlas 2000 identifies a stream planning area on the northern side of the subject property, but does not identify a TRIM stream. Also, the proposed development will not be occurring within 30m of this area.

**Archaeological Site:** None identified.

**The Proposal:**

An application has been made to the Agricultural Land Commission (ALC) pursuant to Section 20(3) of the *Agricultural Land Commission Act* (application for a non-farm use) for the purpose of constructing a primary residence and a small suite on the subject property for use by the two owners.

**Policy Context:**

The Official Community Plan Bylaw No. 1490, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

The Agricultural Objectives for Electoral Area E, as specified in Section 2.2.3 of Official Community Plan Bylaw No. 1490, are as follows:

- (a) *Protect and foster agricultural land resources of the Plan Area for present and future food production.*
- (b) *Recognize and preserve the Agricultural heritage and character of Cowichan-Koksilah while minimizing conflicts between agricultural and non-agricultural objectives.*
- (c) *Prevent the development of agricultural land for non-agricultural uses or those uses which would preclude use of the land for future agricultural production.*
- (d) *Recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

**Planning Division Comments:**

The subject property is located on Glenora Road and serves as a boundary of the ALR along the eastern side of the property. The adjacent properties to the east are zoned R-1 Rural Residential, and A-1 Primary Agricultural to the south, north and west. The property has historically been used for agricultural purposes, though it is not currently being farmed. The current owners have stated that they are planning to use the property for agricultural purposes such as hayfields or cattle. There is no existing residential use on the subject property as it was subdivided from the parcel containing the original residence, which is now located across Glenora Road. Located on the current parcel are an agricultural building, an access road and two small fields. A large portion of the property is currently forested.

The applicants are seeking approval to construct a single family dwelling and a small suite on the subject property. Construction of the small suite, in adherence with the zoning bylaw size restriction of 90m<sup>2</sup>, is proposed to occur first with subsequent construction of the single family dwelling to occur within the next few years. Both dwellings will serve as residences for the two owners of the property. The existing access road is planned to serve as a shared driveway for the two dwellings on the property.

The zoning for this property is A-1 (primary agricultural) which permits a single-family dwelling, a second single-family dwelling on parcels 6 ha or larger, a small suite on parcels 2 ha or greater, and an additional single family dwelling as required for agricultural use. The applicants are seeking approval for a small suite, in addition to a primary single family dwelling, on their ± 4.3 ha parcel. Therefore, this proposal complies with CVRD Electoral Area E Zoning Bylaw No. 1840.

The subject property is subject to the Agricultural Protection Development Permit Area in Electoral Area E in accordance with CVRD Bylaw No. 1490 – Cowichan-Koksilah Official Community Plan.

Approval of Agricultural Protection Development Permits is delegated to staff and development permit 6-E-10DP was approved on January 7, 2011, for the applicants' proposed development.

Nearly the entire property is Class 3 soils, and therefore, the proposed location of the single family dwelling and the small suite will be on Class 3 soils. Class 3 soils require moderately intensive management practices or moderately restrict the range of crops that can be cultivated, or both. As noted previously, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 98% Class 3 with soil moisture deficiency in some areas and excess water in others, 2% Class 5 with soil moisture deficiency and topography limitations. With soil improvement methods, such as irrigation and drainage, 78% of the soil is improvable to Class 2 with undesirable soil structure and low perviousness, 20% Class 3 with topographical limitations, and 2% remains Class 5 with stoniness and topographical limitations.

The *ALR Use, Subdivision & Procedure Regulation* will permit additional accommodation on a single parcel of land without making application to the ALC provided that it is either 1) a single-family dwelling for the accommodation of farm help; 2) a manufactured home for the owner's immediate family; and 3) a secondary suite. If, for example, the application was for either a secondary suite or a manufactured home for the owner's immediate family, no application to the ALC would be required. However, CVRD policy is to direct applications for more than one single-family dwelling on a parcel of land within the ALR to the Agricultural Land Commission for review, therefore this application was made for non-farm use approval.

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

CVRD Development Application Procedures and Fees Bylaw No. 3275 does not require ALR applications to be referred to the APC unless requested by the Area Director. The Director for Electoral Area E was contacted regarding this application and did not request that it be referred to the APC.

#### **Options:**

The CVRD Board's Policy with respect to ALR non-farm use applications is to forward applications to the ALC only if the proposed non-farm use complies with CVRD Bylaws, which in this case it does.

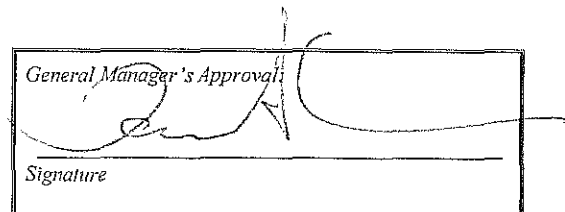
1. That Application No. 3-E-10ALR, submitted by Shawn and Mathew Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a single family dwelling and a small suite on the subject property be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application.
2. That Application No. 3-E-10ALR, submitted by Shawn and Mathew Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a single family dwelling and a small suite on the subject property be forwarded to the Agricultural Land Commission with **no recommendation**.
3. That Application No. 3-E-10ALR, submitted by Shawn and Mathew Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a small suite on the subject property be forwarded to the Agricultural Land Commission with a **recommendation to deny** the application.

Staff recommends Option 1.

Submitted by,



Carla Schuk  
Planning Technician  
Development Services Division  
Planning and Development Department



CS/ca



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.

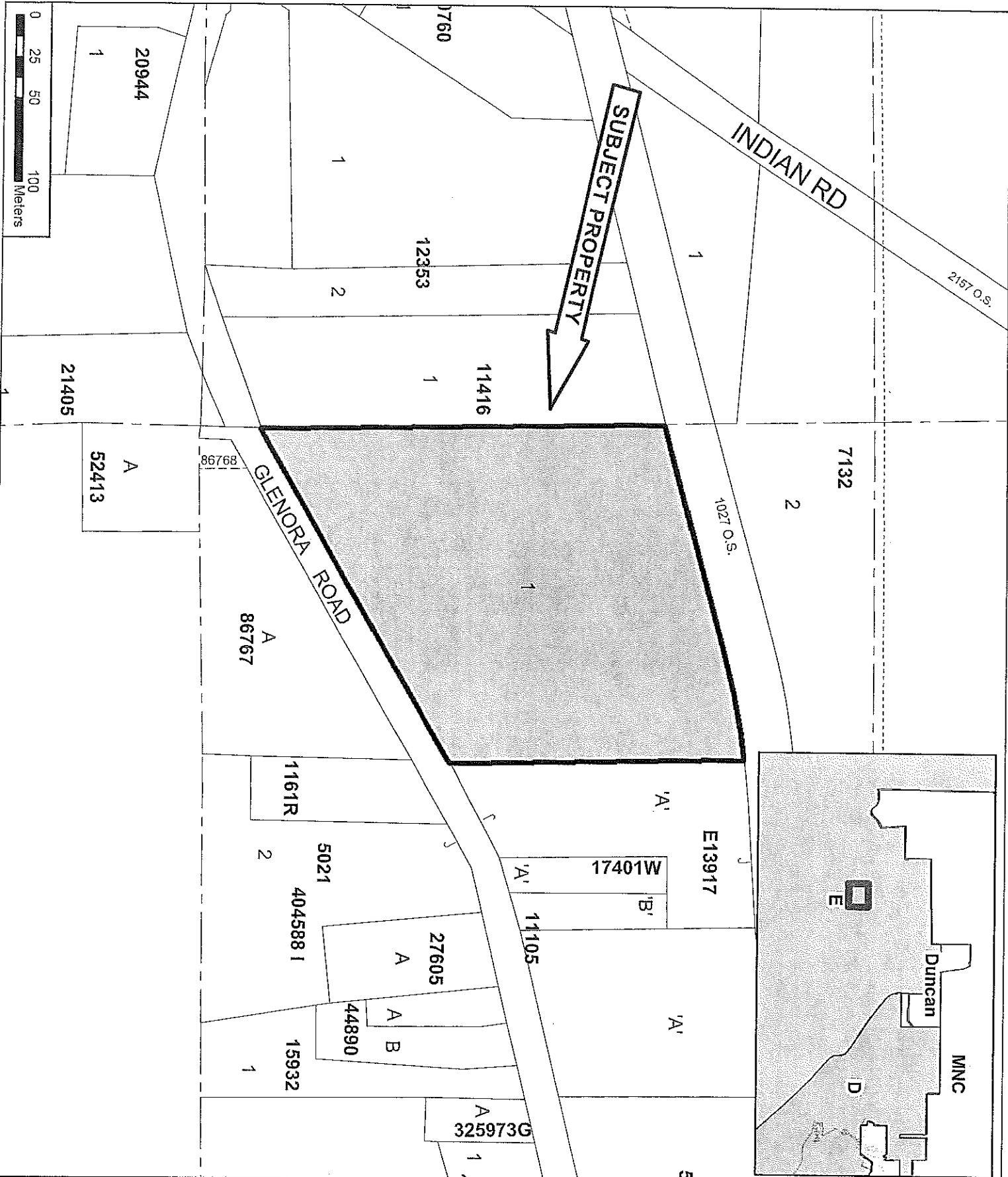
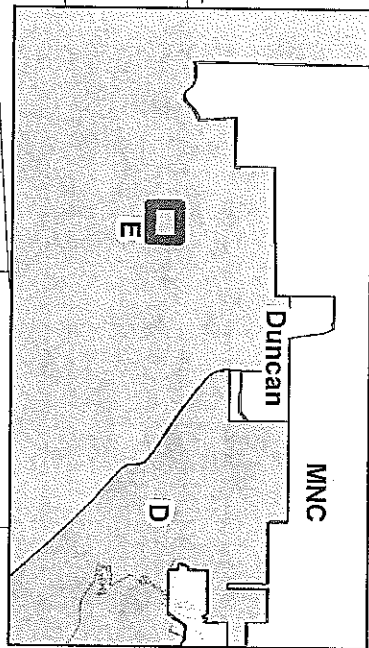
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-E-10-ALR

Legend



Subject Property







Cowichan  
Valley  
Regional  
District

17

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

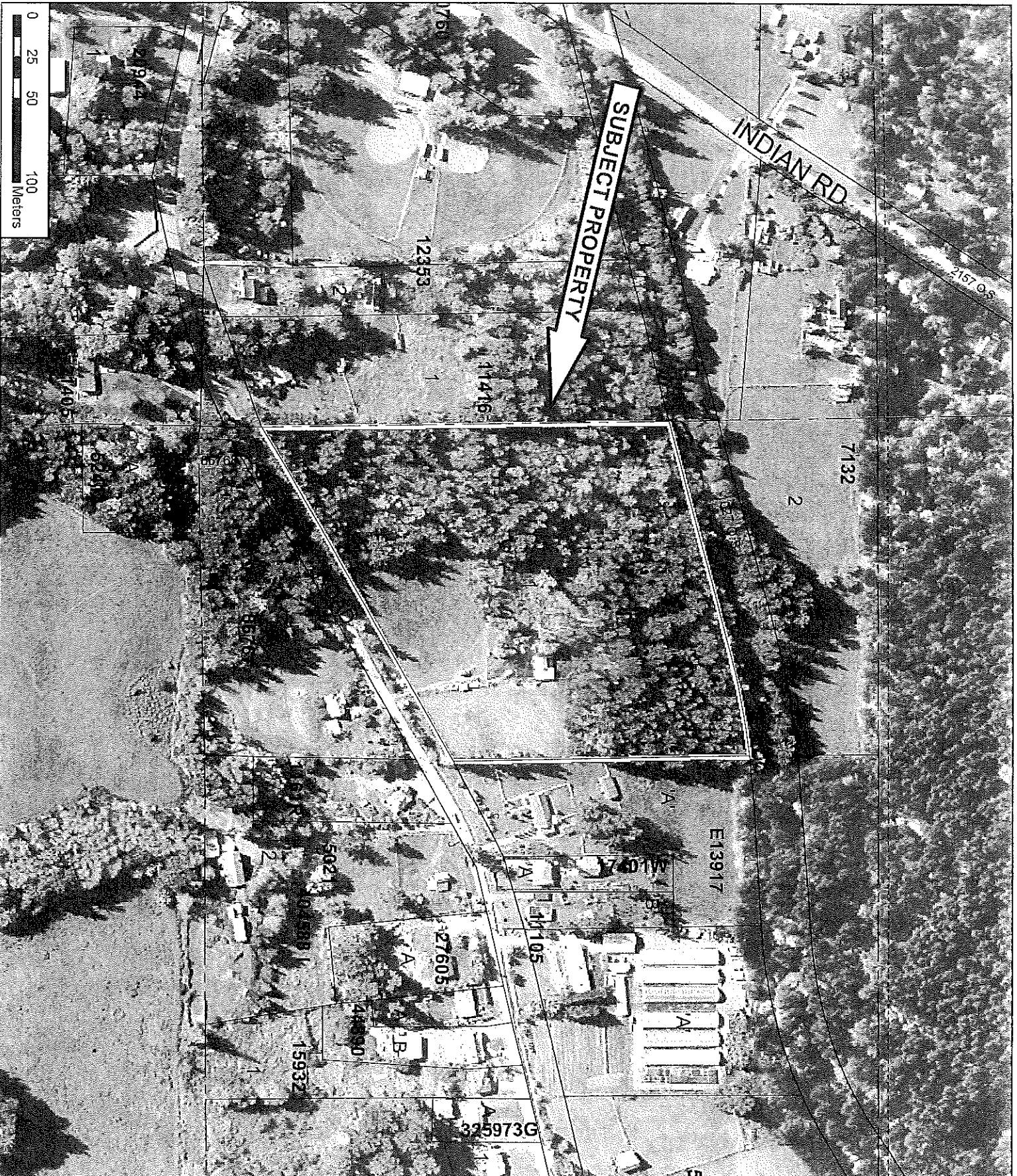
The Regional District does not warrant the accuracy.

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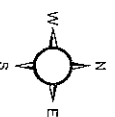
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-E-10-ALR

Orthophoto  
(2004)



0 25 50 100  
Meters



IR

2157 O.S.

INDIAN RD

SUBJECT PROPERTY

7132

2

1027 O.S.

GLENORA ROAD

86768

86767

20944

1

21405

52413

A

11416

12353

1

2 A

1

0760

E13917

'A'

17401W

'B'

R

'A'

11105

27605

A

44890

A B

1161R

2

5021

404588 I

15932

1

325973G

A

1

5



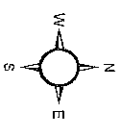
Covichan Valley Regional District

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FILE: 3-E-10-ALR

OCP

Legend  
Subject Property  
OCP Electoral Area E





Cowichan  
Valley  
Regional  
District

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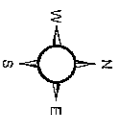
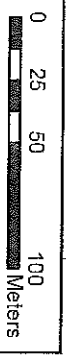
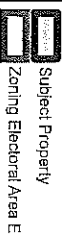
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FILE: 3-E-10-ALR

## ZONING

### Legend





Covichan  
Valley  
Regional  
District

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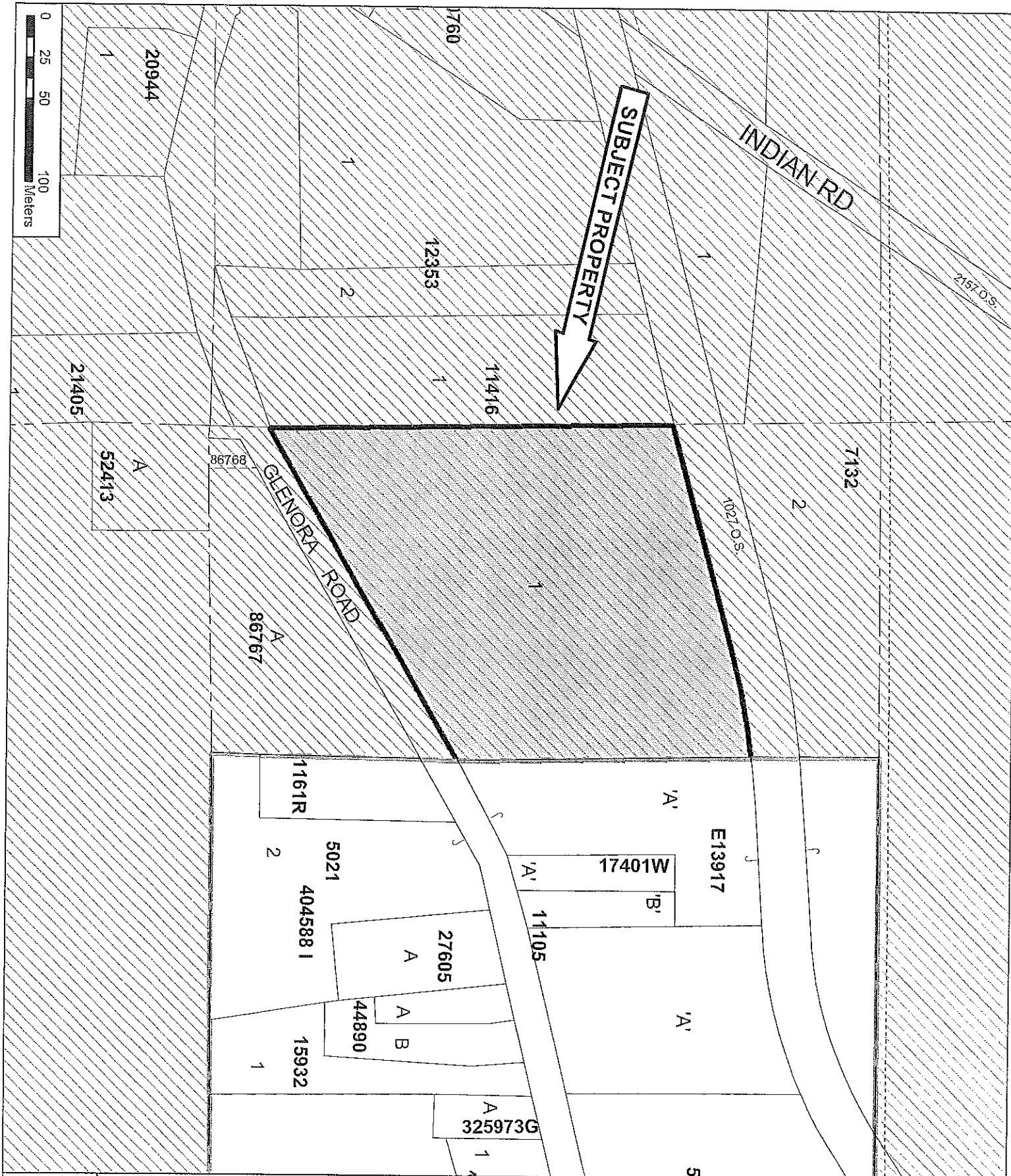
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FILE: 3-E-10-ALR

# ALR

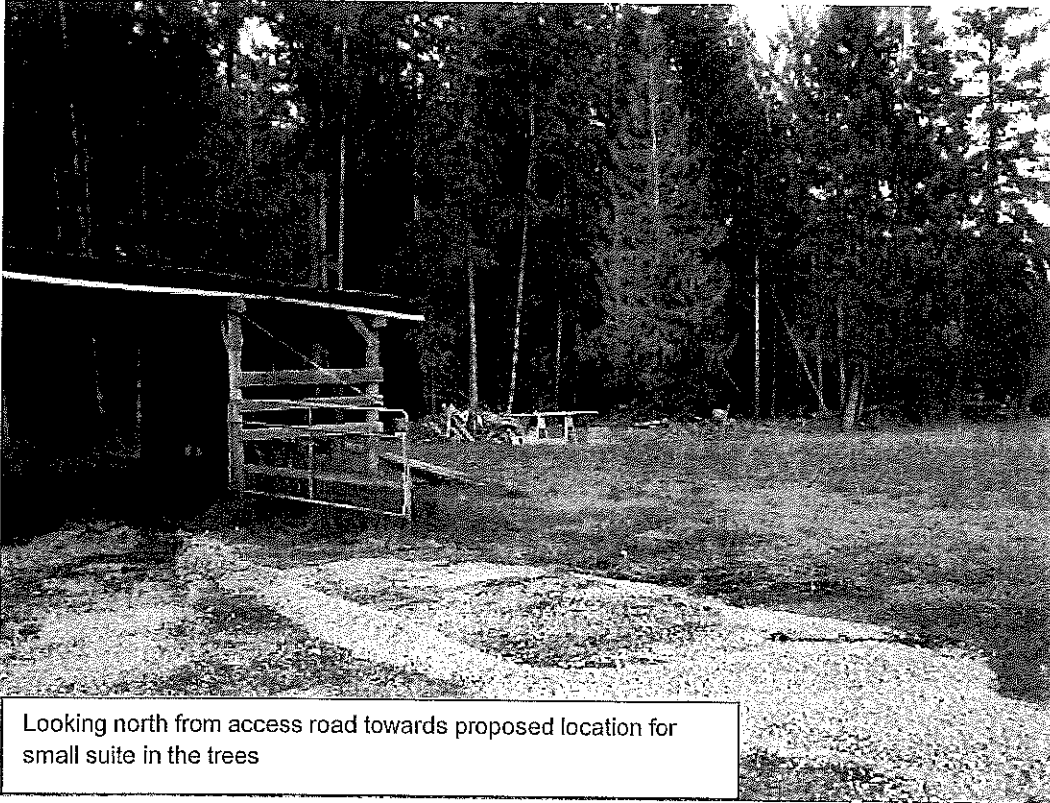
- Legend
- Subject Property
  - E, ALR



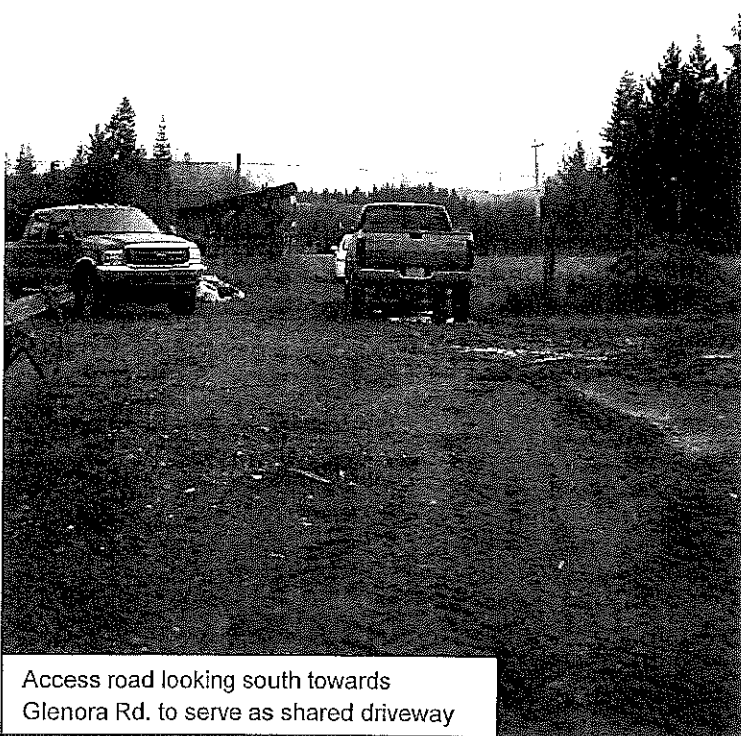




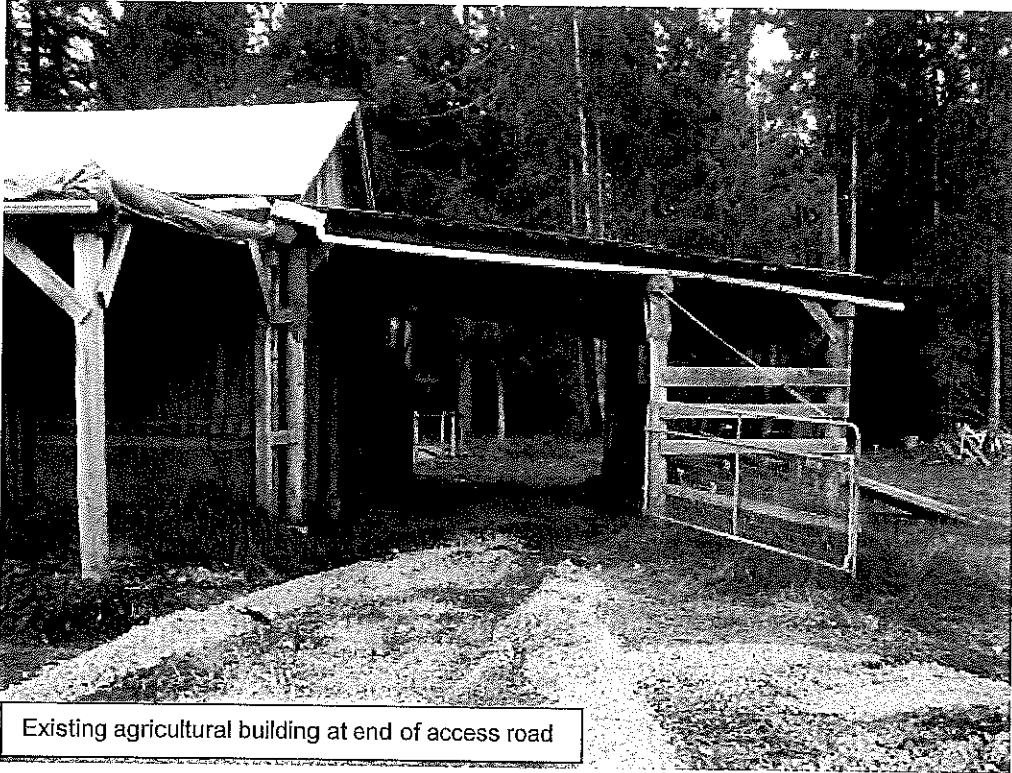




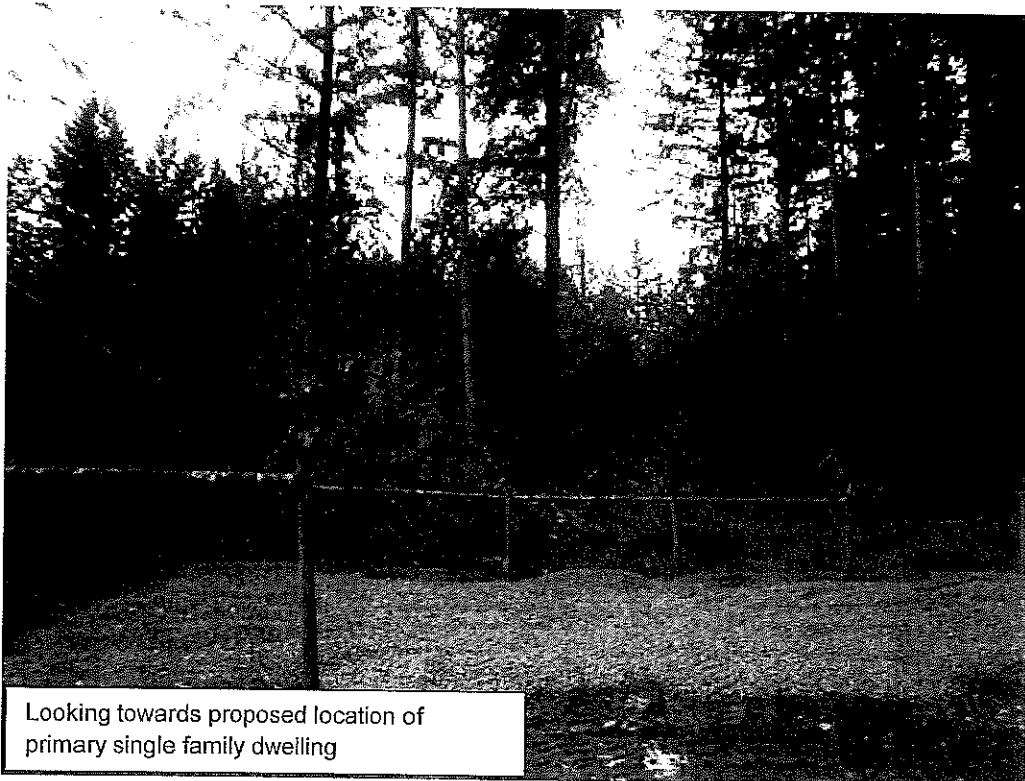
Looking north from access road towards proposed location for small suite in the trees



Access road looking south towards Glenora Rd. to serve as shared driveway

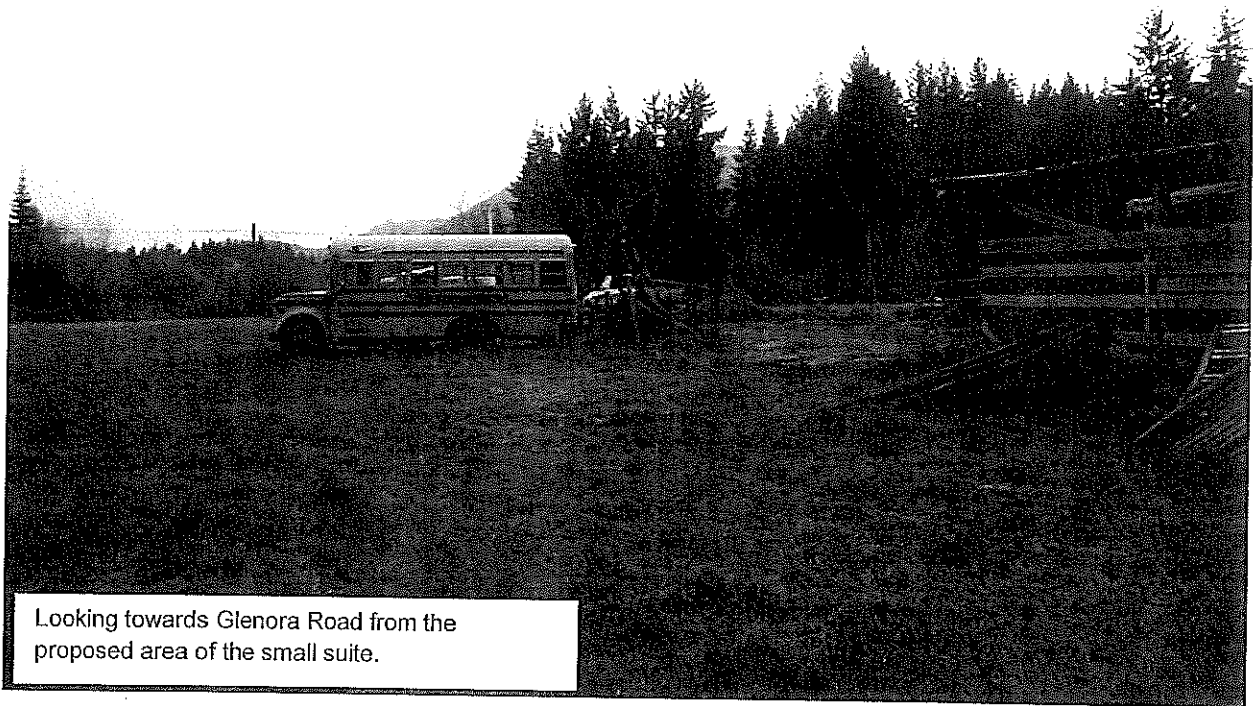


Existing agricultural building at end of access road



Looking towards proposed location of  
primary single family dwelling





Looking towards Glenora Road from the proposed area of the small suite.



R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 1, 2011

DATE: January 25, 2011 FILE No: 5-E-10 ALR  
FROM: Carla Schuk, Planning Technician BYLAW No: 1840  
SUBJECT: Application No. 5-E-10ALR  
(Dent)

---

**Recommendation:**

That Application No. 5-E-10ALR, submitted by Robert and Carol Dent, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 6, Section 3, Quamichan District, Plan 1233 and pursuant to Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

**Purpose:**

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

**Background:**

Location of Subject Property: 2831 Mountain Road

Legal Descriptions: Lot 6, Section 3, Quamichan District, Plan 1233 (PID 000-674-044)

Date Application and Complete Documentation Received: October 6, 2010

Owner: Robert and Carol Dent

Applicant: As above

Size of Parcel:  $\pm$  5.8 ha (14.37 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Agriculture and residential

Existing Use of Surrounding Properties:  
North: Agricultural  
South: Agricultural  
East: Agricultural

West: Agricultural

Services:

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

Agricultural Land Reserve Status: InSoil Classification (if ALR applicable):

$$3A^6 - 3T^4 \quad (2D^6 - 3T^4)$$

A      T

4W (2D)  
W

3T (3T)

| Soil Classification | % of subject property (Unimproved) | % of subject property (Improved) |
|---------------------|------------------------------------|----------------------------------|
| 1                   |                                    |                                  |
| 2                   |                                    | 69                               |
| 3                   | 72                                 | 31                               |
| 4                   | 28                                 |                                  |
| 5                   |                                    |                                  |
| 6                   |                                    |                                  |
| <b><u>TOTAL</u></b> | <b>100</b>                         | <b>100</b>                       |

Explanation of Land Capability Classifications:

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any environmentally sensitive areas on or near the subject property

Archaeological Site: None identified.

The Proposal:

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

### **Policy Context**

The Official Community Plan Bylaw No. 1490, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

The Agricultural Objectives for Electoral Area E, as specified in Section 2.2.3 of Official Community Plan Bylaw No. 1490, are as follows:

- (a) Protect and foster agricultural land resources of the Plan Area for present and future food production.*
- (b) Recognize and preserve the Agricultural heritage and character of Cowichan-Koksilah while minimizing conflicts between agricultural and non-agricultural objectives.*
- (c) Prevent the development of agricultural land for non-agricultural uses or those uses which would preclude use of the land for future agricultural production.*
- (d) Recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

### **Agricultural Capabilities**

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 72% Class 3 and 28% Class 4, with topographical, undesirable soil structure and/or low perviousness and excess water limitations. With soil improvement methods, the soil is improvable to 69% Class 2 and 31% Class 3 with continued topographical, undesirable soil structure and/or low perviousness and excess water limitations.

Fields currently utilized for agricultural purposes will not be divided by the proposed subdivision. The new parcel is proposed in a currently wooded area of the property that is not considered suitable for agricultural purposes by the applicant. The new parcel is also proposed in the area of the property that is Class 4 soils, which have limitations that require special management practices.

### **Property Context**

The subject property is located on Mountain Road in Electoral Area E, is approximately 5.8 ha in size, zoned A-1 Primary Agricultural, and located within the Agricultural Land Reserve (ALR). It currently has two residences and three agricultural accessory buildings on it. The owners of the property are applying to the Agricultural Land Commission (ALC) for permission to subdivide the subject property to give a separate title for the portion of the property where their daughter and family currently reside. This proposed subdivision will situate the existing second dwelling on the proposed boundary between the new 1 ha parcel and the remainder parcel. This dwelling would be decommissioned and a new home built on the new parcel.

The applicants have stated that the subject property has been with their extended family for 50 years. The applicants are third generation residents; living and farming on the property. One of the applicants' daughters returned to live on the property with her family six years ago. She and her family currently reside in the older second dwelling, with the applicants living in the newer primary residence. The daughter and her family would like to establish themselves on the property for the long term and gain a separate title to the portion of the property where they live.

The property is currently used for agricultural purposes. The applicants grow and sell hay and raise horses. The applicants have stated that the section of the property proposed to be subdivided from the parent parcel has limited agricultural capacity and has never been used for agricultural purposes because the area is heavily forested and swampy due to poor drainage.

### **Planning Division Comments:**

Under A-1 zoning, the minimum parcel size is 12 ha. Because the subject property is  $\pm 5.8$  ha, this application to subdivide is being made under the provisions of Section 946 of the *Local Government Act*, which allows for subdivision to a smaller lot size than permitted within the zoning bylaw if the application is made for the purpose of providing a separate residence for the owner, or for the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law, or grandchild. Under Section 946 regulations, the person making the application must have owned the parcel of land for at least five years prior to making the application. A title search revealed that Robert Dent has been on title since 1996 and Carol Dent has been on title since 2009. Section 946 also requires that the proposed parcel be a minimum of 1 ha in size, unless otherwise approved by a medical health officer. This application proposes a lot size of 1 ha.

For subdivision applications it is CVRD Board Policy to forward the application to the Agricultural Land Commission (ALC) if the proposed subdivision complies with CVRD bylaws. CVRD Zoning Bylaw No. 1840 establishes minimum parcel sizes for subdivision applications pursuant to Section 946 of the *Local Government Act* within Electoral Area E. CVRD Bylaw No. 1840, section 5.28(b) states that, "for any parcel located in a zone within which the smallest possible minimum parcel size is greater than 4 hectares, the minimum required area of a parent parcel is the same as the minimum parcel size of the zone within which the parcel is located." In this case, 12 ha is the minimum parcel size for A-1 zoning and the minimum area required for consideration of Section 946 subdivisions. The subject property does not meet this requirement because it is 5.8 ha in area. However, the *Local Government Act* section 946(5) states that bylaws that establish minimum parcel sizes for section 946 subdivision applications do not apply to land within the ALR. Therefore, it is recommended that the proposed subdivision be forwarded to the ALC for consideration.

The subject property has two areas of seepage and a few drainage ditches located on it. The applicants retained the services of Madrone Environmental Services Ltd to conduct an assessment of these waterbodies to confirm whether they would be subject to the Riparian Areas Regulations and therefore require a development permit. The Qualified Environmental Professional (QEP), Trystan Willmott, concluded in his letter of opinion, that the proposed development would not trigger the Riparian Areas Regulation, and therefore a development permit is not required. The QEP's letter of opinion has been attached to this report for review.

Although staff cannot determine definitively whether the proposed subdivision will negatively impact existing agricultural capabilities of the subject property, the proposed subdivision conflicts with the minimum lot size and land use designation in the applicable zoning bylaw and OCP. Therefore, based on this policy conflict, staff do not support the application.

### **Government Agency Comments:**

CVRD Development Application Procedures and Fees Bylaw No. 3275 does not require ALR applications to be referred to the APC unless requested by the Area Director. The Director for Electoral Area E was contacted regarding this application and did not request that it be referred to the APC.

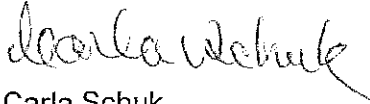
### **Options:**

1. That Application No. 5-E-10ALR, submitted by Robert and Carol Dent, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 6, Section 3, Quamichan District, Plan 1233 and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with **a recommendation to approve** the application.

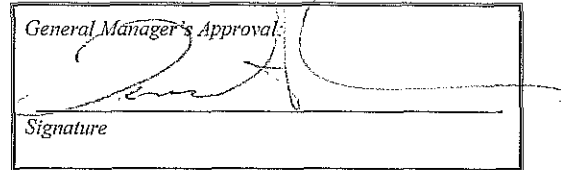
2. That Application No. 5-E-10ALR, submitted by Robert and Carol Dent, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 6, Section 3, Quamichan District, Plan 1233 and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with ***no recommendation***.
3. That Application No. 5-E-10ALR, submitted by Robert and Carol Dent, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 6, Section 3, Quamichan District, Plan 1233 and pursuant to section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with ***a recommendation to deny*** the application.

Staff recommends Option 3.

Submitted by,



Carla Schuk  
Planning Technician  
Development Services Division  
Planning and Development Department



CS/ca  
Attachments



Cowichan  
Valley  
Regional  
District

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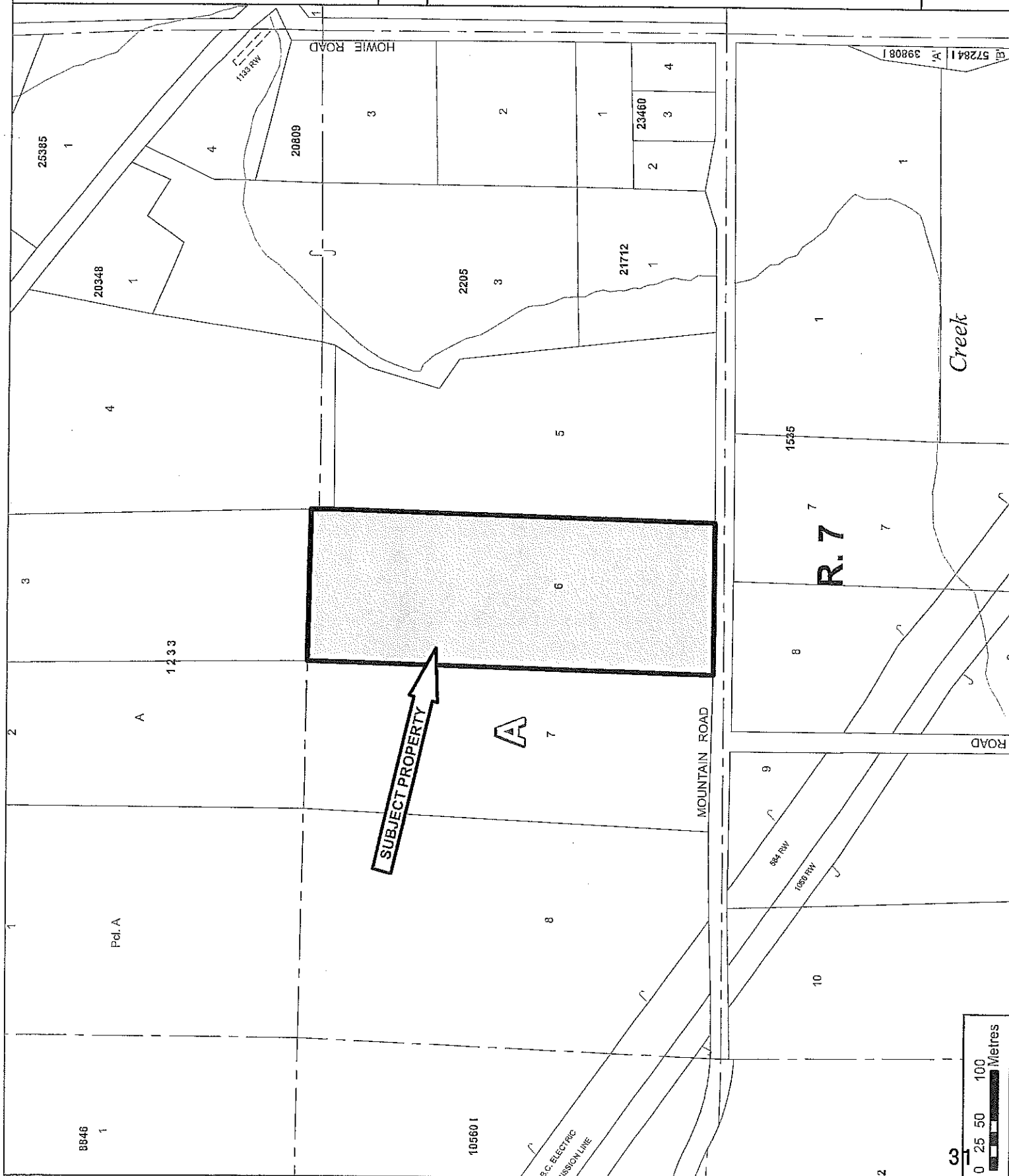
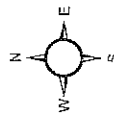
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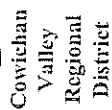
OCP

Legend



Subject Property  
OCP Electoral Area E





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FILE: 05-E-10-ALR

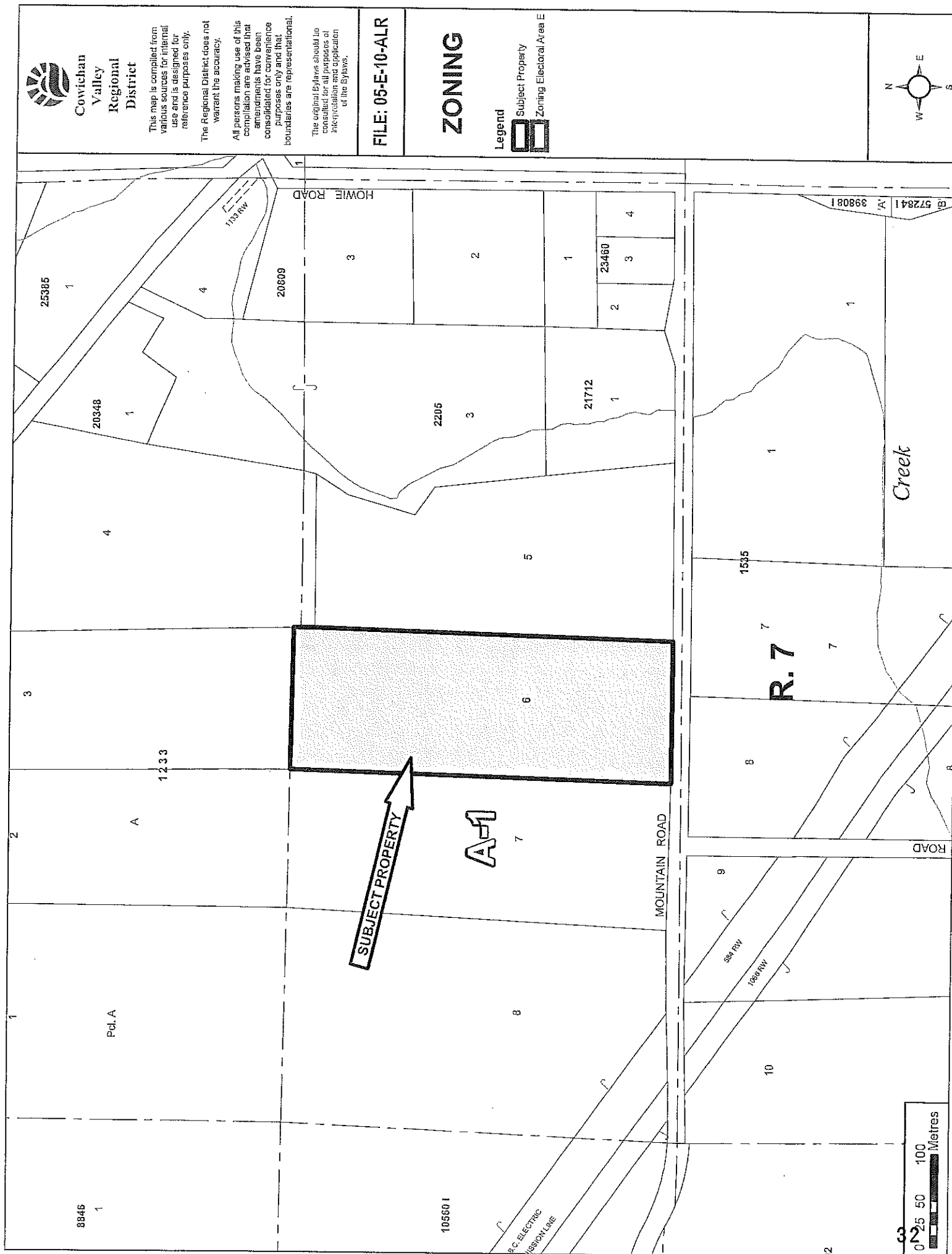
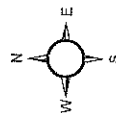
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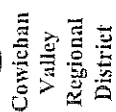


Subject Property

Zoning Electoral Area E







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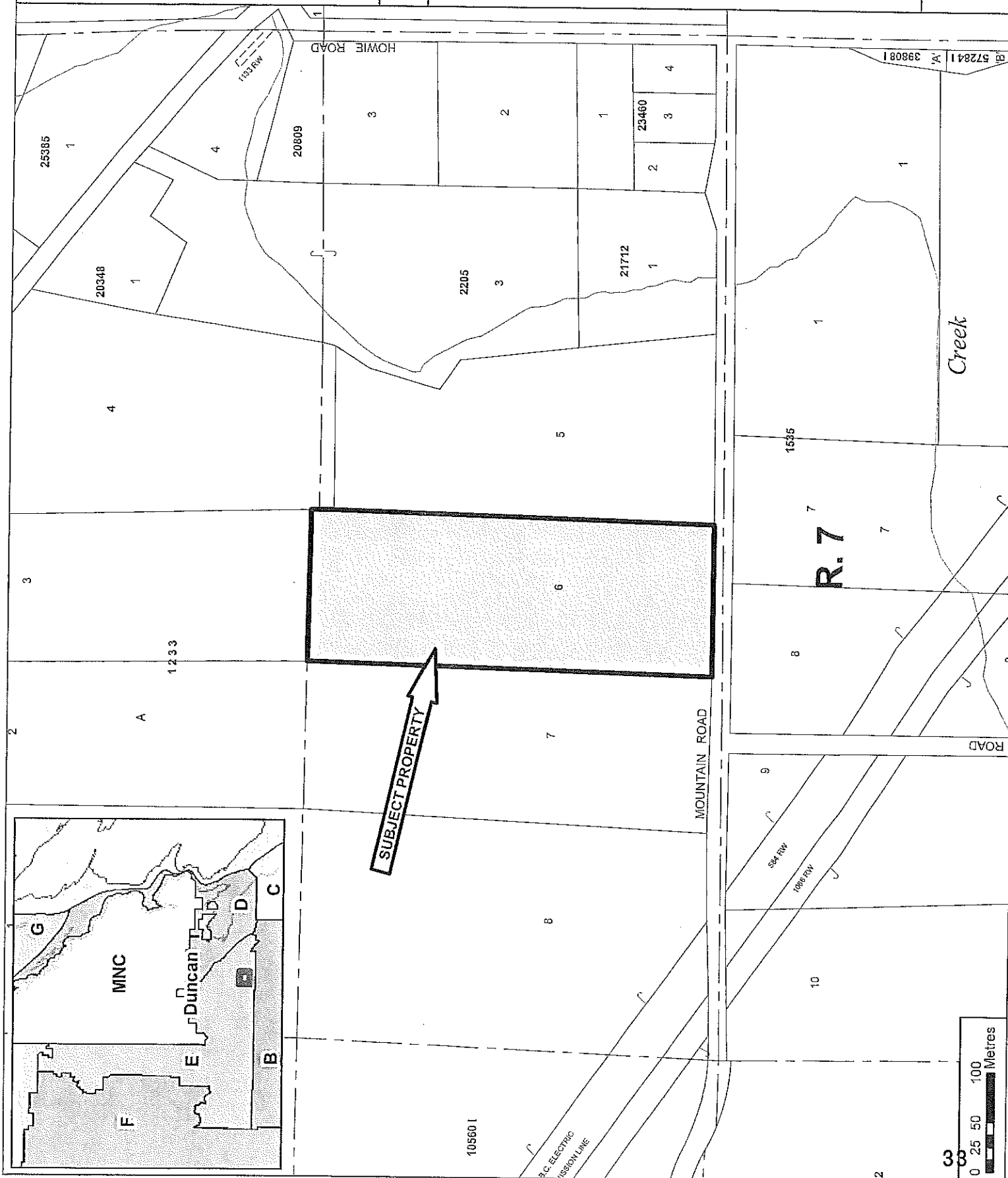
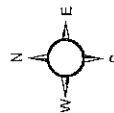
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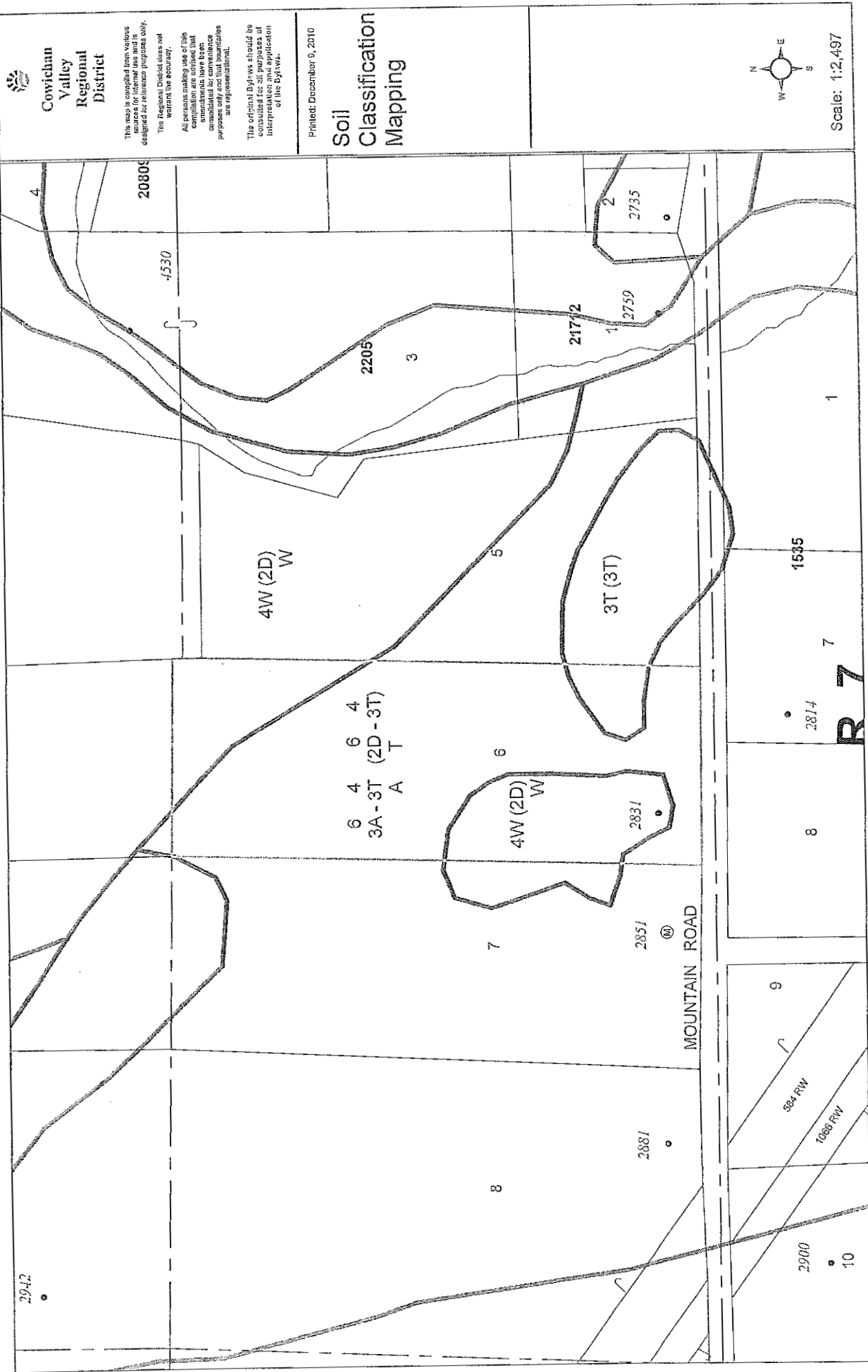
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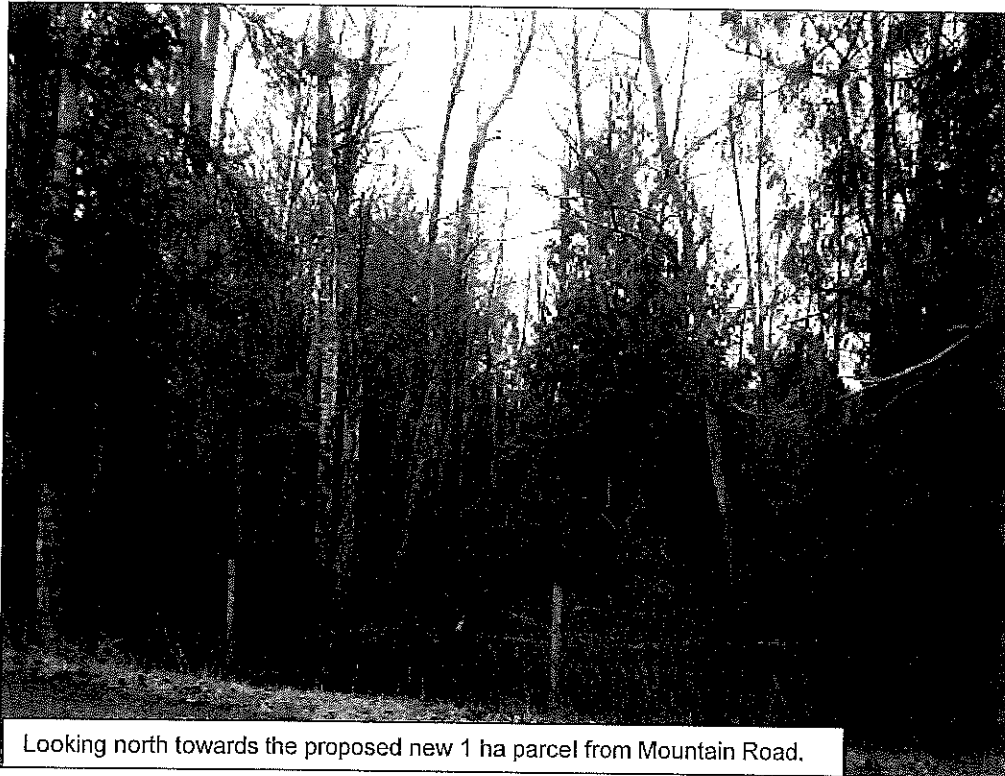
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**FILE: 05-E-10-ALR**

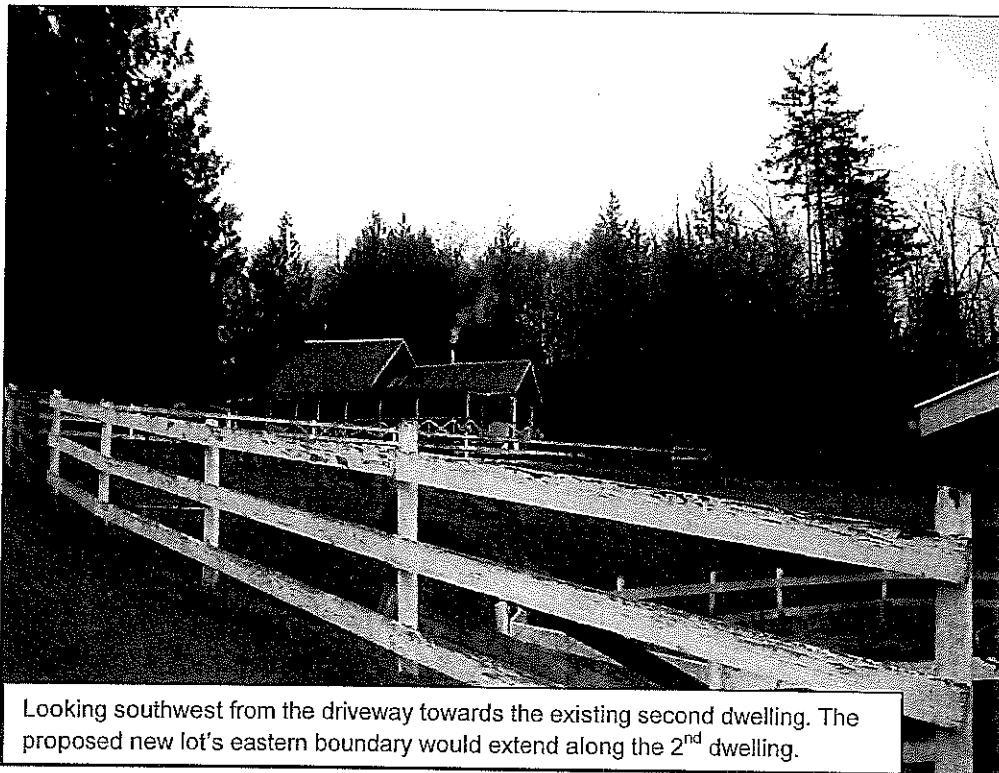
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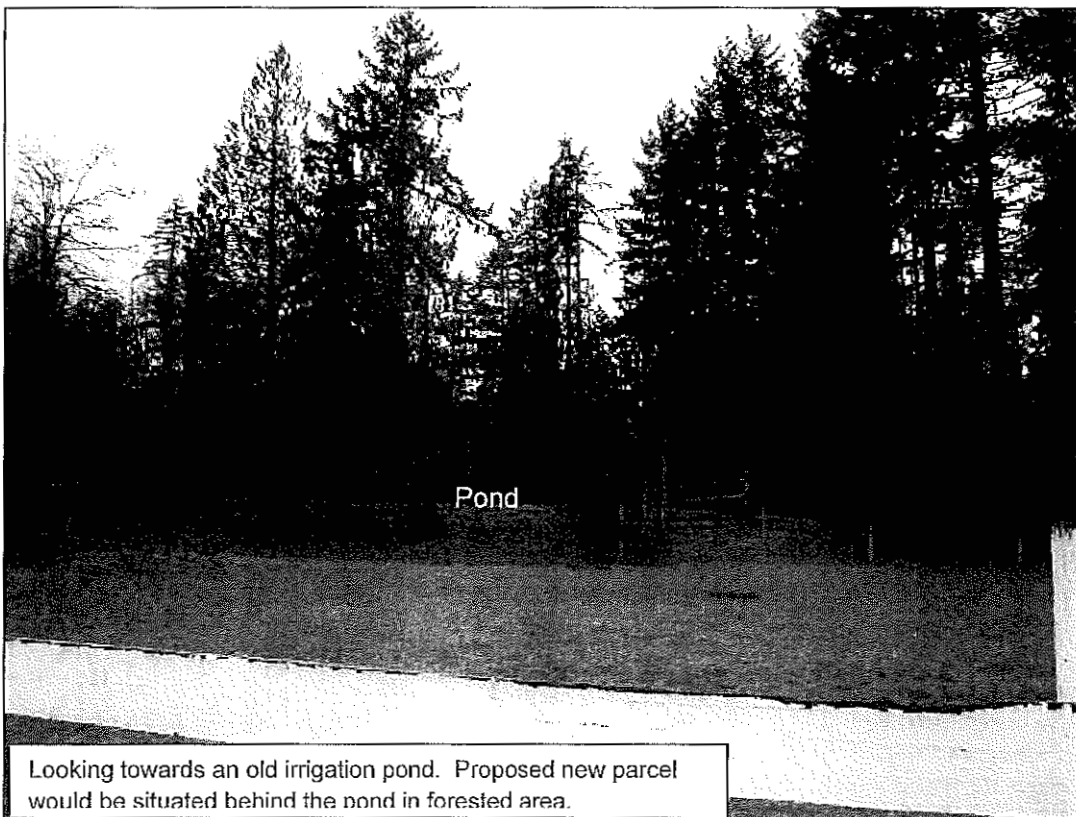
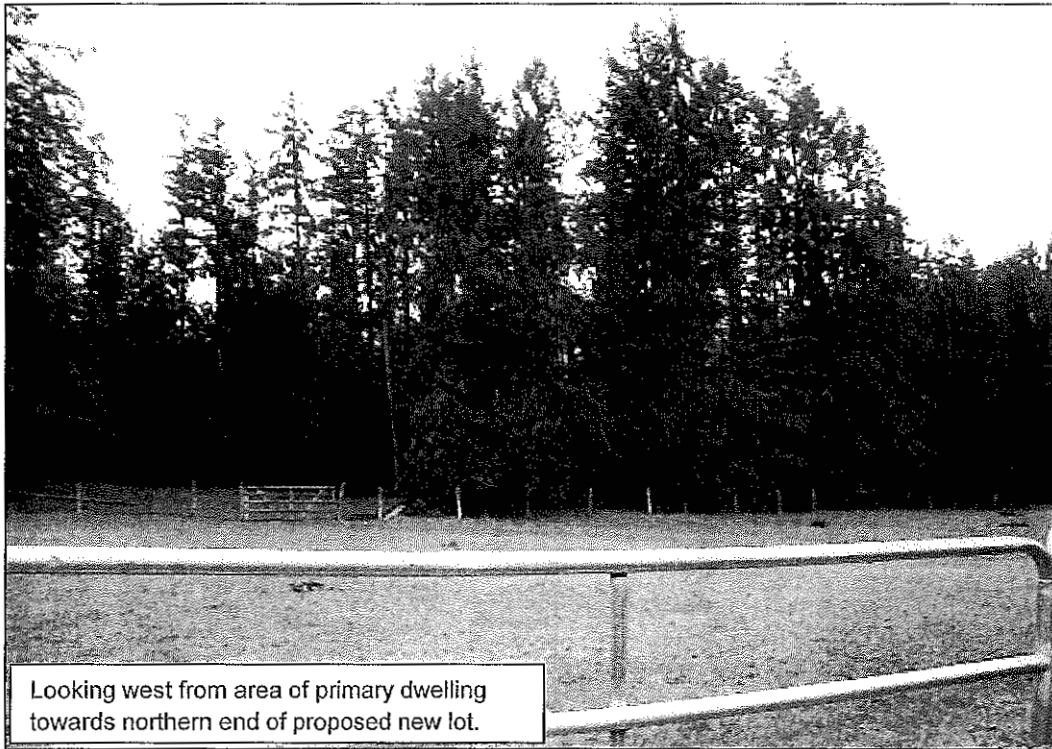


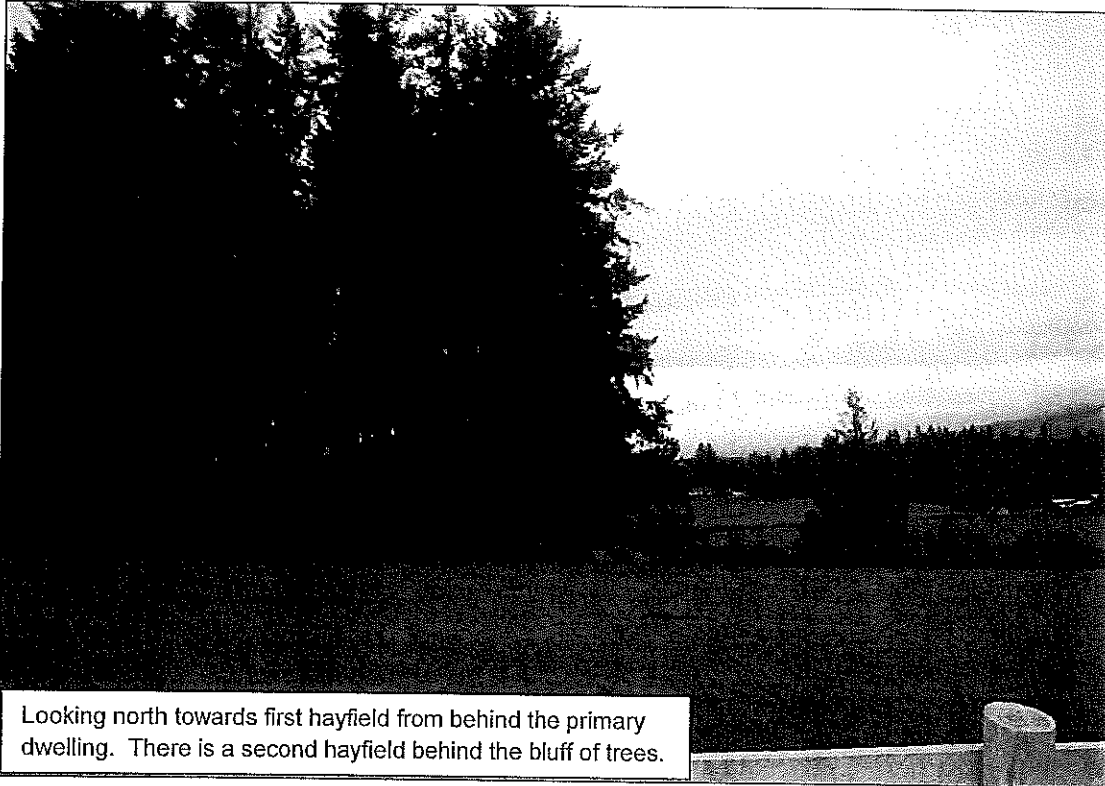


Looking north towards the proposed new 1 ha parcel from Mountain Road.

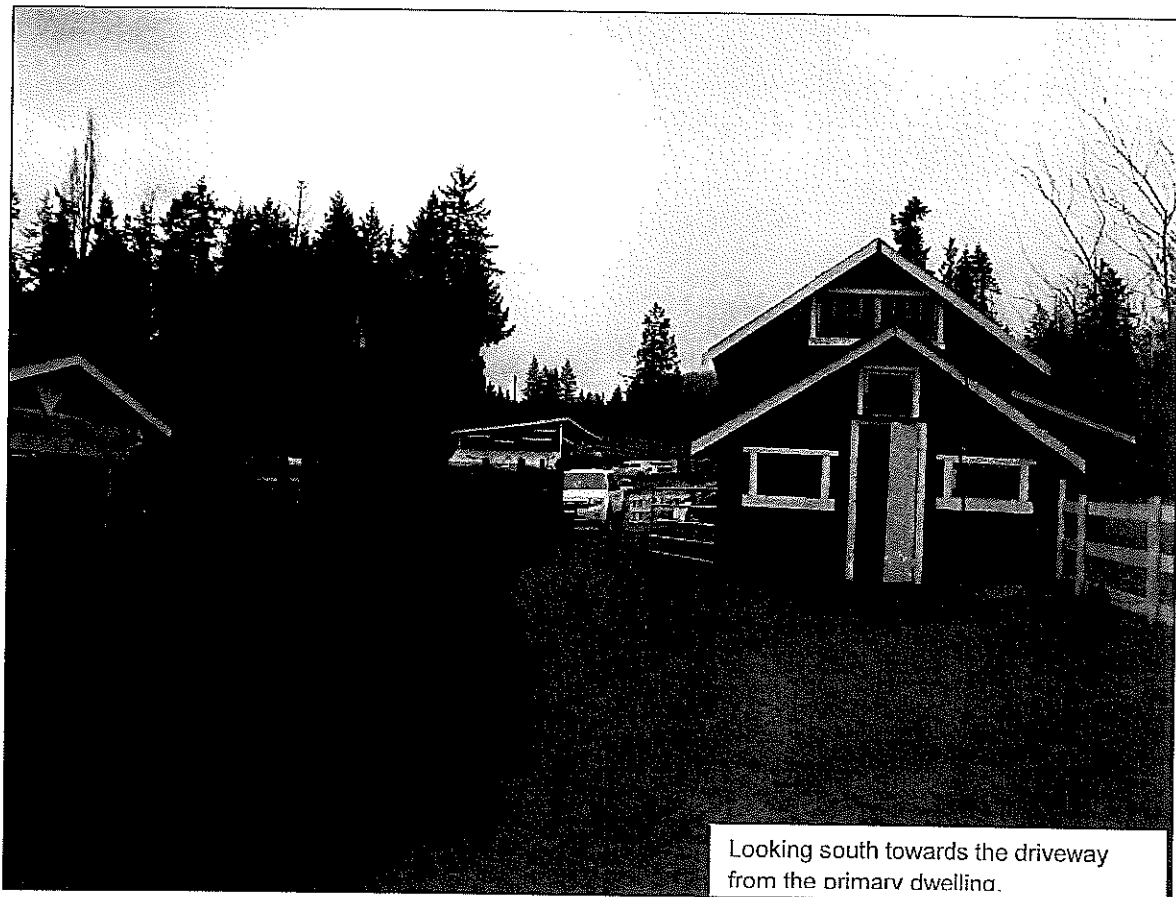


Looking southwest from the driveway towards the existing second dwelling. The proposed new lot's eastern boundary would extend along the 2<sup>nd</sup> dwelling.





Looking north towards first hayfield from behind the primary dwelling. There is a second hayfield behind the bluff of trees.



Looking south towards the driveway from the primary dwelling.

October 5<sup>th</sup> 2010

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

Please find attached application by land owner for subdivision in ALR.  
This property has been in our family for almost 50 years and will continue to be so in the future. This act was put in place for people like ourselves who wish to subdivide their property so their children can reside on the family farm.

My wife and I would like to subdivide 1 hectare of our property for our daughter and her family to build a new home to reside in. They currently live in an old house on the property which will be removed if application is approved.

Thank you for considering our application, we look forward to hearing from you.

Sincerely,  
Robert & Carol Dent  
(250) 732-5099

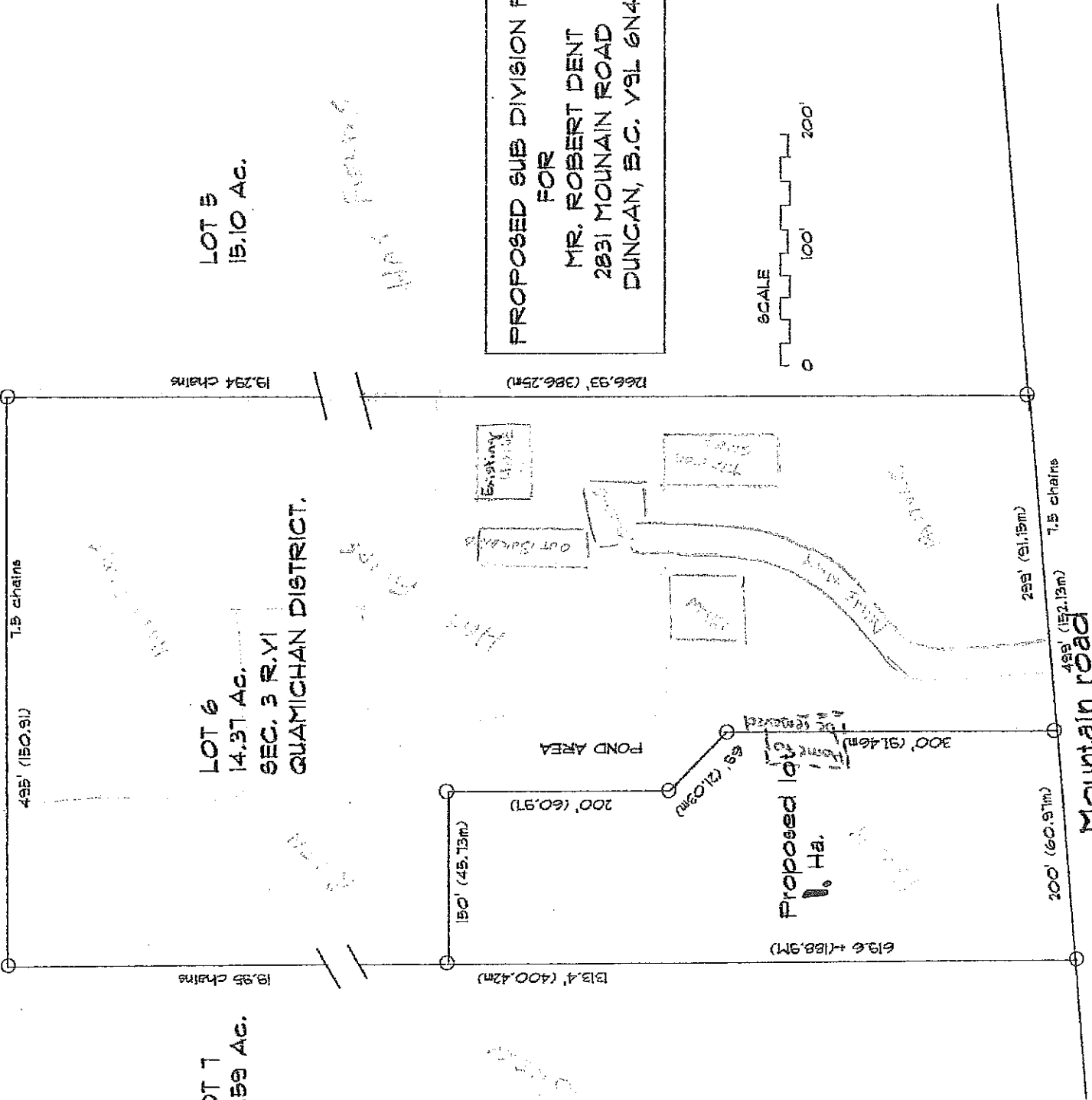
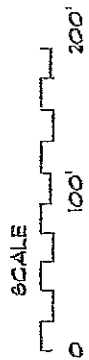


LOT 7  
14.59 Ac.

LOT 6  
14.37 Ac.  
SEC. 3 R.VI  
QUAMICHAN DISTRICT.

LOT 5  
15.10 Ac.

PROPOSED SUB DIVISION PLAN  
FOR  
MR. ROBERT DENT  
2831 MOUNTAIN ROAD  
DUNCAN, B.C. V9L 6N4





**MADRONE**  
environmental services ltd.

May 12, 2010

Mr. Robert Dent  
2831 Mountain Road,  
Duncan, BC, V9L 6N4.

**WATERCOURSE ASSESSMENT – 2831 MOUNTAIN ROAD, DUNCAN, BC.**

Dear Mr. Dent,

It is my understanding that you intend to subdivide your 15 acre property to allow the creation of a separate lot for a family member. The proposed subdivision would result in the formation of a new 2.5 acre lot, which would ultimately support a new dwelling. Your understanding of how the provincial Riparian Areas Regulation (RAR) affects the subdivision process prompted you to seek the advice of a Qualified Environmental Professional (QEP). I visited the subject property with you on May 7<sup>th</sup> 2010 to determine the applicability of the RAR.

In most cases, any development activities (including subdivision) within the Riparian Assessment Area (RAA) - 30 m from the edge of a “stream” - including lakes, wetlands, creeks, rivers and ditches, are subject to a RAR assessment by a QEP. The main goal of the field assessment was to ascertain whether any “streams” existed on the subject property to be subdivided.

Given your intimate knowledge of the land, you were able to show me the precise locations of all water bodies that exist on the subject property. There is a natural seepage area that surfaces near Mountain Road at the upper (southern) end of your property. Moist conditions occur in this area, with pockets of hydrophytic vegetation (e.g. skunk cabbage – *Lysichiton americanum*) occurring. A poorly defined (hand-dug) ditch extends to the north east from the main seepage area.

Dossier 10.0093

This drainage enters a dug pond, which was used for irrigation in previous years. Surface water input is limited into the pond, although it is also fed by subsurface flow from the moist area directly upslope. The pond is shallow and is approximately 8 m long and 3 m wide. The pond is drained via a poorly defined ditch line and subsurface flow into a larger irrigation pond located approximately 30 m down slope. Water seeps into the larger pond (previously used for irrigation purposes), which is approximately 12 m long and 4 m wide. Water drains out of the pond to the south east via an underground pipe. The pipe carries overflow water from the pond underground for approximately 75 m into a poorly defined ditch line running through pasture land parallel to the eastern boundary of the subject property. During the assessment, flow through the overflow pipe and ditch line was minimal.

Additional seepage occurs through the pasture located to the immediate west of the existing residence. The seepage is depicted by a linear section of lush, green grass, which runs from west to east through the field. This seepage is captured in a dug pond located to the north of the existing residence, and is approximately 2 m long and 1.5 m wide. Overflow from the pond spills out onto the field down slope.

The poorly defined drainages located on the property and the three dug ponds do not offer habitat for fish. Reasonable connectivity by surface flow to fish habitat does not occur, as water draining from the site enters the poorly defined ditch line running parallel to the eastern boundary of the subject property. This ditch line joins the network of field drains located on the neighbouring property. As the drainages on the subject property are disconnected from fish habitat and do not provide fish habitat, they are exempt from the RAR, as per Section 1 (1) of the RAR.

The proposed subdivision process will not trigger the RAR assessment procedure, given the fact that no “streams” (as defined under the RAR) exist on the subject property. When you apply for subdivision through the local government (CVRD), you should provide them with a copy of this watercourse assessment report.

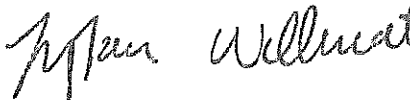
While there are no “streams” located on the subject property, the dug ponds offer confirmed habitat for amphibians. During the assessment, Pacific tree frogs (*Hyla regilla*) were observed on the banks of the ponds.

The ponds, therefore, should remain in their naturalized state, and the growth of riparian vegetation should be encouraged.

In conclusion, the provincial RAR assessment procedure should not be triggered by the proposed subdivision of the subject property, as the drainages and ponds that exist do not qualify as “streams” under the RAR assessment methodology.

I appreciate your diligence in contacting me regarding this matter. If you have any questions, please do not hesitate in contacting the undersigned.

Sincerely,



Trystan Willmott, B.Sc., A.Sc.T.  
Madrone Environmental Services Ltd.



**RAR Assessment Methodology Accessed at:**

([http://www.env.gov.bc.ca/habitat/fish\\_protection\\_act/riparian/documents/assessment\\_methods.pdf](http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/assessment_methods.pdf)).

**MADRONE**  
environmental services ltd.

**APPENDIX I**

**SITE PHOTOGRAPHS**



Main seepage originating near Mountain Road close to the southern boundary of the subject property.



Poorly defined drainage ditch originating at the seepage area pictured above (highlighted with dashed line).



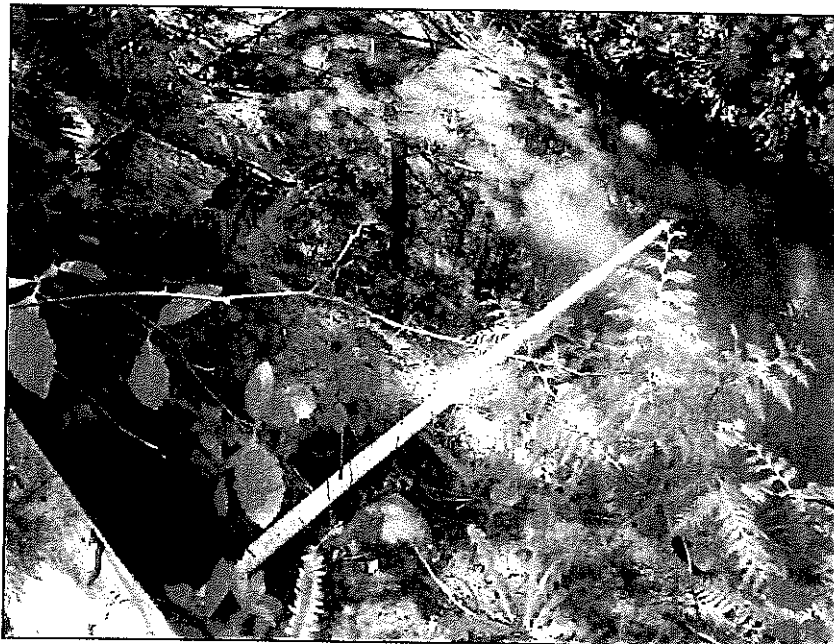
Continuation of poorly defined drainage from the main seepage area (highlighted).



First (smallest) dug irrigation pond located down slope of the main seepage area.

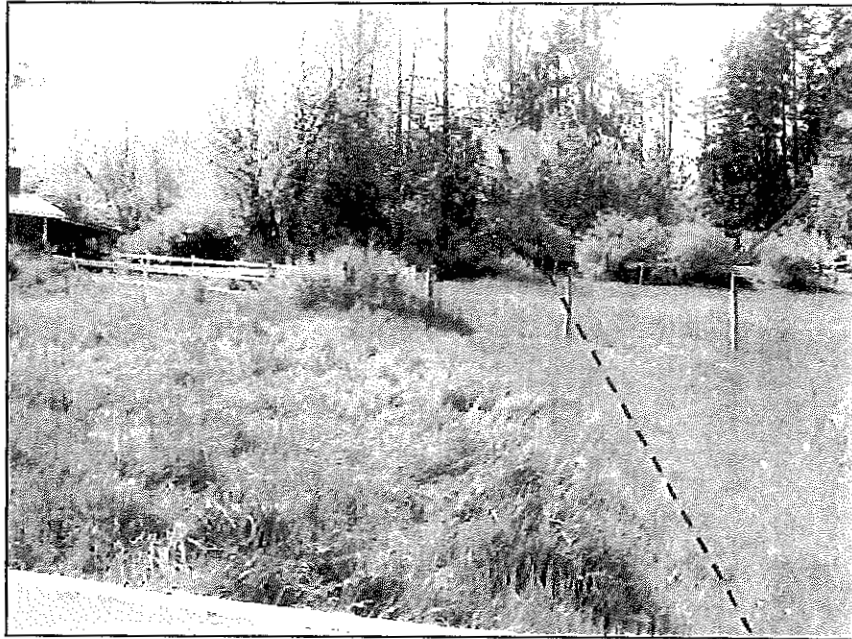


Looking over the second (larger) dug irrigation pond located down slope of the smaller pond.



Overflow pipe from the larger dug pond.



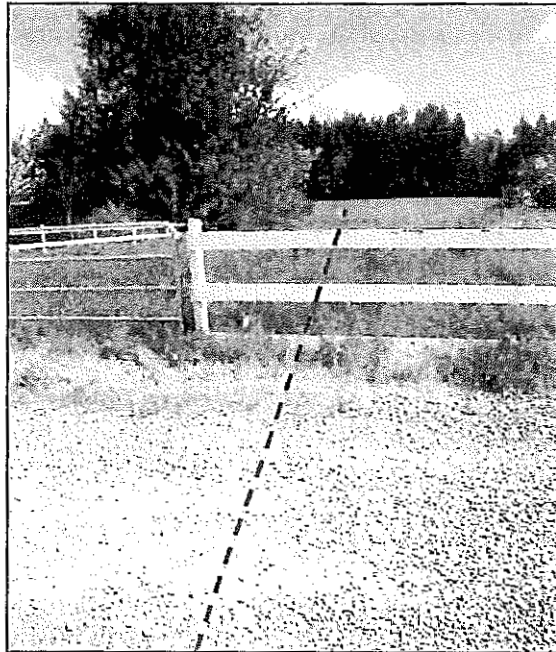


Looking from the driveway towards the larger dug pond (location highlighted with the red arrow). Overflow pipe from the pond (approximate route highlighted) carries water underground for approximately 75 m to the eastern edge of the property.



Overflow pipe from the larger pond at the point where it crosses underneath the driveway.

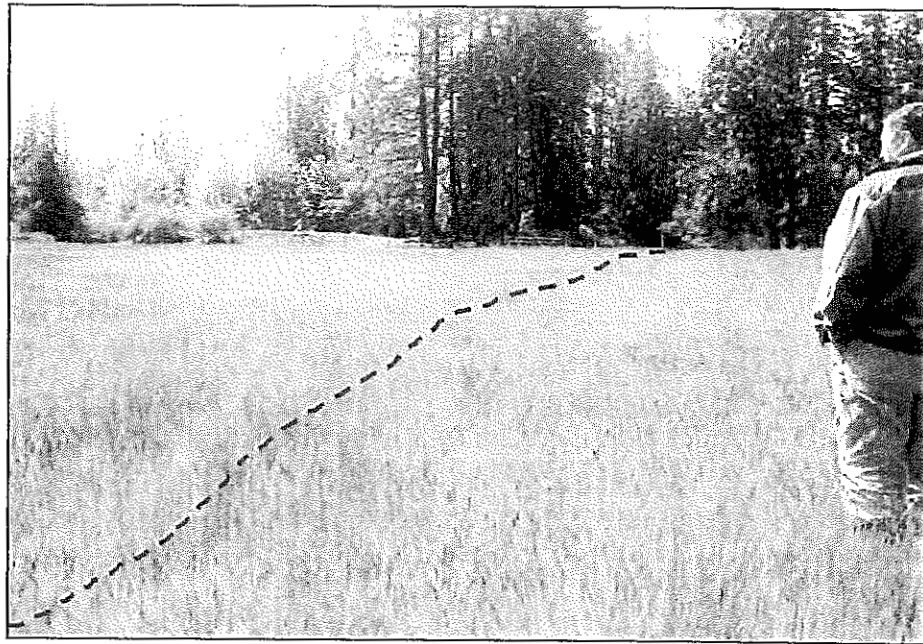




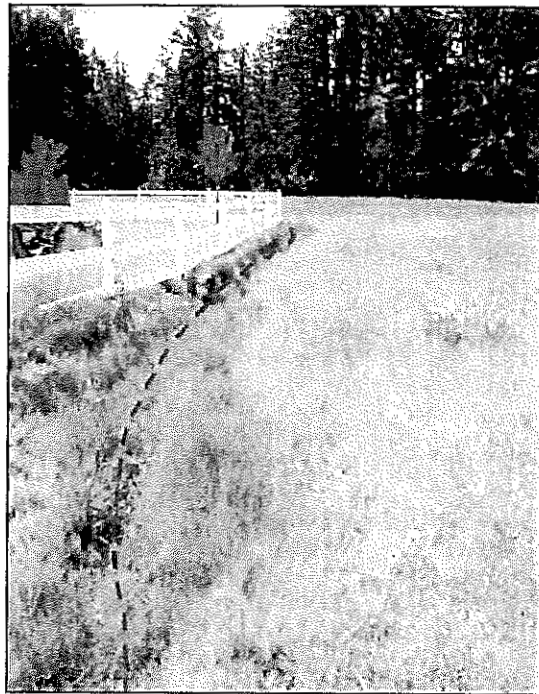
Looking over the approximate route of the underground overflow pipe (highlighted) across the driveway towards the eastern property boundary.



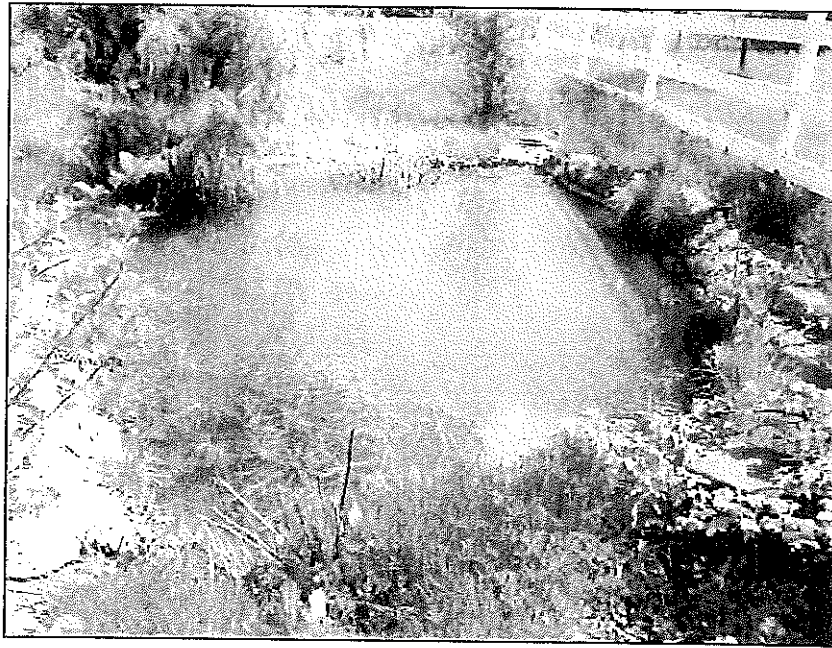
Looking north along the poorly defined ditch line (highlighted) running parallel to the eastern property boundary. Note lack of defined "stream" characteristics. This ditch represents the receiving drainage for all water originating from the subject property.



Linear seepage area (highlighted) depicted by lush, greener growth of grass. This seepage comes through the pasture located behind the existing residence.



Looking up the seepage area pictured above where it becomes slightly more defined along the edge of the pasture.



Dug pond represents the recipient of water originating from the seepage area shown in the previous two photographs.



R3

## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE MEETING OF FEBRUARY 1, 2011

DATE: January 26, 2011 FILE NO: 1373 Nelson Road  
FROM: Rachelle Moreau, Planner I BYLAW NO:  
SUBJECT: 1373 Nelson Road - Accessory Building Fixtures

---

#### **Recommendation:**

Committee direction is requested.

#### **Purpose:**

To obtain direction from the EASC with respect to a request to install a utility sink, in addition to a two-piece bathroom (toilet and sink), in an accessory building at 1373 Nelson Road in Electoral Area D – Cowichan Bay.

#### **Interdepartmental/Agency Implications:** N/A

**Background:** A request has been made by Elizabeth Biberger, owner of 1373 Nelson Road, to install a utility sink in an accessory building. The utility sink would be additional to the two-piece bathroom (toilet and sink) permitted in an accessory building. The applicant is in the process of building a detached garage on the property consisting of a workshop and cold storage space on the ground level and an art studio/storage area on the second level. For reference, please see the attached email request.

The property is zoned R-2 (Suburban Residential) and is approximately 1,673 m<sup>2</sup> (18,015 sq ft) in size. There is one single family dwelling with an attached garage on the property, and the applicant is building an approximately 115 m<sup>2</sup> (1248 sq. ft) garage/workshop towards the northeast side (rear) portion of the property.

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

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

**Staff Comments:**

As stated in the attached letter, the applicant's husband is an artist, and the additional utility sink is required to provide an area where he can wash tools/brushes as well as to have an area where the applicant can wash her dog. A new septic system was installed on the property in October 2010.

Due to the size of the lot, a small suite is not permitted on the property, so future conversion of the accessory building to a residential dwelling unit is not permitted. As a condition of approval, the Board typically has required applicants requesting additional bathroom fixtures to register a restrictive covenant prohibiting the occupancy of the accessory structure as a dwelling.

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

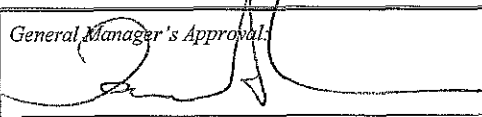
**Options:**

1. That the request by Elizabeth Biberger to allow a utility sink, in addition to two permitted plumbing fixtures, within an accessory building at 1373 Nelson Road (Lot 4, Section 2, Range 6, Cowichan District, Plan 25069 PID: 002-865-921), be approved subject to registration of a covenant prohibiting occupancy of the accessory building as a dwelling.
2. That the request by Elizabeth Biberger to allow a utility sink, in addition to two permitted plumbing fixtures, within an accessory building at 1373 Nelson Road (Lot 4, Section 2, Range 6, Cowichan District, Plan 25069 PID: 002-865-921), not be approved.

Submitted by,



Rachelle Moreau  
Planner I  
Development Services Division  
Planning and Development Department

|  |
|--|
| General Manager's Approval:  |
|  |
| Signature  |

RM  
Attachments

## Rachelle Moreau

---

**From:** Elizabeth Biberger [ebiberger@shaw.ca]  
**Sent:** Thursday, January 20, 2011 8:41 PM  
**To:** Rachelle Moreau  
**Subject:** Biberger - 1373 Nelson Road  
**Attachments:** image001.jpg; image002.gif



Dear Rachelle:

This email is regarding our request to the Electoral Area Services Committee for an additional sink in our garage.

We are currently building a detached garage in our rear yard. The garage is comprised of a workshop and cold storage space at ground level and an art studio/storage area on the second level.

My husband is an artist – please see his web site at [www.hubertbiberger.com](http://www.hubertbiberger.com) if you need verification. He also installs wood floors for a living and would soon like to start carving again. On the upper floor we requested a two piece bathroom. It is the utility sink on the lower floor that seems to be the problem – or rather - what has created the problem. I have to apologize that I did not apply for the extra plumbing outlet in advance. I misunderstood the message I received, when I inquired, as is evident in that I did not try to hide the plumbing for this sink. I clearly understood that I could only have a two piece bathroom (my interpretation was a toilet and sink and that a shower was a definite NO, NO). I did not realize that a utility sink in the workshop would be a problem. We want the utility sink so Hubert can wash tools/brushes from his trade, and personally clean up as best is possible before entering our home and so I can have a place to wash my dog (see dog license(s) paid for this year at the CVRD). When Hubert is painting he can be at it for hours and the convenience for him of being able to use his studio all year without having to run back and forth to the home is why he would like the sink and toilet upstairs.

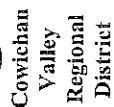
I do understand the concern about illegal suites but can only assure that we are not trying to build one. We value our privacy way too much to ever want a tenant on our property.

Regards

*Elizabeth Biberger*

### IMPORTANT- CONFIDENTIAL INFORMATION

This message is intended for the designated recipient only and may contain privileged or confidential information. If you have received it in error, please notify the sender immediately and delete the original. For ROYAL LEPAGE Duncan Realty's Privacy Policy, visit [www.royallepage.ca/duncanrealty](http://www.royallepage.ca/duncanrealty). If you wish to limit our contact with you, please contact our Privacy Officer at 250-746-6621.



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.

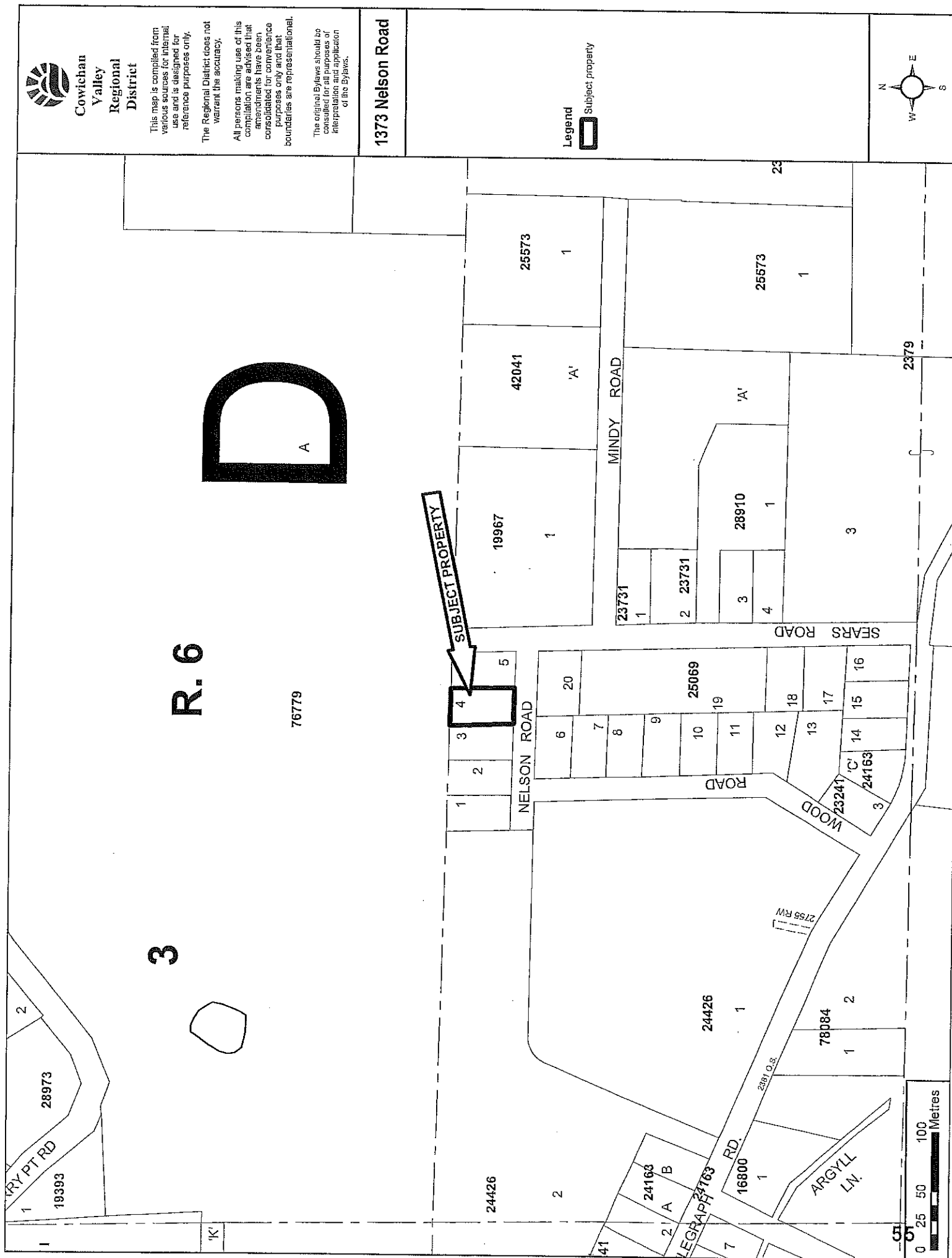
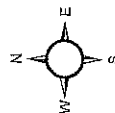
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

**1373 Nelson Road**

**Legend**

 Subject property





R 4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 1, 2011

**DATE:** January 26, 2011 **FILE No:** 6520-02-CBVO

**FROM:** Ann Kjerulf, Planner III  
Community & Regional Planning Division

**SUBJECT:** Vessel Operation Restriction Regulation and Navigation Channel Proposal for Cowichan Bay

---

**Recommendation:**

That this report be received as information.

**Purpose:**

To provide information to the committee regarding a vessel operation restriction regulation (VORR) and navigation channel proposal for Cowichan Bay.

**Financial Implications:** to be confirmed

**Interdepartmental/Agency Implications:**

This initiative is supported by a multi-jurisdictional, multi-agency partnership with representatives of the Cowichan Valley Regional District, Cowichan Tribes, the Department of Fisheries and Oceans, Transport Canada, Living Rivers – Vancouver Island Georgia Basin (funded by the Provincial Government), the BC Wildlife Federation (a charitable non-profit organization) and the RCMP.

**Background:**

The Cowichan Bay Estuary is one of the world's most biologically productive estuaries, recognized not only for its ecological value but for its social, cultural and economic importance. The estuary provides critical habitat to support the marine food web, which in turn supports activities such as marine tourism, commercial and sport fishing, and first nations' cultural practices.

Eelgrass is a vital component of the estuarine system – providing important habitat for forage fish such as Pacific Herring, a dietary staple of key fish species such as Chinook salmon, Pacific cod and Ling cod and other species such as grey whales, invertebrates and migrating seabirds. Notably, recent research indicates that Chinook salmon spend the early stages (approximately the first four months) of their lives close to shore; consequently, the quality of their nearshore environments is vital to their overall health and life expectancy.



Cowichan Bay contains significant areas of eelgrass, which were documented and mapped by Cowichan Tribes in 2005. Since that time there have been efforts to protect, restore and enhance eelgrass habitat in Cowichan Bay. For instance, in 2008, Cowichan Land Trust volunteers undertook an eelgrass restoration project, which involved transplanting over 2,000 eelgrass plants. Despite such efforts, eelgrass remains under threat from both land- and marine-based activities. In Cowichan Bay, the latter includes transient and permanent moorage directly on eelgrass beds and power boat activity in proximity to the Cowichan Bay Boat Launch.

Recognizing the ecological, social, cultural and economic importance of eelgrass and the need to protect this valuable resource, the CVRD, Cowichan Tribes, Department of Fisheries and Oceans, Transport Canada, Living Rivers, the BC Wildlife Federation have partnered to explore opportunities to provide greater protection to eelgrass habitat in Cowichan Bay.

Having considered a range of alternatives, a Vessel Operation Restriction Regulation (VORR) has been identified by the partners as practical approach to protect eelgrass in Cowichan Bay, which could be implemented in the short term (i.e. within one year).

### **VORR Proposal**

In brief, the Vessel Operation Restriction Regulation is a federal regulation that would restrict boating activity within designated areas for the purpose of protecting sensitive nearshore habitat. The proposed restricted areas are outlined in yellow in the attached map. The proposed restrictions include no power boating and no anchoring in the designated areas. Exemptions would be made for certain activities such as non-motorized boating (e.g. rowing, kayaking and canoeing), search and rescue operations, emergencies, research, and First Nations cultural activities. Given that this would be a federal regulation, it could only be enforced by designated agencies including the Department of Fisheries and Oceans and the RCMP. Both of these agencies have made a formal commitment to enforce the VORR and are involved in the development of the VORR proposal.

### **Navigation Channel**

As an adjunct to the VORR proposal, the partners are also pursuing the development of a clearly defined navigation channel to access the Cowichan Bay Boat Launch and marinas in Cowichan Bay Village. Mooring buoys and anchors are a navigational hazard. It is difficult to see small boats moving among the buoyed and anchored boats, particularly at night. A designated navigation channel would provide safe, unobstructed access to the Cowichan Bay Boat Launch and Village marinas for all marine vessel operators. The attached map shows the location of the proposed navigation channel in red. The channel is proposed to be approximately 30 m in width, which would provide adequate room for two vessels (of varying sizes) to safely pass each other. It should be noted that the navigation channel would not be designated through regulation so, should the Boat Launch or marinas be reoriented or extended at some point in the future, the navigation channel could be moved.

### **Agency and Public Consultation**

Consultation is integral to the development and pursuit of the VORR and navigation channel proposal. To date, consultation with partner agencies has occurred and will continue as the proposal evolves. A community meeting was held in November 2010 to introduce the proposal and gauge public support for moving forward. The meeting was attended by approximately 50 community members, primarily residents of Area D, Duncan, and North Cowichan. While there was a high level of support for the proposal, community members expressed a variety of concerns. A second community meeting is planned for the evening of February 15<sup>th</sup> to present a more refined proposal and to respond to the concerns that were expressed at the previous meeting. Aside from the VORR-focused community meetings, consultation through the Area D – Cowichan Bay OCP process is another mechanism for soliciting public input on the VORR

and navigation proposal. The community has identified the protection, restoration and enhancement of the Cowichan Bay Estuary as a key goal of the new Official Community Plan. It should also be noted that the Cowichan Bay Fishermans' Wharf Association has expressed its support for this proposal.

#### **Formal Application Process**

Provided that there is general support for the proposal to move forward from all parties involved, the CVRD, as the local government agency involved, will make a formal application through the Transport Canada Office of Boating Safety to have the VORR considered by the Treasury Board. The application should be available for Transport Canada to review by June 2011 and submitted to the Treasury Board by September 2011.

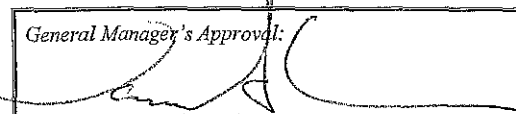
#### **Funding & Implementation**

The costs involved with funding and implementing the VORR and navigation channel proposal include costs to purchase signage and markers buoys and related installation costs. Estimated costs and budget implications need to be confirmed.

Submitted by,

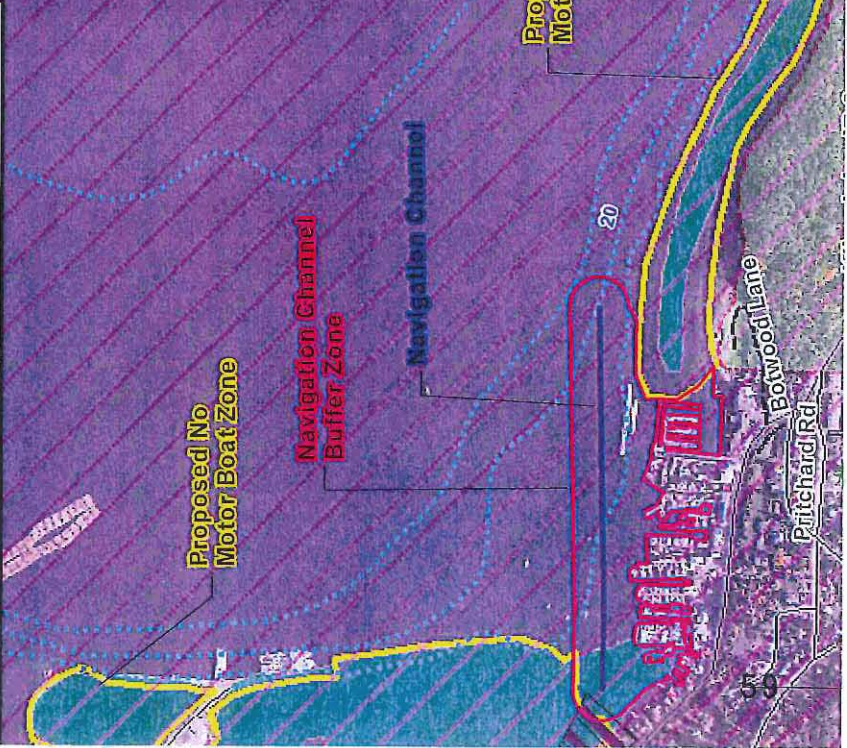
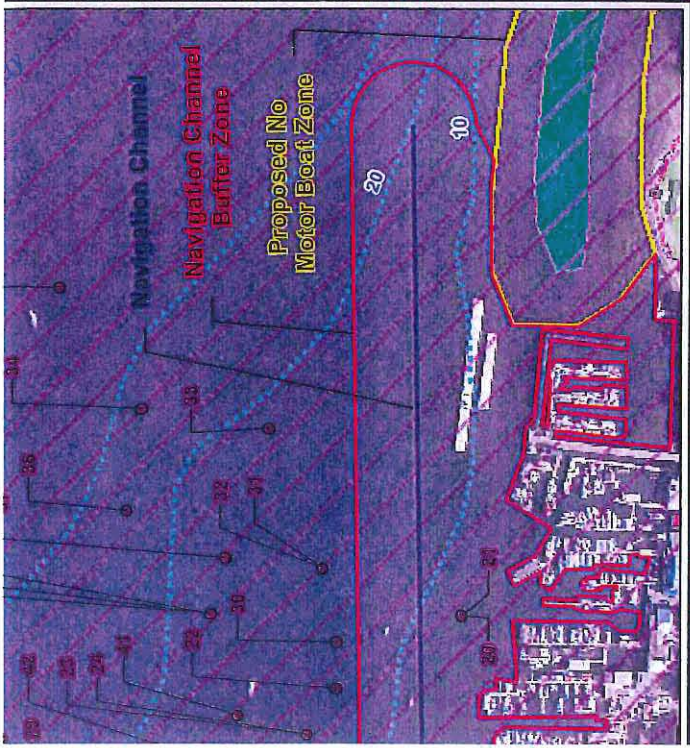
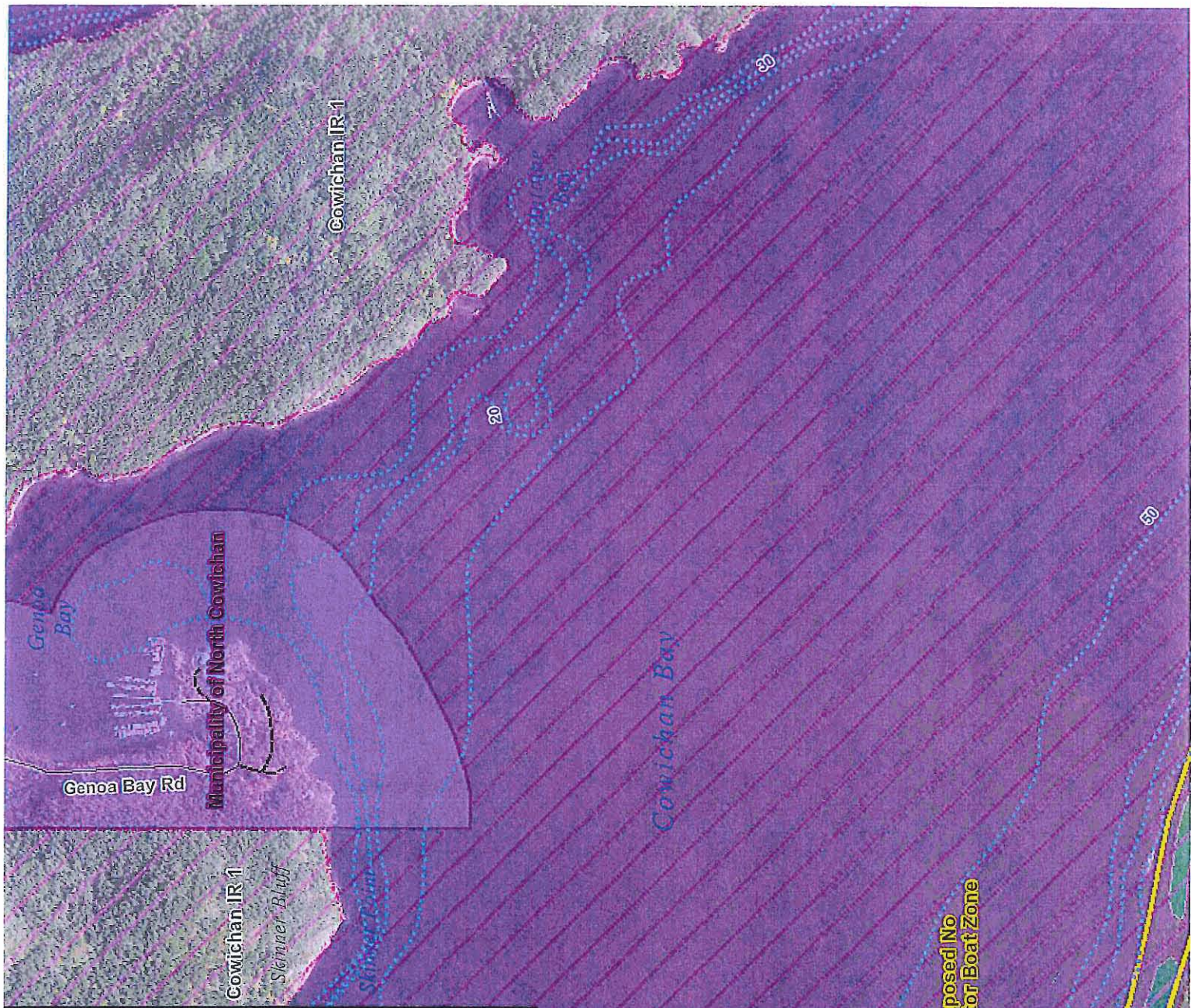


Ann Kjerulf, MCIP  
Planner III  
Community & Regional Planning Division  
Planning and Development Department

|                             |  |
|-----------------------------|--|
| General Manager's Approval: |  |
| Signature                   |  |

AK/ca









R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 1, 2011

DATE: January 25, 2011 FILE NO:  
FROM: Graham Gidden, Parks Planning Technician BYLAW NO:  
SUBJECT: Honeymoon Bay Community Society Gazebo Project

---

#### **Recommendation:**

To approve the proposed donation by the Honeymoon Bay Community Society of a 16 x 30 foot wood Gazebo for Central Park in Electoral Area F and that the building permit fee for the project by CVRD's Building Inspection Division be waved.

#### **Purpose:**

To provide Electoral Area F residents with a multipurpose covered structure within Central Park.

#### **Financial Implications:**

The long term maintenance of the wood Gazebo would be funded through the annual Electoral Area F community parks budget.

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

A building permit will be needed for construction of the Gazebo through CVRD's Building Inspection Division. The permit fee could be waved as the structure will be a donated asset to Electoral Area F Community Parks.


#### **Background:**

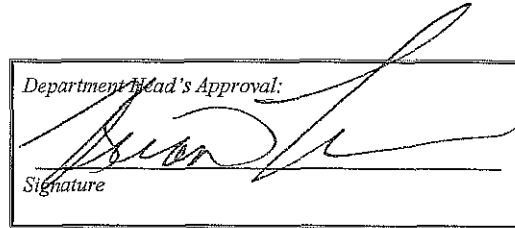
The Honeymoon Bay Community Society (HBCS) has offered to fund and construct a Gazebo for multi use purposes in Central Park in Electoral Area F (see attached). The proposed wood Gazebo would be located between the playground to the south and the storage shed to the north (see attached map). The dimensions of the structure would measure 16 x 30 feet and sit on top concrete pads to provide the ability for relocation or removal if needed in the future.

The funding for this project would come from the HBCS, New Horizons federal government grant funding, and in-kind donations from local residents. The construction would be done mostly by volunteer builders with supervision of a CVRD representative. The Gazebo will

provide a gathering and resting area for all users of the park as well as shelter for community events in the park. In their letter proposal, the HBCS had expressed interest in controlling the future use and bookings of the proposed structure. However, through subsequent discussions with the Electoral Area F Parks Commission, the HBCS confirmed their intended interest is to secure certain dates each year for Society sponsored events at the gazebo in Central Park. This clarification is supported by the Electoral Area F Parks Commission.

Submitted by,

  
Graham Gidden,  
Parks Planning Technician  
Parks, Recreation and Culture Department



GG/ca  
attachments



# **Project Gazebo 2011**

## **Honeymoon Bay Community Society**

The Honeymoon Bay Community Society requests your support and permission in allowing us to erect a Gazebo for multi use purposes in Central Park,

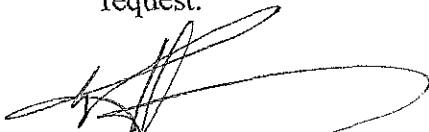
The Gazebo named, Timberlane, and designed by Timeless Designs Limited, measures 16 feet by 30 feet and would sit on a series of 18 inch square cement pads, allowing the relocation or removal at any time in the future, if required. It would be situated between the two existing picnic tables and the actual play ground equipment to the south of the old lawn bowling shed in a open area that currently is undeveloped and measures approximately 80 ft x by 70ft.

The funding for this project would come from the following sources: the Society, a grant from a federal government program called New Horizons, donations in kind from various residents. The construction would be done mostly by volunteer builders and workers - no construction costs would be born outside the community of Honeymoon Bay.

The uses of this Gazebo would be multiple, some of which might be parents and grand parents relaxing and resting in it while watching their children or grandchildren play in the park, outdoor movies could be shown in it, community BBQs, etc and in the time of disaster tarps could be hung around the outside and it could become a emergency shelter or rallying point.

What we require from the CVRD at the present time is written permission to go ahead with the Gazebo Project, and a letter stating future use and booking will remain in the hands of the society. The actual finished Gazebo would be turned over to the CVRD, therefore becoming a valuable asset to the Area F Parks.

Thank you on behalf of the Honeymoon Bay Community Society for considering our request.



WR (Dick) Orman  
Chairman Honeymoon Bay  
Community Society



R 6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 1, 2011

DATE: January 26, 2011 FILE NO:  
FROM: Tom R. Anderson, General Manager BYLAW NO:  
SUBJECT: City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010

---

**Action:**

That the Committee provide a recommendation to the Regional Board.

**Purpose:**

To obtain Committee comment on whether a regional approach to the City of Duncan Public Health Smoking Protection Bylaw would be supportive in the electoral areas.

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

N/A

**Background:**

The attached bylaw and correspondence appeared on the September 8, 2010 Regional Board agenda for consideration where the following resolution was approved:

**It was moved and seconded that the correspondence from the City of Duncan dated August 27, 2010 be referred to the Electoral Area Services Committee and the member municipalities with a covering letter enquiring whether council is supportive of consideration of taking a regional approach to implementing a Public Health Smoking Protection Bylaw.**

Submitted by,

A handwritten signature in black ink, appearing to read "Tom R. Anderson", with a long horizontal flourish extending to the right.

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca





## CITY OF DUNCAN

August 27, 2010

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

Dear Chair Giles and Directors:

**Re: City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010**

The City of Duncan recently gave two (2) readings to the attached "Public Health Smoking Protection Bylaw No. 2084". Before proceeding further, City Council would like the Cowichan Valley Regional District and neighbouring jurisdictions in the Cowichan Valley to consider adopting a similar Bylaw, or at the very least, a Bylaw that would encompass the requirements under the Tobacco Control Act which are currently enforced by the Vancouver Island Health Authority (VIHA).

Council's comments on the City's proposed Bylaw would also be appreciated. The Request for Decision and the Bylaw are enclosed for easy reference.

Please contact me or Lynn Ketch, Director of Corporate Services, at 250-746-6126 for further information.

Thank you.

Sincerely

Phil Kent  
Mayor

# Request for Decision



Date: April 27, 2010  
To: Mayor and Council – May 3, 2010 COW  
From: Lynn Ketch, Director of Corporate Services  
Re: Public Health Smoking Protection Bylaw

---

## RECOMMENDATION:

That the following resolution be forwarded to Council for consideration:

That "City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010 – Draft 1" be presented to the Chamber of Commerce and the Duncan Business Improvement Area Society (DBIAS) for comment;

And That a Notice be placed in the newspaper and on the City's website encouraging feedback from residents of the City, visitors, parks users and all other interested parties prior to considering the Bylaw.

## REPORT/DOCUMENT:

- City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010 – Draft 1
- April 28, 2010 letter from Vancouver Island Health Authority (VIHA)
- April 26, 2010 letter from the Canadian Cancer Society
- February 10, 2010 letter from The Lung Association
- February 16, 2010 letter from the Heart & Stroke Foundation of BC & Yukon
- HealthLinkBC – The Harmful Effects of Second-hand Smoke
- Toronto Smoking Ban – excerpt from the Calgary Herald April 13, 2010 – results show a significant decrease in cardio respiratory issues since total ban implemented in 1999
- List of other municipalities currently enforcing a similar Bylaw.
- Health Canada encouraging people to work with municipal government partners to make communities healthier and smoke-free
- Sample Bylaws similar to the one being proposed for Duncan (North Vancouver – 2010; Village of Pemberton – 2009; Port Moody – 2008; Surrey – 2008; White Rock – 2008; Whistler – 2008)
- Sample sign

## KEY ISSUES AND BACKGROUND:

The following resolution was adopted by City Council at the February 1, 2010 Committee of the Whole meeting:

*"That the Committee of the Whole request the Director of Corporate Services to draft a Smoking Regulation Bylaw for City-Owned or Operated Parks, Gazebos, Bus Shelters, the Downtown Core, including Roads, Sidewalks, City Square and Stage, Planters and Boulevards."*

In doing further research of Bylaws of this nature in place for other BC municipalities, I noted that if the distance used for the prohibited area was 7.5 metres, it would cover the area from one side of the street, including the sidewalks, to the other side of the street, reducing the need for the downtown core to be a specified area.

Draft 1 is modeled after the City of White Rock and allows for warning notices for property owners or occupiers who do not comply with signage or prohibit patrons from smoking on their premises.

There is a great deal of literature on the internet of studies done showing that reducing second-hand smoke will reduce the incidence of lung cancer, breast cancer and heart disease in non-smoking adults, low birth weight, sudden infant death syndrome, childhood cancers, asthma and respiratory problems in children.

Adoption of this Bylaw would reduce loitering in the downtown core and parks and would also eliminate the discarded cigarette butts from the downtown sidewalks and planters. Reduced littering of these butts in the planters also reduces the City's manpower needed to remove them each week which would free up the Public Works crew for other projects. It would also give a more aesthetically pleasing look to the downtown core.

### **FINANCIAL**

None - With the purchase of the new handheld for parking enforcement, there will be a shift in work assignments for one of the Commissionaires, freeing up approximately 1.5 hours per day to educate the public about the new public health smoking regulations in the City. He will also be doing a walk-through of Centennial Park during those hours; once in the morning and once in the afternoon. The Commissionaire overseeing Memorial and Station Street Parks will also be able to educate those persons he is in contact with each day.

### **STRATEGIC PLAN**

N/A

### **POLICY**

N/A


### **COMMUNICATION**

If the proposed Bylaw were to proceed, a Press Release would be drafted for Council's consideration and a two-month warning period would be implemented by the City Commissionaires and the consultation process with the DBIAS, Chamber of Commerce and the public in general.

### **Response Options**

1. Approve the recommendation
2. Not approve the recommendation
3. Approve the recommendation with amendments

  
Lynn Ketch  
Director of Corporate Services

  
Tom Ireland  
CAO

## THE CORPORATION OF THE CITY OF DUNCAN

### BYLAW NO. 2084, 2010

Being a Bylaw to regulate and prohibit smoking in certain areas of the City

---

**WHEREAS** it has been determined that second-hand tobacco smoke is a health hazard and nuisance for many residents and visitors in the City of Duncan;

**AND WHEREAS** it is desirable for the protection, promotion and preservation of the health of the residents of the City of Duncan for Council to regulate and prohibit smoking in certain areas of the City;

**AND WHEREAS** the City of Duncan has satisfied the preconditions to adopting this Bylaw set out in the *Public Health Bylaws Regulation, B.C. Reg. 42/2004*;

**NOW THEREFORE**, the Council of the Corporation of the City of Duncan enacts as follows:

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- 2.3 Signs banning Smoking
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- 2.5 Conditions of Signs

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- 3.2 Continuing Offence
- 3.3 Fines for Offence

##### SECTION 4 - ENACTMENT

- 4.1 Force and Effect

## **SECTION 1 INTERPRETATION**

### **Title**

- 1.1 This Bylaw may be cited as “Public Health Smoking Protection Bylaw No. 2084, 2010”.

### **Definitions**

- 1.2 For the purposes of this Bylaw:

“building” or “structure” means any structure used or intended for supporting or sheltering any use of occupancy.

“Building Official” as appointed by the City of Duncan.

“bus shelter” means a building or other structure located on City property and constructed near a bus stop to provide seating and/or protection from the weather for the convenience of waiting passengers.

“business” means the carrying on of a commercial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

“Bylaw Enforcement/Compliance Officer” means any Peace Officer or other person designated by City Council.

“City” means The Corporation of The City of Duncan.

“common public area” means an area in a building generally available for common use by the public or by a building’s occupants and visitors, including, without restricting the generality of the foregoing, hallways, lobbies, stairways, elevators, restrooms, laundry rooms, amenity areas, cloakrooms, or food services establishments.

“Council” shall mean the Council of The Corporation of the City of Duncan.

“customer service area” means a partially enclosed or unenclosed area, including a balcony, patio, yard or sidewalk, that is part of or connected to or associated with the business or use in a building or premises that includes the service of food or alcoholic drinks to customers or other persons for consumption on site.

“owner” includes the registered owner or purchaser under an agreement for sale, mortgagee in possession, agent, tenant, and any person in charge or control of a building, premises, land or vehicle.

“post” means the act of keeping continuously on display.

“Peace Officer” means any person defined as a Peace Officer by the Interpretation Act R.S.B.C. 1996, Chap. 238 and includes a Bylaw Enforcement/Compliance Officer appointed by Council.

“Person” shall mean and include persons of either sex, association, partnerships, corporations, whether acting by himself or herself or by a servant, agent or employee.

“premises” means a portion of a building in respect of which a person has exclusive possession.

“Public Facility” includes, but is not limited to, any outdoor gathering place owned or operated by the City of Duncan, including parks, sports fields, playgrounds and land or buildings owned, operated or leased from the City of Duncan.

“public transportation” means school bus, public bus or other form of public transportation and includes, without limiting the generality of the foregoing, taxicabs, limousines, or vehicles for hire, but does not include rentals of personal vehicles for private use.

“responsible person” means a person who owns, controls, manages, supervises or operates:

- (a) a business or other use which occupies all or substantially all of a building;
- (b) business or other use which occupies premises, including a customer service area;
- (c) common public areas;
- (d) a reception area; or
- (e) a vehicle for hire.

“Smoke” or “Smoking” means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance, but does not include the carrying of lighted incense, smoking by actors as part of a stage or theatrical performance or as part of a traditional aboriginal cultural activity.

## **Table of Contents**

- 1.3 The table of contents for this Bylaw is for convenient reference only, and is not for use in interpreting or enforcing this Bylaw.

### **Severability**

- 1.4 A decision by a court of competent jurisdiction that any part of this Bylaw is illegal, void or unenforceable severs that part from this Bylaw and is not to affect the balance of this Bylaw.

### **Enforcement**

- 1.5 The Bylaw Enforcement/Compliance Officers or the Building Official of the City of Duncan shall be responsible for administration of this Bylaw.

### **Duty of Administration**

- 1.6 The intent of this Bylaw is to set standards in the general public interest, and not to impose a duty on the City, its employees, Building Official or Bylaw Enforcement/Compliance Officers to enforce its provisions and:
- (a) a failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
  - (b) the grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

## **SECTION 2 HEALTH REGULATIONS**

### **Ban on Smoking**

- 2.1 No person shall smoke:
- (a) In a building, except in:
    - (i) a dwelling unit as defined in the City of Duncan Zoning Bylaw including any balcony or patio accessible there from and immediately adjacent thereto, including a dwelling unit in which an owner or occupier also carries on a business,
    - (ii) a hotel or motel room or suite designated for smoking by a responsible person, or
    - (iii) enclosed premises:
      - (A) that are not open to the public,
      - (B) where the only occupants are the owner or owners of the business carried on in the premises;

- (b) in any public facility, including parks, playgrounds and sports fields.
- (c) in a vehicle for hire;
- (d) on public transit, including a school bus or passenger bus;
- (e) in an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit;
- (f) within seven and a half (7.5) meters of the perimeter of a bus stop;
- (g) in a vehicle when any other occupant of the vehicle is under the age of 16 years;
- (h) within seven and a half (7.5) meters of any door or window that opens or any air intake;
- (i) in a customer services area;
- (j) within seven and a half (7.5) meters of a customer service area but this subsection does not apply to smoking in a dwelling unit as defined in subsection 2.1(a)(i) herein.

#### **Enforcement of ban on smoking**

- 2.2 Except as permitted by section 2.1, a responsible person must not suffer or allow a person to smoke in any of the areas specified in section 2.1(a) through (j).

#### **Signs banning smoking**

- 2.3 A responsible person must display or ensure the display of a sign at all times:
- (a) in a vehicle for hire, a school bus, a public transit bus, in an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit, where section 2.1 prohibits smoking, stating:  
  
"THIS IS A SMOKE FREE ENVIRONMENT – NO SMOKING"  
  
and
  - (b) at each entrance wall, door or window to a building or customer service area of a building where section 2.1 prohibits smoking, stating:  
  
"SMOKING IS PROHIBITED WITHIN 7.5 METRES OF OPENINGS INTO THIS BUILDING INCLUDING DOORS AND WINDOWS THAT OPEN AND ANY AIR INTAKE" combined with the internationally accepted 'no smoking' symbol.



### **Sign requirements**

- 2.4 (1) All signs referred to in section 2.3 (a) will:
- (a) be in a form and size prescribed by the City,
  - (b) be posted in a conspicuous place and be clearly visible to the public using the vehicles or premises;
- (2) All signs referred to in section 2.3 (b) will:
- (a) be in a form and size prescribed by the City,
  - (b) be posted in a conspicuous space and be clearly visible to the public outside the premises.

Notwithstanding the fact that the symbol in section 2.3 (b) is a cigarette, it shall be deemed to include a lighted cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance.

### **Conditions of signs**

- 2.5 A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw or cause any sign required under this Bylaw to be removed, altered, concealed, defaced or destroyed.

## **SECTION 3 OFFENCES AND PENALTIES AND ENFORCEMENT**

### **Offences under Bylaw**

- 3.1 A person who:
- (a) violates any provision of this Bylaw or does any act or thing which violates any provision of this Bylaw or allows any other person to do any act or thing which violates any provision of this Bylaw;
  - (b) neglects to do or refrains from doing anything required to be done by any provision of this Bylaw; or
  - (c) fails to comply or allows any other person to fail to comply, with an order or direction given under any provision of this Bylaw;

is guilty of an offence against this Bylaw and liable to the penalties imposed under section 3.3.

### **Continuing Offence**

- 3.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

### **Fines for Offence**

- 3.3 Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine of not less than \$100.00 or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended, and the cost of prosecution.

## **SECTION 4 ENACTMENT**

### **Force and Effect**

- 4.1 This Bylaw comes into force and takes effect upon adoption.

RECEIVED PROVINCIAL MINISTRY OF HEALTH CONSENT the     day of     ,  
2010.

READ A FIRST TIME this     day of     , 2010.

READ A SECOND TIME this     day of     , 2010.

READ A THIRD TIME this     day of     , 2010.

ADOPTED this     day of     , 2010.

DEPOSITED WITH THE PROVINCIAL MINISTRY OF HEALTH the     day of  
, 2010.

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Lynn Ketch  
Director of Corporate Services

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Phil Kent  
Mayor



R7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 1, 2011

DATE: January 26, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: A Bylaw to Regulate Wharf Services on Thetis Island

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#### **Recommendation:**

That if the Committee wishes to proceed with a Thetis Island Wharf Bylaw, that the draft bylaw be forwarded to the Thetis Island Port Commission to determine if the requirements of the Bylaw adequately reflect the situation of the wharf and desires of the Commission. Further, after such direction is obtained, that the draft bylaw be forwarded to any federal or provincial agency that may have an interest and to our solicitors for review.

#### **Purpose:**

Director Dorey has requested that the attached draft bylaw be placed on the agenda for discussion and consideration.

#### **Financial Implications:**

Not known at this time.

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

This bylaw, if the Committee wishes to move forward, should be referred to any federal or provincial agency that may have an interest.

#### **Background:**

The Committee that oversees the Thetis Island Wharf found a Central Saanich Wharf Bylaw that they feel would be most helpful to them in ensuring the proper use of their wharf. Staff have redrafted this bylaw into our format (see attached).

After a cursory review of the bylaw, it would appear that many of the rules and regulations proposed pertain to a much busier wharf than the Thetis Island Wharf. However, it is very comprehensive and would certainly be a good starting point if the Committee would like to move forward with the bylaw.

Submitted by,

Tom R. Anderson,  
General Manager  
Planning and Development Department



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No.**

**A Bylaw to Regulate Wharf Services on Thetis Island  
Applicable To Electoral Area G –Saltair/Gulf Islands**

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**WHEREAS** pursuant to Section 903 of the *Local Government Act*, R.S.B.C. 1996, Chapter 323 (the "Act") the Regional Board is empowered to prepare and adopt a regulatory bylaw;

**AND WHEREAS** the Cowichan Valley Regional District operates public wharf facilities and wishes to regulate the use of those facilities;

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

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**PART ONE**

**CITATION**

This bylaw may be cited for all purposes as "Cowichan Valley Regional District Thetis Island Wharf Regulation Bylaw No. , 2011"

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**PART TWO**

**DEFINITIONS**

In this Bylaw,

**business** means a commercial or industrial undertaking of any kind, including providing of professional, personal or other services for the purpose of gain or profit;

**bylaw enforcement officer** means any person appointed as such by the Cowichan Valley Regional District (CVRD) and members of the Royal Canadian Mounted Police (RCMP);

**dangerous goods** means dangerous goods as defined in the *Transport of Dangerous Goods Act*;

**emergency personnel** includes any person, group or organization authorized by municipal Bylaws or provincial or federal statute to respond to emergency situations;

.../2

**emergency service vessel** means a police, fire, search and rescue, ambulance or other vessel used by emergency personnel in the course of their duties;

**emergency vehicle** means police vehicle, ambulance, fire, search and rescue or other vehicle used by emergency personnel in the course of their duties;

**explosive** has the same meaning as in the *Explosives Act* (Canada);

**length** means

- (a) in the case of a vessel registered under the *Canada Shipping Act*, the length as shown in the certificate of registry issued by Transport Canada;
- (b) in the case of a vessel licensed under the Small Vessel Regulations under the *Canada Shipping Act*, the length from the fore part of the head of the stern to the after part of the head of the stern post; and
- (c) in the case of a vessel that is not registered or licensed under (a) or (b), the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull;

**liquor** has the same meaning as in the *Liquor Control and Licensing Act*;

**live aboard** means a vessel or watercraft with living accommodation;

**emergency zone** means that area of a wharf designated solely for loading and unloading passengers, supplies or freight and identified by a yellow painted tie-rail or yellow painted lines;

**moor** means to secure a vessel or watercraft by means of lines, cables, anchors or other similar means;

**raft** means the mooring of one vessel or watercraft along side another;

**vessel** means any ship, boat or watercraft whether or not propelled by machinery;

**waterlot area** means an area leased or licensed to the Cowichan Valley Regional District in which is located a wharf as described and shown on Schedule B; and

**wharf** means any landing pier, ramp, float, dock and other facilities comprised in public facilities listed in Schedule A.

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**PART THREE****ADMINISTRATION**

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**1. Public Conduct**

- (a) No person shall obstruct or interfere with any person or vessel lawfully using a wharf.
- (b) No person shall behave in a disorderly, dangerous or offensive manner on a wharf.
- (c) No person shall bring a live animal onto a wharf unless the animal is on a leash.

**2. Noisy Activities**

No person shall, while on a wharf or on a vessel moored at a wharf, make any amplified sound or operate any equipment, which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

**3. Liquor**

No person shall possess an open container of liquor at a wharf.

**4. Signs**

No person except the Cowichan Valley Regional District or TIPC and its employees, contractors and agents shall place, post or erect a sign on a wharf.

**5. Damage**

- (a) No person shall remove, destroy or damage any wharf or structure or sign attached to a wharf.
- (b) No person shall remove, destroy or damage any notices, rules or regulation posted on a wharf by or under the authority of the Cowichan Valley Regional District.
- (c) No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a wharf or in a waterlot area.

**6. Storage**

No person shall store any material of any kind, including a vessel, on the surface of a wharf.

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**7. Loading Zone**

- (a) No person shall cause a vessel or a vehicle to be left unattended at or adjacent to a loading zone.
- (b) Every person using a loading zone shall immediately vacate the loading zone for an emergency vessel operating in the case of an emergency.
- (c) No person shall cause a vessel to remain moored in a loading zone for a period in excess of 15 minutes, except for emergency vessels in the course of training exercises or emergency situations.

**8. Commercial Use**

No person shall conduct any business on a wharf or within a waterlot area, including by selling or displaying for sale any goods or services, including food and refreshments.

**9. Moorage Restrictions**

- (a) No person shall cause any vessel to moor or remain moored at a wharf area between the hours of 9:00 p.m. and 6:00 a.m., except for emergency service vessels in the course of emergency situations.
- (b) No person shall secure the berth of any vessel at the wharf by use of a lock or otherwise in a manner that prevents a bylaw enforcement officer from relocating the vessel or watercraft.
- (c) When required by limited mooring space, a person in charge of a vessel may raft the vessel provided that no more than two vessels are rafted and that such rafting does not impede the movement of other marine traffic.
- (d) No person shall moor a vessel within a waterlot area, other than at a wharf.

**10. Dangerous Goods**

- (a) No person shall moor a vessel carrying dangerous goods or explosives at a wharf.
- (b) No person shall store, treat, generate, transport, process, handle, produce or dispose of any dangerous goods, explosives or hazardous or contaminated materials or substances at a wharf or within a waterlot area.

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**11. Maximum Vessel Length**

No person shall moor a vessel in excess of 10 metres (32.8 feet) in length at a wharf.

**12. Prohibited Vessels**

The loading and unloading of passengers onto wharves from seaplanes or charter boats is not permitted at a wharf.

**13. Prohibited Uses and Obstructions**

No person shall:

- (a) do any maintenance or repair work on a wharf;
- (b) refuel at a wharf;
- (c) do any other thing in such a manner as to impede public access to a wharf;
- (d) use any vessel moored at a wharf for live-aboard activity;
- (e) flush vessel heads at a wharf or within a waterlot area;
- (f) ground a vessel on the foreshore of a waterlot area or create any other disturbance of the foreshore or seabed within a waterlot area;
- (g) moor a vessel at a wharf in such a manner as to unduly obstruct the movement of other vessels or watercraft;
- (h) tie lines fastening a vessel to a wharf, across a wharf or to anything other than the fastenings provided for the purpose of moorage;
- (i) operate a barbeque, camp stove or similar device or start or cause any open flame at a wharf; or
- (j) keep the motor of a vessel running at a wharf, except when arriving at or leaving a wharf.

**14. Enforcement Powers**

- (a) All bylaw enforcement officers may enforce this Bylaw in the course of their duties.
- (b) A bylaw enforcement officer may order a person who does anything contrary to this Bylaw to leave, and to remove any vessel over which they exercise control from, a wharf immediately, or within a period of time specified by the bylaw enforcement officer, and every person so ordered shall comply with the order.
- (c) No person shall hinder, oppose, molest or obstruct a bylaw enforcement officer in the discharge of their duties.

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**15. Offence**

A person who breaches any part of this Bylaw commits an offence and is punishable on summary conviction, by fine of up to \$10,000 or imprisonment, or both.

**16. Removal and Impoundment of Vessels, Watercraft, Chattels and Obstructions**

- (a) A bylaw enforcement officer may remove and impound, or cause to be removed and impounded, any vessel, chattel or obstruction that occupies a wharf or waterlot in contravention of this Bylaw.
- (b) Any vessel, chattel or obstruction removed and impounded under this section may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs incurred by the Cowichan Valley Regional District in removing and impounding (including storing) and any fines owing by the owner under this Bylaw.
- (c) If a vessel, chattel or obstruction is removed and impounded, a bylaw enforcement officer shall make reasonable efforts to obtain the name and address of the owner of the vessel, chattel or obstruction and:
  - (i) if the name and address of the owner is determined, the bylaw enforcement officer shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the sum payable to release the vessel, chattel or obstruction and the date for sale by public auction or disposition under section 18(d), as applicable, if unclaimed; or
  - (ii) if the identity of the owner is not determined, the bylaw enforcement officer shall cause a notice to be posted at the relevant wharf advising of the removal and impoundment, the sum payable to release the vessel and the planned date for sale by public auction or disposition under section 18(d), as applicable, if unclaimed.
- (d) The fees, costs and expenses payable by the owner of a vessel, chattel or obstruction removed and impounded under this section are set out in Schedule "C" to this Bylaw.
- (e) A sign at each wharf shall notify the public that vessels, chattels and obstructions occupying the wharf and surrounding waterlot in contravention of this Bylaw, may be removed and impounded by or on behalf of the Cowichan Valley Regional District at the cost of the owner and may be sold at public auction or otherwise disposed of if unclaimed.

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- (f) The Cowichan Valley Regional District may engage the services of a bailiff to remove, impound and auction vessels, chattels and other obstructions under this section and section 19.

#### **17. Public Auction**

- (a) Any vessel, chattel or obstruction not claimed by its owner, including where the bylaw enforcement officer has been unable to determine the owner's identity, within 30 days of notice under section 18(c) may be sold at a public auction and such auction shall be advertised at least once in a newspaper distributed at least weekly in the Cowichan Valley Regional District.
- (b) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to all unpaid fees, costs and expenses levied in accordance with this Bylaw.
- (c) If any vessel, chattel or obstruction is not offered for sale or purchased at public auction under this section, the expenses incurred in the removal, impoundment or disposal, are recoverable as a debt due to the Cowichan Valley Regional District from the owner.
- (d) If the bylaw enforcement officer considers that a vessel, chattel or obstruction removed and impounded from a wharf is of insufficient value to warrant an auction, the bylaw enforcement officer may dispose of the vessel, chattel or obstruction if unclaimed after 2 months following notice under section 18(c) and any money obtained through such disposition shall be dealt with in accordance with section 18(b).

#### **18. Severance**

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this Bylaw.

#### **19. Schedules**

Schedules "A" to "C" attached to this Bylaw form an integral part of this Bylaw.

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**PART THREE**

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**FORCE AND EFFECT**

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This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

## **SCHEDULE A**

### **Public Facilities**

**SCHEDULE B**

**Waterlot Areas**

Legal and map

## **SCHEDULE C**

### **Fees, Costs and Expenses**

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Section 18 of this Bylaw:

- |    |  |                                    |
|----|--|------------------------------------|
| 1. | Impoundment Fee  | \$100.00 / \$200.00                |
| 2. | Towing Fee<br>(for towing or removal to storage location)        | \$150.00 per hour                  |
| 3. | Hauling Out Fee  | \$150.00 per hour                  |
| 4. | Fee for Placing Blocks/Removal from Trailer                      | \$150.00 per hour                  |
| 5. | Storage Costs for Vessel<br>(per day, based on length of vessel) | Daily Rate \$3.50 per day per foot |
| 6. | Dangerous Cargo  |                                    |
| 7. | Moorage Fine   | \$150.00 per day                   |



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

|   |                               |
|---|-------------------------------|
| Grantee:  | Grant Amount \$ <u>250.00</u> |
| NAME: <u>Cowichan Food Connection</u>                                   |                               |
| ADDRESS: <u>#2-5803 Trans Canada Hwy</u><br><u>Duncan, B.C. V9L 4X2</u> |                               |
| Contact Phone No: <u>Joyce Behnson 715-6044</u>                         |                               |
| PURPOSE OF GRANT: <u>To help support the Bread Van</u>                  |                               |
| REQUESTED BY: _____<br>Director Requesting Grant                        |                               |

| ACCOUNT NO.        | AMOUNT | HST CODE |
|--------------------|--------|----------|
| 01-2-1950-0247-113 | 250.00 | 10.0     |

|                             |
|-----------------------------|
| <b>FOR FINANCE USE ONLY</b> |
| BUDGET APPROVAL _____       |
| VENDOR NO. _____            |

|                               |
|-------------------------------|
| <b>Disposition of Cheque:</b> |
| Mail to above address: _____  |
| Return to _____               |
| Attach to letter from _____   |
| Other _____                   |

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

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

## Sharon Moss

---

**From:** Gerry Giles [ggiles12@shaw.ca]  
**Sent:** Monday, January 24, 2011 12:22 PM  
**To:** Sharon Moss  
**Subject:** Grant in Aid  
**Attachments:** Bread Van.tif

Hi Sharon,  
Could you please initiate the paperwork for a Cobble Hill grant in aid for the bread van for \$250.00.  
Thank you.  
Gerry



# Cowichan Food Connection Society

Incorporated as a Society since January 16, 1997

*"Dignified Access to Food for All"*



Nov 15, 2010

NOV 23 2010

Gerry Giles, Chair  
CVRD Directors

## Helping the Cowichan Food Connection feed people in need

Cowichan Food Connection well known as the 'Bread Van' is now in our 14<sup>th</sup> year. We pick up expiring bread and bakery items and deliver them to locations where people of all ages in need can access the food with a measure of privacy and dignity. Deliveries go to Food Banks, Soup Kitchens, Our Place, Thrift Stores, Child-care, Senior and Disability Centres, Healthiest Babies Possible program, Cowichan Tribes, Native Health Centre, Churches, Local Schools etc.

For the past two years the Cowichan Food Connection has partnered with local churches making soup which is served to school children, providing them a healthy lunch once or twice a week. This Soup Program includes Alexander & Koksilah Elementary & Quamichan Middle School. Khowhemun Elem. & Mount Prevost Middle School also receive the bread/buns etc. deliveries and hopefully we will be able to offer the Soup Program to them and other schools in the Region as well. During the year virtually every school in our distribution area asks for help with extra food for hungry children. We realize the benefits to the Teachers, Students and families of our Program. Please see attached letters.

12,000 to 15,000 loaves of bread returns are distributed each month from the Weston Bakery Warehouse in Victoria and at times Island Bakery.

Our major costs are for the 1992, 3-ton Diesel Van – fuel, vehicle insurance, repairs and maintenance. The monthly mileage is over 4,000km with a weekly fuel bill of approximately \$300 - \$350. We are pleased to provide tax receipts as required.

We appeal to the Community for funding rather than to professional fund-raisers to keep rolling. The Logos of our Local Sponsors including C.V.R.D. are already placed on the 'Bread Van' in appreciation of the ongoing Support.

We enjoy being in service working to Build Community

Sincerely, Joyce Behnsen  
Chair, Cowichan Food Connection

|           |         |          |     |
|-----------|---------|----------|-----|
| Chair     | Francis | Co-Chair | Don |
| Board     |         |          |     |
| Gen. Sec. |         |          |     |
| Chm       |         |          |     |

NOV 25/10

Cowichan Food Connection Society is a nonprofit Society, Business Number 889627626

#2 – 5803 Trans Canada Highway, Duncan, B.C. V9L 4X2

Phone: Joyce Behnsen: 250-715-6044 or Fred: (250) 746-5131 email [info@cowichanfoodconnection.org](mailto:info@cowichanfoodconnection.org)

Website: [www.cowichanfoodconnection.org](http://www.cowichanfoodconnection.org)

INI

Shawnigan Lake Parks and Recreation Commission, electoral area B, dec.16th 2010. Shawnigan Lake Community Centre

members present: lori Treloar, Catherine Whittome, al Brunet, bill Savage, Margaret Symon, ken Cossey.

meeting called to order at 5:45pm.

-al Brunet gave us an update regarding our meeting on nov.18th with shawnigan lake parks and rec commission, shawnigan lake residents association, shawnigan lake business association, shawnigan lake historical society, shawnigan lake community association. the meeting went well and all parties agree that communication between these groups is essential . another meeting should occur in the new year, in order to keep the community informed it was suggested that our parks and recreation minutes be posted on the shawnigan lake residents association website, as well as the shawnigan lake business association website. this will be discussed at our next group meeting.

-shawnigan hill park update,,the hydro and water hook-ups are well underway, also the track around the perimeter of the park is almost complete. ryan diaz will be at our jan.2011 meeting to give us an update on the project ,a media event will occur in the new year to let the community know that this project is occurring and that phase one of this project will be complete by the spring of 2011.

-worthington road/cullin road subdivision site visit , it is agreed by all members of the commission that following our site visit to the location that we would like the entire worthington road access . this access to the lake has been of interest to the community for a number of years and would make an excellent park with ample space for lake access as well as washroom facilities and parking. c.v.r.d. parks and c.v.r.d. planning departments must be notified of our intentions immediately.

-memory island was due for fuel reduction this past fall. a boat for transportation of crew and equipment has been arranged . there apparently is no money in the budget for this endeavour. this cleanup is long overdue and must be addressed before the spring. further discussion regarding memory island will take place during our january 2011 meeting

-washroom facilities for the village have been temporarily put in place beside the museum on elsie myles property. further discussion with a number of groups should occur to resolve this problem.

-it has been brought to our attention that the entrance to shawnigan beach estates is in need of some maintenance. this property is not a park but is apparently greenbelt. further discussion regarding an upgrade should occur however, responsibility of maintenance to this greenbelt as well as other greenbelts should be clarified.

-trina white emailed margaret Symon regarding her position on the commission. due to family reasons trina is resigning her position . trina has served on the commission for a number of years and was the previous chair. she has volunteered hundreds of hours of her time , her knowledge, her expertise, her insight to this community and she will be missed. we the commission wish her the best with her new family and thank her sincerely for a job very well done.

- ken's update-there will be an arts and cultural meeting on saturday , january 15th 2011...the official community plan will have more meetings in january or february of 2011 for more community input....the c.v.r.d. has adopted a new corporate strategic plan....and there will be regional recreation discussions to start in march and april of 2011...

**- MOTION MADE in regards to the Shawnigan Lake Parks and Trails Master Plan....a motion was made that C.V.R.D. Parks make notice to the Ministry of Highways and Infrastructure(M.O.T.I.) that all lake access' (road ends) to Shawnigan Lake be acquired by C.V.R.D. Parks for lake access and conservation. MOTION CARRIED UNANIMOUSLY**

**-MOTION MADE that C.V.R.D. Parks take the steps to obtaining the Mount Baldy Trail .MOTION CARRIED UNANIMOUSLY**

-meeting ended at 7p.m.

-next meeting jan. 20 , 2011

IN 2

## **Shawnigan Lake Parks and Recreation Commission**

Jan 20, 2011 SLCC

**Attendees:** Margaret Symon, Betty Lord, Bill Savage, Lori Treloar, Al Brunet, Ken Cossey

**Scribe:** Lori Treloar

**Guests:** Brian Jackson, Tim Taylor, Gayleen Flaman, Scott Overhelm

**Meeting called to order:** 7:00

**Presentation:** Graham Ross-Smith

Graham congratulated the commission on the Shawnigan Lake Parks and Trails Master Plan. The presentation included several recommendations for the commission: 1) Boat launches – he suggested that there be two classes of boat launch. Type “A” would be for launching and hauling out boats on trailers and include adequate parking space, public washrooms, litter receptacles, a dock to temporarily moor boats, supervision at peak times, and a system for charging fees. Type “B” would be for launching car top boats and other small watercraft and set up so trailers couldn’t gain access. Graham recommended that only one type “A” launch be established on the lake and located far from residential areas. 2) Loops and Bridges – he suggested that there should be more trail loops around the lake, even to the point of considering bridging across the lake in one or two places. Example: from Ida Road to Verlon Road, or across the West Arm. 3) Add cycling lanes – improving road shoulders for cycling traffic. 4) To acquire as much Crown land as possible to control the preservation of the watershed. 5) consider a community theme, or recurring element, as the area develops, such as stonework. 6) Designate the lake as a park such as Matheson Lake in the CRD which would allow us to control the surface of the lake. Discussion of the ownership of the lake bottom ensued.

**Minutes:** from Dec 16, 2010. Approved: Betty Lord

### **Old business:**

#### **Shawnigan Hills Athletic Park**

The CVRD had a contract for work required for the next phase at Shawnigan Hills Athletic Park. A running trail/track has been installed around the outside of the park. Services, including water, power upgrades, sewer, for current and future development have been brought into the park by conduits to the future electrical room in the planned washroom building. The job was delayed when it was discovered that the gas line was above the water line, and also due to snow. The extra expenses due to the delay will be absorbed by the contractor. Completion of the services is being held up by Hydro. The ball infield can’t be completed at this time as it needs to be warmer before the material is put down. Dugouts and Backstops will be installed prior to ball season. Ryan Dias will bring the preliminary drawings for the washroom building to the February 2011 meeting. We will have approx \$306000 towards the project for 2011. A media event is set for January 28, 2011 at 10 a.m.

#### **Worthington Road End/Subdivision**

Al suggested that residents should visit the Shawnigan Residents Association website for more information on this development and join the discussion. Margaret has visited the CVRD and voiced the commission's concerns about this development and the concerns have been noted. It is understood that we can not stop the development but we have requested that our park dedication be along the waterfront. We will also pursue the entire Worthington Road end for dedicated park. This would move the access to the development from Worthington to Cullin Road and through the property being developed. Using their own property for access would allow for fewer properties which is desirable to the commission. A neighbour of the proposed development, Tim Taylor, added that the residents are very concerned about the Worthington subdivision and that Worthington Road has been used and maintained by residents as a neighbourhood lake access for a long time.

### **Memory Island Fuel Management**

Margaret advised that the outhouses on the island are in a desperate state and overflowing. Bill suggested that the outhouses be torn down and replaced. He has offered to donate wood (1000 board feet) to build a new two stall outhouse on a concrete slab. He suggested that we install composting toilets that empty into a locked cement box. He also believes that it would be possible to hire a few young people to empty the overflowing pits and to remove the effluent from the island by boat in several containers. Margaret suggested that the two projects might be done at the same time. Bill made a motion "that the parks commission build a two stall outhouse on Memory Island and install a composting toilet, and that we do this in conjunction with a firesmarting project, prior to the 2011 summer season." Bill suggested checking out the *Clivis* composting toilet design.

### **New Business:**

#### **Area Directors Report**

- The Elsie Miles acquisition is progressing. A final report is being prepared to present at the March School Board Meeting. A 50 year lease will be proposed with the intent to purchase if the Ministry of Education rules change.
- There was an Arts & Culture meeting in Shawnigan Jan 15<sup>th</sup>. Kirsten Schraeder gave a presentation that was warmly received by the group. Ken will work with Kim Little, Kirsten Schraeder and the Cowichan Arts Council to formalize the Shawnigan Arts and Culture group.
- There is an APC discussion group scheduled for Saturday Jan. 22, 10-2 at the SLCC. It is by invitation only. Members of the commission can attend but must RSVP to Katy Tompkins.
- There will be a Town Hall Meeting in February or March.
- Road Ends – Bob Web, Regional Manager for MOTI indicated that it would not be a problem to get control of the road ends. Ken is waiting for a template from MOTI. Brian Jackson added that he thought the acquisition of the road ends was very important for the community, particularly for the residents of the Beach estates.
- Ken will try to arrange to have a rep from Mainroad and MOTI at the Town Hall Meeting

### **Other:**

-Margaret advised that the Elkington project is approved and a few lots have already been sold.

-Gayleen Flaman asked about the status of the entrance to the Beach Estates. Margaret advised that it came under parks and was considered a green belt. Any maintenance for the

property comes from the parks budget. Green belts are monitored only on an "as needed" basis. Gayleen asked if the community could take on a clean-up/maintenance/improvement project. Both Ken and Margaret advised that this would have to be done through CVRD Parks who would be responsible for a plan and monitoring.

-Al suggested that Old Mill Park would be a perfect park for a community project as well. This would entail refurbishing and fixing the trails, removing garbage and removing invasive plants. It was suggested that the Rotary or Lion's Club may be willing to participate. Margaret suggested contacting Ian Anderson of Pro-Tree or Bill Turner. Parks staff would need to be included in any plans or implementation. A 2009 fire reduction crew removed some trees and garbage.

-Betty advised that the parking lot at Old Mill Park is dreadful. Full of pot holes. Same problem at Spectacle Lake.

-Al suggested that the SRA would be willing to host community groups such as the Parks Commission or Beach Estates residents if they wanted space on their new website. He is also going to initiate a Volunteer Bureau on the SRA web site so that people can sign up for projects in the community.

Adjourned: 9:00pm

Next meeting: February 17, 2011

**CVRD AREA F ADVISORY PLANNING COMMISSION  
2011 ANNUAL GENERAL MEETING MINUTES**

**Honeymoon Bay Community Hall  
January 19, 2011**

**Called to Order** at 1900. Brian Peters in the Chair.

**Attendance:** Brian Peters, Ian Morrison, Rhiannon Morrison, Peter Devana, Sharon Devana, Joe Allan, David Hignell, Val Hignell, Mary Lowther, Phil Archbold, David Lowther.

**MSC:** to approve the **Agenda**.

**MSC:** to approve the **Previous Minutes**.

**Election of Officers:** Ian Morrison assumed the Chair.

Chairperson: Brian Peters nominated, seconded and acclaimed.

Vice Chairperson: Peter Devana nominated, seconded and acclaimed.

Secretary: Shirley Burden nominated, seconded and acclaimed.

Brian Peters assumed the Chair, and welcomed new members Sharon Devana and Mary Lowther.

**MSC:** That the Regional Representative arrange a meeting between the Commission and Staff to discuss Bill 27 as it relates to the OCP.

**Presentation by Val Hignell re Sahtlam Lodge rezoning application:**

Good evening to you all. Thank you for volunteering to listen to us. As with all these hearings we present a burden and a challenge. In the next 10 minutes or so I would like to bring to your attention some biases within the CVRD Planning Report, tell you about the reasons for the proposal, then answer any questions.

The Planning Report provided you with a linear map showing a sector of Riverbottom Road. We have passed around a community map that shows the whole community of Lower Sahtlam, a community that is tightly bordered by forest, park and river.

Pervasive throughout the planners report is the inference that there are insurmountable hurdles yet to be dealt with in creating this "subdivision". That is not the case. Approvals have been achieved in all areas: geo tech surveys, development permits, building permits, drilled wells, VIHA approved septic systems, individual Hydro services, driveways with aprons installed by Ministry of Highways, appropriate setbacks and each lot has a building that should be described as a house not a cabin. While acknowledging the subdivision and rezoning process, all else is readied.

**APC 2011 AGM Minutes (2):**

Under Planning Division Comments (p. 4) you are asked to consider 2 questions:

1. Should Tourist Commercial zoned property be retained in the Riverbottom Rd. area?
2. Are 1 1/2 acre lots (.6 hectares) suitable in the area?

To answering question two first, we quote the report “the proposed lot size is consistent with the land use pattern in the area”, and as you see by the community map and most of you having visited the property this is the case. 17 of the 21 riverfront lots immediately surrounding the subject property are smaller than our proposed lot size.

In the same paragraph the report tells us that increasing residential density is undesirable. We ask you to consider if this subdivision increases river corridor residential density; the potential of the existing commercial does. Note that overnight commercial capacity is 70 persons, which leads us back to the question one. In speaking with our neighbours we understand that they are happy for the opportunity to remove commercial zoning.

Please refer to our property map. Under existing commercial zoning this property may be subdivided into 2 lots, each with commercial zoning. This is the crux of the matter: 2 lots versus 3. The position of buildings is not conducive to a 2 parcel split; any which way 2 lots cut through power, sewer and water lines. Two lots will not provide sufficient return to us as owners, while commercial zoning remains a threat.

With 3 lots each lot is in keeping with the neighbourhood in look and size, is treed, and has vegetative screening. Each enjoys more than 170’ of river frontage. The homes are built to suit active retirees for whom 1 1/2 acre (.6 hectare) lots are a generous size. The community benefits from the elimination of a large Commercial development, and this “development” offers a modest residential infilling.

We understand the fear of precedent setting however we think it has been given too much emphasis. The uniqueness of this property needs to be addressed in the bylaw. CVRD by-laws have been amended in the past to accommodate variances and anomalies. These sore thumbs are assimilated over time and become invisible.

David and I are retiring and trying to determine a route that allows us to continue living in our neighbourhood. If this application is unsuccessful it leaves a lot unresolved. In both size and zoning, the property will remain an anomaly. This property could attract unwanted business activities: weddings, camping, all-day restaurant, tube rentals, and New owners needing a much greater revenue stream may choose development schemes that are outside of the CVRD control: ie. incorporation with time shares, etc

Our proposal offers an almost imperceptible change to the community. It is respectful to the land and the river. So how can this proposal be realized? Thank you.



**APC 2011 AGM Minutes (3):**

**MSC:** With regard to rezoning application **I-F-10RS (Hignell)**

Whereas the lot size in the vicinity is .4 hectares, and

Whereas the proposal would divide the existing property into lots of  
Approximately .6 hectares, and

Whereas the property divides naturally along the proposed lines, and

Whereas the property may currently be divided in two properties zoned C4 under  
the current OCP,

Therefore be it resolved that this Commission advises this proposal go forward  
with the two smaller outside lots zoned RC3 and the central lot to remain C4,  
with a revised covenant of temporary accommodation restricted to 25 overnight  
guests in no more than two cabins and eight lodge units.

***Motion carried unanimously.***

**MSC:** to Adjourn at 19:50 PM

## Advisory Planning Commission Minutes Area D – Cowichan Bay

|              |                  |
|--------------|------------------|
| <b>Date:</b> | January 12, 2011 |
| <b>Time:</b> | 7:00 PM          |

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

### PRESENT

### ALSO PRESENT

|                      |                |                 |                |
|----------------------|----------------|-----------------|----------------|
| <b>Chair</b>         | Calvin Slade   | <b>CVRD Rep</b> | None           |
| <b>Vice-Chair</b>    | Kevin Maher    |                 |                |
| <b>Secretary</b>     | Dan Butler     |                 |                |
|                      |                |                 |                |
| <b>Members</b>       | Dave Paras     | <b>Guests:</b>  | Ralph Hemstalk |
|                      | Brian Hosking  |                 | Betty Hemstalk |
|                      | Cal Bellerive  |                 | Gord Fraser    |
|                      | Robert Stitt   |                 |                |
|                      | David Slang    |                 |                |
|                      |                |                 |                |
| <b>Absent</b>        | Linden Collett |                 |                |
|                      | Al Jones       |                 |                |
|                      | Hilary Abbott  |                 |                |
|                      |                |                 |                |
| <b>Director</b>      |                |                 |                |
| <b>Alt. Director</b> | Leslie Hino    |                 |                |

### ORDER OF BUSINESS

#### 1. Election of APC Officers

By acclamation, the 2011 APC officers are:

Chair – Calvin Slade  
Vice-Chair – Kevin Maher  
Secretary – Dan Butler

#### 2. Rezoning Application No. 4-D-09-RS (Hemstalk) Sub-Division and Non Farm Use Application 3-D-09 (Hemstalk)

##### Presentation By the Applicant (Ralph and Betty Hemstalk)

- The applicants have lived on the property since 1978 and have operated an auto repair business there since 1981.
- They require additional floor space in the mechanic shop to permit moving hazardous materials storage (i.e. used oil and anti-freeze) inside which is the best way to comply with the environmental regulations and to reduce congestion in the working area.

- The expansion is not intended to permit an expansion of the business or the number of employees working on site.
- The addition will be a single storey and will be 2 feet lower than shown on the elevation provided as the inside height can be reduced by 2 feet by using low profile hoists.
- They had been advised to include a request to sub-divide the site to accommodate a second residence as part of this application; however, the rezoning and sub-division are separate, unrelated issues.
- The expansion of the shop building is the most important issue.

#### **Questions/Discussion:**

- Members raised the point that it was important to protect farm land and that changing the zoning or sub-dividing this property was not in the long term interest of the community.
- The shop building was seen as having good potential use in the future as a farm building or for use in agricultural processing.
- Extending and upgrading the building was supported but only as a continued, non-conforming use.
- Suggested that an alternate approval process to rezoning such as the Board of Variance should be pursued.

#### **• Recommendation**

By a vote of 6-0, the members recommend that:

- The application for rezoning and sub-division not be approved, and;
- The proposal to extend, modernize and improve the existing shop building be supported in principle as a non-conforming use of agricultural land and an alternate process like the Board of Variance be used to accomplish this.

Note: one member did not participate or vote due to a potential conflict of interest.

### **3. ALR Application 1-D-10ALR (Cowichan Bay Improvement District)**

#### **Presentation by the Applicant (Gord Fraser)**

- Cowichan Bay Fire Rescue requires an expansion of their current 2 bay garage building in order to store an antique fire truck and provide space for equipment repair.
- The entire building will be redesigned to replicate a fire hall from the 1930's.
- The antique fire truck will be restored by volunteer labour and will be used in parades and the fire education program at schools.
- The neighbours are aware of the plan and don't have a problem.
- The existing fire hall is currently a non-conforming use in the ALR.

#### **Questions/Discussion:**

- Members all expressed support for the application.

#### **• Recommendation**

By a vote of 7-0, the members recommend that this application be supported.

### **NEXT MEETING**

Wednesday February 16, 2011 at Bench Elementary School

## **ADJOURNMENT**

The meeting was adjourned at 8:15 PM

**Dan Butler**  
**Secretary**



**ASSOCIATION OF VANCOUVER ISLAND  
AND COASTAL COMMUNITIES**  
525 Government Street, Victoria, BC V8V 0A8

TO: AVICC MEMBERS  
FROM: Iris Hesketh-Boles, Executive Coordinator  
DATE: January 13, 2011  
RE: REMINDER - 2011 RESOLUTIONS DEADLINE

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**DEADLINE FOR RESOLUTIONS**

All resolutions must be received in the AVICC office by **FEBRUARY 25, 2011**.

**SUBMISSION REQUIREMENTS**

Resolutions submitted to AVICC for consideration shall be submitted as follows:

- one copy of the resolution by regular mail and one copy by email to [iheskethboles@ubcm.ca](mailto:iheskethboles@ubcm.ca)
- the resolution should not contain more than two "whereas" clauses;
- background documentation must accompany each resolution submitted.

Sponsors should be prepared to introduce their resolutions on the Convention floor.

**LATE RESOLUTIONS**

- a. Resolutions submitted following the expiry of the regular deadline shall be considered "Late Resolutions" and shall comply with all other submission requirements. Resolutions must be received in the AVICC office by Wednesday noon (April 6<sup>th</sup>) preceding the date of the Annual General Meeting (April 8<sup>th</sup>).
- b. Late resolutions shall be available for discussion after all resolutions printed in the Resolutions Book have been debated.
- c. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen since or was not known prior to the regular deadline date for submission of resolutions.
- d. In the event that a late resolution is recommended to be admitted for discussion, AVICC shall produce sufficient copies for distribution to the Convention.



# MEMORANDUM

**DATE:** January 13, 2011

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

**FROM:** Brian Duncan, Chief Building Inspector

**SUBJECT:** BUILDING REPORT FOR THE MONTH OF DECEMBER, 2010

There were 32 Building Permits and 0 Demolition Permit(s) issued during the month of December, 2010 with a total value of \$ 3,500,180

| Electoral Area | Commercial        | Institutional    | Industrial        | New SFD             | Residential       | Agricultural | Permits this Month | Permits this Year | Value this Month    | Value this Year      |
|----------------|-------------------|------------------|-------------------|---------------------|-------------------|--------------|--------------------|-------------------|---------------------|----------------------|
| "A"            | 35,000            |                  |                   | 243,850             |                   |              | 2                  | 85                | 278,850             | 17,617,443           |
| "B"            |                   |                  | 374,790           | 1,091,430           | 97,660            |              | 10                 | 151               | 1,563,880           | 15,778,185           |
| "C"            |                   |                  |                   |                     | 153,960           |              | 4                  | 74                | 153,960             | 8,612,319            |
| "D"            | 104,250           |                  |                   | 797,260             | 61,960            |              | 9                  | 51                | 963,470             | 6,602,190            |
| "E"            |                   |                  |                   | 385,820             | 15,840            |              | 2                  | 53                | 401,660             | 5,712,804            |
| "F"            |                   |                  |                   |                     | 51,800            |              | 2                  | 20                | 51,800              | 1,083,166            |
| "G"            |                   |                  |                   |                     |                   |              | 0                  | 37                | 0                   | 4,291,410            |
| "H"            |                   | 40,000           |                   |                     |                   |              | 1                  | 28                | 40,000              | 1,831,252            |
| "I"            |                   | 3,000            |                   |                     | 43,560            |              | 2                  | 26                | 46,560              | 2,407,105            |
| <b>Total</b>   | <b>\$ 139,250</b> | <b>\$ 43,000</b> | <b>\$ 374,790</b> | <b>\$ 2,518,360</b> | <b>\$ 424,780</b> | <b>\$ -</b>  | <b>32</b>          | <b>525</b>        | <b>\$ 3,500,180</b> | <b>\$ 63,935,874</b> |

B. Duncan, RBO  
Chief Building Inspector  
BD/db

*For*

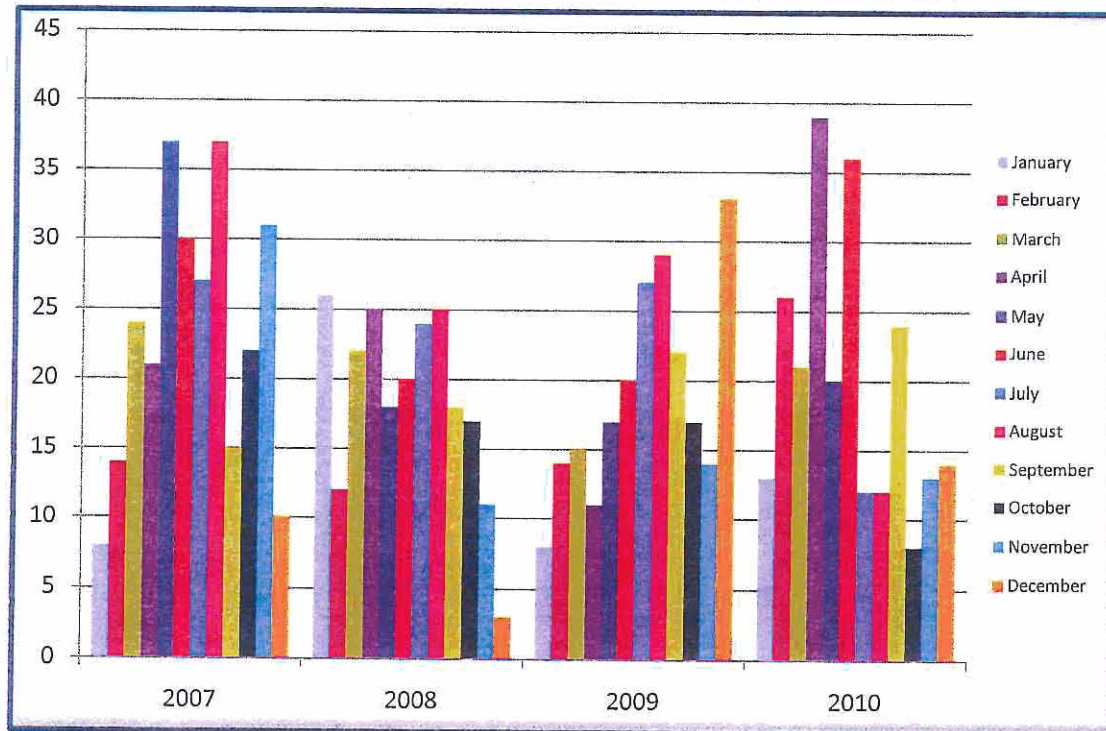
**NOTE:** For a comparison of New Housing Starts from 2007 to 2010, see page 2  
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3

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## 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         |
| December          | 10         | 3          | 33         | 14         |
| <b>YTD Totals</b> | <b>276</b> | <b>221</b> | <b>227</b> | <b>238</b> |





## 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         |
| December          | 19         | 15         | 49         | 32         |
| <b>YTD Totals</b> | <b>547</b> | <b>543</b> | <b>479</b> | <b>525</b> |

