



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
August 2, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

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- 8. NEW BUSINESS**
- 9. QUESTION PERIOD**
- 10. 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.
- | | | |
|-------------|---|---------|
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- 11. ADJOURNMENT**

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, July 5, 2011 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

PRESENT

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

CVRD STAFF

Mike Tippet, Acting General Manager
 Warren Jones, Administrator
 Ron Austen, General Manager
 Rob Conway, Manager
 Brian Duncan, Manager
 Brian Farquhar, Manager
 Catherine Tompkins, Senior Planner
 Ann Kjerulf, Planner III
 Alison Garnett, Planner II
 Rachelle Moreau, Planner I
 Jennifer Hughes, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding four items of listed New Business and three additional items of New Business [(NB5 – Director Marcotte, North Oyster Fire Department Update); (NB6 Rob Conway, North Oyster Community Hall) and (NB7 Director Dorey, Cell Phone Towers)].

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

MOTION CARRIED

Chair Iannidinardo introduced Michael Miller, Parks Capital Projects Specialist, Parks & Trails Division, to the EASC.

M1 - Minutes

It was Moved and Seconded that the Minutes of the June 21, 2011, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 – Mary Lowther

Mary Lowther was present and provided an overview of the installation of smart metres that BC Hydro plans to implement and requested the CVRD send a letter to the Province of BC to put a regional moratorium on the installation of “smart meters”.

The Committee directed questions to the delegate.

STAFF REPORTS

R1 - Crompt

Alison Garnett, Planner II, presented staff report dated June 27, 2011, regarding Application No. 7-G-10DP (Brian and Sandra Crompt) to legitimize previous construction of a retaining wall within the Ocean Shoreline Development Permit Area located at 3900 & 3901 Linton Circle.

Brian and Sandra Crompt, applicants, were present and provided further information to the Committee.

The Committee directed questions to the applicant.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 7-G-10DP be approved, and that a development permit be issued to Brian and Sandra Crompt for Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 to legitimize previous construction of a retaining wall, subject to:

- Implementing landscaping as proposed on attached plan
- Payment of security bonding in the amount of 125% of the costs of implementing the landscaping plan

MOTION DEFEATED

It was Moved and Seconded

That Application No. 7-G-10DP (Brian and Sandra Crompt) be referred back to Planning staff for further information.

MOTION CARRIED

R2 – Mark Wyatt

Rachelle Moreau, Planner I, presented staff report dated June 29, 2011, regarding Application No. 6-A-10DP/RAR (Ocean Terrace Properties/Mark Wyatt) to consider the issuance of a Development Permit that would allow subdivision for 203 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site and designation of an area for subsequent strata subdivision (future 71 lots) at Butterfield Road and Trans Canada Highway.

Mark Wyatt, applicant, was present and provided further information to the Committee.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 6-A-10DP/RAR submitted by Mark Wyatt on behalf of Ocean Terrace Properties for subdivision for 203 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated

for a school site, and designation of an area for subsequent strata subdivision (future 71 lots) on That Part of District Lot 77, Malahat District, Lying to the South of the South Boundaries of Parcel C (DD 43694¹) and Parcel D (DD 33154¹) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554), Parcel C (DD 43694¹) of District Lot 77, Malahat District (PID:009-346-511), Parcel D (DD33154¹) of District Lot 77, Malahat District (PID:009-346-520) be approved subject to:

- a) Widening the highway buffer to a minimum 20 metres;
 - b) Connecting Roads E and F by a road connection to provide for a secondary access from Road F, in consultation with the Ministry of Transportation and Infrastructure;
 - c) Rainwater management system to provide for on-site infiltration galleries on each single family lot;
 - d) Sediment erosion and control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish-or amphibian-bearing streams and that the plan be provided to CVRD prior to each phase;
 - e) Receipt of a tree assessment and retention plan prior to tree clearing in future phases in order to identify patches of trees/wildlife corridors that can be kept, and provide recommendations for mitigation from wind throw within park areas;
 - f) Areas of natural forest be allowed to remain on residential lots, and building footprints located in a sensitive manner;
 - g) Phasing to be generally in compliance with the June 9, 2011 Phasing Plan;
 - h) Trails and emergency access connections to be constructed to CVRD standards;
 - i) The single family lot on the northwest corner of central park be relocated and that this area be dedicated parkland;
 - j) Implement a 7.5 m height restriction on the multi-family units between Sangster Road and the Trans Canada Highway;
 - k) Provide a pre-emption light at the Butterfield Road and Trans Canada Highway intersection;
 - l) A sprinkler system be installed, for safety purposes, in all the multi-family units;
- And further that prior to issuance of the Development Permit:
- m) The site plan is revised in the manner noted above;
 - n) A covenant be registered on title to secure the park dedication and park amenity commitments; and
 - l) A covenant is registered on title that would assign density to the multi-family sites and secure other development permit requirements as necessary.

MOTION CARRIED

Director Iannidinardo requested that NB3 be moved to after R5.

R3 – Parhar Holdings

Rachelle Moreau, Planner I, presented staff report dated June 28, 2011, regarding Application No. 6-D-08DP/RAR to consider the issuance of a Development Permit for Phase 1 of the Parhar Business Park consisting of 3 commercial buildings with 6 accessory dwelling units totalling approximately 4,200m² of building area at 5301 Chaster Road.

Russ McArthur, applicant, was present.

It was Moved and Seconded

That Application No. 6-D-08DP/RAR submitted by Parhar Holdings for construction of the first phase of the Parhar Business Centre consisting of three buildings totalling approximately 4,200 m² on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) be approved, subject to:

- a) Buildings constructed in accordance with the building elevations dated August 23, 2010;
- b) Installation of underground wiring;
- c) Oil/water separators be installed in the parking areas;
- d) Fencing along the Chaster Road frontage will be black or green chain link;
- e) Submission of landscape construction drawings in accordance with the Phase 1 landscape plan dated February 2, 2011 prior to installation;
- f) Landscaping installed in accordance with the plans dated February 2, 2011 to BCSLA standards, including an underground irrigation system;
- g) Submission of a service area petition to enter into a service area for maintenance of the trees within the trail area;
- h) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the February 2, 2011 Landscape Plan;
- i) Confirmation from a landscape architect that landscaping has been installed in accordance with the approved plan. 50% of the landscaping security will be returned following successful installation of the landscaping and full construction of the pathway with the remaining 50% to be returned after successful completion of a 3 year maintenance period;
- j) Refuse and recycling areas to be screened and contained within a solid fenced and gated compound(s);
- k) Rainwater management system to be in accordance with Rainwater Management Plan dated December 01, 2010;
- l) Any rooftop equipment will be screened;
- m) Minimum 94 parking spaces required in Phase 1;
- n) Sustainable building elements to include low water consumption plumbing fixtures and energy efficient windows and lighting;
- o) Trail must be completed in consultation with the CVRD Parks and Recreation Department within 12 months of issuance of the development permit for Phase 1. If construction of the pathway is not complete to CVRD standards within this time frame, CVRD may draw on the landscape security funds to construct the pathway.

MOTION CARRIED

R4 – Schon Timber Ltd.

Rachelle Moreau, Planner I, presented staff report dated June 28, 2011, regarding Application No. 2-H-10DP/RAR (Schon Timber Ltd.) for the purpose of subdividing the subject property along the road right of way of Brenton-Page Road.

Schon Timber Ltd. was present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 2-H-10DP/RAR submitted by Schon Timber Ltd. for subdivision of Lot A, District Lots 20 and 39G, Oyster District, Plan 49261 (PID: 014-945-291) be approved, subject to :

- a) Compliance with the recommendations of Riparian Areas Regulation Assessment No. 1844 which identifies a SPEA of 18.6 metres;
- b) Landscaping installed in accordance with the proposed screening plan which includes installation of a new cypress hedge along a portion of the property and a new cedar fence;
- c) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the Proposed Screening Plan to be refunded after a successful one-year maintenance period;
- d) Continued removal of hog fuel in the manner described in the applicant's proposal dated March 31, 2011.

MOTION CARRIED

**R5 – Phase 12 to 19
of Mill Springs**

Rob Conway, Manager, presented staff report dated June 28, 2011, regarding Application No. 3-A-11DP (Phase 12 to 19 of Mill Springs) to consider issuance of a development permit for Phases 12 to 19 of the Mill Springs development, in accordance with the Mill Bay Development Permit Area Guidelines.

Aecom Canada/Daryl Henry, applicant, were present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Development Permit Application No. 3-A-11DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for Phases 12 to 19 of Mill Springs, subsequent to the lands being serviced with Community Sewer as defined in Area A Zoning Bylaw No. 2000, and subject to the following conditions:

- a) All wiring to be installed underground;
- b) Deloume Road West to be opened prior to subdivision of Phase 12;
- c) Landscaping to be installed in the Phase 16 roadway median;
- d) That the reserve field be dedicated to the CVRD at the time the sewer system is taken over by the CVRD.

MOTION CARRIED

Director Iannidinardo requested that R7 be moved to follow after R5 and that NB3 follow after R7.

Director Cossey declared a Conflict of Interest due to his employer's perspective with regard to R7 and left the meeting at 5:33 p.m.

**R7 – Application No.
1-A-11RS (Bamberton
Industrial Lands)**

Staff report dated June 28, 2011, prepared by Mike Tippet, Manager, regarding Application No. 1-A-11RS (Bamberton Industrial Lands).

Ross Tenant and Jack Julseth, Bamberton Properties LLP, were present.

Committee members directed questions to staff.

It was Moved and Seconded

1. That second reading of OCP Amendment Bylaw No. 3497, Zoning Amendment Bylaw No. 3498, and OCP Amendment Bylaw No. 3511 (Bamberton Business Park/Industrial) be rescinded;
2. That Zoning Amendment Bylaw No. 3498, Schedule A map, be amended by adjusting the boundary of the I-3 Zone in accordance with the sketch prepared by Polaris Land Surveying;
3. That OCP Amendment Bylaw No. 3511 be amended by adding Figure 10A to include the same boundaries as Figure 2A in Bylaw 3497;
4. That the development permit sections of both OCP Amendment Bylaws 3497 and 3511 be amended by clarifying that only DP guidelines related to environmental protection, safety and the view protection from Saanich Inlet waters be applicable to areas that are zoned as I-2; and further
5. That OCP Amendment Bylaw No. 3497, Zoning Amendment Bylaw No. 3498, and OCP Amendment Bylaw No. 3511, as amended, be considered for second readings.

MOTION CARRIED

Director Cossey returned to the meeting at 5:48 p.m.

**NB3 – Development
Impact Mitigation of
Proposed Lambourn
Estates Sewer
System Expansion**

Ann Kjerulf, Planner III, presented staff report dated July 4, 2011, regarding Development Impact Mitigation of Proposed Lambourn Estates Sewer System Expansion.

Committee members directed questions to staff.

It was Moved and Seconded

That staff be directed to prepare covenants or development agreements to mitigate the environmental and public health and safety impacts associated with subdividing and developing the properties, proposed to be brought into the Lambourn Estates Sewer System, including:

- Lot 3, Section 4, Range 6, Cowichan District;
- Lot B, Section 5, Range 6, Cowichan District;
- Lot 1, Section 4, Range 7, Cowichan District;
- Lot 7, Section 4, Range 6, Cowichan District; and
- Lot 1, Section 5, Range 6, Cowichan District;

and that such covenants be referenced as conditions of approval of the respective servicing agreements to be established between the CVRD and owners of these properties.

MOTION CARRIED

**R6 – South Cowichan
Zoning Bylaw**

Catherine Tompkins, Senior Planner, presented staff report dated June 20, 2011, regarding South Cowichan Zoning Bylaw.

Committee members directed questions to staff.

It was Moved and Seconded

That the South Cowichan Zoning Bylaw proposed work plan as identified within the staff report dated June 20, 2011, by Catherine Tompkins, Senior Planner, be accepted.

MOTION CARRIED

RECESS

The Committee took a 5 minute break at 6:10 p.m. and reconvened at 6:15 p.m.

**R8 – City of Duncan
Public Health
Smoking Protection
Bylaw No. 2084**

Brian Farquhar, Manager, presented staff report dated June 27, 2011, regarding City of Duncan Public Health Smoking Protection Bylaw No. 2084.

Committee members directed questions to staff.

It was Moved and Seconded

That the Staff Report dated June 27, 2011, from Brian Farquhar, Manager, regarding City of Duncan Public Health Smoking Protection Bylaw No. 2084 be received and filed.

MOTION CARRIED

**R9 – Special Event
Request – Bright
Angel Park**

Ryan Dias, Parks & Trails Operation Superintendent, presented staff report dated June 26, 2011, regarding Special Event Request – Bright Angel Park.

Committee members directed questions to staff.

It was Moved and Seconded

- 1) That the Cowichan Valley Starfinders Astronomy Club be permitted to pre-book for the next four (4) years in advance one (1) weekend per year at Bright Angel Park for their annual Star Party fundraising event which does not conflict with any other annual special events in the Park;
- 2) That the request for a booking fee waiver for the ball field and upper picnic shelter not be endorsed for this annual event;
- 3) Furthermore that the booking permit overnight stays by registered Club member astronomers during the event.

MOTION CARRIED

**R10 – Interim License
Extension – Scout
Camp in Bald
Mountain Community
Park**

Brian Farquhar, Manager, presented staff report dated June 28, 2011, regarding Interim License Extension – Scout Camp in Bald Mountain Community Park.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents related to granting an Interim License of Use and Occupation renewal for up to two years to Scout Properties (BC/Yukon) Ltd.

for the scout camp located in CVRD's Bald Mountain Community Park in Electoral Area I.

MOTION CARRIED

INFORMATION

IN1, IN2, & IN3

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area G Parks meeting of May 9, 2011
- Minutes of Area C Parks meeting of June 14, 2011
- Minutes of Area A ACP meeting of June 14, 2011

MOTION CARRIED

It was Moved and Seconded

That a letter be sent to the Ministry of Transportation & Infrastructure bringing their attention to the dangerous intersection at Handy Road in Mill Bay.

MOTION CARRIED

NEW BUSINESS

NB1 – Dorothea Siegler – Installation of Smart Meters

It was Moved and Seconded

That BC Hydro representatives be invited to appear before the Regional Board with regard to the installation of smart meters and how it may pertain to serious health concerns in the CVRD and further that prior to that meeting occurring no smart meters be installed in the CVRD.

MOTION CARRIED

It was Moved and Seconded

That the UBCM be requested to hold a seminar with regard to the installation of smart meters.

MOTION CARRIED

NB2 – Grant in Aid – Area F

It was Moved and Seconded

That a grant in aid, Area F – Cowichan Lake South/Skutz Falls, be given to Caycuse Volunteer Firefighters Association, in the amount of \$3,500.00 to assist with equipment repair and associated expenses.

MOTION CARRIED

NB3

Moved to follow after R7.

NB4 – Area B APC Minutes

It was Moved and Seconded

That the Minutes of the Area B APC meeting of June 2, 2011, be received and filed.

MOTION CARRIED

**NB5 – North Oyster
Fire Hall**

Director Marcotte provided a verbal update on the progress of the North Oyster Fire Hall.

Director Marcotte declared a perceived conflict of interest and left the meeting at 6:49 p.m.

**NB6 – North Oyster
Community Hall**

Rob Conway provided a verbal update with regard to the North Oyster Community Hall.

It was Moved and Seconded

That the subdivision application fee be waived for the North Oyster Community Hall.

MOTION CARRIED

Director Marcotte returned to the meeting at 6:52 p.m.

**NB7 – Cell Phone
Towers**

Director Dorey provided a verbal update with regard to a cell phone tower in Area G.

It was Moved and Seconded

That a letter be sent to Rogers Communications requesting that they produce a report of their technical analysis of the alternate sites to the cell phone towers and further that analysis be peer reviewed.

MOTION NOT VOTED ON

It was Moved and Seconded

That a letter be forwarded to Rogers Communications requesting that they investigate alternatives to the proposed Olsen Road cell tower site in Electoral Area G; and further, that a technical analysis of identified alternative sites be provided.

MOTION CARRIED

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 7:05 p.m.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:35 p.m.

Chair

Recording Secretary

Minutes of the Special Electoral Area Services Committee Meeting held on Wednesday, July 13, 2011, at 4:30 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, BC

PRESENT

Director L. Iannidinardo, Chair
 Director B. Harrison
 Director G. Giles
 Director I. Morrison
 Director M. Dorey
 Director K. Kuhn

Absent: Director K. Cossey
 Director L. Duncan

CVRD STAFF

Warren Jones, Administrator
 Brian Farquhar, Manager
 Mary Annie McAdam, Recording Secretary

**APPROVAL OF
 AGENDA**

The Chair noted changes to the agenda which included removing agenda item R1 regarding cellular tower proposal in Saltair, which will be discussed at the Regional Board meeting.

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

MOTION CARRIED

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 4:42 p.m.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
 That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:52 p.m.

Chair

Recording Secretary

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: July 25, 2011

NAME OF APPLICANT: Lennie Neal

ADDRESS OF APPLICANT: 210-681 Government Street Duncan BC
V9L 1A9

PHONE NO.: 250-597-2245

REPRESENTING: _____
Name of Organization

MEETING DATE: Tuesday, August 2, 2011

COMMITTEE/BOARD NAME: Electoral Area Services Committee

NO. ATTENDING: 1

NO. WISHING TO MAKE A PRESENTATION: 1

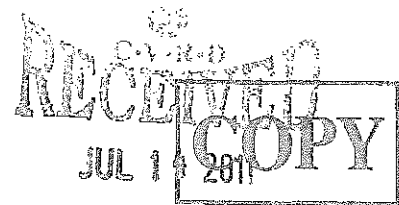
TOPIC TO BE PRESENTED:
To seek accountability for and ensure the
safe operation of the weir at Lake Cowichan

NATURE OF REQUEST/CONCERN:
see attached letter

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

Lennie Neal
210-681 Government Street
Duncan, B.C. V9L 1A9

*Registered
Letter*



July 11, 2011

Gerry Giles
Council Chair
Cowichan Valley Regional District

Original: <i>ECS</i>	Copies to: <i>Chair</i>
Board:	<i>TD</i>
Committee(s):	<i>JB</i>
Directed by: <i>[Signature]</i>	Date: <i>July 11/11</i>
File #	

Dear Ms. Giles:

My name is Lennie Neal, I am the mother of Tyler Neal, who was drowned at the Lake Cowichan weir on June 14, 2011. I would like to address this council to bring some awareness of our grave concerns following this accident and to request some action and accountability of the council in addressing these concerns.

Tyler grew up a block from the Shuswap river in the interior and spent his whole childhood swimming and playing in the river. A strong swimmer, he was very familiar with river currents, and swam by the Lake Cowichan weir in the summer, when the water was warmer and the water levels lower. And therein lies the danger of the Lake Cowichan weir. In the summer the danger is much less, the water levels are low and the deadly invisible back eddy does not come anywhere near the shoreline, so one can enter the river there and gently drift downstream with the current. BUT, when the water is higher, that deadly back eddy increases exponentially and comes dangerously near shore.

We all know to stay away from white water, but who knew that the seemingly normal water closer to shore was so dangerous? Not Tyler. Not Peter Devana, who wrote a letter to the editor of the Cowichan News-Leader newspaper after news of Ty's horrifying story, detailing his own harrowing near death experience at the weir a few weeks earlier. Peter, the vice chair of the Advisory Planning Committee for the Cowichan Lake South/Skutz Falls area, has been putting his riverboat into the landing at the weir for 10 years and more and did not expect his boat to be grabbed by the eddy and hurled upstream against the current into the weir gate. Peter was lucky to have a boat to grab onto, even submerged. It saved his life.

It is believed that Tyler, in similar fashion to Peter, unaware of the existence and power of the back eddy stepped into the water a couple of feet to see if he could get his remote controlled boat within range of the controller in his hand. The constant water turbulence of the two gates that were open had made the river bed soft and the back eddy easily took Tyler's legs out from under him. Once in the weir's incredible pull, Tyler was unable to surface and he drowned.

Which brings me to my first question. Why, when the water was high, were only two gates open? It is now clear to me that when you restrict water outflow, it creates more



turbulence and more current, and consequently, deadly back eddies. Why not open all the gates somewhat? The same amount of outflow could be achieved, only much more safely, and the dangerous and turbulent water would at least be visible, and a deterrent to those thinking to enter the water at that point. The day after we learned of Tyler's death, we saw a man with his small son and dog down at the water's edge where Tyler died, throwing sticks in the water for the dog, oblivious to how close to danger they were standing. How many other close calls have there been? We don't know, in large part because the camera at the weir is live only. It doesn't record anything, so the investigators were unable to see what happened to Tyler, or to Peter, or to anyone else who ran afoul of the weir deathtrap under these conditions. In an era of cheap digital recording equipment, why is this? I understand from the RCMP that there are several missing person files in Lake Cowichan and it is possible that some of the missing people entered from this point. You must make certain that you have done everything in your power to ensure that Tyler will be the last fatality at the weir.

I took some photos at the weir several days after Tyler's death. It's not like actually being there, but you get an idea. Can anyone see what the orange and white sign says on the side of the weir, the one covered by foliage? We couldn't either, not from any angle. Actually, to see any signs at the weir, you have to look up, waaaaay up. At the very top of the weir are signs saying swimming here MAY cause serious injury. They say nothing about increased danger when the water is higher, nothing about the back eddy. In fact, those signs at the very top of the weir are the only indications that there is any danger whatsoever. There are no signs on the road to the weir, no signs in the parking area, no signs lower on the weir itself. There is also no attempt to exclude the public from this danger, such as a gate that prevents access, a common dam safety feature.

But can we just avoid the weir? Apparently not. In conversations with both the Lake Cowichan police and Mr. Devana, the point was made that the weir is the only place in the area where a boat can be launched on the river easily. This includes search and rescue work on the river. So, it would seem that a good way to mitigate the danger of the weir would be to build a boat launch at a safer place, maybe near the pub end of Saywell park. "If you build it, they will come". Fewer people would use the weir for boats and tubes, and the road leading to it could be made harder to access, discouraging even more people.

The thought of another family living the hell we have been plunged into is totally unacceptable to me, and if there is one small bit of good that can come from Ty's death, it would be that no one else be ambushed by the unknown dangers of the Lake Cowichan weir. Please make it so.

In summary, although this indeed was a tragic accident, it is an accident that quite likely could have been prevented if responsible public safety measures were put in place and we are calling on you, the council of the Cowichan Valley Regional District to seek accountability for and ensure the safe operation of the weir at Lake Cowichan. In particular, we make the following requests respectfully:



- 1) An explanation of the existing public safety measures and considerations with respect to the existence and operation of the weir.
- 2) A compliance audit on those measures.
- 3) An independent assessment of the risk to the public that the weir represents in varying conditions, including but not limited to, high water levels and the number and choice of gates open at the weir.
- 4) Identification of where the responsibility and liability with respect to operation of the weir lie.
- 5) A supported action plan to provide better safety and warning to the public.
- 6) An alternate river launch point for boats in Lake Cowichan.
- 7) A recording camera at the weir.

Thank you in advance for your commitment to avoid any further loss of life. We look forward to your response and a chance to hear from the Board in person at the next available meeting opportunity. This letter has been distributed to other parties that also hold an interest in the operations at the Lake Cowichan weir.

Sincerely,

Lennie Neal

250-597-2245

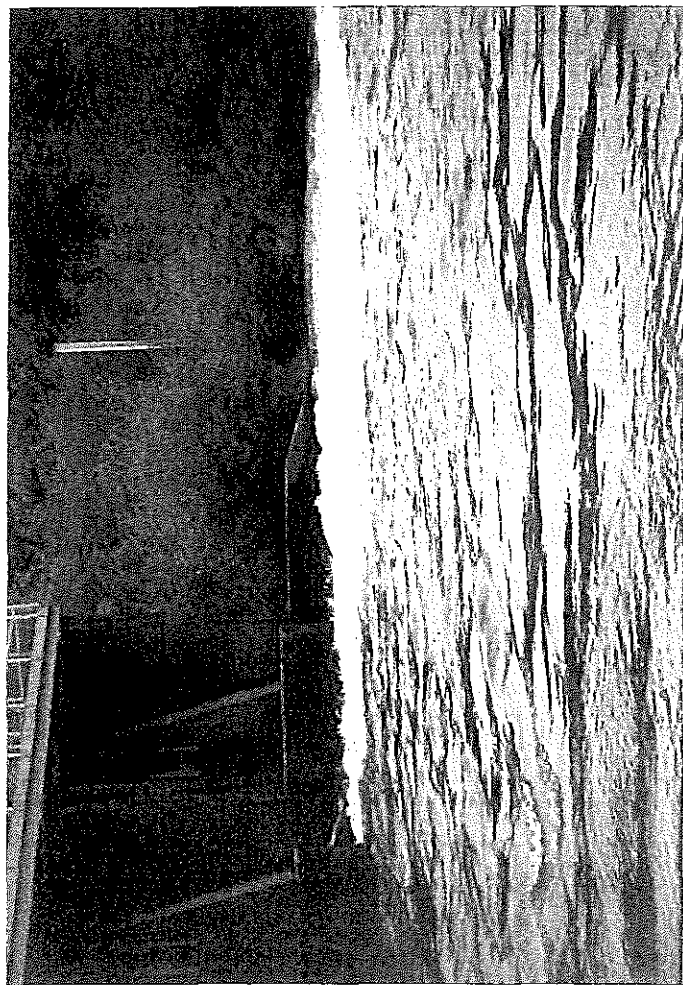
Attachments: Photos of weir, Letter to the Editor from Peter Devana.

PC: Catalyst Paper Mill, Robert Belanger

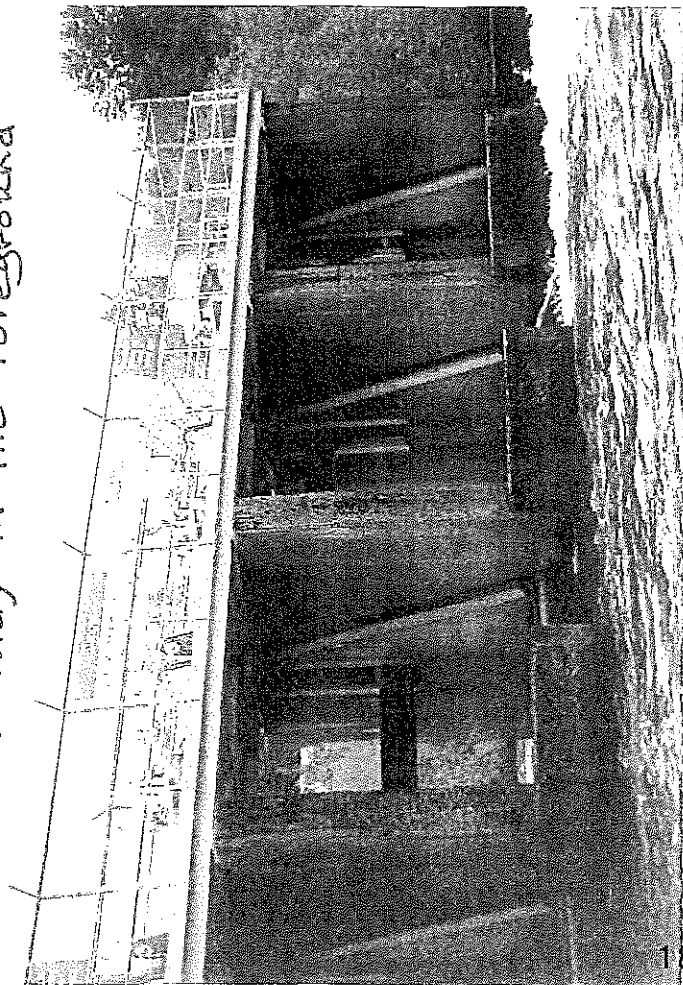
PC: Town of Lake Cowichan, Mayor Ross Forrest

PC: Ministry of Natural Resource Operations, Section Head Dam Safety, Will Jolley

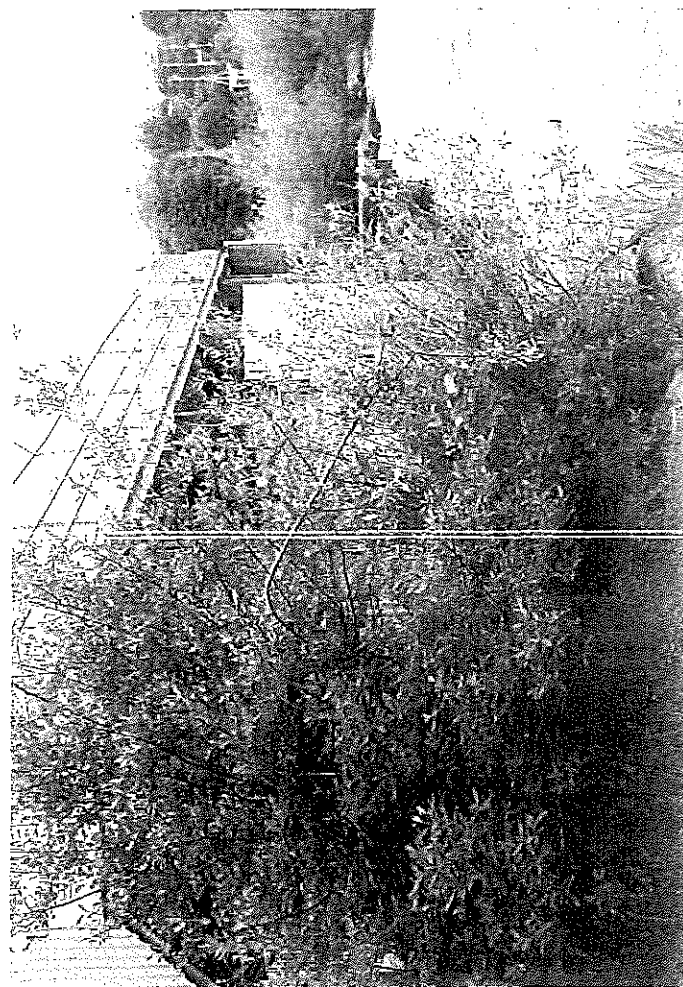
The weir, one week after Ty's death



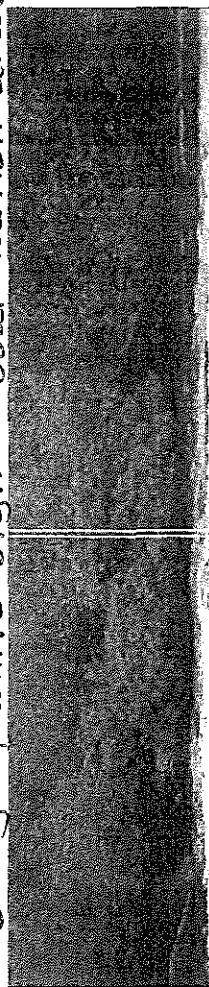
Back eddy in the foreground



Only two gates open



Orange & white sign - Boat launch area



Back eddy in the foreground

i can tell you first-hand about the hazards of the weir

Dear editor

After the tragic drowning of Tyler Neal I had to write to further emphasize the dangers at the Lake Cowichan weir.

On May 13 I had a similar experience at that exact location but somehow survived.

After launching my driftboat (a smaller version of those used by river guides), I found myself drifting toward the white water created by the outflow of the weir. Having drifted the river every year during the past 10 years I thought nothing was amiss.

While waiting for my friends to launch their craft, I suddenly felt myself being pulled at a high rate of speed toward the weir rather than being pushed downriver as one would expect. Within seconds the rear end of my boat was pulled against the weir, filled with water from the overflow, and capsized immediately.

The back end sank and the front end came out of the water and turned over on me. All this happened within seconds!

I immediately sank below the boat into the very turbulent water and sank farther as my loose, breathable full waders partially took on water. On my first attempt to surface I was unsuccessful as the boat was about six feet above me.

On my second attempt, after taking in two gulps of water, I managed, with Herculean ef-

fort, to reach up and pull myself to the surface by grasping the side of the overturned boat.

My shoulders ached for days afterward.

Luckily I somehow made it about 20 metres to the shore where I grabbed some willows and my friends were able to get me out.

My waders were filled with water right up to my knees and I couldn't even pull myself onto shore. The capsizing of my boat happened so fast my friends did not even see or hear it happen. The lessons I learned from this: Never go into the river anywhere near the weir; and never go on any body of water in a boat or tube without first putting on a life vest.

The thing I regret most is that I did not submit this letter immediately after the incident.

If I had, maybe it could have changed history. I pass on my sincere condolences to the family and friends of Tyler Neal.

Peter Devana

Lake Cowichan

**COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT**

REQUEST FOR DELEGATION

APPLICATION DATE: July 21, 2011

NAME OF APPLICANT: CHAD MARLATT

ADDRESS OF APPLICANT: SUITE 610, 688 West Hastings Street

PHONE NO.: 604-687-1119

REPRESENTING: ROGER'S COMMUNICATIONS INC.
Name of Organization

MEETING DATE: August 2, 2011

COMMITTEE/BOARD NAME: SERVICES

NO. ATTENDING: 1-2

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

- Proposed Rogers cell tower in Saltair.
- review History of proposal / requirement for site + some background on telecommunications / process.
- next steps ~~to be~~ based on community feedback.

NATURE OF REQUEST/CONCERN:

- indicate a willingness ~~to~~ on behalf of Rogers to work w/ CVRD to find a viable alternative location.

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



D3

REQUEST TO APPEAR AS A DELEGATION

Meeting Information

Request to Address:*

☐ CVRD Board



Committee

If Committee, specify the Committee here:*

RECEIVED
JUL 27 2011

Meeting Date:*

2 Aug 2011

Meeting Time:*

Applicant Information

Applicant Name:*

Lynne Smith

Representing:*

Saltair Cell Tower
(Name of Organization if applicable) Olsen Rd.

As:*

(Capacity/Office)

Number Attending:*

2

Applicant Contact Information

Applicant Mailing Address:*

10860-Olsen Rd

Applicant City: *

hadysmith

Applicant Telephone:*

250-885-7678

Applicant Fax:*

Applicant Email:*

smithing@shaw.ca

Presentation Topic and Nature of Request:*

Saltair Cell Tower-Olsen Rd

*Indicates required fields

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

Please address inquiries to the Legislative Services Division at 250.746.2508.

July 2010

From: Lynne and Neal Smith [mailto:smithng@shaw.ca]
Sent: July-09-11 10:34 PM
To: ggiles12@shaw.ca
Subject: cell towers in the CVRD

Madame Chair,

I was delighted to read about the action that has been taken by the CVRD with regards to the cell tower along the highway in the Cobble Hill area.

I have been a resident of Saltair for over 20 years and as you know we are also having an issue with Rogers Communications proposing a 45 meter cell tower on ALR land that butts against residential.

When you read the proposal it states "The Cowichan Valley Regional District does not currently have an Antenna Siting Protocol nor does it have a Telecommunications Policy."

I propose all cell tower construction in the CVRD be put on hold until the CVRD has an Antenna Siting Protocol and a Telecommunications Policy in place. Having 45 meter or larger cell towers every 5km is not acceptable. Cowichan Valley is the Warm Land not the connect the dots cell tower land.

Cell towers are going to continue to be an issue at the CVRD as technology is making huge demands on the companies who produce the devices and are unable to provide the connection services.

I thank you for reading my thoughts and comments. I love the Cowichan Valley.

Regards,
Lynne Smith
Saltair Resident



RI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 21, 2011 FILE NO: 12-B-09BE
FROM: Nino Morano - Bylaw Enforcement BYLAW NO: Building Bylaw
No. 143
SUBJECT: Island #2 Shawnigan Lake – Notice Against Land Title

Recommended/Action:

On recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by John Rytter legally described as: PID 009-363-904, District Lot 179, Known as Island Number 2, Shawnigan Lake, Malahat District.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

To obtain CVRD Board authorization for filing of a Notice against Land Title due to outstanding Building Code and bylaw deficiencies with regards to structures on this property. Registering a Notice against Land Title does not limit the ability of local government to pursue other actions against the land owner and should not be seen as a final measure. The *Community Charter* provides:

Note against land title that building regulations contravened

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment
 - that relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.

- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.

Interdepartmental/Agency Implications:

Corporate Officer

Background:

On March 30, 2009 this office received a complaint that construction was occurring on an island on Shawnigan Lake known as Island #2 (also known as Moose Island). An inspection was undertaken by Grant Breckenridge (Building Inspection) and Nino Morano (Bylaw Enforcement) on April 29, 2009, with the aid of the Shawnigan Lake RCMP patrol boat where it was discovered that in fact a cabin, about 336 f², and deck was being constructed on this island. A "Stop Work" order was posted as a result of this unauthorized construction.

Since the cabin was built within the Riparian Areas Regulation Development Permit Area - Shawnigan Lake OCP Bylaw No. 1010, John Rytter (land owner since 2007) was advised that the first step to attempt to legalize this development was to submit a development permit application. On January 28, 2010 Mr. Rytter did submit this application.

On May 11, 2011, the Regional Board resolved the following in response to this application:

"That Application No. 3-B-10DP/RAR submitted by John Rytter be denied as it is not compliant with the Riparian Areas Regulation and the subject property appears to have building sites outside the Streamside Protection and Enhancement Area and 15 metre watercourse setback, and further that a notice be put on title."

This matter has been brought before the EASC again due to statutory process for registering a Notice on Title.

According to information in the development permit application and calls received by this office, it is apparent that the cabin has been completed and being used in disregard of the "Stop Work" order. A building permit application was submitted on May 11, 2009 with no inspections undertaken due to the status of the development permit application.

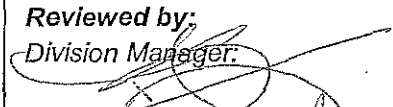

Options:

On recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by John Rytter legally described as: PID 009-363-904, District Lot 179, Known as Island Number 2, Shawnigan Lake, Malahat District.

Submitted by,


Nino Morano
Bylaw Enforcement Officer
Inspections and Enforcement Division
Planning and Development Department

NM/jah
Attachments

<p>Reviewed by: Division Manager:</p> <p></p>
<p>Approved by: General Manager:</p> <p></p>



NOTICE ON TITLE RECOMMENDATION

Section 57 Community Charter

DATE: June 22, 2011

BUILDING INSPECTOR: Grant Breckenridge

SUBJECT PROPERTY: PID 009-363-904

LAND OWNER: John Rytter

LOCATION AND DIMENSIONS OF OFFENDING STRUCTURE: dimensions of cabin are approx 14 X 24 attached deck approx 12 X 14

PERMITTED USE: R-2 residential use

CURRENT/INTENDED USE: residential use

BACKGROUND (timeline of events, attempts at compliance, stop work order, safety concerns, etc):

written complaint march 30, 2009

Photos taken from land april 1, 2009

Registered letter sent april 3, 2009

Verification received that letter was delivered to John Rytter

On island April 29, 2009 with bylaw officer Nino Morano, photo's taken and stop work notice posted on structure.

May, 11, 2009 building permit applied for

May 28, 2009 told John what is required for a complete BP application

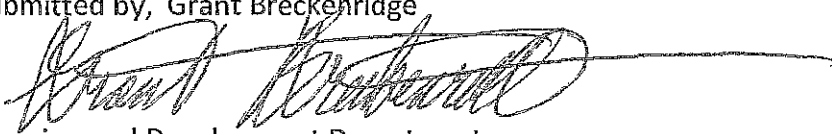
May 29, 2009 John in office and spoke with Rob and myself once he found out he needed a variance and an RAR report he stated this is ridiculous and that he will just continue, both Rob and I told him it is better to be legal and take some time and rethink your decision

July 13, 2009 bylaw enforcement letter sent

August 11, 2009 second bylaw enforcement letter sent

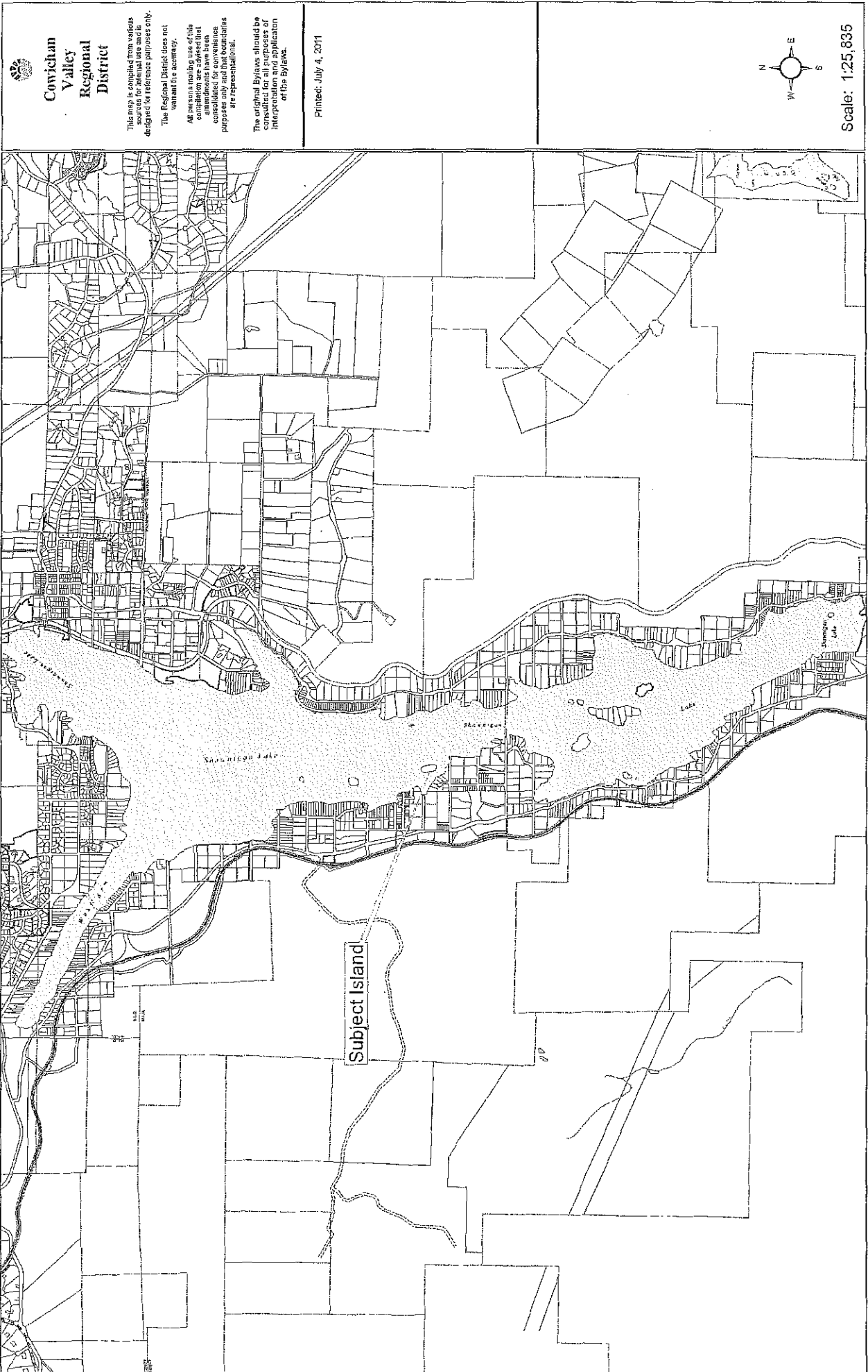
RECOMMENDATION: Place a notice on title

Submitted by, Grant Breckenridge

A handwritten signature in black ink, appearing to read "Grant Breckenridge", with a long horizontal line extending to the right.

Planning and Development Department

Building Inspection Division





Important

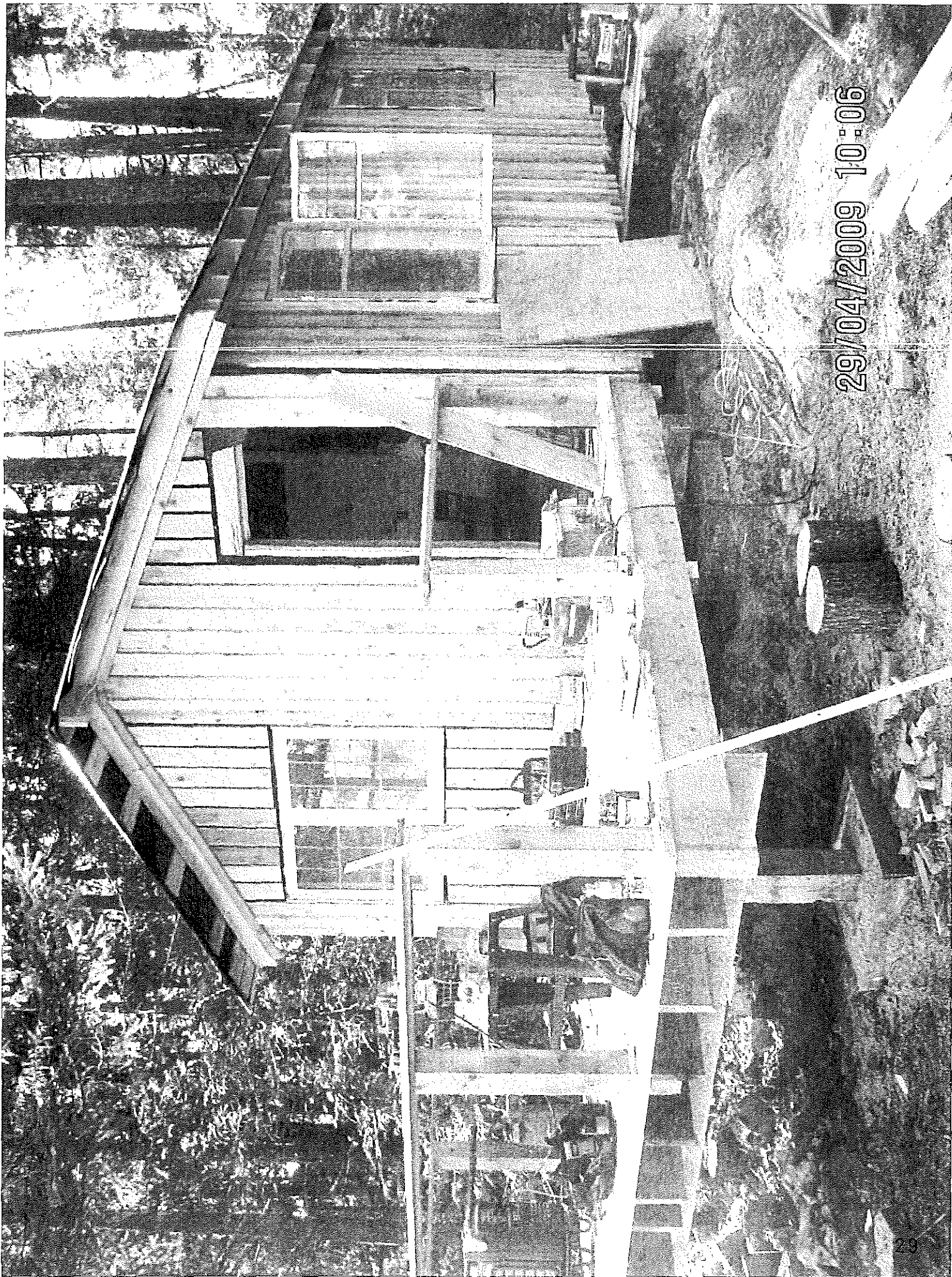
This map is for general information purposes only. The Capital Regional District (CRD) makes no representations as to the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any errors or omissions in this map. The CRD reserves the right to change information in this map and the map may be changed by the CRD at any time.

Printed: Nov, 1st 4, 2011

Shawnigan Lake - Island #2

Regional Community Atlas
 Capital Regional District
grd@crd.bc.ca
<http://www.crd.bc.ca>





29/04/2009 10:06



04/29/2009 09:20



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 2, 2011

DATE: July 25, 2011

FILE NO: 1-C-10ALR

FROM: Alison Garnett, Planner I
Planning & Development Department

SUBJECT: ALR Application No. 1-C-11ALR (LeBlanc for Robbins)

Recommendation/Action:

That Application No. 1-C-10ALR, submitted by Gerard LeBlanc on behalf of George Robbins, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 0.8 ha lot from Parcel B (DD 36616I) of Sections 14 and 15, Range 5, Shawnigan District (PID: 009 462 333), be forwarded to the Agricultural Land Commission without a recommendation.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Location of Subject Property:

3770 Cobble Hill Road

Legal Description:

Parcel B (DD 36616I) of Sections 14 and 15, Range 5,
Shawnigan District (PID: 009 462 333)

Application Received:

March 14, 2011

Owner:

George Robbins

Applicant:

Gerard LeBlanc

Size of Parcel:

16 hectares (39 acres)

Existing Zoning:

A-1 (Agricultural)

Minimum Lot Size:

12 hectares

Existing Plan Designation:

Agricultural

Existing Use of Property:

Residential and Agricultural

Use of Surrounding Properties:

West: E&N Railway (T-1)

North: Agricultural (A-1)

South: Agricultural (A-1)

East: Secondary Agricultural (A-2)

Road Access:

Cobble Hill Road

Water:

Well

Sewage Disposal:

On-site septic

Agricultural Land Reserve Status:
Archaeological Site:

Property is located within the ALR
 We have no record of any archaeological sites on the subject property.

Environmentally Sensitive Areas:

The CVRD Environmental Planning Atlas identifies a stream with possible fish presence located on the subject property. Verification of this watercourse, and its potential for providing fish habitat, will be required at subdivision stage, pursuant to the Riparian Areas Regulation.

Soil Classification:

Canada Land Inventory Maps

±50% 3A (2D⁸- 3T²); ± 45% 5W (4T); ±5% 7T

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	40
3	50	10
4	-	45
5	45	-
7	5	5
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 2 lands have minor limitations – can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "W" indicates excess water, may be improvable by drainage.
- Subclass "D" indicates low perviousness, management required
- Subclass "T" indicates topography limitations – not improvable

Policy Context:

This application was submitted prior to the adoption of Official Community Plan Bylaw No. 3510, therefore the policies noted below are excerpts of repealed OCP Bylaw No. 1210. The Agricultural Objectives and Policies of Bylaw 1210 relevant to this application include the following, and are meant to guide development within lands designated as Agricultural.

Objective 2.2.2

It is the objective of the Regional Board to:

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

Policy 5.1.2

a) All uses and subdivision of ALR land, except those lands exempted under Section 19(1) of the Agricultural Land Commission Act shall be in accordance with the provisions of the Act, regulations thereto, and orders of the Land Commission.

Policy 5.1.3

Subject to the policies contained within this Plan, agricultural pursuits shall be given priority within the agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.

Planning Division Comments:

The subject property is a 16 hectare lot located on Cobble Hill Road, north of Cobble Hill Village. Zoning Bylaw No. 1405 zones the subject property A-1 Primary Agriculture, and the land is located in the Agricultural Land Reserve (ALR).

In terms of built infrastructure, there is a single family home, a barn and a residential accessory building located on the subject property. The applicant estimates that 40% of the land is cleared for agricultural use, and the balance of the land is forested. A diversity of farming has occurred on the subject property since the current property owner assumed ownership in 1973, including a cow/calf operation, hay production and horse breeding, although the intensity of farm activity has reduced as he is now approaching retirement. In recent years, the owner's daughter and son-in-law have started a small scale garlic garden on the property.

This application proposes to subdivide a 0.8 hectare lot, encompassing the existing single family home, garage, driveway and front pasture. The stated purpose of subdivision is to allow the property owner to continue living on the farm, while the 15 hectare remainder parcel could be sold to family who intend to build a home and farm the land. A Farm Production Plan has been prepared, which outlines the expansion and diversification of farming of the remainder parcel through to the year 2031.

The subject property is bordered by Cobble Hill Road to the east and the E&N rail line to the west. The surrounding lands are characterized by large, agricultural properties. A 16 hectare active berry farm is located to the north, and an 8 hectare residential/agricultural property is located to the south. Across Cobble Hill Road are three lots approximately 2 hectares in size, zoned either A-2 Secondary Agriculture or A-1. All of the surrounding land is located in the Agricultural Land Reserve.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be a majority of Class 3 soils with subclasses of soil moisture deficiency and topography limitations. With appropriate techniques, the soil capability improves to 40% Class 2, with 10% as Class 3, 45% as Class 4, and approximately 5% remaining as Class 7.

Class 2 lands have minor limitations for agricultural production; Class 3 has moderate limitations for agricultural production; Class 4 requires more intensive, special agricultural management, while Class 5 has limitations that restrict its capability to producing perennial forage crops. The Class 7 lands, which have no capability for arable culture, coincide with the areas along the rail line, towards the south west property line.

Cobble Hill Zoning Bylaw No. 1405 establishes a 12 hectare minimum lot size for land zoned A-1, which effectively prevents conventional subdivision of this property (although the A-1 zone would permit a second single family home and secondary suite). However under the provision of Section 946 of the *Local Government Act*, the subdivision of land in the ALR for family can be considered regardless of the minimum lot size established by a local government zoning bylaw.

Despite overriding Zoning Bylaw No. 1405, the ALC's subdivision application process still allows the CVRD to review and provide recommendations on Section 946 applications. Recent changes to the CVRD Board's policy on ALC applications introduces another option, that being the ability to not forward an application to the ALC, particularly in circumstances when application do not conform to CVRD zoning bylaws.

Advisory Planning Commission Comments:

The Electoral Area C Advisory Planning Commission reviewed this application July 14th, 2011, and provided the following recommendation.

"Moved/Seconded that the Area C APC recommends the proposal be forwarded to the ALC as presented."

Options:

1. That Application No. 1-C-10ALR, submitted by Gerard LeBlanc on behalf of George Robbins, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 0.8 ha lot from Parcel B (DD 36616I) of Sections 14 and 15, Range 5, Shawnigan District (PID: 009 462 333), be forwarded to the Agricultural Land Commission without a recommendation.
2. That Application No. 1-C-10ALR, submitted by Gerard LeBlanc on behalf of George Robbins, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 0.8 ha lot from Parcel B (DD 36616I) of Sections 14 and 15, Range 5, Shawnigan District (PID: 009 462 333), not be forwarded to the Agricultural Land Commission.

Staff recommends Option 1.

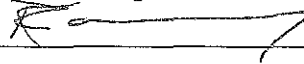
Submitted by,



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

Reviewed by:

Division Manager:



Approved by:

General Manager:

AG/jah

Attachments

**AREA 'C' COBBLE HILL ADVISORY PLANNING COMMISSION
MEETING**

**THURSDAY, JULY 14TH, 2011
COBBLE HILL HALL DINING ROOM**

MINUTES

Present: Rod de Paiva – Chair, David Lloyd, Joanne Bond, Robin Brett, Rosemary Allen, Jerry Tomljenovic, Don Herriot, Jens Liebgott, David Thomson, Brenda Krug

Chair de Paiva called the meeting to order at 7:00 p.m.

Also present: Gerry Giles – Regional Director Area 'C', Cobble Hill, George Robbins, Gerard Leblanc, Karen and Art Ingham

Minutes: To be dealt with at the next meeting

Agenda: Moved/seconded that the Agenda be accepted as circulated. Carried

Application: No 1-C-11ALR (LeBlanc for Robbins)

Rod de Paiva, Gerry Giles and David Thomson excused themselves from the presentation due to conflict of interest. Brenda Krug also excused herself from participating in the APC discussion and recommendation, but remained to record the minutes of the presentation and discussion.

Jens Liebgott assumed the Chair.

Gerard LeBlanc presented the application and explained the history of the property and its agricultural potential. He then showed the location of the house and buildings on enlarged photographs, explained the 'homesite severance' applied for and the size and disposition of the proposed area to be separated from the main farm. This area includes a well and septic field that service the main dwelling.

The present house will remain in place on the separated property while a new house will be built on the farm. There is a 5 phase plan to continue and improve farm productivity. Mr. Leblanc showed the proposed phasing of the future operation and the types of crops that will result from upgrading the property over the several years of the plan.

He stated that the object of this application is to keep the farm in Mr. Robbins' family and that although the farm does not 'completely comply' with the criteria for 'home site severance'. It was purchased shortly after the December 21st,

1972 deadline date. Mr. Robbins has occupied the property with his late wife since purchase.

The APC members asked several questions of Mr. Leblanc regarding the building of a new house on the farm, present use of the farm, the phasing in of the proposed improvements and the size of the area proposed for separation from the main farm area.

During the discussion that followed, several concerns were raised regarding the application:

There is no guarantee that the land will be kept in the family.

A larger separated area could provide two viable farms.

Some members were not in favour of a small parcel to be treated as residential property being removed from farmland and one APC member remained strongly committed to this position.

Moved/seconded that the Area C APC recommends the proposal be forwarded to the ALC as presented. Carried

Rod de Paiva resumed the Chair and thanked Jens Liebgott for chairing the application. Dave Thomson and Gerry Giles also returned to the meeting.

Director's Report

Director Giles spoke to the APC regarding several local issues.

7:45 p.m. Jerry Tomljenovic left the meeting.

Adjournment: 8:18

Next meeting: the next meeting of the Area C APC will be August 11th, 2011. Chair de Paiva noted that we will now be receiving applications under the new South Cowichan Official Community Plan

Submitted by Brenda Krug



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.



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

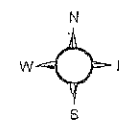
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-C-11-ALR

ALR

Legend

-  Subject Property
-  C_ALR





**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.



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

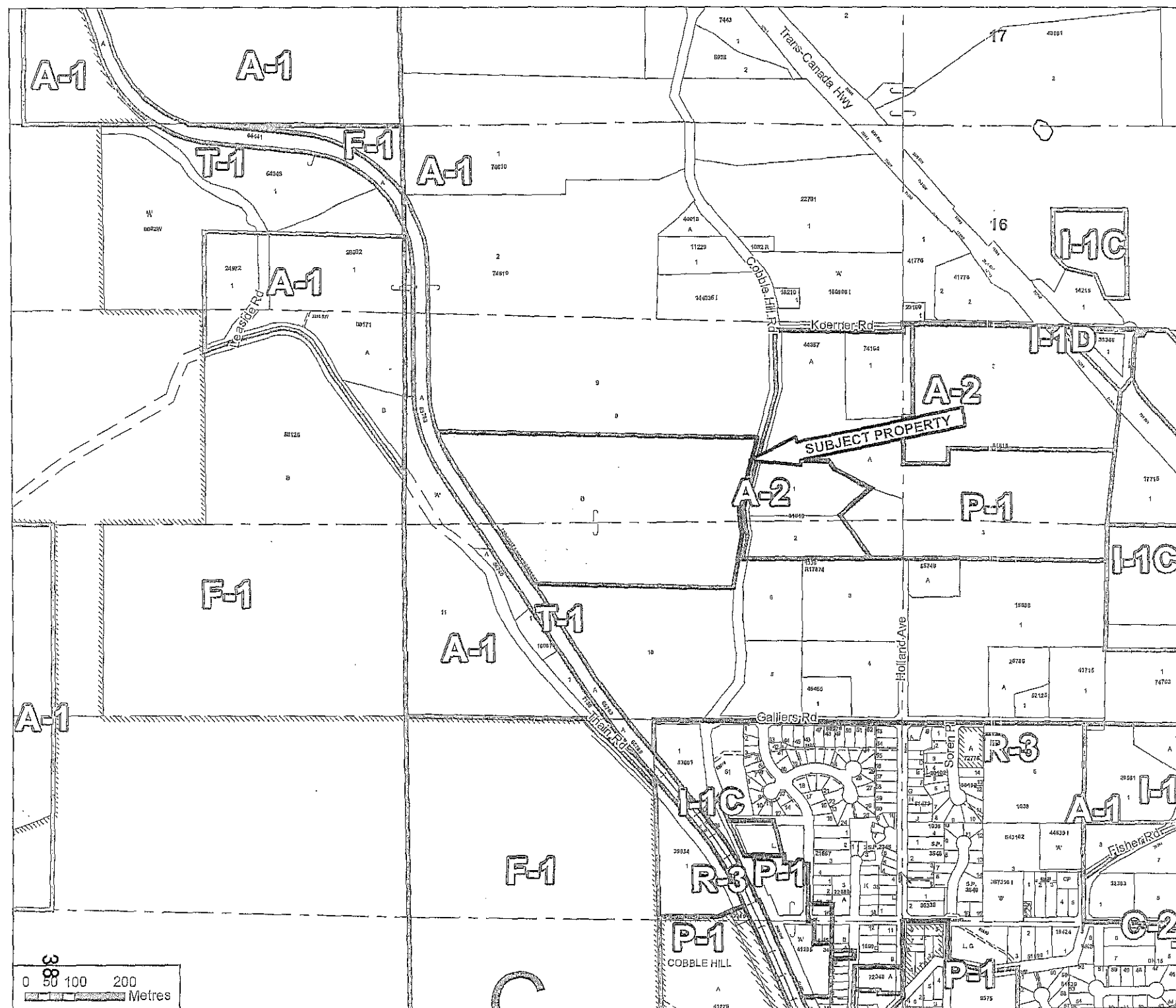
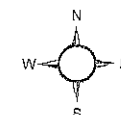
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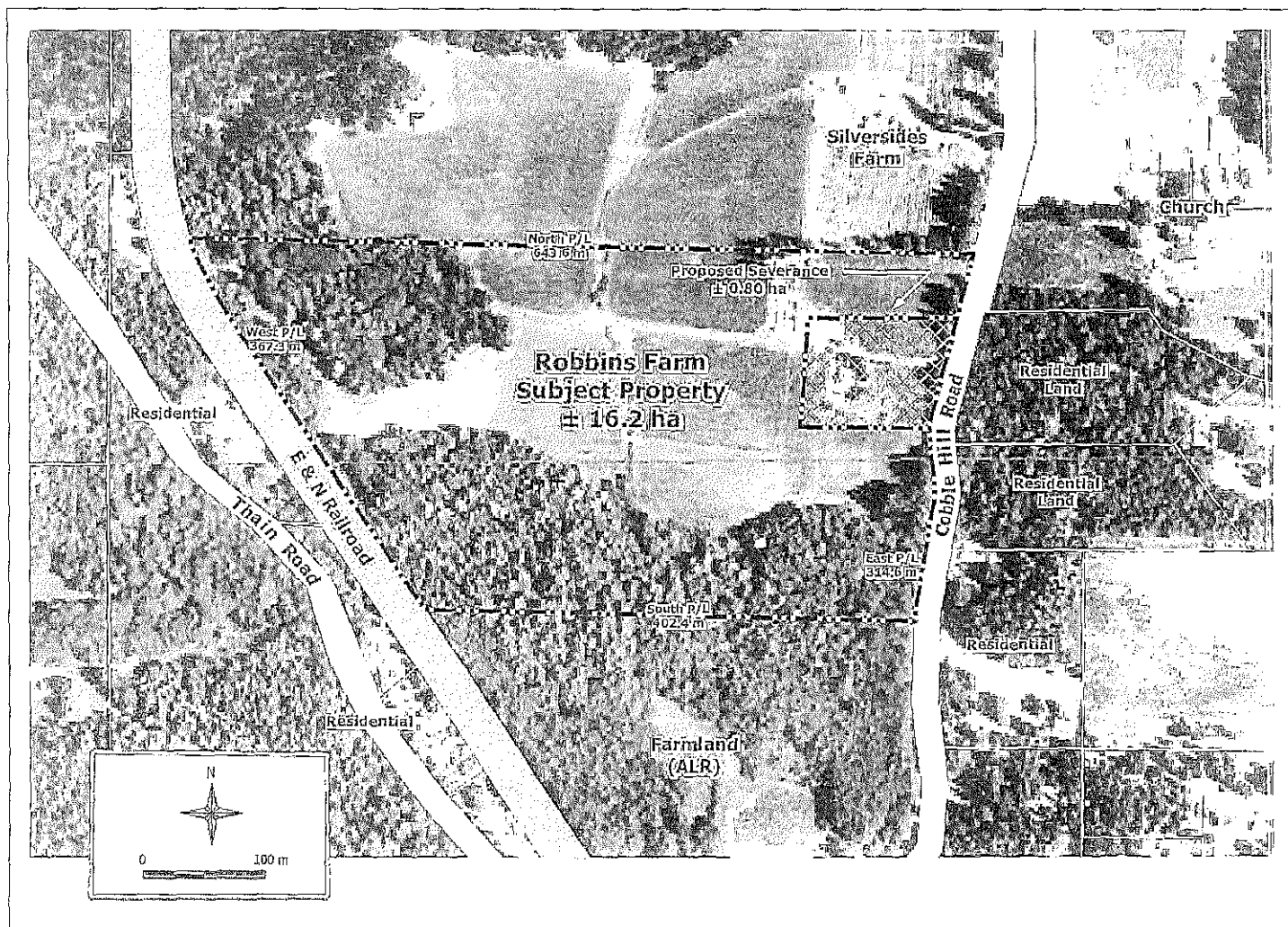
File: 01-C-11-ALR

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area C





**Robbins Farm
Conceptual Homesite Severance
Site & Adjacent Uses**

3370 Cobble Hill Road

**Parcel B
Sections 14 & 15
Range 5
Shawnigan District**

March 2011



PART SEVEN

AGRICULTURAL AND FORESTRY ZONES

7.0 AGRICULTURAL AND FORESTRY ZONES

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

7.1 A-1 ZONE – PRIMARY AGRICULTURAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an A-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) notwithstanding Section 7.1 (b)(1) parcel coverage may be increased by an additional 20% of site area for the purpose of constructing greenhouses;
- (3) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (4) the setbacks for the types of parcels lines set out in Column I of this section are set out for residential and accessory uses in Column II, agricultural, stable and accessory uses in Column III and auction uses in Column IV:

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



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 26, 2011

File No: 4-A-07RS

FROM: Dana Leitch, Planner II
Development Services Division

BYLAW NO:

SUBJECT: Rezoning Application No. 4-A-07RS (Jim Logan)

Recommendation:

That the draft bylaws for Rezoning Application No. 4-A-07RS (Logan) be forwarded to the Regional Board for consideration of first and second reading and that a public hearing be scheduled with Directors Harrison, Cossey, and Morrison delegated to the hearing.

Relation to the Corporate Strategic Plan: N/A

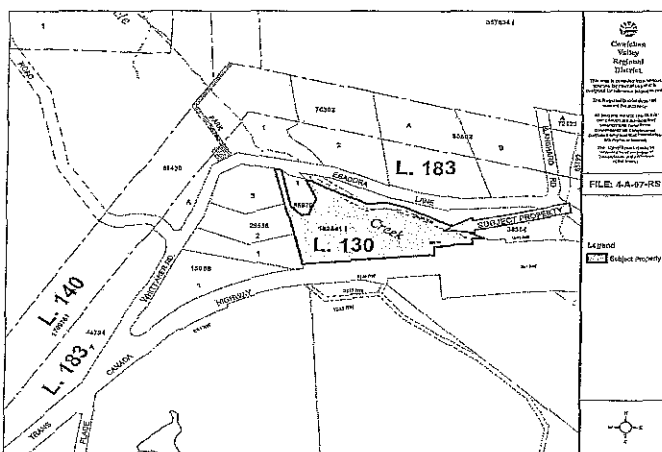
Financial Impact: (Reviewed by Finance Division: N/A)

Purpose:

To reconsider an application to amend the Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and South Cowichan Official Community Plan (SCOCP) Bylaw No. 3510, to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs).

This application was considered at the Electoral Area Services Committee on January 18, 2011 because the application had been inactive for a period of 12 months and there was no clear indication that the applicant was preparing to comply with the conditions of the Board's approval given in December 2009. The staff report from January 18, 2011 is attached for background information.

Property:



Interdepartmental Implications: N/A

Background:

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

09-631(8)

1. *That Rezoning Application 4-A-07RS (Logan) be approved, but that:*
2. *Prior to any reading of the amendment bylaws the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;*
3. *Prior to consideration of adoption of the amendment bylaws, that the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; AND FURTHER that a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; AND FURTHER that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.*

This application was considered at the Electoral Area Services Committee on January 18, 2011 and the CVRD Board on February 9, 2011, at which time the following resolution was passed:

11-061(5)

That Rezoning Application 4-A-07RS (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 issues has been 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.*

The Board granted an extension to the applicant in order to satisfy certain conditions and in February 2011 Planning staff provided a written letter to the applicant clarifying these conditions.

To date, the amendment bylaws have not been given first and second reading by the Board but there has been progress made by the applicant in satisfying the conditions since the Committee last reviewed the application in January 2011.

Regarding condition one, the letter from the Ministry of Transportation, Planning staff have received written confirmation from staff at the Ministry indicating that the unsafe sight distance onsite can be resolved provided the applicant move his existing driveway to the east, permanently block the existing driveway, remove a small Alder tree from the ditch line, and ensure the new driveway access achieves 85 meters of site distance to the west. As there appears to be a solution for achieving a safe driveway access staff suggest proceeding based on the improvements recommended by the Ministry and that the improvements be made a condition of bylaw adoption. The email submitted from the Ministry of Transportation staff has been attached for your reference.

Regarding condition two, the submission of a landscaping plan with cost estimates, the applicant has provided staff with a landscaping plan and cost estimates which has been attached for your reference. The applicant is proposing to construct an earth berm which would run along the southern boundary of the 2.0 acre RV storage site that would be approximately 6 feet high. About 100 evergreen trees would be planted on top of the earth berm and form a hedge and this hedging would bring the landscaping along this boundary to 8 or 9 feet in height. Additionally there is a 15 metre (50 ft) wide natural vegetated buffer that exists along the southern boundary of the property that will screen the RV storage site from the Trans Canada Highway. A water drip line will also be put in place in order to maintain the landscaping. The total cost of the landscaping is estimated to be \$3,500 for the evergreen trees, installation of the water drip line, labour, and rental of machinery.

Regarding condition three, the draft covenant, the applicant did provide a preliminary draft covenant to Planning staff however, it was incomplete. The applicant is currently working with his lawyer on rewording the covenant that would prohibit any signage from being posted along the southern boundary of the property along the Trans Canada Highway. Staff have been in contact with the applicant's lawyer and are confident this covenant can be finalized prior to adoption of the amendment bylaws should the application proceed to that stage.

Staff feel that the applicant has satisfied the three conditions outlined by the CVRD Board in February 2011, albeit after the deadline identified in the resolution. Staff are recommending that the draft bylaws attached to this report be forwarded to the Regional Board for consideration of first and second reading and that a public hearing be scheduled. It should be noted that in accordance with the December 9th, 2009 Board resolution, a BCSL survey of the 0.8 ha (2.0 ac) parcel is still required prior to adoption of the amendment bylaws should the application proceed to that stage.

Options:

Option A:

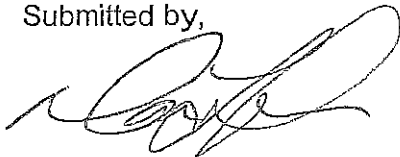
That the draft bylaws for Rezoning Application No. 4-A-07RS (Logan) be forwarded to the Regional Board for consideration of first and second reading and that a public hearing be scheduled with Directors Harrison, Cossey, and Morrison delegated to the hearing.

Option B:

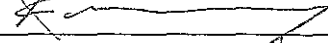

That Rezoning Application No. 4-A-07RS (Logan) be denied and that a partial refund of application fees be given in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

Option A is recommended.

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning and Development Department

Reviewed by: Division Manager:

Approved by: General Manager:


Attachments

DL/jah



C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 18, 2011

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

Recommendation:

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

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

Purpose:

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

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

Financial Implications: N/A

Interdepartmental Implications: N/A

Background:

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

09-631(8)

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

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

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

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

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

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

Options:

Option A:

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

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

Option B:

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

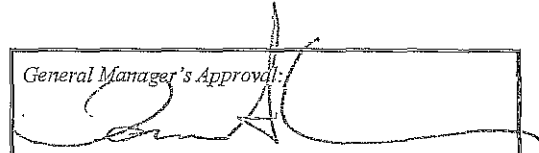
Option A is recommended.

Submitted by,



Alison Garnett
Planner II
Development Services Division
Planning and Development Department

AG/ca
Attachments

General Manager's Approval:

Signature

- Area A Community Parks Capital Reserve Fund - \$15,000
 - Area E Community Parks Capital Reserve Fund - \$70,000
 - Area G Community Parks Capital Reserve Fund - \$40,000
3. That a Grant-in-Aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$2000 be given to Caycuse Volunteer Fire Department to assist with equipment and building repair costs.
 4. That a Grant-in-Aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$2205 be given to Sussex Consultants to assist with a funding shortfall for the South Cowichan Governance Study.
 5. That a Grant-in-Aid (Electoral Area B – Shawnigan Lake) in the amount of \$2205 be given to Sussex Consultants to assist with funding for the South Cowichan Governance Study.
 6. That a Grant-in-Aid (Electoral Area C – Cobble Hill) in the amount of \$2205 be given to Sussex Consultants to assist with funding for the South Cowichan Governance Study.
 7. That a Grant-in-Aid (Electoral Area C – Cobble Hill) in the amount of \$1000 be given to CMS Foodbank Society to assist with local community needs.

MOTION CARRIED

09-631

It was moved and seconded:

8.
 1. That Rezoning Application 4-A-07RS (Logan) be approved;
 2. That prior to any reading of the amendment bylaws, the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;
 3. That prior to consideration of adoption of the amendment bylaws, the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; and
 4. That a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be

received by the CVRD; and that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.

9. That Application No. 1-G-09DVP by Reg and Anne Mann for a variance to Section 5.4(4) of Zoning Bylaw No. 2524, by decreasing the setback to a side interior parcel line from 1.8 metres down to 0.94 metres on Lot 20, District Lot 34, Oyster District, Plan 6095, be approved, subject to the applicant providing a survey confirming compliance with the approved distance.

MOTION CARRIED

CR3

The report and recommendations of the Engineering and Environmental Services Committee meeting of November 25, 2009, listing nine items, were considered.

09-632

It was moved and seconded:

1. That the Board authorize staff time to continue with the process of investigating takeover of the Carlton Improvement District Water system, located in Electoral Area B, as requested by Carlton Improvement Trustees, subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:

- All lands on which infrastructure works are located will be placed within registered Statutory Rights-of-way, using the CVRD's standard charge terms;
- A utility transfer agreement be executed between the CVRD and the owners;
- A CVRD review of the system be undertaken in order to address deficiencies in the water system;
- The owner of utility be willing to sell and/or transfer the system to the CVRD;
- A public consultation process regarding CVRD takeover be undertaken;
- A petition process be carried out and completed by at least 50% of the owners of parcels within the proposed service area with the total value of the parcels representing at least 50% of the net taxable value of all land and improvements in the service area.
- This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed

and further that an assessment of the system be carried out, funded to a maximum cost of \$15,000, with \$5,000 from the CVRD Feasibility Study Function and \$10,000 through a Provincial Feasibility Study Grant; and that, upon

11-060

It was moved and seconded that the following recommendation:

"1. 1. That the following resolution be submitted 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."

2. 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."

be referred to the Agricultural Advisory Committee.

Opposed: Director Dorey

MOTION CARRIED

11-061

It was moved and seconded:

5. 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.

Dana Leitch

From: Ollmann, Katie TRAN:EX [Katie.Ollmann@gov.bc.ca]
Sent: Friday, July 22, 2011 9:37 AM
To: Dana Leitch
Subject: RE: 841 Ebedora Lane

Importance: High

Hi Dana,

In order for Mr. Logan to receive MoT approval of site distance at 841 Ebedora Lane he must:

- Move his existing driveway
- Permanently block the existing driveway
- Remove the small Alder Tree from the ditch line
- The new access must have 85m of site distance to the West

If all these requirements are satisfied the MoT has no objections. If you have any questions please feel free to contact me directly.

Thank you,

Katie Ollmann

Development Approvals Technician

Ministry of Transportation, Saanich Area Office

Phone Number: (250)952-4489 Cell: (250)882-3020

Fax: (250)952-4508

DIVISION PLAN OF:
 PART OF LOT A, DISTRICT LOT 130, MALAHAT DISTRICT, PLAN 38364;
 PART OF THOSE PARTS OF LOT 130, MALAHAT DISTRICT,
 LING TO THE NORTH OF PLAN 591 R.W., EXCEPT
 PLAN 739-R, PLAN 2955B AND PLAN 38364.
 C.G.S. 92-B.053

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

SCALE = 1 : 1000

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

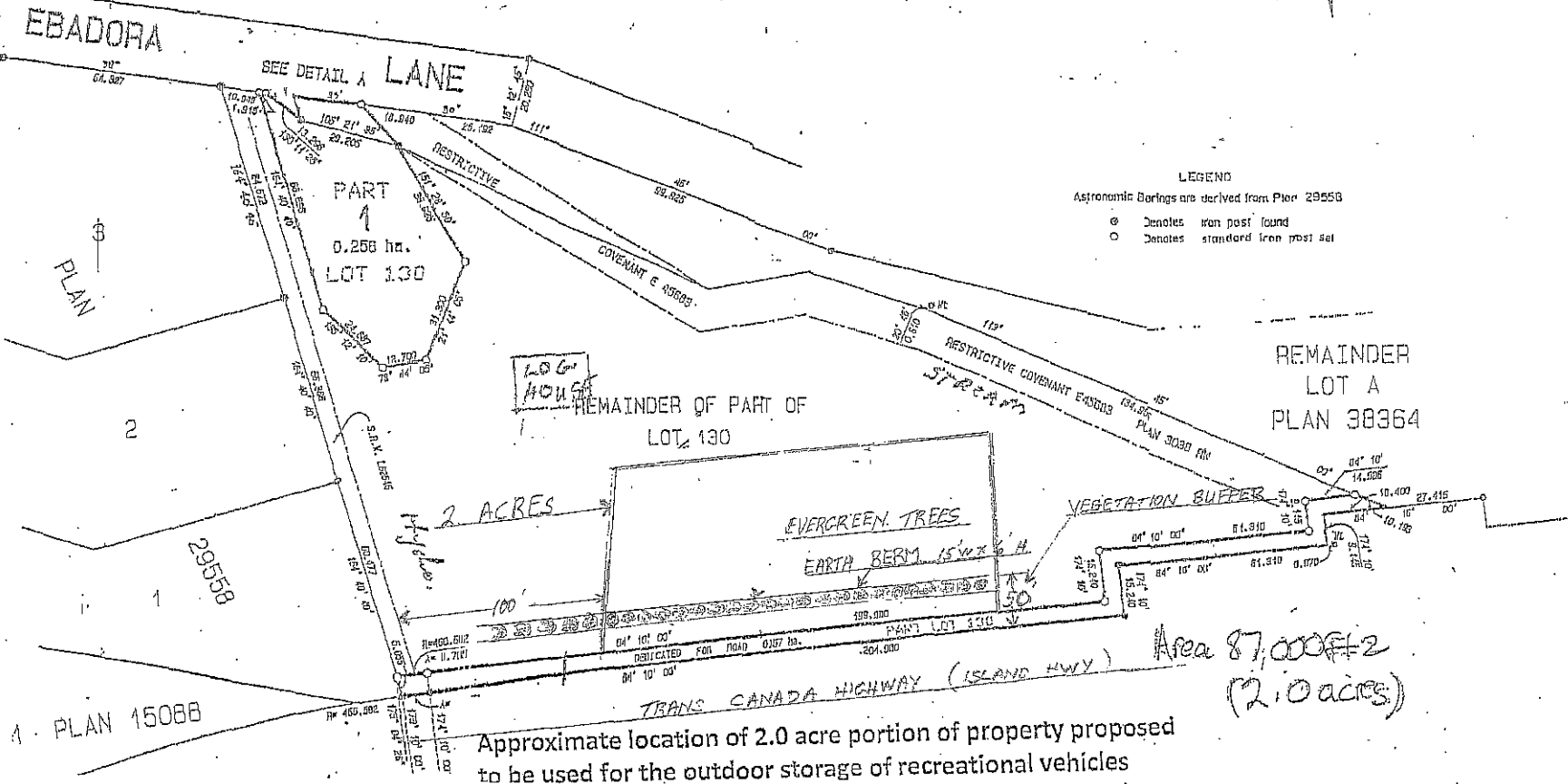


EARTH BERM AND 500' DIA
 EVERGREEN TREES \$1,000.00
 WATER DRIP LINE \$500.00
 LABOUR + MATERIALS \$500.00

LEGEND

Astronomic Bearings are derived from Plan 2955B

- ⊙ Denotes iron post found
- Denotes standard iron post set



Area 87,000±2
 (2.0 acres)

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



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO.

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000 Applicable To Electoral Area A – Mill Bay/Malahat

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Logan), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

.../2

- a) That Part 12 be amended by adding the following after Section 12.5:

12.6 I-1B ZONE - LIGHT INDUSTRIAL RECREATIONAL VEHICLE STORAGE

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

(a) Permitted Uses

The following uses and no other uses are permitted in an I-1B Zone:

- (1) out-of-doors storage of boats, travel trailers and recreational vehicles

(b) Conditions of Use

For any parcel in the I-1B Zone:

- (1) No buildings or structures are permitted within the I-1B Zone

(c) Minimum Parcel Size

0.8 ha for parcels served by a community water and sewer system;

0.8 ha for parcels served by a community water system only;

1.0 ha for parcels served neither by a community water or sewer system.

b) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591W Except Plans 7390R, 29558, 38364, VIP55979 and VIP61126 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-X, from F-2 (Secondary Forestry) to I-1B Zone- (Light Industrial – Recreational Vehicle Storage).

3. FORCE AND EFFECT

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



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO.

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. , Applicable To the South Cowichan

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for the South Cowichan, that being Official Community Plan Bylaw No. 3510;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 3510;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. – South Cowichan Official Community Plan Amendment Bylaw (Logan), 2011.**".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 3510, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary



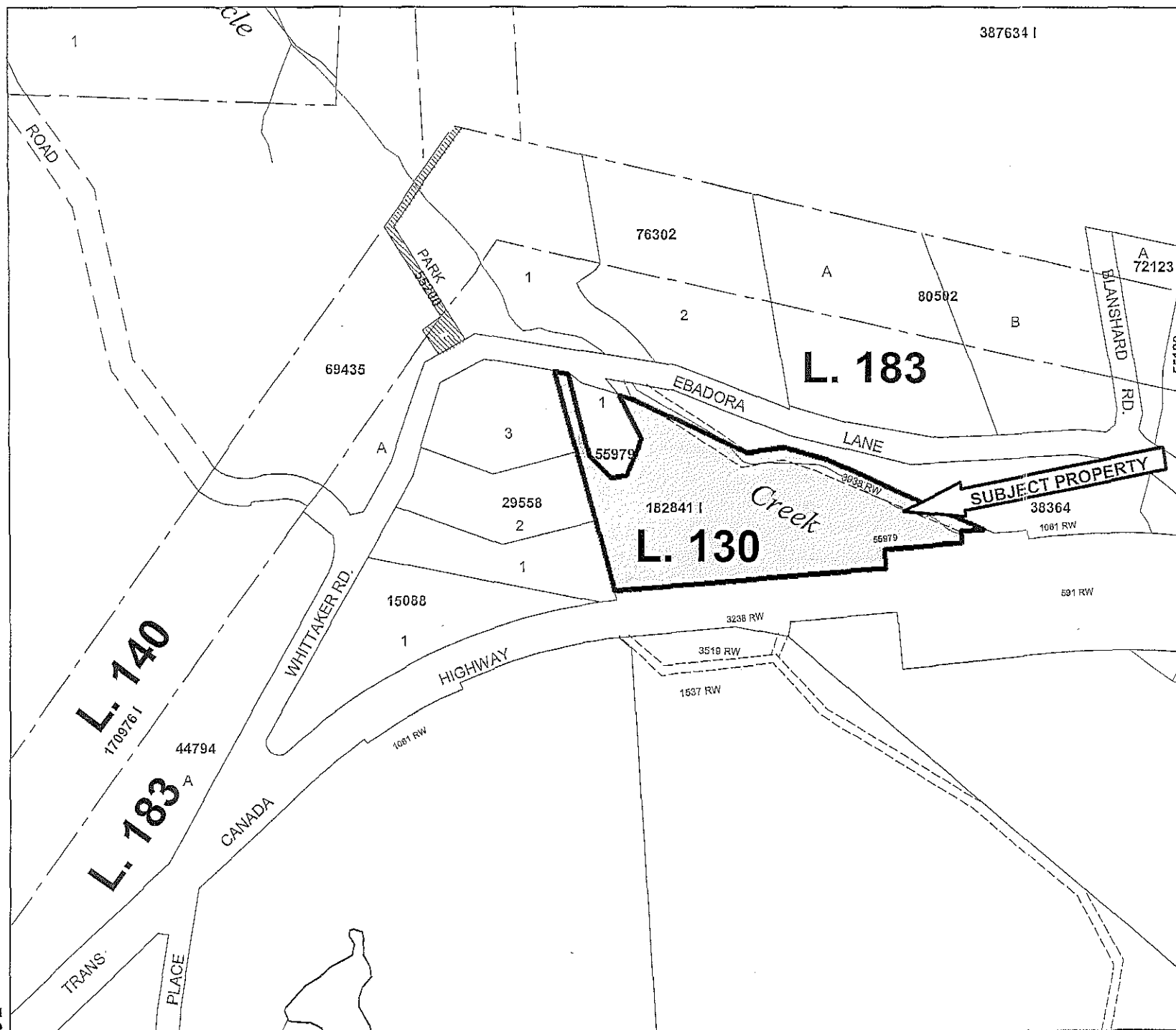
C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No.

That Official Community Plan Bylaw No. 3510, is hereby amended as follows:

1. That Those Parts of District Lot 130, Malahat District, Lying to the North of Plan 591W Except Plans 7390R, 29558, 38364, VIP55979 and VIP61126, as shown outlined in a solid black line on Plan number Z- attached hereto and forming Schedule B of this bylaw, be redesignated from Rural Residential to Industrial; and that Schedule B to Official Community Plan Bylaw No. 3510 be amended accordingly.



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.

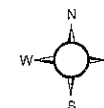
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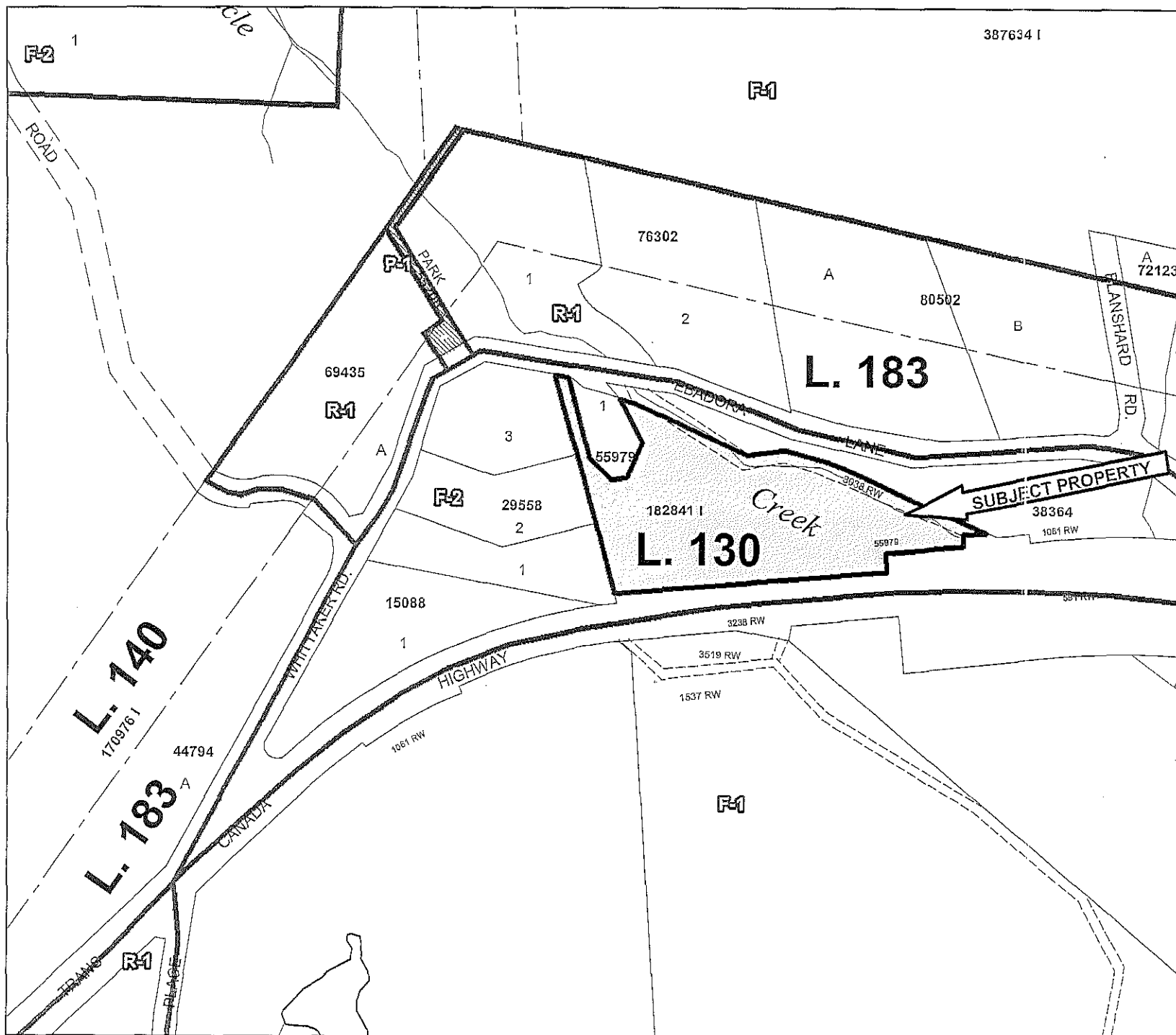
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-07-RS

Legend

 Subject Property





Cowichan Valley Regional District

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The Regional District does not warrant the accuracy.



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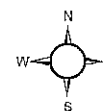
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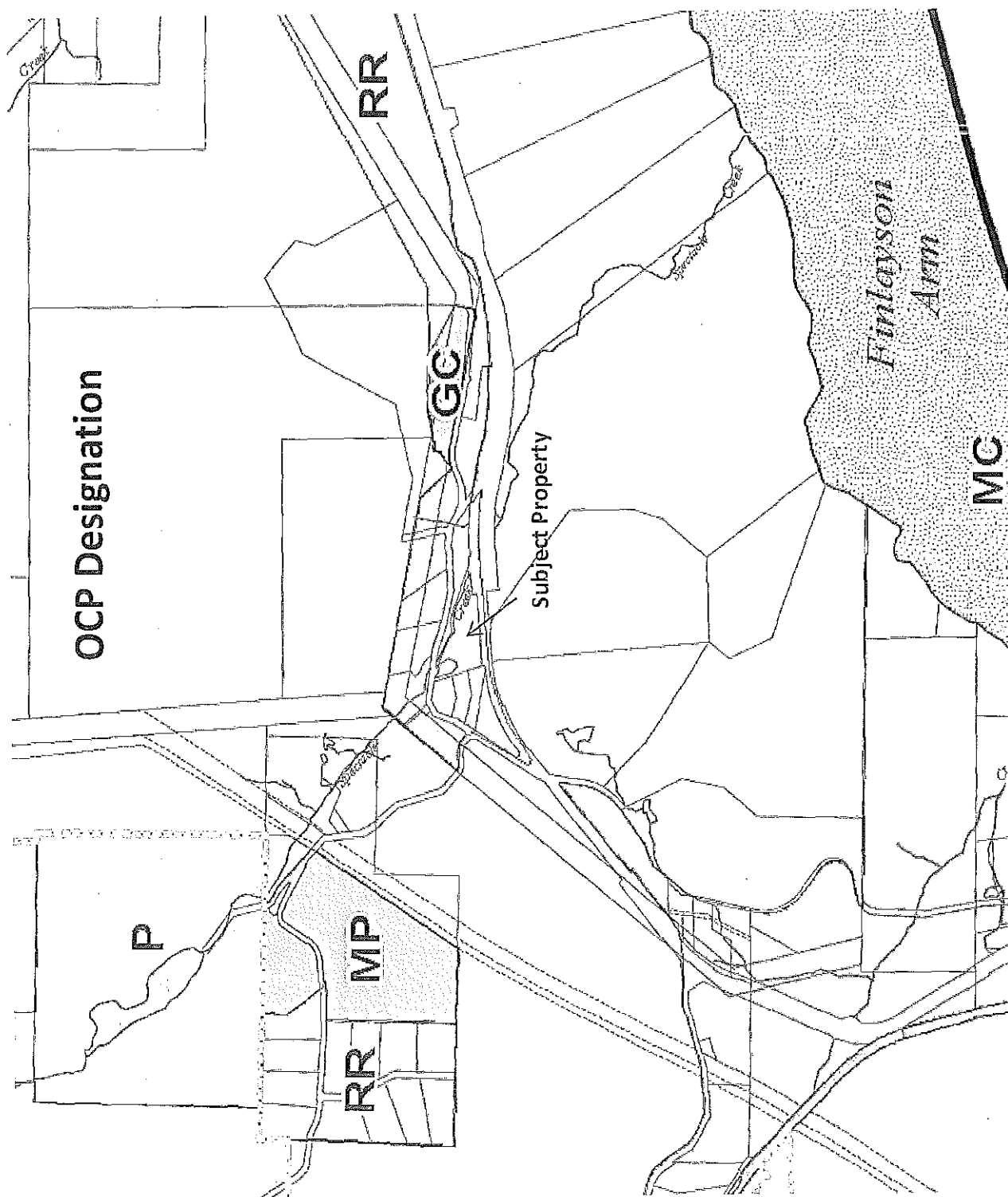
FILE: 4-A-07-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area A







Cowichan
Valley
Regional
District

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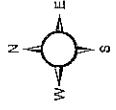
The Regional District does not warrant the accuracy.

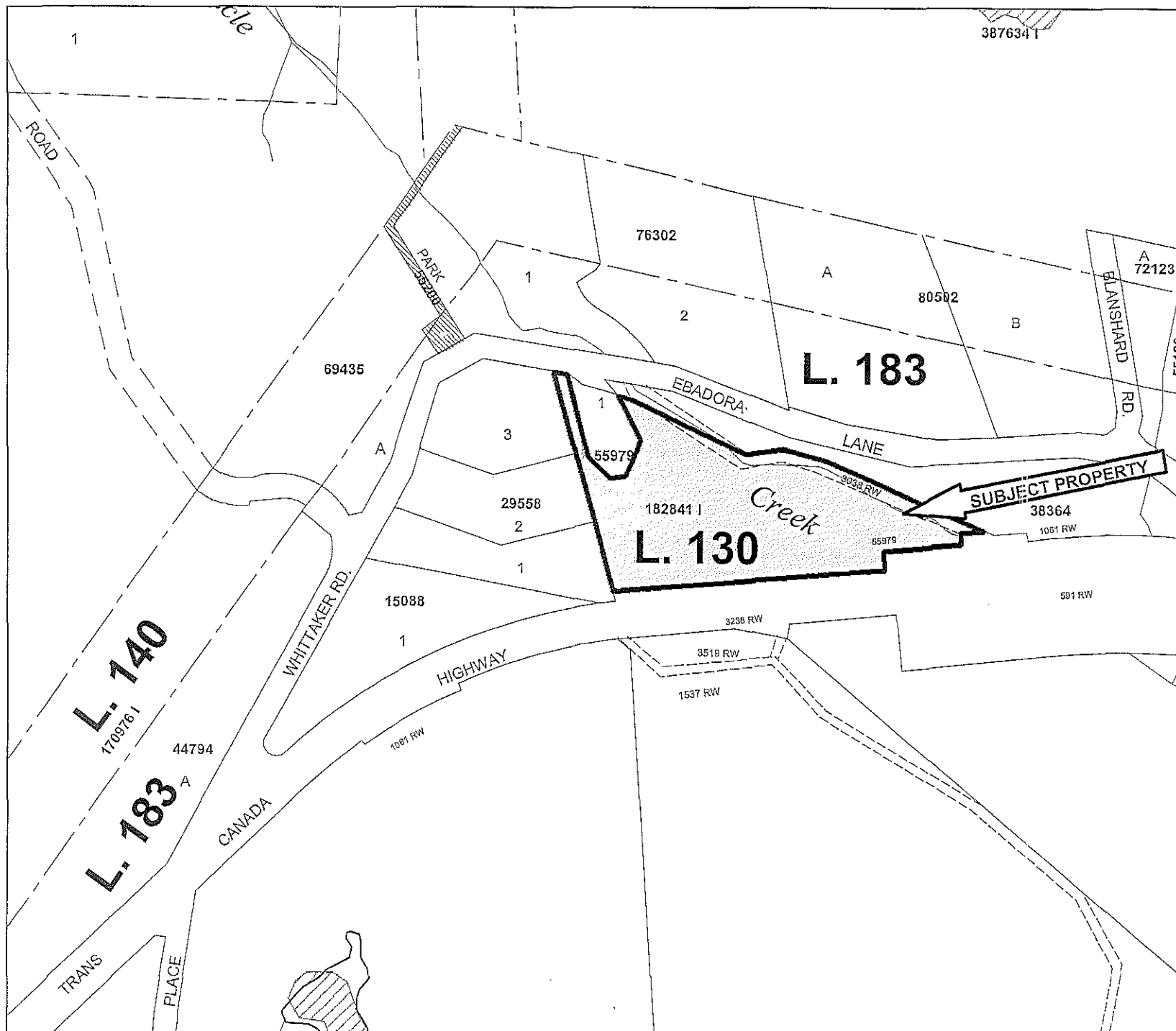
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FILE: 4-A-07-RS

Orthophoto (2002)





**Cowichan
Valley
Regional
District**

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

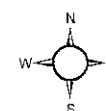
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-07-RS

**Sensitive
Ecosystem
Inventory**

Legend

-  Subject Property
-  SEI 2004



Date Application and Complete Documentation Received: January 17, 2011

Owner: 0748095 B.C. Ltd., Inc. No. 0748095

Applicant: John Karlsson

Size of Parcel: ±0.12 ha (±0.29 acres)

Zoning: LR-2 (Lakefront Residential)

Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	F-1
South:	Cowichan Lake
East:	Residential
West:	Residential

Services:

<u>Road Access:</u>	Creekside Drive
<u>Water:</u>	Youbou Water System Service
<u>Sewage Disposal:</u>	Youbou Sewer System Service Establishment

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The property borders Cowichan Lake. However, no new development is proposed within the 30 metre Riparian Areas Regulation assessment area.

Archaeological Site: None Identified

Background/ Proposal

The subject property is ±0.12 ha in size and located at 9646 Creekside Drive on Cowichan Lake. An unfinished home, a dock and terraced landscaping are located on the sloped subject property.

The applicants applied for a building permit in 2006. Despite the fact that the permit was never issued, construction of the home began in 2006. In 2008 the illegal construction was brought to the attention of the current Building Inspector and triggered the issuance of a Stop Work Order by this office. A legal survey confirms that the house was built 0.53 m (1.74 ft) into the interior side parcel line setback. The resulting variance application proposes to vary the interior side parcel line setback from 3.5 metres (11.48 ft) to 2.97 metres (9.74 ft). This is a variance of 0.53 metres (1.74 ft).

Issuance of a building permit to legalize the existing house is conditional on the issuance of a development variance permit to legalize the setback encroachment.

Typically when a variance request is approved, a post construction survey is required to ensure compliance with the approved variance. However, in this instance the building has already been constructed and a survey confirming the distance between the building and the side parcel line has already been supplied.

Surrounding Property Owner Notification and Response:

A total of 14 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

Options:

1. That Application No. 2-I-11 DVP by John Karlsson for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required side setback from 3.0 metres down to 1.8 metres on Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511) **be approved.**
2. That Application No. 2-I-11 DVP by John Karlsson for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required side setback from 3.0 metres down to 1.8 metres on Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511) **be denied.**

Option 1 is recommended.

Submitted by,

maddy koch

Maddy Koch
Planning Technician
Development Services Division
Planning and Development Department

MK/jah

Attachments

<p>Reviewed by: Division Manager:</p> <p><i>[Signature]</i></p>
<p>Approved by: General Manager:</p> <p><i>[Signature]</i></p>

B. C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR

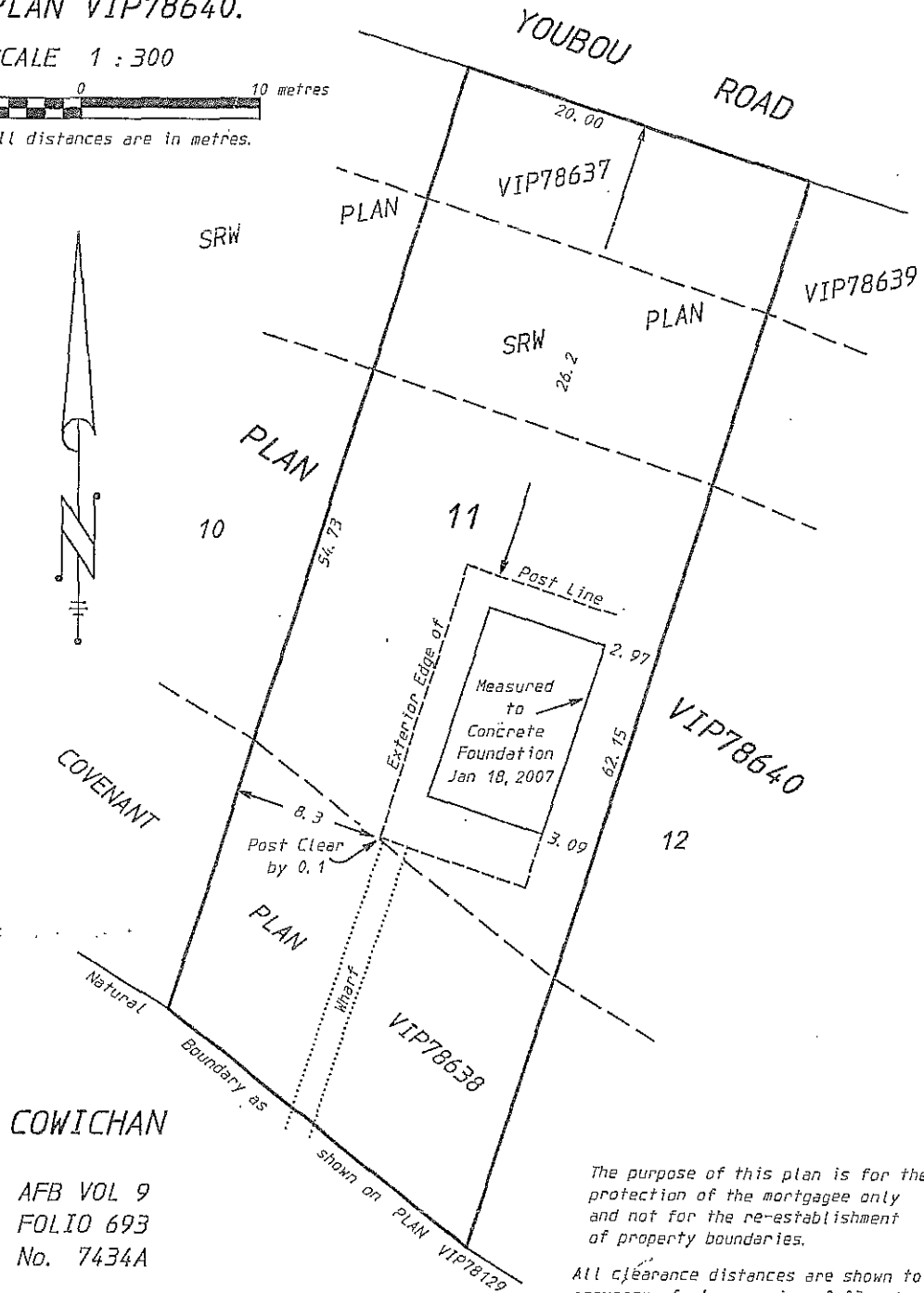
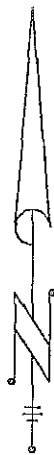
LOT 11, BLOCK 118,
COWICHAN LAKE DISTRICT,
PLAN VIP78640.

Note: Lot 11 lies within the C. V. R. D.
Area I and is Zoned LR-2.
Bylaw setback requirements are as follows:
Residential & Accessory Uses
Front 7.5 m
Side (Interior) 3.5 m
Side (Exterior) 4.5 m
Rear 15 m

SCALE 1 : 300



All distances are in metres.



COWICHAN

AFB VOL 9
FOLIO 693
No. 7434A

LAKE

The purpose of this plan is for the protection of the mortgagee only and not for the re-establishment of property boundaries.

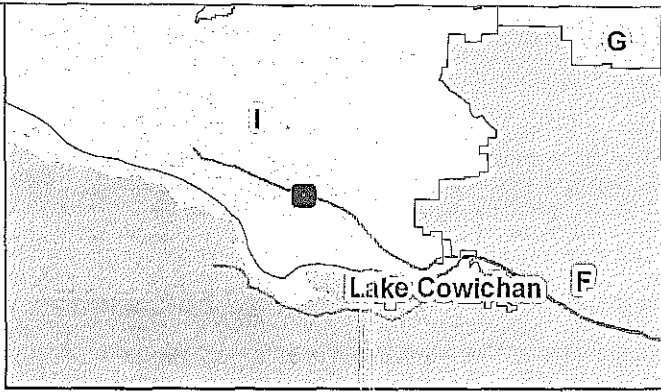
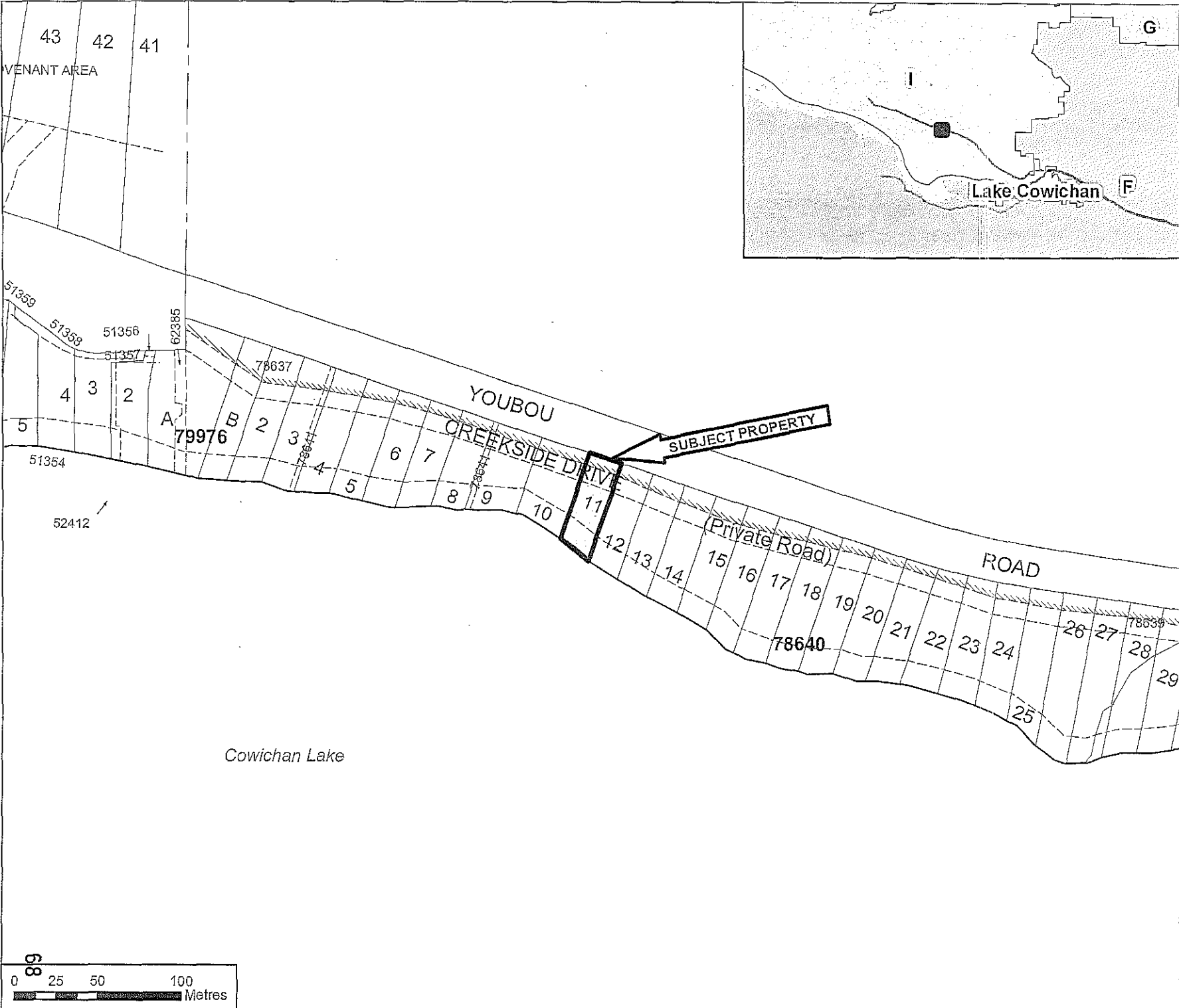
All clearance distances are shown to an accuracy of plus or minus 0.03 metres.

This is to certify that the location of the structures shown on the above lot, with respect to the boundaries, is correct this 22nd day of August, 2010.

[Signature] B. C. L. S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVE.
DUNCAN, B. C. V9L 2T1 (250) 746-4745
FILE 06-6540A. C11



Cowichan Valley Regional District

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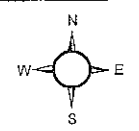
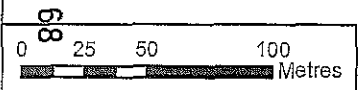
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 01-I-11-DVP

Legend

Subject Property



5.4 **LR-2 LAKEFRONT RESIDENTIAL 2 ZONE**

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

1. **Permitted Uses**

The following principal uses and no others are permitted in the LR-2 Zone:

- a. Single-family dwelling;

The following accessory uses are permitted in the LR-2 Zone:

- b. Bed and breakfast accommodation;
- c. Home occupation.

2. **Minimum Parcel Size**

The minimum parcel size in the LR-2 Zone is 1600 m².

3. **Density Averaging**

Notwithstanding the provisions of Section 3.25 of this Bylaw (Density Averaging), the minimum parcel size provisions of the LR-2 zone as specified in Section 5.4.2 above, may be varied with respect to parcels created by means of density averaging provided that:

- a. the number of allowable lots is calculated by the gross area of lands zoned LR-2, divided by the minimum parcel size;
- b. the smallest parcel so created is not less than 1000 m²;
- c. parcels created pursuant to this regulation are of a configuration that allows an adequate building envelope.

4. **Setbacks**

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

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front parcel line	7.5 metres
Interior side parcel line	3.5 metres
Exterior side parcel line	4.5 metres
Rear parcel line (lakefront)	15 metres

5. **Height**

In the LR-2 Zone, the height of all principal buildings and structures must not exceed 10 metres, and the height of all accessory buildings and structures must not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. **Parcel Coverage**

The parcel coverage in the LR-2 Zone must not exceed 30 percent for all buildings and structures.



COWICHAN VALLEY REGIONAL DISTRICT
DRAFT DEVELOPMENT VARIANCE PERMIT

DRAFT

NO: 1-I-11DVP DRAFT

DATE: JULY 25, 2011

TO: JOHN KARLSSON ON BEHALF OF
0748095 B.C. LTD

ADDRESS: 9938 SWORDFERN WAY
YIOUBOU BC V0R 3E1

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 11, Block 118, Cowichan Lake District, Plan VIP78640 (PID: 026-253-585)
3. Zoning Bylaw No. 2465, applicable to Section 5.4(4), is varied as follows:
The interior side setback is reduced from 3.5 metres down to 2.97 metres in order to legalize the siting of an existing dwelling.
4. The following plans and specifications are attached to and form a part of this permit:
Schedule 1 – Site plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE
COWICHAN VALLEY REGIONAL DISTRICT THE 3RD DAY OF AUGUST 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date

DRAFT



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 21, 2011

FILE NO: 1-B-11 ALR

FROM: Maddy Koch, Planning Technician

BYLAW NO:

SUBJECT: Application No. 1-B-11 ALR (Larry and Sherry Saunderson)

Recommendation:

That Application 1-B-11ALR by Larry and Sherry Saunderson, for a subdivision of Lot 1, Section 5, Range 6, Shawnigan District, Plan 19113 (PID 003-685-292) be denied and not forwarded to the Agricultural Land Commission, pursuant to CVRD Board Resolution No. 09-353 (10).

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

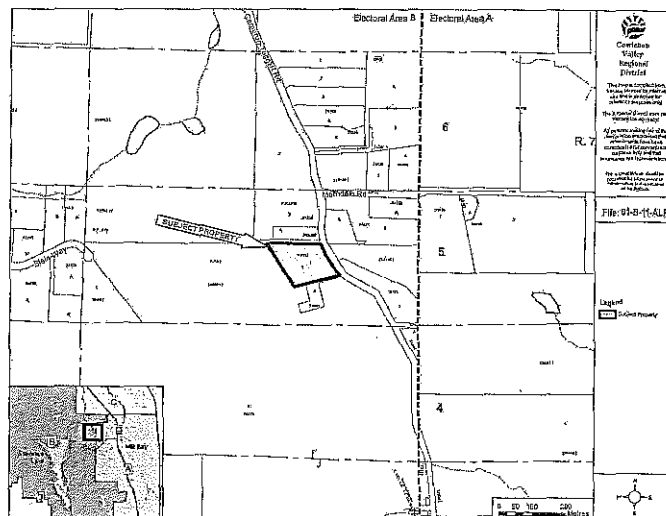
Purpose:

To consider an application to subdivide 0.4 ha (± 1 acre) from a ± 1.7 ha (± 4.24 acre) lot within the Agricultural Land Reserve

Background:

Location of Subject Property: Cameron-Taggart Road

Legal Description: Lot 1, Section 5, Range 6, Shawnigan District, Plan 19113 (PID 003-685-292)



Date Application and Complete Documentation Received: May 13, 2011

Owner: Larry and Sherry Saunderson

Applicant: As above

Size of Parcel: ±1.7 ha

Existing Zoning: A-1 (Primary Agriculture)

Minimum Lot Size Under Existing Zoning: 12 hectares

Existing Plan Designation: A (Agriculture)

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: A-1, ALR
 South: A-1, ALR
 East: Cameron Taggart Road, A-1, ALR
 West: A-1, ALR

Services:

Road Access: Cameron Taggart Road
Water: Well
Sewage Disposal: Septic

Agricultural Land Reserve Status: In the ALR

Environmentally Sensitive Areas: None identified by the CVRD Environmental Planning Atlas

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

Soil Classification:

Canada Land Inventory Maps

6 4
 ±80% 4A (3T); ± 20% 3T - 4T
 A A A

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	-
3	12	92
4	88	8
5	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 2 lands have minor limitations – can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture.
- Subclass “A” indicates soil moisture deficiency – improvable by irrigation
- Subclass “W” indicates excess water, may be improvable by drainage.
- Subclass “D” indicates low perviousness, management required
- Subclass “T” indicates topography limitations – not improvable

Policy Context:

On July 8 2009, the Regional Board passed Resolution No. 09-353, a part of which speaks to limitations on forwarding applications to the ALC. The following section of the resolution is pertinent to this application:

- (a) *ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:*
1. *the minimum parcel size regulation is complied with; or*
 2. *if the minimum parcel size regulation is not complied with , if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;*

Official Community Plan Bylaw No. 1010 Agricultural Policies relevant to this application include the following, and are meant to guide development within lands designated as Agricultural.

Policy 1.3

- b) *All uses and subdivision of ALR land, except those lands exempted under Section 19(1) of the Agricultural Land Commission Act shall be in accordance with the provisions of the Act, regulations thereto, and orders of the Land Commission.*

Policy 1.4

All lands within the Agricultural Land Reserve shall be zoned Primary Agricultural wherein the minimum parcel size shall be 12 hectares. However, in cases where Agricultural designated land is not in the ALR or the BC Agricultural Land Commission has passed a resolution authorizing subdivision into smaller sized parcels or has excluded land from the Agricultural Land Reserve, the Regional Board may consider zoning these lands as Secondary Agricultural, wherein the minimum parcel size shall not be less than 2.0 hectares.

Planning Division Comments:

The subject property is ±1.7 hectares (±4.24 acres) in size, zoned A-1 (Primary Agriculture) and located in the ALR. The majority of the subject property is composed of hay fields, with a portion of the parcel being forested. There is currently a single family dwelling, a storage shed, a workshop and a detached carport located on the property.

Despite the minimum parcel size for the A-1 Zone being 12 ha, the applicants are proposing to subdivide a 0.4 hectare (±1 acre) section of land from the subject property for them to occupy during their retirement years. It should be noted that a number of parcels in the surrounding area are much smaller than 12 ha, even though they too are zoned A-1 and located within the ALR.

The applicants propose for the new lot to encompass most of the forested area in the north-western corner of the property (see attached site plan) and to access it by way of an existing easement adjacent to the northern border of the subject property.

In 2007, the applicants applied to subdivide the subject property into a 0.8 ha lot and a 0.9 ha lot, under Section 946 of the *Local Government Act* (subdivision to provide residence for a family member). The application was refused by the Agricultural Land Commission on the grounds that the subdivision would negatively impact the agricultural opportunities of the subject property and its surrounding area.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be a majority of Class 4 soils with subclasses of soil moisture deficiency and topography limitations. Using appropriate remediation techniques, the soil capability could be improved to 92% Class 3 and 8% Class 4.

Class 3 soil has moderate limitations for agricultural production while Class 4 requires more intensive, special agricultural management. The proposed new lot would be situated on soil which is presently Class 4, but improvable to Class 3.

Government Agency Comments:

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

Options:

1. That Application No. 1-B-11ALR by Larry and Sherry Saunderson, for a subdivision of Lot 1, Section 5, Range 6, Shownigan District, Plan 19113 (PID 003-685-292) be denied and not forwarded to the Agricultural Land Commission, pursuant to CVRD Board Resolution 09-353.
2. That Application No. 1-B-11ALR (Saunderson) for a subdivision on Lot 1, Section 5, Range 6, Shownigan District, Plan 19113 (PID 003-685-292) be forwarded to the Agricultural Land Commission with no recommendation.

Option 1 is recommended.

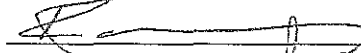

Submitted by,

Maddy Koch

Maddy Koch,
Planning Technician
Development Services Department

MK/jah

Attachments

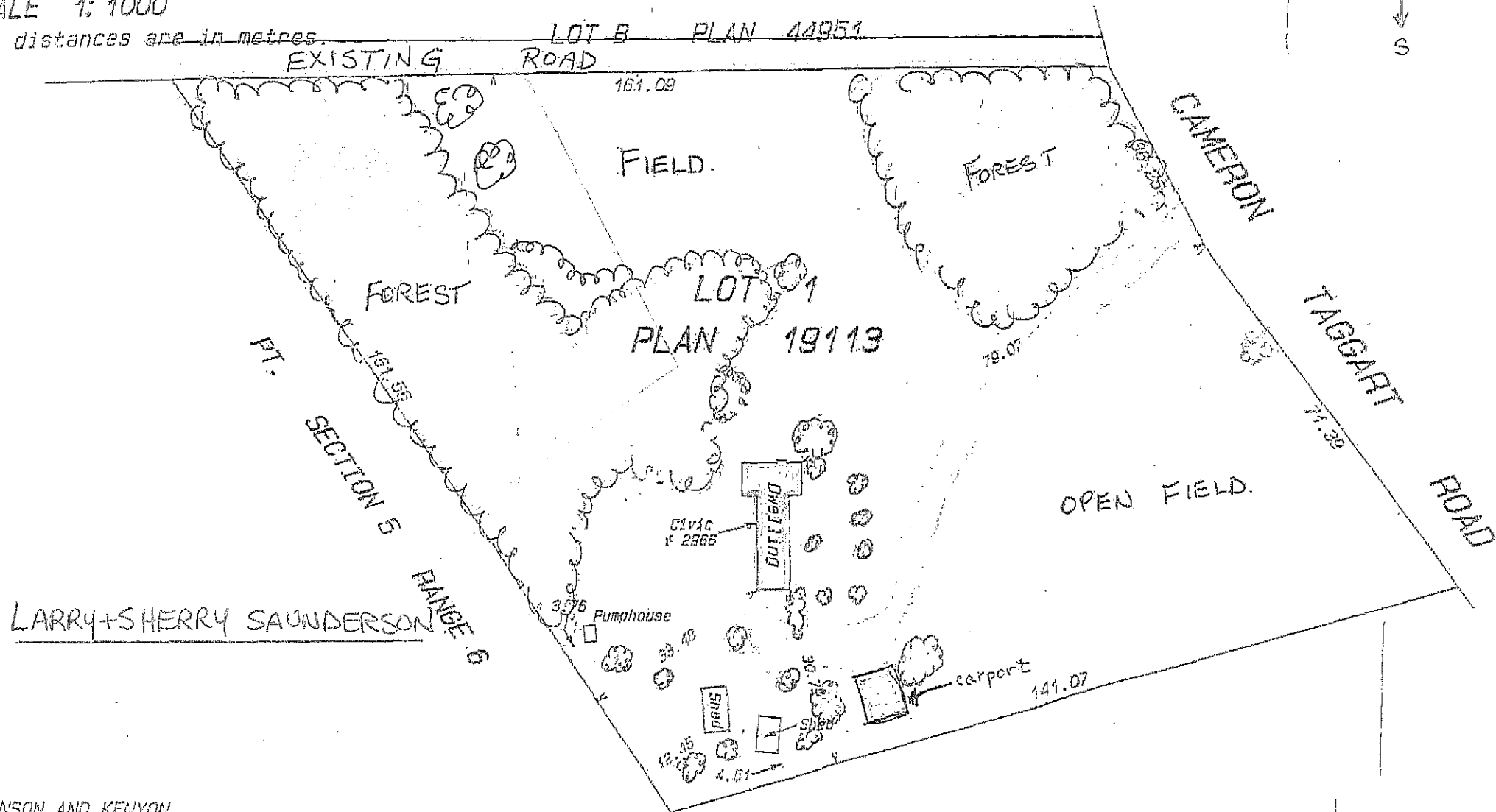
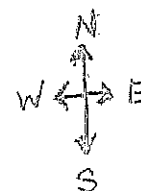
<p>Reviewed by: <i>Division Manager:</i> </p> <p>Approved by: <i>General Manager:</i> </p>
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THE SURVEY CERTIFICATE OF
 LOT 1, SECTION 5, RANGE 6,
 LAWNIGAN DISTRICT,
 PLAN 19113.

SCALE 1:1000

All distances are in metres.

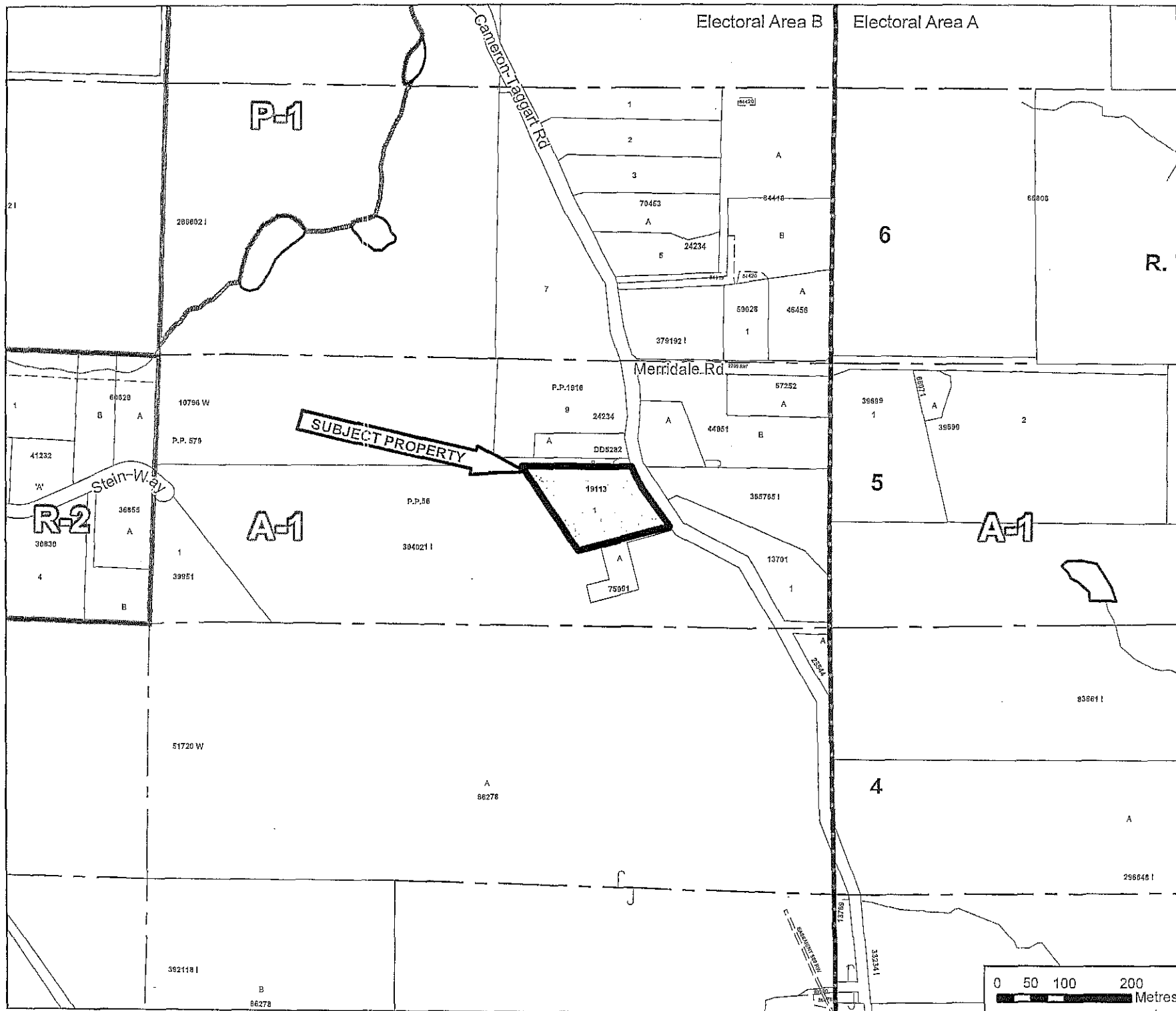
76



LARRY + SHERRY SAUNDERSON

AND KENYON
 LAND SURVEYORS
 55 Alderlea St.
 Vancouver, B.C. V5L 3V3
 Phone 746-4745

FILE 91-1042.DAT



**Cowichan
Valley
Regional
District**

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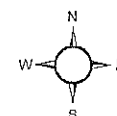
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-B-11-ALR

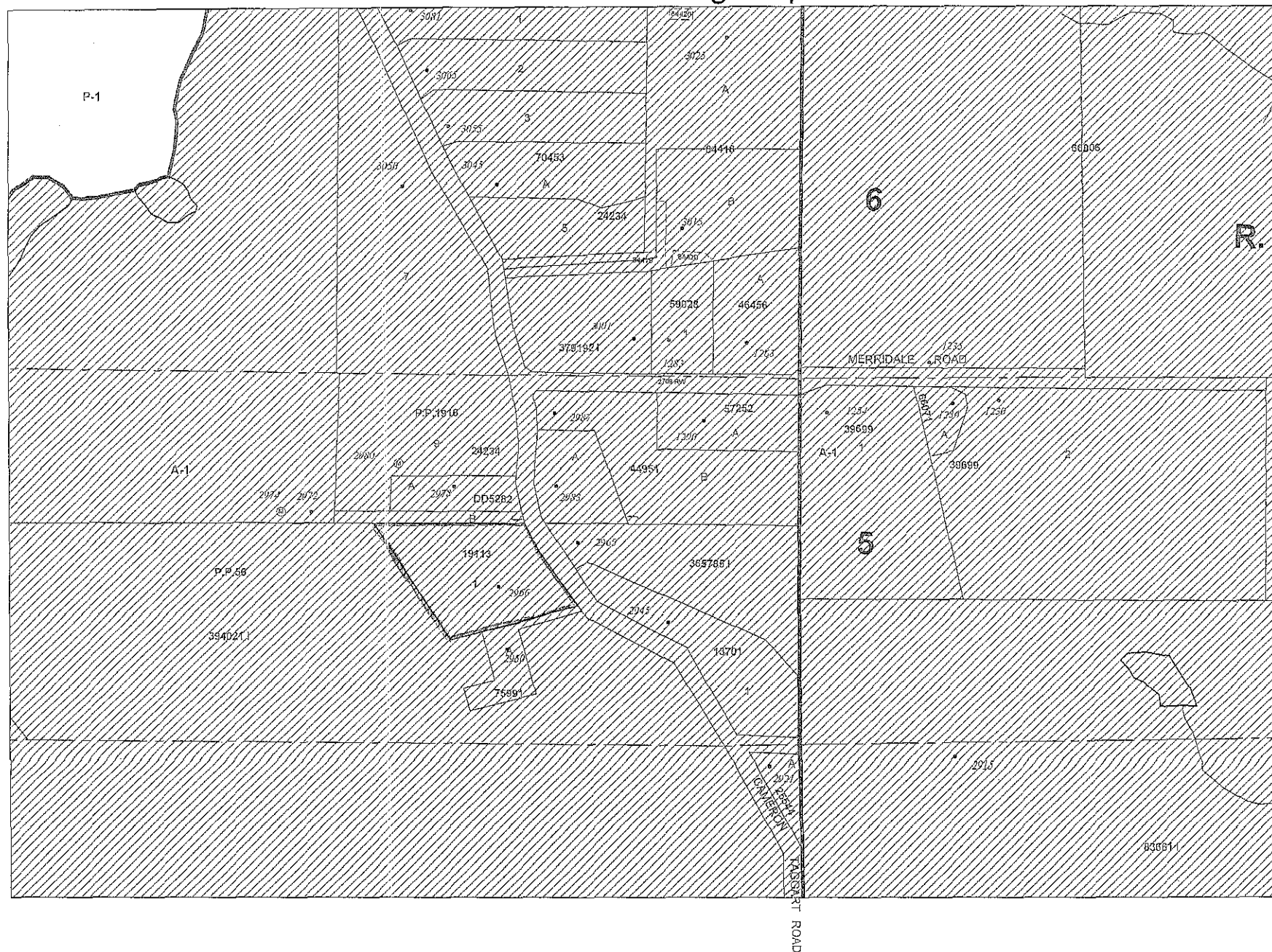
ZONING

Legend

-  Subject Property
-  Zoning: Electoral Area B



0 50 100 200
Metres



**Cowichan
Valley
Regional
District**

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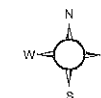
Printed: June 22, 2011

Legend



ALR

subject
property



Scale: 1:3,694



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 26, 2011

FILE NO: 2-C-11DVP

FROM: Maddy Koch, Planning Technician

BYLAW NO: 1405

SUBJECT: Development Permit Application No. 4-A-11DP (Ruth Bastedo)

Recommendation:

That Application No. 4-A-11DP **be approved**, and that a development permit, pursuant to the Mill Bay Development Permit Area, be issued to Ruth Bastedo for Lot 7, Block G, District Lot 18, Malahat District, Plan 1720 (PID: 007-059-931) for subdivision of the subject property.

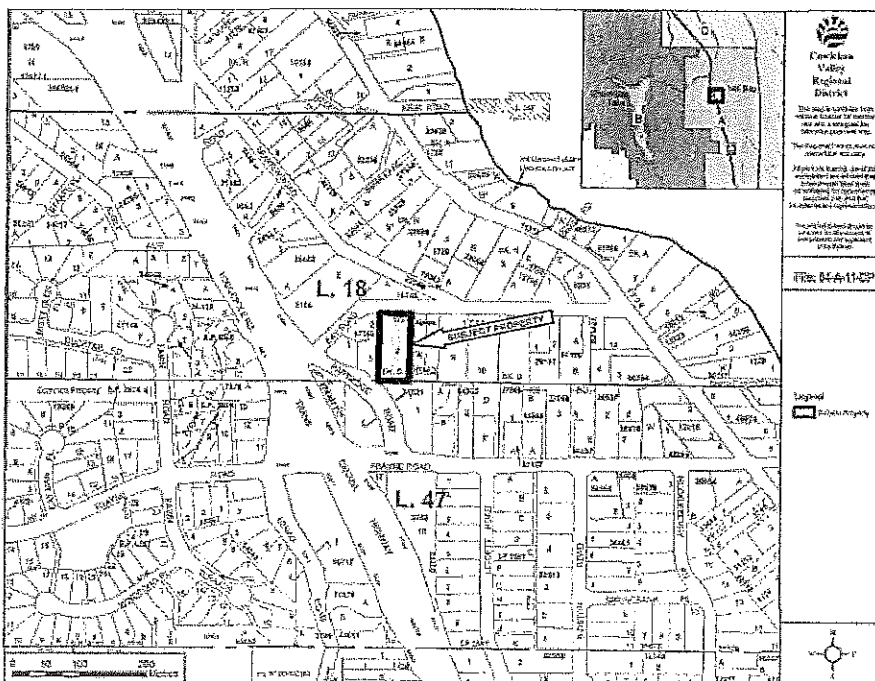
Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Purpose: To consider issuance of a Mill Bay Development Permit for Ruth Bastedo, to allow for subdivision of the subject property into a 0.2 ha lot and a 0.26 ha lot

Background:

Location of Subject Property: 690 Bay Road



Legal Description: Lot 7, Block G, District Lot 18, Malahat District, Plan 1720 (PID: 007-059-931)

Date Application and Complete Documentation Received: May 11, 2011

Owner: Ruth Bastedo

Applicant: Alf Webb

Size of Parcel: ±0.47 hectares

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

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

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential/Bay Road
South: Residential
East: Residential
West: Residential

Services:

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

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

Archaeological Sites: None identified

The Proposal:

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

Background:

The subject property is located at 690 Bay Road in Mill Bay on the eastern side of the Trans Canada Highway and is situated within the Mill Bay Development Permit Area. One home is currently located on the parcel. The applicant intends to subdivide the lot in two, creating a 0.2 ha lot (Lot A) and a ±0.3 ha lot (Lot B). Proposed Lot B would be accessible by a panhandle.

Policy Context

Pursuant to Section 943 of the *Local Government Act*, this application is not subject to the Development Permit Area guidelines in the recently adopted South Cowichan OCP Bylaw No. 3510. Section 943 of the *Local Government Act* states:

If, after

- (a) an application for a subdivision of land located outside a municipality has been submitted to a district highway manager in a form satisfactory to that official, or*
 - (b) an application for a subdivision of land within a municipality has been submitted to an designated municipal officer and the applicable subdivision fee has been paid,*
- a local government adopts a bylaw under this Part that would otherwise be applicable to that subdivision, the bylaw has no effect with respect to that subdivision for a period of 12 months after it was adopted unless the applicant agrees in writing that it should have effect*

Pursuant to the regulations of CVRD Bylaw No. 1890 (the former Area A Official Community Plan), the applicant requires a Development Permit prior to proceeding onward with this proposal as the subject property falls within the Mill Bay Development Permit Area. Attached are the complete guidelines for the Development Permit Area.

Mill Bay Development Permit Area

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

a) Services and Utilities

1. Sewage disposal facilities will be approved by the Vancouver Island Health Authority and potable water will be provided by Mill Bay Waterworks.
2. No storm sewers will be provided as hazardous lands, unstable soil or water laden land has not been identified on the site and it is not anticipated that the creation of two new lots will have a negative impact on creeks or drainage in the immediate area.
3. The subject property is serviced by Mill Bay Waterworks and, as such, water will not be drawn from Shawnigan or Hollings Creeks.
4. No water laden land or unstable soil subject to degradation has been identified on the subject property.
5. Not applicable.

b) Vehicular Access

1. All access to the site will be via Frayne Road for both pedestrian and vehicular traffic. No road construction is necessary for the completion of this subdivision, however, a new driveway is proposed to be developed along the panhandle.
2. Not applicable.
3. Not applicable.
4. Not applicable.

c) Vehicular Parking

Not applicable

d) Pedestrian Access

Not applicable

e) Landscaping

Not applicable

f) Signage

Not applicable

- g) Lighting
Not applicable
- h) Overhead Wiring
Overhead wiring exists along Bay Road, therefore the application would not comply with the development permit guideline recommendation of underground wiring installation. However, due to the small size of this subdivision and the prior existence of overhead wiring along the length of Bay Road, it is the opinion of staff that this should not affect approval of the development permit.
- i) Building Design
Not applicable.
- j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands
No creeks, environmentally sensitive areas, or hazardous lands have been identified onsite.
- k) Timing of Development on Land
The Development Permit may specify the sequence and timing of development on the land, however, as this application proposes only one additional lot, the guideline does not appear to be applicable
- l) Siting of Buildings and Structures
Existing buildings conform to setbacks specified in the R-3A zone.
- m) Riparian Areas Regulation Guidelines
Not applicable.

Advisory Planning Commission Comments:

At the request of the Area Director, this application was not forwarded to the Area A Advisory Planning Commission.

Options

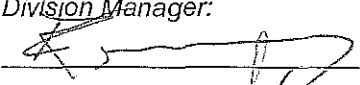

1. That Application No. 4-A-11DP **be approved**, and that a development permit, pursuant to the Mill Bay Development Permit Area, be issued to Ruth Bastedo for Lot 7, Block G, District Lot 18, Malahat District, Plan 1720 (PID: 007-059-931) for subdivision of the subject property.
2. That Application No. 4-A-11DP **be denied**, for Lot 7, Block G, District Lot 18, Malahat District, Plan 1720 (PID: 007-059-931) for subdivision of the subject property.

Staff recommends Option 1.

Submitted by,

Maddy Koch

Maddy Koch,
Planning Technician
Development Services Division
Planning and Development Department

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 

14.5 MILL BAY DEVELOPMENT PERMIT AREA

14.5.1 CATEGORY AND AREA

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

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

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

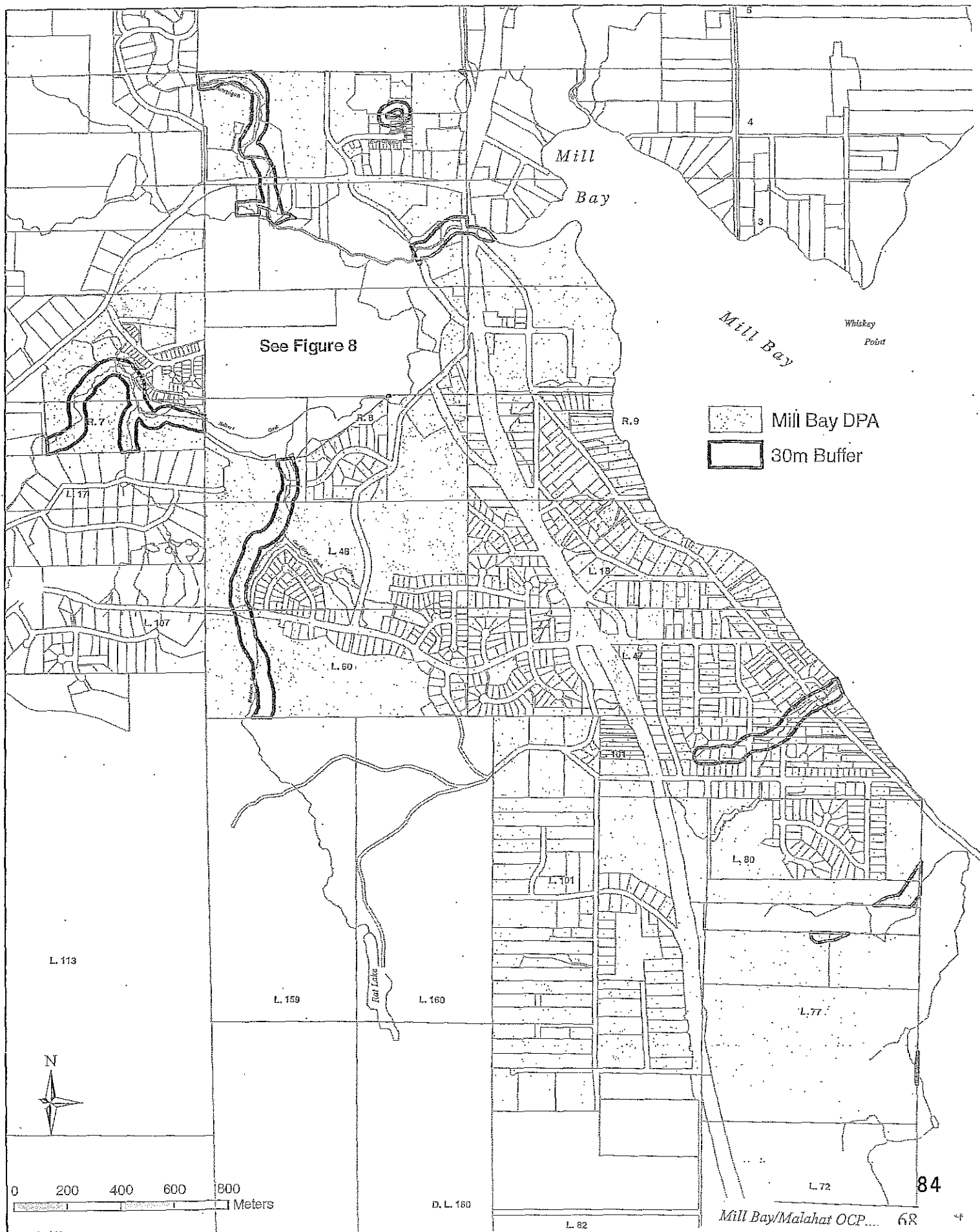
- (c) commencement of the subdivision of land or any commercial, industrial, or multi-family or related development within the Mill Bay Development Permit Area, shown in Figure 7; and
- (d) For riparian assessment areas outlined in Section 14.5.2, any of the following activities occurring in the Mill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

14.5.2 RIPARIAN ASSESSMENT AREAS

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

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

Figure 7 - Mill Bay Development Permit Area



- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank,
- And within these areas, the Riparian Areas Regulation Guidelines below will also apply.

14.5.3 DEFINITIONS

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

14.5.4 JUSTIFICATION

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

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

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

14.5.5 GUIDELINES

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

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

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

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

c) Vehicular Parking

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

d) Pedestrian Access

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

e) Landscaping

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

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

f) Signage

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

g) Lighting

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

h) Overhead Wiring

Underground wiring shall be encouraged rather than overhead wiring.

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

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

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

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

1. such development shall be discouraged within 30 metres of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.
2. Any alteration, construction or development must not impact water quality and quantity, and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.
3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
4. Adequate buffering and protection of any sensitive native plant communities shall be provided.

k) Timing of Development on Land

The development permit may impose conditions for the sequence and timing of development on land described in the permit.

l) Siting of Buildings and Structures

The regulations of the zoning bylaw will normally prevail, however since site conditions will vary, there may be a need to alter the siting in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the site design.

m) Riparian Areas Regulation Guidelines

Prior to undertaking any of the development activities listed in Section 14.5.1(d) above, an owner of property within the Mill Bay Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

1. A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there

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

14.5.6 REQUIREMENTS

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

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

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

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

14.5.7 EXEMPTIONS

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

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

14.5.8 VARIANCES

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

14.5.9 VIOLATION

Every person who:

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

commits an offence under this Bylaw.

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

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

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

(a) Permitted Uses

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

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

(b) Conditions of Use

For and parcel in an R-3A Zone:

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

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

(c) Minimum Parcel Size

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

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



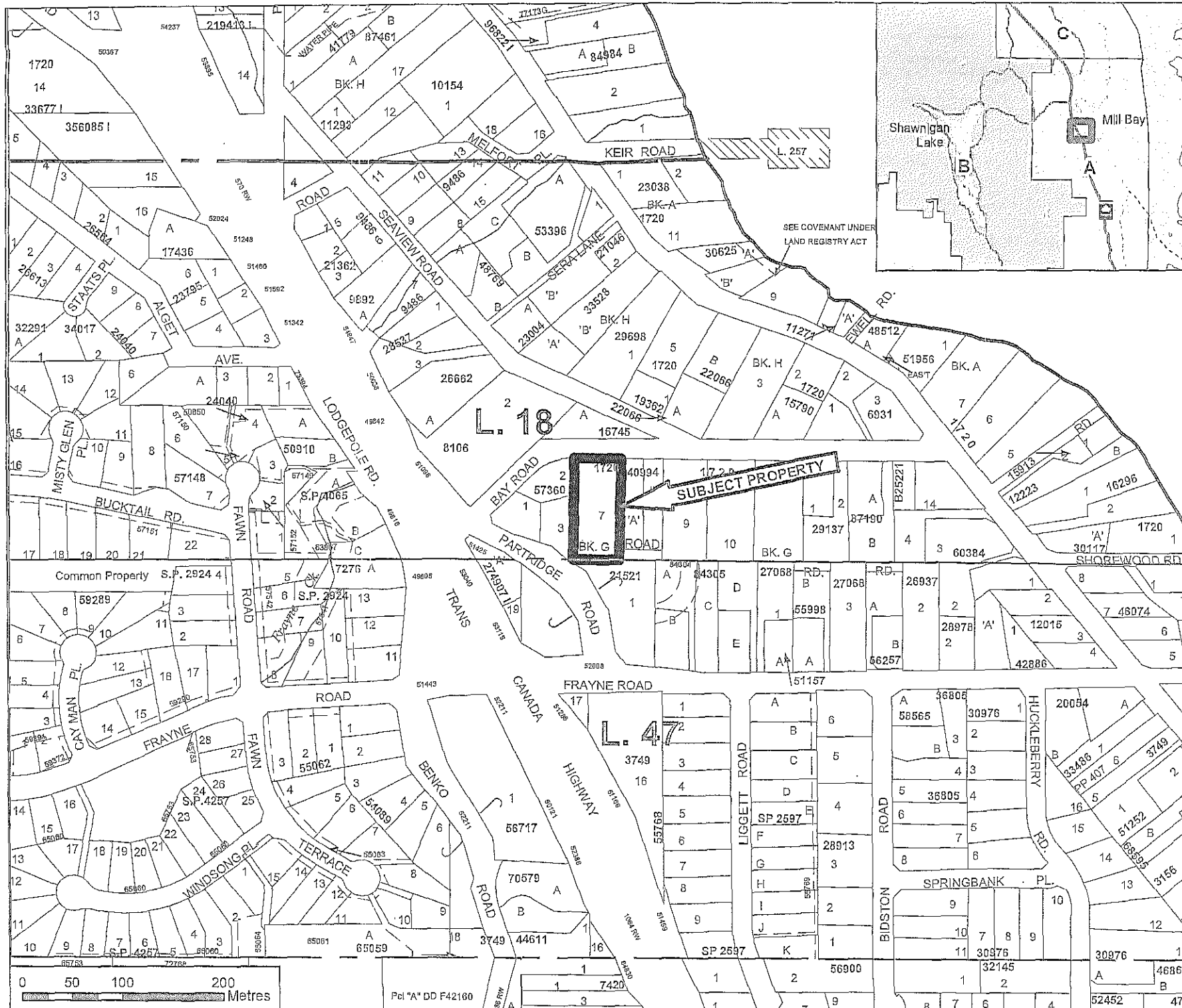
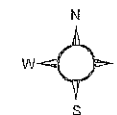
This map is compiled from various sources for internal use and is designed for reference purposes only.

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

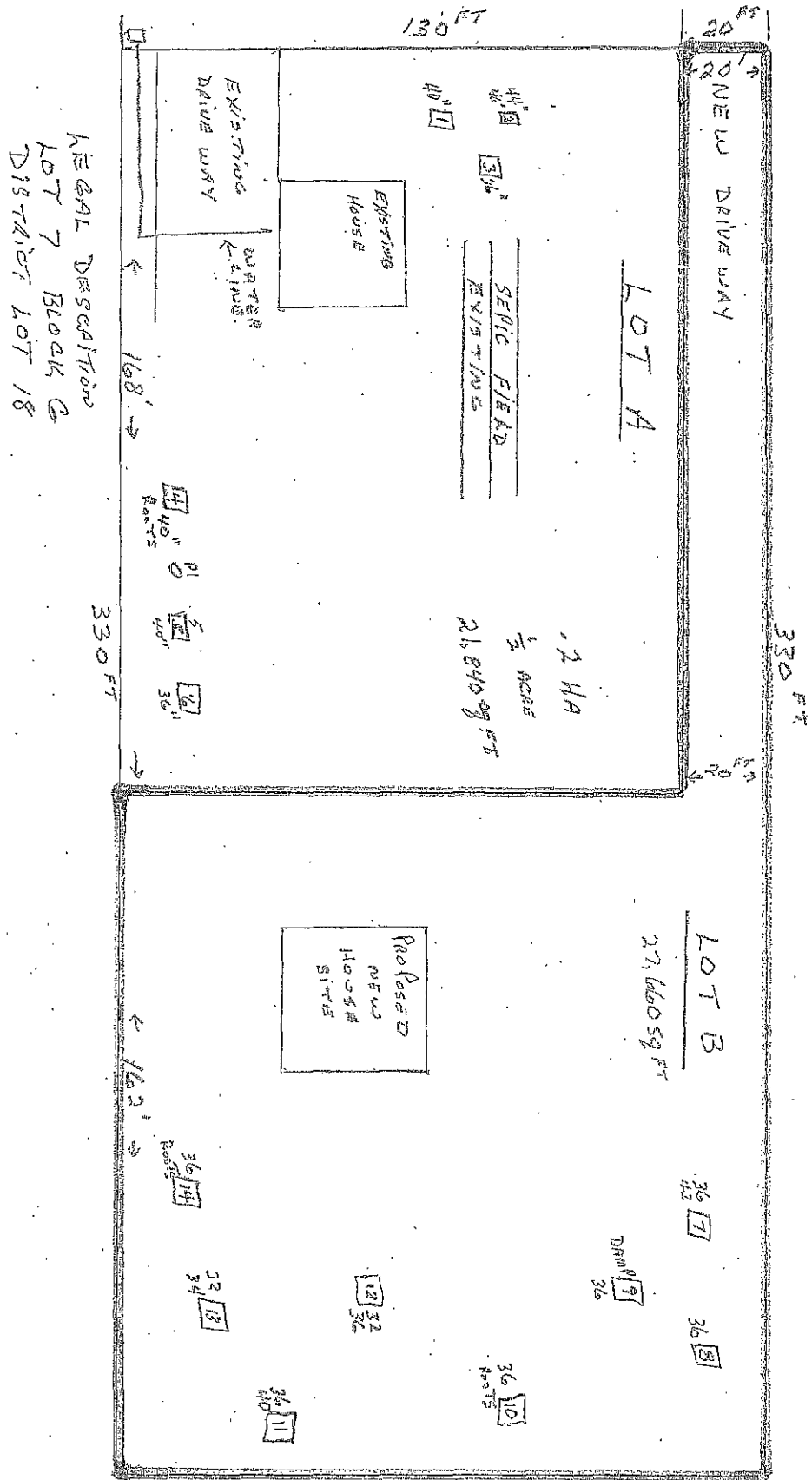
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 04-A-11-DP

 Subject Property



BAY ROAD
690 BAY RD MILL BAY



↑
N
|
30 ft. 1120 ft.

Draw on April 11



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

DRAFT

NO: 4-A-11DP DRAFT

DATE: July 22, 2011

TO: Ruth Bastedo

ADDRESS: 690 BAY ROAD

MILL BAY, BC V0R 2P0

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of a two lot subdivision, located at:
*Lot 7, Block G, District Lot 18, Malahat District, Plan 1720,
(PID: 007-059-931)*
3. Authorization is hereby given for the subdivision of the above property in accordance with the Mill Bay Development Permit Area guidelines.
4. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
5. The following Schedules are attached:
 - Schedule A –Site Plan of Proposed 2 Lot Subdivisionand form part of this Permit.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX
PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE
XX DAY OF AUGUST 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date

DRAFT



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 26, 2011 **FILE NO:** Building Permit
No. F-151-11
FROM: Alison Garnett, Planner I **BYLAW NO:**
Development Services Department
SUBJECT: Additional Fixture Request 6500 Skutz Falls Road

Recommendation/Action:

Committee direction is needed, following a request for an additional plumbing fixture in a residential accessory building.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

A request has been made by Stephen and Pamela Jackson, owners of 6500 Skutz Falls Road in Electoral Area F, to install a shower in an accessory building. The subject property is zoned R-2 (Suburban Residential 2) and is approximately 11 hectares (27 acres) in size. The attached site plan shows that existing buildings on the property include a single family home, the accessory building which is the subject of this report, and another accessory building which the owners are applying to convert to a secondary dwelling unit.

The following is an excerpt from the January 19, 2004, EASC meeting where it was resolved that:

"As a measure to reduce the number of illegal dwellings in the CVRD, 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."

Since 2004, requests for additional plumbing fixtures have been directed to the Board, through the EASC.

Staff Comments:

The owners state in the attached letter that they operate a community care facility for people with special needs, and the shower fixture in the accessory building would be useful for this business.

The options presented below include registration of a covenant that would prohibit 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 would facilitate future enforcement action, should it be required.

Options:

1. That the request by Stephen and Pamela Jackson to allow a shower, in addition to the two permitted plumbing fixtures, within an accessory building at 6500 Skutz Falls Road (Lot 1, Block 32, Cowichan Lake District, Plan 4942), be approved on condition of septic approval.
2. That the request by Stephen and Pamela Jackson to allow a shower, in addition to the two permitted plumbing fixtures, within an accessory building at 6500 Skutz Falls Road (Lot 1, Block 32, Cowichan Lake District, Plan 4942), be approved on condition of septic approval, and subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
3. That the request by Stephen and Pamela Jackson to allow a shower, in addition to the two permitted plumbing fixtures, within an accessory building at 6500 Skutz Falls Road (Lot 1, Block 32, Cowichan Lake District, Plan 4942), not be approved.

Submitted by,



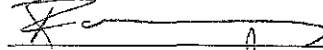
Alison Garnett,
Planner I
Development Services Division
Planning and Development Department

AG/jah

Attachments

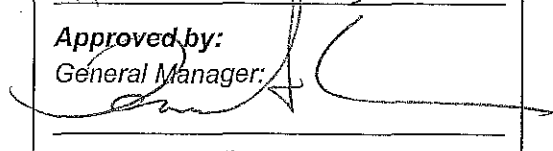
Reviewed by:

Division Manager:



Approved by:

General Manager:





**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.

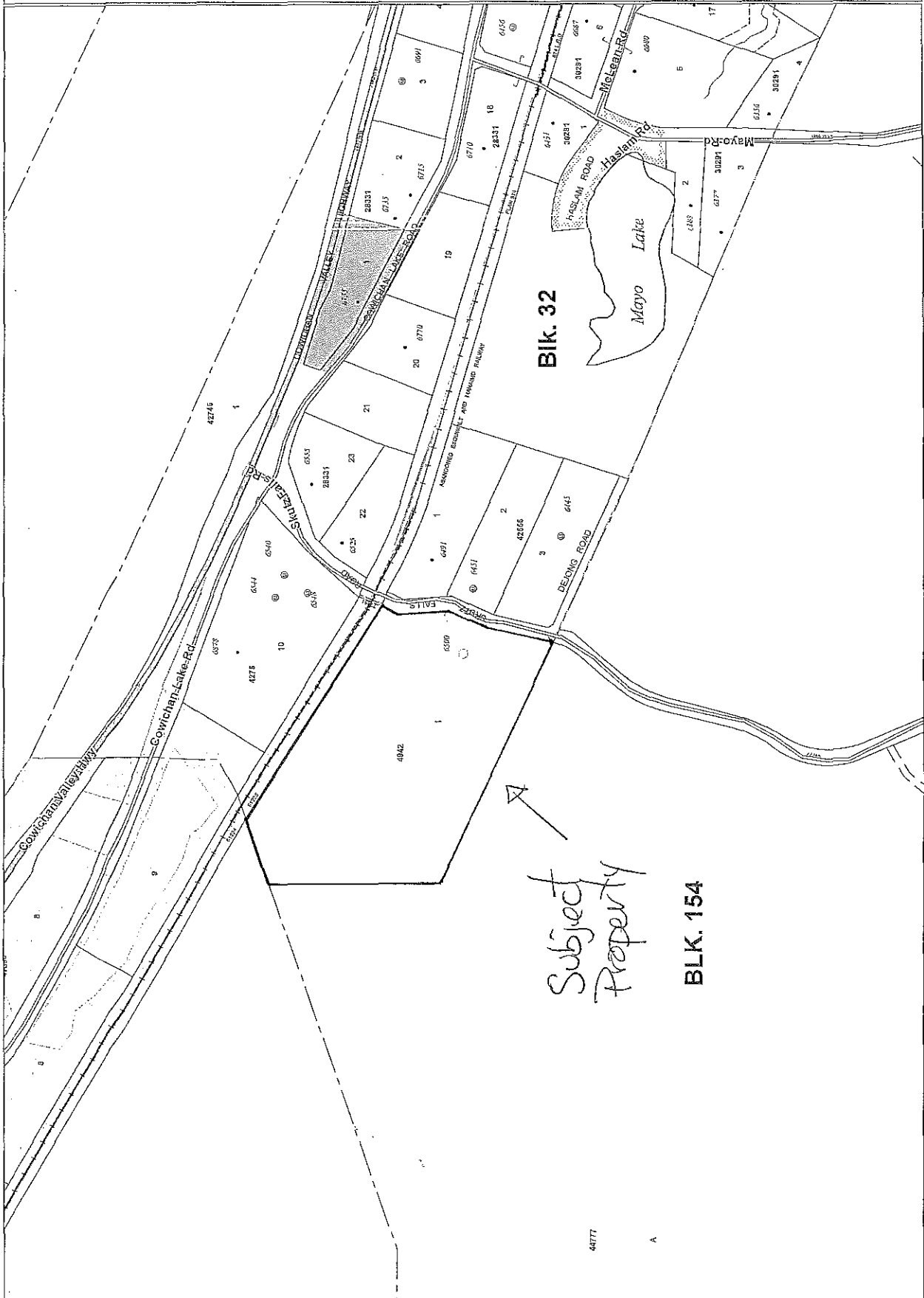
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: July 25, 2011



Scale: 1:4,947



To.C.V.R.D. Board

In regards to the building application at 6500 Skutz Falls Road we would like to have a shower in the bathroom.

We do Home Sharing with Special Needs clients and some of the activities they are involved in are Gardening ,Nature walks and Crafting .Due to some of their behavioral issues they can get quite dirty.It would be helpful for them to have a shower area to clean up after if needed.

We have also spoken with our clients Facilitator Karen Hopkins and she also agrees that because of their Behavioral issues that a shower in the work space area would be beneficial to them.

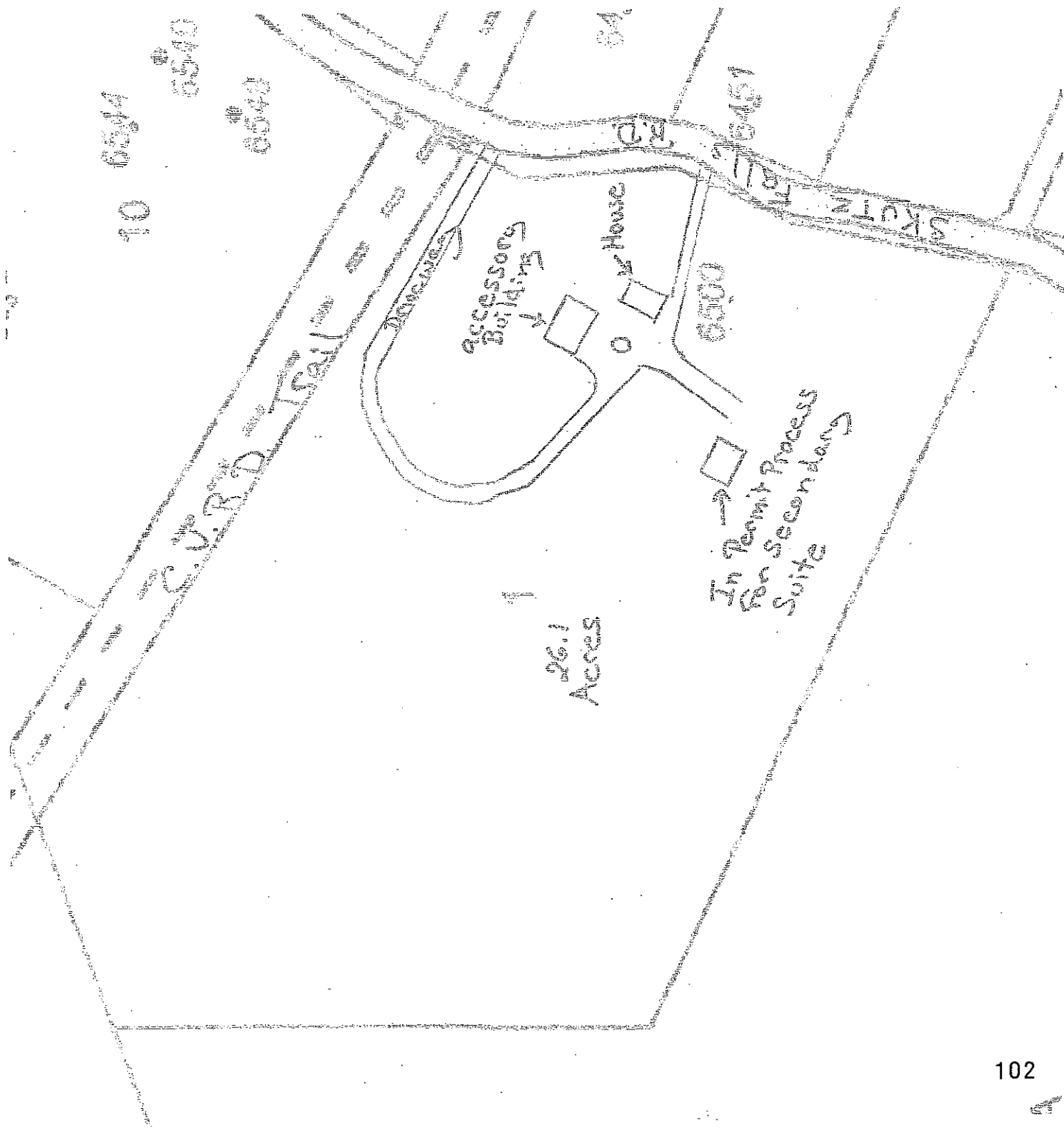
Community Living British Columbia
Client Facilitator : Karen Hopkins

Karen Hopkins
May 12, 2011

Community Living British Columbia
#101 - 116 Queens Road
Duncan BC V9L 2W6 .
250 715-2729

Stephen & Pamela Jackson

Stephen
Pamela Jackson





R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 21, 2011 FILE No: 2-C-11DVP
FROM: Alison Garnett, Planner I BYLAW No: 1405
SUBJECT: Development Variance Permit Application No. 2-C-11DVP
(CVRD Engineering and Environmental Services Department)

Recommendation/Action:

That Application No. 2-C-11DVP by CVRD Engineering and Environmental Services Department, respecting Lot 1, Section 19, Range 6, Shawnigan District, Plan 26775 (PID 002 426 382) to reduce the setback to the exterior property line that abuts St. Catherine's Drive from 4.5 metres to 0.91 metres, be approved as proposed on the attached plans, subject to:

- A legal survey to confirm the approved setback distance, as required by CVRD Building Inspector
- Approval from Ministry of Transportation and Infrastructure to construct within the road right of way.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: *(Reviewed by Finance Division: N/A)*

Background:

Location of Subject Property: 4108 St. Catherine's Drive, Cobble Hill

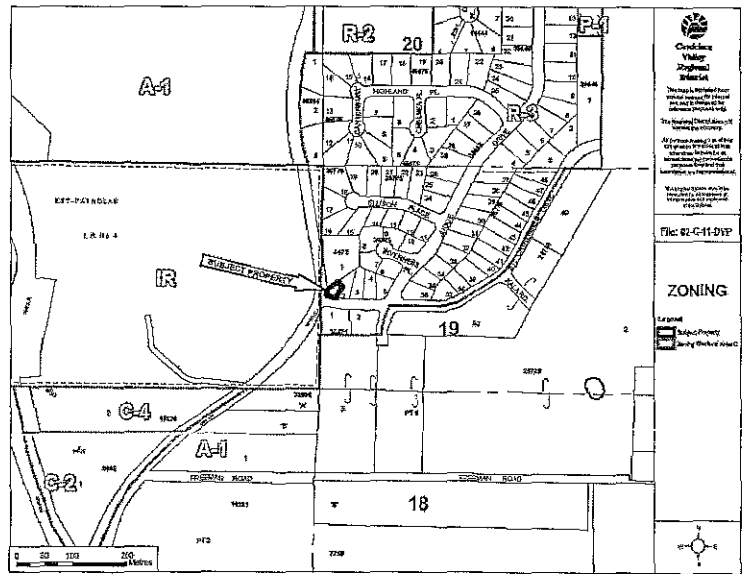
Legal Description: Lot 1, Section 19, Range 6, Shawnigan District, Plan 26775 (PID 002 426 382)

Date Application Received: June 8, 2011

Owner: Cowichan Valley Regional District

Applicant: Gordon Bonekamp, E & E Department

Size of Lot: 471 m² (5000 ft²)

Zoning:Minimum Lot Size:Plan Designation:

R-3 Urban Residential

0.2 ha with connection to community water

Urban Residential.

Existing Use of Property:Use of Surrounding Properties:

Water Utility building and reservoir

Residential

Road Access:Water:Sewage Disposal:

St. Catherine's Drive and Cowichan Bay Road

The property services the Douglas Hill Water System.

N/A

Agricultural Land Reserve Status:Environmentally Sensitive Areas:Archaeological Site:

Out

N/A

None have been identified.

The Proposal:

The subject property is a 470 m² lot located in Electoral Area C- Cobble Hill, and is used as a utility lot to service the CVRD operated Douglas Hill Water System. There is currently a water utility building and reservoir on the lot, and the applicants, the CVRD Engineering and Environment Department, are proposing to build a new water treatment building. Due to the small size of the lot, they are requesting a relaxation of the exterior parcel line setback. Zoning Bylaw No. 1405 requires a building setback of 4.5 metres to St. Catherine's Drive, which the applicants are proposing to reduce to 0.91 metres. The proposed side yard setback is 2.82 metres, which meets the required interior parcel line setback.

The proposed 280 m² building is identified on the attached sketch plan. Development of the subject property is constrained due to the lot's small size, the proximity to two roadways (Cowichan Bay Road and St. Catherine's Drive) and the existing utility buildings on the property.

We note that this proposed building will require a permit issued by the Ministry of Transportation and Infrastructure, as the proposed location is within 4.5 metres of a public road right of way.

Surrounding Property Owner Notification and Response:

A total of 20 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No responses were received.

Options:

1. That Application No. 2-C-11DVP by CVRD Engineering and Environmental Services Department, respecting Lot 1, Section 19, Range 6, Shawnigan District, Plan 26775 (PID 002 426 382) to reduce the setback to the exterior property line that abuts St. Catherine's Drive from 4.5 metres to 0.91 metres, **be approved** as proposed on the attached plans, subject to
 - A legal survey to confirm the approved setback distance, as required by CVRD Building Inspector
 - Approval from Ministry of Transportation and Infrastructure to construct within the road right of way.
2. That Application No. 2-C-11DVP by CVRD Engineering and Environmental Services Department, respecting Lot 1, Section 19, Range 6, Shawnigan District, Plan 26775 (PID 002 426 382) to reduce the setback to the exterior property line that abuts St. Catherine's Drive from 4.5 metres to 0.91 metres, **be denied**.

Option 1 is recommended.

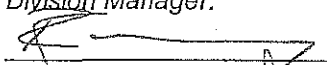
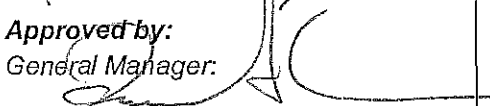
Submitted by,



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

AG/jah

Attachments

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 



Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.



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

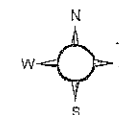
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-C-11-DVP

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area C



A-1

R-2

20

P-1

EST-PATROLAS

I.R. No. 4

IR

SUBJECT PROPERTY

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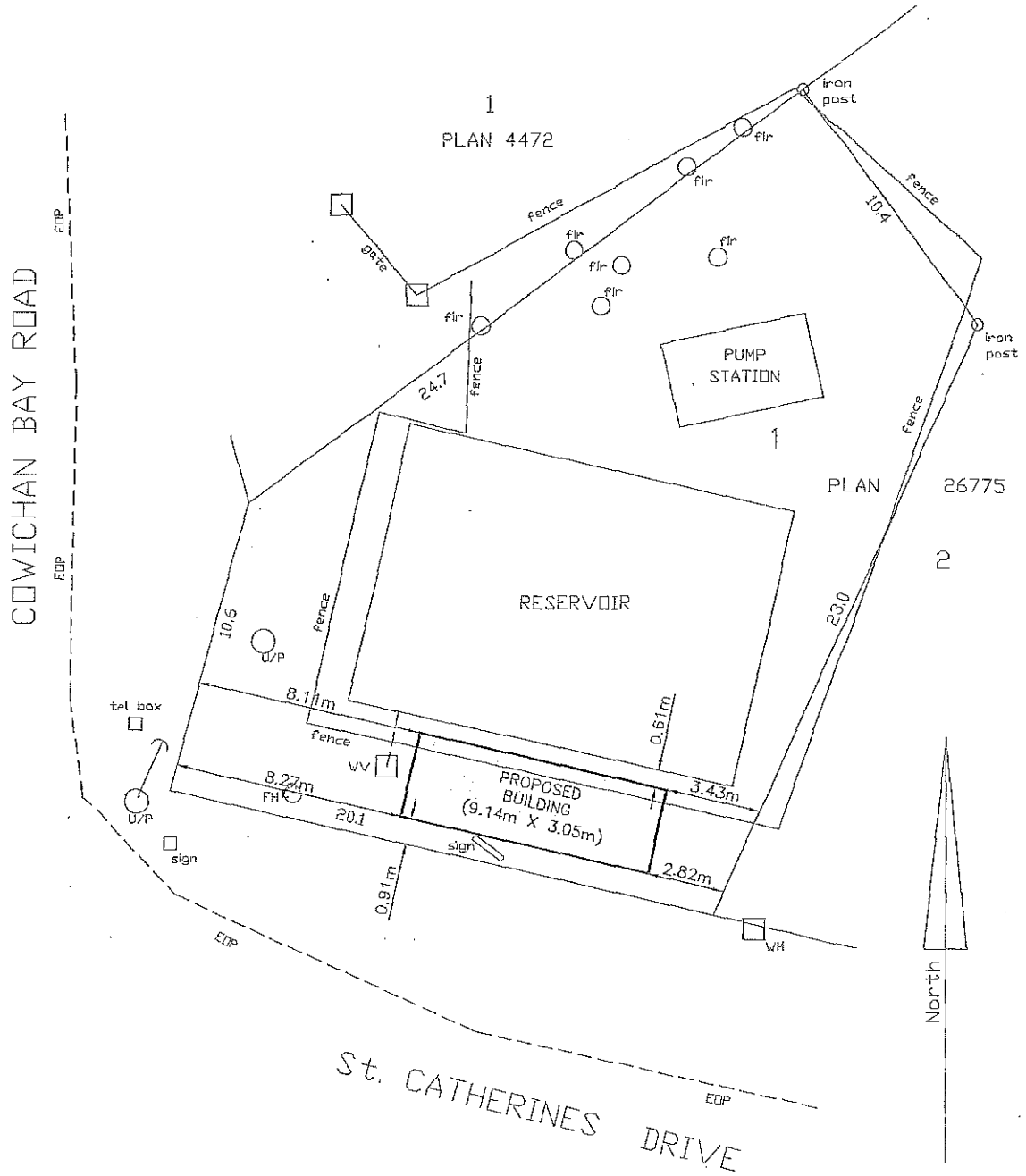
308

SKETCH PLAN OF TOPOGRAPHY OVER
LOT 1, PLAN 26775.

Scale = 1:150

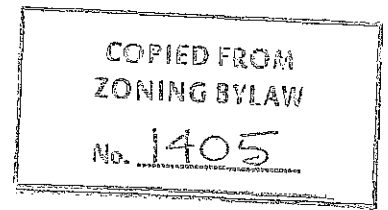
LEGEND

All distances and elevations are
in metres and decimals thereof.
Elevations are derived from top of
gate post (assumed elev = 100.0m).
Contours are shown at 0.25m intervals.



BOWERS & ASSOCIATES
2856 CASWELL STREET,
CHEMUNUS, B.C., V0R 1K3
PHONE/FAX: 250-246-4928
File: 4295 Date: 20 Jan 11.

GENTVAR
Suite 400, 401 Grafton Road, Victoria, British Columbia, Canada V8T 6A1
Telephone: (250) 364-5510 - Fax: (250) 364-5511
email: info.gentvar@gentvar.com - Web: www.gentvar.com



8.3 R-3 ZONE - URBAN RESIDENTIAL

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

(a) Permitted Uses

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

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home craft;
- (4) bed and breakfast accommodation; and
- (5) daycare, nursery school accessory to a residence.
- (6) small suite and secondary suite on parcels 0.4 ha. or larger

(b) Conditions of Use

For any parcel in an R-3 Zone:

- (1) the parcel coverage shall not exceed 20 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Uses	COLUMN III Accessory to Residential Use
Front	7.5 metres	7.5 metres
Side (interior)	3.0 metres	1.0 metres
Side (exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	1.0 metres

(c) Fence Height

No fence or wall in this zone shall exceed 1.8 metres in height.



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

DRAFT

FILE NO: 2-C-11DVP

DATE: July 19, 2011

TO: CVRD Engineering and Environment
Dept DRAFT

ADDRESS: 175 Ingram St. Duncan BC

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:
Lot 1, Section 19, Range 6, Shawnigan District, Plan 26775 (PID 002 426 382)
3. Zoning Bylaw No. 1405, applicable to Section 8.3(b), is varied as follows:
The exterior side setback is reduced from 4.5 metres to 0.9 m for the construction of a water treatment building, as shown on the attached plans, subject to
 - A legal survey confirming the approved setback distance, as required by CVRD Building Inspector.
 - Approval from Ministry of Transportation and Infrastructure to construct within the road right of way
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Sketch Plan of Lot 1, Plan 26775
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. XXXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XXth DAY OF XX 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date

DRAFT



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 26, 2011 **FILE NO:** 3-B-11DP/RAR
FROM: Rob Conway, MCIP **BYLAW NO:**
SUBJECT: Development Permit Application 3-B-11DP/RAR (2080 Cullin Road)

Recommendation/Action:

That Application No. 3-B-11DP/RAR, submitted by J. E. Anderson and Associates on behalf of 2080 Cullin Holdings Inc. for a sixteen lot subdivision of Lots 1 and 2, Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (PIDs 009-255-702, 009-225-753 and 009-481-079), be approved subject to:

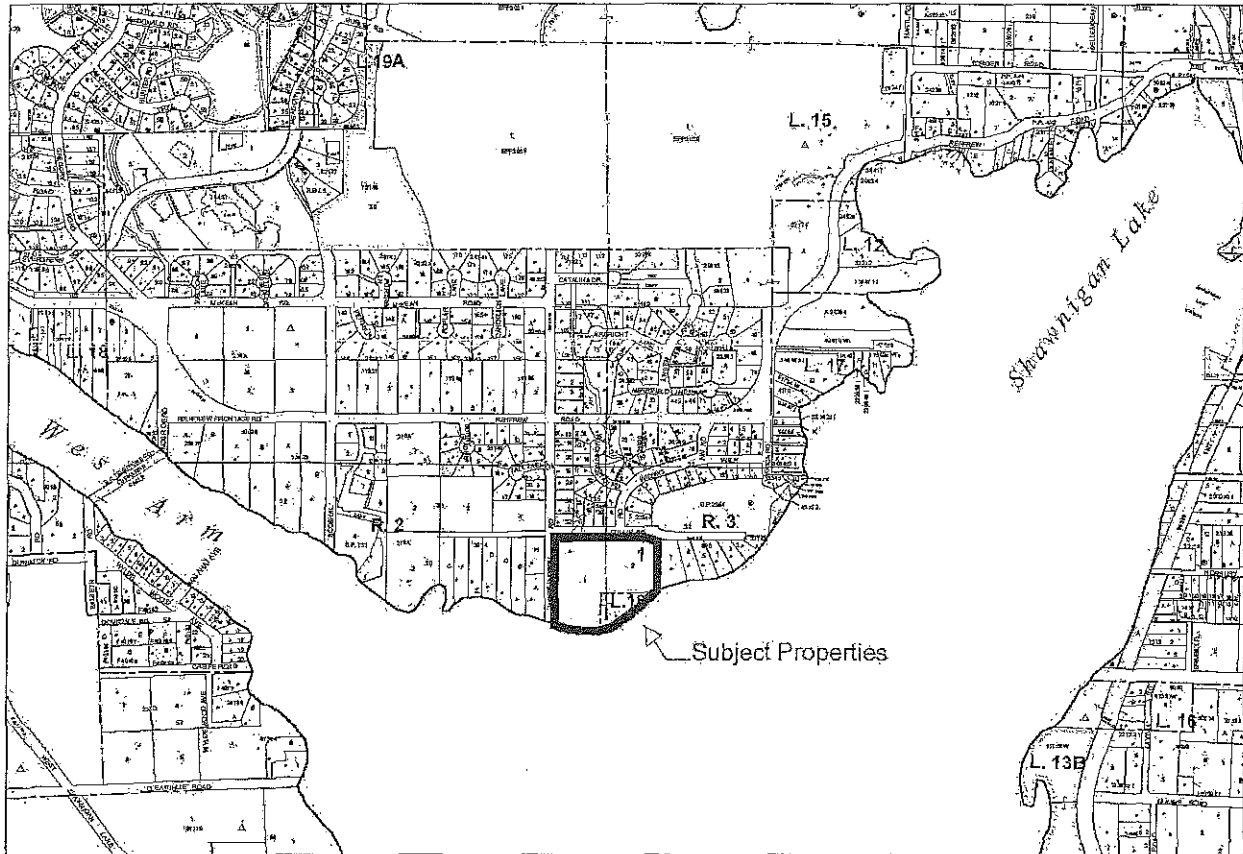
- a) Registration of a restrictive covenant approved by the General Manager of the Planning and Development Department to protect the Streamside Protection and Enhancement Area;
- b) Strict compliance with the RAR Assessment Report and submission of a post development report from a Qualified Environmental Professional prior to final subdivision approval confirming that all RAR assessment requirements have been met or that measures to reasonably assure compliance are in place;
- c) Submission of a detailed cost estimate prepared by a Qualified Environmental Professional for estimated and potential post-subdivision maintenance, plant replacement, monitoring and reporting expenses described in the March 23, 2011 riparian restoration report prepared by Enkon Environmental for a five year period and submission of an irrevocable letter of credit or funds held in trust equivalent to 125% of the accepted cost estimate;

And further, that prior to issuance of the development permit:

- d) The applicant provide written confirmation that the Surveyor General's Office will approve the requested adjustment to the legal boundary of the subject lands to coincide with the natural boundary of Shawnigan Lake;
- e) The RAR assessment report be revised and re-filed with the Ministry of Environment based on the subdivision plan approved in the subdivision preliminary layout approval and the amended protection measures contained in the March 23, 2011 riparian restoration report.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Location Map:**Background:**

To consider a request for a Development Permit to permit subdivision of the subject property into 16 residential lots

Location of Subject Property: Cullin and Worthington Roads, Shawnigan Lake

Legal Description: District Lot 16, Shawnigan District (PID: 009-481-079);
 Lot 2, Block 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-753);
 Lot 1, Block 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-702)

Date Application and Complete Documentation Received: March 30, 2011

Owner: Cullin Holdings Inc.

Applicant: Danny Carrier, J.E Anderson and Associates

Size of Parcels: 3.1 ha (7.7 ac.)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size Under Existing Zoning: 0.2 ha for parcels connected to a community water

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential (one dwelling)

Existing Use of Surrounding Properties:

North:	Residential (R-3 Urban Residential Zone)
South:	Shawnigan Lake (W-2 Water Recreation)
East:	Residential (R-3 Urban Residential Zone)
West:	Residential (R-3 Urban Residential Zone)

Services:

<u>Road Access:</u>	Worthington and Cullin Road, and new strata road
<u>Water:</u>	CVRD community water system
<u>Sewage Disposal:</u>	On-site septic for the three fee simple lots, and common sewage disposal for the strata lots

Agricultural Land Reserve Status: Property is not within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies this property as having a TRIM stream with confirmed fish presence (Shawnigan Lake) along its southern boundary. Additionally, the Riparian Areas Regulation Assessment report provided with the Development Permit application indicates that there is a creek and wetland partially located on the eastern portion of the property.

Archaeological Site: CVRD has no record of archaeological sites on the subject property.

The Proposal:

An application has been made to the CVRD for a development permit that would permit subdivision of the property into 16 residential lots. Thirteen lots are proposed to be lakefront with the three fee simple lots fronting Worthington Road.

As the proposed development is within 30 metres and Shawnigan Lake and a creek, it is within the Riparian Area Regulation Development Permit Area as defined in Shawnigan Lake Official Community Plan No. 1010 and is subject to the Riparian Area Regulation. Although OCP Bylaw No. 1010 was recently repealed and replaced with CVRD South Cowichan Official Community Plan Bylaw No. 3510, the development permit area requirements under OCP Bylaw No. 101 apply as Section 943 of the *Local Government Act* gives protection to subdivisions that have been made prior to the bylaw change for a one year period.

For the Committee's reference, a separate report has been prepared with regards to the subdivision application (10-B-10SA). This report will deal specifically with the development permit application and the applicable guidelines and requirements.

Property Context:

The subject property is comprised of three lots, totaling 3.1 ha. (7.7 ac.) in size. The property fronts on Shawnigan Lake and currently has a single family dwelling on it. Much of the property is forested, but in August, 2007 the majority of the property's lakefront was cleared without a permit and in contravention of the CVRD's Riparian Area Regulation Development Permit Area. Following investigation by the Ministry of Environment, the owners undertook restoration of the damaged area.

It is noteworthy that the agent for the application has advised that the legal boundary for the subject property is approximately 15 metres back (upland) from the natural boundary of Shawnigan Lake. The agent advises that an adjustment is being pursued through the Surveyor General's Office to move the legal boundary of the properties to coincide with the natural boundary of the lake. If granted, this adjustment would increase the area of the subject properties by about 0.55 ha. (1.36 ac.). The subdivision plan and development permit application have been prepared assuming the adjustment will be granted and therefore include development and restoration planting on land that is presently owned by TimberWest.

Policy Context:

Zoning

The subject property is zoned R-3 (Urban Residential), which has a minimum parcel size of 2,000 m² (.49 ac.) for lots serviced with community water.

The three proposed fee simple lots fronting Worthington Road comply with the R-3 minimum lot size but 12 of the 13 proposed bare land strata lots are less than the minimum, with lot sizes of between 1,074 and 1,781 square metres. These lots are less than the minimum because the applicant has used the lot averaging provision permitted by Section 2 of the *Strata Property Act* Bare Land Strata Regulations.

Strata lots 1-12 do not comply with Section 14.7 of the Area B Zoning Bylaw, which requires a minimum parcel frontage of 10 percent of the perimeter of the parcel.

Official Community Plan

The Shawnigan Lake Official Community Plan, Bylaw No. 1010, supports the protection of the natural environment. The following policies are derived from the Specific Plan Objectives section of the OCP.

4. *To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas."*
5. *To ensure that Shawnigan Lake is maintained as a dependable bulk source of potable water by strictly regulating all development within its watershed through regulatory bylaws.*
10. *To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake.*

The following Policy is from the Environmental Policies section of the OCP.

Policy 4.4 Shawnigan Creek and other watercourses should be protected against activities which may reduce their fish bearing potential or suitability as domestic water supplies.

Policy 4.9 When reviewing development proposals for lands within the Shawnigan Lake watershed, consideration shall be given to the following

- a) *Preservation of the quality of lake water for drinking and bathing*
- c) *Protection of environmentally sensitive areas in or adjacent to the lake;*

Further to these general policies, CVRD Bylaw No. 1010 establishes guidelines for the protection of the natural environment through the Riparian Area Regulation Development Permit Area (DPA). Development permit applications are to be reviewed for compliance with the guidelines and the guidelines are the criteria upon which the permit application should be evaluated.

Riparian Area Assessment Report:

The applicants have prepared and submitted a Riparian Area Regulation assessment report that identifies a 15 metre Streamside Protection and Enhancement Area (SPEA) from the high water mark of Shawnigan Lake and the creek/wetland on the east side of the property. Protection measures recommended in the report include the following:

- SPEA boundary to be protected during construction with snow fencing or other barrier;
- Tree protection zone should be extended to protect the root zone of trees within the SPEA;
- Separate RAR assessments recommended for docks;
- Split rail fence recommended along Shawnigan Lake SPEA boundary;
- Sediment fencing to be installed along the SPEA edge or the edge of trees to be retained, whichever is wider;
- Clearing and construction recommended outside of heavy rainfall months;
- No direct discharge of storm water to Shawnigan lake or the stream/wetland;
- Implementation of an environmental monitoring program during construction;
- QEP to confirm completion works in accordance with RAR assessment in a post development report.

A copy of the RAR assessment is attached to this report as Schedule 4.

Riparian Restoration Report:

A riparian restoration report was also submitted with the development permit application that addresses the restoration of the lakefront area that was cleared in August of 2007. Such reports are not typically provided with RAR development permit applications, but given the extent of clearing that occurred, staff felt that further information regarding the restoration was considered necessary in order for the application to be reviewed.

The report confirms that a total area of 1.038 ha. (2.56 ac.) was cleared, of which 3,553 sq. m (0.88 ac.) was within the SPEA and 2,903 sq. m. (0.72 ac.) was below the high water mark. In consultation with the Ministry of Environment a restoration plan was prepared and replanting was installed in November, 2008 and the early spring of 2009.

The riparian restoration report confirms that Enkon Environmental completed monthly monitoring during the summer months of 2008 and the summer of 2010. It is noted in the report that the area is regenerating rapidly, but that due to the extremely large area, it will be necessary to assess the riparian planting on a quarterly basis for at least two more years. Further replacement planting is expected and periodic maintenance is considered necessary.

Although a permanent split rail cedar fence was recommended in the RAR assessment report, the restoration report indicates the property owners would prefer a hedgerow as a SPEA boundary. A hedgerow of evergreen huckleberry planted every 0.5 metres is recommended. Other recommendations in the report are:

- Snow fencing to define the SPEA boundary during construction;
- Signage along the hedgerow identifying the SPEA;

- Split rail cedar fencing along the Wilkinson Road right of way;
- Irrigation to remain in place until no longer required;
- Weed control, including weeding on at least a quarterly basis and the application of mulch to reduce weeds and retain moisture;
- Registration of a restrictive covenant;
- Annual inspections of the SPEA restoration works by a QEP or a CVRD representative with submission of an inspection report and replanting or follow-up work done as required;

The report acknowledges there will be a strong desire for lakefront property owners to access the lake and to construct pathways through the SPEA. The report recommends that the design and number of pathways through the SPEA be determined by a registered professional biologist in consultation with the CVRD. It is also recommended that the pathways be constructed by a professional under the supervision of a qualified environmental professional.

A copy of the riparian restoration report is provided in Schedule 5.

Development Permit Guidelines:

The RAR development permit guidelines rely heavily on the QEP's assessment report to recommend appropriate measures to protect streams and watercourses from development activity. Guidelines 13.8.6(a) and (b) describe the required content of the assessment report and some of the protection measures that may be implemented through the development permit (see Schedule 6). Possible requirements for monitoring and future reporting are also envisioned, as described in Guideline 13.8.6(c):

Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit.

Typically RAR assessment reports assess established riparian areas and recommend measures to keep the riparian area intact during and after development. In this case, the assessment is focused largely on restoration because the riparian area has been heavily altered and includes recommendations that would not be required if the riparian area had not been damaged.

Another development permit guideline worthy of mention is 13.8.6(d):

If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system.

Staff note that the RAR assessment and restoration report are based on a subdivision plan that has changed, and there are still uncertainties regarding the subdivision layout and property boundaries that should be resolved before a development permit is issued.

Development Services Division Comments:

Situations where unauthorized riparian clearing has occurred have been very challenging for the CVRD and other agencies to address. The tools and remedies available are weak, and even if the land owner is cooperative it may not be possible to fully restore damaged riparian areas.

In this case, the owner has worked cooperatively with the Ministry of Environment to undertake the necessary restoration. Although there have been some issues with inadequate maintenance since the damaged riparian area was replanted, the restoration work that has occurred is considerably better than what has occurred on other lakefront properties in the Regional District. The cost of undertaking the restoration has been considerable, which has resulted in some degree of consequence for the property owners.

While the owners have taken steps to restore the damage that was done, it will be many years before the riparian vegetation is reasonably restored. As the owners intend to subdivide and sell the land, there potentially is a benefit in the form of open lake views and the increased value of the lots. To ensure the riparian area is ultimately restored to a natural condition and that incentives are not created for other owners to undertake unauthorized clearing, staff recommend rigorous development permit conditions be established that will provide the greatest potential for successful re-establishment of the riparian buffer.

Staff believe the QEP has done a good job in preparing the RAR assessment and restoration reports and has proposed a number of recommendations that, if followed, should achieve re-establishment of the riparian area. While staff are supportive of the QEP recommendations, we are concerned that the on-going maintenance and protection identified in the reports is expected to be passed on to future owners following subdivision and sale of the lots. While some of the use restrictions will need to be passed onto future owners, staff believe the primary responsibility for the restoration should rest with the current owners.

Rather than transfer all the obligation for maintenance of the restoration works onto the strata corporation and future lot owners, staff recommend that the current owners be responsible for funding the maintenance and reporting and that these obligations be secured with an irrevocable letter of credit or funds held in trust until such time as the QEP can confirm that the damaged area is restored to the extent that further plant replacement, maintenance and irrigation is no longer required. Staff recommends that the security be held for a minimum of five years with ability to hold the security for longer if the establishment period extends beyond five years. Section 925 of the *Local Government Act* permits security to be taken as a condition of development permit issuance for landscaping and where damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Staff note there remain some uncertainties with the proposed subdivision plan that should be resolved before a development permit is issued. For example, restoration works and development are proposed outside of the existing legal boundaries of the subject properties. In addition, the subdivision plan included in the assessment report differs from the current plan and from what might ultimately be approved and the applicant is proposing protection measures not presently contained in the assessment report (i.e. hedgerows rather than fencing). Staff recommend that a development permit not be issued until confirmation is received from the Surveyor General's Office that the natural boundary will be adjusted as proposed and the RAR assessment report has been amended and re-filed with the Ministry of Environment based on the subdivision plan that receives preliminary layout approval from the Ministry of Transportation and the QEPs recommended protection measures.

Option 1 is recommended.

Options:

Option 1:

That Application No. 3-B-11DP/RAR, submitted by J. E. Anderson and Associates on behalf of 2080 Cullin Holdings Inc. for a sixteen lot subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (PIDs 009-255-702, 009-225-753 and 009-481-079), be approved subject to:

- a) Registration of a restrictive covenant approved by the General Manager of the Planning and Development Department to protect the Streamside Protection and Enhancement Area;
- b) Strict compliance with the RAR Assessment Report and submission of a post development report from a Qualified Environmental Professional prior to final subdivision approval confirming that all RAR assessment requirements have been met or that measures to reasonably assure compliance are in place;
- c) Submission of a detailed cost estimate prepared by a Qualified Environmental Professional for estimated and potential post-subdivision maintenance, plant replacement, monitoring and reporting expenses described in the March 23, 2011 riparian restoration report prepared by Enkon Environmental for a five year period and submission of an irrevocable letter of credit or funds held in trust equivalent to 125% of the accepted cost estimate;

And further, that prior to issuance of the development permit:

- d) The applicant provides written confirmation that the Surveyor General's Office will approve the requested adjustment to the legal boundary of the subject lands to coincide with the natural boundary of Shawnigan Lake;
- e) The RAR assessment report be revised and re-filed with the Ministry of Environment based on the subdivision plan approved in the subdivision preliminary layout approval and the amended protection measures contained in the March 23, 2011 riparian restoration report.

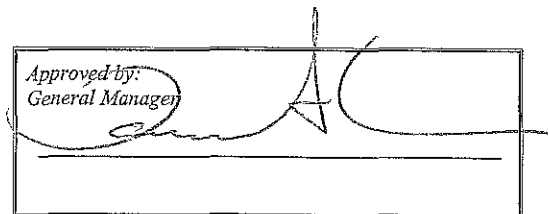
Option 2:

That Development Permit Application No. 3-B-1DP/RAR submitted by J. E. Anderson and Associates on behalf of 2080 Cullin Holdings Inc. be denied and the applicant be requested to resubmit an application that better assures successful restoration of the damaged riparian area and uncertainties with the proposed subdivision plan.

Submitted by,



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



RC/ca

- Schedules:
- Schedule 1 – Location Plan
 - Schedule 2 – RAR Assessment Plan
 - Schedule 3 – Subdivision Sketch Plan
 - Schedule 4 – RAR Assessment Report #1815
 - Schedule 5 – Riparian Restoration Report
 - Schedule 6 – RAR Development Permit Area and Guidelines
 - Schedule 7 – Draft Development Permit



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.



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

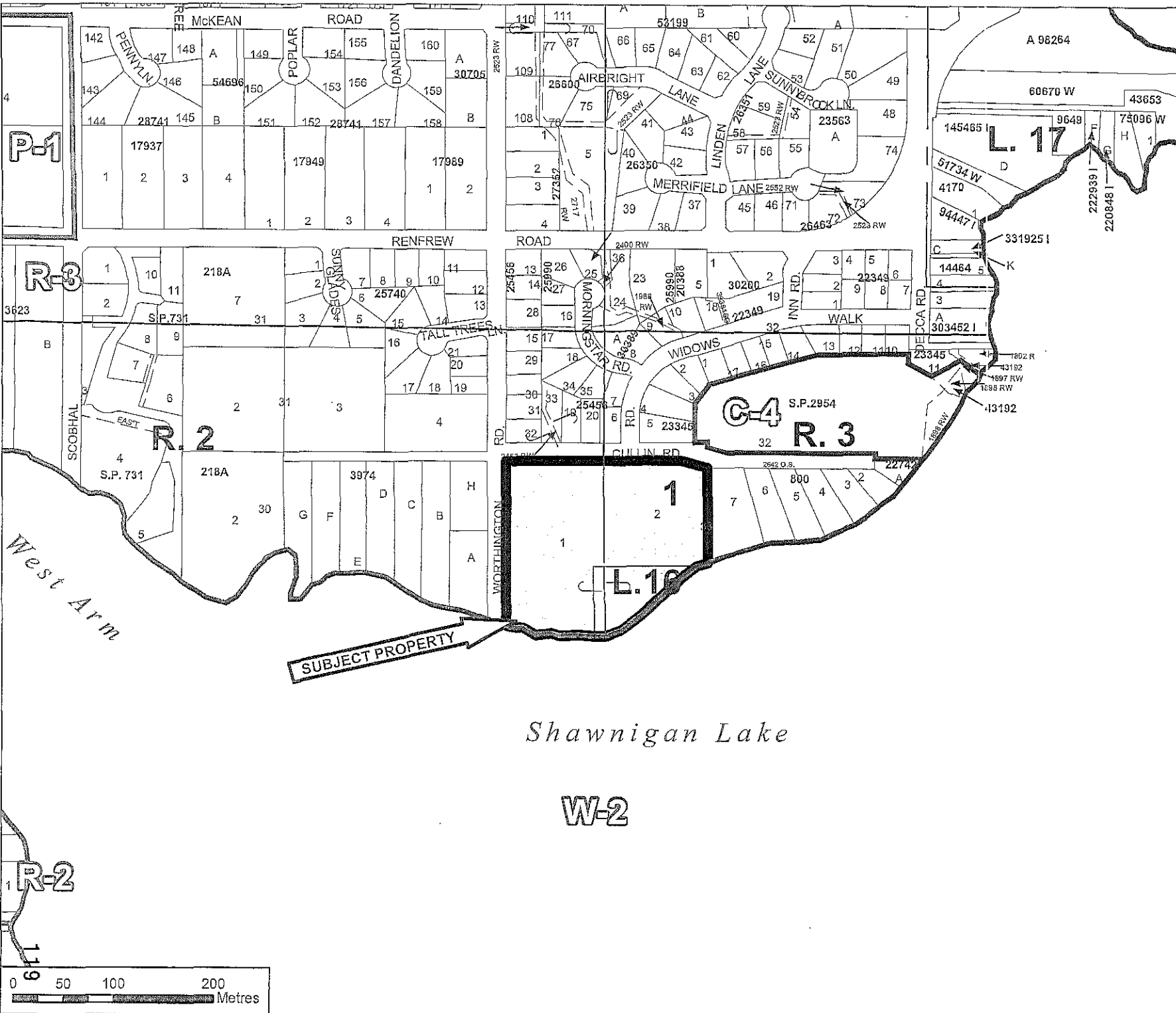
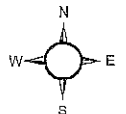
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

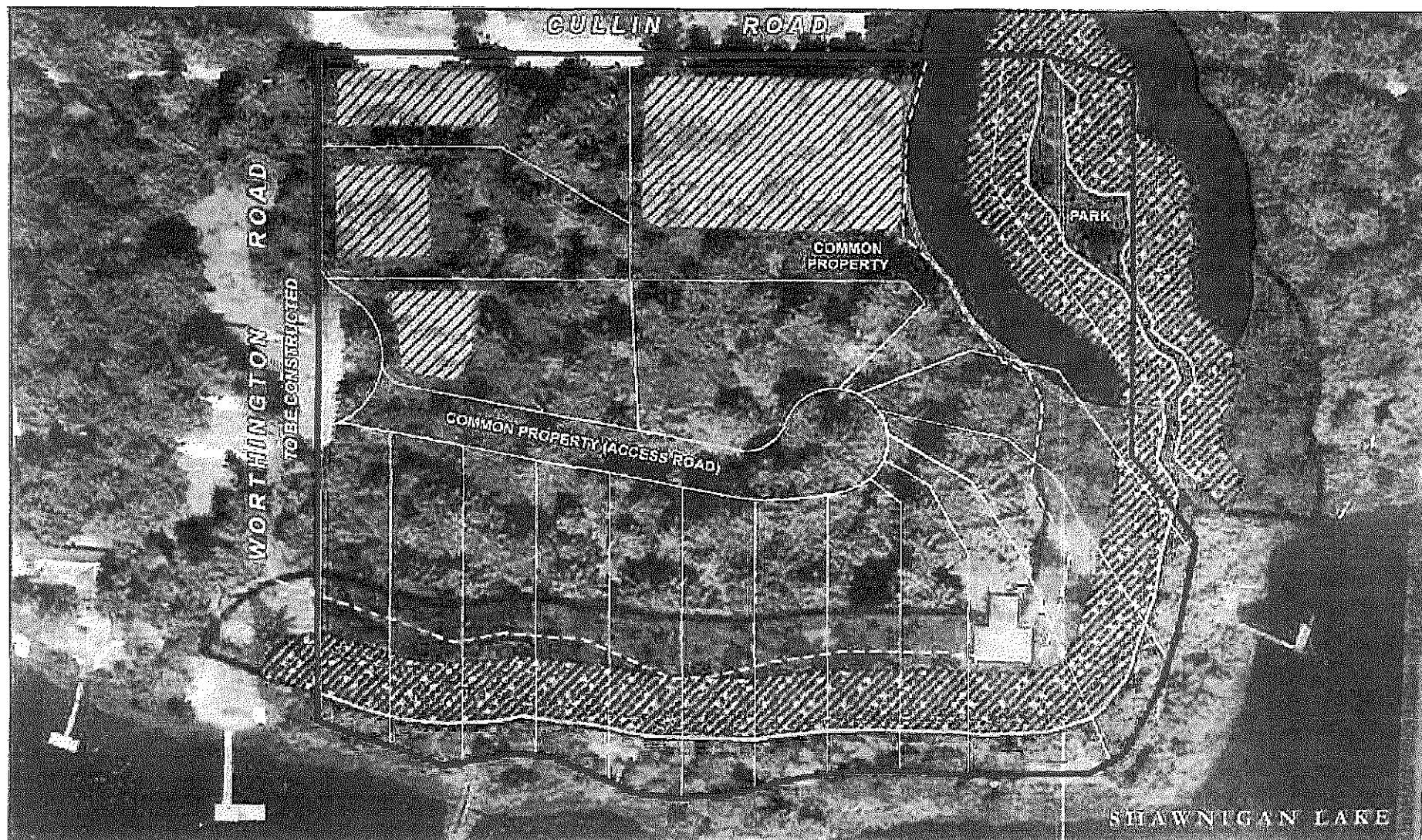
File:
03-B-11-DP-RAR

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area B





Legend

- | | |
|-------------------|---|
| Proposed Boundary | High Water Mark |
| Existing Boundary | Shade Zone Of Sensitivity |
| CVRD Setback | Leaf Litter / Insect Drop |
| Proposed Lots | Large Woody Debris |
| Existing Building | Streamside Protection and Enhancement Area (SPEA) |
| Proposed Septic | Area of Assessment |

Cullin Holdings Inc. Riparian Areas Assessment

Figure 1

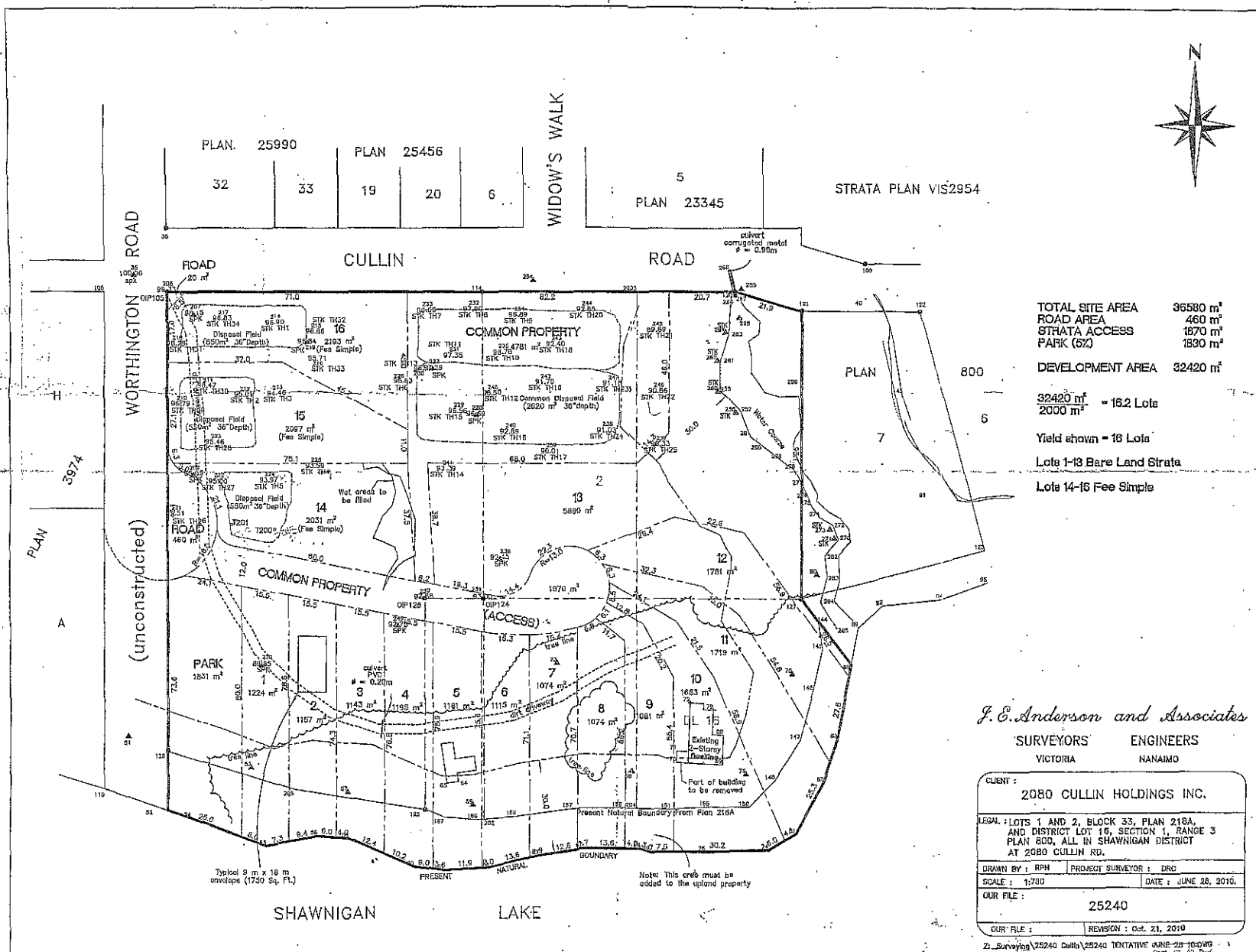
Oct.31/2010



Map Projection: UTM NAD83 10N



File Name: 1333-002_Cullin.mxd



Schedule 4 – RAR Assessment Report #1815

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

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

Date October 14, 2010

I. Primary QEP Information

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

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

First Name	Phil	Middle Name	
Last Name	Buchanan		
Designation	P.Eng.	Company	J.E. Anderson and Associates
Registration #	16657	Email	pcb@jeanderson.com
Address	4212 Glanford Avenue		
City	Victoria	Postal/Zip	V8Z 4B7
Prov/state	BC	Country	Canada
		Phone #	250-727-2214

III. Developer Information

First Name	Katy	Middle Name	
Last Name	Dillon		
Company	Cullin Holding Inc.		
Phone #	250-727-7218	Email	katythemoneylady@hotmail.com
Address	1105 – 242 Mary Street		
City	Victoria	Postal/Zip	V9Z 3V9
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision: > 6 lot single family		
Area of Development (ha)	2.841	Riparian Length (m)	395
Lot Area (ha)	3.658	Nature of Development	New
Proposed Start Date	March 2011	Proposed End Date	December 2012

V. Location of Proposed Development

Street Address (or nearest town)	2080 Cullin Road		
Local Government	Cowichan Valley Regional District	City	Shawnigan Lake
Stream Name	Shawnigan Lake		
Legal Description (PID)	a) 009-255-702 b) 009-255-753 c) 009-481-079	Region	Cowichan Valley
Stream/River Type	Lake / Stream / Wetland	DFO Area	South Coast
Watershed Code	WSC-920-235800		
Latitude	48° 38' 53.96"	Longitude	123° 38' 36.46"

Table of Contents for Assessment Report

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4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
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3. Slope Stability.....	13
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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

Aquatic Resources

Approximately 275 m of Shawnigan Lake shoreline is located on the property. Currently there is a small dock located on the lake edge on the east side of the property. The lake edge has a very gentle gradient (5%). Vegetation along the Shawnigan Lake waterfront from the high water mark (HWM) to approximately 30 m back was cleared in early 2008. The Ministry of Environment and the Cowichan Valley Regional District required that the SPEA (15 m from HWM) be replanted. ENKON completed a preliminary assessment of the cleared area and created a planting plan (see attached). Planting took place in November 2008. ENKON has continued to monitor the regrowth for the last two years. Residual vegetation along the shoreline consisted of shore pine, black cottonwood, red-osier dogwood, western redcedar, common hawthorn, Nootka rose, hardhack, sweet gale, juvenile red alder, salmonberry, slough sedge, spreading rush, common rush, iris and paintbrush.

A small creek and wetland are located along the eastern side of the property. The drainage originates to the north of Cullin Road and flows in a south southeast direction across the road. To the south of Cullin Road the drainage becomes a small wetland with an approximate area of 600 m². Wetland vegetation consists of salmonberry, red elderberry, lady fern, Pacific water parsley and skunk cabbage. Riparian vegetation consists of Douglas-fir, western redcedar and bigleaf maple, salal, red huckleberry, dull Oregon-grape, sword fern and bracken.

Downstream of the wetland a small creek flows southeast for a distance of 60 m and discharges into Shawnigan Lake on the property located to the east of the subject property. The creek has an average width of 2.5 m and an average gradient of 4%. Channel substrate consists mostly of fines (45%) and gravels (25%) with lesser amounts of small (15%) and large cobbles (10%) and boulders (5%). Riparian vegetation consists of western redcedar, Douglas-fir, salmonberry, red-osier dogwood, salal and lady fern. Available cover consists of over-vegetation, undercut banks and large woody debris. At the time of the survey (June 2008) water levels were very low.

Shawnigan Lake has a total surface area of 537 ha. The maximum and average depths for this waterbody are 50 m and 12 m, respectively. Shawnigan Lake has one permanent inlet and one permanent outlet. Shawnigan Creek has a total length of 17.8 km and discharges into Saanich Inlet at Mill Bay.

Fisheries Resources

According to the BC Ministry of Fisheries' Fish Wizard Database Shawnigan Lake watershed sustains eight species of fish including brown bullhead (*Ictalurus nebulosus*), coho salmon (*Oncorhynchus kisutch*), cutthroat trout (*Oncorhynchus clarki*), prickly sculpin (*Cottus asper*), rainbow trout (*Oncorhynchus mykiss*), smallmouth bass (*Micropterus dolomieu*), brook trout (*Salvelinus fontinalis*), brown catfish (*Ameiurus nebulosus*), kokanee (*Oncorhynchus nerka*), lake whitefish (*Coregonus chupeaformis*), yellow perch (*Perca flavescens*) and threespine stickleback (*Gasterosteus aculeatus*). Ministry of Environment stocking records indicate rainbow trout and cutthroat trout stocking in Shawnigan Lake as far back as 1903. There is no information available regarding fisheries habitat value of the stream and wetland located along the eastern boundary of the property. At the time of the survey the water was too shallow to support fish but it is anticipated that during winter high flow conditions both the stream and the wetland could provide rearing habitat particularly for juvenile fish.

Proposed Development

The proposed subdivision consists of 16 single-family residences. Twelve of the lots will back onto Shawnigan Lake. Access will be via the currently undeveloped Worthington Road right-of-way. There will be a common disposal field for Lots 1 to 13 located to the south of Cullin Road; Lots 14, 15 and 16 will have individual disposal fields. Construction is anticipated to commence in the spring of 2011.

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

Date: October 14, 2010	
Description of Water bodies involved (number, type)	1 Lake, 1 Wetland, 1 Stream
Stream	
Wetland	
Lake	1
Ditch	
Number of reaches	1
Reach #	1

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Susan Blundell</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc.</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR
			x

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	-	South bank	Yes	No	X
SPEA maximum	15				

Comments

Majority of Shawnigan Lake shoreline on property cleared of vegetation in early 2008, replanted in November 2008.

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

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: October 14, 2010

Description of Water bodies involved (number, type)

1 lake, 1 wetland, 1 stream

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

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		x	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Susan Blundell</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc.</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH TR	
		x	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	15	South bank	Yes		No	x
SPEA maximum	15					
Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	x	No	
SPEA maximum	30					

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

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

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: October 14, 2010

Description of Water bodies involved (number, type)

1 lake, 1 wetland, 1 stream

Stream	<u>1</u>
Wetland	
Lake	
Ditch	

Number of reaches 1

Reach # 1

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

Channel Width(m)		Gradient (%)	
starting point	<u>2.85</u>		I, <u>Susan Blundell</u> (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc.</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	<u>3.75</u>	<u>4.0</u>	
	<u>2.20</u>		
	<u>2.35</u>		
	<u>3.25</u>		
downstream	<u>2.25</u>		
	<u>2.00</u>	<u>4.0</u>	
	<u>3.00</u>		
	<u>2.50</u>		
	<u>2.25</u>		
	<u>2.00</u>		
Total: minus high /low	<u>22.65</u>		
mean	<u>2.517</u>	<u>4.0</u>	
	R/P	C/P	S/P
Channel Type	<u>X</u>		

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		<u>X</u>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Susan Blundell</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc.</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	
			<u>X</u>

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<u>1</u>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
LWD, Bank and Channel Stability ZOS (m)	<u>10</u>	
Litter fall and insect drop ZOS (m)	<u>10</u>	

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

Shade ZOS (m) max	-	South bank	Yes	No	X
SPEA maximum	10				

I, Susan Blundell, hereby certify that:

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

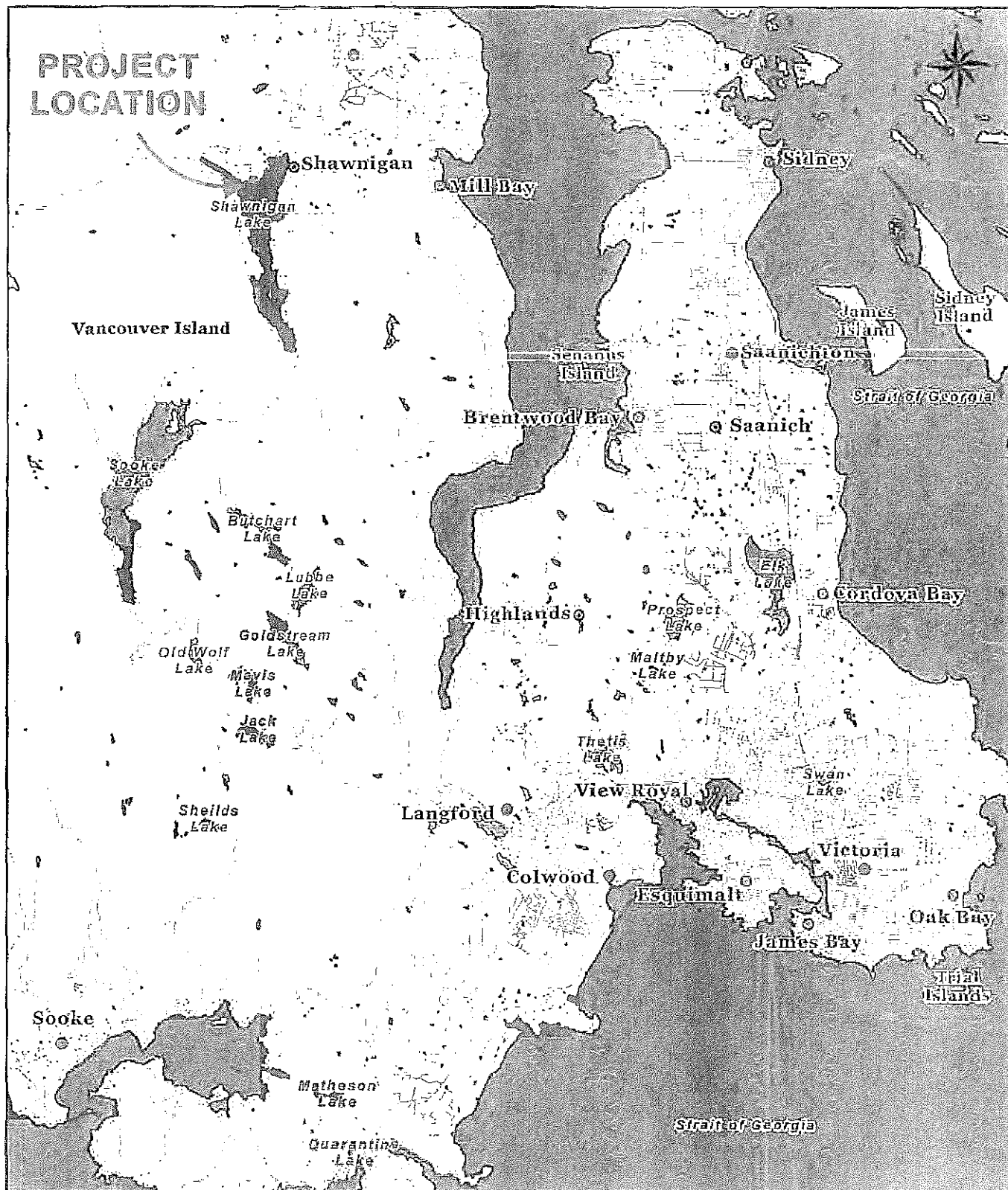
Comments







The majority of the stream is located off the property, but the SPEA encroaches into the subject property.



FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

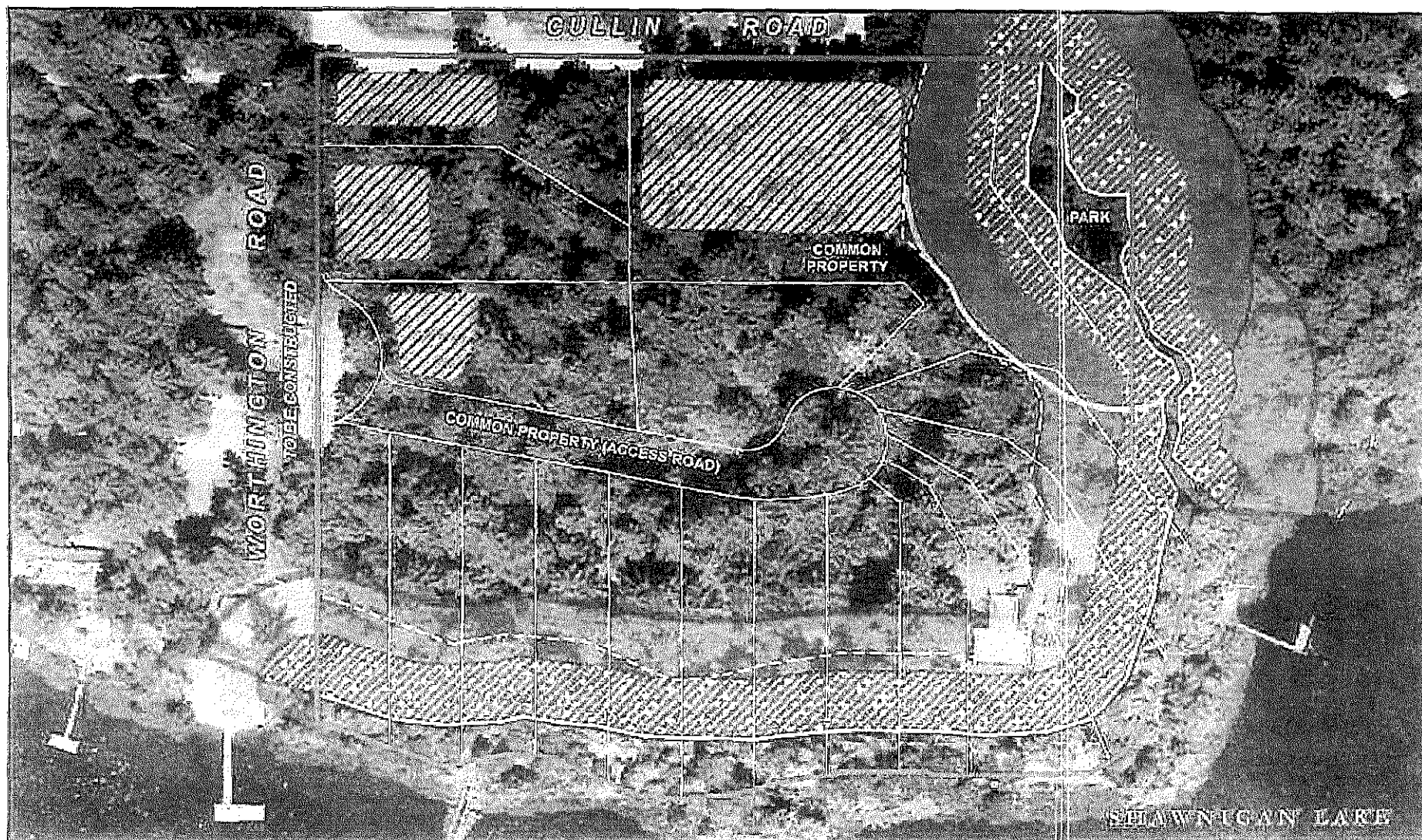
Section 3. Site Plan





Legend	
 Cities	 Lakes
 Roads/Ferry Routes	 Project Boundary
 Coastline	 Vancouver Island

2080 Cullin Road Projection Location	
Figure 1	August 2009
Scale: 1:175,000  0 1 2 4 6 Km	 ENKON Environmental Ltd File Name: 20090826_1332-002_Fig1_ProjLoc.mxd
Map Projection: UTM NAD83 Zone 10	



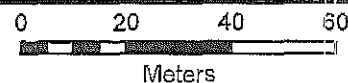
Legend

- | | | | | | |
|--|-------------------|--|---------------------------|--|---|
| | Proposed Boundary | | Existing Boundary | | High Water Mark |
| | CVRD Setback | | Shade Zone Of Sensitivity | | Leaf Litter / Insect Drop |
| | Proposed Lots | | Large Woody Debris | | Streamside Protection and Enhancement Area (SPEA) |
| | Existing Building | | Area of Assessment | | |
| | Proposed Septic | | | | |

Cullin Holdings Inc. Riparian Areas Assessment

Figure 1

Oct. 31/2010



Map Projection: UTM NAD83 10N

File Name: 1333-002_Cullin.mxd

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	There will be no removal of trees within 30 m of the high water mark for the lake, wetland and stream
I, <u>Susan Blundell</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <u>Fish Protection Act</u> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the <u>Cullin Holding Inc</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	There will be no removal of trees within 30 m of the high water mark for the lake, wetland and stream
I, <u>Susan Blundell</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <u>Fish Protection Act</u> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Slope Stability	Due to the gentle gradients present on the site there are no slope stability issues.
I, <u>Susan Blundell</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <u>Fish Protection Act</u> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Protection of Trees	Tree protection considerations during construction of the SPEA and any additional areas highlighted in the measures, be protected with a physical barrier, such as snow fencing, which would prevent mechanical damage to trees within the SPEA. For trees falling along the outside boundary of the tree protection zone, allowances should be made to extend the tree protection zone to encompass the tree's rooting zone through to completion of construction
I, <u>Susan Blundell</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <u>Fish Protection Act</u> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Encroachment	As mentioned in the tree protection section, temporary fencing will be used to delineate the SPEA during construction. There is an existing dock along the shoreline of Lot #12 that the landowner may be interested in using. As well, individual land owners may apply at a later date to construct docks. If this is the case, a separate Riparian Areas Assessment will be completed. ENKON suggests a split rail fence at the edge of the SPEA of the lake,

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	wetland and stream to delineate the area so that no trees are removed or structures built within this zone therefore removing the risk of encroachment. The fence will still allow for the movement of wildlife. A gate along the fence should be used to access the dock.
<p>I, <u>Susan Blundell</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
e. Sediment and Erosion Control	During the entire construction period sediment fencing will be installed along the edge of the SPEA or the edge of the trees that are to be left, whichever is wider. Clearing and construction should optimally take place outside of the heavy rainfall months. This will prevent any sediment laden water from entering this protected area. Also, planting of the area post construction will also aid in long term sediment and erosion control within the SPEA.
<p>I, <u>Susan Blundell</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
d. Stormwater Management	The project is in the preliminary design stage however the initial storm drainage management concept is to direct flows to in ground infiltrators with no direct discharge to Shawnigan Lake or the stream or wetland.
<p>I, <u>Phil Buchanan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
e. Floodplain Concerns (highly mobile channel)	Specific measures are not required as the development is proposed for areas above the lake floodplain.
<p>I, <u>Susan Blundell</u>, hereby certify that:</p> <p>f. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>g. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc</u>;</p> <p>h. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

Section 5. Environmental Monitoring

ENKON recommends implementing an environmental monitoring program for the duration of construction. Even though no impacts are anticipated within the SPEA or Shawnigan Lake, this monitoring program should be in place in case of heavy rain events. A site visit should occur before any construction takes place to discuss sediment and erosion control measures. If any heavy rain events occur during the construction period a site visit will be necessary.

The environmental monitor will work with the construction foreman to maintain a sediment control system (SCS). During site clearing and construction, the responsibility of the monitor will be to:

- Examine the adequacy of the sedimentation and control works in reaching acceptable sediment levels as recommended by DFO/MoE guidelines (ie. total suspended solids and turbidity) discharged from the site;
- Make recommendations to the construction foreman on improving the SCS, if required;
- Instruct the construction foreman as to the site requirements and design specifications on sediment control structures and complete an inspection of such structures on a routine basis, particularly during periods of inclement weather;
- Require that works be stopped in the event of malfunctions of the sediment control system or contravention of discharge limits;
- Ensure that runoff is diverted from cleared areas by use of swales or low berms and that runoff is routed to the appropriate sedimentation control structures. In environmentally sensitive or problem areas, the monitor will need to oversee the installation and maintenance of sediment control structures;
- Review stockpiling methods for excavated materials to ensure that they are placed in an appropriate locations and stored properly (eg. covered with tarps); and,
- Recommend mitigation measures and ensure expeditious implementation of these if activities are found to have the potential for environmental impact or poor water quality runoff.

Maintaining the recommended SPEA zones and undertaking sediment and control measures and having a monitoring program in place should ensure that construction will not cause HADD. Once construction has been completed and any replanting has occurred a site visit will be necessary in order to check on the status of the SPEA and to sign off on a post development report.

Section 6. Photos



Plate 1: Wetland located on east side of property

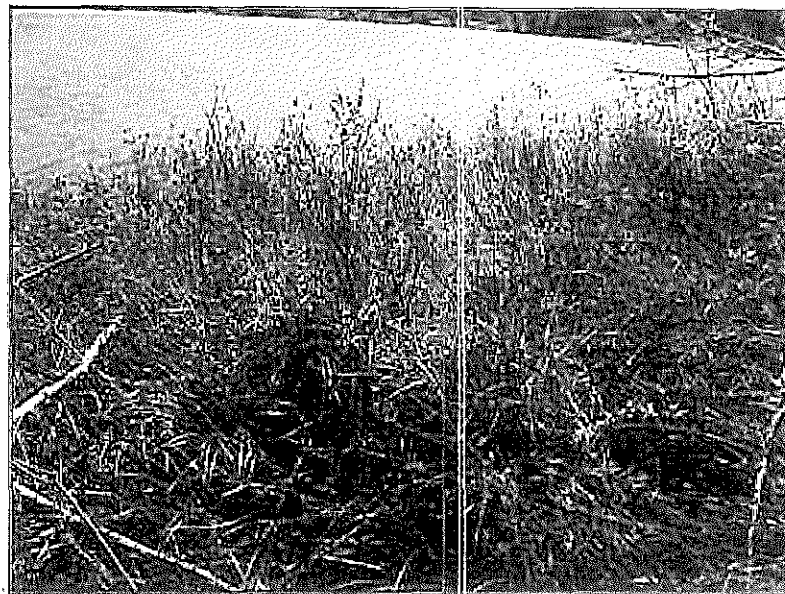


Plate 2: Shoreline shrub vegetation along Shawnigan Lake

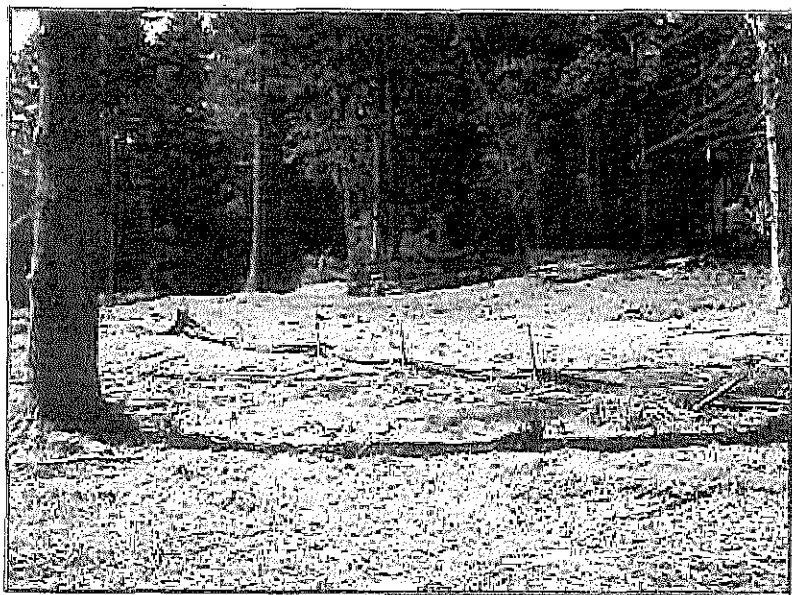


Plate 3: Cleared area upslope of Shawnigan Lake shoreline (May 08)

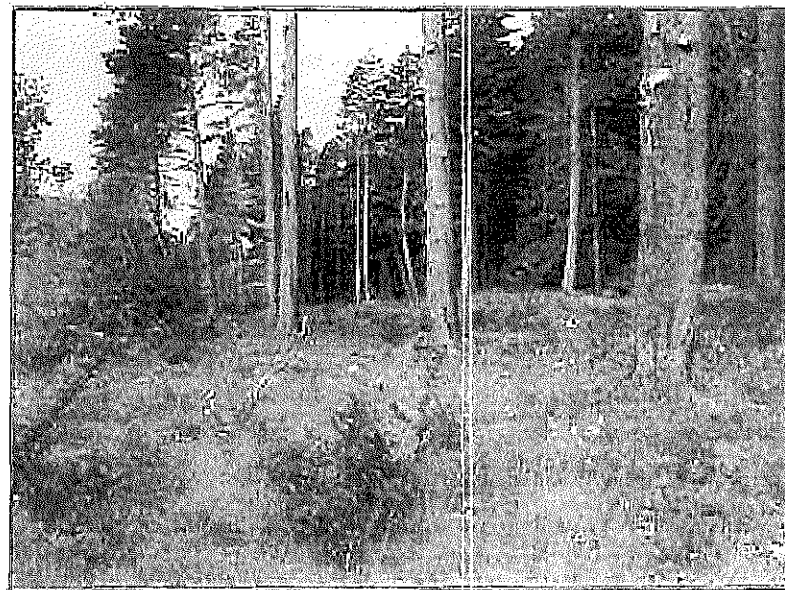


Plate 4: Replanted slope (June 09)



Plate 5: Replanting of cleared area (November 08)



Plate 6: Replanted area (June 09)



Plate 7: Creek located downstream of wetland

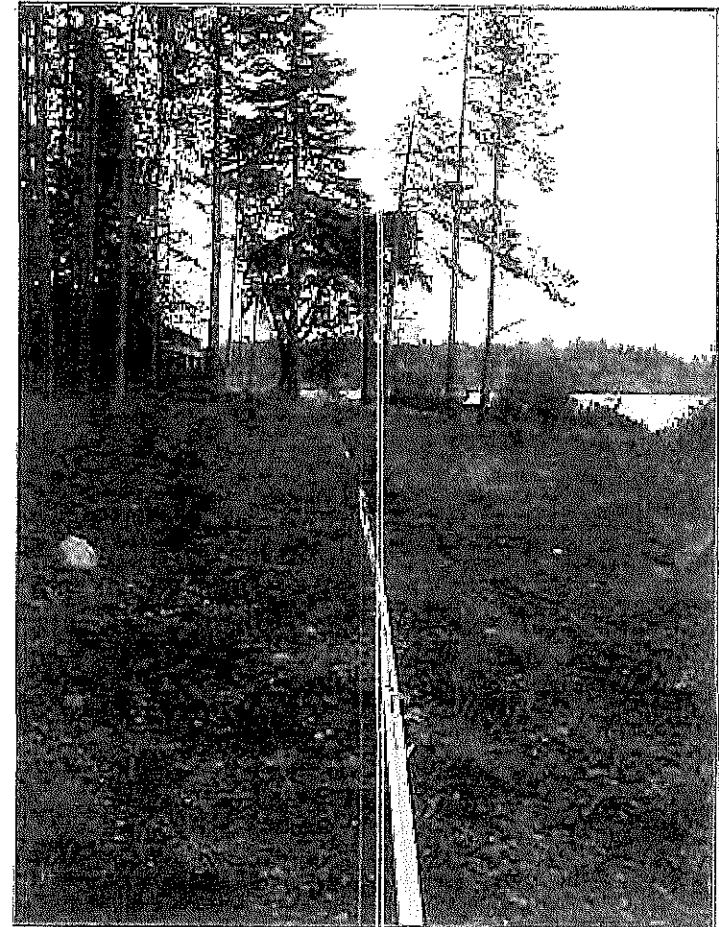


Plate 8: Irrigated replanted area (June 09)

Section 7. Professional Opinion

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

Date October 14, 2010

1. I/We Susan Blundell, R.P.Bio and Phil Buchanan, P.Eng.

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

hereby certify that:

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

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

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

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

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



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Fifth Floor - 711 Broughton Street
Victoria, B.C. Canada
V8W 1E2
Phone: (250) 480-7103
Fax: (250) 480-7141
E-mail: enkon@enkon.com

March 23, 2011

Our file No.: 1333-002

Cowichan Valley Regional District
Development Services Division
2nd Floor, 175 Ingram Street,
Duncan, B.C.
V9L 1N8

Attention: Mr. Rob Conway, Manager

Dear Mr. Conway,

**RE: 2080 CULLIN ROAD, SHAWNIGAN LAKE, B.C. – RIPARIAN
RESTORATION PLAN**

BACKGROUND

The owners of the 3.66 ha property located at 2080 Cullin Road are proposing to subdivide the lot into sixteen parcels for the purpose of residential development. The property is bounded on the south by the north shore of Shawnigan Lake. In August 2007 a portion of the shoreline was cleared of vegetation. As a requirement from the Cowichan Valley Regional District ENKON Environmental Ltd. (ENKON) was asked by the owners to assess the damage within the Streamside Protection and Enhancement Area (SPEA) and provide a restoration plan.

ENVIRONMENTAL SETTING

The property is located in the Eastern Vancouver Island Ecoregion within the Nanaimo Lowland Ecoregion within the Coastal Western Hemlock Very Dry Maritime (CWHxm) Biogeoclimatic Subzone. Douglas-fir as well as western hemlock dominate forests on zonal sites within the CWHxm, with minor amounts of western redcedar. Major understorey species include salal, dull Oregon-grape, red huckleberry, step moss and Oregon-beaked moss dominate the understorey. Less prominent species include vanilla leaf, sword fern, twinflower and bracken. The presence of arbutus and shore pine characterizes drier sites.

The majority of the shoreline has been cleared to a depth of 30 m from high water mark. Due to the timing of the clearing a portion of the area located below the

high water mark was also partially cleared. In total an area of approximately 10380 m² was cleared; 3553 m² within the SPEA and 2903 m² below the high water mark.

METHODS

ENKON completed the initial site assessment in March 2008 at which time the extent of the clearing was determined. The natural undisturbed vegetation on the adjacent shoreline was also examined to determine the appropriate species suitable for planting.

The lower portion of the cleared area occurs within the medium bench floodplain area and could be classified as black cottonwood – red-osier dogwood. This plant community can be comprised of red alder, black cottonwood, salmonberry, stink currant, red elderberry, black twinberry and red-osier dogwood.

The middle portion of the cleared area lies within the high floodplain bench in the Sitka spruce – salmonberry plant community. This plant community can be comprised of black cottonwood, western hemlock, western redcedar, red alder, salmonberry, common snowberry, red elderberry, deer fern, lady fern and sword fern.

The upper portion of the cleared area within the SPEA consists of the western redcedar – salmonberry community. This plant community can be comprised of red alder, Douglas-fir, bigleaf maple, red elderberry, salmonberry, common snowberry, thimbleberry, salal, dull Oregon-grape and sword fern.

Planting

The following plant species were chosen for the riparian planting plan:

- Western redcedar
- Douglas-fir
- Black cottonwood
- Pacific willow
- Pacific crabapple
- Shore pine
- Trembling aspen
- Black twinberry
- Common snowberry

- Hardhack
- Pacific ninebark
- Red-osier dogwood
- Salmonberry
- Salal
- Thimbleberry
- Sword fern
- Lady fern
- Slough sedge

For the area below the high water mark ENKON recommended the planting of willow bar stakes at a density of 1 per 9 m². Bar staking is a useful for protecting lake shorelines and stabilizing stream channels. Donor stock is collected from the same area by cutting down small deciduous trees close to the ground. This allows the donor trees to coppice and regenerate in the following years. Species may include Scouler's willow, red-osier dogwood and black cottonwood. Authorization for the cutting must be received from the municipality and often from the Ministry of Environment. Stakes range from 2 to 4 m in height and have an average stem diameter of 2 cm. Bundles of stakes are soaked for 7 to 10 days prior to installation. Stakes are cut into 1 m lengths and planted in bundles at a 45o angle in bundles of 3 to 5. This technique was recommended by Peter Law, Ministry of Environment Habitat Biologist.

Planting took place in November 2008 before heavy rains commenced. The planting plan (see attached) was followed in great detail as follows:

- The plan was enlarged and separated into four sections.
- A one metre grid was spray painted on the ground
- Each quadrat was marked with a plant identification code (eg. Sa = salal)
- The ground was prepared for planting using using a rubber tracked bobcat equipped with a small bucket
- Trees were planted at a density of one per 4 m²
- Shrubs, ferns and forbs were planted at a density of one per 1 m²
- The planting was supervised by ENKON.

At the time of the riparian planting it was not possible to access willow stakes for the live stake planting. This component of the planting was planned for the early spring of 2009.

Monitoring

ENKON completed monthly monitoring of the planted area on a monthly basis during the summer months of 2008. Due to extreme temperatures and very dry conditions it was necessary to install an irrigation system in August which was equipped with a timer. Growth observed during this time was excellent. Some plants showed signs of stress due to browsing by deer. The area was weeded several times.

Monitoring in 2010 was limited to a visit in May, July and September. ENKON recommended further weeding of the site. The site was last weeded in October 2010.

During site visits the area located below the high water mark was re-evaluated. This area appeared to be rapidly regenerating and the need for live stake installation was considered unnecessary. There are several small areas that might benefit from this technique; this will be determined during the 2011 inspection after the water levels have diminished.

Due to the extremely large area of planting it will be necessary to assess the riparian area on a quarterly basis for at least two more years. ENKON will be assessing the success of the plantings in the early spring of 2011 at which time some replacement planting will likely be recommended. A summary report will be presented to the Cowichan Valley Regional District after the completion of the site assessment.

MAINTENANCE

The Riparian Areas Regulation typically recommends the installation of a split rail fence along the SPEA boundary (15 from HWM) (as presented in ENKON's October 2010 Riparian Areas Assessment). Consultation with the property owners has determined that they do not support the concept of split railing fencing, but are proposing instead to plant a hedgerow. ENKON endorses this proposal as the hedgerow will meet the requirements of fencing. Fencing provides a visual delineation of the SPEA boundary. The hedgerow will also do this and will provide cover as well as a source of food for small mammals and birds. A hedgerow will not inhibit wildlife movement. ENKON recommends evergreen huckleberry for this planting at a density of two shrubs per 1 m².

Snow fencing as well as sediment fencing should be installed along the SPEA before the commencement of lot clearing and/or house construction and should remain in place until the completion of the subdivision. As well, ENKON recommends signage along the hedgerow identifying the SPEA as a sensitive ecosystem and protective area.

In order to discourage the public from entering the SPEA via the road right-of-way along the western property boundary ENKON recommends split rail fencing along the property line down to the high water mark.

The irrigation system should remain in place until ENKON determines that it is no longer necessary.

Weed control will be particularly important to assure the success of the plantings. ENKON recommends that weeding take place on a regular basis (at least quarterly). ENKON recommends the application of mulch to reduce weeds and to retain moisture during dry summer months.

To further protect this area ENKON recommends that the entire riparian area located on the site be registered under a two party restrictive covenant between the strata and the CVRD.

In order to pay for landscaping costs ENKON recommends that the maintenance of the riparian area be the responsibility of the strata for a period of time (to be determined). ENKON will continue to monitor the riparian area for the next two years on a quarterly basis. Reports will be submitted to the CVRD twice a year.

Following the riparian restoration sign-off an inspection of the SPEA will be conducted annually by a Qualified Environmental Professional (QEP) or a CVRD representative as chosen by the strata. Inspections will be completed in late August; the inspection will be scheduled by the strata. Upon completion of the inspection the QEP will submit a status report to the strata and Cowichan Valley Regional District. If there is to be any work to take place in the SPEA as required by the inspection report it will be done under the supervision of the QEP and a follow-up report will be completed.

It is anticipated that there be a strong interest from waterfront lot owners to access the lake. It will be necessary to create several pathways through the SPEA. The design and number of pathways through the SPEA will be determined by the professional biologist through consultation with the Cowichan Valley Regional District in order to allow access and still ensure the preservation of the integrity of the riparian area. There will be a need to maintain (e.g. pruning) these pathways which should not be undertaken by individual property owners but instead should

Mr. Rob Conway
March 23, 2011
Page 6

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be done by a landscaping professional under the supervision of a qualified environmental professional.

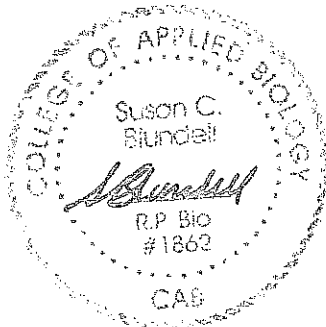
If you have any questions or require further information please do not hesitate to give me a call at (250) 480-7103.

Yours truly,



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

Attachments: Figures 1 and 2
 Photoplates



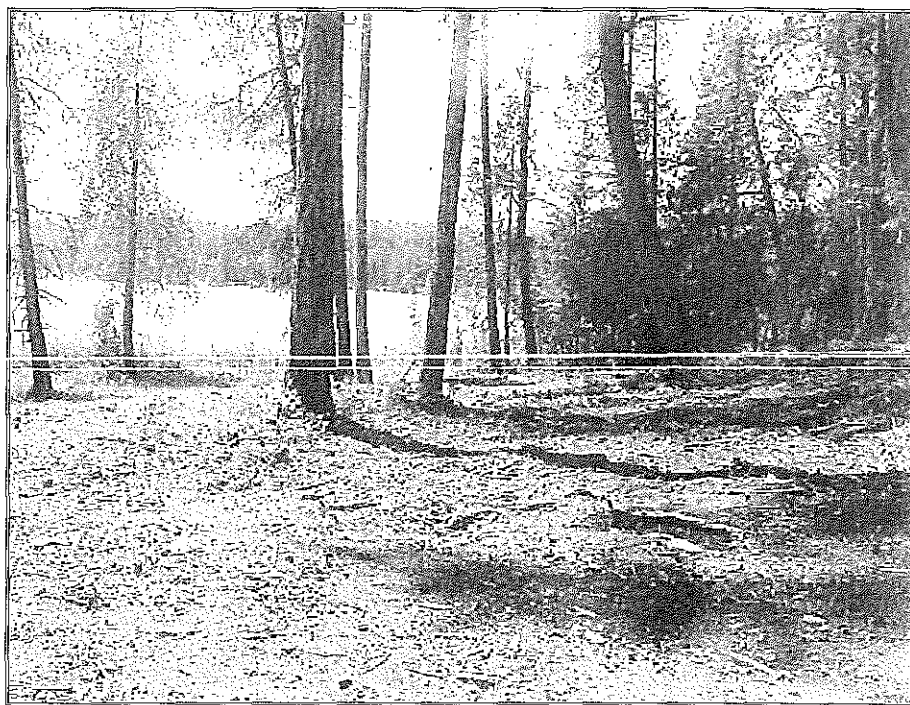


Plate 1: Cleared area looking towards southwest corner of property

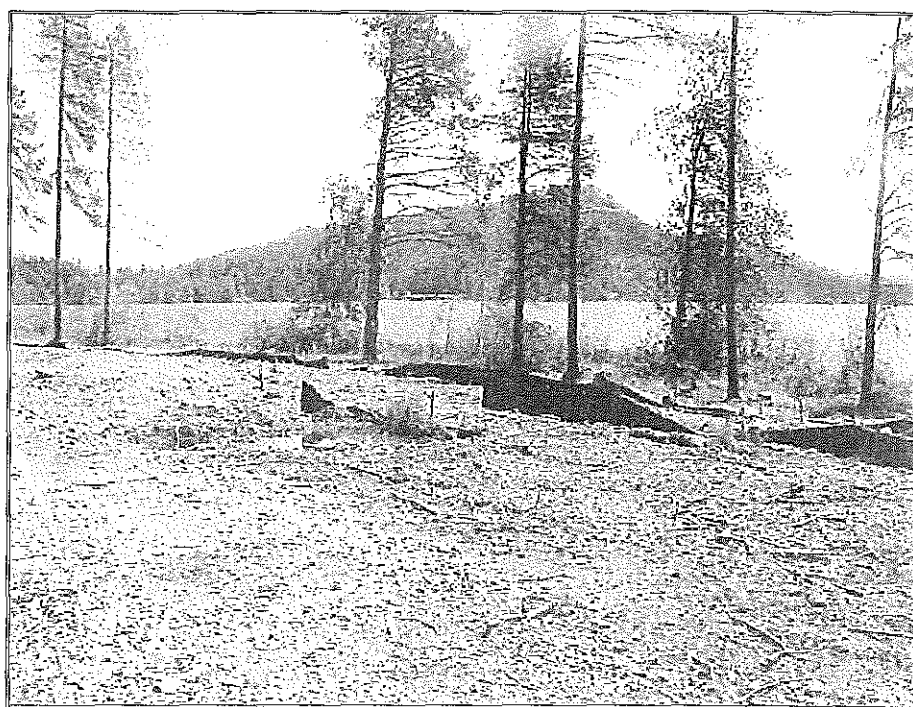


Plate 2: Cleared area looking to the southeast

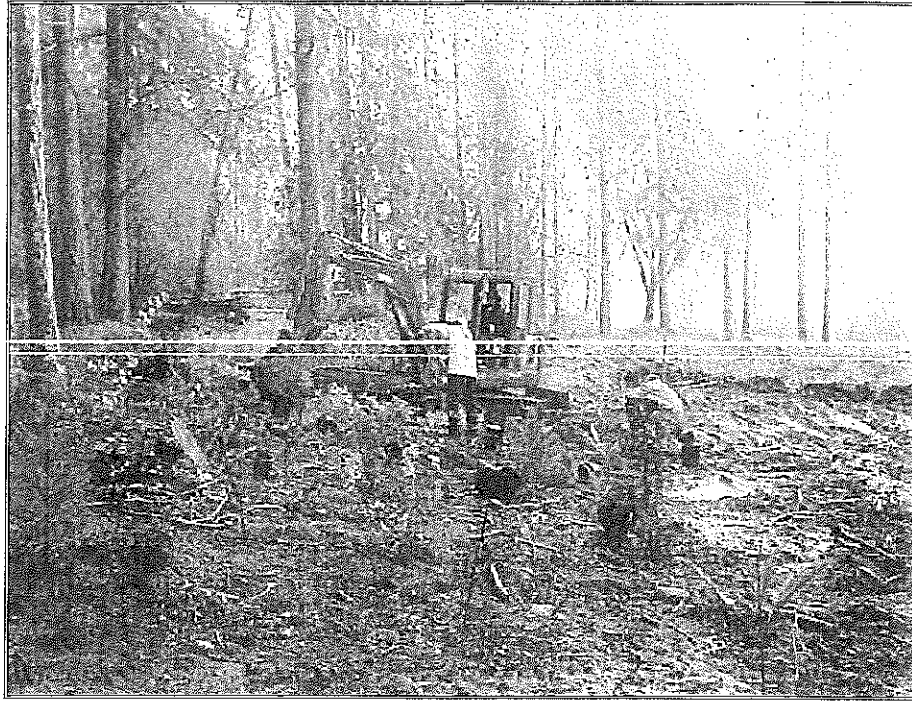


Plate 3: Planting of the site using excavator



Plate 4: Nursery stock

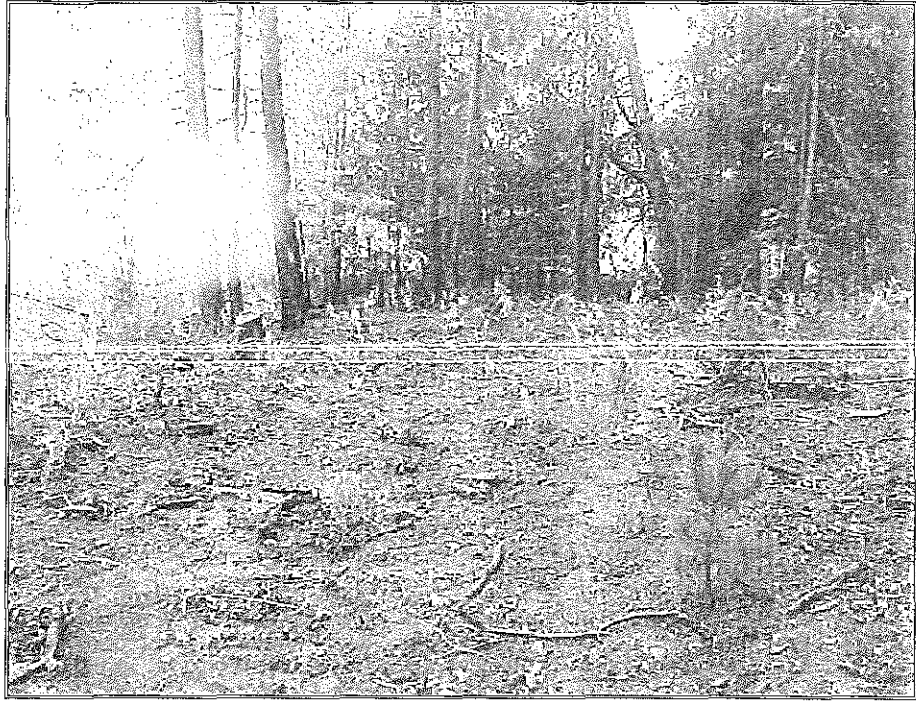


Plate 5: Western portion of site after completion of planting



Plate 6: Planted area in May 2009



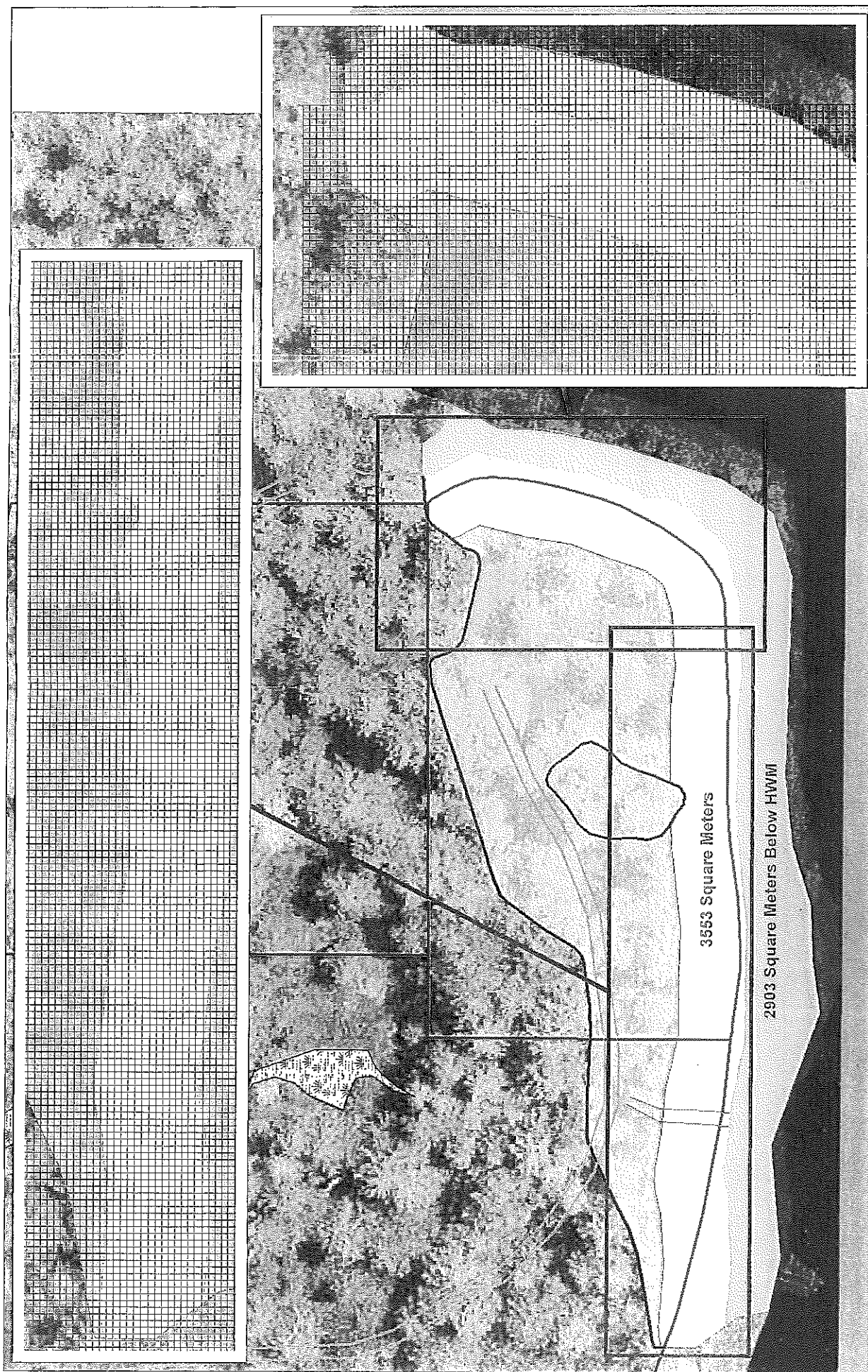
Plate 7: Planted area in June 2009

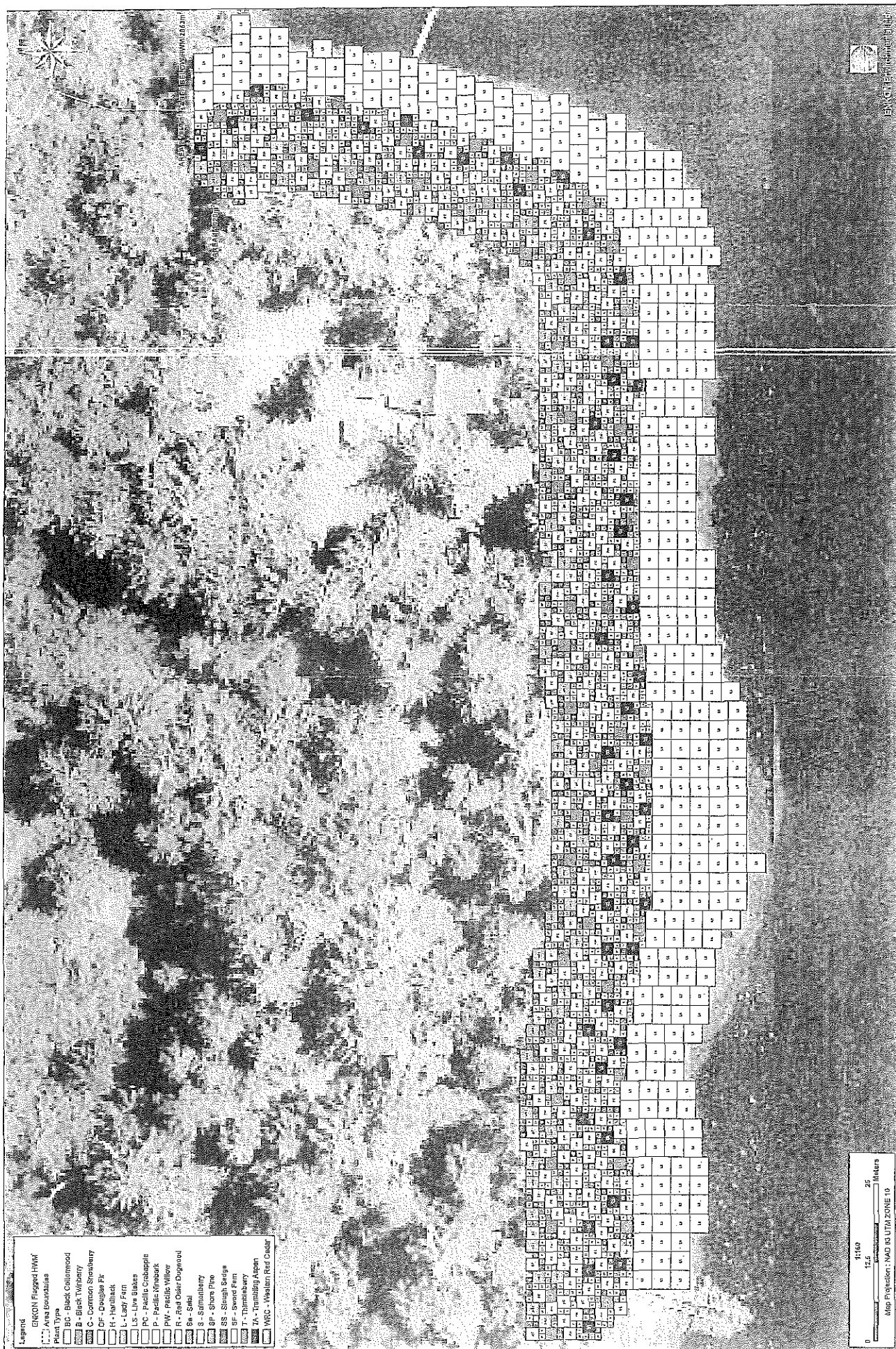


Plate 8: Planted area in July 2009



Plate 9: Planted area in August 2009 with irrigation installed





13.8 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

13.8.1 CATEGORY

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

13.8.2 DEFINITIONS

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

13.8.3 JUSTIFICATION

The province of British Columbia's *Riparian Areas Regulation* (RAR), under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the RAR, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

13.8.4 RIPARIAN ASSESSMENT AREA

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

- a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

13.8.5 APPLICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

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

13.8.6 GUIDELINES

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

- a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;

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

13.8.7 EXEMPTIONS

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

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

13.8.8 VIOLATION

Every person who:

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

13.8.9 CONCURRENT DEVELOPMENT PERMIT AREAS

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



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 3-B-11DP/RAR

DATE: AUGUST 3, 2011

TO: 2080 Cullin Holdings Inc.

ADDRESS: 1105 – 242 Mary Street

VICTORIA, BC V9A 3V9

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to any and all buildings, structures and other development located on those lands within the Regional District as described below:
Lot 1, Block 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-702)
Lot 2, Blok 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-753)
Lot B, Section 1, Range 3, Cowichan District, and Sections 19 and 20, Range 3, Shawnigan District, Plan VIP63159, except part in Plan VIP81571 (PID:023-435-062)
District Lot 16, Shawnigan District, (PID: 0009-481-079)
3. Authorization is hereby given for the subdivision of the subject properties, in accordance with the conditions listed in Section 4, below:

4. **The development shall be carried out subject to the following conditions:**
- Registration of a restrictive covenant approved by the General Manager of the Planning and Development Department to protect the Streamside Protection and Enhancement Area;
 - Strict compliance with the RAR Assessment Report and submission of a post development report from a Qualified Environmental Professional prior to final subdivision approval confirming that all RAR assessment requirements have been met or that measures to reasonably assure compliance are in place;
 - Submission of a detailed cost estimate prepared by a Qualified Environmental Professional for estimated and potential post-subdivision maintenance, plant replacement, monitoring and reporting expenses described in the March 23, 2011 riparian restoration report prepared by Enkon Environmental for a five year period and submission of an irrevocable letter of credit or funds held in trust equivalent to 125% of the accepted cost estimate;

5. **The following Schedules are attached:**

- **Schedule A – RAR Assessment Report (Pending)**
- **Schedule B – Riparian Assessment Report**
- **Schedule C - Subdivision Sketch Plan (Pending)**

and form part of this Permit

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

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with 2080 CULLIN HOLDINGS INC. other than those contained in this Permit.

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date

DRAFT



R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 2, 2011

DATE: July 25, 2011 **FILE NO:** 10-B-10SA
FROM: Rob Conway, MCIP **BYLAW NO:**
Manager, Development Services Division
Planning and Development Department
SUBJECT: Subdivision Application for 2080 Cullin Road (Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, All in Shawnigan District)

Recommendation:

That the Provincial Approving Officer be requested to deny the proposed subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) due to it being against the public interest for the following reasons:

- a. The application proposes a lot configuration and concentration of density along the lakeshore that will discourage successful restoration and protection of the previously damaged Shawnigan Lake riparian buffer and potentially negatively impact Shawnigan Lake;
- b. The application avoids the higher standard of sewage treatment and disposal intended by provincial regulation for the proposed density and potentially threatens Shawnigan Lake water quality;
- c. The application relies on frontage exemptions to the majority of the proposed lots to achieve a lot configuration and intensity of use at the lakefront that is not supported by CVRD policy or regulation;
- d. The application does not provide park land in a location and configuration that achieves community objectives for public lake access;
- e. The application proposes the subdivision of land beyond the legal boundaries of the three subject parcels and presumes Surveyor General's Office will consent to the adjustment of the natural boundary of Shawnigan Lake to favour the property owners.

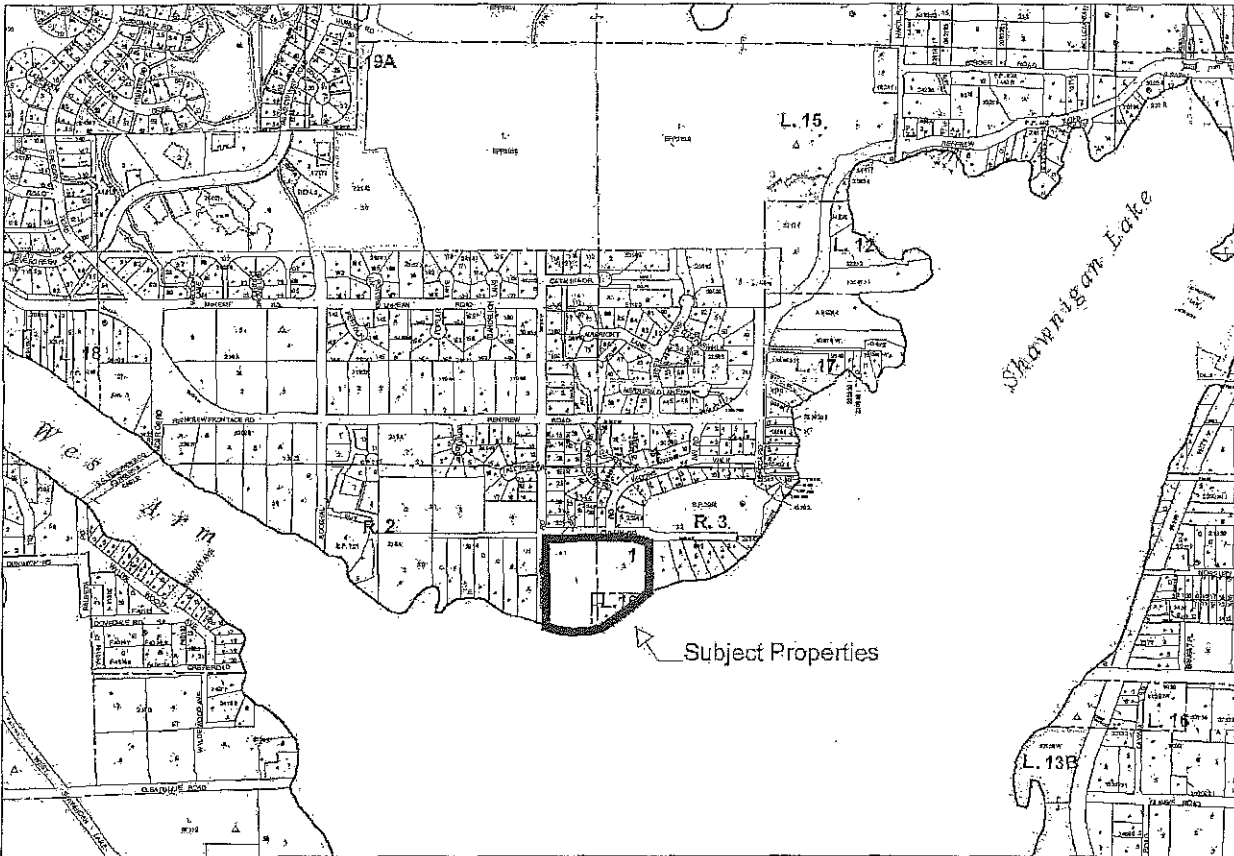
Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Purpose:

To consider recommendations to the Provincial Approving Officer regarding a proposed 16 lot subdivision at the north end of Shawnigan Lake.

Location Map:



Interdepartmental / Agency Implications: N/A

Background:

The CVRD has received a referral from the Ministry of Transportation and Infrastructure (MoT) for the subdivision of the former Worthington Estate in Electoral Area B. The application proposed to subdivide three parcels at the north end of Shawnigan Lake into 3 fee simple lots and 13 bare land strata lots.

The subject lands have an area of approximately 3.1 ha. (7.7 ac.) and 260 metres of lake frontage. A small creek is located along the eastern boundary. Cullin Road comprises the northern boundary of the lands and an unconstructed road right of way (Worthington Road) flanks the property on the west boundary.

Much of the property is forested, but a significant portion of the property's lakefront was cleared without permit and in contravention of the CVRD's Riparian Area Regulation Development Permit Area in 2008. The owners have cooperated with the Ministry of Environment to undertake restoration of the cleared area and much of the area has been replanted. However, it will be many years before the vegetation matures and functions again as an effective riparian buffer.

The Ministry of Transportation is the approving authority for subdivision in the CVRD's Electoral Areas. Subdivision applications are referred to the CVRD, but comments are typically limited to confirming compliance with applicable bylaws. Although the CVRD's role in approving subdivision is limited, the Provincial Approving Officer can exercise discretion when considering

subdivision applications and may deny applications considered to be “against the public interest”. Section 85(3) of the *Land Title Act* states,

In considering an application for subdivision approval in respect of land, the approving officer may refuse to approve the subdivision plan if the approving officer considers that the deposit of the plan is against the public interest.

The Planning and Development Department and the local Area Director are aware of a number of community concerns regarding the proposed subdivision. As a result of these concerns, the Director for Area B requested that subdivision application 10-B-10SA be referred to the Advisory Planning Commission for its review and comment. Although the CVRD Development Application Procedures and Fees Bylaw No. 3275 does not specify that subdivision applications are to be referred to the APC as a matter of course, Section 4 of CVRD Bylaw No. 2147 – Advisory Planning Commissions Establishment Bylaw does permit such referrals:

The Board or an Electoral Area Director of the Board may refer matters respecting land use, community planning or proposed bylaws and permits under Division 2, 3, 7, 9 and 11 of Part 26 of the local Government Act, to the Advisory Planning Commission in order that it may advise the Board or Electoral Area Director on those matters.

The Area B APC reviewed and discussed the subdivision application at the May 5 and June 2, 2011 meetings and identified a number of concerns with the subdivision application, some of which may be considered to be against the public interest.

The purpose of this report is to seek direction from the EASC regarding an appropriate subdivision referral response.

Proposed Subdivision:

Lot Configuration and Density:

The owners are proposing to subdivide the subject property into 3 fee simple lots and 13 lakefront bare land strata lots. The three fee simple lots are planned for the north east corner of the property with direct access to Worthington Road. Twelve of the 13 bare land strata lots are aligned along the lake shore, presumably to maximize the number of lots that have direct access to the lake. Strata Lot 13 is considerably larger than other lots in the subdivision and will include part of the watercourse in the north east corner of the site and a narrow panhandle access to the lake. A common sewage disposal field for the strata lots is proposed at the north side of the property and a park dedication of 1,831 square metres (0.45 ac.) at the south east corner with 25 metres of lake frontage is proposed to meet the 5% statutory requirement for park land dedication.

The three proposed fee simple lots and strata lot 13 comply with the R-3 minimum parcel size of 2,000 square metres, but the remaining 12 bare land strata lots are less than the minimum with lot sizes of between 1,074 and 1,781 square metres (0.27 to 0.44 ac.). These lots are less than the minimum because the lot averaging provisions permitted by Section 2 of the *Strata Property Act* Bare Land Strata Regulation have been applied. The Regulation permits lot sizes less than the minimum provided the average lot size complies with zoning. In this case, the common property where the sewage disposal area is proposed and a very large Lot 13 (5,880 sq. m.) have been used in the lot averaging to achieve smaller lot sizes for the remaining strata lots. The average lot size for the 13 bare land strata lots is 2,147 sq. m.

Because layout has tried to maximize the number of lakefront lots, the strata lots are narrow and deep, with frontages for strata lots 1 to 12 than range between 6.1 metres (20 feet) and 15.5 metres (50.85 ft.).

Services

The lands were included in the Shawnigan Lake North Water System by the CVRD Board in March, 2010 and the proposed lots are expected to be serviced from this system.

The three proposed fee simple lots are expected to have individual on-site sewage disposal systems. The 13 strata lots are expected to have a shared disposal system that would be owned and operated by the strata corporation. The system is expected to be designed in accordance with the Vancouver Island Health Authority's Sewage System Regulation. Staff suspect the three fee simple lots are not proposed for connection to the system as the additional sewage flow would require a Ministry of Environment approved system designed that complies with the Municipal Sewage Regulation, which is a significantly higher standard.

The lands are within Shawnigan Lake Improvement District and receive fire protection from the Shawnigan Lake Fire Department.

Access:

Access to the lots is proposed from the presently unconstructed Worthington Road right of way south of Cullin Road. The applicants intend to extend Worthington Road to achieve direct access to the public road for the three fee simple lots. The new section of Worthington Road is planned to terminate with a cul-de-sac bulb and a private strata road that would access the 13 strata lots.

Park Dedication:

Section 941 of the *Local Government Act* requires that 5% of the land or cash-in-lieu be provided as a requirement of subdivision. No park land was proposed with the initial subdivision application, but after the Area B Parks Commission expressed a preference for land rather than cash-in-lieu, the application was amended to provide a 1,831 square metre park adjacent to the unconstructed Worthington Road allowance. The proposed park land has 25 metres of lake frontage and could be utilized in conjunction with part of the road end to provide public access to the lakefront if authorized by MoT.

Policy Context:

Zoning:

The subject lands are zoned R-3 (Urban Residential). The R-3 Zone has a minimum parcel size of 2000 square metres (0.49 ac.) for lots serviced with community water and 1 hectare (2.47 ac.) for lots without community water service. There is no density incentive within the zone for community sewer. The lots were brought into the Shawnigan Lake Water System service area in March, 2010 and are therefore now eligible for the 2000 square metre lot size.

Section 13.7 of Zoning Bylaw No. 985 states that the minimum frontage of a parcel shall be 10 percent of the perimeter of the parcel. The 10% frontage requirement is also specified in Section 944 of the *Local Government Act*. The power to exempt a subdivision applicant from the frontage requirement appears to have delegated by the CVRD Board to the Provincial Approving Officer, so frontage exemptions can be granted by the Approving Officer without a formal variance process.

Official Community Plan:

As the subdivision application was submitted to the Ministry of Transportation prior to adoption of CVRD South Cowichan Official Community Plan Bylaw No. 3510, Section 943 of the *Local Government Act* affords the applicant protection from the bylaw change for a one year period. The subdivision application is therefore subject to OCP Bylaw No. 1010 and Riparian Area Regulation Development Permit Area contained with it. A separate report will be provided on the August 2, 2011 EASC agenda regarding a development permit application for the proposed subdivision.

Issues:

A number of issues and concerns with the proposed subdivision have been identified by the Area B APC and residents of the Shawnigan Lake community. The APC's concerns with the application are documented in the meeting minutes attached to this report. Staff has attempted to summarize and comment on the concerns below.

1. Density:

The APC has correctly noted that until the property was brought into the Shawnigan Lake North Water System Service Area, the minimum permitted lot size under the R-3 zoning was one hectare. A total of three lots were possible based on the one hectare minimum. Inclusion in the service area effectively reduced the minimum parcel size to 2,000 square metres, allowing approximately 16 lots to be created (assuming the natural boundary is adjusted as described below).

The APC's contention that 16 secondary suites would be possible if the lands are subdivided is incorrect. The Area B Zoning Bylaw only allows secondary suites on parcels 0.4 ha. (1 acre) or larger, and secondary suites are not permitted within 60 metres of the high water mark of the lake. A small suite or secondary suite would be possible on Strata Lot 13, but not on the other lots.

The density achievable on the property is determined by zoning and the proposed subdivision is compliant with the applicable R-3 zoning. However, the proposed layout has concentrated density along the lakefront with 75% of the lots significantly less than the zoning minimum. Although the Bare Land Regulation makes the layout technically possible, the concentration of smaller lots along the lake is not supported by either the OCP or Zoning Bylaw.

2. Lot frontage:

In order to achieve the maximum number of lakefront lots, strata lots 1 to 12 are deep and narrow, with none of the lots complying with the 10% lot frontage requirement. While relaxations are commonly granted for panhandle lots, lots on cul-de-sacs, and for properties with unusual shapes or site features, it is rare to see a frontage exemption request for so many lots. In this case it appears the requested exemption is facilitating an undesirable lot configuration and should not be supported.

3. Location and configuration of park:

The Area B Parks Commission has requested park land adjacent to Worthington Road, oriented in an east west direction to maximize publicly accessible lakefront and lake shore protection. The applicant has offered a park lot with 25 metres of lake front, whereas the parks and trails staff have requested a parcel with approximately 40 metres of lakefront. Schedule C shows the park area offered by the applicant and the park the Parks and Trails

Division have requested. The requested park configuration has not been agreed-to by the applicant.

It should also be mentioned that the Parks Commission has requested that the unconstructed portion of Worthington Road not be used as access to the proposed subdivision and that the road end be combined with the subdivision park dedication. While use of part of the road allowance as park seems feasible, it is unlikely the Ministry of Transportation would deny access to the subdivision over an existing road allowance.

4. Sewage Disposal:

The APC has recommended that the proposed lots be required to connect to CVRD owned and operated sewage system. Sewage disposal is a significant concern with the subdivision, given the proximity of the proposed disposal system to Shawnigan Lake. As CVRD systems are constructed and operated to Ministry of Environment and "Class A" effluent standards, the quality of effluent and safeguards built into the systems are typically superior to small strata owned system constructed to VIHA standards. The CVRD also has the staff and organizational resources to successfully operate and maintain sewage treatment systems in the long term. This isn't necessary the case for small strata corporations.

Unfortunately the CVRD presently has no ability to require that sewage from the proposed subdivision be directed to a CVRD owned and operated system. The only sewage system the CVRD operates in the area is the Shawnigan Beach Estates system, which does not have capacity for additional connections. The size of the proposed system is also too small to be eligible for the CVRD to take it over. Even if the CVRD Board were to undertake significant change to its sewer service policy to allow the take-over of smaller systems, there is no obligation on the part of the applicant to transfer the system.

While a CVRD owned and operated sewage disposal system does not appear possible, there is a legitimate concern about potential impacts on Shawnigan lake water quality from the proposed system. These concerns should be communicated to the Provincial Approving Officer and the Vancouver Island Heath Authority.

5. Restoration of lake shore clearing:

Past clearing of the subject property is an issue that is largely addressed in a separate report to the Electoral Area Services Committee regarding the development permit application. That said, the clearing of the lakefront and damage to the riparian area has created a situation where it will be difficult to achieve restoration of the area. The proposed lot layout does not encourage this, as it concentrates density at the lakefront and will result in 13 lot owners all expecting maintain unobstructed views and use of and access to the lakefront. It is also likely that most of the lakefront lot owners will wish to install docks and boat shelters. Any protection measures established in the development permit are likely to be unsuccessful with the proposed layout. Reconfiguration of the subdivision layout with the objective of protecting the lakeshore should be requested.

The APC has also requested that a development permit area be established beyond the SPEA boundary and that additional restoration and protection measures be established to achieve protection beyond the SPEA. The CVRD Board could conceivably initiate bylaw changes to expand the protection area beyond the SPEA boundary. Such changes however, would not affect the proposed subdivision as the *Local Government Act* protects in-stream subdivision application from such changes for a one year period. Additional protection measures should be considered when the Zoning Bylaw is amended.

8. Determination of Natural Boundary:

The agent for the owners has advised that he has applied to the Surveyor General's Office to adjust the legal boundary of the subject lands. The present natural boundary of Shawnigan Lake now extends about 15 metres beyond the legal boundary of the property. The agent contends that the original survey from 1893 is in error. If successful, the application would allow land that is now owned by Timberwest to be incorporated into the existing legal parcels. While the exact area of land in question is not known, it appears the application would increase the size of the subject properties by about 5,500 square metres.

Although the APC have requested that an independent surveyor confirm the determination of natural boundary, staff understanding is that this determination will be made by the Surveyor General's Office. As the determination could significantly affect the number of lots and configuration of the proposed, staff do not believe the Provincial Approving Officer should consider issuing a preliminary layout approval for subdivision until the Surveyor's General Office has confirmed the application to adjust the natural boundary has been approved.

9. Community Consultation:

The APC has advised that consultation with the community should be undertaken before a decision on the subdivision application is made and has requested that the owners, the CVRD and the Provincial Approving Officer all hold public meetings with the community.

The subdivision process does not typically require public consultation. Land owners may decide to voluntarily host public meeting prior to subdividing land, but there is no statutory or bylaw requirement to do so. The CVRD could also host a meeting regarding subdivision applications, but generally does not do so as it is not the authority for approving subdivision and has limited influence on the subdivision process.

The Provincial Approving Officer is authorized under the *Land Title Act* and the Bare Land Strata Regulation to assess the public interest in subdivision applications by conducting a hearing. Given the many community concerns associated with the subdivision application, a request for the Provincial Approving Officer to conduct a hearing would be appropriate in this case.

Staff Comments:

The proposed subdivision is impressive in that it has taken full advantage of available bylaw and regulation provisions to maximize the lot yield and market value of the subdivision. While it is understandable from the owners' perspective why this approach was taken, the intent and objectives of the CVRD's land use policies and regulations and community concerns about development on Shawnigan Lake should be considered. It is unusual for the CVRD to appeal to the Provincial Approving Officer to not approve a subdivision application due to it being against the public interest, but the proposed subdivision appears to be a case where such an appeal is justified.

Staff is recommending that the Provincial Approving Officer be requested to deny the subdivision application due to it being against the public interest for the reasons described in this report and in the recommended option. Should the Provincial Approving Officer be reluctant to deny the application outright, it is recommended that a hearing be conducted for the Approving Officer to hear directly from the Shawnigan Lake community how the application affects the public interest.

Options:

1. That the Provincial Approving Officer be requested to deny the proposed subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) due to it being against the public interest for the following reasons:
 - a. The application proposes a lot configuration and concentration of density along the lakeshore that will discourage successful restoration and protection of the previously damaged Shawnigan Lake riparian buffer and potentially negatively impact Shawnigan Lake;
 - b. The application avoids the higher standard of sewage treatment and disposal intended by provincial regulation for the proposed density and potentially threatens Shawnigan Lake water quality;
 - c. The application relies on frontage exemptions to the majority of the proposed lots to achieve a lot configuration and intensity of use at the lakefront that is not supported by CVRD policy or regulation;
 - d. The application does not provide park land in a location and configuration that achieves community objectives for public lake access;
 - e. The application proposes the subdivision of land beyond the legal boundaries of the three subject parcels and presumes Surveyor General's Office will consent to the adjustment of the natural boundary of Shawnigan Lake to favour the property owners.

AND FURTHER, that the Provincial Approving Officer conduct a hearing in the Shawnigan Lake community to assess the public interest prior to a decision to approve the application.

2. That staff respond to referral for the proposed subdivision of Lots 1 and 2, Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) requesting the following changes be made prior to issuance of Preliminary Layout Approval:
 - a. Frontages be amended to comply with zoning;
 - b. Park land be provided in location and configuration requested by the CVRD Parks and Trails Division;
 - c. Written confirmation be provided that the Surveyor's General Office has consented to the adjustment of the natural boundary of Shawnigan Lake as shown on the subdivision sketch plan.

Option 1 is recommended.

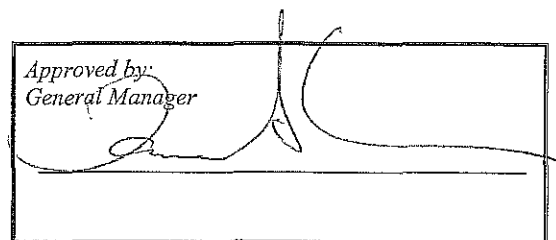
Submitted by,



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

RC/jah

Attachments: Schedule 1 – Location Plan
 Schedule 2 – Subdivision Sketch Plan
 Schedule 3 – Park Plan
 Schedule 4 – APC Minutes
 Schedule 5 – Zoning Bylaw Excerpts





Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.

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

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

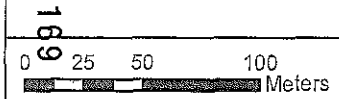
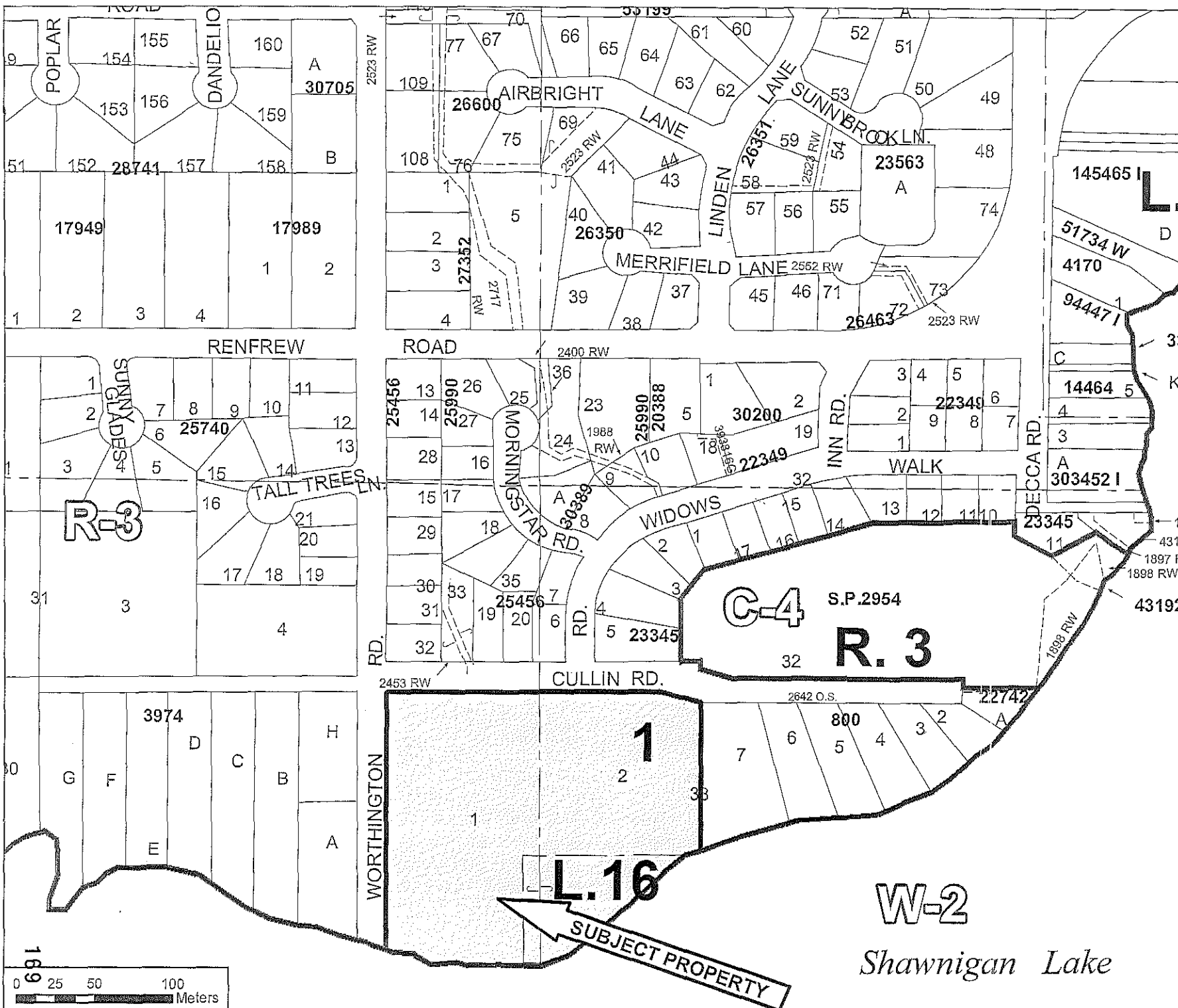
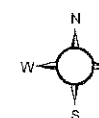
FILE: 10-B-10-SA

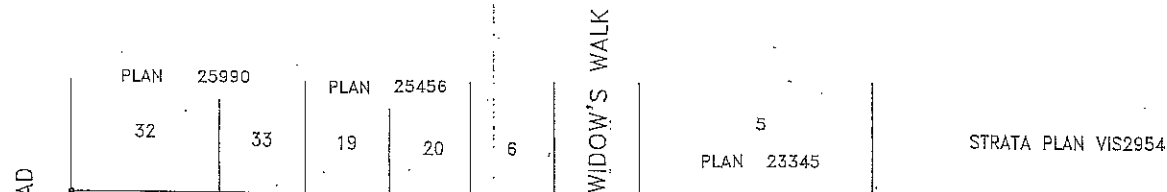
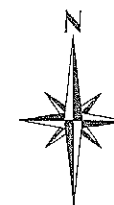
ZONING

Legend

- Subject Property
- Zoning Electoral Area B

Schedule 1





TOTAL SITE AREA 36580 m²
 ROAD AREA 460 m²
 STRATA ACCESS 1870 m²
 PARK (5%) 1830 m²

DEVELOPMENT AREA 32420 m²

32420 m² ~ 16.2 Lots
 2000 m²

Yield shown = 16 Lots

Lots 1-13 Bare Land Strata

Lots 14-16 Fee Simple

J.E. Anderson and Associates

SURVEYORS. ENGINEERS
 VICTORIA NANAIMO

CLIENT :	
2080 CULLIN HOLDINGS INC.	
LEGAL : LOTS 1 AND 2, BLOCK 33, PLAN 218A, AND DISTRICT LOT 16, SECTION 1, RANGE 3 PLAN 801, ALL IN SHAWNIGAN DISTRICT AT 2080 CULLIN RD.	
DRAWN BY : RPH	PROJECT SURVEYOR : DRG
SCALE : 1:750	DATE : JUNE 28, 2010.
OUR FILE :	
25240	
OUR FILE :	
REVISION : Oct. 21, 2010	

Z:\Surveying\2524-0 Cullin\25240 TENTATIVE JUNE 28 10.DWG

Schedule 2

DEVE

$$\frac{32420}{2000}$$

Yield :

Lot's 1

Lots 1

J. E. Andersen

SURVEY

VICTOR

CLIENT : 2080 (

LEGAL : LOTS 1 AND
AND DISTRIC
PLAN 800,)
AT 2080 (

DRAWN BY : RPH

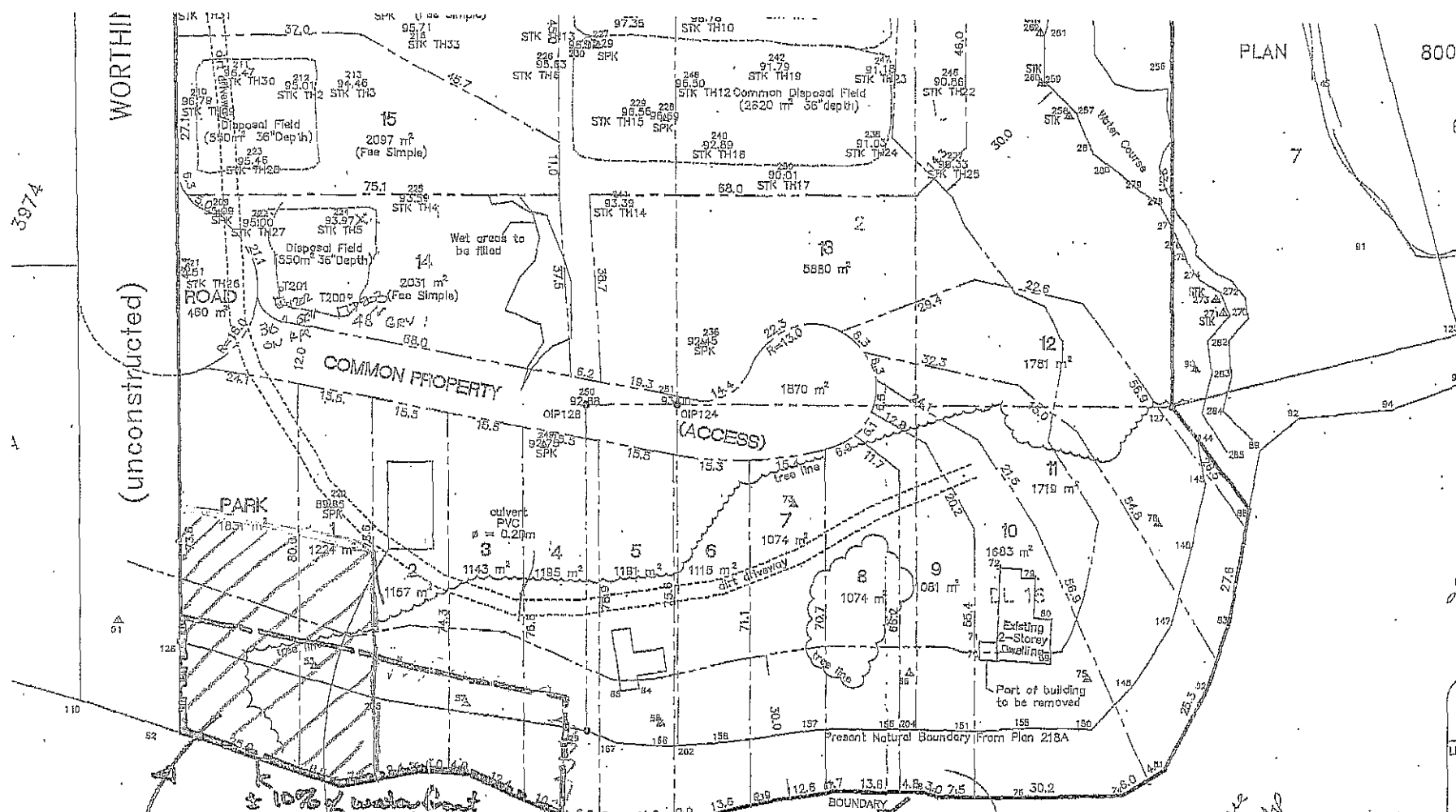
SCALE : 1:750

OUR FILE :

OUR FILE :

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Schedule 3



* 10% water content offered.
Typical 9 m x 18 m envelope (1750 Sq. Ft.)

PRESENT
total water front 260^{ft}
LAKE

Note: This area must be added to the ^{residential} ~~land~~ property

Bob and
Dale both
please!

Requested pack
dated 10/31/42 SHAWNIGAN

Sea water front (31%)

Dec. 13/10 JEA # 2524 Scale 1:750

3974

WORTHIL

(unconstructed)

171

May 5th, 2011

7:00 p.m.

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

Present:

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

Guest: Rob Conway

Delegations: Craig Partridge and Ron Sharpe, Danny Carrier

Several members of the public were also present.

ORDER OF BUSINESS

1) Introductions.

2) Craig Partridge and Ron Sharpe made a brief presentation of the reworking of the application 1B09RS they had made in April of 2010.

3) Danny Carrier spoke to the Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd.) Normally APC would not be asked to comment on such an application, however, in the public interest the issues of intense settlement in the fragile and already damaged SPEA have been put in our purview. Our comments would be forwarded to the Provincial Approving Officer.

The R3 zoned 3.1 ha property is proposed to have 3 fee simple lots and 13 bare land strata lots on community water.

Development Permit application has been applied for.

Septic systems have been approved.

The proposal under bare lot strata regulation, is largely within allowable use under the current OCP. However, the minimum parcel frontage is non compliant to the 10% perimeter rule. The high density that is proposed on this R3 parcel has also been enabled by the CVRD's expansion of Shawnigan Lake North Water Service Area to these lots (Bylaw #3353 Feb10/2010) Park dedication is still being negotiated. The natural boundary has been resurveyed and subject to approval, enlarged, thus enabling yet more density.

Mr. Carrier reported that the owners are sorry for the damage done 3 years ago, and have been attempting, under the guidance of a biologist, to replant and restore the SPEA.

They feel that the Development Permit, which has been applied for and a Covenant should take care of the issue of restoration of the SPEA.

Members of the public and Area B Parks Commission aired viewpoints and leveled questions that reflected concern about the past and potential degradation of the property with this intense development proposal. There is also concern about Park dedication and public lakeside access. The developer's lack of communication and involvement with the community has increased frustration.

It was asked of Mr. Carrier if the developers would consider holding public meetings so that the issues could be respectfully addressed.

4) Minutes of February meeting. Motion to accept minutes of February/2011. Motion seconded and carried.

5) Discussion of Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd.)

Summary of APC comments to be forwarded to the CVRD and Approving Officer.

Given:

- the lack of information and issues created by the developer in their original clearing of the land
 - the community's large dependence on the lake for quality drinking water
 - the intense interest by the community in the quality of our lakeshore stewardship
 - and the community opinion that road ends, lakeshore park and public access to our lake be secured
 - the changes that will soon be instituted in our new Shawnigan Official Community Plan regarding subdivisions and sewer systems surrounding the lake and the need to protect the quality of our water in Shawnigan Lake in the future,
-
- the extreme density of lots proposed

It is in the public interest:

- that the developers consider responding to the community's needs and hold a public meeting to answer questions and convey what remediation measures and solutions they propose.
- that the Ministry of Transportation and Infrastructure Approving Officer also hold a public meeting.

- That the CVRD hold a public meeting about the Park dedication
- that Parkland negotiation favours community access to lake.
- that a CVRD community sewer system be established for any subdivision of this site.
- that parcel frontage variance be denied and that lot frontage will be based on the minimum 10% of parcel perimeter.
- that if the subdivision is approved that the number of lots be reduced so as to improve vegetation remediation
- that there be DPA on the land adjacent to the SPEA *and* especially on restoration areas which may end up being outside the SPEA if the resurveyed highwater line is established; such that development is not deleterious to the success of the restoration.
- that there be a performance bond posted, and that a post construction report be required proving adherence to Section 4 of the Assessment Report.
- that a covenant be secured to protect and maintain restoration of the SPEA and adjacent restoration areas and that the covenant be sufficiently detailed:
 - Requiring the developer to permanently demarcate the natural boundary, preferably with a fence, and to make the retention and maintenance of the fence or boundary markers by the strata council and its members a condition of a covenant applicable to the strata title area of the Cullin Rd. property.
 - Requiring the developer and the strata properties owners to enter into a covenant prohibiting the removal of, damage to or destruction of any of the indigenous flora and fauna living within the SPEA and restoration areas.
 - Requiring the developer and the strata properties owners to enter into a covenant prohibiting the placement or construction of any structure on the SPEA, with the exception of one common-property wharf (dock) to serve all the strata title lots.

7) Meeting adjourned.

June 2nd, 2011

7:00 p.m.

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

Present:

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

Absent: John Clark, Rod MacIntosh, Roger Painter.

Also Present: Director's Alternate, Buddy Bhandar

Members of the Parks Commission were also present:

Bill Savage and Cath Whittome.

ORDER OF BUSINESS

1) Introductions.

2) Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd. Further discussion.

Chair Graham Ross Smith wished to expand on APC recommendations on Cullin Holdings Application and submitted his proposed elaborated revision to our May 5th minutes.

Recording secretary asserted that minute taking is by definition succinct and in accordance, she strives to achieve brevity. APC members proposed that the minutes of our May 5th meeting were very fine as written.

Motion that APC minutes of May 5th 2011 be approved. **Motion seconded and carried.**

3) Further Discussion Application 10-B-10SA and review of Petition and Bylaw 3353 which extends water services to the Cullin properties, allowing further densification in this sensitive area.

Given that the Water Quality of Shawnigan Lake is of supreme concern:

Motion was made that Graham Ross-Smith's expanded documentation of APC's recommendations regarding Cullin Road Application 10-B-10SA be also forwarded to CVRD: as follows:

Because it is of paramount importance for the sake of good public health that the waters of Shawnigan Lake be of the highest possible quality now and forever, further densification of lands within the watershed, especially those properties on or close to the lake itself, is unwise and may, in the long term, prove to be tragic and expensive folly. Therefore, **the Shawnigan Lake Advisory Planning Commission urges the CVRD to take any and all measures available to it to keep the densification of the Cullin Rd. property as low as possible.**

The APC recognizes that this development permit application does not entail a change in the zoning of this parcel of land. The APC also understands that this 3.1 hectare* property has been in a position for many years to be sub-divided onto as many as three one hectare lots, and that that was the situation when the current owners purchased the land. The density increase at that time could have gone from the one existing house to three single family dwellings and three small or secondary suites (6 dwelling units in total). The APC commissioners believe that that an increase in density of that magnitude was and is tolerable to the community. However, because the CVRD granted to owners' petition to have to property brought into the Shawnigan Lake North Water System Service Area, the owners can now put 16 single family dwellings plus 16 small or secondary suites (32 dwelling units in total) on this property. This is more than a five-fold increase in density. Such an increase might well be acceptable to the community if it was on land outside the watershed boundaries, but because it is within the watershed and right on the lake's edge, and because the lake is the source of household water for several thousand people, this increase in density is not acceptable to this community and sets a dangerous precedent for waterfront property densification elsewhere on the lake.

It is the strong opinion of the APC that the elected CVRD officials and staff must understand that **there is no reasonable and affordable source of community water other than Shawnigan Lake.** If the quality of the water in the lake declines further, this community will be faced with a major crisis.

Because further densification of waterfront lands is not in the public interest, the APC advises the CVRD to reduce the density of the proposal to as low a level as possible by pursuing one or more of the following courses of action:

1. Exclude the property from the Shawnigan Lake North Water System Service Area by rescinding Bylaw No. 3353 thereby returning it to the situation extant at the time the current owners purchased it;
2. Decline the Development Permit Application;

3. Advise the Ministry of Transportation and Infrastructure's approving officer not to approve subdivision of this property into 16 lots and to suggest a much lower number of lots as appropriate for the sake of good public health related to water quality.
4. Encourage the MoTI approving officer to hold a public meeting in order to gauge community support or lack thereof for this proposal, or have the CVRD sponsor such a meeting to which the approving officer would be urged to attend.
5. Deny any request for a variance to the policy requiring each lot to have at least 10% of its perimeter fronting on a public road.
6. To achieve maximum possible protection for the ecosystems of the Streamside Protection and Enhancement Area (SPEA),
 - a) require of the developers a post-construction report from a qualified environmental professional examining adherence to Section 4 of the Assessment Report (Section 4 – Measures to Protect and Maintain the SPEA),
 - b) require the developers to post a performance bond,
 - c) secure a covenant with regard to the maintenance and protection of the flora and fauna of the SPEA that is sufficiently detailed to cover such matters as limiting access across the SPEA to the lake, prohibition of placing structures and the placement of only one dock to be shared by all members of the strata corporation.
 - d. require the placement of a fence or other permanent and easily seen markers along the natural boundary line.
7. Require the property to be on a CVRD owned and operated sewage system.
8. Make the land adjacent to the SPEA a DPA such that development is not deleterious to the success of the restoration of the SPEA.
9. Have a surveyor who is not in the employ of the land owners double-check the accuracy of the newly established "natural boundary,"**
10. Negotiate with the land owners for as much parkland dedication as possible.

*There is a discrepancy between the CVRD report by Maddy Koch and the developers' documents on the size to the property. The CVRD report indicates that it is 3.1 hectares approximately, while the developer's documents indicate that it is 3.658 hectares. This is

a significant difference. It is 5,580 sq. metres: the equivalent of almost three minimum sized lots for R-3 property on community water.

****** The newly established natural boundary favours the property owners by a significant amount. In some places it extends the land lake-ward by almost 3 metres (over 15 feet). Although the APC is not questioning the integrity of J.E. Anderson and Associates Ltd. or the firm's agent Mr. Danny Carrier, there appears to be some community members who do have doubts about this matter. An independent look at the position of the natural boundary by someone qualified to determine such things such as a professional biologist or a surveyor would go a long way to putting such suspicions to rest.

Approved and submitted by the Area B Advisory Planning Commission on Thursday, June 2, 2011.

Motion seconded and carried.

4) **Discussion re: Petition and extension of CVRD operated water systems to Cullin Road development thus allowing much greater densification on lakefront.**

Motion that APC recommends that CVRD review process of extending CVRD operated Water Systems to any environmentally sensitive property so that the process would include and require public consultation.

Motion seconded and carried.

5) **Mobile Home Park Zoning definition discussion.**

Motion that Graham Ross Smith's letter dated May 26th 2011 to Rob Conway Re MP Zoning be submitted to the CVRD.

Motion seconded and carried.

6) **Meeting Adjourned. Next meeting in September unless pressing business comes up.**

8.5 R-3 ZONE - URBAN RESIDENTIAL(a) Permitted Uses

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

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home occupation-service industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residence; and
- (6) small suite or secondary suite

(b) Conditions of Use

For any parcel in an R-3 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Accessory Residential Use
Front	7.5 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	4.5 metres

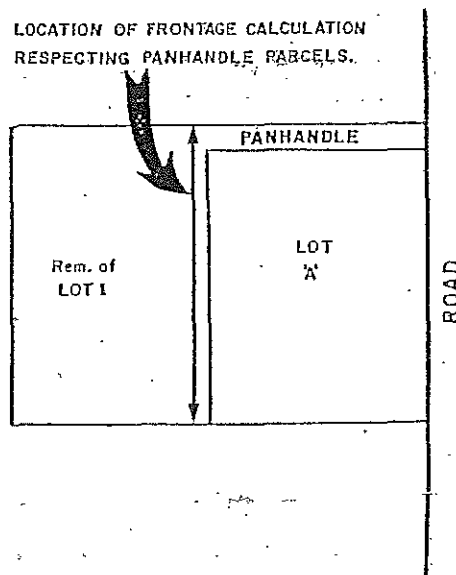
PART FOURTEEN**AREA SHAPE AND DIMENSIONS OF PARCELS**

- 14.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 14.2, 14.11, and 14.12 be in accordance with the following table based on the method of sewage disposal and water supply:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served By Community Water or Sewer
A-1 Primary Agricultural	12 ha	12 ha	12 ha
A-1A Modified Primary Agricultural	12 ha	12ha	12 ha
A-2 Secondary Agricultural	2 ha	2 ha	2 ha
F-1 Primary Forestry	80 ha	80 ha	80 ha
F-1A Primary Forestry – Kennel	20 ha	20 ha	20 ha
F-2 Secondary Forestry	4.0 ha	4.0 ha	4.0 ha
R-1 Rural Residential	2 ha	2 ha	2 ha
R-1A Limited Rural Residential	2 ha.	2 ha.	2 ha.
R-2 Suburban Residential	0.4 ha	0.4 ha	1.0 ha
R-2A Limited Suburban Residential	1.0 ha	1.0 ha	1.0 ha
R-3 Urban Residential	0.2 ha	0.2 ha	1.0 ha
R-4 Rural Community Residential	8 ha.	8 ha.	8 ha.
R-6 Urban Residential (Mobile Home)	0.8 ha	0.8 ha	1.0 ha
MP-1 Mobile Home Park	2 ha ¹	2 ha ¹	2 ha ¹
C-1 Village Commercial	1100 sq.m.	1675 sq.m.	1.0 ha.
C-2A Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-2B Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2 Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-3 Service Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-4 Tourist Recreation Commercial	0.8 ha	0.8 ha	0.8 ha
C-5 Neighbourhood Pub	1100 sq. m.	1675 sq. m	0.8 ha
P-1 Parks and Institutional	0.2 ha	0.4 ha	1.0 ha
P-2 Parks and Recreation	20 ha	20 ha	20 ha
I-1 Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1A Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1B (Sawmilling)	1.0 ha	1.0 ha	1.0 ha
I-1C (Light Industrial)	0.2 ha	0.4 ha	0.8 ha
I-3 Medium Industrial	0.2 ha	0.4 ha	1.0 ha
I-5 Eco-Industrial	1 ha	1 ha	1 ha

- 14.7 The minimum frontage of a parcel shall be ten (10) percent of the perimeter of that parcel.
- 14.8 Notwithstanding the provisions of Section 14.7 the minimum frontage may be reduced for lots on a road curve with a radius of 80 metres or less subject to the required frontage being attained at the required front yard setback as stated for the zone in which the parcel is situated.
- 14.9 Panhandle Lots: When panhandles are created as an integral part of a parcel the frontage requirement as specified in Section 14.7 shall not be calculated for the panhandle portion fronting on the highway but for the width of the lot area fronting on the extension of the panhandle as shown in Figure B.

Figure B



- 14.10 Where a parcel is a panhandle lot the access strip (or panhandle) shall not be calculated as part of the parcel area for purposes of determining minimum parcel size.
- 14.11 (a) where a parcel is a panhandle lot capable of further subdivision the panhandle shall be of adequate width to provide a future road in the event the parcel undergoes further subdivision.
- (b) the further subdivision of a panhandle lot shall be conditional upon the dedication of the panhandle as a public road (highway).



R11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 25, 2011 **FILE NO:** 1-F-10 RS
FROM: Alison Garnett, Planner I **BYLAW NO:** Hignell
Planning and Development Department
SUBJECT: Covenant Release Request by David and Val Hignell

Recommendation/Action:

That the Regional District release Restrictive Covenant EB31090

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

David and Valerie Hignell, owners and operators of Sahtlam Lodge and Cabins, have submitted a request to release a Restrictive Covenant registered against Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (located at 5720 Riverbottom Road).

In 1988, the subject property was rezoned from R-2 to C-4 (Tourist Commercial), to permit the establishment of Sahtlam Lodge and Cabins. Restrictive Covenant EB31090 in favor of the Regional District was registered against the title of the subject property at this time. The purpose of the Covenant was to a) inform the owner that the property is subject to flooding and erosion, b) to protect the Cowichan River and c) to restrict and limit the use of land.

Specifically, the Covenant includes the following limitations and obligations:

- Limits the tourist commercial use of the land beyond the C-4 Zone, to 9 rental cabins, 6 camp sites and 8 lodge units;
- Sets a term of occupancy of 30 days for the tourist commercial use;
- Prohibits mobile homes as a dwelling unit;
- Prevents the modification and removal of vegetation within 15 metres of the natural boundary of the Cowichan River;
- Establishes a "restricted lands" areas, specifies the location of roads and access trails, prevents bill boards, mining, drilling, excavating, dumping of trash, polluting, causing erosion, and removal of natural growth.

As the property has recently been rezoned to once again permit residential use of the property (Amendment Bylaws 3471 and 3472 were adopted by the CVRD Board July 13, 2011), the clauses that limit tourist commercial use are no longer relevant. Furthermore, more recent Covenants (EM124352 and EM 124348, both registered on title in 1998) provide improved floodplain and environmental protection restrictions than Covenant EB 31090.

As the flooding and environmental protection concerns continue to be adequately addressed, and the tourist commercial use limitations are no longer relevant, the owners wish to have this charge removed from the title, and have requested approval from the CVRD to do so. A subject property map and copy of Covenant EB 31090 are attached to this report.

Options

1. That the Regional District approve the release of Covenant EB31090;
2. That the Regional District not approve the request.

Option 1 is recommended.

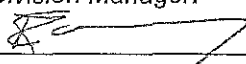

Submitted by,



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

AG/jah

Attachments

Reviewed by: Division Manager:

Approved by: General Manager:




Cowichan
Valley
Regional
District

184

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

The Regional District does not warrant the accuracy.



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

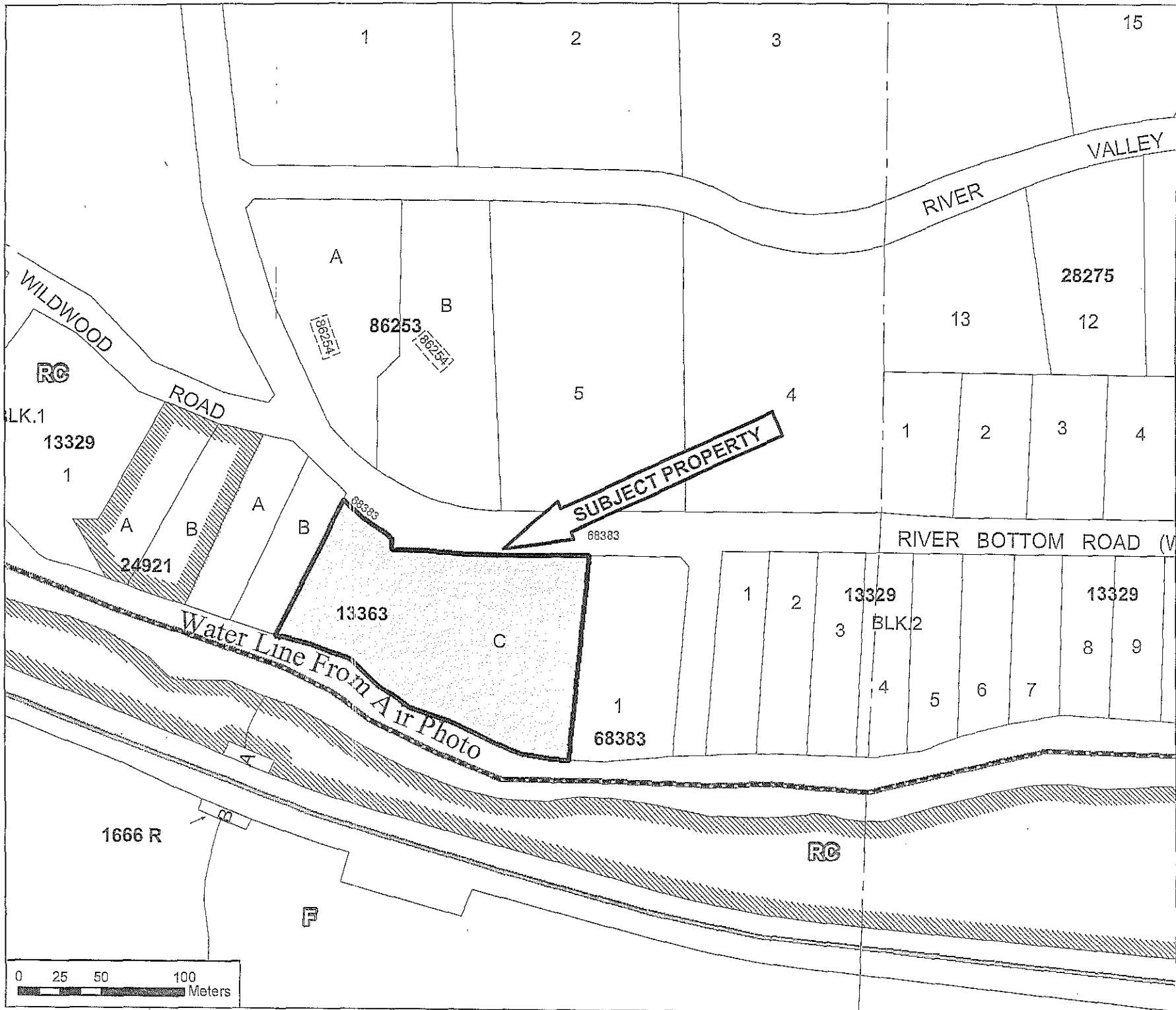
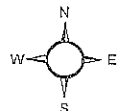
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-F-10-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area F



LAND TITLE ACT
FORM 17
(Section 151, 152(1), 220)
APPLICATION

EB 31090

NOTE: Before submitting this application for interests under (1) and (2), applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a Municipality and Improvement, Water and Irrigation Districts.

NATURE OF INTEREST:

(1) FREE SIMPLE

MARKET VALUE:

(2) CHARGE

TRUE VALUE:

NATURE OF CHARGE

(3) CANCELLATION OF
CHARGE

NATURE AND NUMBER OF CHARGE CANCELLED

HEREWITH FEES OF \$35⁰⁰

As to (1) and (2) FULL NAME, ADDRESS and OCCUPATION of person entitled to be registered as owner, if different than shown in instrument

ERNEST LEWELLYN REES, RETIRED ELECTRICIAN,
9 Susan Rees, His wife, 32 BASS AVE, DUNSMUIR, B.C.

As to (3) FULL NAME of person entitled to cancellation who or on whose behalf the application is made:
David Russell Hymell
Valerie Jean Hymell as joint tenant

As to (3) FULL NAME of person entitled to cancellation who or on whose behalf the application is made:

04/17/98 AG0400 CHG NEW 35.00

LEGAL DESCRIPTION, if not shown in instrument being submitted with this application:

Sec 1, Range 1, Subtown District, Plan 13263
P.D. 4-471-661

FULL NAME, ADDRESS, TELEPHONE NUMBER of person presenting application:

Central Valley Regional District
122 Fernside St.
Dunsmuir B.C.
V-12 1/4

Caution Registry has been duly authorized

by
to pick up Section 266 Notices & Documents

Signature of Applicant or Solicitor or Authorized Agent

THIS AGREEMENT made the 14th day of April, 1988.

BETWEEN:

COWICHAN VALLEY REGIONAL DISTRICT,
A Municipal Corporation
having its offices at 137 Evans Street,
Duncan, British Columbia

(hereinafter called the "Regional District")

OF THE FIRST PART

AND:

ERNEST LLEWELLYN REES and SUSAN REES
as joint tenants with a right to purchase
registered in names of David Russell Hignell
and Valerie Jean Hignell as joint tenants

(hereinafter called the "Owner")

OF THE SECOND PART

W H E R E A S:

A. The Owner is the registered owner in fee simple of all and singular that certain parcel or tract of land and premises situate, lying and being in the Cowichan Valley Regional District, in the Province of British Columbia, and more particularly known and described as:

Lot C, Section 7, Range 1, Sahtlam District, Plan 13363,
Cowichan Assessment District

(hereinafter called "Land")

B. The Regional District has informed the owner that the Land is subject to periodic flooding and erosion but nevertheless, the owner may desire to place, construct, and/or occupy and use buildings upon the Land.

C. The Regional District wishes to protect the amenities of adjacent properties and to provide for the protection of the river bank along the Cowichan River.

D. The Owner is willing to restrict and limit the use of land on the terms and conditions and for the purposes hereinafter set forth.

NOW THEREFORE, in consideration of the premises and the covenants hereinafter contained and for other valuable consideration receipt and sufficiency of which is hereby acknowledged, and pursuant to Section 215 of the Land Title Act of British Columbia, the Owner DOES HEREBY COVENANT AND AGREE to and with the Regional District as follows:

1. a) The use of the land shall be restricted to the following:
 - tourist accommodation including camping facilities;
 - restaurant;
 - accessory retail sales;
 - residential use;
 - home occupation;
 - daycare or nursery school.

b) On that portion of the land located within 15 meters of the natural boundary of the Cowichan River (hereinafter referred to as the "Buffer Strip") there shall be no modification of the land or removal of vegetation without the prior written approval of the Fish and Wildlife Branch of the Ministry of Environment and Parks of the Province of British Columbia.

c) Save and except for access roads and walking trails, no use shall be made of the land and no buildings shall be used on it or erected on that portion of the land described in Schedule "A" attached to this agreement (hereinafter referred to as the "Restricted Lands") without the prior written approval of the Regional District.

2. a) Without restricting the generality of Clause 1, the Owner shall not use the Restricted Lands for the following purposes:

- i) erecting any building, billboard or other structure;
- ii) carrying out any mining, drilling, excavating, dredging, or removal of topsoil, sand, gravel, rocks or minerals;
- iii) dumping trash, rubbish, or other waste;
- iv) polluting any waters on or adjacent thereto or changing the existing natural habitat or watercourse in any manner;
- v) carrying out any activity which results in erosion or which may have a detrimental effect upon fish or wildlife or their natural habitat, or on the natural ecosystem and its processes; or
- vi) removing any tree, bush or natural growth;

3. The Owner shall, at all reasonable times, allow employees or agents of the Regional District to enter the Land for the purpose of performing inspections or carrying out other tasks which the Regional District considers proper.

4. a) "Mobile Home," for the purposes of this agreement, means a dwelling unit, or building, factory built and factory assembled, designed for conveyance after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit or building complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. Neither a prefabricated home (or structure) nor motor home, travel trailer or recreational vehicle shall be included in this definition."

b) The Owner covenants and agrees not to establish, build, or use, or permit to be established, built, or used, any Mobile Homes on the land.

[Handwritten signatures and initials]

5. a) The Owner covenants and agrees to limit overnight guest capacity on his land to 70 persons in total.

b) The Owner covenants and agrees to limit the number of different types of units on his land to not more than:

- i) 9 cabin rental units;
- ii) 6 camp sites;
- iii) 8 lodge units;

6. The Owner covenants and agrees to limit the term of occupancy of any rental unit, by any one party, to a maximum of 30 days within each calendar year, with the exception of a maximum of 3 rental units which may each be occupied by one party for not more than 10 months out of the calendar year.

7. The Owner hereby releases and forever discharges the Regional District and the Province of British Columbia from any claim, cause of action, suit or demand whatsoever which the Owner can or may have against the Regional District or the Province of British Columbia for any loss or damage or injury that they may sustain or suffer as a result of, or caused either directly or indirectly, from the flooding or erosion of the land.

8. The Owner covenants and agrees to indemnify and safe harmless the Regional District and the Province of British Columbia from any and all claims, cause of action, suit or demand whatsoever that anyone might have as owner, occupier or user of the Land that arises out of the flooding or erosion of the Land.

9. The Owner does not now have, and will not at any time in the future require or have any claim that the Regional District and the Province of British Columbia do any work or take any action to protect the Land from flooding or erosion.

10. The Owner shall reimburse the Regional District for its legal costs in reviewing the Restrictive Covenant.

11. The Owner shall, upon the reasonable request of the Regional District, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds or documents required by the terms of this agreement or required for obtaining the registration of this document in the Land Title Office at Victoria and, for that purpose, shall obtain such consents as may be required from other persons having a registerable interest in the Land for the purpose of registering this document.

12. The restrictions and covenants herein contained are perpetual and shall be registered against the title of the Owner pursuant to Section 215 of the Land Title Act as covenants in favor of the Regional District which shall bind the Owner, from time to time, who will at all times act in accordance with the terms of this covenant.

[Handwritten signatures and initials]

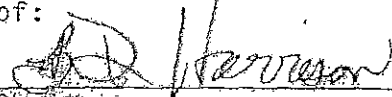
13. The Regional District may, without requiring the prior consent of any person, and not less than 21 days after providing notice to owners of property within 60 meters of the Land by sending a registered letter to the address of the owner designated as such for taxation purposes, release or cause to be released this agreement and the restrictive covenant contained herein.

14. The Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

15. Wherever the expression "Owner" is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

IN WITNESS WHEREOF the Regional District has hereunto set its common seal in the presence of its authorized signatories, and the Owners have hereunto set their hands and seals on the day and year first above written.


The CORPORATE SEAL of COWICHAN VALLEY REGIONAL DISTRICT was hereunto affixed in the presence of:


Chairman

C/S


Secretary

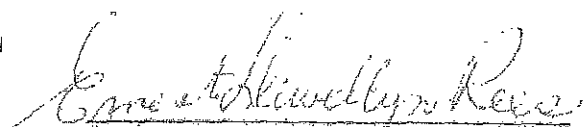
SIGNED, SEALED AND DELIVERED IN the presence of:

Name 
HERBERT P. McCALLUM
NOTARY PUBLIC


Address 472 Trans Canada Hwy,
Duncan, B.C.

V9L 3R6 748-3159

Occupation


Ernest Llewellyn Rees

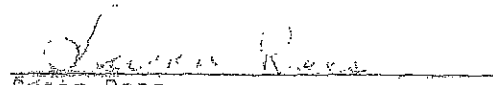
SIGNED, SEALED AND DELIVERED IN the presence of:

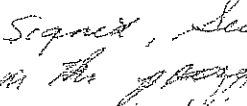
Name 
HERBERT P. McCALLUM
NOTARY PUBLIC

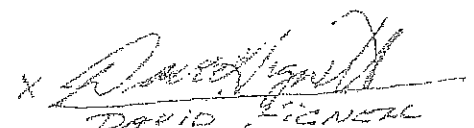
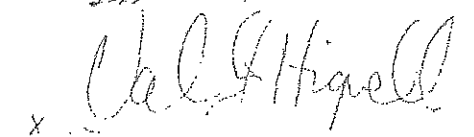
Address 472 Trans Canada Hwy,
Duncan, B.C.

V9L 3R6 748-3159

Occupation


Susan Rees

Signed, Sealed & Delivered in the presence of

HERBERT P. McCALLUM
NOTARY PUBLIC

X 
DAVID FIGNERE

X

6
SCHEDULE "A"

THE RESTRICTED LANDS

All those parts of Lot C, Section 7, Range 1, Sahtlam District, Plan 13363, which said parts may be more particularly described as follows:

Firstly, all that part of the said Lot C lying to the north-west of a line and the said line produced, drawn parallel to and perpendicularly distant 15.240 metres south-easterly from the north-westerly boundary thereof; and

Secondly, all that part of the said Lot C lying to the east of a line, and the said line produced, drawn parallel to and perpendicularly distant 9.144 metres westerly from the easterly boundary thereof.



RL2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 25, 2011

FROM: Joe Barry, Corporate Secretary

BYLAW NOS: 3542 & 3543

SUBJECT: North Oyster Fire Halls Debt Repayment Service Establishment Bylaw No. 3542
and North Oyster Fire Halls Construction Loan Authorization Bylaw No. 3543.

Recommendations/Action:

That it be recommended to the Board:

1. That "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011" and "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", be forwarded to the Board for consideration of three readings and, following provincial and voter approval, be considered for adoption.
2. That following adoption of "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011" and "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", and a 30 day legislated quashing period, staff prepare a Parcel Tax Roll Bylaw for the Debt Repayment Service.
3. That the North Oyster Fire Halls Referendum be held on Saturday November 19, 2011, in conjunction with the General Local Elections.
4. That the following question be submitted to the electors of the North Oyster Fire Halls Debt Repayment Service within Electoral Area H – North Oyster/Diamond:

"Are you in favour of the Board of the CVRD adopting "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011" and "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", which would authorize the CVRD to create a debt repayment service and borrow up to \$3,030,000. for a 20 year period to finance the design and construction of two Fire Halls to serve the North Oyster Fire Halls Debt Repayment Service Area within a portion of Electoral Area H – North Oyster/Diamond with a maximum requisition amount of \$240,000 per year, which corresponds to an annual parcel tax of no more than \$248.96."? YES or NO?

5. That the following synopsis of Bylaws No. 3542 and No. 3543 be used for the Notice of Voting/Notice of Other Voting:

CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw and **CVRD Bylaw No. 3543** – North Oyster Fire Halls Construction Loan Authorization Bylaw.

These bylaws provide for the following:

- establishing a service to create a debt repayment area within a portion of Electoral Area H – North Oyster/Diamond
- borrowing up to \$3,030,000. for a 20 year period to finance the design and construction of two Fire Halls;
- annually requisitioning up to \$240,000. per year, which corresponds to an annual parcel tax of no more than \$248.96.

Relation to the Corporate Strategic Plan:

These bylaws are consistent with the objectives of promoting a safe and healthy community, individual and community wellness and reliable essential services noted in the Corporate Strategic Plan.

Financial Impact: *(Reviewed by Finance Division)* 

This sum is to be financed over a twenty-year period. The maximum amount that property owners within the service area can be taxed for this service is \$240,000. per year, which corresponds to an annual parcel tax of no more than \$248.96. per year.

Background:

A Citizens Committee was established in 2009 to work with the North Oyster Fire Department to clarify the operational issues that support the need for a new Fire Hall. Both the Committee and the Department confirm that the existing site remains the most suitable location for Fire Hall #1. A new building is required to meet current and anticipated operational needs and the legislated post disaster standards while providing a suitable working and operational environment for the future.

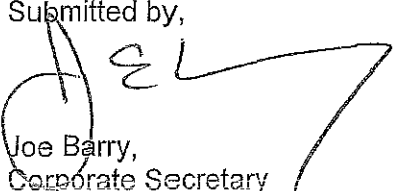
In January 2011, FireWise Consulting Ltd. was engaged to undertake a project file review. Among the recommendations from FireWise Consulting were the following:

- that time is of the essence to replace Fire Hall #1 and should be done as soon as possible; and,
- that a satellite Fire Hall be constructed in the Coffin Point area.

Over the past few months, a number of public meetings were held to obtain feedback on whether one or two Fire Halls should be constructed and whether the taxes should be based on the assessment or parcel tax methods. Following an input process that was held at the meetings, the public have shown a preference for the construction of two Fire Halls with the taxes based on the parcel tax method.

Bylaw Nos. 3542 and 3543 create a debt repayment service area and authorize the borrowing of up to \$3,030,000. to construct two new Fire Halls within the North Oyster Fire Protection Service Area.

Submitted by,


Joe Barry,
Corporate Secretary

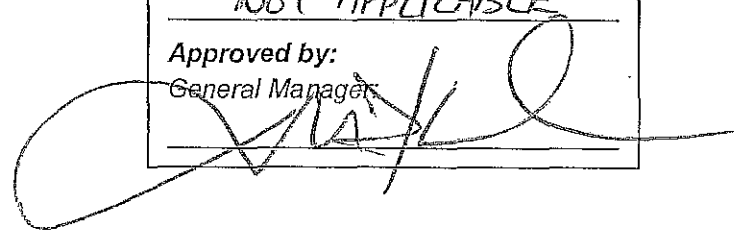
Reviewed by:

Division Manager:

NOT APPLICABLE

Approved by:

General Manager





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3542

A Bylaw to Establish a Debt Repayment Service in a Portion of Electoral Area H – North Oyster/Diamond

WHEREAS pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a debt repayment service in a portion of Electoral Area H – North Oyster/Diamond for the purpose of borrowing to finance the design and construction of two Fire Halls within the proposed service area;

AND WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS participating area approval for this bylaw and Bylaw No. 3543, cited as "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", is required and shall be obtained in accordance with the *Local Government Act* and the *Community Charter*;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011**".

2. SERVICE BEING ESTABLISHED

The service established under the authority of this bylaw is a debt repayment service for the purpose of borrowing money to finance the design and construction of two Fire Halls within the service area.

.../2

3. SERVICE AREA BOUNDARIES

The boundaries of the service area, to be known as the North Oyster Fire Halls Debt Repayment Service Area, are that portion of Electoral Area H – North Oyster/Diamond shown outlined in Schedule A of this bylaw.

4. PARTICIPATING AREA

Electoral Area H – North Oyster/Diamond is the only participating area for this service.

5. METHOD OF COST RECOVERY

As provided in Section 803 of the *Local Government Act*, the annual cost of providing this service shall be recovered by one or more of the following:

- a) parcel taxes, to be requisitioned and collected by imposing the tax on the appropriate parcels within the participating area, on the basis of the parcel tax roll;
- b) revenues received by way of agreement, enterprises, gift, grant or otherwise; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Two Hundred and Forty Thousand (\$240,000.) Dollars.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

I hereby certify this to be a true and correct copy of Bylaw No. 3542 as given Third Reading on the _____ day of _____, 2011.

Corporate Secretary

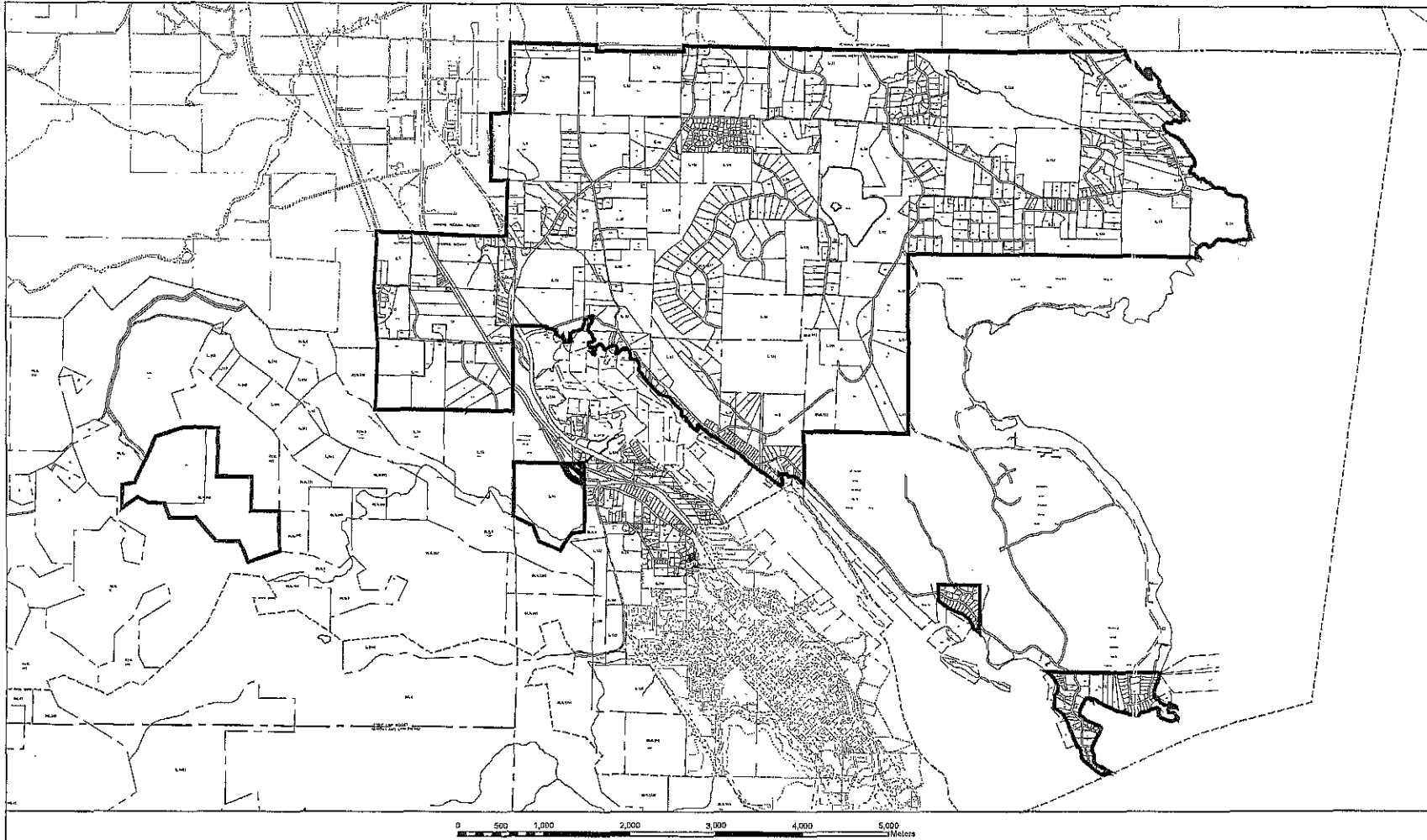
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____ 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 3542 - North Oyster Fire Hall Debt Repayment Service Area Establishment Bylaw, 2011.

Adopted _____, 2011.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3543

**A Bylaw to Authorize the Borrowing of Funds to Design and Construct Two
Fire Halls Within the North Oyster Fire Hall Debt Repayment Service Area**

WHEREAS pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a debt repayment service pursuant to Bylaw No. 3542, cited as "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011", for the purpose of borrowing money to design and construct two Fire Halls within the proposed service area;

AND WHEREAS the estimated cost of designing and constructing the two Fire Halls, including expenses incidental thereto, is Three Million Thirty Thousand (\$3,030,000.) Dollars, which is the amount of debt to be authorized by this Bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and the *Community Charter*;

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

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011".

2. **LOAN AUTHORIZATION**

The Cowichan Valley Regional District is hereby empowered and authorized to undertake and carry out, or cause to be carried out, the construction of two Fire Halls to serve the North Oyster Fire Halls Debt Repayment Service Area in general accordance with the plans on file in the Regional District office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:

.../2

- a) to borrow upon the credit of the Regional District a sum not exceeding Three Million Thirty Thousand (\$3,030,000.) Dollars;
- b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the designing and constructing of the two Fire Halls.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *North Oyster Fire Halls Debt Repayment Service* established pursuant to Bylaw No. 3542, cited as "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011".

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2011.

I hereby certify this to be a true and correct copy of Bylaw No. 3543 as given Third Reading on the _____ day of _____, 2011.

Corporate Secretary

Date

RECEIVED the approval of the Inspector of Municipalities this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



R13

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 21, 2011

BYLAW No: 3541

FROM: Kathleen Harrison, Legislative Services Coordinator

SUBJECT: South Cowichan Community Parks Service Amendment – Housekeeping Bylaw.

Recommendation:

That "CVRD Bylaw No. 3541 – South Cowichan Community Parks Service Amendment Bylaw, 2011", be forwarded to the Board for consideration of three readings and, following provincial approval, consideration of adoption.

Relation to the Corporate Strategic Plan:

This bylaw is consistent with the Corporate Strategic Plan objective of achieving excellence through community partnerships.

Financial Impact: (N/A)

Background:

CVRD Bylaw No. 3447, an amendment to Bylaw No. 2232, increased the annual maximum requisition limit from \$50,000 to \$62,500 for the South End Community Parks Service. When Bylaw No. 3447 was introduced at the Electoral Area Services Committee Meeting of December 7, 2010, (see attached report and bylaw) an additional recommendation was put forward and ratified at committee to change the name of the service area from the "South End" to the "South Cowichan" Community Parks Service.

At its meeting held January 12, 2011, the Board adopted Bylaw No. 3447. Recently, upon receipt of a certified copy of the bylaw, the province has advised that although the amendment to increase the maximum requisition limit of Bylaw No. 2232 met the criteria for exemption from obtaining the Inspector of Municipalities approval, pursuant to *B.C. Reg. 113/2007*, technically, the name change can not be considered a component of the exemption regulation.

Therefore, it is strongly recommended that, as a housekeeping measure and to mitigate potential challenge, Bylaw No. 3447 be repealed and replaced with the attached bylaw which provides for the necessary provincial approval.

Submitted by, ~


Kathleen Harrison
Legislative Services Coordinator
Corporate Services Department

Attachments: Bylaw No: 3541 & 3447
Staff Report to EASC Dec. 7/10

Reviewed by:

Division Manager:

Approved by:

General Manager:



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3541

A Bylaw to Amend the South End Parks Service Establishment Bylaw No. 2232

WHEREAS the Board of the Cowichan Valley Regional District established the *South End Parks Service* under the provisions of CVRD Bylaw No. 2232, cited as "CVRD Bylaw No. 2232 – South End Parks Service (Electoral Areas A - Mill Bay/Malahat, B - Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay), Establishment Bylaw, 2001";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable and expedient to change the name of the service from South End Parks to South Cowichan Community Parks and increase the maximum annual tax requisition limit from \$50,000 to \$62,500 of net taxable value of land and improvements in the service area;

AND WHEREAS the Area Directors for Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill and D – Cowichan Bay, have consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3541 – South Cowichan Community Parks Service Amendment Bylaw, 2011".

2. AMENDMENTS

That CVRD Bylaw No. 2232 be amended by:

(a) That Section 1 – Citation text be deleted and replaced with the following:

This bylaw may be cited for all purposes as "CVRD Bylaw No. 2232 – South Cowichan Community Parks Service (Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay) Establishment Bylaw, 2001".

(b) That for assurance, wherever the words "South End" appear in the bylaw that they be deleted and replaced with the words "South Cowichan Community".

.../2

(c) That the words "Fifty Thousand (\$50,000) Dollars", in the first paragraph of Section 5 – Cost Recovery be deleted and replaced with the words "Sixty-Two Thousand Five Hundred Dollars (\$62,500)".

(d) That "CVRD Bylaw No. 3447 – South Cowichan Community Parks Service Amendment Bylaw, 2011", be repealed and replaced with this bylaw.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

I hereby certify this to be a true and correct copy of Bylaw No. 3541 as given Third

Reading on the _____ day of _____, 2011.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

_____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chair

Corporate Secretary



CVRD

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF DECEMBER 7, 2010

DATE: November 26, 2010 BYLAW No.: 3447
FROM: Kathleen Harrison, Legislative Services Coordinator
SUBJECT: South End Community Parks Service Amendment – Requisition Limit Increase.

Recommendation:

That "CVRD Bylaw No. 3447 – South End Community Parks Service Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To introduce CVRD Bylaw No. 3447 that amends South End Community Parks Service Establishment Bylaw No. 2232, by increasing the maximum requisition limit pursuant to CVRD Board Resolution 10-561-4.

Financial Implications:

The maximum amount of money that may be requisitioned annually in support of this service will increase from \$50,000 to \$62,500. If the maximum amount is requisitioned the annual cost to homeowners with a residential property assessed at \$100,000 will increase from \$1.22 to \$1.53 per year.

Interdepartmental/Agency Implications:

This amendment bylaw requires the approval of the service area voters before it can be adopted. Voter approval may be obtained by the Electoral Area Directors consenting, in writing, to the adoption of the Bylaw. Pursuant to *B.C. Reg. 113/2007*, this bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval.

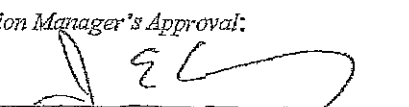
Background:

At its meeting held November 10, 2010, the Board ratified Resolution 10-561-4 that authorized an increase to the requisition limit of the South End Community Parks Service. Therefore, the attached bylaw was drafted for consideration.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator

Attachment: CVRD Bylaw No. 3447

Division Manager's Approval:

Signature



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3447

A Bylaw to Amend the South End Parks Service Establishment Bylaw No. 2232

WHEREAS the Board of the Cowichan Valley Regional District established the *South End Parks Service* under the provisions of CVRD Bylaw No. 2232, cited as "CVRD Bylaw No. 2232 - South End Parks Service (Electoral Areas A - Mill Bay/Malahat, B - Shawnigan Lake, C - Cobble Hill, and D - Cowichan Bay), Establishment Bylaw, 2001";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable and expedient to increase the maximum annual tax requisition limit from \$50,000 to \$62,500 of net taxable value of land and improvements in the service area;

AND WHEREAS the Area Directors for Electoral Areas A- Mill Bay/Malahat, B - Shawnigan Lake, C - Cobble Hill and D - Cowichan Bay, have consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3447 - South End Community Parks Service Amendment Bylaw, 2010".

2. AMENDMENT

That CVRD Bylaw No. 2232 be amended by deleting the words "Fifty Thousand (\$50,000) Dollars", in the first paragraph of Section 5 and replacing them with the words "Sixty-Two Thousand Five Hundred Dollars (\$62,500)".

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.

Chairperson

Corporate Secretary



R14

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 15, 2011 BYLAW NO: 3539

FROM: Kathleen Harrison, Legislative Services Coordinator

SUBJECT: Bylaw No. 3539 – A Bylaw to Create an Annual Financial Contribution Service for the Mill Bay/Malahat Historical Society.

Recommendations:

1. That "CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution 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.
2. That it be recommended to the Board that the Mill Bay/Malahat Historical Society Annual Financial Contribution Referendum be held on Saturday November 19, 2011, in conjunction with the General Local Elections.
3. That it be recommended to the Board that the following question be submitted to the electors of Electoral Area A – Mill Bay/Malahat:

"Are you in favour of the Board of the CVRD adopting "CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2011", which would authorize the CVRD to provide the Mill Bay/Malahat Historical Society with an annual financial contribution of up to \$15,000 per year to assist the Society with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area with an estimated maximum cost to residential property owners (with a residential property assessed at \$100,000) of \$1.54 per annum"? YES or NO?

4. That it be recommended to the Board that the following synopsis of Bylaw No. 3539 be used for the Notice of Voting/Notice of Other Voting:

CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw. This bylaw provides for the following:

- establishing a service to provide an annual financial contribution to the Mill Bay/Malahat Historical Society of up to \$15,000 to assist with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area;
- establishing the boundaries of the service area as the whole of Electoral Area A – Mill Bay/Malahat; and
- annually requisitioning up to the greater of \$.01686 per \$1,000 of net taxable value of land and improvements within the service area or Fifteen Thousand Dollars (\$15,000).

.../2

Relation to the Corporate Strategic Plan:

This bylaw is consistent with the Corporate Strategic Plan objective of achieving excellence through community partnerships.

Financial Impact: (Reviewed by Finance Division: Senf)

If adopted, the costs of the referendum will be recovered from the service once established by bylaw. It is intended that the average annual financial contribution be up to \$10,000, however, initially the annual requisition limit may reach between \$12,000 and \$15,000 to accommodate referendum costs. Therefore, the service establishment bylaw has been drafted with the capacity to absorb the initial referendum costs and a natural progression of inflation over time, curtailing the need to amend the bylaw in the near future to increase the requisition limit. Therefore, the maximum amount of money that may be requisitioned annually in support of this service is the greater of \$15,000 or an amount equal to the amount that could be raised by a property value tax of \$.01686 per \$1,000 of net taxable land and improvements. If the maximum is requisitioned, the cost to taxpayers within the proposed service area with residential property assessed at \$100,000 would be approximately \$1.54 annually.

Background:

At its meeting held July 13, 2011, the Board endorsed resolutions that direct that an annual financial contribution service be created for the Mill Bay/Malahat Historical Society with a maximum annual requisition limit of \$15,000 for the purpose of assisting with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and surrounding South Cowichan area. Therefore, the attached bylaw has been drafted for consideration.

This bylaw requires the approval of the Inspector of Municipalities and the service area voters before it can be adopted. The Board endorsed a further resolution that voter approval to establish this service be obtained through a referendum.

For the purposes of conducting a referendum, the Regional District must follow the legislative requirements as set out in the *Local Government Act* and procedures established by CVRD Bylaw No. 2277 – Elections/Voting Procedures Bylaw, 2001, as amended. A referendum is conducted in the same manner as an election.

The following items need to be addressed by Board resolution:

a) **Other Voting in Conjunction with General Local Elections**

Saturday November 19, 2011 has been identified as Voting Day for the 2011 General Local Elections. As a result, advance voting opportunities will be held on Wednesday November 9th and Tuesday November 15th.

b) **Referendum Question**

For a referendum conducted only in electoral areas, the Board is able to establish the referendum question by resolution (a bylaw is not required). The referendum process is based on the presentation of a Yes/No question to the eligible electors.

c) **Synopsis of Proposed Bylaw**

When a referendum is conducted on a proposed bylaw, the Notice of Voting/Notice of Other Voting must include a full copy of the bylaw or a synopsis of the proposed bylaw. For this referendum, the Notice (which must be advertised in two consecutive issues of a local newspaper) would have to include a full copy the bylaw or a synopsis of the bylaw. In order to reduce overall advertisement costs due to length and frequency, it is recommended that the board approve a synopsis of the proposed bylaw.

A full copy of the bylaw will be available on the CVRD webpage and posted at the appropriate Voting Place for both advance voting opportunities and General Voting Day.

Submitted by,



Kathleen Harrison
Legislative Services Coordinator
Corporate Services Department

Attachments: Bylaw No: 3539

Reviewed by:

Division Manager:

Approved by:

General Manager:



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3539

A Bylaw to Establish a Service to Provide an Annual Financial Contribution to the Mill Bay/Malahat Historical Society

WHEREAS pursuant to Sections 796 and 800 of the *Local Government Act*, a Regional District may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish a service for the purpose of assisting with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay and the surrounding South Cowichan area by the Mill Bay/Malahat Historical Society, within Electoral Area A – Mill Bay/Malahat;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and the *Community Charter*;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2011".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is a service for the purpose of providing an annual financial contribution to assist the Mill Bay/Malahat Historical Society with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay and the surrounding South Cowichan area. The service shall be known as the "Mill Bay/Malahat Historical Society Annual Financial Contribution Service".

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are the boundaries of Electoral Area A – Mill Bay/Malahat.

4. **PARTICIPATING AREA**

Electoral Area A – Mill Bay/Malahat is the only participating area for this service.

.../2

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area;
- b) revenues raised by other means authorized by the *Local Government Act*, or any other Act.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$15,000 or an amount equal to the amount that could be raised by a property value tax of \$.01686 per \$1,000 of net taxable value of land and improvements within the service area.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

I hereby certify this to be a true and correct copy of Bylaw No. 3539 as given Third Reading on the _____ day of _____, 2011.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____ 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



R15

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 19, 2011
FROM: Catherine Tompkins, Senior Planner
SUBJECT: Proposed CVRD Development Approval
Information (DAI) Bylaw No 3540

Recommendation/Action:

That the attached Development Approval Information Bylaw 3540 be considered for first, second, third and final readings.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Development approval information means information on the anticipated impacts of a proposed activity or development on a community. When new developments are approved, they often impact existing services and infrastructure, as well as the natural environment. DAI Bylaws help to ensure that all aspects of a development application are examined carefully, and that measures can then be taken to mitigate impacts on the community, including impacts related to transportation, local infrastructure, public facilities, community services and the natural environment. Development approval information bylaws are a common and effective planning tool in many local government jurisdictions within BC, including in most areas of Vancouver Island, the lower mainland and the Okanagan.

Should DAI Bylaw 3540 proceed to adoption, it would affect all lands within the CVRD electoral areas that are specifically designated as a Development Approval Information Area within an official community plan, in accordance with Section 920.01 of the *Local Government Act*. The South Cowichan Official Community Plan Bylaw 3510 is currently the only OCP in the CVRD that designates lands as a Development Approval Information Area. Policy 25.6 specifically requires development approval information for:

- all zoning bylaw amendments that affect lands outside of a village containment boundary, and
- all zoning amendment applications that would result in five or more parcels of land, or five dwellings, within a village containment boundary.

South Cowichan OCP Policy 25.7 sets out conditions warranting the Development Approval Information designation, and specifically states that, during a zoning amendment process, information will be obtained related to the impacts of a proposed activity or development on the community in matters related to transportation, local infrastructure, public facilities, community services and the natural environment.

The *Local Government Act* does not appear to require the holding of a public hearing, or a public notification procedure for the adoption of a Development Approval Information Bylaw. However, if the Board, at its discretion, determines to hold a public hearing, it is recommended that the hearing be held in the South Cowichan area, where there may be a more immediate impact as lands have already been designated within the South Cowichan OCP as a DIA area.

Options

- 1) That proposed CVRD Development Approval Information Bylaw No.3540 be forwarded to the Board for consideration of first, second, third and final readings.
- 2) That proposed CVRD Development Approval Information (DAI) Bylaw No.3540 be forwarded to the Board for consideration of first and second readings, that a public hearing be held to consider the proposed DAI bylaw, and that a hearing delegation be established through Board resolution.

Recommendation

As proposed Bylaw 3540 would have a procedural impact in Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill) only, and as proposed bylaw 3540 is consistent with the South Cowichan OCP, Option 1 is recommended

Submitted by,



for Catherine Tompkins, MCIP
Senior Planner
Regional and Community Planning
Planning and Development Department

CT/jah

Attachments

Reviewed by:
Division Manager:

Approved by:
General Manager:



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3540

A Bylaw to Establish Development Approval Information Requirements and Procedures

WHEREAS Section 920.01 of the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to designate in an Official Community Plan areas and prescribe circumstances in which development approval information may be required from an applicant for an amendment to a zoning bylaw, a development permit or a temporary commercial or industrial use permit;

AND WHEREAS Section 920.1 of the *Local Government Act* establishes that the CVRD may, by bylaw, establish the procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3540 - Development Approval Information Bylaw, 2011**".

2. DEFINITIONS

"Applicant" means a person who applies for:

- i) An amendment to a zoning bylaw under Sections 903 or 904 of the *Local Government Act*;
- ii) A development permit under Section 920 of the *Local Government Act*; or
- iii) A temporary commercial or industrial use permit under Section 921 of the *Local Government Act*.

"Appropriate Professional" means any professional listed in the table in paragraph 10 that has expertise in the subject matter about which an Applicant may be required to provide a report under this Bylaw.

"Fish Habitat" means aquatic environments, whether marine or freshwater, that either are riparian areas pursuant to the *Riparian Areas Regulation* or are fronting on the seashore or an estuary.

"Officer" means an employee of the Cowichan Valley Regional District who has been delegated the duty of determining whether Development Approval Information is required.

"Wildlife Habitat" means an area where any red or blue listed species, as specified by the British Columbia Conservation Data Centre, are known to frequent.

3. DESIGNATION OF DEVELOPMENT APPROVAL INFORMATION AREAS

Where an Official Community Plan identifies land in an electoral area within the Cowichan Valley Regional District as being an area for which development approval information may be required, the procedures and policies for requiring such information and the substance of such information are set out in this bylaw.

4. APPLICATION THAT MAY NECESSITATE DEVELOPMENT APPROVAL INFORMATION

The requirements of this bylaw apply to lands that are the subject of one of the following types of land use application:

- (a) An amendment to a zoning bylaw under Section 903 of the *Local Government Act*;
- (b) A Development Permit under Section 920 of the *Local Government Act*;
- (c) A Temporary Use Permit under Section 921 of the *Local Government Act*;

Within these areas, an Officer of the Cowichan Valley Regional District, upon receipt of an application, shall determine whether and to what extent development approval information will be required in accordance with this bylaw.

5. PROVISION OF INFORMATION

Where development approval information is to be provided, the information shall be provided by the Applicant, at the Applicant's expense, in the form of a report prepared by the appropriate professional as set out in the table included within section 11 to the Cowichan Valley Regional District within 120 days of the Applicant receiving a written request from the Cowichan Valley Regional District to provide a report.

6. TRANSPORTATION PATTERNS

If an Officer of the Cowichan Valley Regional District requires information in the form of a report related to transportation patterns, including traffic flow, the report must:

- (a) Estimate the number of additional motor vehicle trips per day to be generated by the proposed development and, in the case of phased development, by each phase of the development;
- (b) Provide an analysis of the proposed development's impact on existing public highways identified in the Official Community Plan receiving the increased traffic circulation, including vehicular capacity of the road, size and configuration of intersections, turning lanes, merging lanes, traffic lights and pullout areas;
- (c) Provide an analysis of the impact of the traffic to be generated by the proposed development on nearby and adjacent uses of the land;
- (d) Provide an analysis of the impact of the traffic to be generated by the proposed development on areas where there may be conflict with vehicles, including, without limitation, paths or walking trails and train crossings and other intersection points;
- (e) Provide onsite parking and loading requirements and identify internal circulation routes of the proposed development;

- (f) Provide a breakdown of traffic flows associated with the proposed development as follows:
 - i) Weekday and weekend traffic rates;
 - ii) Peak morning and evening traffic rates;
 - iii) Different rates associated with different land use activities;
 - iv) Percentage of in and out flows;
- (g) Identify any highway upgrading, reconstruction, reconfiguration or expansion to the highways referred to in Section 6(b) that may be necessary in order to accommodate the additional vehicle trips per day to be generated by the proposed development, including the construction of or alterations to intersections, turning lanes, merge lanes, traffic lights and pullout area and their cost and potential funding sources;
- (h) Provide solutions to possible traffic problems in addition to those described in Section 6(g), including, without limitation, opportunities for facilitating mass transit, rail passenger services and access by alternative highways; and
- (i) Have content and form suitable to the Ministry of Transportation and Infrastructure.

7. SEWER, WATER AND DRAINAGE INFRASTRUCTURE

If an Officer of the Cowichan Valley Regional District requires information in the form of a report relating to the impact of development on local infrastructure, the report must:

- (a) Have regard for servicing strategies and policies that may be contained within the Official Community Plan;
- (b) Estimate the demand to be generated by the proposed development for water, and in the case of phased development, by each phase of the development;
- (c) Provide an analysis of existing community water systems and the options available for the supply and delivery of water to the proposed development, in consultation with the water purveyor;
- (d) Provide an analysis of existing community sewer systems if any, and the options available for the treatment and disposal of sewage from the proposed development;
- (e) Estimate the amount of additional surface drainage that would be generated by the proposed development and the options available for on-site retention/absorption, collection, storage and dispersal of such drainage;
- (f) Identify any possible deficiencies of the current water, sewer and drainage systems in dealing with the proposed development; and
- (g) Identify the new capital works required for the proposed development for water, sewer and drainage systems and their cost and the potential funding sources for these expenditures.

8. ENVIRONMENTAL IMPACT ASSESSMENT

If an Officer of the Cowichan Valley Regional District requires information in the form of a report relating to the impact of development on the natural environment, the report shall:

- (h) Have regard to the environmental goals, objectives and policies within the Official Community Plan;
- (i) Identify on the site of the proposed development any of the following physical features, both surface and subsurface:
 - i) Wet lands and bogs;
 - ii) Streams, creeks or rivers, either permanent or intermittent;
 - iii) Lakeshore regions;
 - iv) Foreshore regions;
 - v) Steeps slopes;
 - vi) Flora and fauna;
 - vii) Groundwater - quality and quantity;
 - viii) Fish and Wildlife Habitat;
 - ix) Wildfire hazard interface areas;
 - x) Soil conditions;
 - xi) Surface water drainage patterns; and
 - xii) Bedrock.
- (j) Estimate the volumes of surface drainage waters that would be directed to watercourses and the methods to be used to ensure that contaminants are not released into these waters as a result of the proposed development, and in the case of phased development, each phase of the development;
- (k) Examine the proposed development's impact on the discharge of surface drainage waters in relation to Fish Habitats;
- (l) Examine the potential for the slipping of soil, sand or silt into water courses as a result of the construction of buildings and structures and the installation of paved areas and the removal of trees and other vegetation in connection with the proposed development;
- (m) Examine the impact of the proposed development on the forest, if any, including the trees and under storey, by determining the number and type of trees and type and extent of vegetation, which would be removed to accommodate the proposed development;
- (n) Examine the impact of the proposed development on the Fish and Wildlife Habitat, if any, and alteration of the native fauna associated with such habitat;
- (o) Examine the impact of any proposed road and bridge construction on the watercourses and the banks of such watercourses;
- (p) Provide a plan of revegetation to be undertaken by the Applicant during and following the construction of the proposed development to preserve disturbed soils, prevent erosion and sloughing and restore native flora;
- (q) Examine the site's natural environmental features;
- (r) Examine how the proposed development may impact the environment on the site of the proposed development and adjacent properties;
- (s) Examine how the Applicant proposes to mitigate any potential impacts on the environment; and
- (t) Identify how the Applicant intends to ensure that no foreign materials enter into any water courses, including, without limitation, greases, oils, gasoline, sediments and other contaminants during and after the construction phase of the proposed development.

9. COMMUNITY SERVICES, PUBLIC FACILITIES AND PARKS

If an Officer of the Cowichan Valley Regional District requires a report containing information relating to community services and public facilities, including schools and parks, the report must:

- (u) Consider any goals, objectives and policies contained within an Official Community Plan respecting community services, public facilities and parks;
- (v) Identify the local community services that would be affected by the proposed development including, without limitation, any of the following: the provision of public safety services, including but not limited to: fire, ambulance and police, health care, community meeting space, indoor recreation facilities, outdoor recreational facilities and services;
- (w) Examine the potential financial impacts of the proposed development on the existing community services and public facilities;
- (x) Examine the impact of the proposed development on the number of users of existing community services and public facilities;
- (y) Outline any potential costs and identify possible strategies to mitigate against the potential impacts, including, an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the proposed development, and make recommendations in that regard.

10. OTHER INFORMATION

If an Officer of the Cowichan Valley Regional District requires a report containing information relating to heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases, the report must:

- (a) Have regard for any goals, objectives and policies within an Official Community Plan related to heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases;
- (b) Identify any potential impacts of the proposed development upon heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases;
- (c) Examine ways in which any negative impacts on these matters may be mitigated and make recommendations in that regard.

11. APPROPRIATE PROFESSIONALS

The required development approval information must be prepared by an appropriate professional as outlined in the table below:

TYPE OF INFORMATION	CONSULTANT
Transportation	Traffic Engineer (P. Eng.)
Local Infrastructure (Water, Sewer, Drainage)	Civil Engineer (P. Eng.)
Natural Environment	Registered Professional Biologist (R.P. Bio) Hydrological Engineer (P. Eng.) Geotechnical Engineer (P. Eng.) Professional Geologist or Geoscientist (P. Geo.) Member of Canadian Institute of Planners (MCIP) Registered Professional Forester (RPF) Architect (MAIBC) Landscape Architect (BCSLA) Professional Agrologist (P. Ag.)
Public Facilities and Community Services	Member of Canadian Institute of Planners (MCIP) Architect (MAIBC) Civil Engineer (P. Eng.)
Archaeological Assessment	Professional Archaeologist acceptable to the local first nation(s)
Forestry Resource Lands	Registered Professional Forester (RPF) Member of Canadian Institute of Planners (MCIP)
Agricultural Resource Lands	Professional Agrologist (P.Ag.) Member of Canadian Institute of Planners (MCIP)
Energy Conservation, GHG Reduction	Bachelor's degree in a related scientific field
Employment	Bachelor's degree in Economics, Demography or Economic Development Member of Canadian Institute of Planners (MCIP)

12. MAPPING

If a report includes text and maps, the maps are to be drawn at a scale of 1:2000 or, with the prior approval of the Cowichan Valley Regional District, at a scale of 1:5000.

13. ACCEPTANCE OF REPORT

- (1) Within 60 days of receiving a report from an Applicant, the Cowichan Valley Regional District will decide whether the report is complete.
- (2) If the Cowichan Valley Regional District decides a report is incomplete or deficient it will notify the Applicant in writing of the nature of the deficiencies within 20 days of the determination under (1) above and the Applicant must resubmit the corrected report within 40 days of the Cowichan Valley Regional District's notification that the report is incomplete or deficient.

14. DISTRIBUTION OF REPORT

The Cowichan Valley Regional District may distribute a report to any person and publicize the results of a report.

15. SEVERANCE

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

16. FORCE AND EFFECT

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

Corporate Secretary



R16

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 21, 2011
FROM: Catherine Tompkins, Senior Planner
SUBJECT CVRD Advisory Planning Commission Establishment Bylaw No. 3544

Recommendation/Action:

That proposed CVRD Advisory Planning Commission Establishment Bylaw No. 3544 be forwarded to the Board for consideration of first, second, third and final readings.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Proposed CVRD Advisory Planning Commission Establishment Bylaw No. 3544 intends to repeal existing Bylaw No. 2147 in order to establish procedures for the holding of joint Advisory Planning Commission Meetings in the South Cowichan Official Community Plan Area.

A key implementation strategy for the South Cowichan Official Community Plan is the concept of joint Advisory Planning Commission meetings, to advise the CVRD on matters respecting land use outside of a village containment boundary, where a proposed development would require an amendment to the South Cowichan Official Community Plan.

Specifically, South Cowichan OCP Policy 25.8 states the following:

Policy 25.8: Joint APC meetings, comprised of Electoral Areas A (Mill Bay/Malahat) B (Shawnigan Lake) and C (Cobble Hill), will be held to consider any new application that proposes to:

- a. Amend the text within this main OCP document (excluding Appendices A through C) or the implementing Zoning Bylaw document, where the proposed amendment would affect the South Cowichan rural area;
- b. Amend the OCP to redesignate lands outside of a village containment boundary;
- c. Amend the implementing Zoning Bylaw to rezone lands outside of a village containment boundary;
- d. Amend or expand a village containment boundary;
- e. Otherwise amend the OCP in a manner deemed by the Board to affect more than one electoral area.

Further, OCP Policy 25.9 requires that quorum at a joint APC meeting will be a minimum of five members from the subject electoral area affected by an application, and a minimum of three members from each of the other two electoral areas.

The attached APC Establishment Bylaw would repeal the existing CVRD Advisory Planning Commission Establishment Bylaw No 2147, by accommodating and establishing procedures for the holding of joint APC meetings. All other provisions of Bylaw 2147 would remain in place.

Recommendation

That proposed Bylaw 3544 be forwarded to the Board for consideration of first, second, third and final readings.

Submitted by,



for

Catherine Tompkins, MCIP
Senior Planner
Regional and Community Planning
Planning and Development Department

CT/jah

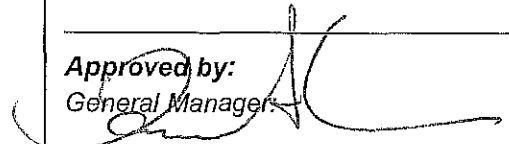
Attachment

Reviewed by:

Division Manager:

Approved by:

General Manager:





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3544

A Bylaw to Establish Advisory Planning Commissions Within the Cowichan Valley Regional District

WHEREAS Section 898(2) of the *Local Government Act* allows the Regional Board to establish one or more advisory planning commissions for one or more electoral areas or portions of an electoral area;

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

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

1. CITATION

This bylaw may be cited for all purposes as the "**CVRD Bylaw No. 3544 - Advisory Planning Commission Establishment Bylaw, 2011**".

2. DEFINITIONS

In this bylaw:

"APC" means Advisory Planning Commission;

"Board" means the Board of Directors of the Cowichan Valley Regional District;

"Commission" means an Advisory Planning Commission established pursuant to this bylaw;

"Community Plan" means an Official Community Plan defined under the *Local Government Act* or an Official Settlement Plan adopted prior to December 2, 1985;

"Joint APC Meeting" means a joint Advisory Planning Commission meeting composed of Advisory Planning Commission members of Electoral Area A – Mill Bay Malahat, Electoral Area B – Shawnigan Lake, and Electoral Area C – Cobble Hill;

"Director" means a member of the Board of Directors of the Cowichan Valley Regional District;

3. ESTABLISHMENT AND APPOINTMENT OF THE COMMISSION

1. An Advisory Planning Commission is established for each Electoral Area:
 - Electoral Area A – Mill Bay/Malahat
 - Electoral Area B – Shawnigan Lake
 - Electoral Area C – Cobble Hill
 - Electoral Area D – Cowichan Bay
 - Electoral Area E – Cowichan Station/Sahtlam/Glenora
 - Electoral Area F – Cowichan Lake South/Skutz Falls
 - Electoral Area G – Saltair/Gulf Islands
 - Electoral Area H – North Oyster/Diamond
 - Electoral Area I – Youbou/Meade Creek
2. The Board, by resolution, shall appoint members to the Advisory Planning Commission on the recommendation of the Electoral Area Director.
3. At least two-thirds of the members of an Advisory Planning Commission for an Electoral Area or part thereof shall be residents of that electoral area.
4. The Electoral Area Director and Alternate Director are not eligible to be members of the Commission but may attend a meeting of the Commission in a resource capacity.
5. In making appointments to the Commissions, the Board shall attempt to ensure that the membership is balanced to represent a cross-section of the people and geographic zones in its area of jurisdiction.
6. Each Commission shall consist of not more than fifteen (15) members.
7. Advisory Planning Commission appointments may be for terms of up to three (3) years expiring on November 30th.
8. No term of appointment shall extend beyond the three (3) year term of the Electoral Area Director unless re-appointed by the Regional Board.
9. The Board shall have the power by an affirmative vote of not less than two-thirds (2/3) of the Directors to remove any member from a Commission at any time.
10. In the event of the resignation or death of a member of the Commission, the Board may appoint by recommendation of the Electoral Area Director, a successor to serve the balance of the term of appointment.
11. Advisory Planning Commission members shall serve without remuneration but they may be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

4. REFERRALS TO THE COMMISSION

1. The Board or an Electoral Area Director of the Board may refer matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*, to an Advisory Planning Commission in order that it may advise the Board or Electoral Area Director on those matters.
2. The Board or an Electoral Area Director of the Board may refer matters respecting land use, community planning or proposed bylaws and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*, to a Joint Advisory Planning Commission Meeting, composed of APC members from Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill).

5. COMMISSION PROCEDURES

1. The Commission shall elect one (1) of its members as Chairperson, another as Vice-Chairperson to act in the absence of the Chairperson, and a Secretary to take minutes of the meetings and record expenses as well as to perform such other secretarial duties as may be required by the Commission. The Chairperson, Vice-Chairperson and Secretary shall hold these positions for one (1) year or until their successors are elected. Such election shall take place at the first meeting of each new year.
2. In the absence of the Chairperson and Vice-Chairperson or Secretary, the Commission shall elect from the members present a temporary Chairperson or Secretary for the purpose of that meeting only.
3. A majority of an Advisory Planning Commission shall be deemed to be a quorum.
4. A schedule of regular meetings including dates, times and location may be forwarded to the Regional Board at the first meeting of each new year.
5. Extraordinary meetings may be scheduled.
6. Meetings may be held in a public facility at a time which is convenient for the general public to attend.
7. An Advisory Planning Commission shall hear all persons who wish to make representations on matters referred to it by the Board or the Electoral Area Director, and it shall be the responsibility of the Chairperson or Secretary of the Advisory Planning Commission to contact those persons for the purpose of informing them of the date, time and location of the meeting at which they will be heard.
8. Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Procedural Bylaw of the Cowichan Valley Regional District.
9. Within fourteen days of a meeting of the Advisory Planning Commission, the Secretary shall forward the minutes of the meeting to the Electoral Area Services Committee of the CVRD.

10. The minutes of the Advisory Planning Commission will be made public after they have been officially received by the Electoral Area Services Committee of the CVRD.

6. PROCEDURES AT JOINT APC MEETINGS

1. At a Joint APC Meeting, the Electoral Area A - Mill Bay/Malahat, Electoral Area B - Shawnigan Lake and Electoral Area C - Cobble Hill Advisory Planning Commissions shall elect from the members present a temporary Chairperson and Secretary for the purpose of that meeting only.
2. Five members from the Advisory Planning Commission within the electoral area subject to an application, and three members from each of the other two electoral areas, shall be deemed to be a quorum.
3. A schedule of regular meetings including dates, times and location may be forwarded to the Regional Board at the first meeting of each new year.
4. Extraordinary meetings may be scheduled.
5. Meetings may be held in a public facility at a time which is convenient for the general public to attend.
6. The Advisory Planning Commissions at a Joint APC Meeting shall hear all persons who wish to make representations on matters referred by the Board or an Electoral Area Director, and it shall be the responsibility of the Chairperson or Secretary of an APC, elected in accordance with Section 5.1 of this Bylaw, to contact those persons for the purpose of informing them of the date, time and location of the meeting at which they will be heard.
7. Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Procedural Bylaw of the Cowichan Valley Regional District.
8. Within fourteen days of a Joint APC Meeting, the Secretary of that Meeting shall forward the minutes of the meeting to the Electoral Area Services Committee of the CVRD.
9. The minutes of the Joint Advisory Planning Commission Meeting will be made public after they have been officially received by the Electoral Area Services Committee of the CVRD.

7. SEVERABILITY

If any section, sentence, clause, phrase, or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

8. REPEAL

Advisory Planning Commission Establishment Bylaw No. 2147, 2000, and its amendments, are hereby repealed.

9. ADOPTION

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

Corporate Secretary



R17

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 2, 2011

DATE: July 25, 2011 **FILE NO:** Procedures and Fees Bylaw

FROM: Mike Tippett, Manager Community & Regional Planning **BYLAW NO:** 3275

SUBJECT: Amending the Procedures and Fees Bylaw to Implement the South Cowichan OCP

Recommendation/Action:

That the draft amendment bylaw to CVRD Development Application Procedures and Fees Bylaw No. 3275 be forwarded to the Board for consideration of three readings and adoption at the next meeting.

Relation to the Corporate Strategic Plan:

Implements South Cowichan Official Community Plan, which in turn implements key elements of the Corporate Strategic Plan.

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

The Procedures and Fees Bylaw requires an amendment in order to implement the new South Cowichan Official Community Plan for Electoral Areas A, B and C. The areas of Bylaw 3275 requiring amendment are as follows:

1. Adding a provision for the holding of joint APC meetings;
2. Adding delegation powers to staff for DP issuance for Farm Protection DPAs or DP applications that deal with farm protection guidelines only;
3. Adding delegation powers to staff for DP issuance for Marine Riparian DPAs or DP applications that deal with marine riparian guidelines only;
4. Amending the fee schedule for Development Permit applications by removing the reference to Mill Bay DPA and reconfiguring the fee schedule on the basis of guideline categories rather than the name of the development permit area.

These changes collectively will adapt the Procedures and Fees Bylaw to the new OCP.

A draft of the amendment bylaw is attached to this report for information purposes.

Submitted by,

Mike Tippett, MCIP
Manager
Community and Regional Planning Division
MT/jah
Attachment

Approved by:
General Manager:



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3547

A Bylaw to Amend Cowichan Valley Regional District Development Application Procedures and Fees Bylaw No. 3275

WHEREAS the Board of Directors of the Cowichan Valley Regional District has adopted a procedures and fees bylaw pursuant to Sections 895 and 931 of the *Local Government Act*, that being CVRD Development Application Procedures and Fees Bylaw No. 3275;

AND WHEREAS the Board of Directors of the Cowichan Valley Regional District believe it to be in the public interest to amend CVRD Development Application Procedures and Fees Bylaw No. 3275 by altering provisions of the bylaw in order to improve its administration following the adoption of a new Community Plan in Electoral Areas A, B and C;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3547 - Procedures and Fees Amendment Bylaw, 2011**".

2. DEFINITIONS

1. CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009 is hereby amended as follows:

i) That Section 6 is amended by deleting (c) and replacing it with the following:

c) Written reports prepared by Planning and Development Department staff shall be submitted to the appropriate Advisory Planning Commission (APC) or more than one APC as specified in an Official Community Plan, for applications for OCP amendments, zoning amendment and for development permit applications (subject to 7 below);

ii) That Section 7 is amended by adding the following to the list of development permit areas within which staff may issue development permits, under the direction of the General Manager of Planning and Development:

d) where a development permit has been applied for in an Agricultural Protection Development Permit Area, or, for a multi-purpose development permit area, where the application is exclusively pursuant to agricultural protection guidelines;

e) where a development permit has been applied for in a Marine Riparian Development Permit Area, or, for a multi-purpose development permit area, where the application is exclusively pursuant to marine riparian protection guidelines.

iii) That Schedule B is deleted and replaced by the following:

FEE SCHEDULE - DEVELOPMENT PERMIT

<u>TYPE OF GUIDELINES</u>	<u>FEE</u>
<u>Environmental Protection, Natural Hazard and RAR Guidelines Only:</u>	\$200.00, plus an additional \$200 for each new parcel or dwelling unit proposed
<u>Agricultural Protection Guidelines Only:</u>	\$50.00, plus an additional \$50 for each new parcel or dwelling unit proposed
<u>Sign Guidelines Only:</u>	\$20.00 for signs less than 1 m ² \$40.00 for signs between 1 and 3 m ² \$100.00 for signs larger than 3 m ²
<u>Multiple Family or Intensive Residential Form and Character Guidelines Only:</u>	\$400.00 plus an additional \$200 for each new dwelling unit proposed
<u>Commercial or Industrial Form and Character Guidelines Only:</u>	\$400.00 plus an additional \$100.00 for each additional 100 m ² of gross floor area beyond the first 100 m ²
<u>All Other Types of Guidelines:</u>	\$200.00 an additional \$200 for each new parcel or dwelling unit proposed

NOTES:

1. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an Application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000.00 maximum) before the review is undertaken.
2. The fees in the above schedule are not cumulative. That is, where a single development proposal is subject to more than one of the guideline categories listed above, the total application fee will be that which would be charged for the most expensive single guideline category.
3. In the event that the application is approved by the Regional Board, a further charge of \$25.00 per parcel shall be payable at the time of, but prior to, issuance of the permit so as to cover the cost of filing notice at the Land Titles office.
4. Where a development permit application also includes a proposed variance, an additional \$200.00 fee is required.

3. FORCE AND EFFECT

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

Corporate Secretary



R18

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF AUGUST 2, 2011**

DATE: July 27, 2011 **FILE NO:** 1-E-11 RS
FROM: Rob Conway, MCIP **BYLAW NO:** 3536
Manager, Development Services Division
SUBJECT: Rezoning Application 1-E-11RS (Alderlea Farm)

Recommendation/Action:

That second reading of Zoning Amendment Bylaw No. 3536 (Alderlea Farm) be rescinded and the amended bylaw be granted second reading.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Summary:

At the July 13, 2011 Board meeting, first and second reading was granted to Zoning Amendment Bylaw No. 3536 (Alderlea Farm). It has since been noticed that there is an error in the bylaw that should be corrected before the public hearing occurs.

The correction notes that the current zoning of the property is Rural Residential (R-1) rather than Suburban Residential (R-2). A copy of the amended bylaw with the changes highlighted is attached.

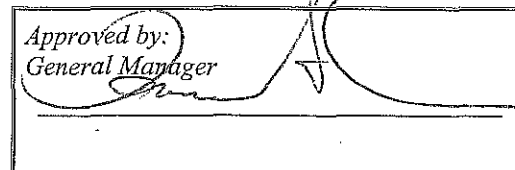
Submitted by,

A handwritten signature of Rob Conway, MCIP, is written over a horizontal line.

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

RC/jah

Attachment





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3536

A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840 Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3536 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Alderlea Farm), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

a) That the following definition be added to Section 3.1:

"local farm products" means commodities grown or reared on a farm within 160 km (100 miles).

b) That Section 7.7(a) be amended to add "processing, storage and retail sales of local farm products" and "food and beverage café, accessory to a use permitted in 7.7(a)(2) and (3)*" to the list of permitted uses.

../2

- c) That Section 7.7(a) be amended to remove "one single family dwelling accessory to a use permitted in 7.7(a)(1) and (2) above" from the list of permitted uses
- d) That Section 7.7(b)(1) be amended to reduce the maximum permitted parcel coverage from 60% to 30%.
- e) That the following Condition of Use be added after Section 7.7(b)(1):
 - (2) Notwithstanding Section 7.7(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;
- f) That Section 7.7 (b) be amended to change the heading of Column II from "Residential and Accessory Uses" to "Non-Agricultural Principal and Accessory Uses".
- g) That Section 7.7(b) be amended by adding the following conditions of use:
 - (6) food and beverage café use shall not exceed 125m2 of indoor floor area and 125 m2 of outdoor patio and deck area, and a maximum seating capacity of 65 persons.
 - (7) A slaughterhouse, abattoir or stockyard shall be specifically prohibited.
- h) That Section 7.7(c) be amended to change the minimum parcel size in the A-5 zone from 1.0 ha. to 5.0 ha.
- i) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 be amended by rezoning Lot 4, Section 11, Range 4, Quamichan District, Plan 5021, except that part in Plan 33417, as shown outlined in the solid black line on Plan Number Z-3536 on Schedule A attached hereto and forming part of this bylaw, be rezoned from ~~Suburban Rural Residential (R-2)~~ R-1 to Agricultural Market (A-5).

3: FORCE AND EFFECT

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.

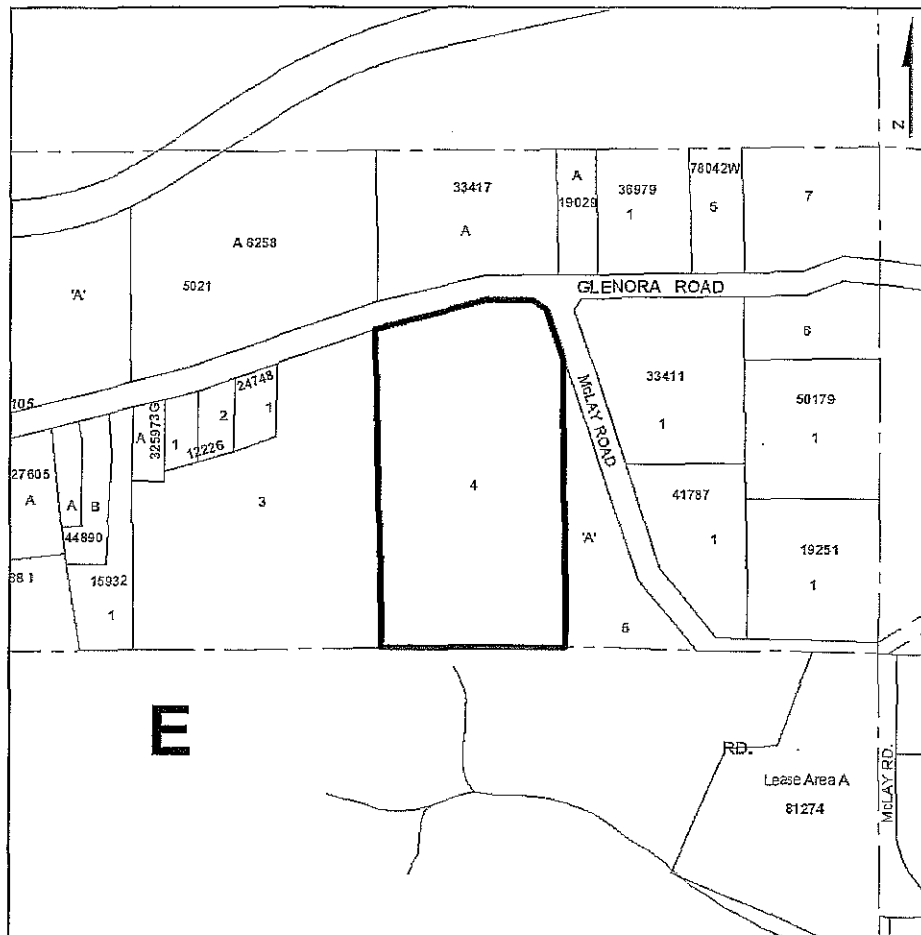
Chairperson

Corporate Secretary

PLAN NO. Z-3536

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3536



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

Suburban Rural Residential (R-2) (R-1) **TO**

Agricultural Market (A-5) **APPLICABLE**

TO ELECTORAL AREA E



R19

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 2, 2011

DATE: July 25, 2011

FILE NO: 6-A-10 DP/RAR

FROM: Rachelle Moreau, Planner I

BYLAW NO: 1890

SUBJECT: Development Permit Application 6-A-10DP/RAR (Ocean Terrace)

Recommendation/Action:

That Board Resolution No. 11-352.9 which approved Development Permit Application No. 6-A-10 DP/RAR subject to conditions specified in the resolution be amended by replacing item c) with *"Rainwater management system to be developed in accordance with the Rainwater Master Plan dated June 7, 2011 and the Storm Water Technical Memorandum – Ocean Terrace Subdivision – Phase 1 dated June 8, 2011; and that future phases of single family residential, multi-family residential and commercial development be required to use a variety of source control techniques that would provide for onsite infiltration. Specific techniques include rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others, and a rainwater plan demonstrating where and how these will be used will be required at each subdivision phase."*

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

At its meeting of July 5, 2011, the Electoral Area Services Committee passed a resolution recommending approval of the Development Permit application for Ocean Terrace, subject to conditions.

CVRD staff have been in consultation with the applicant regarding how he intends to satisfying the conditions. The following sections identify the EASC conditions identified in bold and how the issues are expected to be addressed in italics:

- a) **Widening the highway buffer to a minimum 20 metres** – *Site plan has been revised to show 20 m. buffer;*
- b) **Connecting Roads E and F by a road connection to provide for a secondary access from Road F, in consultation with the Ministry of Transportation and Infrastructure (MoTI)** – *Discussions with the MoTI indicate that a road connection is desired between Roads E and F in order to improve connectivity and provide for emergency access. Under the current proposal, there are approximately 104 lots that will only have access from Road E. The developer has indicated that he will include a road connection on the plan, however he has also advised that due to the topography a road connection may not be feasible. The MoTI is prepared to assess the practicality of establishing a road connection at the time the relevant phase is developed. However, in the meantime, CVRD staff are recommending it be included in the plan to communicate it as a priority. The applicant has amended the site plan to show the connection, but has*

noted the connection is conditional on MoTI approval and the ability to fit the road within a 20 metre right of way.

- c) **Rainwater management system to provide for on-site infiltration galleries on each single family lot** – *Developer has requested that due to the soil conditions, it is not feasible to include on-site systems for each single family lot. The proposed rainwater management system includes infiltration galleries on some lots in Phase 1 and in later phases. To mitigate the impacts of increased runoff due to development and to maintain downstream natural drainage flows, they propose to use two storage ponds to store the difference between the 5 year pre- and post development flows. The system will be piped and ultimately discharged to an outfall into the creek on the east side. As noted, the drainage is expected to be managed by the CVRD Engineering and Environmental Services Department, who have reviewed and are agreeable to the proposed plan.*

As a condition of approval of the Development Permit, staff recommend accepting the plan for Phase 1, and in general support the overall plan as proposed. However, the permit should specify that subsequent phases and the multi-family and commercial development should be required to use a variety of source control techniques that would provide for onsite infiltration, and that an appropriate standard be established. Specific techniques would include rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others.

- d) **Sediment and erosion control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish- or amphibian-bearing streams and that the plan be provided to CVRD prior to each phase** – *Will be provided at each phase of the subdivision, and will include specific measures to ensure that development is conducted in a manner that does not negatively impact streams.*
- e) **Receipt of a tree assessment and retention plan prior to tree clearing in future phase in order to identify patches of trees/wildlife corridors that can be kept, and provide recommendations for mitigation from wind throw within park areas** – *The developer has advised that most trees will be cleared from the lots. Staff recommend that the tree assessment be required, prior to clearing at each subdivision phase, in order to identify any potential wildlife trees (and their associated protection measures), any patches of trees that can be kept on lots – possibly small trees that can be kept and adapt to the changing conditions around them – and to provide a buffer along the rear property lines adjacent to park areas. It is particularly important to leave as many trees as possible along the park boundaries to protect the trees in the park from windthrow, and to ensure that any hazard trees resulting from the tree clearing can be removed/treated on the residential lots. This will hopefully maintain the integrity of the park areas, and discourage tree clearing within the park areas.*

As a condition of the Development Permit, treed areas will be required to be left along the park boundaries on the residential lots, and any wildlife trees and associated buffer areas will be protected. The widths of the buffers will be determined through the tree assessment.

- f) **Areas of natural forest be allowed to remain on residential lots, and building footprints located in a sensitive manner** – *As noted above, the tree assessment will be required prior to tree clearing at each phase. The biggest opportunity for tree protection will likely be for wildlife trees and forested buffers along the back edge of residential properties where they border the park.*

- g) **Phasing to be generally in compliance with the June 9, 2011 Phasing Plan** – *The approved phasing plan will be attached as part of the development permit.*
- h) **Trails and emergency access connections to be constructed to CVRD Standards** – *Secured through the park amenity covenant.*
- i) **The single family lot on the northwest corner of central park be relocated and that this area be dedicated parkland** – *The developer has agreed to dedicate the additional area within the central park. In exchange for this additional area within the central park, he has requested that the trail corridor shown on the plan between lots 16-20 and 21-25 be removed. Parks staff have advised that this is acceptable since the additional area within the central park will provide better quality park space, while still retaining access from Road B to the wetland park (should it be developed as such).*
- j) **Implement a 7.5 metre height restriction on the multi-family units between Sangster Road and the Trans Canada Highway** – *This will be secured through covenant registered prior to issuance of the Development Permit*
- k) **Provide a pre-emption light at the Butterfield Road and Trans Canada Highway intersection** – *The applicant has agreed to provide the pre-emption light as a permit condition.*
- l) **A sprinkler system be installed, for safety purposes, in all the multi-family units** – *The applicant has agreed to install sprinklers in the multi-family units.*

And further that prior to issuance of the Development Permit:

- m) **The site plan is revised in the manner noted above** – *The site plan has been revised to include the additional 5 metres of highway buffer, the additional area within the central park, removal of the park corridor between lots 16-20 and 21-25 and to include a road connection between Roads E and F.*
- n) **A covenant be registered on title to secure the park dedication and park amenity commitments** – *This covenant will be prepared and registered prior to issuance of the Development Permit.*
- o) **A covenant is registered on title that would assign density to the multi-family sites and secure other development permit requirements as necessary** – *To be registered prior to issuance of the Development Permit.*

At the July 5, 2011 Electoral Area Services Committee (EASC) meeting, there was some discussion regarding transit opportunities for the development. BC Transit indicated in their letter (attached) that transit for the development will not be forthcoming in the short to medium term. However, they also stressed that supporting infrastructure for bus stops should be considered within the development. In order to address this, staff recommend that BC Transit and the Ministry of Transportation and Infrastructure (MoTI) be consulted at each stage to identify whether transit service potential bus stops can be accommodated.

If the EASC is supportive of the approaches to satisfying the conditions from the July 5, 2011 resolution, the only changes to the resolution passed by the Board (at its July 13, 2011 meeting resolution number 11-352.9) would be as follows:

Item c) **"Rainwater management system to provide for on-site infiltration galleries on each single family lot"** be amended to read as follows:

"Rainwater management system to be developed in accordance with the Rainwater Master Plan dated June 7, 2011 and the Storm Water Technical Memorandum – Ocean Terrace Subdivision – Phase 1 dated June 8, 2011; and that future phases of single family residential, multi-family residential and commercial development be required to use a variety of source control techniques that would provide for onsite infiltration. Specific techniques include rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others, and a rainwater plan demonstrating where and how these will be used will be required at each subdivision phase."

South Cowichan Official Community Plan:

At its July 13, 2011 Board meeting, the CVRD Board adopted Bylaw No. 3150, the South Cowichan Official Community Plan (OCP) as well as a resolution to approve Development Permit Application 6-A-10 DP/RAR (Ocean Terrace).

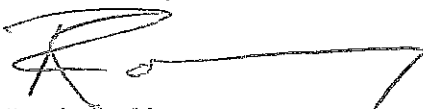
The new OCP provides policies and new Development Permit Area guidelines relevant to the Ocean Terrace lands. However, adoption of this plan does not currently affect the subdivision as Section 943 of the *Local Government Act* states that a bylaw which was adopted after receipt of a subdivision application has no effect on the subdivision application for a period of one year from the date of adoption, unless the applicant has agreed in writing. At this time, the Board has approved the Development Permit subject to conditions, therefore we will move forward under the current regime. Any subsequent Development Permit applications (i.e. for the commercial, multi-family developments) will be subject to the guidelines of the new OCP. If the Development Permit lapses (i.e. no development occurs within 2 years), the development would be subject to the requirements of the new OCP.

Options:

1. That Board Resolution No. 11-352.9 which approved Development Permit Application No. 6-A-10 DP/RAR subject to conditions specified in the resolution be amended by replacing item c) with *"Rainwater management system to be developed in accordance with the Rainwater Master Plan dated June 7, 2011 and the Storm Water Technical Memorandum – Ocean Terrace Subdivision – Phase 1 dated June 8, 2011; and that future phases of single family residential, multi-family residential and commercial development be required to use a variety of source control techniques that would provide for onsite infiltration. Specific techniques include rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others, and a rainwater plan demonstrating where and how these will be used will be required at each subdivision phase."*
2. That Board Resolution No. 11-352.9 not be amended, and Development Permit Application No. 6-A-10 DP/RAR be approved subject to the conditions noted in the resolution.

Option 1 is recommended.

Submitted by,



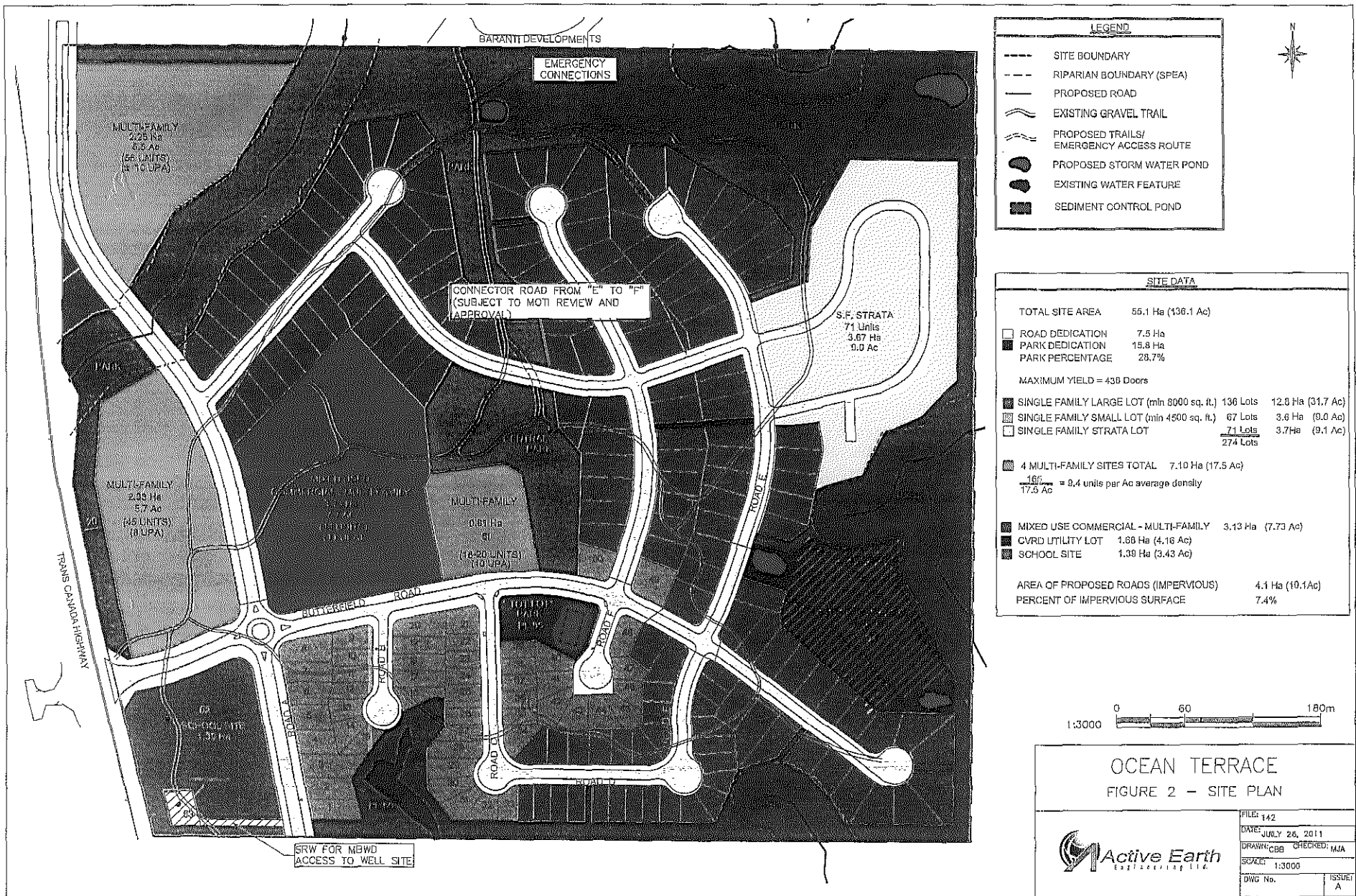
For: Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department
RM/jah
Attachments

Reviewed by:

~~Division Manager:~~

Approved by:

General Manager:



Ocean Terrace Subdivision – Phase 1

Technical Memorandum #1 – Revision 1

Project: 10 - 113

To: Active Earth Engineering Ltd.

Attn: Mike Achtem, P.Eng.

From: Ian M. Jesney, P.Eng.

Date: June 8, 2011

Re: Storm Water Technical Memorandum – Ocean Terrace Subdivision – Phase 1

Purpose

The purpose of this technical memorandum is to provide an overview of the storm water design that will supplement the Rainwater Master Plan (see Active Earth Figure 8, attached). While the discussion topics relate to the entire site, the specifics of this memorandum are limited to Phase 1 of the development. Topics to be covered are:

- Site Overview
- Design Criteria
- Storm Water Design Philosophy

Site Overview

The site is referred to as the Ocean Terrace Subdivision and is located on the east side of the Trans Canada Highway at Butterfield Road in Mill Bay, B.C. The site is defined by underlying bedrock overlain by glacial tills. Site slopes are generally moderate, sloping from west to east with some local steep slopes defined by bedrock outcrops.

The pre-development site was forested with moderate to heavy underbrush. Drainage patterns followed the general contours and culminated in the formation of various natural drainage paths on the north east and south east corners of the site while the major natural drainage path is on the central east border of the site. (See attached Figure 8). Phase 1 of the development will primarily involve this central east border drainage path.

The post development Phase 1 site will have all the trees and vegetation removed on all roads and residential lots. Future phases may have different clearing parameters depending on the type of development proposed in each phase. Storm water in phase 1 will be collected following the same general west to east flow with all collected flows discharging into the natural drainage path on the central east border of the site.

Design Criteria

All storm water design requirements are set by the Ministry of Transportation and Infrastructure and are defined in their "Supplement to TAC Geometric Design Guide", reference Section 1010. The requirements for the systems proposed in Phase 1 are:

- Underground storm sewers – 10 year return intensity. Storm sewer capacity will be calculated using the Rational Method and sized to carry flows without consideration for storage.
- Above ground channel routing – 100 year return intensity. Channel capacity will be calculated using a hydrograph method and multiple storms modeled to determine peak flows.
- Storage ponds – 5 year return intensity. Storage volumes will be calculated using a hydrograph method and multiple storms modeled to determine peak storage volumes.

All hydrograph modeling will be done using HydroCAD modeling software using Municipality of North Cowichan IDF curves and SCS Type 1A hyetographs.

Erosion and sediment control requirements will be based on "Fisheries and Oceans – Land Development Guidelines for the Protection of Aquatic Habitat".

Storm Water Design Philosophy

The main goals of a prudent storm water design are:

- to mitigate the impacts of increased run off due to development while maintaining downstream natural drainage courses. Mitigation is typically achieved with the use of on-site storage. In the case of this site both dry and wet storage ponds are proposed.
- to protect property and downstream drainage courses with the proper design and routing of the major flood paths. Erosion and sediment control are key, as well as velocity control through the use of energy dissipation in flow channels and outlets.

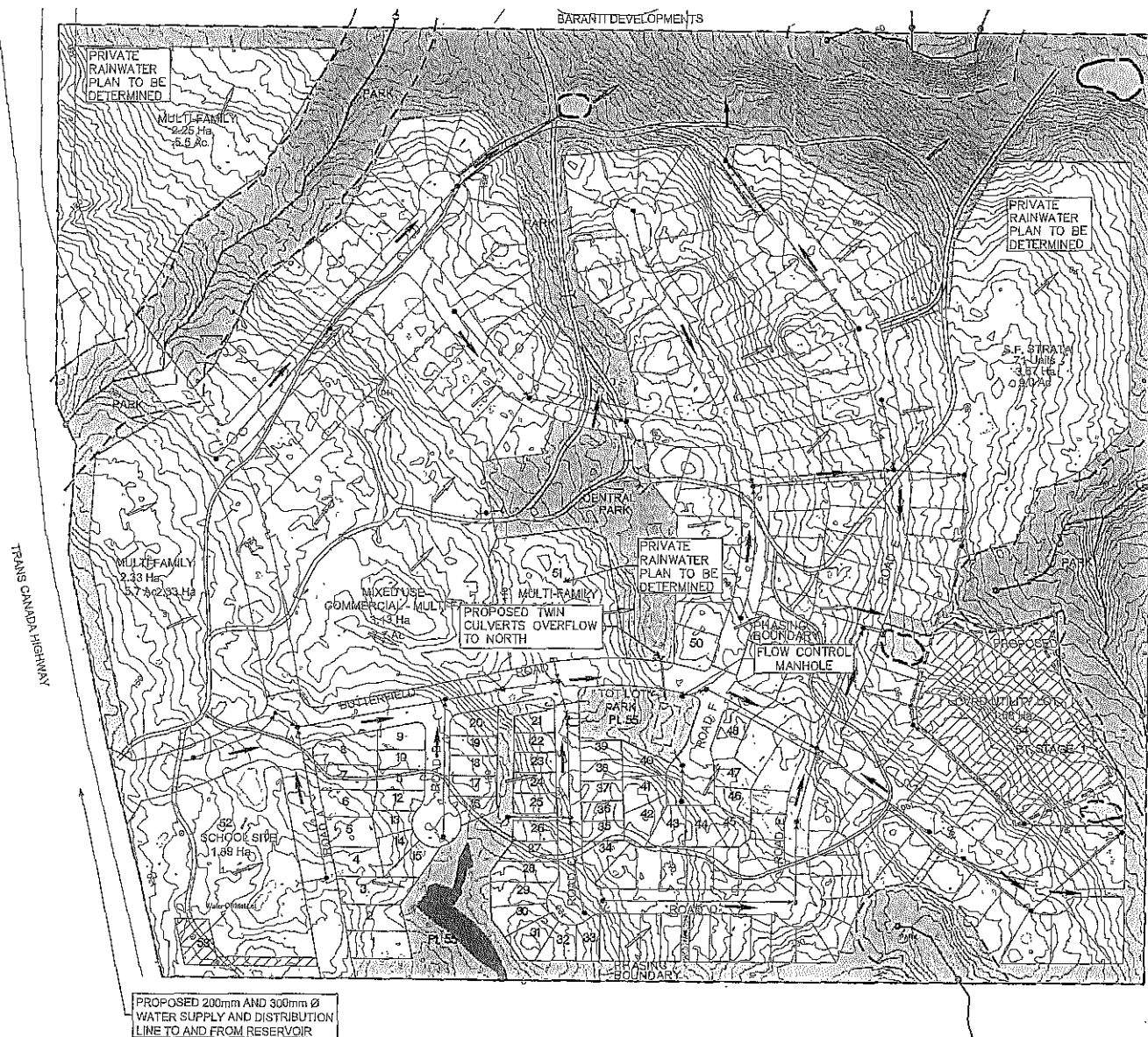
The Phase 1 site will route the post development storm water flows through the following combination of facilities:

- Underground piped system carrying the 10 year flows.
- Above ground channel routing (primarily in the roads) combined with other surface channels to route the 100 year flow. Energy dissipation as well as erosion and sediment control are key to properly controlling these flows, particularly where they discharge to natural drainage paths.

- Storage ponds to store the difference between the 5 year pre and post development flows. To enable these ponds to store water properly flow control structures with orifices will be required. There are two proposed ponds in Phase 1. The upstream pond is located on the south west corner of the intersection of Butterfield Rd. and Road F and would be designed as a dry pond that only backs up in rain events. Storm water would exit this pond through ground infiltration with an unlined base and through a flow control orifice. It would have 6:1 side slopes and be unfenced and available in dry conditions for other recreational uses. The second pond is downstream on Road E and would function as a wet pond because it is near the sewage disposal area and ground infiltration should be restricted as much as possible. It will be a lined pond with steeper walls and will have to be fenced for liability concerns. Storm water would exit this pond through a flow control orifice. Both ponds would have major flood path overflow channels.
- Infiltration galleries on individual lots will be considered as per Figure 8, subject to on-site hydraulic testing by a certified hydrogeologist. However, rainwater modelling will assume that all site drainage will flow into proposing piping and pond network.

Closing

The preceding information is based on our understanding of the regulatory requirements for this specific site. If other regulatory requirements come to light that impact the design and construction of the storm water systems for this site, then the design criteria would be adjusted accordingly.



LEGEND

- SITE BOUNDARY
- RIPARIAN BOUNDARY (30m SPEA)
- PHASE 1 BOUNDARY
- EXISTING WATER COURSE
- EXISTING GRAVEL TRAIL
- PROPOSED TRAILS/ EMERGENCY ACCESS ROUTE
- CULVERT
- PROPOSED STORM WATER POND
- EXISTING WATER FEATURE
- SEDIMENT CONTROL POND DURING CONSTRUCTION
- EXISTING OVERLAND FLOW
- PROPOSED U/G DRAIN PIPING
- PROPOSED DRAIN MANHOLE
- LOTS TO HAVE PRIVATE ON-SITE EXFILTRATION BASINS
- PROPOSED BIOSWALE/RAIN GARDEN / OVERLAND DRAINAGE COURSE
- PROPOSED 100 YEAR FLOOD ROUTE

1:3000 0 60 180m

OCEAN TERRACE
FIGURE 8 — RAINWATER MASTER
PLAN



FILE: 142
DATE: JUNE 07, 2011
DRAWN: CBB CHECKED: JMA
SCALE: 1:3000
DWG No. A

Ocean Terrace Subdivision – Phase 1

Technical Memorandum #2

Project: 10 - 113

To: Active Earth Engineering Ltd.
Attn: Mike Achtem, P.Eng.

From: Ian M. Jesney, P.Eng.

Date: July 21, 2011

Re: Detention Pond Technical Memorandum – Ocean Terrace Subdivision – Phase 1

Purpose

The purpose of this technical memorandum is to discuss the design parameters and modeling results for the detention of post development storm water runoff for Phase 1 of the Ocean Terrace Subdivision.

- Site Overview
- Design Parameters
- Results

Attachments included with this memorandum are:

- Detention Pond #1 – Plan and Sections – SK-01
- Detention Pond #2 – Plan and Sections – SK-02
- Pre – Development Drainage Areas – SK-03
- Post Development Drainage Areas – SK-04
- Modeling Diagram for Pre – Development Analysis
- Modeling Diagram for Post Development Analysis
- Pre – Development Outlet Hydrograph
- Post Development Pond Outlet Hydrograph
- Discharge – Storage Graph for Pond Sizing

Site Overview

The site is referred to as the Ocean Terrace Subdivision and is located on the east side of the Trans Canada Highway at Butterfield Road in Mill Bay, B.C. The site is defined by underlying bedrock overlain by glacial tills. Site slopes are generally moderate, sloping from west to east with some local steep slopes defined by bedrock outcrops.

The pre-development site was forested with moderate to heavy underbrush. Drainage patterns followed the general contours and culminated in the formation of various natural drainage paths on the north east and south east corners of the site while the major natural drainage path is on the central east border of the site. Phase 1 of the development will primarily involve this central east border drainage path.

The post development Phase 1 site will have all the trees and vegetation removed on all roads and residential lots. Future phases may have different clearing parameters depending on the type of development proposed in each phase. Storm water in Phase 1 will be collected following the same general west to east flow with all collected flows discharging into the natural drainage path on the central east border of the site.

Design Parameters

All storm water design requirements are set by the Ministry of Transportation and Infrastructure and are defined in their "Supplement to TAC Geometric Design Guide", reference Section 1010.

The requirements for the detention ponds proposed in Phase 1 are that storage be provided to store the difference between the pre and post development storm water runoff using a 5 year return intensity. Storage volumes are to be calculated using a hydrograph method.

To meet the requirements preceding the following was carried out:

- Determined drainage areas and prepared a hydrograph model for the pre-development site condition. (Attached SK-03 and Pre-Development Drainage Diagram)
- Determined drainage areas and prepared a hydrograph model for the post development condition. (Attached SK04 and Post Development Drainage Diagram)
- Modeled 6 hr, 12 hr, 18 hr and 24 hr rainfall events for each of the hydrograph models to determine peak storage requirements.
- Calculated a theoretical storage requirement for the entirety of Phase 1. (Attached Discharge – Storage Graph for Pond Sizing)
- Prepared sketches of the two proposed pond locations to ensure storage requirements could be met. (SK-01 and SK02)

Modeling carried out does not consider either in-pipe storage nor infiltration. Therefore the results are conservative in nature.

All hydrograph modeling was done using HydroCAD modeling software (Version 9.1) using Municipality of North Cowichan IDF curves and SCS Type 1A distribution.

Results

The rainfall event that resulted in the peak storage condition was an 18 hr. event. Results of applying that event to the pre and post development conditions produced the following results:

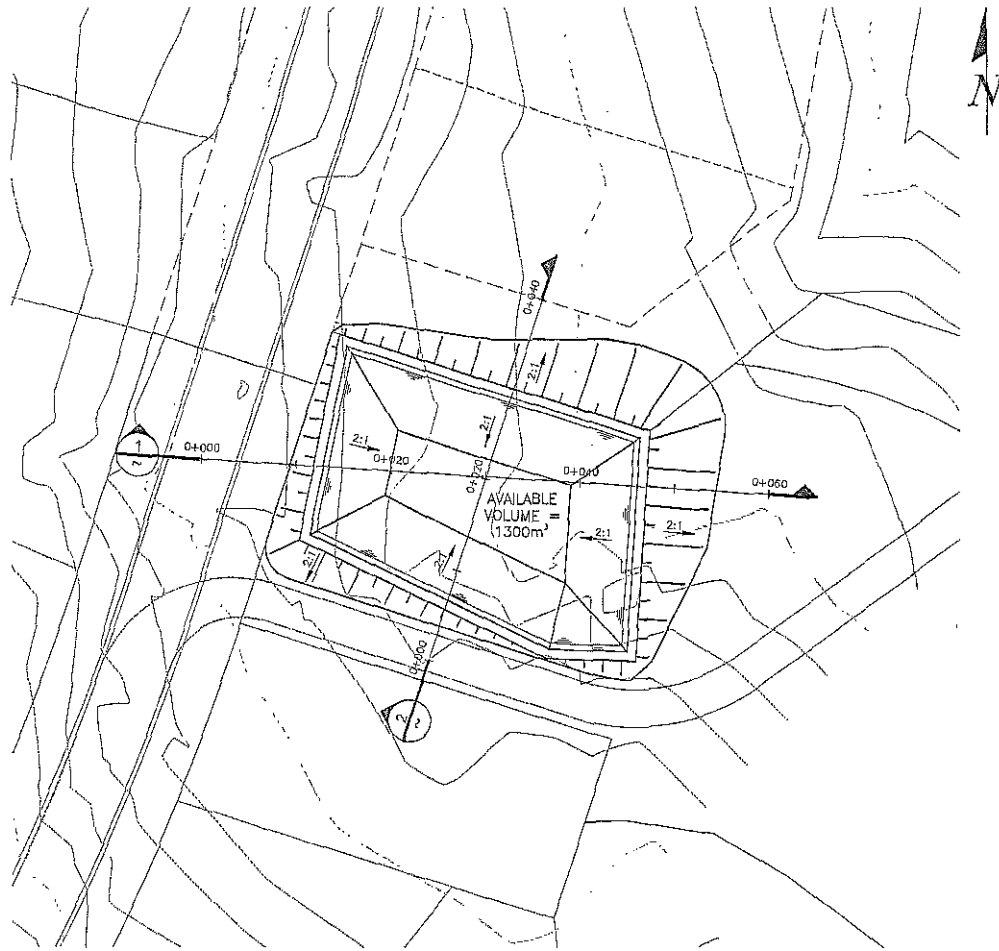
- Peak pre-development flow at the discharge point is 0.0776 m³/s. (Attached Pre-Development Outlet Hydrograph)
- Peak post development flow at the pond discharge point with no storage is 0.4243 m³/s. Attached Post Development Pond Hydrograph)
- Using the attached Discharge-Storage Graph for Pond Sizing the storage requirement is calculated to be 3,200 m³.
- Two pond locations have been determined and are shown on the attached SK-04. Details of these ponds are shown on attached SK-01 and SK-02.
- Pond #1 will be a dry multi-use area with 3:1 side slopes on the west and south sides and 6:1 side slopes on the north and east sides. On the sides where the slopes are 3:1 security fencing will be required to ensure access is only on the flatter 6:1 slopes. The estimated volume of the pond is 2200 m³. This pond will have the capability for groundwater recharge as the bottom will not be sealed.
- Pond #2 will be a dry lined pond with 2:1 side slopes on all sides. Lining is required throughout the pond due to it's proximity to the sewage disposal fields. Security fencing will be required around the entire pond. The estimated volume of the pond is 1,300 m³ and it will have no capability for groundwater recharge.

Given the preceding, the available volume for total storage on the two sites identified exceed the design requirements.

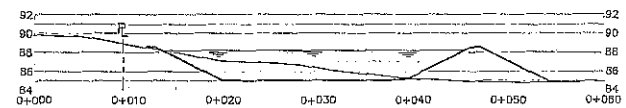
Closing

Sizing of piping for discharge controls, flow control structures and detailed design of the ponds will take place in completing the detailed design drawings for Phase 1.

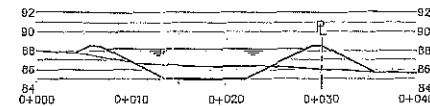
The preceding information is based on our understanding of the regulatory requirements for this specific site. If other regulatory requirements come to light that impact the design and construction of the detention pond systems for this site, then the design criteria would be adjusted accordingly.



PLAN - POND
SCALE HOR: 1:500



1 SECTION
HOR: 1:500
VERT: 1:500



2 SECTION
HOR: 1:500
VERT: 1:500

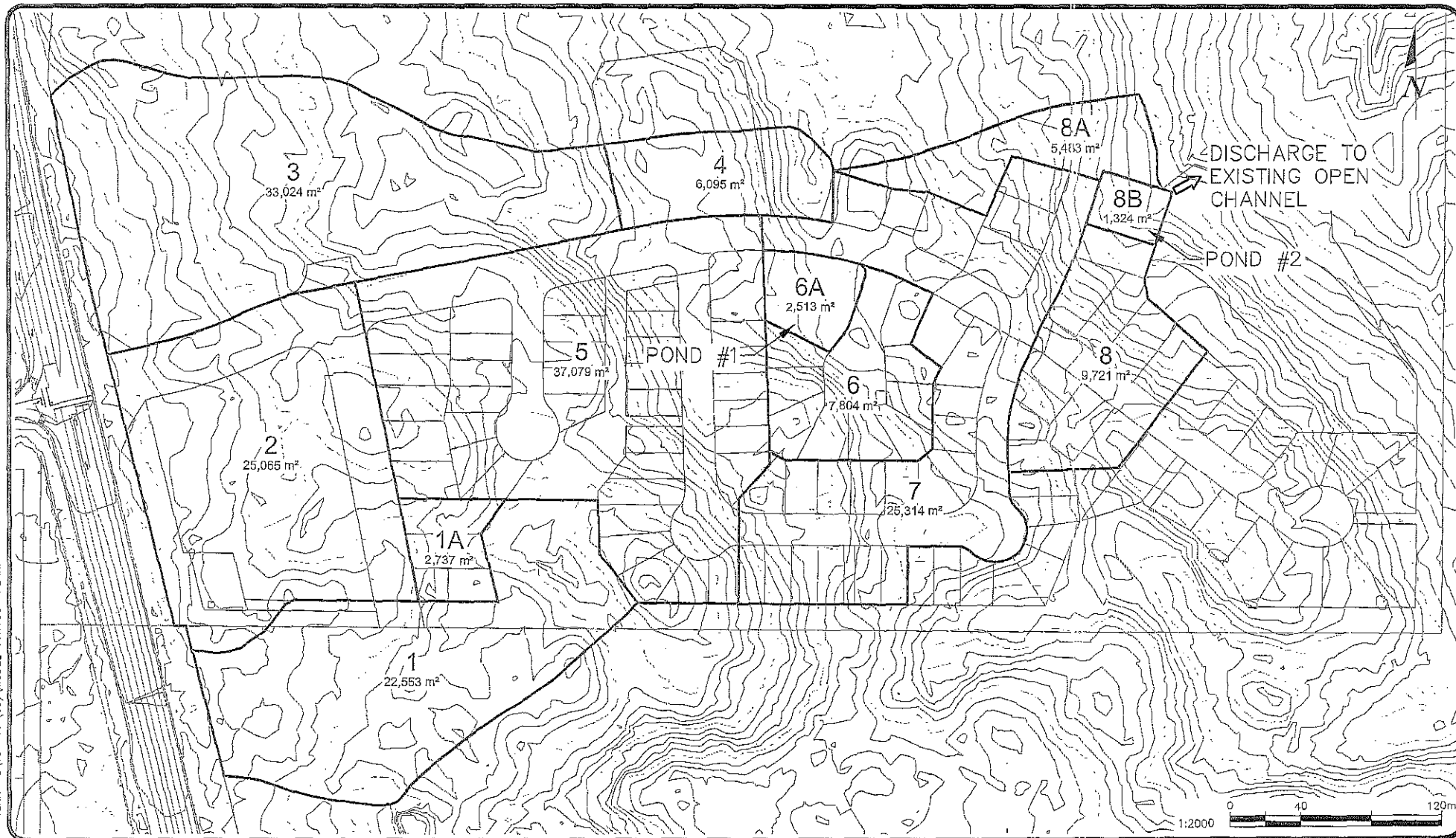
PRELIMINARY
FOR DISCUSSION
PURPOSES ONLY



OCEAN TERRACE - PHASE 1
OCEAN TERRACE PROPERTIES LTD.

DETENTION POND #2 - PLAN AND SECTIONS

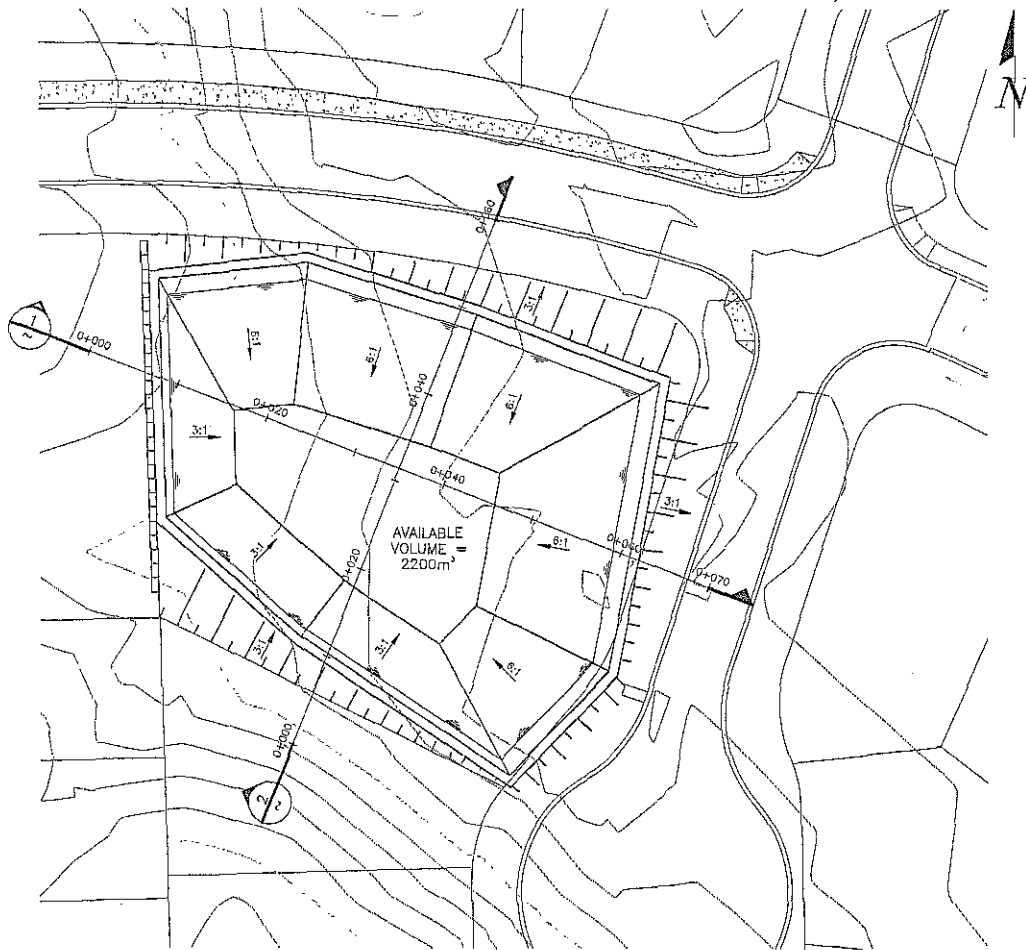
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DRAWN BY: MTK
DATE: 2011-07-21
DRAWING No: SK-02



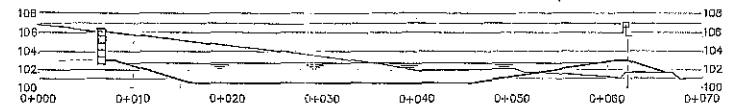
OCEAN TERRACE – PHASE 1
OCEAN TERRACE PROPERTIES LTD.

POST-DEVELOPMENT DRAINAGE AREAS

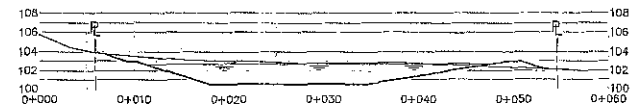
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DATE: 2011-07-21
DRAWING No: SK-04



PLAN - POND
SCALE HOR: 1:500



1 SECTION
HOR: 1:500
VERT: 1:500



2 SECTION
HOR: 1:500
VERT: 1:500

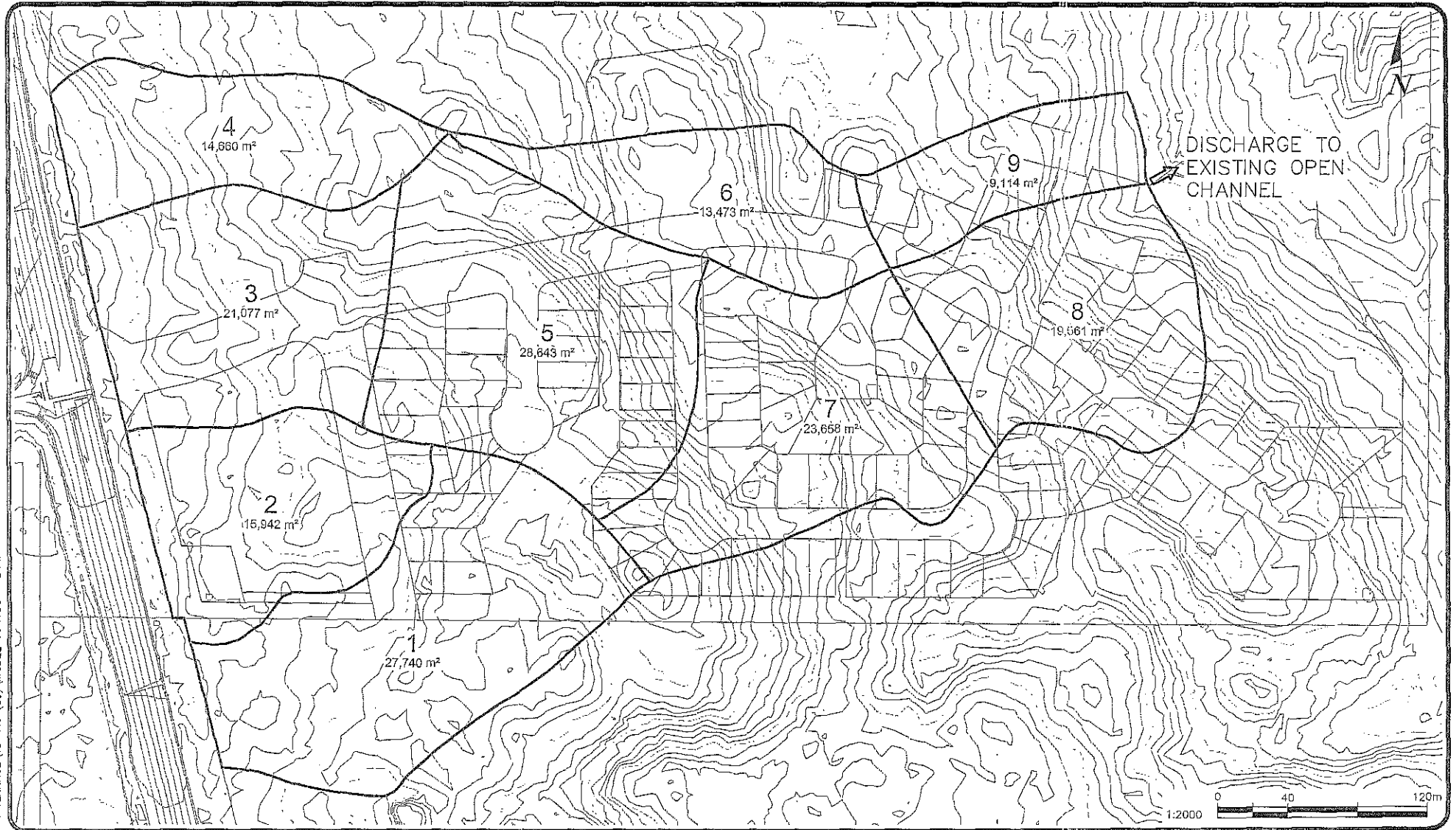
PRELIMINARY
FOR DISCUSSION
PURPOSES ONLY



OCEAN TERRACE - PHASE 1
OCEAN TERRACE PROPERTIES LTD.

DETENTION POND #1 - PLAN AND SECTIONS

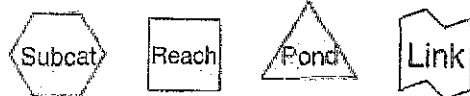
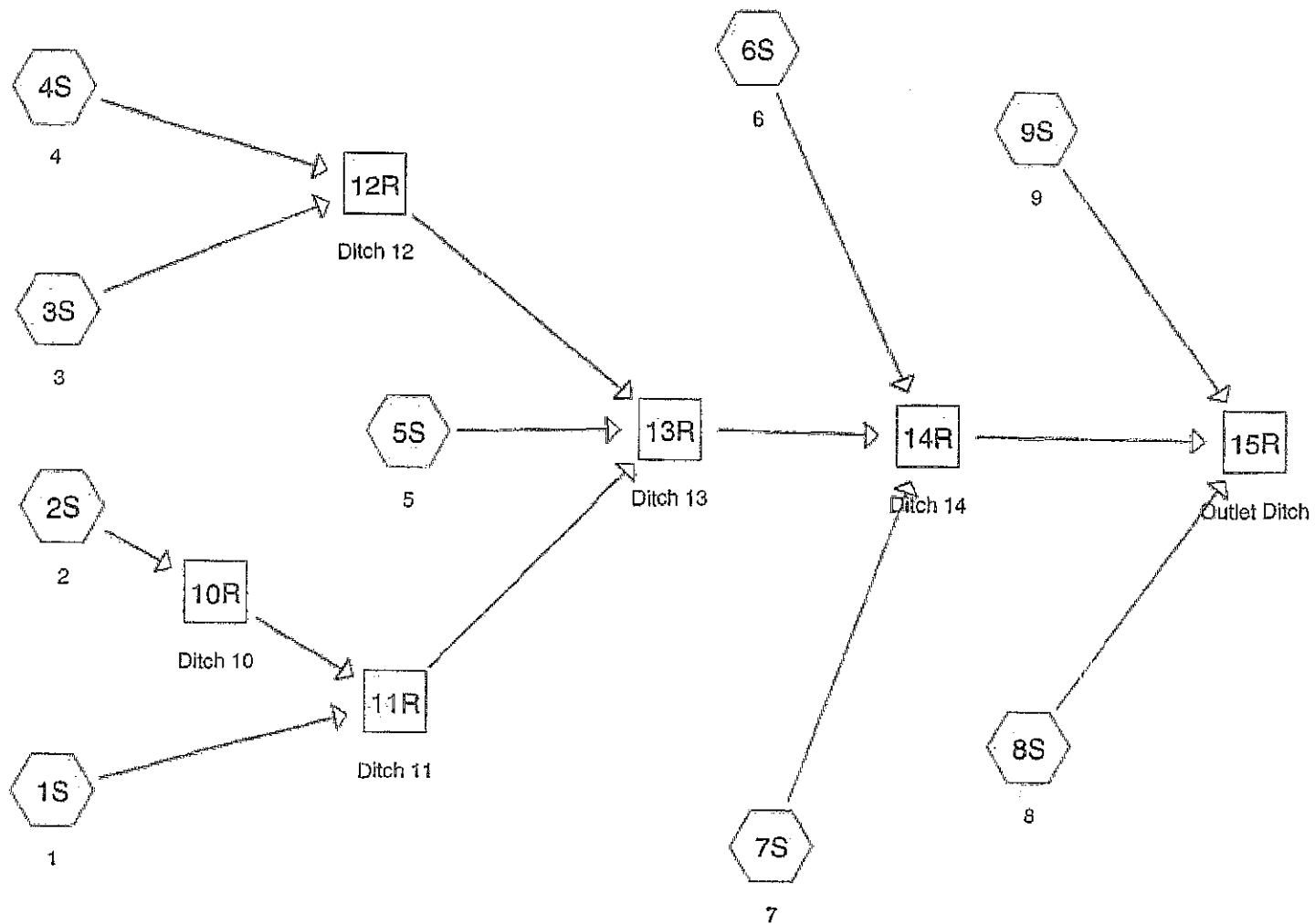
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DATE: 2011-07-21
DRAWING No: SK-01



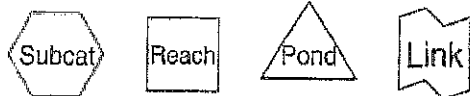
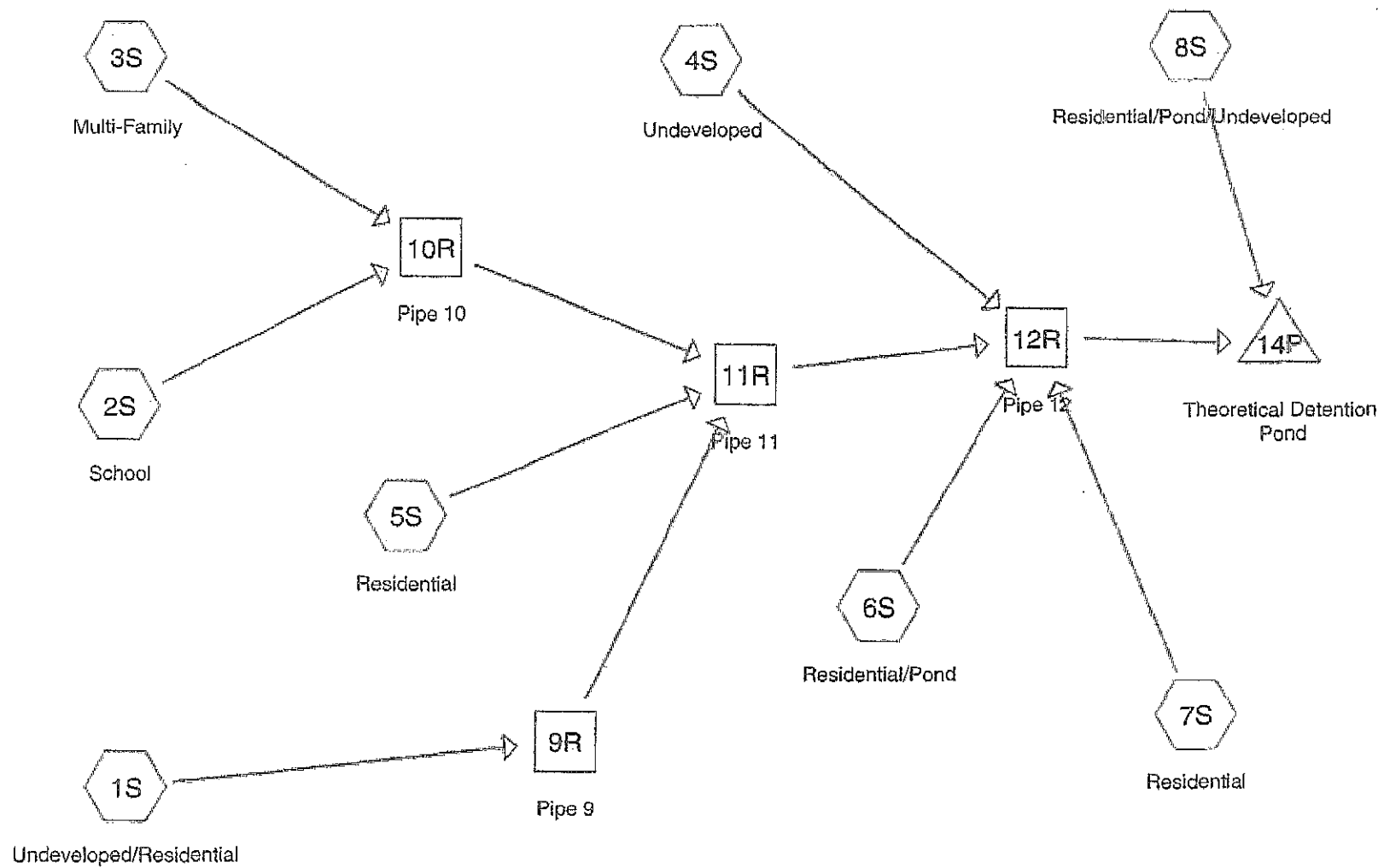
OCEAN TERRACE — PHASE 1
OCEAN TERRACE PROPERTIES LTD.

PRE-DEVELOPMENT DRAINAGE AREAS

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DATE: 2011-07-21
DRAWING No: SK-03

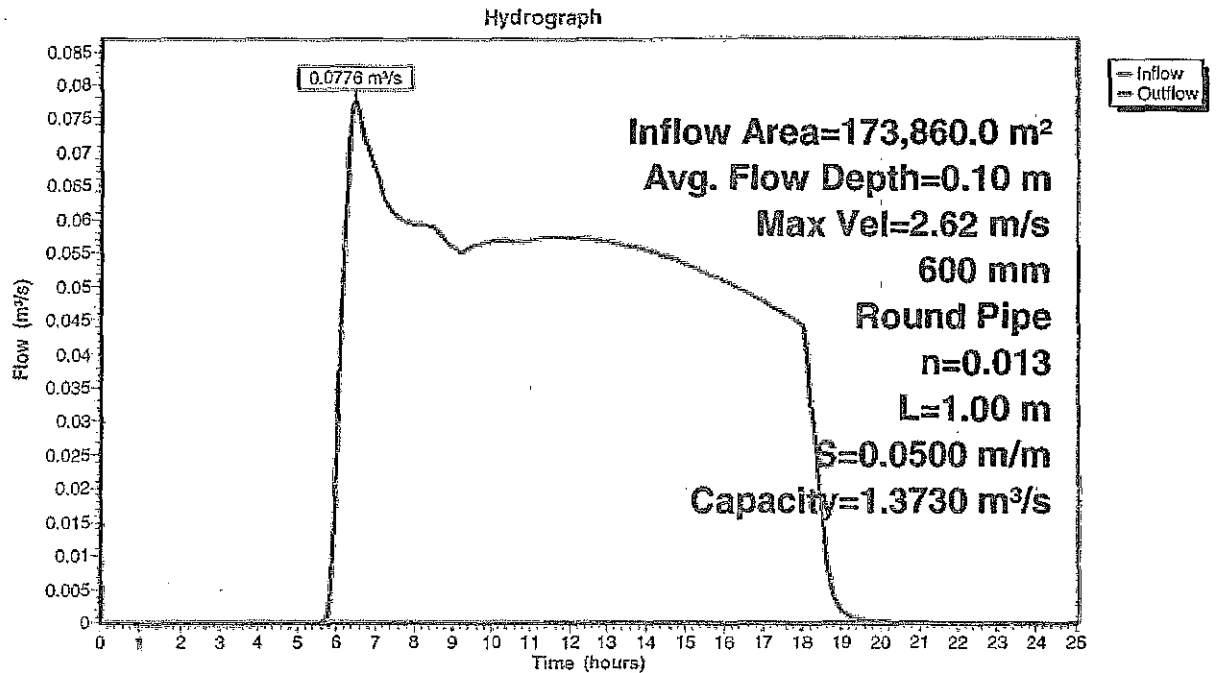


Drainage Diagram for Ocean Terrace Pre-Development
 Prepared by Microsoft, Printed 7/21/2011
 HydroCAD® 9.10 s/n 07169 © 2010 HydroCAD Software Solutions LLC

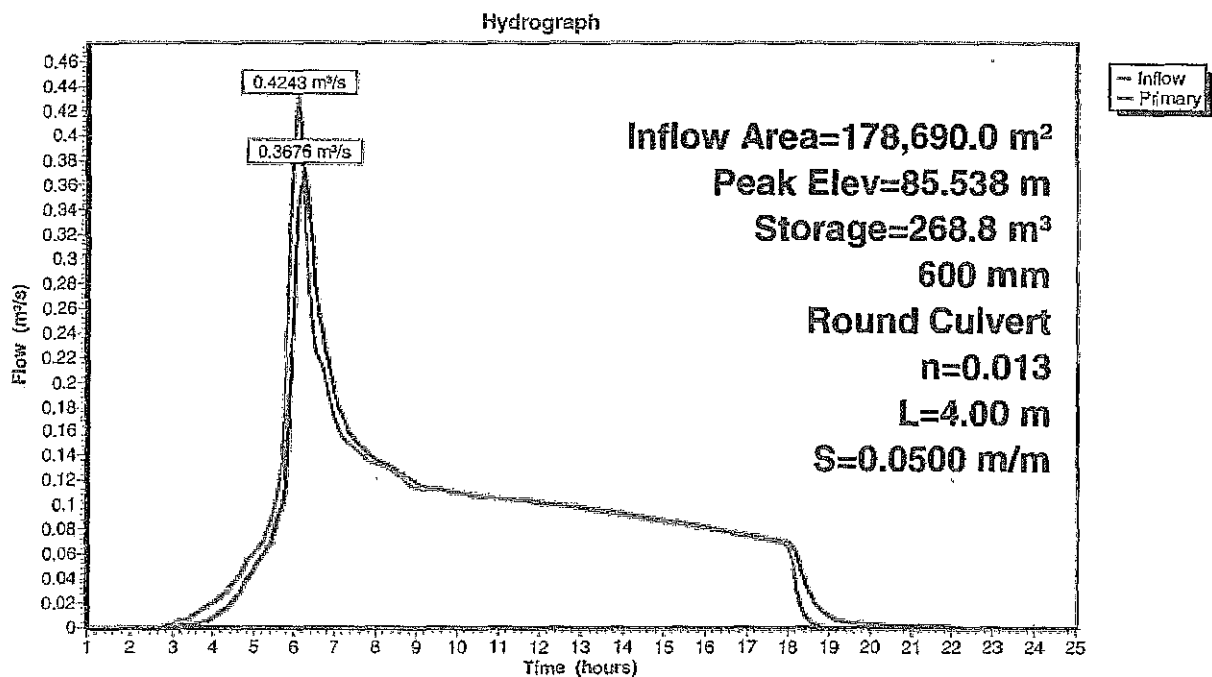


Drainage Diagram for Ocean Terrace Post Development
 Prepared by Microsoft, Printed 7/21/2011
 HydroCAD® 9.10 s/n 07169 © 2010 HydroCAD Software Solutions LLC

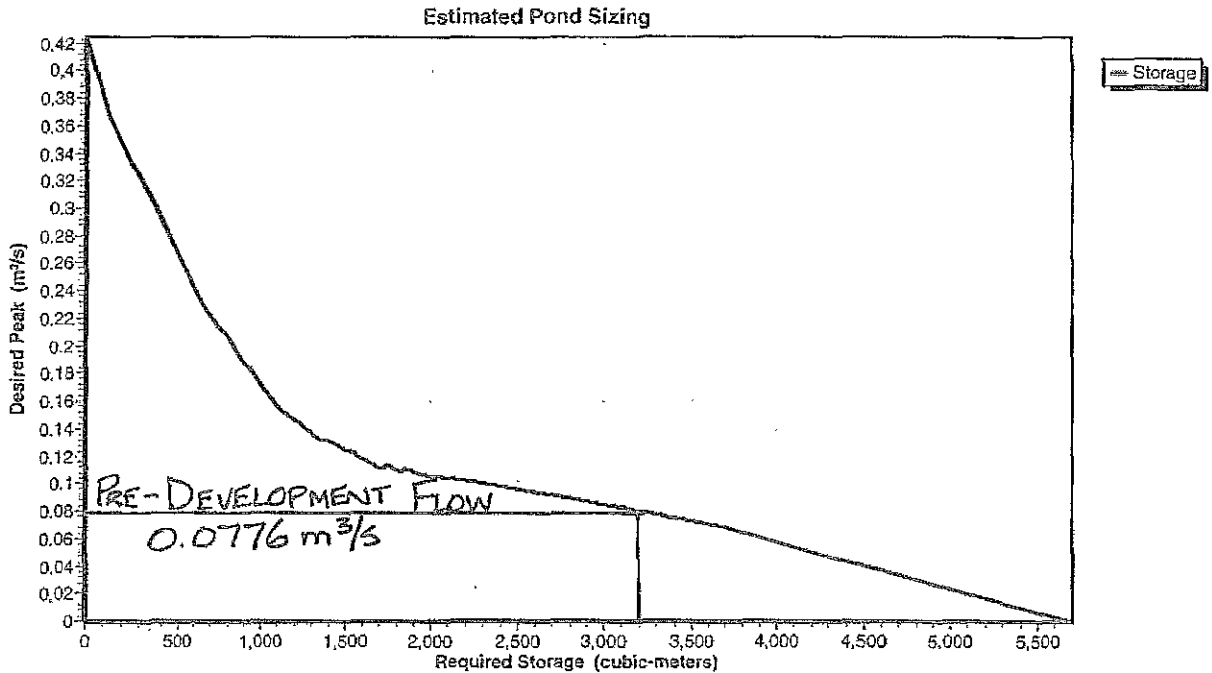
Reach 15R: Outlet Ditch



Pond 14P: Theoretical Detention Pond



Pond 14P: Theoretical Detention Pond



$$\text{STORAGE} = 3,200 \text{ m}^3$$

Development Referral Response

July 4, 2011

Development Location: 6-A-10DP – Ocean Terrace Properties Ltd.

Local Government: Cowichan Valley Regional District

Transit System: Cowichan Valley Transit System

Transit Considerations

Local transit service into the subject property is unlikely to be viable in the short to medium term due to the single access point off the Highway at Butterfield Rd, an incomplete road network within the development and limited residential catchment.

The later phases of the proposed development will however create a more complete street network within the development, provide a connection from Road A to Noowick Rd and increase the potential demand for transit with additional residential, mixed use commercial and multi-family development. As the later phases of the development progresses on the subject property, and on the adjacent properties, local transit service may be considered as resources allow. In order for transit service to be considered the road design must allow for the circulation of transit vehicles (on the roads show in white on Figure 1). Sidewalk infrastructure should also be considered on these roads to allow for safe and convenient pedestrian movements and accessible boarding onto potential transit vehicles.

The Cowichan Valley Commuter (route 66 and 99) transit service operates along the Trans Canada Highway between the Cowichan Valley and Victoria. The Cowichan Valley Commuter is an express style service with limited stops to help decrease travel time between the Cowichan Valley and Victoria. An additional stop to the Cowichan Valley Commuter would not be added as a result of this development, meaning the nearest access point for residents of the subject property would be the Frayne Rd Park & Ride.

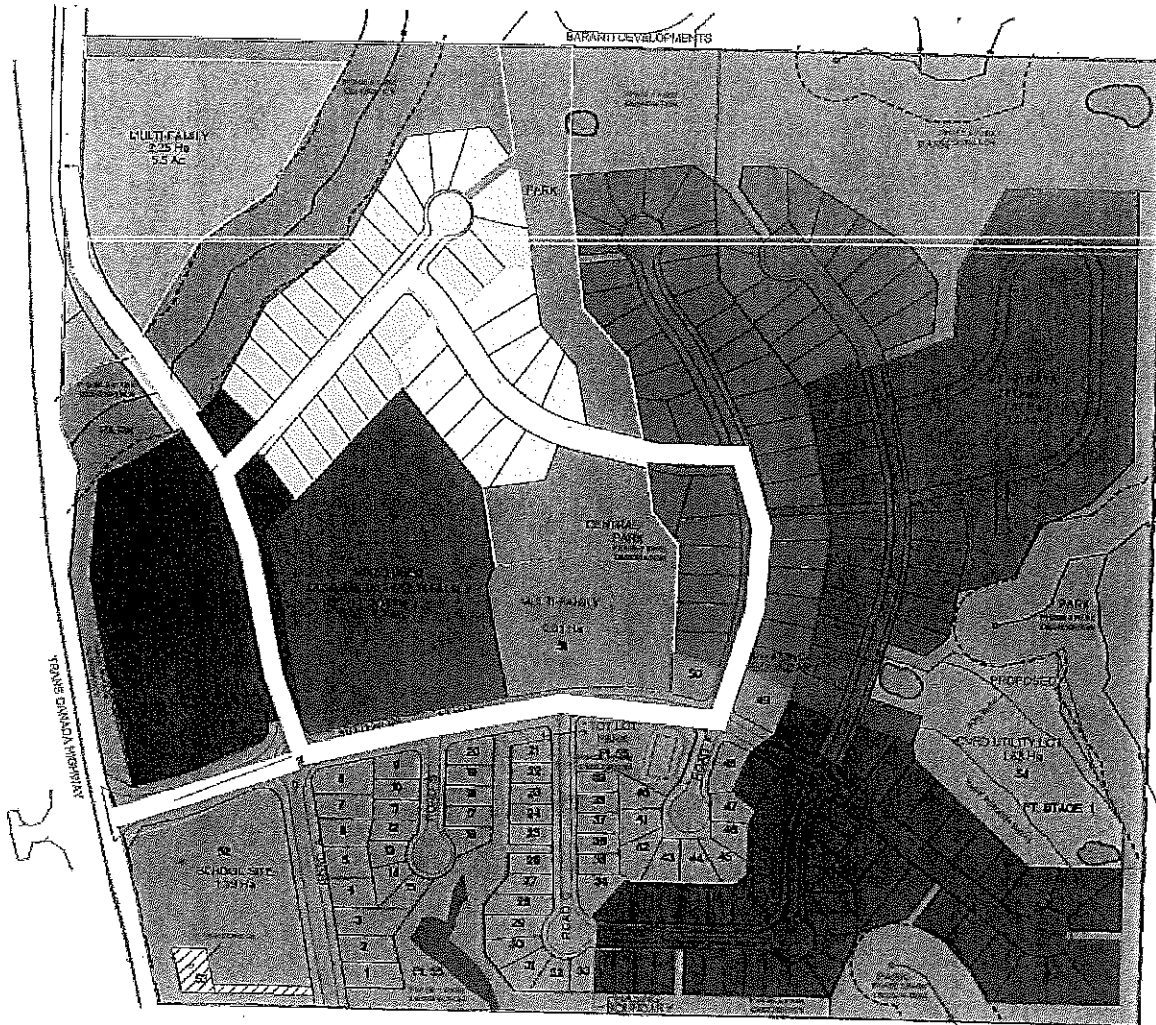
BC Transit Level of Support

- Given the above considerations BC Transit neither supports nor opposes the proposed development

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal, please contact:

Emily Flett
Senior Transit Planner
BC Transit Strategic Planning
Email: Emily_Flett@bctransit.com

Fig 1 – Potential streets for transit operations shown in white





CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 6-A-10DP/RAR

DATE: _____, 2011

TO: OCEAN TERRACE

ADDRESS: _____
MILL BAY, BC

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
 - That Part of District Lot 77, Malahat District, Lying to the South of the South Boundaries of Parcel C (DD 43694) and Parcel D (DD 33154) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554);
 - Parcel C (DD 43694) of District Lot 77, Malahat District (PID:009-346-511);
 - Parcel D (DD33154) of District Lot 77, Malahat District (PID:009-346-520).
3. Authorization is hereby given for development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:

Prior to tree clearing and land development for each phase of the subdivision, CVRD requires submission of the following:

 - a) Sediment and erosion control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish- or amphibian-bearing streams;
 - b) Tree assessment and retention plan in order to identify wildlife trees, patches of trees/wildlife corridors that can be preserved, and treed buffers along park boundaries. The plan will provide recommendations for buffer widths around wildlife trees and appropriate buffer widths along park boundaries to protect trees within the parks from wind throw;
 - c) Rainwater Management Plan for each phase indicating that source control techniques providing for onsite infiltration will be used. Specific techniques include rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others;

- d) Onsite parking must be provided in accordance with the Parking Standards Bylaw No. 1001;
- e) Provision of transit service will be considered at each Phase of the subdivision, and the location of the required transit infrastructure will be reviewed at that time in consultation with BC Transit;

Development shall occur in accordance with the following conditions:

- f) Development to occur in accordance with Schedule A - Ocean Terrace Development Permit Figures 1-8;
 - g) Development to occur in accordance with Riparian Areas Regulation Assessment No. 778 prepared by David Polster, R.P. Bio;
 - h) Underground wiring be installed;
 - i) Areas of natural forest be allowed to remain on residential lots, and building footprints located in a sensitive manner as recommend in the tree assessment;
 - j) Treed areas will be left along the park boundaries adjacent to residential lots, and any wildlife trees and associated buffer areas will be protected. The widths of the buffers will be determined through the tree assessment;
 - k) A sprinkler system be installed for all multi-family units;
 - l) Maximum height for multi-family units between the Trans Canada Highway and Sangster Road is 7.5 metres;
 - m) Construction traffic be directed to use Butterfield Road as the main entrance/exit to the subdivision;
 - n) Provision of a pre-emption light at the Trans Canada Highway and Butterfield Road intersection;
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
 6. The following Schedule is attached
 - Schedule A – Ocean Terrace Development Permit Figures 1-8
 - Schedule B – Riparian Areas Regulation Assessment No. 778 prepared by David Polster, R.P. Bio.
 - Schedule C – Proposed Stormwater System and Site Grading Plan
 7. **This Permit is not a Building Permit or Subdivision Approval.** No certificate of final completion or subdivision approval shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

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

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date

C1



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director L. J. J. Area C. Little Hill

Grantee:

Grant Amount \$ 1,000.00NAME: CMS Food BankADDRESS: 2740 Lashbank Road
Mill Bay BC
VOR 2P1Contact Phone No: 250 743 5242PURPOSE OF GRANT: To assist with the provision
of services in South CowichanREQUESTED BY: Wesley L. J.

Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0333-113	1000.00	10.0

FOR FINANCE USE ONLYBUDGET APPROVAL ✓

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Sharon Moss

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Friday, July 15, 2011 4:37 PM
To: Sharon Moss
Subject: RE: Grant in Aid

Hi Sharon,
Sorry about that... the details are:

\$1,000.00
CMS Foodbank Society
2740 Lashburn Road, Mill Bay, B. C. V0R 2P1
250-743-5242

To assist with the provision of services in the South Cowichan area.

Thanks.
Gerry

From: Sharon Moss [mailto:smoss@cprd.bc.ca]
Sent: July-15-11 3:49 PM
To: Gerry Giles
Subject: RE: Grant in Aid

Hi Gerry,
Sorry can't read the details on the Grant in Aid form you pdf'd. Please send the details in and I will complete a form for you.
Thanks,

Sharon Moss, C.G.A.
Manager, Finance Division, Corporate Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, B.C. V9L 1N8
e-mail: smoss@cprd.bc.ca
Tel: 250.746.2572 Toll Free: 1.800.665.3955 Fax: 250.746.2581

From: Gerry Giles [mailto:ggiles12@shaw.ca]
Sent: Friday, July 15, 2011 3:07 PM
To: Sharon Moss
Subject: Grant in Aid

Good afternoon Sharon,
Could the attached grant in aid request please be processed for the CMS Food Bank Society. Thank you.
Gerry

C2



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director K. Cossey Area B

Grantee:	Grant Amount \$ <u>500.00</u>
NAME: <u>Cowichan Wooden Boat Society</u>	
ADDRESS: <u>PO Box 22</u>	
<u>Cowichan Bay BC V0R1N0</u>	
Contact Phone No: <u>Hyllton McAlister (250) 709-5971</u>	
PURPOSE OF GRANT: <u>Support 3rd Annual Prawn Festival</u>	
REQUESTED BY: _____	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0289-112	500.00	10.0

FOR FINANCE USE ONLY
BUDGET APPROVAL <u>[Signature]</u>
VENDOR NO. _____

Disposition of Cheque:
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Hi Lori:

The 3rd Annual Prawn Festival, to be held in Cowichan Bay will be on May 14th. I have been asked to be the Event Coordinator. I shall oversee the

budgetting and expense allocation process. If there is any donation money left over at the end of the Festival (which I doubt), it will be banked and go towards the 2012 4th annual Prawn Festival which will be even bigger and better. Funds can be made out to the Cowichan Wooden Boat Society, 1761 Cowichan Bay Road VOR 1N0, attention: Suzan LaGrove. We are requesting \$1,000 towards a budget of \$7,000. We have a commitment for \$3,000 from the Prawn Fisher Association.

Cowichan Bay retailers will donate \$1,000 and the balance will come from other businesses in the Valley.

Thanks

Hylton

PS: We cannot save the tree.

Tammy Knowles

Subject: FW: Prawn Festival grant

-----Original Message-----

From: Sharon Moss
Sent: Tuesday, July 26, 2011 9:41 AM
To: Tammy Knowles
Subject: FW: Prawn Festival grant

Tammy,

Please create the necessary paperwork for a \$500.00 Grant-in-Aid from Electoral Area B to the Cowichan Wooden Boat Society for the Spot Prawn Festival.

Thank you,

Sharon Moss, C.G.A.
Manager, Finance Division, Corporate Services Department Cowichan Valley Regional District
175 Ingram Street, Duncan, B.C. V9L 1N8
e-mail: smoss@cvrd.bc.ca
Tel: 250.746.2572 Toll Free: 1.800.665.3955 Fax: 250.746.2581

-----Original Message-----

From: kcossey@uniserve.com [<mailto:kcossey@uniserve.com>]
Sent: Tuesday, May 24, 2011 1:13 PM
To: Sharon Moss
Subject: Re: Prawn Festival grant

Yes please and the amount is \$500.00.

Cheers

Ken Quoting Sharon Moss <smoss@cvrd.bc.ca>:

> Hi Ken,

> I have not received anything from anyone further to the request from
> Hylton re: the \$500 Grant in Aid, and I have just received another email
> from Hylton asking the status. Since we have no record that this
> request was approved at a meeting would you like me to produce the
> paperwork for the next EAS meeting so that it can go to the Board?
We cannot produce a cheque until the request has been approved by
> the Board. I do have the back up from the Grants given by Lori and
> Gerry so producing the paperwork will be no problem. Please just
> confirm the amount and I will get on it.

>

> Thanks,

>

> Sharon Moss;
> 250-746-2572

BRITISH
COLUMBIA

The Best Place on Earth

RECEIVED

JUL 07 2011

Reference: 140630

JUL 04 2011

Gerry Giles, Chair
Cowichan Valley Regional District
175 Ingram St
Duncan BC V9L 1N8

Dear Mr. Giles:

Thank you for your letter of May 4, 2011, regarding soil relocation from various source properties to the Evans Redi-Mix Limited site located at 4975 Koksilah Road in Duncan.

I understand that the concerns you expressed have been an issue for the Cowichan Valley Regional District (CVRD) for some time and that members of CVRD council met with ministry staff in the past to discuss these matters. I also understand that ministry staff have been in communication with staff from the CVRD and that a joint site inspection of properties receiving soil within the CVRD is scheduled to be undertaken shortly.

Regarding the Evans Redi-Mix Limited site and the Ministry's letter of February 17, 2011, the issue identified in the letter was in reference to a matter of administrative non-compliance whereby a soil relocation agreement should have been obtained prior to the relocation of some of the soil. In follow up to this matter, ministry staff undertook their own review of the analytical data for the soil received at the facility to determine whether additional measures were required. The Ministry's findings confirmed that the soils did in fact meet the applicable land and water use standards for the property, as set out in the Contaminated Sites Regulation. In an effort to avoid similar administrative non-compliance issues at the site, ministry staff provided clarification on the requirements for soil relocation to both Quantum Murray LP and Evans Redi-Mix Limited. Both companies have subsequently assured the Ministry that soil will be appropriately characterized prior to deposit and, where required, a soil relocation agreement will be obtained.

The Ministry also places high value on our province's water resources. Protection of drinking water is vital to our communities, economy and environment and is set out as a key goal in the Ministry of Environment's Service Plan. The Ministry has taken steps to ensure safe, usable drinking water into the future and will continue to enhance protection and stewardship of our water resources.

Ministry of
Environment

Office of the
Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Original: <i>[Signature]</i>	Copies to: <i>[Signature]</i>
Board: <i>[Signature]</i>	<i>[Signature]</i>
Committee(s): <i>[Signature]</i>	<i>[Signature]</i>
Date: <i>[Signature]</i>	Telephone: 250 387-1187
	Fax: 250 387-1356

The *Environmental Management Act* and the Contaminated Sites Regulation (CSR) utilize regulatory standards that limit the concentrations of substances in soil to protect groundwater and surface water, as well as establish limits in soil, sediment and vapour to protect human health and the environment. The standards of the regulation are based on exposure rates of humans and other organisms for particular land, water, sediment and vapour use at a site. These standards are continuously reviewed and compared to the most recent toxicological data available from a number of sources, including Health Canada and the US Environmental Protection Agency. The substance concentrations reflected in the regulatory standards of the CSR are scientifically defensible and are subject to both regulatory peer review and public consultation prior to adoption.

The Ministry continues to enhance our compliance strategy with respect to soil relocation through the continued investigation of complaints and the implementation of compliance promotion projects to better educate professionals responsible for the management of soil. In addition, the Ministry has an audit process in place to keep professionals accountable for the remedial activities they complete under the Contaminated Sites Approved Professional process. These accountability measures are in addition to the Code of Ethics to which professionals are bound by their respective professional associations.

For more information on soil relocation compliance activities or to provide information on any specific non-compliance issues in your area, please feel free to contact ministry staff in the Land Remediation Section of the Ministry's regional office in Surrey. Ms. Kerri Skelly may be reached at 604 582-5266 or Kerri.Skelly@gov.bc.ca, or Ms. Coleen Hackinen may be contacted at 604 582-5337 or Coleen.Hackinen@gov.bc.ca. The Ministry welcomes your assistance in identifying sites where concerns may exist regarding soil relocation.

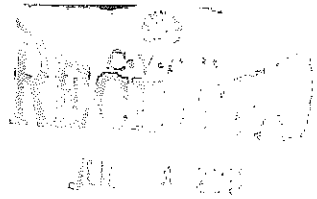
Thank you again for expressing your concerns regarding soil relocation in the CVRD.

Sincerely,



Terry Lake
Minister of Environment

cc: Kerri Skelly, Contaminated Sites Officer, Environmental Protection Division, Ministry of Environment
Coleen Hackinen, Senior Contaminated Sites Officer, Environmental Protection Division, Ministry of Environment



C4
Dorothea Siegler
July 8, 2011
1241 Maple Bay Rd
V9L5S1

CVRD

Chair & honourable board members:

Thank you for all your hard work and concern for your town citizens.

As a follow up to Mary Lowther's visit here is a list of the countries in the U.S.A. which are asking for a moratorium, or have already achieved one (attached). The idea of the moratorium is to gain some time, to assess whether there is any way to achieve a more permanent moratorium or for some people to opt out. Colwood, Lake Cowichan & a few other districts in B.C. are looking at this.

I am also enclosing the BioInitiative Report. it is a kind of EMF "for Dummies"; an excellent summary of some of the research done so far.

Original: TA	Copies to: TA
By: TA	DIR's - Hronley
Committee(s): TA	
Directed by: JF	Date: July 16/11
File #	

Our current Canada Safety Standards for RF are based on adverse thermal effects (burning and not on bio adverse effects (affecting our health i.e. Cancer, Alzheimers and so on, It would be great if a few of you could read the Sage Report (25 short, lots of highlighted sections), and then report to the council on the concerns from scientists. If you access the rest of the report, you will find that PhD scientists at universities around the world are saying there are adverse effects.

I would LOVE it, if our town had less density of RF. I would like to speak to the DBA about this. I would like to feel safer when I am in town.

I will be pursuing to be off-grid if there is no possibility to opt out long term. Thank you for your time and consideration. Respectfully, Crother Siegel

Local governments in California (also Maine see below)
which have said "No" to "Smart Meters":

Counties (9)

- | | | |
|----------------------------------|----------------|-------------------|
| • Humboldt County | • Capitola | • Piedmont |
| • Lake County | • Clearlake | • Richmond |
| • Marin County | • Cotati | • Rio Dell |
| • Mendocino County | • Fairfax | • Ross |
| • City & County of San Francisco | | • San Anselmo |
| • San Luis Obispo County | | • San Rafael |
| • Santa Cruz County | • Fort Bragg | • San Luis Obispo |
| • Sonoma County | • Grover Beach | • Santa Cruz |
| • Tehama County | • Lakeport | • Sausalito |
| | • Mill Valley | • Scotts Valley |
| | | • Sebastopol |

Cities & Towns (33)

- | | | |
|---------------|-----------------|--|
| • Arcata | • Monterey | • Watsonville |
| • Belvedere | • Monte Sereno | • Willits |
| • Blue Lake | • Morro Bay | • Big Valley |
| • Bolinas | • Novato | • Ranchera |
| • Camp Meeker | • Pacific Grove | • Maine: Scarborough
and Cape Elizabeth -
90 day moratoriums |

SECTION 1

SUMMARY FOR THE PUBLIC

**Cindy Sage, MA
Sage Associates
USA**

**Prepared for the BioInitiative Working Group
August 2007**

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- B. Changes in the Nervous System and Brain Function**
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I. SUMMARY FOR THE PUBLIC

A. Introduction

You cannot see it, taste it or smell it, but it is one of the most pervasive environmental exposures in industrialized countries today. Electromagnetic radiation (EMR) or electromagnetic fields (EMFs) are the terms that broadly describe exposures created by the vast array of wired and wireless technologies that have altered the landscape of our lives in countless beneficial ways. However, these technologies were designed to maximize energy efficiency and convenience; not with biological effects on people in mind. Based on new studies, there is growing evidence among scientists and the public about possible health risks associated with these technologies.

Human beings are bioelectrical systems. Our hearts and brains are regulated by internal bioelectrical signals. Environmental exposures to artificial EMFs can interact with fundamental biological processes in the human body. In some cases, this can cause discomfort and disease. Since World War II, the background level of EMF from electrical sources has risen exponentially, most recently by the soaring popularity of wireless technologies such as cell phones (two billion and counting in 2006), cordless phones, WI-FI and WI-MAX networks. Several decades of international scientific research confirm that EMFs are biologically active in animals and in humans, which could have major public health consequences.

In today's world, everyone is exposed to two types of EMFs: (1) extremely low frequency electromagnetic fields (ELF) from electrical and electronic appliances and power lines and (2) radiofrequency radiation (RF) from wireless devices such as cell phones and cordless phones, cellular antennas and towers, and broadcast transmission towers. In this report we will use the term EMFs when referring to all electromagnetic fields in general; and the terms ELF and RF when referring to the specific type of exposure. They are both types of non-ionizing radiation, which means that they do not have sufficient energy to break off electrons from their orbits around atoms and ionize (charge) the atoms, as do x-rays, CT scans, and other forms of ionizing radiation. A glossary and definitions are provided in Section 18 to assist you. Some handy definitions you will probably need when reading about ELF and RF in this summary section (the language for measuring it) are shown with the references for this section.

B. Purpose of the Report

This report has been written by 14 (fourteen) scientists, public health and public policy experts to document the scientific evidence on electromagnetic fields. Another dozen outside reviewers have looked at and refined the Report.

The purpose of this report is to assess scientific evidence on health impacts from electromagnetic radiation below current public exposure limits and evaluate what changes in these limits are warranted now to reduce possible public health risks in the future.

Not everything is known yet about this subject; but what is clear is that the existing public safety standards limiting these radiation levels in nearly every country of the world look to be thousands of times too lenient. Changes are needed.

New approaches are needed to educate decision-makers and the public about sources of exposure and to find alternatives that do not pose the same level of possible health risks, while there is still time to make changes.

A working group composed of scientists, researchers and public health policy professionals (The BioInitiative Working Group) has joined together to document the information that must be considered in the international debate about the adequacy (or inadequacy) of existing public exposure standards.

This Report is the product of an international research and public policy initiative to give an overview of what is known of biological effects that occur at low-intensity EMFs exposures (for both radiofrequency radiation RF and power-frequency ELF, and various forms of combined exposures that are now known to be bioactive). The Report examines the research and current standards and finds that these standards are far from adequate to protect public health.

Recognizing that other bodies in the United States, United Kingdom, Australia, many European Union and eastern European countries as well as the World Health Organization are actively debating this topic, the BioInitiative Working Group has conducted a independent science and public health policy review process. The report presents solid science on this issue, and makes recommendations to decision-makers and the public. Conclusions of the individual authors, and overall conclusions are given in Table 2-1 (BioInitiative Overall Summary Chart).

Eleven (11) chapters that document key scientific studies and reviews identifying low-intensity effects of electromagnetic fields have been written by members of the BioInitiative Working Group. Section 16 and 17 have been prepared by public health and policy experts. These sections discuss the standard of evidence which should be applied in public health planning, how the scientific information should be evaluated in the context of prudent public health policy, and identifies the basis for taking precautionary and preventative actions that are proportionate to the knowledge at hand. They also evaluate the evidence for ELF that leads to a recommendation for new public safety limits (not precautionary or preventative actions, as need is demonstrated).

Other scientific review bodies and agencies have reached different conclusions than we have by adopting standards of evidence so unreasonably high as to exclude any conclusions likely to lead to new public safety limits. Some groups are actually recommending a relaxation of the existing

(and inadequate) standards. Why is this happening? One reason is that exposure limits for ELF and RF are developed by bodies of scientists and engineers that belong to professional societies who have traditionally developed recommendations; and then government agencies have adopted those recommendations. The standard-setting processes have little, if any, input from other stakeholders outside professional engineering and closely-related commercial interests. Often, the industry view of allowable risk and proof of harm is most influential, rather than what public health experts would determine is acceptable.

Main Reasons for Disagreement among Experts

- 1) Scientists and public health policy experts use very different definitions of the standard of evidence used to judge the science, so they come to different conclusions about what to do. Scientists do have a role, but it is not exclusive and other opinions matter.
- 2) We are all talking about essentially the same scientific studies, but use a different way of measuring when "enough is enough" or "proof exists".
- 3) Some experts keep saying that all studies have to be consistent (turn out the same way every time) before they are comfortable saying an effect exists.
- 4) Some experts think that it is enough to look only at short-term, acute effects.
- 5) Other experts say that it is imperative we have studies over longer time (showing the effects of chronic exposures) since that is what kind of world we live in.
- 6) Some experts say that everyone, including the very young, the elderly, pregnant women, and people with illnesses have to be considered – others say only the average person (or in the case of RF, a six-foot tall man) matter.
- 7) There is no unexposed population, making it harder to see increased risk of diseases.
- 8) The lack of consensus about a single biological mechanism of action.
- 9) The strength of human epidemiological studies reporting risks from ELF and RF exposures, but animal studies don't show a strong toxic effect.
- 10) Vested interests have a substantial influence on the health debate.

Public Policy Decisions

Safety limits for public exposure to EMFs need to be developed on the basis of interaction among not only scientists, but also public health experts, public policy makers and the general public.

"In principle, the assessment of the evidence should combine with judgment based on other societal values, for example, costs and benefits, acceptability of risks, cultural preferences, etc. and result in sound and effective decision-making. Decisions on these matters are eventually taken as a function of the views, values and interests of the stakeholders participating in the process, whose opinions are then weighed depending on several factors. Scientific evidence perhaps carries, or should carry, relatively heavy weight, but grants no exclusive status; decisions will be evidence-based but will also be based on other factors." (1)

The clear consensus of the BioInitiative Working Group members is that the existing public safety limits are inadequate for both ELF and RF.

These proposals reflect the evidence that a positive assertion of safety with respect to chronic exposure to low-intensity levels of ELF and RF cannot be made. As with many other standards for environmental exposures, these proposed limits may not be totally protective, but more stringent standards are not realistic at the present time. Even a small increased risk for cancer and neurodegenerative diseases translates into an enormous public health consequence. Regulatory action for ELF and preventative actions for RF are warranted at this time to reduce exposures and inform the public of the potential for increased risk; at what levels of chronic exposure these risks may be present; and what measures may be taken to reduce risks.

C. Problems with Existing Public Health Standards (Safety Limits)

Today's public exposure limits for telecommunications are based on the presumption that heating of tissue (for RF) or induced electric currents in the body (for ELF) are the only concerns when living organisms are exposed to RF. These exposures can create tissue heating that is well known to be harmful in even very short-term doses. As such, thermal limits do serve a purpose. For example, for people whose occupations require them to work around radar facilities or RF heat-sealers, or for people who install and service wireless antenna tower, thermally-based limits are necessary to prevent damage from heating (or, in the case of power-frequency ELF from induced current flow in tissues). In the past, scientists and engineers developed exposure standards for electromagnetic radiation based what we now believe are faulty assumptions that the right way to measure how much non-ionizing energy humans can tolerate (how much exposure) without harm is to measure only the heating of tissue (RF) or induced currents in the body (ELF).

In the last few decades, it has been established beyond any reasonable doubt that bioeffects and some adverse health effects occur at far lower levels of RF and ELF exposure where no heating (or induced currents) occurs at all; some effects are shown to occur at several hundred thousand times below the existing public safety limits where heating is an impossibility.

It appears it is the INFORMATION conveyed by electromagnetic radiation (rather than heat) that causes biological changes - some of these biological changes may lead to loss of wellbeing, disease and even death.

Effects occur at non-thermal or low-intensity exposure levels thousands of times below the levels that federal agencies say should keep the public safe. For many new devices operating with wireless technologies, the devices are exempt from any regulatory standards. The existing standards have been proven to be inadequate to control against harm from low-intensity, chronic exposures, based on any reasonable, independent assessment of the scientific literature. It means that an entirely new basis (a biological basis) for new exposure standards is needed. New standards need to take into account what we have learned about the effects of ELF and RF (all non-ionizing electromagnetic radiation and to design new limits based on biologically-demonstrated effects that are important to proper biological function in living organisms. It is vital to do so because the explosion of new sources has created unprecedented levels of artificial

electromagnetic fields that now cover all but remote areas of the habitable space on earth. Mid-course corrections are needed in the way we accept, test and deploy new technologies that expose us to ELF and RF in order to avert public health problems of a global nature.

Recent opinions by experts have documented deficiencies in current exposure standards. There is widespread discussion that thermal limits are outdated, and that biologically-based exposure standards are needed. Section 4 describes concerns expressed by WHO, 2007 in its ELF Health Criteria Monograph; the SCENIHR Report, 2006 prepared for the European Commission; the UK SAGE Report, 2007; the Health Protection Agency, United Kingdom in 2005; the NATO Advanced Research Workshop in 2005; the US Radiofrequency Interagency Working Group in 1999; the US Food and Drug Administration in 2000 and 2007; the World Health Organization in 2002; the International Agency for Cancer Research (IARC, 2001), the United Kingdom Parliament Independent Expert Group Report on Mobile Phones – Stewart Report, 2000) and others.

A pioneer researcher, the late Dr. Ross Adey, in his last publication in Bioelectromagnetic Medicine (P. Roche and M. Markov, eds. 2004) concluded:

“There are major unanswered questions about possible health risks that may arise from exposures to various man-made electromagnetic fields where these human exposures are intermittent, recurrent, and may extend over a significant portion of the lifetime of the individual.”

“Epidemiological studies have evaluated ELF and radiofrequency fields as possible risk factors for human health, with historical evidence relating rising risks of such factors as progressive rural electrification, and more recently, to methods of electrical power distribution and utilization in commercial buildings. Appropriate models describing these bioeffects are based in nonequilibrium thermodynamics, with nonlinear electrodynamics as an integral feature. Heating models, based in equilibrium thermodynamics, fail to explain an impressive new frontier of much greater significance. Though incompletely understood, tissue free radical interactions with magnetic fields may extend to zero field levels.” (2)

There may be no lower limit at which exposures do not affect us. Until we know if there is a lower limit below which bioeffects and adverse health impacts do not occur, it is unwise from a public health perspective to continue “business-as-usual” deploying new technologies that increase ELF and RF exposures, particularly involuntary exposures.



II. SUMMARY OF THE SCIENCE

A. Evidence for Cancer

1. *Childhood Leukemia*

The evidence that power lines and other sources of ELF are consistently associated with higher rates of childhood leukemia has resulted in the International Agency for Cancer Research (an arm of the World Health Organization) to classify ELF as a Possible Human Carcinogen (in the Group 2B carcinogen list). Leukemia is the most common type of cancer in children.

There is little doubt that exposure to ELF causes childhood leukemia.

The exposure levels for increased risk are quite low – just above background or ambient levels and much lower than current exposure limits. The existing ICNIRP limit is 1000 mG (904 mG in the US) for ELF. Increased risk for childhood leukemia starts at levels almost one thousand times below the safety standard. Leukemia risks for young boys are reported in one study to double at only 1.4 mG and above (7). Most other studies combine older children with younger children (0 to 16 years) so that risk levels do not reach statistical significance until exposure levels reach 2 mG or 3 mG. Although some reviews have combined studies of childhood leukemia in ways that indicate the risk level starts at 4 mG and above; this does not reflect many of the studies reporting elevated risks at the lower exposure levels of 2 mG and 3 mG.

2. *Other Childhood Cancers*

Other childhood cancers have been studied, including brain tumors, but not enough work has been done to know if there are risks, how high these risks might be or what exposure levels might be associated with increased risks. The lack of certainty about other childhood cancers should not be taken to signal the “all clear”; rather it is a lack of study.

The World Health Organization ELF Health Criteria Monograph No 322 (2007) says that other childhood cancers “cannot be ruled out”. (8)

There is some evidence that other childhood cancers may be related to ELF exposure but not enough studies have been done.

Several recent studies provide even stronger evidence that ELF is a risk factor for childhood leukemia and cancers later in life. In the first study (9), children who were recovering in high-

ELF environments had poorer survival rates (a 450% increased risk of dying if the ELF fields were 3 mG and above). In the second study, children who were recovering in 2 mG and above ELF environments were 300% more likely to die than children exposed to 1 mG and below. In this second study, children recovering in ELF environments between 1 and 2 mG also had poorer survival rates, where the increased risk of dying was 280%. (10) These two studies give powerful new information that ELF exposures in children can be harmful at levels above even 1 mG. The third study looked what risks for cancer a child would have later in life, if that child was raised in a home within 300 meters of a high-voltage electric power line. (11) For children who were raised for their first five years of life within 300 meters, they have a life-time risk that is 500% higher for developing some kinds of cancers.

Children who have leukemia and are in recovery have poorer survival rates if their ELF exposure at home (or where they are recovering) is between 1mG and 2 mG in one study; over 3 mG in another study.

Given the extensive study of childhood leukemia risks associated with ELF, and the relatively consistent findings that exposures in the 2 mG to 4 mG range are associated with increased risk to children, a 1 mG limit for habitable space is recommended for new construction. While it is difficult and expensive to retrofit existing habitable space to a 1 mG level, and is also recommended as a desirable target for existing residences and places where children and pregnant women may spend prolonged periods of time.

New ELF public exposure limits are warranted at this time, given the existing scientific evidence and need for public health policy intervention and prevention.

3. Brain Tumors and Acoustic Neuromas

Radiofrequency radiation from cell phone and cordless phone exposure has been linked in more than one dozen studies to increased risk for brain tumors and/or acoustic neuromas (a tumor in the brain on a nerve related to our hearing).

People who have used a cell phone for ten years or more have higher rates of malignant brain tumor and acoustic neuromas. It is worse if the cell phone has been used primarily on one side of the head.

For brain tumors, people who have used a cell phone for 10 years or longer have a 20% increase in risk (when the cell phone is used on both sides of the head). For people who have used a cell phone for 10 years or longer predominantly on one side of the head, there is a 200% increased

risk of a brain tumor. This information relies on the combined results of many brain tumor/cell phone studies taken together (a meta-analysis of studies).

People who have used a cordless phone for ten years or more have higher rates of malignant brain tumor and acoustic neuromas. It is worse if the cordless phone has been used primarily on one side of the head.

The risk of brain tumor (high-grade malignant glioma) from cordless phone use is 220% higher (both sides of the head). The risk from use of a cordless phone is 470% higher when used mostly on only one side of the head.

For acoustic neuromas, there is a 30% increased risk with cell phone use at ten years and longer; and a 240% increased risk of acoustic neuroma when the cell phone is used mainly on one side of the head. These risks are based on the combined results of several studies (a meta-analysis of studies).

For use of cordless phones, the increased risk of acoustic neuroma is three-fold higher (310%) when the phone is mainly used on one side of the head.

The current standard for exposure to the emissions of cell phones and cordless phones is not safe considering studies reporting long-term brain tumor and acoustic neuroma risks.

Other indications that radiofrequency radiation can cause brain tumors comes from exposures to low-level RF other than from cell phone or cordless phone use. Studies of people who are exposed in their work (occupational exposure) show higher brain tumor rates as well. Kheifets (1995) reported a 10% to 20% increased risk of brain cancer for those employed in electrical occupations. This meta-analysis surveyed 29 published studies of brain cancer in relation to occupational EMFs exposure or work in electrical occupations. (6). The evidence for a link between other sources of RF exposure like working at a job with EMFs exposure is consistent with a moderately elevated risk of developing brain tumors.

4. *Other Adult Cancers*

There are multiple studies that show statistically significant relationships between occupational exposure and leukemia in adults (see Chapter 11), in spite of major limitations in the exposure assessment. A very recent study by Lowenthal et al. (2007) investigated leukemia in adults in relation to residence near to high-voltage power lines. While they found elevated risk in all adults living near to the high voltage power lines, they found an OR of 3.23 (95% CI = 1.26-8.29) for individuals who spent the first 15 years of life within 300 m of the power line. This study provides support for two important conclusions: adult leukemia is also associated with EMF exposure, and exposure during childhood increases risk of adult disease.

A significant excess risk for adult brain tumors in electrical workers and those adults with occupational EMF exposure was reported in a meta-analysis (review of many individual studies) by Kheifets et al., (1995). This is about the same size risk for lung cancer and secondhand smoke (US DHHS, 2006). A total of 29 studies with populations from 12 countries were included in this meta-analysis. The relative risk was reported as 1.16 (CI = 1.08 – 1.24) or a 16% increased risk for all brain tumors. For gliomas, the risk estimate was reported to be 1.39 (1.07 – 1.82) or a 39% increased risk for those in electrical occupations. A second meta-analysis published by Kheifets et al., (2001) added results of 9 new studies published after 1995. It reported a new pooled estimate (OR = 1.16, 1.08 – 1.01) that showed little change in the risk estimate overall from 1995.

The evidence for a relationship between exposure and breast cancer is relatively strong in men (Erren, 2001), and some (by no means all) studies show female breast cancer also to be elevated with increased exposure (see Chapter 12). Brain tumors and acoustic neuromas are more common in exposed persons (see Chapter 10). There is less published evidence on other cancers, but Charles et al. (2003) report that workers in the highest 10% category for EMF exposure were twice as likely to die of prostate cancer as those exposed at lower levels (OR 2.02, 95% CI = 1.34-3.04). Villeneuve et al. (2000) report statistically significant elevations of non-Hodgkin's lymphoma in electric utility workers in relation to EMF exposure, while Tynes et al. (2003) report elevated rates of malignant melanoma in persons living near to high voltage power lines. While these observations need replication, they suggest a relationship between exposure and cancer in adults beyond leukemia.

In total the scientific evidence for adult disease associated with EMF exposure is sufficiently strong for adult cancers that preventive steps are appropriate, even if not all reports have shown exactly the same positive relationship. This is especially true since many factors reduce our ability to see disease patterns that might be related to EMF exposure: there is no unexposed population for comparison, for example, and other difficulties in exposure assessment. The evidence for a relationship between EMF exposure and adult cancers and neurodegenerative diseases is sufficiently strong at present to merit preventive actions to reduce EMF exposure.

5. Breast Cancer

There is rather strong evidence from multiple areas of scientific investigation that ELF is related to breast cancer. Over the last two decades there have been numerous epidemiological studies (studies of human illness) on breast cancer in both men and women, although this relationship remains controversial among scientists. Many of these studies report that ELF exposures are related to increased risk of breast cancer (not all studies report such effects, but then, we do not expect 100% or even 50% consistency in results in science, and do not require it to take reasonable preventative action).

The evidence from studies on women in the workplace rather strongly suggests that ELF is a risk factor for breast cancer for women with long-term exposures of 10 mG and higher.

Breast cancer studies of people who work in relatively high ELF exposures (10 mG and above) show higher rates of this disease. Most studies of workers who are exposed to ELF have defined high exposure levels to be somewhere between 2 mG and 10 mG; however this kind of mixing of

relatively low to relatively high ELF exposure just acts to dilute out real risk levels. Many of the occupational studies group exposures so that the highest group is exposed to 4 mG and above. What this means is that a) few people are exposed to much higher levels and b) illness patterns show up at relatively low ELF levels of 4 mG and above. This is another way of demonstrating that existing ELF limits that are set at 933-1000 mG are irrelevant to the exposure levels reporting increased risks.

Laboratory studies that examine human breast cancer cells have shown that ELF exposure between 6 mG and 12 mG can interfere with protective effects of melatonin that fights the growth of these breast cancer cells. For a decade, there has been evidence that human breast cancer cells grow faster if exposed to ELF at low environmental levels. This is thought to be because ELF exposure can reduce melatonin levels in the body. The presence of melatonin in breast cancer cell cultures is known to reduce the growth of cancer cells. The absence of melatonin (because of ELF exposure or other reasons) is known to result in more cancer cell growth.

Laboratory studies of animals that have breast cancer tumors have been shown to have more tumors and larger tumors when exposed to ELF and a chemical tumor promoter at the same time. These studies taken together indicate that ELF is a likely risk factor for breast cancer, and that ELF levels of importance are no higher than many people are exposed to at home and at work. A reasonable suspicion of risk exists and is sufficient evidence on which to recommend new ELF limits; and to warrant preventative action.

Given the very high lifetime risks for developing breast cancer, and the critical importance of prevention; ELF exposures should be reduced for all people who are in high ELF environments for prolonged periods of time.

Reducing ELF exposure is particularly important for people who have breast cancer. The recovery environment should have low ELF levels given the evidence for poorer survival rates for childhood leukemia patients in ELF fields over 2 mG or 3 mG. Preventative action for those who may be at higher risk for breast cancer is also warranted (particularly for those taking tamoxifen as a way to reduce the risk of getting breast cancer, since in addition to reducing the effectiveness of melatonin, ELF exposure may also reduce the effectiveness of tamoxifen at these same low exposure levels). There is no excuse for ignoring the substantial body of evidence we already have that supports an association between breast cancer and ELF exposure; waiting for conclusive evidence is untenable given the enormous costs and societal and personal burdens caused by this disease.

Studies of human breast cancer cells and some animal studies show that ELF is likely to be a risk factor for breast cancer. There is supporting evidence for a link between breast cancer and exposure to ELF that comes from cell and animal studies, as well as studies of human breast cancers.

These are just some of the cancer issues to discuss. It may be reasonable now to make the assumption that all cancers, and other disease endpoints might be related to, or worsened by exposures to EMFs (both ELF and RF).

If one or more cancers are related, why would not all cancer risks be at issue? It can no longer be said that the current state of knowledge rules out or precludes risks to human health. The enormous societal costs and impacts on human suffering by not dealing proactively with this issue require substantive public health policy actions; and actions of governmental agencies charged with the protection of public health to act on the basis of the evidence at hand.

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B. Changes in the Nervous System and Brain Function

Exposure to electromagnetic fields has been studied in connection with Alzheimer's disease, motor neuron disease and Parkinson's disease. (4) These diseases all involve the death of specific neurons and may be classified as neurodegenerative diseases. There is evidence that high levels of amyloid beta are a risk factor for Alzheimer's disease, and exposure to ELF can increase this substance in the brain. There is considerable evidence that melatonin can protect the brain against damage leading to Alzheimer's disease, and also strong evidence that exposure to ELF can reduce melatonin levels. Thus it is hypothesized that one of the body's main protections against developing Alzheimer's disease (melatonin) is less available to the body when people are exposed to ELF. Prolonged exposure to ELF fields could alter calcium (Ca²⁺) levels in neurons and induce oxidative stress (4). It is also possible that prolonged exposure to ELF fields may stimulate neurons (particularly large motor neurons) into synchronous firing, leading to damage by the buildup of toxins.

Evidence for a relationship between exposure and the neurodegenerative diseases, Alzheimer's and amyotrophic lateral sclerosis (ALS), is strong and relatively consistent (see Chapter 12). While not every publication shows a statistically significant relationship between exposure and disease, ORs of 2.3 (95% CI = 1.0-5.1 in Qio et al., 2004), of 2.3 (95% CI = 1.6-3.3 in Feychting et al., 2003) and of 4.0 (95% CI = 1.4-11.7 in Hakansson et al., 2003) for Alzheimer's Disease, and of 3.1 (95% CI = 1.0-9.8 in Savitz et al., 1998) and 2.2 (95% CI = 1.0-4.7 in Hakansson et al., 2003) for ALS cannot be simply ignored.

Alzheimer's disease is a disease of the nervous system. There is strong evidence that long-term exposure to ELF is a risk factor for Alzheimer's disease.

Concern has also been raised that humans with epileptic disorders could be more susceptible to RF exposure. Low-level RF exposure may be a stressor based on similarities of neurological effects to other known stressors; low-level RF activates both endogenous opioids and other substances in the brain that function in a similar manner to psychoactive drug actions. Such effects in laboratory animals mimic the effects of drugs on the part of the brain that is involved in addiction.

Laboratory studies show that the nervous system of both humans and animals is sensitive to ELF and RF. Measurable changes in brain function and behavior occur at levels associated with new technologies including cell phone use. Exposing humans to cell phone radiation can change

brainwave activity at levels as low as 0.1 watt per kilogram SAR (W/Kg)*** in comparison to the US allowable level of 1.6 W/Kg and the International Commission for Non-ionizing Radiation Protection (ICNIRP) allowable level of 2.0 W/Kg. It can affect memory and learning. It can affect normal brainwave activity. ELF and RF exposures at low levels are able to change behavior in animals.

There is little doubt that electromagnetic fields emitted by cell phones and cell phone use affect electrical activity of the brain.

Effects on brain function seem to depend in some cases on the mental load of the subject during exposure (the brain is less able to do two jobs well simultaneously when the same part of the brain is involved in both tasks). Some studies show that cell phone exposure speeds up the brain's activity level; but also that the efficiency and judgment of the brain are diminished at the same time. One study reported that teenage drivers had slowed responses when driving and exposed to cell phone radiation, comparable to response times of elderly people. Faster thinking does not necessarily mean better quality thinking.

Changes in the way in which the brain and nervous system react depend very much on the specific exposures. Most studies only look at short-term effects, so the long-term consequences of exposures are not known.

Factors that determine effects can depend on head shape and size, the location, size and shape of internal brain structures, thinness of the head and face, hydration of tissues, thickness of various tissues, dielectric constant of the tissues and so on. Age of the individual and state of health also appear to be important variables. Exposure conditions also greatly influence the outcome of studies, and can have opposite results depending on the conditions of exposure including frequency, waveform, orientation of exposure, duration of exposure, number of exposures, any pulse modulation of the signal, and when effects are measured (some responses to RF are delayed). There is large variability in the results of ELF and RF testing, which would be expected based on the large variability of factors that can influence test results. However, it is clearly demonstrated that under some conditions of exposure, the brain and nervous system functions of humans are altered. The consequence of long-term or prolonged exposures have not been thoroughly studied in either adults or in children.

The consequence of prolonged exposures to children, whose nervous systems continue to develop until late adolescence, is unknown at this time. This could have serious implications to adult health and functioning in society if years of exposure of the young to both ELF and RF result in diminished capacity for thinking, judgment, memory, learning, and control over behavior.

People who are chronically exposed to low-level wireless antenna emissions report symptoms such as problems in sleeping (insomnia), fatigue, headache, dizziness, grogginess, lack of concentration, memory problems, ringing in the ears (tinnitus), problems with balance and orientation, and difficulty in multi-tasking. In children, exposures to cell phone radiation have resulted in changes in brain oscillatory activity during some memory tasks. Although scientific studies as yet have not been able to confirm a cause-and-effect relationship; these complaints are widespread and the cause of significant public concern in some countries where wireless technologies are fairly mature and widely distributed (Sweden, Denmark, France, Germany, Italy, Switzerland, Austria, Greece, Israel). For example, the roll-out of the new 3rd Generation wireless phones (and related community-wide antenna RF emissions in the Netherlands) caused almost immediate public complaints of illness.(5)

Conflicting results from those few studies that have been conducted may be based on the difficulty in providing non-exposed environments for testing to compare to environments that are intentionally exposed. People traveling to laboratories for testing are pre-exposed to a multitude of RF and ELF exposures, so they may already be symptomatic prior to actual testing. Also complicating this is good evidence that RF exposures testing behavioral changes show delayed results; effects are observed after termination of RF exposure. This suggests a persistent change in the nervous system that may be evident only after time has passed, so is not observed during a short testing period.

The effects of long-term exposure to wireless technologies including emissions from cell phones and other personal devices, and from whole-body exposure to RF transmissions from cell towers and antennas is simply not known yet with certainty. However, the body of evidence at hand suggests that bioeffects and health impacts can and do occur at exquisitely low exposure levels: levels that can be thousands of times below public safety limits.

The evidence reasonably points to the potential for serious public health consequences (and economic costs), which will be of global concern with the widespread public use of, and exposure to such emissions. Even a small increase in disease incidence or functional loss of cognition related to new wireless exposures would have a large public health, societal and economic consequences. Epidemiological studies can report harm to health only after decades of exposure, and where large effects can be seen across "average" populations; so these early warnings of possible harm should be taken seriously now by decision-makers.

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C. Effects on Genes (DNA)

Cancer risk is related to DNA damage, which alters the genetic blueprint for growth and development. If DNA is damaged (the genes are damaged) there is a risk that these damaged cells will not die. Instead they will continue to reproduce themselves with damaged DNA, and this is one necessary pre-condition for cancer. Reduced DNA repair may also be an important part of this story. When the rate of damage to DNA exceeds the rate at which DNA can be repaired, there is the possibility of retaining mutations and initiating cancer. Studies on how ELF and RF may affect genes and DNA is important, because of the possible link to cancer.

Even ten years ago, most people believed that very weak ELF and RF fields could not possibly have any effect at all on DNA and how cells work (or are damaged and cannot do their work properly). The argument was that these weak fields do not possess enough energy (are not physically strong enough) to cause damage. However, there are multiple ways we already know about where energy is not the key factor in causing damage. For example, exposure to toxic chemicals can cause damage. Changing the balance of delicate biological processes, including hormone balances in the body, can damage or destroy cells, and cause illness. In fact, many chronic diseases are directly related to this kind of damage that does not require any heating at all. Interference with cell communication (how cells interact) may either cause cancer directly or promote existing cancers to grow faster.

Using modern gene-testing techniques will probably give very useful information in the future about how EMFs target and affect molecules in the body. At the gene level, there is some evidence now that EMFs (both ELF and RF) can cause changes in how DNA works. Laboratory studies have been conducted to see whether (and how) weak EMFs fields can affect how genes and proteins function. Such changes have been seen in some, but not all studies.

Small changes in protein or gene expression might be able to alter cell physiology, and might be able to cause later effects on health and well-being. The study of genes, proteins and EMFs is still in its infancy, however, by having some confirmation at the gene level and protein level that weak EMFs exposures do register changes may be an important step in establishing what risks to health can occur.

What is remarkable about studies on DNA, genes and proteins and EMFs is that there should be no effect at all if it were true that EMFs is too weak to cause damage. Scientists who believe that the energy of EMFs is insignificant and unlikely to cause harm have a hard time explaining these changes, so are inclined to just ignore them. The trouble with this view is that the effects are occurring. Not being able to explain these effects is not a good reason to consider them imaginary or unimportant.

The European research program (REFLEX) documented many changes in normal biological functioning in tests on DNA (3). The significance of these results is that such effects are directly related to the question of whether human health risks might occur, when these changes in genes and DNA happen. This large research effort produced information on EMFs effects from more than a dozen different researchers. Some of the key findings included:

"Gene mutations, cell proliferation and apoptosis are caused by or result in altered gene and protein expression profiles. The convergence of these events is required for the development of all chronic diseases." (3)

"Genotoxic effects and a modified expression of numerous genes and proteins after EMF exposure could be demonstrated with great certainty." (3)

"RF-EMF produced genotoxic effects in fibroblasts, HL-60 cells, granulosa cells of rats and neural progenitor cells derived from mouse embryonic stem cells." (Participants 2, 3 and 4). (3)

"Cells responded to RF exposure between SAR levels of 0.3 and 2 W/Kg with a significant increase in single- and double-strand DNA breaks and in micronuclei frequency." (Participants 2, 3 and 4). (3)

"In HL-60 cells an increase in intracellular generation of free radicals accompanying RF-EMF exposure could clearly be demonstrated." (Participant 2). (3)

"The induced DNA damage was not based on thermal effects and arouses consideration about the environmental safety limits for ELF-EMF exposure." (3)

"The effects were clearly more pronounced in cells from older donors, which could point to an age-related decrease of DNA repair efficiency of ELF-EMF induced DNA strand breaks." (3)

Both ELF and RF exposures can be considered genotoxic (will damage DNA) under certain conditions of exposure, including exposure levels that are lower than existing safety limits.

D. Effects on Stress Proteins (Heat Shock Proteins)

In nearly every living organism, there is a special protection launched by cells when they are under attack from environmental toxins or adverse environmental conditions. This is called a stress response, and what are produced are stress proteins (also known as heat shock proteins). Plants, animals and bacteria all produce stress proteins to survive environmental stressors like high temperatures, lack of oxygen, heavy metal poisoning, and oxidative stress (a cause of premature aging). We can now add ELF and RF exposures to this list of environmental stressors that cause a physiological stress response.

Very low-level ELF and RF exposures can cause cells to produce stress proteins, meaning that the cell recognizes ELF and RF exposures as harmful. This is another important way in which scientists have documented that ELF and RF exposures can be harmful, and it happens at levels far below the existing public safety standards.

An additional concern is that if the stress goes on too long, the protective effect is diminished. There is a reduced response if the stress goes on too long, and the protective effect is reduced. This means the cell is less protected against damage, and it is why prolonged or chronic exposures may be quite harmful, even at very low intensities.

The biochemical pathway that is activated is the same for ELF and for RF exposures, and it is non-thermal (does not require heating or induced electrical currents, and thus the safety standards based on protection from heating are irrelevant and not protective). ELF exposure levels of only 5 to 10 mG have been shown to activate the stress response genes (Table 2, Section 6). The specific absorption rate or SAR is not the appropriate measure of biological threshold or dose, and should not be used as the basis for a safety standard, since SAR only regulates against thermal damage.

E. Effects on the Immune System

The immune system is another defense we have against invading organisms (viruses, bacteria, and other foreign molecules). It protects us against illness, infectious diseases, and tumor cells. There are many different kinds of immune cells; each type of cell has a particular purpose, and is launched to defend the body against different kinds of exposures that the body determines might be harmful.

There is substantial evidence that ELF and RF can cause inflammatory reactions, allergy reactions and change normal immune function at levels allowed by current public safety standards.

The body's immune defense system senses danger from ELF and RF exposures, and targets an immune defense against these fields, much like the body's reaction in producing stress proteins. These are additional indicators that very low intensity ELF and RF exposures are a) recognized by cells and b) can cause reactions as if the exposure is harmful. Chronic exposure to factors that increase allergic and inflammatory responses on a continuing basis are likely to be harmful to health. Chronic inflammatory responses can lead to cellular, tissue and organ damage over time. Many chronic diseases are thought to be related to chronic problems with immune system function.

The release of inflammatory substances, such as histamine, are well-known to cause skin reactions, swelling, allergic hypersensitivity and other conditions that are normally associated with some kind of defense mechanism. The human immune system is part of a general defense barrier that protects against harmful exposures from the surrounding environment. When the immune system is aggravated by some kind of attack, there are many kinds of immune cells that can respond. Anything that triggers an immune response should be carefully evaluated, since chronic stimulation of the immune system may over time impair the system's ability to respond in the normal fashion.

Measurable physiological changes (mast cell increases in the skin, for example that are markers of allergic response and inflammatory cell response) are triggered by ELF and RF at very low intensities. Mast cells, when activated by ELF or RF, will break (degranulate) and release irritating chemicals that cause the symptoms of allergic skin reactions.

There is very clear evidence that exposures to ELF and RF at levels associated with cell phone use, computers, video display terminals, televisions, and other sources can cause these skin reactions. Changes in skin sensitivity have been measured by skin biopsy, and the findings are remarkable. Some of these reactions happen at levels equivalent to those of wireless technologies in daily life. Mast cells are also found in the brain and heart, perhaps targets of immune response by cells responding to ELF and RF exposures, and this might account for some of the other symptoms commonly reported (headache, sensitivity to light, heart arrhythmias and other cardiac symptoms). Chronic provocation by exposure to ELF and RF can lead to immune dysfunction, chronic allergic responses, inflammatory diseases and ill health if they occur on a continuing basis over time.

These clinical findings may account for reports of persons with electrical hypersensitivity, which is a condition where there is intolerance for any level of exposure to ELF and/or RF. Although there is not yet a substantial scientific assessment (under controlled conditions, if that is even possible); anecdotal reports from many countries show that estimates range from 3% to perhaps 5% of populations, and it is a growing problem. Electrical hypersensitivity, like multiple chemical sensitivity, can be disabling and require the affected person to make drastic changes in work and living circumstances, and suffer large economic losses and loss of personal freedom. In Sweden, electrohypersensitivity (EHS) is officially recognized as fully functional impairment (i.e., it is not regarded as a disease – see Section 6, Appendix A).

F. Plausible Biological Mechanisms

Plausible biological mechanisms are already identified that can reasonably account for most biological effects reported for exposure to RF and ELF at low-intensity levels (oxidative stress and DNA damage from free radicals leading to genotoxicity; molecular mechanisms at very low energies are plausible links to disease, e.g., effect on electron transfer rates linked to oxidative damage, DNA activation linked to abnormal biosynthesis and mutation). It is also important to remember that traditional public health and epidemiological determinations do not require a proven mechanism before inferring a causal link between EMFs exposure and disease (12). Many times, proof of mechanism is not known before wise public health responses are implemented.

“Obviously, melatonin’s ability to protect DNA from oxidative damage has implications for many types of cancer, including leukemia, considering that DNA damage due to free radicals is believed to be the initial oncogenic event in a majority of human cancers [Cerutti et al., 1994]. In addition to cancer, free radical damage to the central nervous system is a significant component of a variety of neurodegenerative diseases of the aged including Alzheimer’s disease and Parkinsonism. In experimental animal models of both of these conditions, melatonin has proven highly effective in forestalling their onset, and reducing their severity [Reiter et al., 2001].” (13)

Oxidative stress through the action of free radical damage to DNA is a plausible biological mechanism for cancer and diseases that involve damage from ELF to the central nervous system.

G. Another Way of Looking at EMFs: Therapeutic Uses

Many people are surprised to learn that certain kinds of EMFs treatments actually can heal. These are medical treatments that use EMFs in specific ways to help in healing bone fractures, to heal wounds to the skin and underlying tissues, to reduce pain and swelling, and for other post-surgical needs. Some forms of EMFs exposure are used to treat depression.

EMFs have been shown to be effective in treating conditions of disease at energy levels far below current public exposure standards. This leads to the obvious question. How can scientists dispute

the harmful effects of EMF exposures while at the same time using forms of EMF treatment that are proven to heal the body?

Medical conditions are successfully treated using EMFs at levels below current public safety standards, proving another way that the body recognizes and responds to low-intensity EMF signals. Otherwise, these medical treatments could not work. The FDA has approved EMFs medical treatment devices, so is clearly aware of this paradox.

Random exposures to EMFs, as opposed to EMFs exposures done with clinical oversight, could lead to harm just like the unsupervised use of pharmaceutical drugs. This evidence forms a strong warning that indiscriminate EMF exposure is probably a bad idea.

No one would recommend that drugs used in medical treatments and prevention of disease be randomly given to the public, especially to children. Yet, random and involuntary exposures to EMFs occur all the time in daily life.

The consequence of multiple sources of EMFs exposures in daily life, with no regard to cumulative exposures or to potentially harmful combinations of EMFs exposures means several things. First, it makes it very difficult to do clinical studies because it is almost impossible to find anyone who is not already exposed. Second, people with and without diseases have multiple and overlapping exposures – this will vary from person to person.

Just as ionizing radiation can be used to effectively diagnose disease and treat cancer, it is also a cause of cancer under different exposure conditions. Since EMFs are both a cause of disease, and also used for treatment of disease, it is vitally important that public exposure standards reflect our current understanding of the biological potency of EMF exposures, and develop both new public safety limits and measures to prevent future exposures.

III. EMF EXPOSURE AND PRUDENT PUBLIC HEALTH PLANNING

- The scientific evidence is sufficient to warrant regulatory action for ELF; and it is substantial enough to warrant preventative actions for RF.
- The standard of evidence for judging the emerging scientific evidence necessary to take action should be proportionate to the impacts on health and well-being
- The exposures are widespread.
- Widely accepted standards for judging the science are used in this assessment.

Public exposure to electromagnetic radiation (power-line frequencies, radiofrequency and microwave) is growing exponentially worldwide. There is a rapid increase in electrification in developing countries, even in rural areas. Most members of society now have and use cordless phones, cellular phones, and pagers. In addition, most populations are also exposed to antennas in communities designed to transmit wireless RF signals. Some developing countries have even given up running land lines because of expense and the easy access to cell phones. Long-term and cumulative exposure to such massively increased RF has no precedent in human history. Furthermore, the most pronounced change is for children, who now routinely spend hours each day on the cell phone. Everyone is exposed to a greater or lesser extent. No one can avoid exposure, since even if they live on a mountain-top without electricity there will likely be exposure to communication-frequency RF exposure. Vulnerable populations (pregnant women, very young children, elderly persons, the poor) are exposed to the same degree as the general population. Therefore it is imperative to consider ways in which to evaluate risk and reduce exposure. Good public health policy requires preventative action proportionate to the potential risk of harm and the public health consequence of taking no action.

IV. RECOMMENDED ACTIONS

A. Defining new exposure standards for ELF

This chapter concludes that new ELF limits are warranted based on a public health analysis of the overall existing scientific evidence. The public health view is that new ELF limits are needed now. They should reflect environmental levels of ELF that have been demonstrated to increase

risk for childhood leukemia, and possibly other cancers and neurological diseases. ELF limits should be set below those exposure levels that have been linked in childhood leukemia studies to increased risk of disease, plus an additional safety factor. It is no longer acceptable to build new power lines and electrical facilities that place people in ELF environments that have been determined to be risky. These levels are in the 2 to 4 milligauss* (mG) range, not in the 10s of mG or 100s of mG. The existing ICNIRP limit is 1000 mG (904 mG in the US) for ELF is outdated and based on faulty assumptions. These limits are can no longer be said to be protective of public health and they should be replaced. A safety buffer or safety factor should also be applied to a new, biologically-based ELF limit, and the conventional approach is to add a safety factor lower than the risk level.

While new ELF limits are being developed and implemented, a reasonable approach would be a 1 mG planning limit for habitable space adjacent to all new or upgraded power lines and a 2 mG limit for all other new construction. It is also recommended for that a 1 mG limit be established for existing habitable space for children and/or women who are pregnant (because of the possible link between childhood leukemia and *in utero* exposure to ELF). This recommendation is based on the assumption that a higher burden of protection is required for children who cannot protect themselves, and who are at risk for childhood leukemia at rates that are traditionally high enough to trigger regulatory action. This situation in particular warrants extending the 1 mG limit to existing occupied space. "Establish" in this case probably means formal public advisories from relevant health agencies. While it is not realistic to reconstruct all existing electrical distribution systems, in the short term; steps to reduce exposure from these existing systems need to be initiated, especially in places where children spend time, and should be encouraged. These limits should reflect the exposures that are commonly associated with increased risk of childhood leukemia (in the 2 to 5 mG range for all children, and over 1.4 mG for children age 6 and younger). Nearly all of the occupational studies for adult cancers and neurological diseases report their highest exposure category is 4 mG and above, so that new ELF limits should target the exposure ranges of interest, and not necessarily higher ranges.

Avoiding chronic ELF exposure in schools, homes and the workplace above levels associated with increased risk of disease will also avoid most of the possible bioactive parameters of ELF discussed in the relevant literature.

B. Defining preventative actions for reduction in RF exposures

Given the scientific evidence at hand (Chapter 17), the rapid deployment of new wireless technologies that chronically expose people to pulsed RF at levels reported to cause bioeffects, which in turn, could reasonably be presumed to lead to serious health impacts, is of public health concern. Section 17 summarizes evidence that has resulted in a public health recommendation that preventative action is warranted to reduce or minimize RF exposures to the public. There is suggestive to strongly suggestive evidence that RF exposures may cause changes in cell membrane function, cell communication, cell metabolism, activation of proto-oncogenes and can trigger the production of stress proteins at exposure levels below current regulatory limits. Resulting effects can include DNA breaks and chromosome aberrations, cell death including death of brain neurons, increased free radical production, activation of the endogenous opioid system, cell stress and premature aging, changes in brain function including memory loss, retarded learning, slower motor function and other performance impairment in children, headaches and fatigue, sleep disorders, neurodegenerative conditions, reduction in melatonin secretion and cancers (Chapters 5, 6, 7, 8, 9, 10, and 12).

As early as 2000, some experts in bioelectromagnetics promoted a $0.1 \mu\text{W}/\text{cm}^2$ limit (which is 0.614 Volts per meter) for ambient outdoor exposure to pulsed RF, so generally in cities, the public would have adequate protection against involuntary exposure to pulsed radiofrequency (e.g., from cell towers, and other wireless technologies). The Salzburg Resolution of 2000 set a target of $0.1 \mu\text{W}/\text{cm}^2$ (or 0.614 V/m) for public exposure to pulsed radiofrequency. Since then, there are many credible anecdotal reports of unwellness and illness in the vicinity of wireless transmitters (wireless voice and data communication antennas) at lower levels. Effects include sleep disruption, impairment of memory and concentration, fatigue, headache, skin disorders, visual symptoms (floaters), nausea, loss of appetite, tinnitus, and cardiac problems (racing heartbeat). There are some credible articles from researchers reporting that cell tower -level RF exposures (estimated to be between 0.01 and $0.5 \mu\text{W}/\text{cm}^2$) produce ill-effects in populations living up to several hundred meters from wireless antenna sites.

This information now argues for thresholds or guidelines that are substantially below current FCC and ICNIPR standards for whole body exposure. Uncertainty about how low such standards might have to go to be prudent from a public health standpoint should not prevent reasonable

efforts to respond to the information at hand. No lower limit for bioeffects and adverse health effects from RF has been established, so the possible health risks of wireless WLAN and WI-FI systems, for example, will require further research and no assertion of safety at any level of wireless exposure (chronic exposure) can be made at this time. The lower limit for reported human health effects has dropped 100-fold below the safety standard (for mobile phones and PDAs); 1000- to 10,000-fold for other wireless (cell towers at distance; WI-FI and WLAN devices). The entire basis for safety standards is called into question, and it is not unreasonable to question the safety of RF at any level.

A cautionary target level for pulsed RF exposures for ambient wireless that could be applied to RF sources from cell tower antennas, WI-FI, WI-MAX and other similar sources is proposed. The recommended cautionary target level is 0.1 microwatts per centimeter squared ($\mu\text{W}/\text{cm}^2$)** (or 0.614 Volts per meter or V/m)** for pulsed RF where these exposures affect the general public; this advisory is proportionate to the evidence and in accord with prudent public health policy. A precautionary limit of 0.1 $\mu\text{W}/\text{cm}^2$ should be adopted for outdoor, cumulative RF exposure. This reflects the current RF science and prudent public health response that would reasonably be set for pulsed RF (ambient) exposures where people live, work and go to school. This level of RF is experienced as whole-body exposure, and can be a chronic exposure where there is wireless coverage present for voice and data transmission for cell phones, pagers and PDAs and other sources of radiofrequency radiation. An outdoor precautionary limit of 0.1 $\mu\text{W}/\text{cm}^2$ would mean an even lower exposure level inside buildings, perhaps as low as 0.01 $\mu\text{W}/\text{cm}^2$. Some studies and many anecdotal reports on ill health have been reported at lower levels than this; however, for the present time, it could prevent some of the most disproportionate burdens placed on the public nearest to such installations. Although this RF target level does not preclude further rollout of WI-FI technologies, we also recommend that wired alternatives to WI-FI be implemented, particularly in schools and libraries so that children are not subjected to elevated RF levels until more is understood about possible health impacts. This recommendation should be seen as an interim precautionary limit that is intended to guide preventative actions; and more conservative limits may be needed in the future.

Broadcast facilities that chronically expose nearby residents to elevated RF levels from AM, FM and television antenna transmission are also of public health concern given the potential for very high RF exposures near these facilities (antenna farms). RF levels can be in the 10s to several 100's of $\mu\text{W}/\text{cm}^2$ in residential areas within half a mile of some broadcast sites (for example,

Lookout Mountain, Colorado and Awbrey Butte, Bend, Oregon). Such facilities that are located in, or expose residential populations and schools to elevated levels of RF will very likely need to be re-evaluated for safety.

For emissions from wireless devices (cell phones, personal digital assistant or PDA devices, etc) there is enough evidence for increased risk of brain tumors and acoustic neuromas now to warrant intervention with respect to their use. Redesign of cell phones and PDAs could prevent direct head and eye exposure, for example, by designing new units so that they work only with a wired headset or on speakerphone mode.

These effects can reasonably be presumed to result in adverse health effects and disease with chronic and uncontrolled exposures, and children may be particularly vulnerable. The young are also largely unable to remove themselves from such environments. Second-hand radiation, like second-hand smoke is an issue of public health concern based on the evidence at hand.

V. CONCLUSIONS

- We cannot afford "business as usual" any longer. It is time that planning for new power lines and for new homes, schools and other habitable spaces around them is done with routine provision for low-ELF environments. The business-as-usual deployment of new wireless technologies is likely to be risky and harder to change if society does not make some educated decisions about limits soon. Research must continue to define what levels of RF related to new wireless technologies are acceptable; but more research should not prevent or delay substantive changes today that might save money, lives and societal disruption tomorrow.

- New regulatory limits for ELF are warranted. ELF limits should be set below those exposure levels that have been linked in childhood leukemia studies to increased risk of disease, plus an additional safety factor. It is no longer acceptable to build new power lines and electrical facilities that place people in ELF environments that have been determined to be risky (at levels generally at 2 mG and above).

- While new ELF limits are being developed and implemented, a reasonable approach would be a 1 mG planning limit for habitable space adjacent to all new or upgraded power lines and a 2 mG limit for all other new construction. It is also recommended for that a 1 mG limit be established for existing habitable space for children and/or women who are pregnant. This recommendation is based on the assumption that a higher burden of protection is required for children who cannot protect themselves, and who are at risk for childhood leukemia at rates that are traditionally high enough to trigger regulatory action. This situation in particular warrants extending the 1 mG limit to existing occupied space. "Establish" in this case probably means formal public advisories from relevant health agencies.
- While it is not realistic to reconstruct all existing electrical distributions systems; in the short term; steps to reduce exposure from these existing systems need to be initiated, especially in places where children spend time, and should be encouraged.
- A precautionary limit of 0.1 ($\mu\text{W}/\text{cm}^2$) (which is also 0.614 Volts per meter) should be adopted for outdoor, cumulative RF exposure. This reflects the current RF science and prudent public health response that would reasonably be set for pulsed RF (ambient) exposures where people live, work and go to school. This level of RF is experienced as whole-body exposure, and can be a chronic exposure where there is wireless coverage present for voice and data transmission for cell phones, pagers and PDAs and other sources of radiofrequency radiation. Some studies and many anecdotal reports on ill health have been reported at lower levels than this; however, for the present time, it could prevent some of the most disproportionate burdens placed on the public nearest to such installations. Although this RF target level does not preclude further rollout of WI-FI technologies, we also recommend that wired alternatives to WI-FI be implemented, particularly in schools and libraries so that children are not subjected to elevated RF levels until more is understood about possible health impacts. This recommendation should be seen as an interim precautionary limit that is intended to guide preventative actions; and more conservative limits may be needed in the future.

VI. References

1. Martuzzi M. 2005. Science, Policy and the Protection of Human Health: A European Perspective. Bioelectromagnetics Supplement 7: S151-156.

A milligauss is a measure of ELF intensity and is abbreviated mG. This is used to describe electromagnetic fields from appliances, power lines, interior electrical wiring.

****Microwatts per centimeter squared ($\mu\text{W}/\text{cm}^2$)**

Radiofrequency radiation in terms of power density is measured in microwatts per centimeter squared and abbreviated ($\mu\text{W}/\text{cm}^2$). It is used when talking about emissions from wireless facilities, and when describing ambient RF in the environment. The amount of allowable RF near a cell tower is 1000 $\mu\text{W}/\text{cm}^2$ for some cell phone frequencies, for example.

*****Specific Absorption Rate (SAR is measured in watts per kilogram or W/Kg)**

SAR stands for specific absorption rate. It is a calculation of how much RF energy is absorbed into the body, for example when a cell phone or cordless phone is pressed to the head. SAR is expressed in watts per kilogram of tissue (W/Kg). The amount of allowable energy into 1 gram of brain tissue from a cell phone is 1.6 W/Kg in the US. For whole body exposure, the exposure is 0.8 W/Kg averaged over 30 minutes for the general public. International standards in most countries are similar, but not exactly the same.

C5

Rosa Johnston

From: Joanne de Vries [info@freshoutlookfoundation.org]
Sent: Thursday, July 14, 2011 1:11 PM
To: Rosa Johnston
Subject: BSC Program at a Glance



Great news on many fronts!

Whether you're new to sustainability or a seasoned veteran, there's something for you at our next Building SustainAble Communities (BSC) conference in Kelowna February 27th to March 1st, 2012. Check out our Program at a Glance for news about how what you'll learn and who you'll meet will help you innovate, collaborate, and celebrate your way to community well-being.

Given that BSC is a must-attend event, community leaders from all sectors and all areas of BC will be there. (Last year's BSC drew 500 delegates from more than 80 communities.) If you're looking to connect with these decision-makers, check out our Sponsorship and Exhibitor Opportunities. Conference registration will open in September. For now, remember to mark February 27th to March 1st on your calendar!

We're also very excited about our new social enterprise - SustainAbility Support Services Inc. - which works with organizations and communities to accelerate their move toward social, cultural, environmental, and economic well-being. Whether you're from the public, private, nonprofit, academic, or faith-based sector, we have the team, tactics, and tools to help with organizational development, planning, communications and consultation, and project and event management. And, net proceeds are directed back to the foundation to help support its valuable work!

Please check out our new website at www.freshoutlookfoundation.org. I'm hoping you'll find it a refreshing change!

BTW, the 3rd Annual Cities Fit for Children Provincial Summit is being held in Kamloops May 10th & 11th, 2012. The event brings together local, municipal, and regional leaders involved in policy decisions and designing and building safe, healthy communities for children and families. For more information, and to respond to a Call for Papers, [click here](#).

Thanks!

Joanne de Vries
 Founder & CEO
 Fresh Outlook Foundation



Building SustainAble Communities

PROGRAM AT A GLANCE

February 27th-March 1st, 2012
Delta Grand Conference Centre, Kelowna BC

MONDAY, FEBRUARY 27 th , 2012	
8:30am-5pm	<p>ROLE CALL: Connecting All Pieces of the SustainAbility Puzzle</p> <p>The morning session explores delegates' specific roles in the move toward community sustainability. Delegates will break into the following 12 groups to discuss responsibilities, challenges, opportunities, lessons learned, and best practices.</p> <ul style="list-style-type: none"> ◊ Leadership (politicians) ◊ Administration ◊ Planning ◊ Infrastructure/Utilities ◊ Business ◊ Education ◊ Environment ◊ Agriculture/Food ◊ Development ◊ Arts/Culture ◊ Public Engagement ◊ Health/Wellness <p>The afternoon features informative, interactive, and fun opportunities for people from different groups / sectors to work together to solve common problems.</p>
TUESDAY, FEBRUARY 28 th , 2012	
8:00am-5pm	<p>OPTION #1: SustainAble Water Management</p> <p>This session features three keynotes and seven panel discussions addressing the following topics:</p> <ul style="list-style-type: none"> ◊ Water Governance ◊ Water Valuation & Costing ◊ Sustainable Infrastructure Delivery ◊ Sustainable Rainwater Management ◊ Source Water Protection ◊ Sustainable Wastewater Management ◊ Water Conservation
8:00am-5pm	<p>OPTION #2: Social & Cultural SustainAbility</p> <p>This session features three keynote presentations, one panel discussion, and an interactive expo of social and cultural sustainability issues. During the afternoon expo / idea exchange, experts in the following areas will share their thoughts on opportunities, challenges, lessons learned, and best practices.</p> <ul style="list-style-type: none"> ◊ Aboriginal Issues ◊ Creative Sector ◊ Cultural Diversity ◊ Education/Lifelong Learning ◊ Employment/Income Security ◊ Environment ◊ Food Security ◊ Heritage ◊ Housing ◊ Mental Health ◊ Parks/Recreation ◊ Public Health ◊ Spirituality
8:00am-Noon	<p>OPTION #3: The Business Case for SustainAbility</p> <p>Corporations are under increasing pressure to embrace social and environmental responsibility. Until now, there's been very little evidence expressed in business language showing the benefits of the "triple bottom line" (People, Planet, Profits). International author and speaker Dr. Bob Willard will demonstrate that the benefits of sustainable development strategies make good business sense. He will speak about the "business case" for sustainability, and provide advice for sustainability champions on how to navigate barriers to change within their organizations. He will also outline actionable tools for implementing sustainable practices that protect the environment while attracting and retaining talent, inspiring innovation, and increasing profitability.</p>

WEDNESDAY, FEBRUARY 29 th , 2012	
8:00am-5pm	<p>Conversations That Count</p> <p>This day features two keynotes, five breakouts, and 12 panel discussions, including:</p> <ul style="list-style-type: none"> ◊ COMMUNITY SUSTAINABILITY: The Rear View Mirror & the Crystal Ball ◊ ECOLOGICAL ECONOMICS: Balancing Human Needs with Ecological Imperatives ◊ SUSTAINABLE PLANNING 101: Seeing the Big Picture ◊ SUSTAINABILITY TOOLS: Exploring the Benefits of GHG Monitoring & Modelling ◊ GREEN BUILDINGS & DEVELOPMENTS: Crafting a Foundation for Positive Change ◊ TRANSPORTATION: Accelerating Toward Sustainable Solutions ◊ COMMUNITY INVOLVEMENT & ACTIVISM: Applauding Those Who Take a Stand ◊ SUSTAINABLE PLANNING 201: Connecting the Dots Between Frameworks & Plans ◊ SUSTAINABILITY TOOLS: Attaining & Sustaining Good Governance ◊ AGRICULTURE PLANS & POLICIES: Nurturing the Future of Food Security ◊ SUSTAINABLE ECONOMIC DEVELOPMENT: Balancing Green With Green ◊ CROSS-SECTOR COLLABORATION: Expediting Change Through Innovative Partnerships
THURSDAY, MARCH 1 st , 2012	
8:00am-5pm	<p>Leadership That Inspires</p> <p>This day features one keynote, one debate, ten panel discussions, and two workshops.</p> <ul style="list-style-type: none"> ◊ SUSTAINABLE PLANNING 301: Optimizing the Benefits of Public Engagement ◊ SUSTAINABILITY TOOLS: Finding Sustainable Funding Sources ◊ AGRICULTURE SUCCESSES: Growing Practical Solutions for Self Sufficiency ◊ CLIMATE ACTION SUCCESSES: Using Innovative Tools to Meet GHG Reduction Targets ◊ YOUTH ENGAGEMENT: Building Tomorrow's Leaders Today ◊ SUSTAINABLE PLANNING 401: Celebrating Successful Implementation ◊ COMMUNITY DESIGN: Shaping Lovely and Livable Spaces and Places ◊ LEADERSHIP SUCCESSES: Believing It's Worth the Risk! ◊ SOLID WASTE MANAGEMENT: Investing in New Ways to Solve Age-Old Problems ◊ EMERGING ENERGY ISSUES: Stepping Past Fossil Fuels ◊ STATE OF THE DEBATE: Life Science Intensive vs. Ecologically Intensive Agri-food Systems ◊ WORKSHOP #1: Housing Solutions for BC Communities ◊ WORKSHOP #2: Building Meaningful & Productive Relationships with First Nations



Building Sustainable Communities is hosted by the Fresh Outlook Foundation. For more information about the program or sponsorship/exhibitor opportunities, contact Joanne de Vries at 250-766-1777 or jo@freshoutlookfoundation.org.

For more information visit www.freshoutlookfoundation.org

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MEMORANDUM



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DATE: July 13, 2011

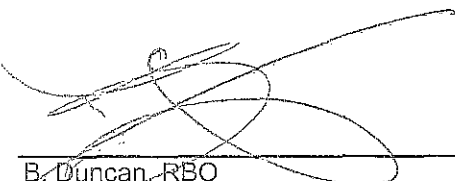
TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF JUNE, 2011

There were 46 Building Permits and 0 Demolition Permit(s) issued during the month of June, 2011 with a total value of \$ 5,216,310.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				619,330			3	40	619,330	5,816,920
"B"				335,140	310,800		10	47	645,940	3,585,240
"C"				169,600	357,480		6	21	527,080	2,129,495
"D"				636,380	42,100		6	27	678,480	2,966,780
"E"				501,440	124,600		6	21	626,040	2,896,800
"F"				456,220	11,520	17,280	4	13	485,020	1,197,755
"G"				185,840	113,160		5	16	299,000	1,637,580
"H"				938,900			3	18	938,900	2,582,080
"I"				375,950	20,570		3	18	396,520	2,447,480
Total	\$ -	\$ -	\$ -	\$ 4,218,800	\$ 980,230	\$ 17,280	46	221	\$ 5,216,310	\$ 25,260,130


 B. Duncan, RBO
 Manager, Inspections and Enforcement Division
 Planning and Development Department

BD/db

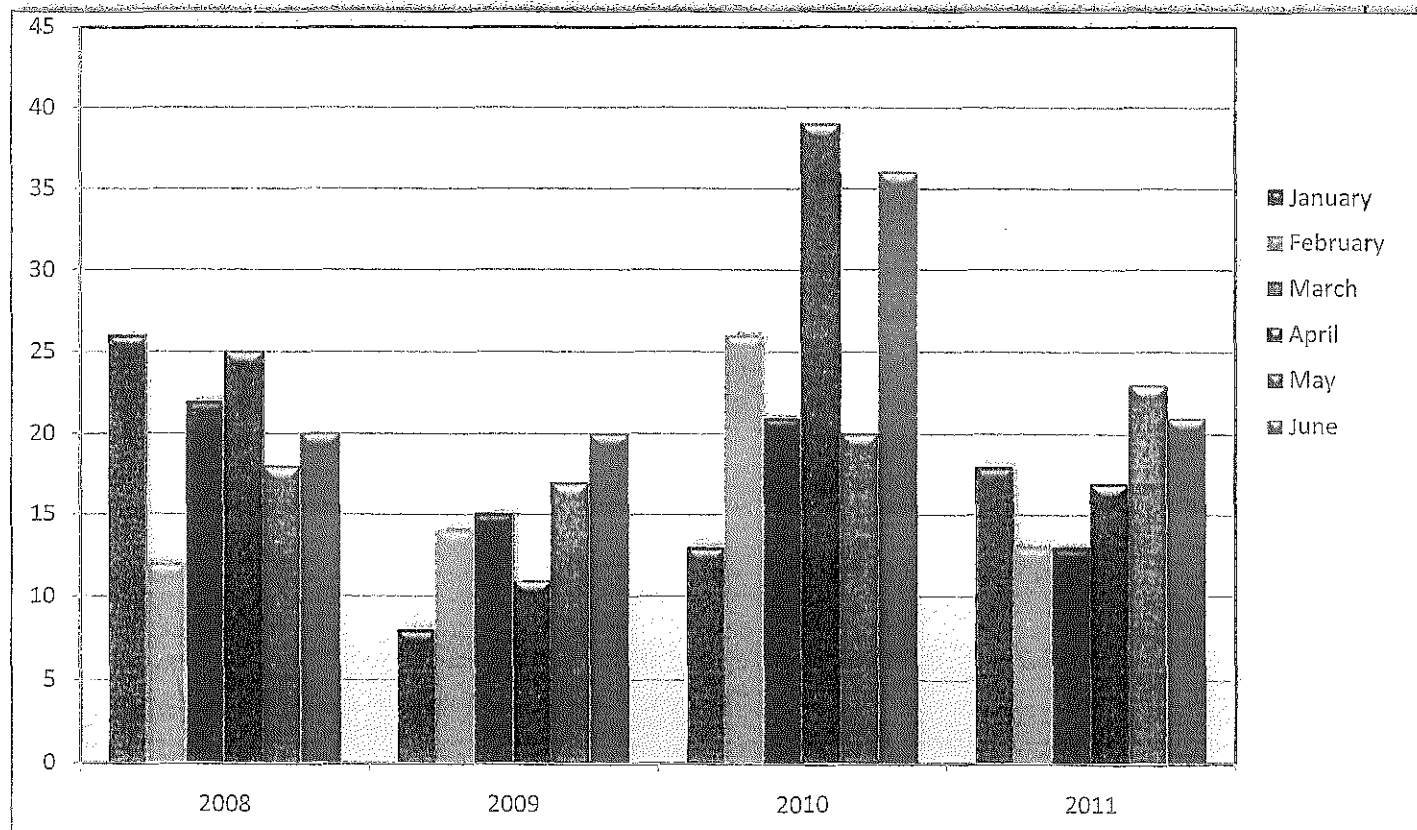
NOTE: For a comparison of New Housing Starts from 2008 to 2011, see page 2
 For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3



C·V·R·D

Total of New Housing Starts

	2008	2009	2010	2011
January	26	8	13	18
February	12	14	26	13
March	22	15	21	13
April	25	11	39	17
May	18	17	20	23
June	20	20	36	21
YTD Totals	123	85	155	105

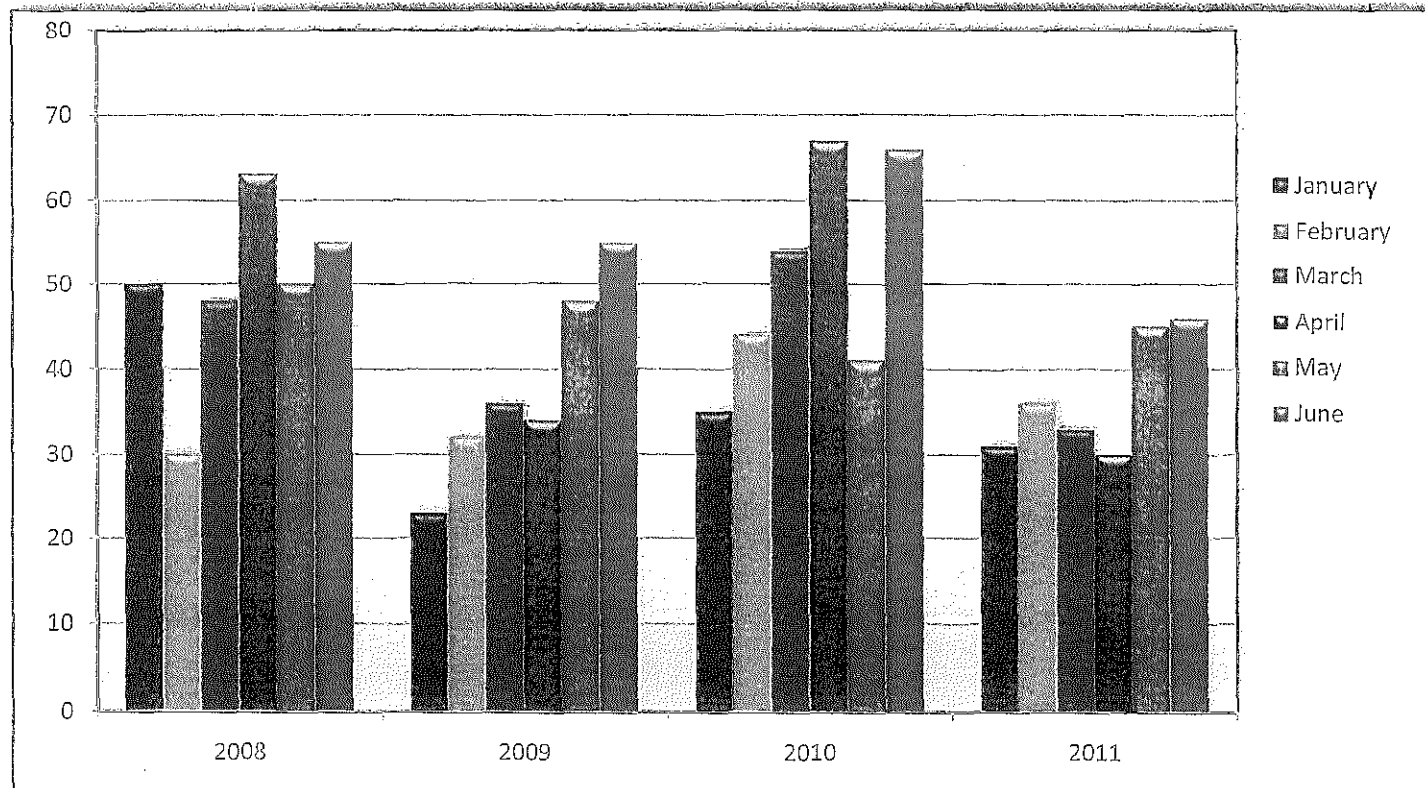




C.V.R.D.

Total Building Permits Issued

	2008	2009	2010	2011
January	50	23	35	31
February	30	32	44	36
March	48	36	54	33
April	63	34	67	30
May	50	48	41	45
June	55	55	66	46
YTD Totals	296	228	307	221



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**AREA 'C' COBBLE HILL ADVISORY PLANNING COMMISSION
MEETING**

**THURSDAY, JULY 14TH, 2011
COBBLE HILL HALL DINING ROOM**



MINUTES

Present: Rod de Paiva – Chair, David Lloyd, Joanne Bond, Robin Brett, Rosemary Allen, Jerry Tomljenovic, Don Herriot, Jens Liebgott, David Thomson, Brenda Krug

Chair de Paiva called the meeting to order at 7:00 p.m.

Also present: Gerry Giles – Regional Director Area 'C', Cobble Hill, George Robbins, Gerard Leblanc, Karen and Art Ingham

Minutes: To be dealt with at the next meeting

Agenda: Moved/seconded that the Agenda be accepted as circulated. Carried

Application: No 1-C-11ALR (LeBlanc for Robbins)

Rod de Paiva, Gerry Giles and David Thomson excused themselves from the presentation due to conflict of interest. Brenda Krug also excused herself from participating in the APC discussion and recommendation, but remained to record the minutes of the presentation and discussion.

Jens Liebgott assumed the Chair.

Gerard LeBlanc presented the application and explained the history of the property and its agricultural potential. He then showed the location of the house and buildings on enlarged photographs, explained the 'homesite severance' applied for and the size and disposition of the proposed area to be separated from the main farm. This area includes a well and septic field that service the main dwelling.

The present house will remain in place on the separated property while a new house will be built on the farm. There is a 5 phase plan to continue and improve farm productivity. Mr. Leblanc showed the proposed phasing of the future operation and the types of crops that will result from upgrading the property over the several years of the plan.

He stated that the object of this application is to keep the farm in Mr. Robbins' family and that although the farm does not 'completely comply' with the criteria for 'home site severance'. It was purchased shortly after the December 21st,

1972 deadline date. Mr. Robbins has occupied the property with his late wife since purchase.

The APC members asked several questions of Mr. Leblanc regarding the building of a new house on the farm, present use of the farm, the phasing in of the proposed improvements and the size of the area proposed for separation from the main farm area.

During the discussion that followed, several concerns were raised regarding the application:

There is no guarantee that the land will be kept in the family.

A larger separated area could provide two viable farms.

Some members were not in favour of a small parcel to be treated as residential property being removed from farmland and one APC member remained strongly committed to this position.

Moved/seconded that the Area C APC recommends the proposal be forwarded to the ALC as presented. Carried

Rod de Paiva resumed the Chair and thanked Jens Liebgott for chairing the application. Dave Thomson and Gerry Giles also returned to the meeting.

Director's Report

Director Giles spoke to the APC regarding several local issues.

7:45 p.m. Jerry Tomljenovic left the meeting.

Adjournment: 8:18

Next meeting: the next meeting of the Area C APC will be August 11th, 2011. Chair de Paiva noted that we will now be receiving applications under the new South Cowichan Official Community Plan

Submitted by Brenda Krug