



C·V·R·D

## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
June 5, 2012  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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### A G E N D A

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

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

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**10. ADJOURNMENT**

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

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Director M. Walker  
Director B. Fraser  
Director I. Morrison

Director M. Marcotte  
Director G. Giles  
Director L. Iannidinardo

Director P. Weaver  
Director L. Duncan  
Director M. Dorey

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, May 15, 2012 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director M. Walker, Chair  
Director L. Iannidinardo  
Director P. Weaver  
Director I. Morrison  
Director B. Fraser  
Director L. Duncan  
Director G. Giles  
Director M. Marcotte  
Director M. Dorey

**CVRD STAFF**

Tom Anderson, General Manager  
Mike Tippet, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Alison Garnett, Planner I  
Rob Hutchins, Board Chair  
Dana Leitch, Planner II  
Ann Kjerulf, Planner III  
Ryan Dias, A/Manager  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included changing the order of agenda item R1 and R2, and adding one new business items plus one closed session new business item.

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

MOTION CARRIED

**M1 - Minutes**

It was Moved and Seconded that the Minutes of the May 1, 2012, EASC meeting be amended on page 12 by changing "Director Bruce" to "Director Fraser" and that the minutes, as amended, be adopted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**STAFF REPORTS**

**R2 - Lamont**

Alison Garnett, Planner I, reviewed staff report dated May 9, 2012, regarding Application No. 2-G-12DP (Lamont/Ethier) to permit construction of a single family home at 3857 Rumble Road.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 2-G-12DP be approved, and that a development permit be issued to Bill and Shelley Ethier for Lot 1, District Lot 34, Oyster District, Plan 6940, to permit construction of a single family home, subject to compliance with the Geotechnical Slope Assessment by Lewkowich Engineering, dated December 9, 2011.

**MOTION CARRIED**

**R1 – Hornick/  
Anderson**

Dana Leitch, Planner II, reviewed staff report dated May 15, 2012, regarding Application No. 4-B-11RS (Steve Hornick/Janice Anderson) to rezone property located at 3011 Gregory Road from F-1 to R-2 to permit subdivision into four bare land strata lots.

Steve Hornick and Janice Anderson, applicants, were present and provided further information to the application.

The Committee directed questions to staff and the applicants.

It was Moved and Seconded

1. That the zoning amendment bylaw for Application No. 4-B-011RS (Hornick and Anderson) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That a public hearing be scheduled with Directors Fraser, Walker, and Marcotte as delegates, subject to the following being submitted in an acceptable form:
  - A Wildland Urban Interface Fire Hazard Assessment
  - Draft Parks Covenant.
3. That prior to final adoption of the amendment bylaw that the applicants provide written confirmation to the CVRD that the subject property has been included in the Shawnigan Lake Fire Protection Improvement District so that fire protection is provided to the property.
4. That the Board Chair and Corporate Secretary be authorized to sign a Section 219 covenant to secure park land dedication, with the cost of preparing the covenant to be borne by the applicants.

**MOTION CARRIED**

**R3 - Muir**

Alison Garnett, Planner I, reviewed staff report dated May 8, 2012, regarding Application No. 1-G-12 DP (Muir/Neil) to permit removal of existing residence and construct a single family home at 3741 Gardner Road.

Bruce Muir, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.



It was Moved and Seconded

That Application No. 1-G-12DP be approved, and that a development permit be issued to Deborah and Stephen Neil for Lot 1, District Lot 34, Oyster District, Plan 18197, to permit removal of the existing residence and construction of a single family home, subject to compliance with the Preliminary Geotechnical Assessment by Levelton Consultants, dated March 21, 2012.

MOTION CARRIED

**R4 - McKenzie**

Alison Garnett, Planner I, reviewed staff report dated May 9, 2012, regarding Application No. 1-E-12DVP (Amanda and Ross McKenzie) to construct a accessory building at 4964 Brennan Court.

There were no questions by Committee members.

It was Moved and Seconded

That Application No. 1-E-12DVP by Amanda and Ross Mackenzie for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 by increasing the size limit of a residential accessory building from 100 m<sup>2</sup> to 115 m<sup>2</sup> for Lot 10, Section 8, Range 6, Sahlam District, Plan 25003 (PID: 002-853-531), be approved.

MOTION CARRIED

**R5 – Cowichan Bay  
Float Home Regs**

Ann Kjerulf, Planner III, reviewed staff report dated May 8, 2012, regarding Cowichan Bay float home regulations.

It was Moved and Seconded

That the CVRD solicit a minimum of three quotations from environmental consultants to conduct an environmental study to determine how to minimize the impacts of float homes on the estuarine environment by appropriate siting, setbacks, and dimensions within water lease boundaries, and enter into a contract to complete the work with the value of the contract to not exceed \$8,000.

MOTION CARRIED

**R6 – Mill Bay Marina**

Rob Conway, Manager, reviewed staff report dated May 8, 2012, regarding Mill Bay Marina subdivision and building permit covenant.

The committee directed questions to staff.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute a Section 219 Covenant to allow the subdivision of Block C, Sections 1&2, Range 9, Shawnigan District, Except Part in plans 29781 and 30142 (Mill Bay Marina) and the issuance of a building permit for 14 townhouse dwellings in advance of a completed sewer connection to the Sentinel Ridge sewer treatment plant.

MOTION CARRIED

**R7 – South Cowichan  
Zoning Bylaw**

Mike Tippet, Manager, reviewed staff report dated May 7, 2012, regarding expanded referral list for the South Cowichan zoning bylaw.

Director Giles suggested that Arbutus Ridge Strata Council be added to the list.

It was Moved and Seconded

That in addition to the referral agencies already directed by the Committee in April, that the draft South Cowichan Zoning Bylaw and the complementary South Cowichan Official Community Plan (OCP) amendment bylaw be also forwarded to:

- Capital Regional District
- City of Langford
- Ministry of Community, Sport and Cultural Development
- Garnett Creek Water Users
- Cowichan Bay Waterworks District
- Braithwaite Improvement District
- Meredith Road Improvement District
- Cobble Hill Improvement District
- Wace Creek Water Service
- Carlton Improvement District
- Sylvania Improvement District
- Oceanview Improvement District
- Mill Bay Waterworks District
- Miller Water Supply
- Burnham Water Utility
- Lidstech Holdings Ltd.
- Mill Springs Sewer Utility
- Arbutus Ridge Strata Council

**MOTION CARRIED**

**INFORMATION**

**IN1 to IN5 - Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area A Parks & Recreation Commission meeting of March 15, 2012
- Minutes of Area A Parks & Recreation Commission meeting of April 19, 2012
- Minutes of Shawnigan Lake Parks and Recreation Commission meeting of April 19, 2012
- Minutes of Cobble Hill Parks and Recreation Commission meeting of April 26, 2012
- Minutes of Area G – Saltair APC meeting of May 2, 2012

**MOTION CARRIED**

**NEW BUSINESS**

**NB1 – Contaminated Soil**

Director Giles reported on a recent meeting with the Ministry of Environment regarding concerns with depositing of contaminated soil in the CVRD. Ministry staff feels that part of the problem is with zoning and forestry land. Director Giles suggested that loopholes in our zoning bylaws be reviewed.

A general discussion ensued.

It was Moved and Seconded

That staff be directed to investigate existing electoral area zoning bylaws to determine if anything exists that permits soil being deposited and whether there is an effective way to eliminate the dumping of soil deposits in the electoral areas.

**MOTION CARRIED**

**RECESS**

The Committee adjourned for a five minute recess.

**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 4:55 p.m.

**RISE**

It was Moved and Seconded

That the Committee rise without report.

**MOTION CARRIED**

The Committee rose at 6:15 pm.

**NEW BUSINESS**

**NB2 - AVICC**

Director Marcotte advised that the priorities for the next AVICC are being established and if anyone needed items to go they should contact her.

**NB3 – P-1 Zone, Area E**

It was Moved and Seconded

That staff be directed to prepare a report and draft amendment bylaw to remove commercial uses from the P-1 zone in Electoral Area E Zoning Bylaw No. 1840.

**MOTION CARRIED**

**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:25 pm.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## Request to Appear as a Delegation

### Meeting Information

Request to Address:

☒ CVRD Board

If Committee, specify the Committee here:

☒ Committee

DI  
EASC  
JUNE 5, 2012  
JEL

Meeting Date: 05/29/2012

Meeting Time: 4 pm

### Applicant Information

Applicant Name: Sherry Durnford

Representing: concerned neighbours of Seaside Trailer Park

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending: 8

### Applicant Contact Information

Applicant Mailing Address: 4211 Solmie Road

Applicant City: Ladysmith

Applicant Telephone: 250 245-0471

Applicant Fax:

Applicant Email: psdurnford@telus.net

### Presentation Topic and Nature of Request:

After an information meeting held on May 16, a number of neighbours have concerns as follows:

- 1/ lack of consultation before approvals have been granted to consider the discontinued manufactured home park as a non conforming use and approval to build 5 more lots than were allowed previously
- 2/ amendments to the developers' plans- specifically moving septic field away from a neighbour's well, requiring design guidelines of one storey buildings for the 3 northern most lots (closest to the water)
- 3/ written assurances that each lot will have 2 parking spaces as specified at the meeting
- 4/ compensation to the previous tenants (homeowners) or their estates of monies that would have been payable if the developers had been honest with them at the time that they were removed from the site.

After an information meeting held on May 16, a number of neighbours have concerns as follows:

1/ lack of consultation before approvals have been granted to consider the discontinued manufactured home park as a non conforming use and approval to build 5 more lots than were allowed previously

2/ amendments to the developers' plans- specifically moving septic field away from a neighbour's well,  
requiring design guidelines of one storey buildings for the 3 northern most lots (closest to the water)

3/ written assurances that each lot will have 2 parking spaces as specified at the meeting

4/ compensation to the previous tenants (homeowners) or their estates of monies that would have been payable if the developers had been honest with them at the time that they were removed from the site.

5/ assurances that purchasers of properties will be given disclosure documents and that the lot closest to the ocean will have an independant geotechnical survey completed prior to commencing construction to ensure that bank stability will not be compromised.



R1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 30, 2012 FILE NO: 4-C-11 DVP  
FROM: Maddy Koch, Planning Technician BYLAW NO: 1405  
SUBJECT: Development Variance Permit Application No. 4-C-11 DVP  
(Linda and Keith Boggs)

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#### Recommendation/Action:

That Application No. 4-C-11DVP by Linda and Keith Boggs respecting Lot 19, Section 14, Range 8, Shawnigan District, Plan 24753 Except Parcel A (DD H43061) to reduce the setback to the front parcel line from 7.5 metres to 3.6 metres for the purpose of legalizing an existing RV cover, be denied .

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

#### Background:

Location of Subject Property: 1046 Braithwaite Drive

Legal Description: Lot 19, Section 14, Range 8, Shawnigan District, Plan 24753 Except Parcel A (DD H43061) (PID: 003-786-013)

Date Application Received: September 9, 2011  
Owners and applicants: Linda and Keith Boggs

Size of Lot: ±0.4 ha (1 acre)

Zoning: R-2 (Suburban Residential)  
Minimum Lot Size: 0.4 ha

Plan Designation: Rural Residential

Existing Use of Property: Residential



**Use of Surrounding Properties:**

North	Braithwaite Drive and Residential
South	Residential
East	Residential
West	Residential

**Road Access:**

Braithwaite Drive

**Water:**

Braithwaite Estates Improvement District

**Sewage Disposal:**

Onsite

**Agricultural Land Reserve Status:** Out

**Environmentally Sensitive Areas:** None have been identified

**Archaeological Site:** None have been identified.

**Surrounding Property Owner Notification and Response:**

A total of 18 letters were mailed out 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. To date, 6 responses have been received, four of which are in favour of the variance, and two of which are opposed to the variance. Of the 5 neighbours immediately adjacent to the subject property, three indicated they were in favour of the variance, one indicated they were opposed to the variance and one was silent on the matter.



**Staff Comments:**

Cobble Hill Zoning Bylaw No. 1405 zones the subject property R-2 (Suburban Residential). A single family dwelling, a garage and a partially-constructed RV cover are located on the subject property. The applicants are proposing to legalize the location of the RV cover, as it was constructed without a permit 3.6 metres from the front parcel line. The R-2 zone requires a 7.5 metre setback to a front parcel line; therefore the structure encroaches into the setback by 3.9 metres. The structure also encroaches into the 4.5 metre setback from all roads established by the BC Ministry of Transportation and Infrastructure (BC MOT), and the applicants have been successful in securing a BC MOT permit to legitimize the encroachment. Please note that RVs themselves are not considered structures and therefore are not subject to setbacks. Under current zoning, the RV is permitted to remain in its existing location. The structure covering the RV is the only item that requires a variance.

In the summer months, the structure is well-screened by a number of deciduous and coniferous trees. However, as the deciduous trees lose their leaves in the winter, the structure becomes more visible (please see attached pictures).

Please note that, if the variance is approved, a building permit for the structure would also be required, and it is unknown at this time what measures will be required in order to bring it up to code.

Seeing as there is opposition to the proposed variance, staff recommend the application be denied.

**Options:**

1. That the application by Linda and Keith Boggs (4-C-11DVP), respecting Lot 19, Section 14, Range 8, Shawnigan District, Plan 24753 Except Parcel A (DD H43061) to reduce the setback to the front parcel line from 7.5 metres to 3.6 metres for the purpose of legalizing an existing RV cover, be approved.
2. That the application by Linda and Keith Boggs (4-C-11DVP), respecting Lot 19, Section 14, Range 8, Shawnigan District, Plan 24753 Except Parcel A (DD H43061) to reduce the setback to the front parcel line from 7.5 metres to 3.6 metres for the purpose of legalizing an existing RV cover, be denied.

Option 2 is recommended.

Submitted by,

*Maddy Koch*

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

MK/ca

**Reviewed by:**  
Division Manager:

**Approved by:**  
General Manager:



COWICHAN VALLEY REGIONAL DISTRICT

DRAFT DEVELOPMENT VARIANCE PERMIT

FILE NO: 4-C-11DVP (BOGGS)

DATE: MAY 25, 2012

TO: LINDA AND KEITH BOGGS

ADDRESS: 1046 BRAITHWAITE DRIVE

COBBLE HILL BC V0R 1L4

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 19, Section 14, Range 8, Shawnigan District, Strata Plan 24753 except Parcel A (DD H43061) (PID: 003-786-013)*
3. Zoning Bylaw No. 1405, applicable to Section 8.2(b)(3), is varied as follows:  
  
The setback to the front parcel line is reduced from 7.5 metres to 3.6 metres, to allow for an RV storage shelter.
4. The following plans and specifications are attached to and form a part of this permit.
  - Schedule A – Site plan
5. The land described herein shall be developed in substantial compliance with the terms, 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. XX-XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XXXX, 2012.

\_\_\_\_\_  
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 LINDA AND KEITH BOGGS other than those contained in this Permit.

\_\_\_\_\_  
**Owner/Agent (signature)**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Print Name**

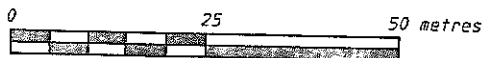
\_\_\_\_\_  
**Occupation**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

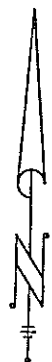
**B. C. LAND SURVEYOR'S  
CERTIFICATE OF LOCATION FOR  
LOT 19, SECTION 14, RANGE 8,  
SHAWNIGAN DISTRICT, PLAN 24753,  
EXCEPT PARCEL A (DD H43061).**

SCALE 1 : 750



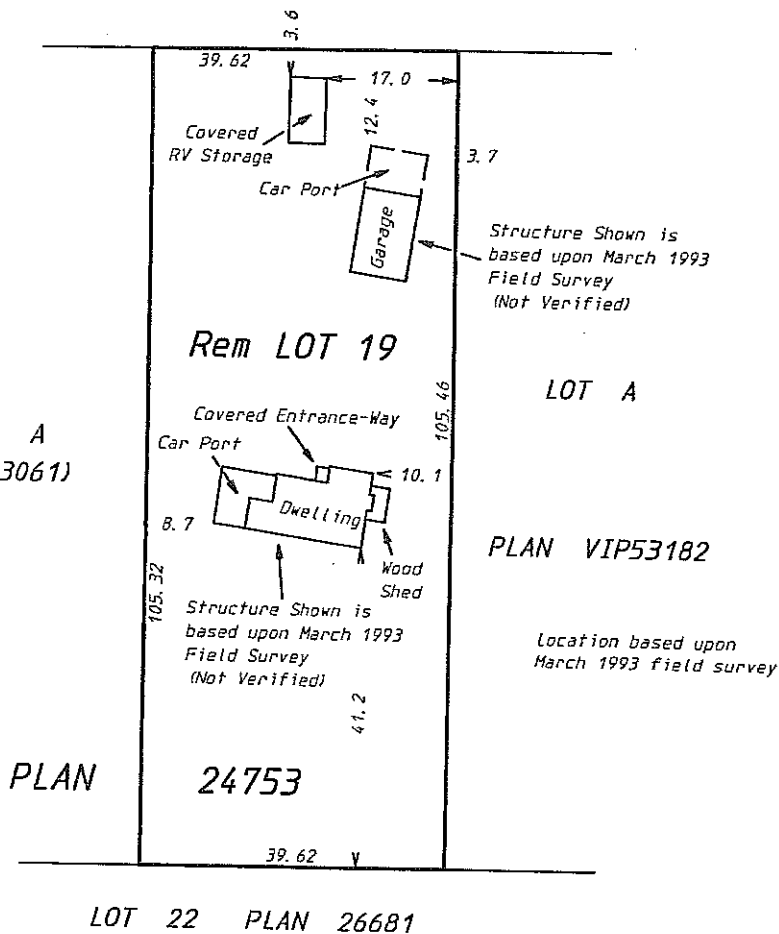
All distances are in metres.

Note: Lot 19 lies within C.V.R.D.  
Area C and is Zoned R-2.  
Bylaw setback requirements  
are as follows:  
Residential Use  
Front 7.5 m  
Side (Interior) 3.0 m  
Side (Exterior) 4.5 m  
Rear 4.5 m  
Accessory Buildings  
Front 7.5 m  
Side (Interior) 1.0 m  
Side (Exterior) 4.5 m  
Rear 1.0 m



**BRAITHWAITE DRIVE**

PARCEL A  
(DD H43061)



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 0.1 metres.

This is to certify that the structures on the above lot lie wholly within the said lot and do not encroach on any adjoining lot or road. Certified correct this 4th day of October, 2011.

**KENYON WILSON**  
PROFESSIONAL LAND SURVEYORS  
221 CORONATION AVENUE  
DUNCAN, B.C., V9L 2T1 (250) 746-4745  
FILE 11-7283.CRT

©

*[Signature]*  
B. C. L. S.  
THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

## Maddy Koch

---

**From:** Richard [rmassen@shaw.ca]  
**Sent:** Sunday, April 29, 2012 7:48 PM  
**To:** Maddy Koch  
**Cc:** Planning and Development  
**Subject:** re: file 4-C-11DVP(Boggs)

To Maddy Koch:

Re: Application for Development Variance permit at 1046 Braithwaite Dr.

Your letter dated April 17, 2012 was received by me on April 23, 2012.

My questions are: 1) Does "legalize" make this reduced setback a permanent position  
and, does it allow present and future owners to make changes  
to the size of and improvements in the building?  
2) Is this request within the normal proportion to other variance  
applications on similar property sizes?

The plot plan for this property shows there is enough room to position their storage building without any variance and so I would not be in favor of this.

However, if this application is approved and a precedent is then established, I will also make a request to construct a garage or carport extending into the new front parcel lines.

Be it noted that my property has building restrictions different from other properties in the area.

I would appreciate a reply to my questions and notice of the outcome of the process.

Regards,

Richard Massen  
1058 Braithwaite Dr.

April 29.2012

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

Dear Maddy Koch

**Re: File No. 4-C-11DVP (Boggs) 1046 Braithwaite Drive**

This letter is to inform you that, as a property owner affected by this proposed variance application, I strongly object to the granting of this Development Variance Permit. Please accept the following comments against the granting of this variance request:

- The requested setback at 3.6 metres is less than half of the legal setback of 7.5 metres. Visually, the RV storage building appears to be closer than 3.6 metres from the front fence of the property. However, the fence could be inside the property line.
- All other properties in the immediate area respect the legal setback requirements from the front property line. This property would stand out as the exception.
- There already exists a fairly large storage/shop building in front of the residence that is highly visible from Braithwaite Drive, especially in the winter months.
- Many of the trees between Braithwaite Drive and this proposed RV storage building lose their foliage in the winter. This is not a very pleasing view from the street for immediate neighbours.
- The RV storage building would be more suitable as a back yard structure rather than a proposed front yard building with its back to the street.

Thank you.

Regards,



S. R. Calder  
1039 Braithwaite Drive  
Cobble Hill, BC  
V0R 1L4

May, 16 2012

Barbara and Heinz Pedersen  
1050 Braithwaite Drive  
Cobble Hill, BC  
V0R 1L4  
250-743-3915


Dear Sirs:

Subject: Development Permit with Variance Application  
Lot 19, Sect. 14, Range 8, Shawnigan Dist., Plan 24753.  
Locally know as 1046 - Braithwaite Drive, Cobble Hill

As direct neighbors to the west of Keith and Linda Boggs we support the application for a development permit with variance to provide for a reduced setback for a roof structure over a recreational vehicle.

The proposed structure is well screened by tall trees most of which keep their leaves all winter. We feel that a the difference of 3.6 meters vs. the allowable 7.5 meters does not interfere or detract from our property or the neighborhood as a whole.

Regards



Heinz and Barbara Pedersen  
heibar@shaw.ca

## Maddy Koch

---

**From:** Rachelle Rondeau  
**Sent:** Friday, May 18, 2012 8:51 AM  
**To:** Maddy Koch  
**Cc:** Jessica Lendrum  
**Subject:** FW: File number 4-C-11DVP (Boggs)

---

**From:** Planning and Development  
**Sent:** Friday, May 18, 2012 8:48 AM  
**To:** Rachelle Rondeau  
**Subject:** FW: File number 4-C-11DVP (Boggs)

Hello Rachelle,  
Could you please let me know if you are working on this and if you are not who is?  
Thanks,  
Jessica

---

**From:** jacky [<mailto:jackyjbayliss@shaw.ca>]  
**Sent:** Tuesday, May 15, 2012 10:46 AM  
**To:** Planning and Development  
**Subject:** File number 4-C-11DVP (Boggs)

My response may be too late for consideration in this matter but I send in the event this is not the case. I would like to say that I have no objections to granting Mr. Boggs' request for this variance. The structure appears solidly built and in keeping with the design of other buildings on his property. Mr. Boggs has indicated that he intends to finish off the back of the structure with either a lattice panel or something equivalent which will effectively conceal the back of the trailer from view and ensure the structure blends as much as possible with its wooded environment. I think he should be granted the variance and allowed to complete the building.

Jacqueline Bayliss  
1043 Braithwaite Drive  
Cobble Hill, BC VOR 1L4



**Maddy Koch**

---

**From:** Planning and Development  
**Sent:** Friday, May 18, 2012 8:50 AM  
**To:** Maddy Koch  
**Subject:** FW: File Number 4-C-11DVP (Boggs)

---

**From:** Anita Voisin [<mailto:anitavoisin@gmail.com>]  
**Sent:** Thursday, May 17, 2012 9:07 AM  
**To:** Planning and Development  
**Subject:** File Number 4-C-11DVP (Boggs)

Anita Voisin and Ante Luburic

1038 Braithwaite Drive

Cobble Hill, BC V0R 1L4

Maddy Koch

Development Services Division, Planning and Development Department

Cowichan Valley Regional District

May 16, 2012

**Re: File Number 4-C-11DVP (Boggs) - Development Variance Permit application for 1046 Braithwaite Drive**

Dear Maddy:

We are the residents and owners of the property directly adjacent and east of the property in question. The structure being built is well-hidden by surrounding brush and we do not object to the provision of a variance to allow the Boggs to complete this project. Please don't hesitate to contact us via email or at 250-743-2289 if you have any further questions.

Sincerely,

Anita Voisin and Ante Luburic

4-C-112V7

*Mr. & Mrs. J. F. Hugo*

3629 – Panorama Ridge, Ct  
V0R 1L1  
Ph./Fax 250 743 5302  
e-mail: hugoentara@aol.com

May 7, 2012

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

Dear Sirs;

**SUBJECT:** Development Permit with Variance Application  
Lot 19, Sect. 14, Range 8, Shawnigan Dist., Plan 24753.  
Locally known as 1046 – Braithwaite Drive, Cobble Hill

Please be advised that we support the application for a Development Permit with Variance to provide for a reduced setback for a roof structure over a recreational vehicle at the above described address. We are the owners of property at 1065 Braithwaite Drive, across the road and two lots West of the subject property.

We do not know the owners, Keith and Linda Boggs, and have never met them. However, we are quite familiar with their property through the previous owners. We have not been asked to write this letter of support, but do so of our own volition.

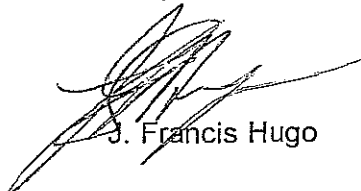
The proposed development is well screened from the road by large trees and underbrush, and is only partially visible off site from a few select points. We cannot see any reason why this development would have any real affect on anyone, either by virtue of their residence or by passing by on the road. Certainly a difference of setback of 3.6 metres vs the allowable 7.5 metres would not make any difference to anyone else.

We find it interesting that the recreational vehicle itself can be parked and stored anywhere on the property without any setback provisions. However, to put a minimal structure over it to protect it when not in use is causing the owners considerable time delay and expense to obtain an approval. Notwithstanding, there is always the risk that the permit will be denied, which would be a travesty.

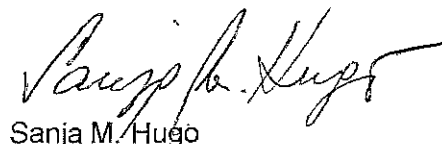
We know that some residents in the area will likely file protests against this development. We recognize and accept that it is their right to do so. However, we request your diligence in carefully reviewing any such objections that may be received to ensure that such objections are based on true merit, before giving them any credence for consideration.

It is our considered opinion that property owners should be allowed the full right of use and enjoyment of their property, as long as they don't have a real negative impact on others, regardless of what the OCP or bylaws required. These documents should always be flexible enough to serve the residents needs, not just as a tool to beat them into submission.

Respectfully Submitted;



J. Francis Hugo



Sanja M. Hugo

8.2 R-2 ZONE - SUBURBAN 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-2 Zone:

- (1) a single family residential dwelling or mobile home;
- (2) a second residential dwelling or mobile home on parcels two hectares or larger;
- (3) agriculture, horticulture;
- (4) home craft;
- (5) home occupation;
- (6) bed and breakfast accommodation; and
- (7) daycare, nursery school accessory to a residential use.
- (8) small suite and secondary suite on parcels 0.4 ha. or larger

(b) Conditions of Use

- (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; and
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural Use	COLUMN IV Accessory to Residential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	3.0 metres	15 metres	1.0 metres
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	1.0 metres



Cowichan  
Valley  
Regional  
District

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The Regional District does not warrant the accuracy.

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File: 04-C-11-DVP

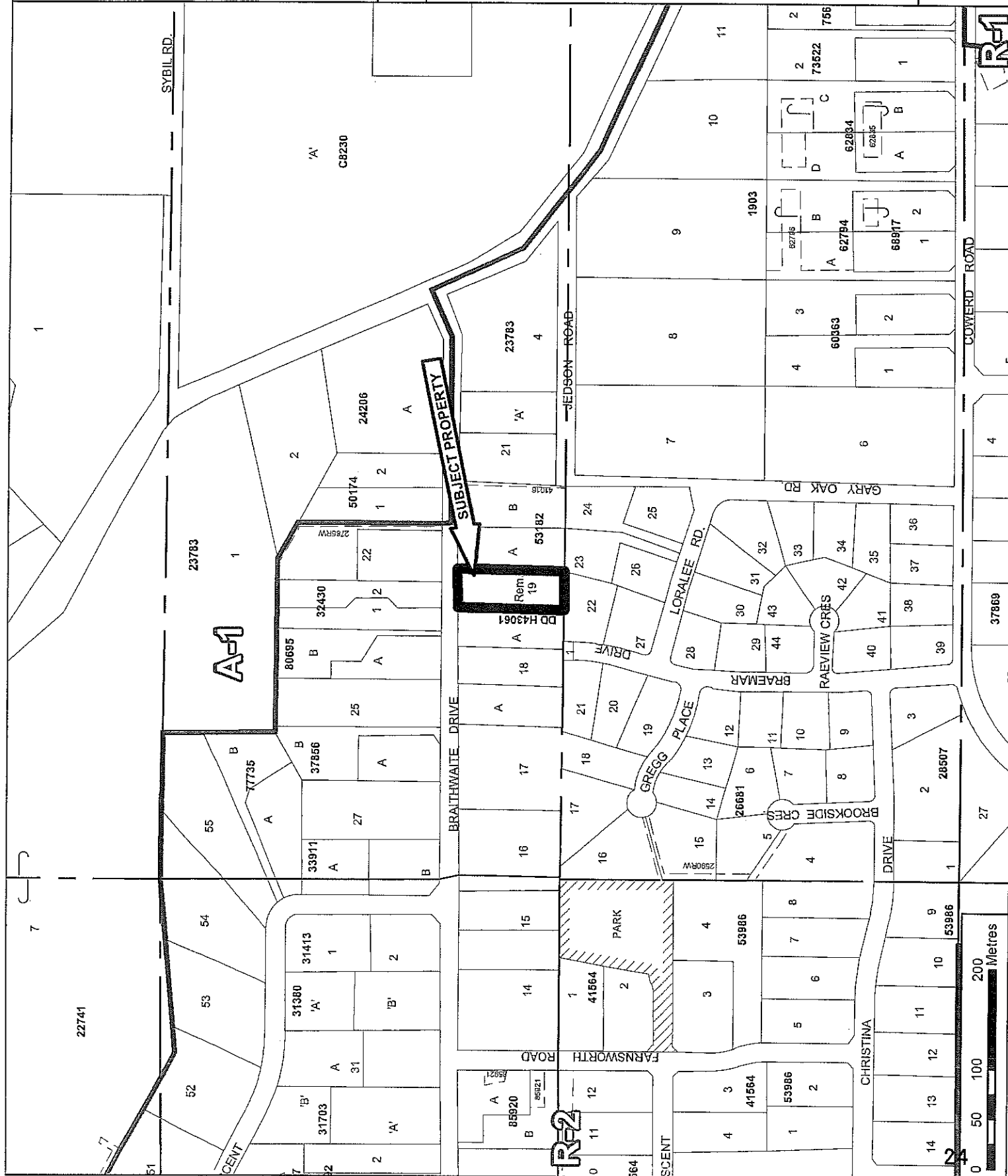
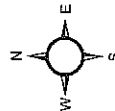
## ZONING

Legend



Subject Property

Zoning Electoral Area C







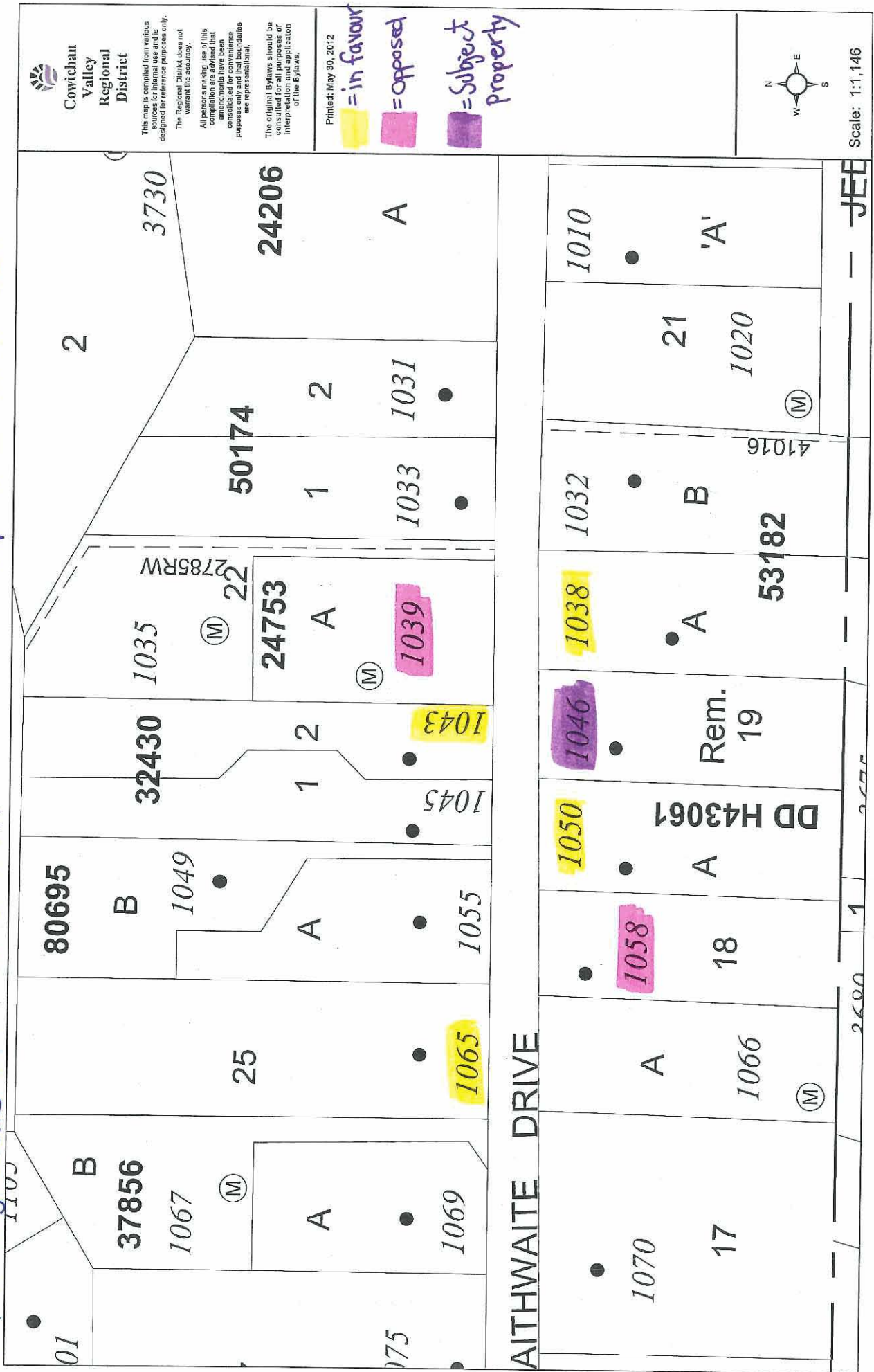
March 26 2012

May 17 2012





Map of neighbours in favour of /opposed to the requested Variance.





## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 29, 2012

FILE NO: 1-C-12 ALR

FROM: Rachelle Rondeau, MCIP, Planner

BYLAW NO: 1405

SUBJECT: ALR Application (1-C-12 ALR)  
Stuart Brundridge and Judith Snell

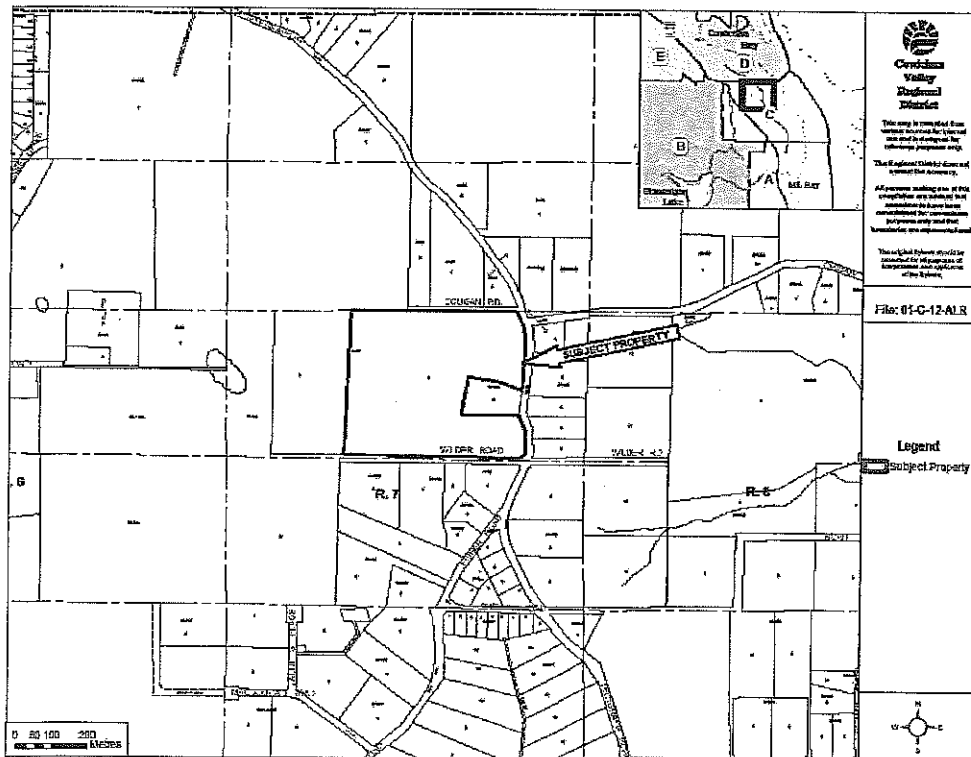
#### Recommendation/Action:

That Application No. 1-C-12ALR, submitted by Stuart Brundridge and Judith Snell, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with a recommendation **to approve the application**.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:



Location of Subject Property: 4060 Telegraph Road

Legal Description: Lot 2, Section 18, Range 7, Shawnigan District, Plan 7709 Except part in Plan 188740 (PID: 005-649-196)

Application Received: April 16, 2012

Owner: Stuart Brundrige and Judith Snell

Applicant: As above

Size of Parcel: ± 18 hectares (46 acres)

Existing Zoning: A-1 (Agricultural)

Minimum Lot Size: 12 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Residential and Agricultural (commercial sheep farm)

Use of Surrounding Properties: (All A-1 Zoned and in the ALR)

West: Residential/Hobby farm

North: Farms and residences

South: Residential and farm

East: Residential

Road Access: Telegraph Road and Wilder Road

Water: Well

Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

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

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies two TRIM<sup>1</sup> streams on the subject property. The location of the proposed dwelling may be within 30 metres of a stream. If the application for a second residence is approved, a Riparian Areas Regulation Development Permit would be required for any development within 30 metres of the stream.

---

<sup>1</sup> TRIM refers to a map series produced by the Province using aerial photographs. Due to the scale of the mapping, there are some streams that are not identified through TRIM maps, and these are identified as non-TRIM streams



**Soil Classification:**

Canada Land Soil Classification Inventory Maps

$$\pm 80\% \frac{3W^7 - 4W^3 (2D^7 - 3W^2 - I^1)}{D}; \pm 20\% \frac{7T^8 - 5T^2}{(7T^8 - 5T^2)}$$

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1		8
2	-	56
3	56	16
4	24	-
5	4	4
7	16	16
<b>TOTAL</b>	100	100

**Explanation of Land Capability Classifications:**

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, and can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture
- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "C" indicates adverse climate, thermal limitations to plant growth
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness
- Subclass "T" indicates topography limitations – not improvable
- Subclass "W" indicates excess water

**Property Context:**

The subject property is an approximately 18 ha (46 acres) parcel of land in Cobble Hill in an area that consists of predominately large lots zoned A-1 and within the ALR. The applicants operate a commercial sheep farm for the production of market lambs and hay, with a current flock of 100 ewes with an eventual target of 150.

There is currently one small dwelling on the property built in the 1940's by the original owner, Fred Dougan. Since they have purchased the property the applicants have been improving the property for the farm by constructing a barn, and installing fencing, a second well and irrigation to support the farm. For reference, please see attached letter from the applicants describing their farm and the proposal.

In order to support the continued operation of the farm, the applicants have applied to the Agricultural Land Commission for a non-farm use application for a second dwelling. The applicants would occupy the new residence and the existing residence would be used to house farm labourers or provide accommodation for those interested in sheep farming or sheep dog trialling.

The soil capability maps indicate that the majority of the property is Class 3 and 4, and may be improved to Class 1, 2 and 3 with drainage and water management. The applicants have already installed drainage for the fields and have improved the farm's arability. As described in the applicants' letter, the location of the proposed dwelling is in an area already served by a

road and in the area of the more marginal land classes. This dwelling would have access from Wilder Road.

### **Policy Context:**

#### **Official Community Plan**

The Agricultural policies of Official Community Plan Bylaw No. 3510 guide development within lands designated as Agricultural and include the following:

#### *Policy 11.7*

*ALR non-farm use applications will only be forwarded to the ALC if:*

- a. The proposed non-farm use complies with CVRD bylaws; or*
- b. If the proposed non-farm use does not comply with CVRD Bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.*

#### *Policy 11.10*

*A secondary suite or secondary dwelling unit may be permitted in any Agricultural Resource Designation (A), however if the land is in the ALR, approval of the BC Agricultural Land Commission may be required if not permitted in terms of BC Regulation 171/2002.*

#### **Agricultural Protection and Riparian Areas Regulation Development Permit Area**

This property is within the South Cowichan Rural Development Permit Area, which specifies guidelines regarding the siting of non-agricultural buildings as well as Riparian Areas Regulation guidelines. If the application for a second residence is approved by the Agricultural Land Commission (ALC), a Development Permit will be required prior to construction. Currently the new dwelling is proposed centrally on the property, which is an area of more marginal soil classes and near the stream, where the topography changes. The applicants are proposing this location as it will enable them to be closer to the pastures that the sheep use. This building location also does not take up valuable agricultural land which is used for hay field, pasture, or high ground for the sheep during the winter (see attached letter).

The Agricultural Protection and RAR Development Permit process will address the siting considerations at the time of construction if this application is approved.

#### **Zoning**

The Zoning is A-1 (Primary Agricultural), which specifies that two single family residential dwellings or mobile homes are permitted on parcels 2.0 hectares or larger. In terms of additional dwellings, the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* permits only a secondary suite or a manufactured home for the owner's immediate family provided these are also permitted in the Zoning Bylaw. Any other type of residence is required to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use.

#### **APC Comments:**

In consultation with the Electoral Area Director, this application was not referred to the Advisory Planning Commission (APC).

#### **Planning Division Comments:**

The applicants are requesting approval from the ALC for a second single family dwelling as described in the attached proposal. There is an existing small dwelling on the property, and the A-1 Zoning permits a second single family dwelling on properties 2 ha or larger. The Zoning also

permits an additional residence as required for agricultural use. Therefore, this application complies with the Zoning Bylaw.

The applicants have noted in their proposal that they may include an agri-tourism component to their farm operation which could include accommodation of farm labourers, or those seeking a longer-term stay on the farm. The ALR Subdivision and Procedure Regulation permits agri-tourism as an outright permitted use on ALR land, however this does not include accommodation. Therefore, short term stays, such as vacation rentals, would not be permitted under the existing zoning. Accommodation for farm labourers is a permitted use, and the applicants have noted that while a full-time farm hand may not be required on the farm, ongoing assistance with the sheep and farm operation is needed.

The application appears to be consistent with the Zoning Bylaw and policies of the Official Community Plan, therefore staff recommends Option 1 and approval of the application.

### Options:

1. That Application No. 1-C-12ALR, submitted by Stuart Brundridge and Judith Snell, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with a ***recommendation to approve the application.***
2. That Application No. 1-C-12ALR, submitted by Stuart Brundridge and Judith Snell, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with ***no recommendation.***
3. That Application No. 1-C-12ALR, submitted by Stuart Brundridge and Judith Snell, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with ***a recommendation to deny the application.***

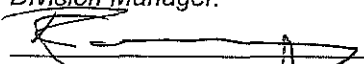
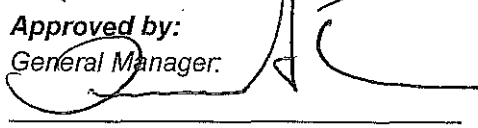
Option 1 is recommended.

Submitted by,



Rachelle Rondeau, MCIP, Planner I  
Development Services Division  
Planning and Development Department

RR/ca

<p><b>Reviewed by:</b>  <i>Division Manager:</i>  </p> <p><b>Approved by:</b>  <i>General Manager:</i>  </p>
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**Cowichan  
Valley  
Regional  
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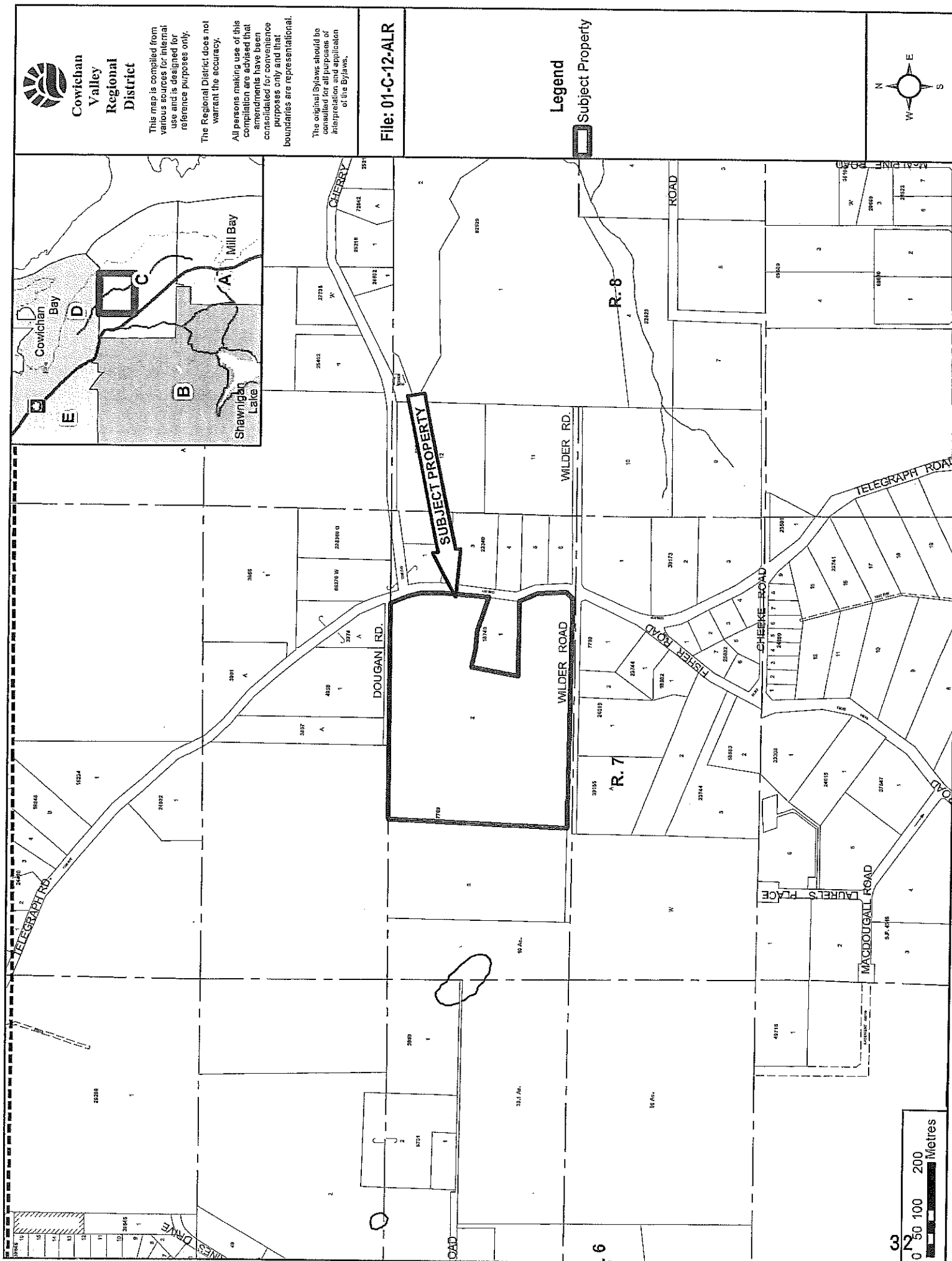
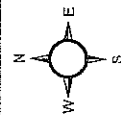
The original Bylaws should be consulted for purposes of interpretation and application of the Bylaws.

**File: 01-C-12-ALR**

**Legend**



**Subject Property**





Cowichan  
Valley  
Regional  
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File: 01-C-12-ALR

Google Earth  
Photo (2010)

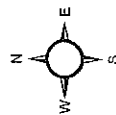


Image © 2012 MIT CAN  
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Image © 2012 DigitalGlobe

Imagery Date: 7/26/2010 2004

Eye alt 7421 ft



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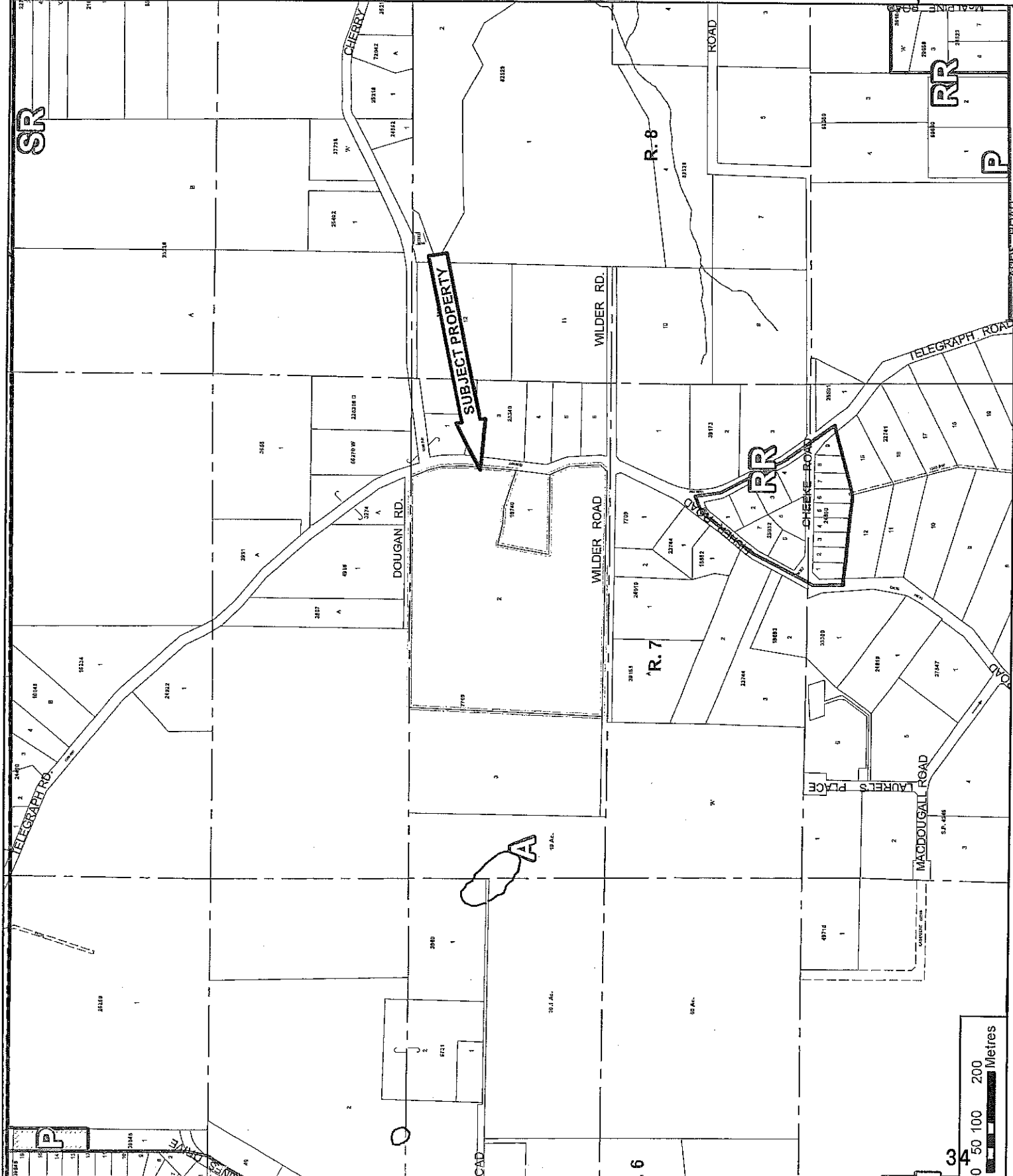
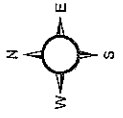
File: 01-C-12-ALR

OCP

Legend



Subject Property  
OCP Areas ABC





Cowichan  
Valley  
Regional  
District

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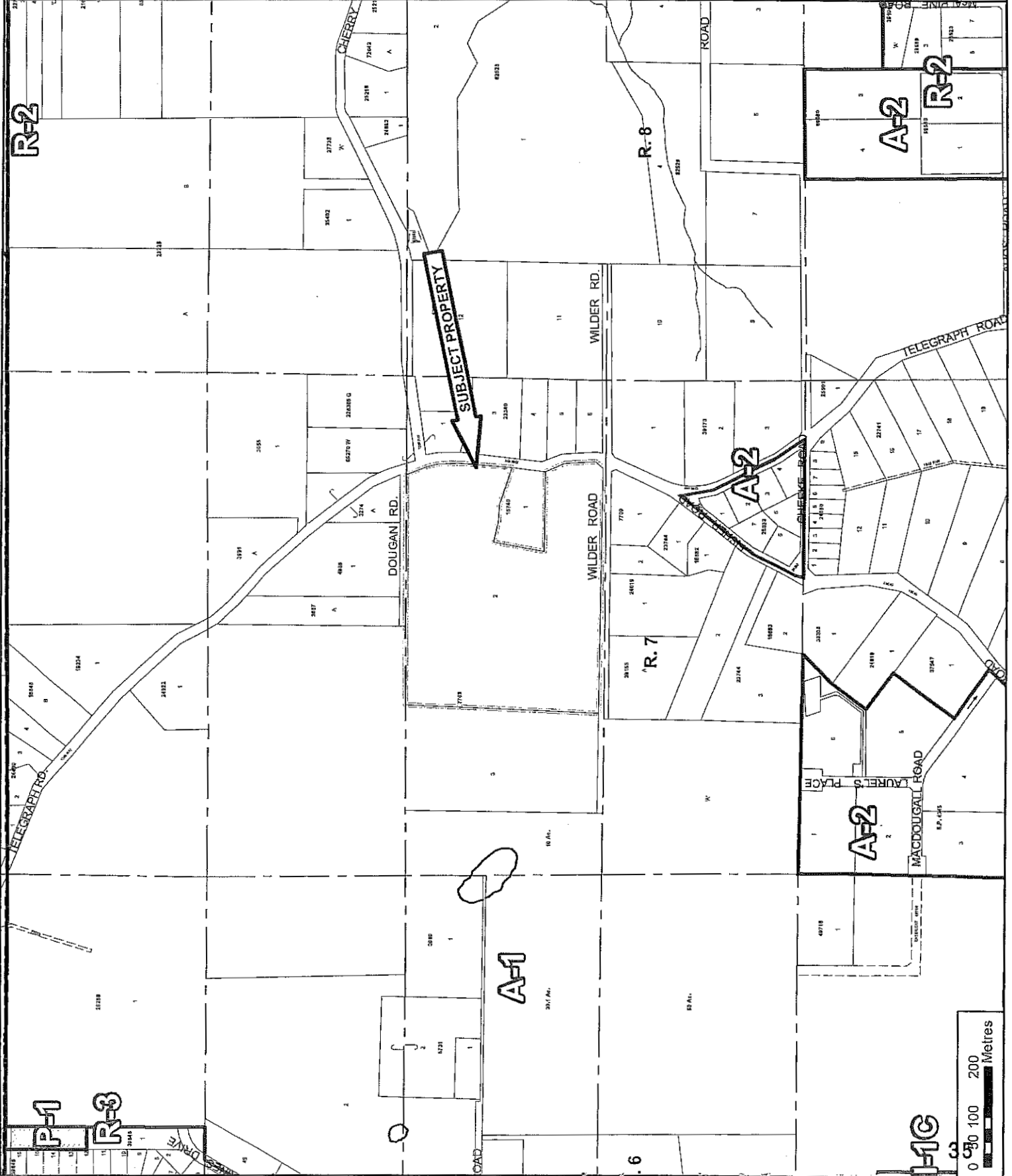
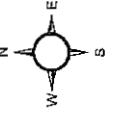
File: 01-C-12-ALR

## ZONING

### Legend



Subject Property  
Zoning C







**Cowichan  
Valley  
Regional  
District**

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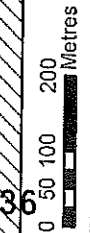
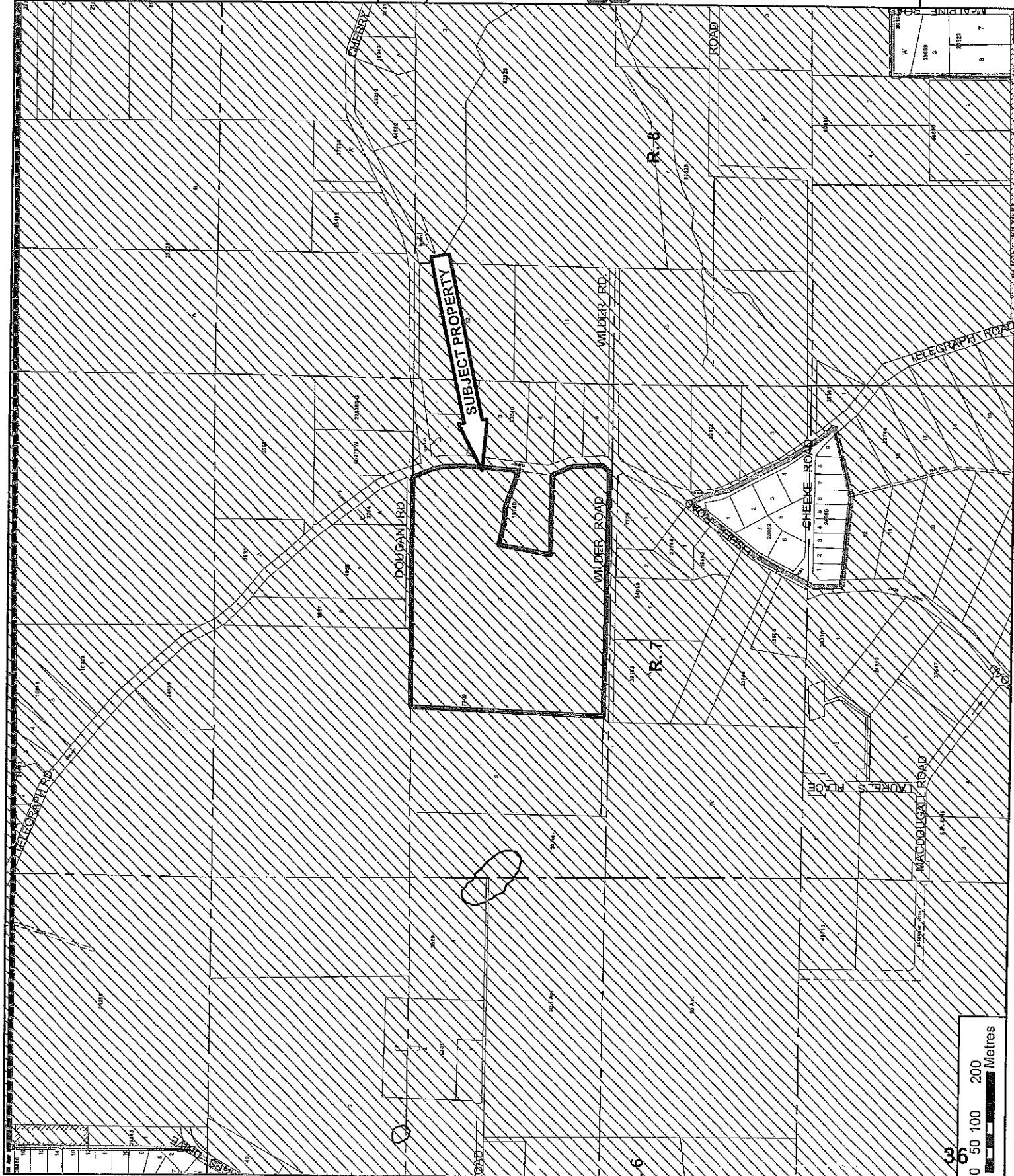
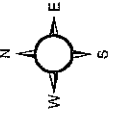
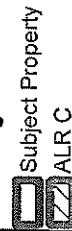
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**File: 01-C-12-ALR**

**ALR**

**Legend**





April 14, 2012

Agricultural Land Commission c/o  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, B.C.  
V9L 1N8

Attention: Planning

**Re: Request to build a 2<sup>nd</sup> dwelling at 4060 Telegraph Road, Cobble Hill B.C.**

The subject property consists of 46 acres, and is being used as a commercial sheep farm, for the production of market lambs and hay. The flock consists of 100 ewes with a target number of 150.

The existing house on the property is an 800 sq foot cottage built in the 1940's by the original owner, Fred Dougan, who was one of founding settlers of the south Cowichan Valley. Prior to our purchase of the property in 2007, it had never been developed or farmed by any of the previous landowners, who mainly elected to lease the property to various dairy operators in the valley. Subsequently, there was very little infrastructure in place when we initially acquired the farm. We have since built a barn to house ewes at lambing, and for hay storage, replaced or installed all perimeter and internal fence lines and gates, drilled a second well for irrigation, ran underground irrigation pipe, and renovated 10 acres of natural pasture to hayfield. We built the barn on the only well-drained location on the farm, as good drainage is key for optimizing flock health, and for avoiding afflictions such as foot rot. The location of the barn, relative to the existing cottage, situated on opposite ends of the property, unfortunately translates to a separation of approximately ½ mile, and includes 2 creeks and 5 gates between the two. As you will see from the attached map, the cottage is completely cut off from the rest of the farm by a deep ravine, creek and large trees.

We would like to build an additional house in a location better suited to oversee and facilitate the farm management, and use the existing cottage for badly needed farm help, as well as for long term agro tourism stays, to generate additional revenue for the farm.

Our agro-tourism plans include the prospective rental of the cottage to guests seeking a farm-based working holiday. The cottage is minutes from Cherry Point beach, local wineries, golf courses, hiking, and Cowichan Bay.

Our target market would be:

- a) People that participate in the sport of sheep dog trialling, and who want an opportunity to visit and train in a "real" working sheep farm environment.

- b) People that wish to learn how to handle a border collie/ and or train their own, as well as get real work experience for themselves and their dogs.
- c) Retired farmers from the east that want to spend the winter in a milder climate and who would be able to assist on the farm.
- d) WWOOFers (**WWOOF is a World Wide Opportunities on Organic Farms**) that links volunteers with farmers, and helps promote more sustainable ways of living.

Farm labour is needed on the farm at various times during the year - for example:

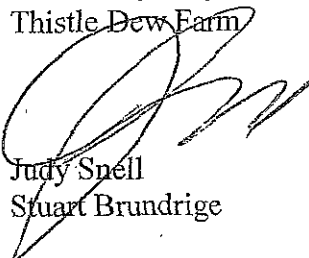
- 1) Shearing – twice per year.
- 2) Lambing – we lamb in February and Sept
- 3) Haying and irrigation – we do 3 cuts of hay
- 4) Worming, tagging, weighting and sorting lambs to take to market- ongoing all year.
- 5) Weed control and pasture management – we use portable strip grazing with electric fences.
- 6) Barn cleaning and general winter maintenance.

The site we have chosen for the new home is in an area that is accessible by existing roads and piped water. The home would have no negative impact on the agricultural activities of the farm, as it is on land that is marginal because of ground water and existing trees in the area. It is tucked against the trees and has excellent views of the pasture where ewes and lambs are grazed in early spring. This vantage point would be of great benefit to deter/ prevent further losses from predation, such as damage inflicted by raven/eagles and neighborhood dogs.

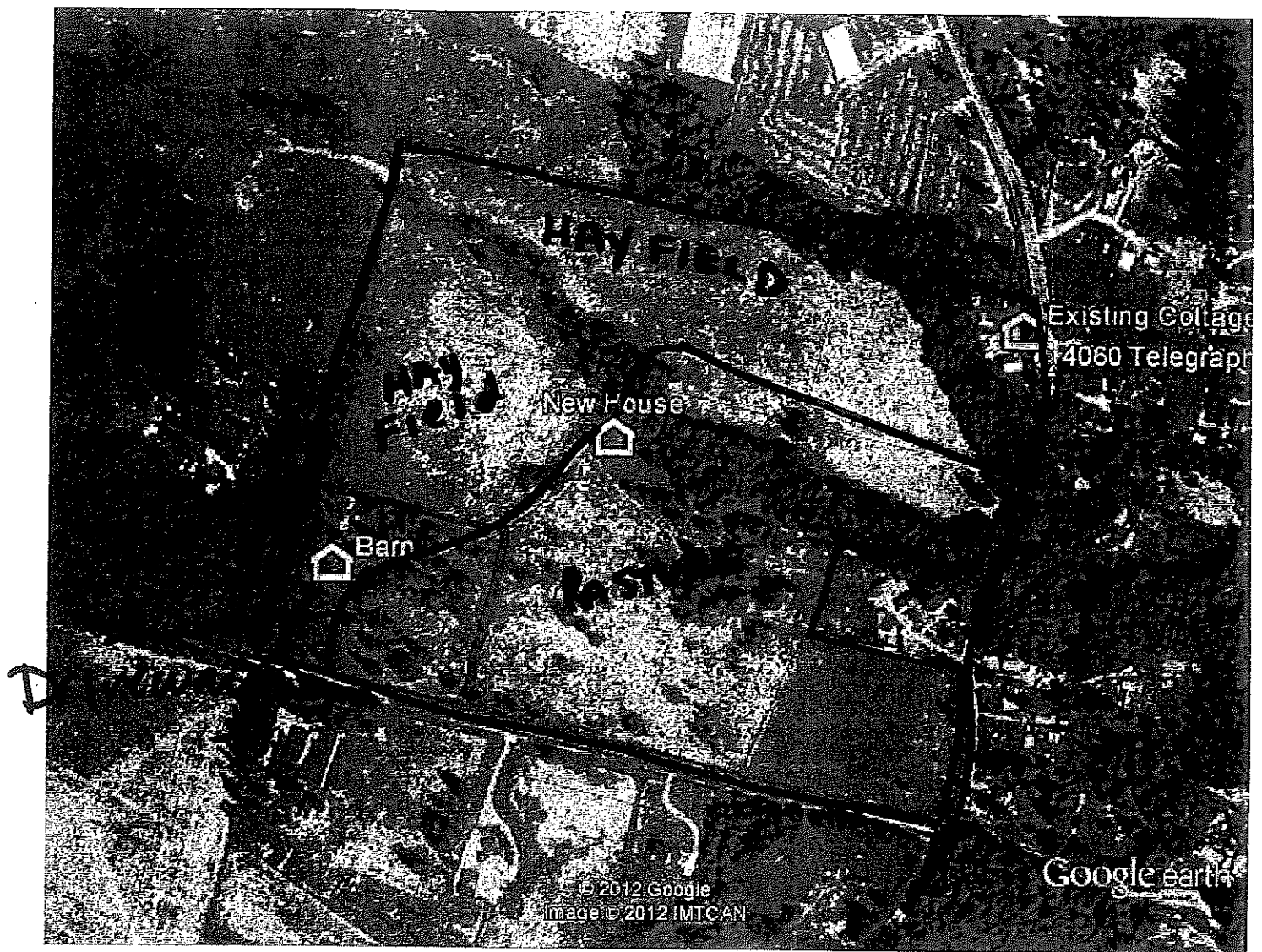
We feel that our request is in keeping with the spirit of the Agricultural Land Commission's mandate to assist and encourage agriculture and is permitted within the existing A1 zoning within the Cowichan Valley Regional District.

If you have any questions regarding this application please contact us at 250-686-9011 or 250-889-9011.

Yours very truly  
Thistle Dew Farm



Judy Snell  
Stuart Brundrige



Google earth



4060 Telegraph Rd  
Cobble Hill, B.C. V0K 1L4

LOT 2, Plan 7709, Section 18, Range 7  
Shawnigan Land District, Except Plan 18740  
PID 005-649-196

property Boundry  
ROAD



R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 28, 2012

FILE NO: 1-A 11 TUP

FROM: Dana Leitch, Planner II

BYLAW NO: 3510

SUBJECT: Application No. 1-A-11TUP  
(Mark Wyatt/Malahat Holdings)

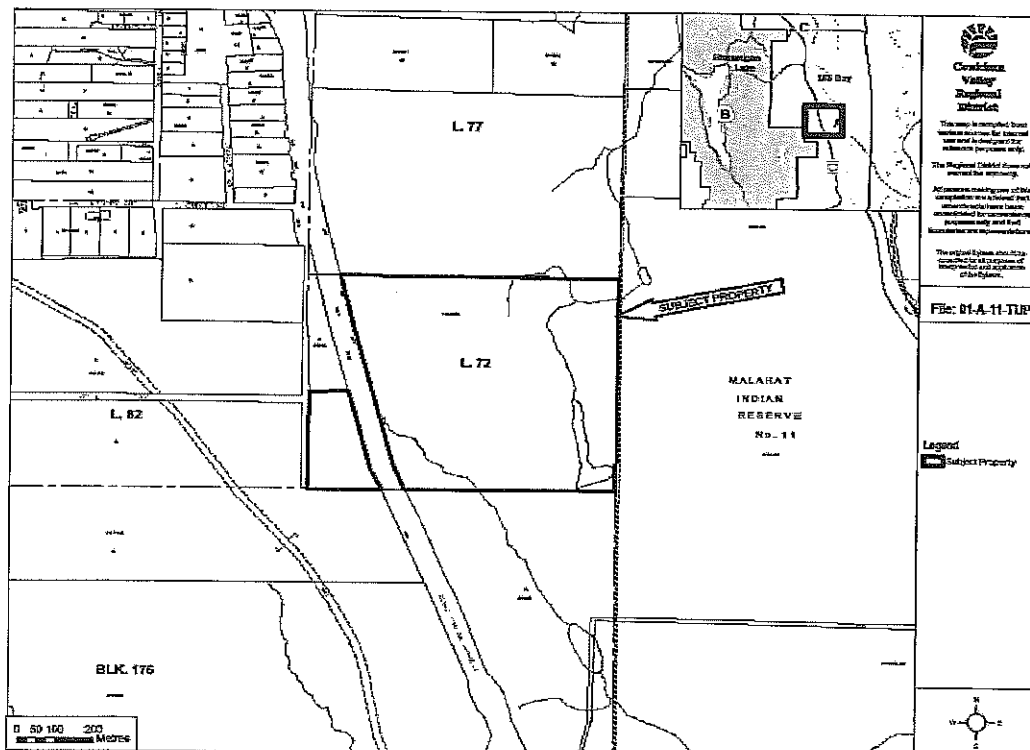
#### Recommendation/Action:

That notice be given that the Cowichan Valley Regional District Board intends to issue a temporary use permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 for a period of three years in accordance with Section 921 of the *Local Government Act*.

Relation to the Corporate Strategic Plan: N/A

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

#### Location Map:



**Purpose:**

To consider the issuance of a Temporary Use permit to allow rock processing on the northeast side of the subject property. The subject property is split by the Trans Canada Highway with approximately 3.9 ha located on the west side of the highway and approximately 45 ha located on the east side of the highway. The subject property is located outside of the Mill Bay Village Containment Boundary.

A separate development permit (application number 2-A-12DP) has been applied for and is being brought forward to the Committee for consideration.

**Background:**

This application was reviewed by the Electoral Area Services Committee (EASC) at the April 3, 2012 meeting. At this time the Committee recommended *"That application No. 1-A-11 TUP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for a Temporary Use Permit on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 proceed to a public meeting in accordance with South Cowichan Official Community Plan Policy 12.23."*

The Committee's recommendation was ratified at the CVRD Board Meeting held on April 11, 2012.

The EASC recommendation and the Board resolution have been attached to this report for your reference.

**Public Meeting April 26, 2012**

A public meeting was held on this application on April 26, 2012 and there were 2 members of the public present along with CVRD staff, the applicant and the Electoral Area A Director. A copy of the public meeting minutes have been attached to this report for your reference.

**Development Services Division Comments:**

Staff are generally supportive of the intent of the temporary use permit application. By producing road and construction materials on a property within close proximity to District Lot 77, the Ocean Terrace site, the volume of material required to be transported and hauled long distances along the Trans Canada Highway will be reduced.

**Recommendation:**

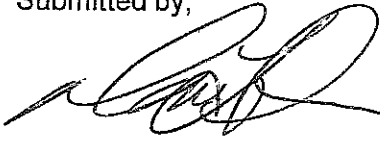
Because generally there were no new issues identified, staff is recommending that the CVRD proceed in giving notice that the Cowichan Valley Regional District Board intends to issue a temporary use permit to allow rock processing on the subject property.

**Options:**

1. That notice be given that the Cowichan Valley Regional District intends to issue a temporary use permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 for a period of three years in accordance with Section 921 of the *Local Government Act*.
2. That the application for a temporary use permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 be denied.

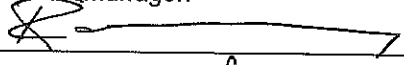
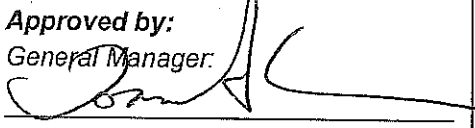
Option 1 is recommended.

Submitted by,



Dana Leitch  
Planner II  
Development Services Division  
Planning and Development Department

DL/ca

<b>Reviewed by:</b> Division Manager:

<b>Approved by:</b> General Manager:




Cowichan  
Valley  
Regional  
District

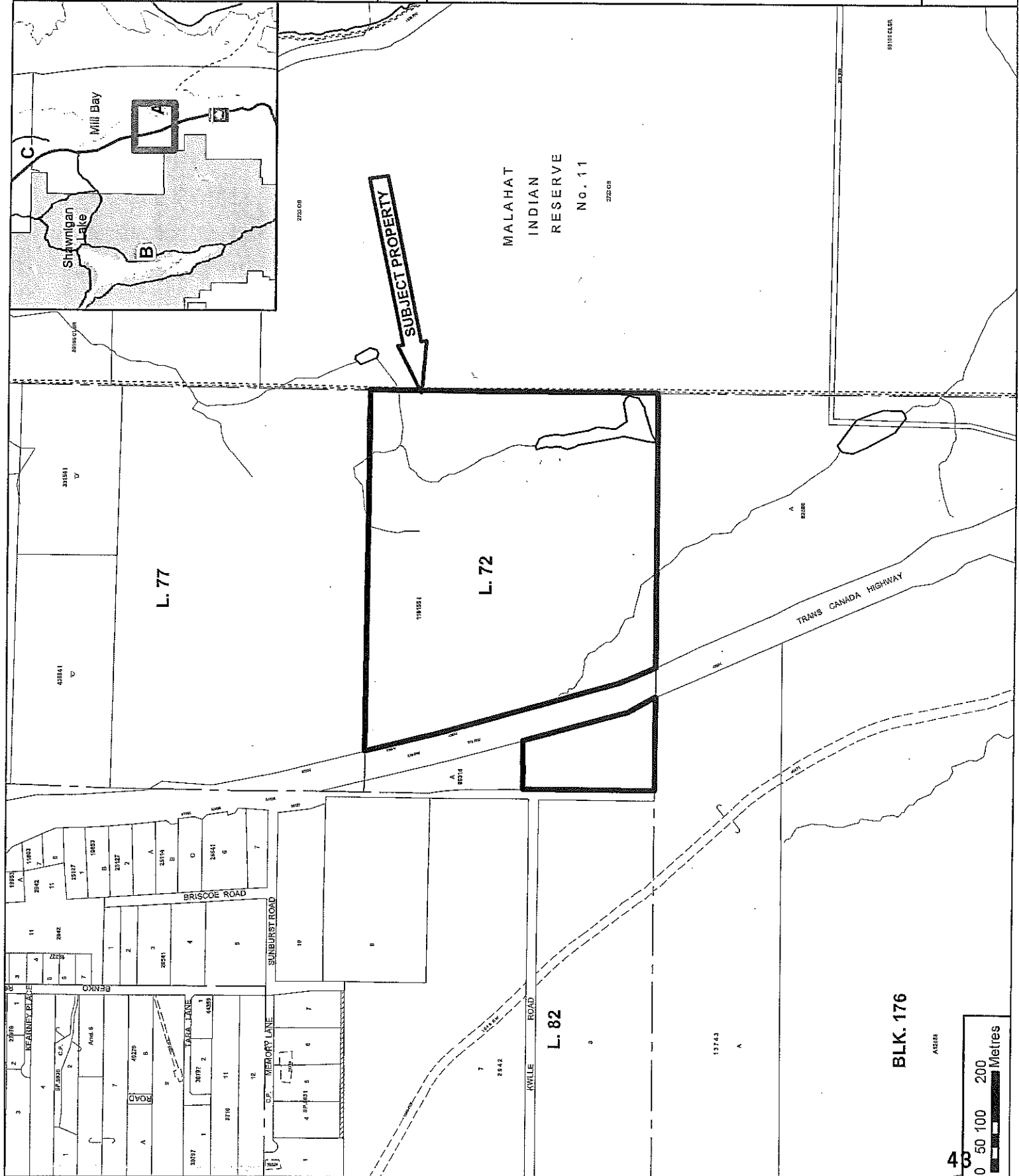
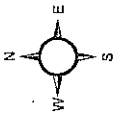
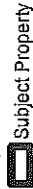
This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

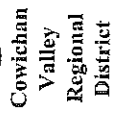
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-A-11-TUP

Legend





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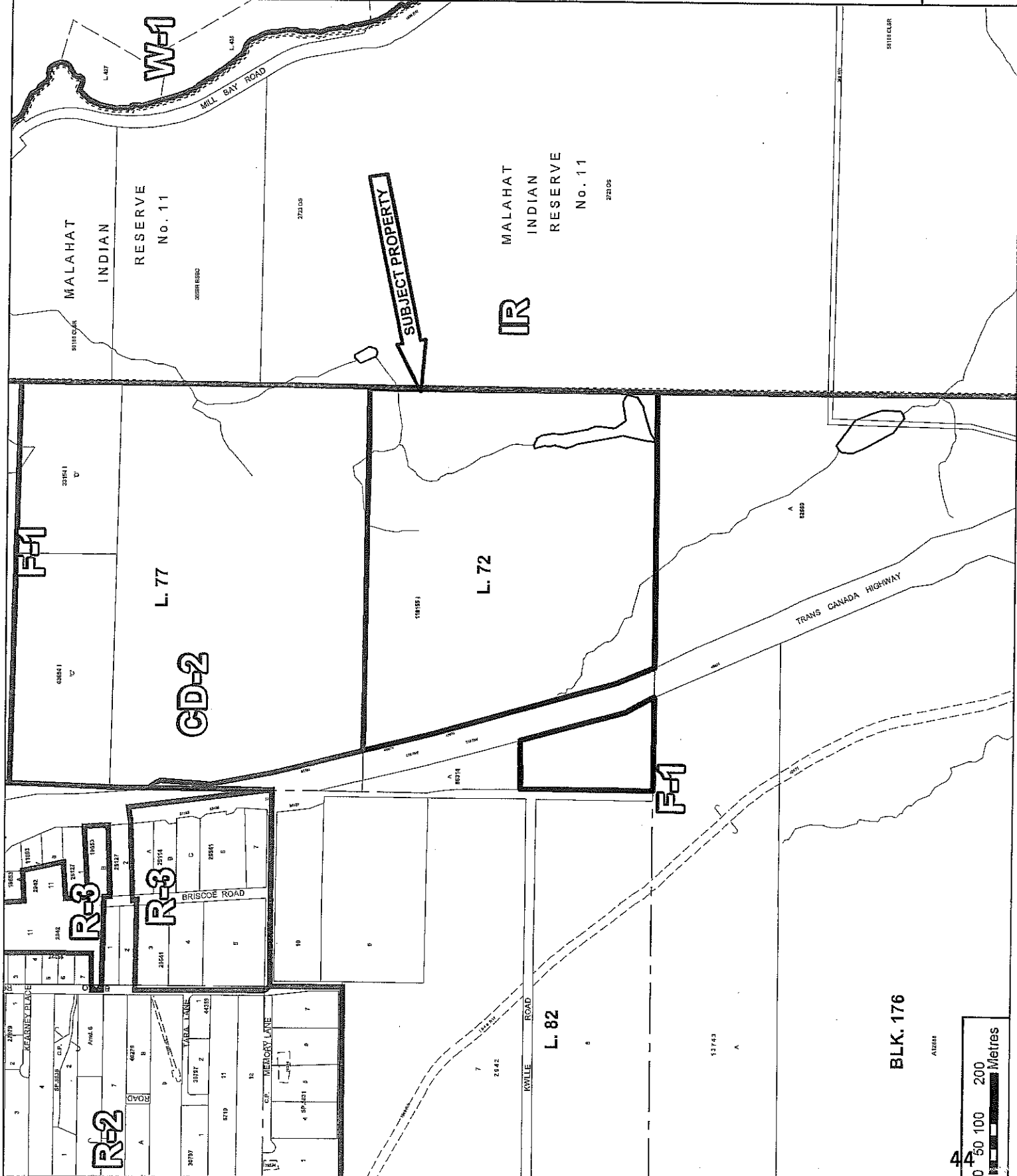
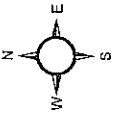
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# GNZN

**Subject Property**  
**Zoning Electoral Area A**







Cowichan  
Valley  
Regional  
District

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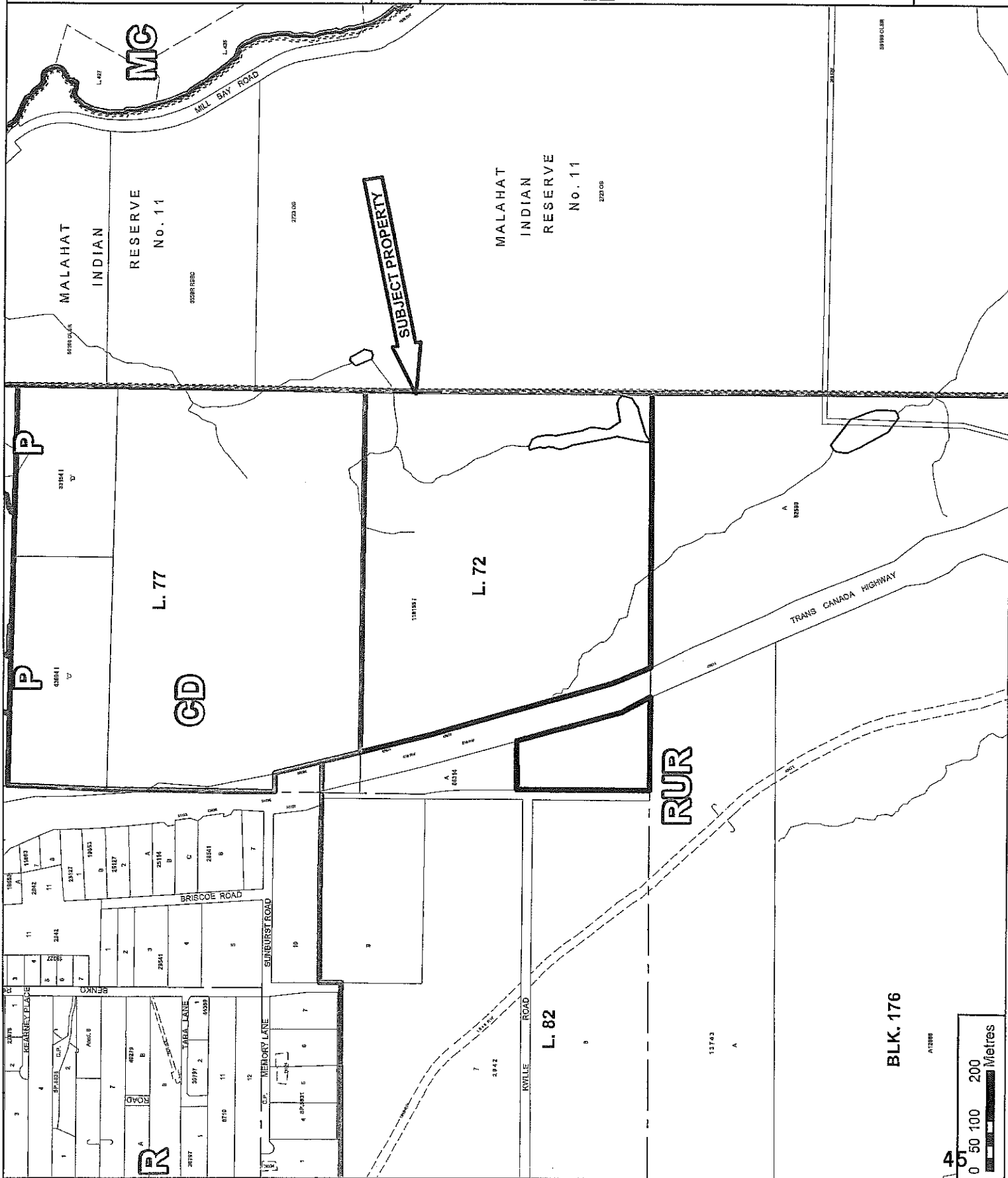
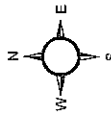
File: 01-A-11-TUP

OCP

Legend



Subject Property  
OCP Electrical Areas ABC





Cowichan  
Valley  
Regional  
District

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

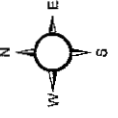
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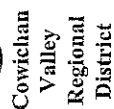
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File: 01-A-11-TUP

Google Earth  
Photo (2010)





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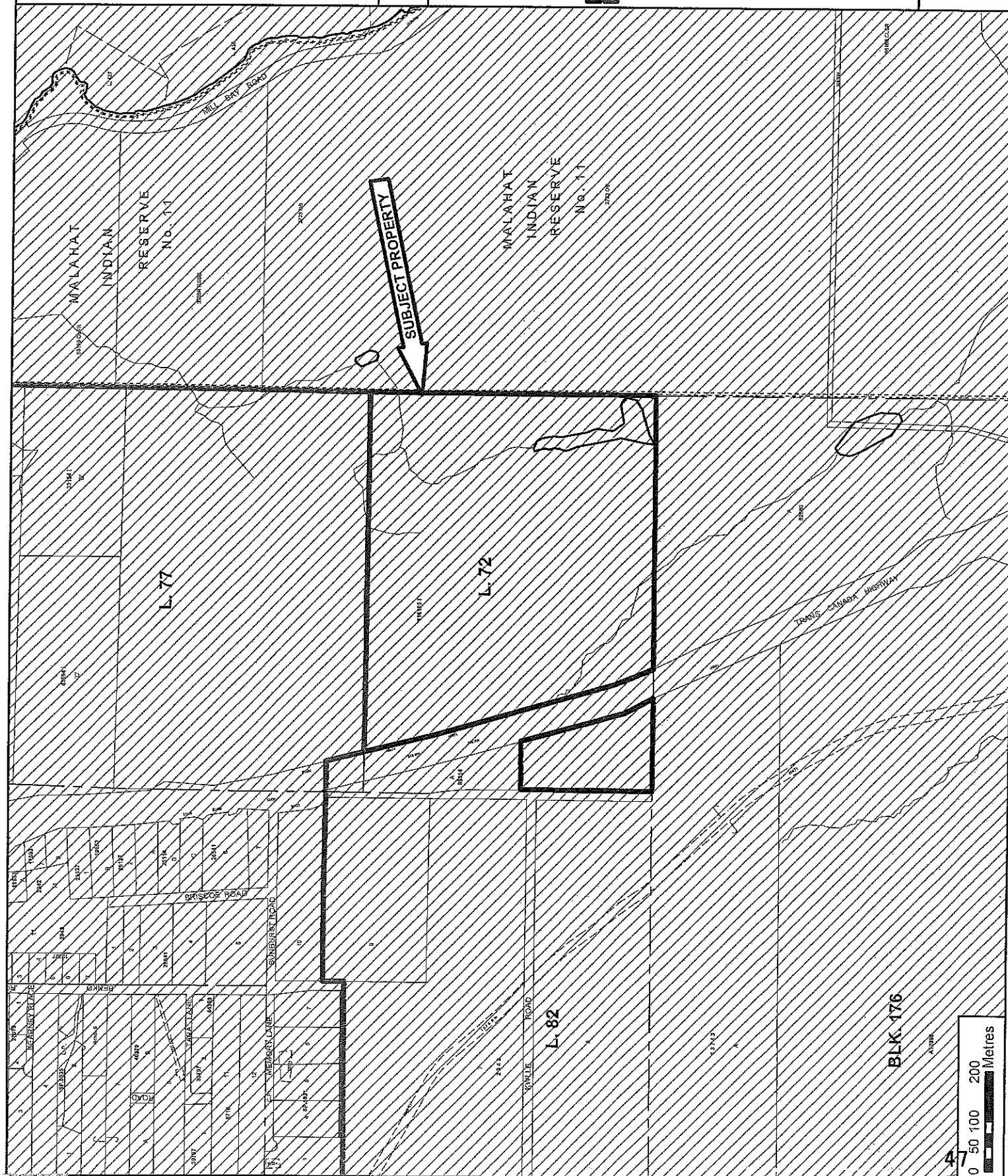
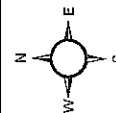
File: 01-A-11-TUP

ALD

### Legend



Subject Property  
OTHER DPA



## 7.0 FORESTRY AND AGRICULTURAL ZONES

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

## 7.1 F-1 ZONE - PRIMARY FORESTRY

(a) Permitted Uses

The following *uses* and no others are permitted in an F-1 zone:

- (1) Management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards\*;
- (2) *Agriculture, silviculture, horticulture*;
- (3) *Bed and breakfast accommodation\**;
- (4) Daycare, nursery school accessory to a residential use\*;
- (5) *Home occupation\**;
- (6) *One secondary suite, or one small suite per parcel\**;
- (7) *One single family dwelling*;

\* use may require approval of Forest Land Commission

(b) Conditions of Use

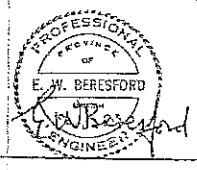
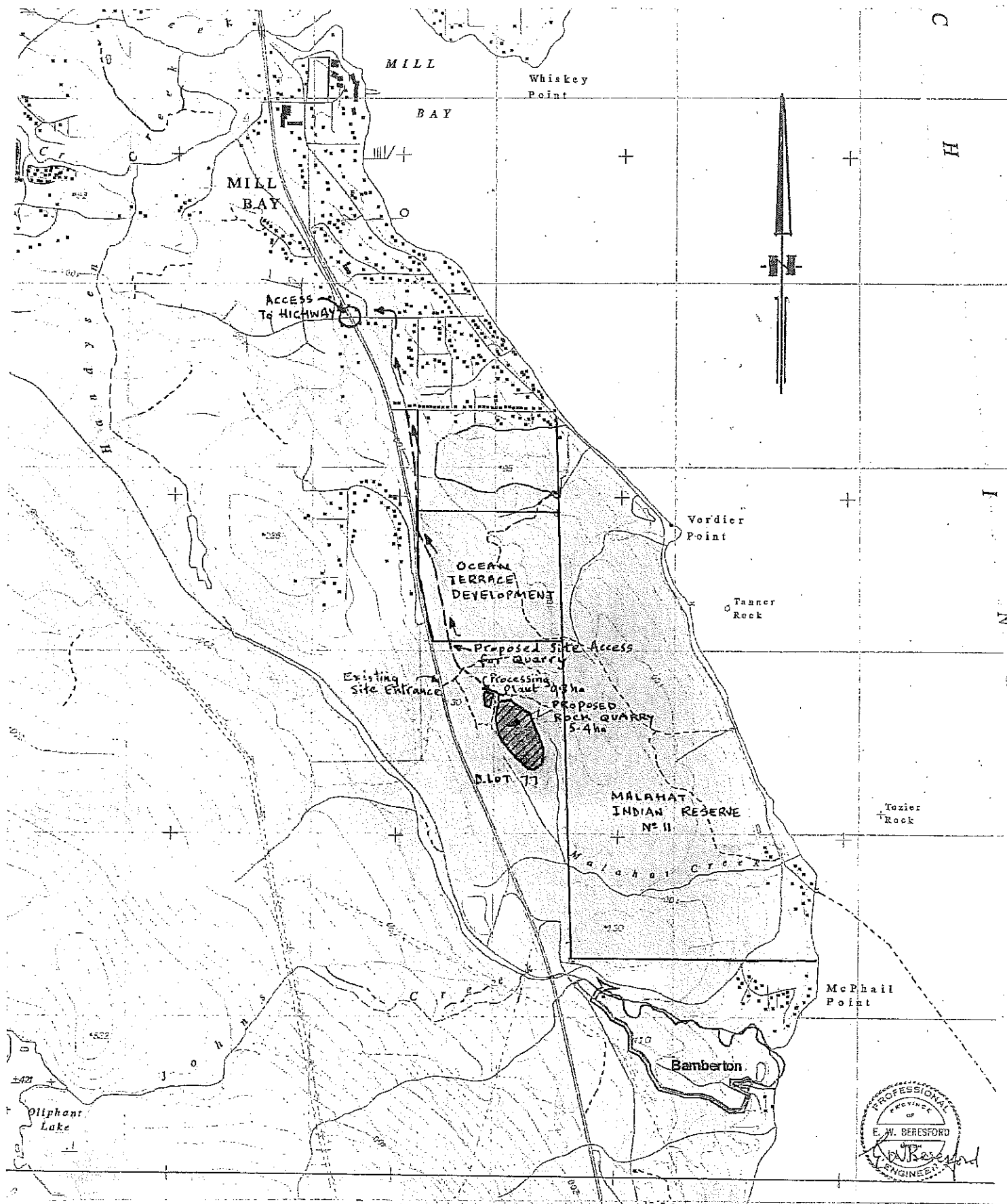
For any *parcel* in an F-1 zone:

- (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 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Buildings & Structures	COLUMN III Forestry, Agricultural and Other Permitted Buildings & Structures
Front	7.5 metres	30 metres
Interior Side	3.0 metres	15 metres
Exterior Side	4.5 metres	15 metres
Rear	7.5 metres	15 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the F-1 Zone is 80 hectares.



Scale  
1:20,000

**092B063**  
Mill Bay

**MALAHAT HOLDINGS LTD**  
**PROPOSED QUARRY DEVELOPMENT**  
**LOCAL FEATURES MAP**

123°34'00" 458 000 123°33'00" 459 000 123°32'00" 460 000 123°31'00" 461 000 123°30'00" 462 000

**R2 - Wyatt**

Dana Leitch, Planner II, reviewed staff report dated March 28, 2012, regarding Application No. 1-A-11TUP (Wyatt/Malahat Holdings) for a temporary use permit to permit rock processing at property located on the TCH south of Butterfield Road.

The Committee directed questions to staff and applicant.

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

It was Moved and Seconded



That Application No. 1-A-11 TUP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for a Temporary Use Permit on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 proceed to a public meeting in accordance with South Cowichan Official Community Plan Policy 12.23.

MOTION CARRIED

**R3 - Williams**

Rachelle Rondeau, Planner I, reviewed staff report dated March 27, 2012, regarding Application No. 2-E-12ALR (Williams) to construct a small suite on property located at 4930 Waters Road.

The Committee directed questions to staff and applicant.

Doug Williams, applicant, was present and provided further information to the application.

It was Moved and Seconded

That Application No. 2-E-12ALR by Douglas Williams made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite on the subject property, be forwarded to the Agricultural Land Commission with a recommendation to approve the application subject to decommissioning of the existing cabin.

MOTION CARRIED

**R4 - Corby**

Rachelle Rondeau, Planner I, reviewed staff report dated March 27, 2012, regarding Application No. 5-E-12DP/RAR/VAR (Donna Corby) to permit construction of a dwelling 25.9 metres from the stream located at 4547 Cowichan Lake Road.

There were no questions to staff from Committee members.

20. That the 2012 Major and Minor Capital Work Program Schedule for Community and Sub-Regional Parks be endorsed as the order and priority list for undertaking completion of capital project work approved in the 2012 budget
21. That the building permit fee for the proposed 380 sq.ft. addition to the CMS Food Bank on Lashburn Road be waived.
22. That the General Manager, Planning and Development Department, be directed to forward a letter to the Minister of Transportation and Infrastructure outlining concerns regarding lack of appropriate Ministry action respecting loss of public access to private properties due to a washout at the end of Doupe Road in Cowichan Station and request that the appropriate action be taken.
23. That Gordon Dickinson be appointed to the vacant elected position on the Area C Parks Commission for a term to expire December 31, 2012, and that the appropriate information be provided to Mr. Dickinson.

**MOTION CARRIED**

**12-194**

*(Amended from original Committee recommendation):*

3. That a grant in aid, Area C – Cobble Hill, be given to Cowichan Family Caregivers Support Society in the amount of \$530 to assist with their support program; and that a letter accompany the grant funds stating that the additional \$30 was for registration to a Cowichan Communities Health Network health event.

**MOTION CARRIED**

**12-195**

It was moved and seconded that the Electoral Areas Curbside Collection project be eliminated from the gas tax funding list and the \$300,000 be allocated to Tier I and Tier II projects; and further, that staff be directed to recommend to the Committee how all Tier I and II projects could fit within the available 2012-2014 gas tax funding envelope.

**MOTION CARRIED**

**12-196**

It was moved and seconded:

25. That Application No. 2-F-11DVP by Stan Van Basten to vary Section 3.22 of Zoning Bylaw No. 2600 on Lot 34, Section 35, Renfrew District, (situate in Cowichan Lake District), Plan 40628 by reducing the minimum setback from a water course from 15 metres to 3 metres for the purpose of constructing a cantilevered deck and dormers, be approved.
- \* 26. That Application No. 1-A-11 TUP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for a Temporary Use Permit on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 proceed to a public meeting in accordance with South Cowichan Official Community Plan Policy 12.23.



## C·V·R·D

### PUBLIC MEETING MINUTES Rezoning Application No 1-A-11TUP (Mark Wyatt/Malahat Holdings Ltd.) Electoral Area A – Mill Bay/Malahat

Following is a summary of the proceedings of the Public Meeting for Temporary Use Permit Application No. 1-A-11TUP (Mark Wyatt/Malahat Holdings Ltd.), applicable to Electoral Area A – Mill Bay/Malahat, held on Thursday, April 26, 2012, in the Denis McLean Room, Kerry Park Recreation Centre, 1035 Shawnigan Mill Bay Road, Mill Bay, BC at 7:00 p.m.:

- CHAIRPERSON** Director M. Walker, Electoral Area A – Mill Bay/Malahat, Chairperson
- CVRD STAFF PRESENT** Ms. D. Leitch, Planner II, Planning & Development Department  
Ms. J. Hughes, Recording Secretary, Planning & Development Department
- Members of the Public:  
There were 5 members of the public present.
- CALL TO ORDER** Director M. Walker chaired the Public Meeting and called the meeting to order.
- Director Walker introduced the CVRD Staff present and Mark Wyatt, applicant on behalf of Malahat Holdings Ltd.
- CORRESPONDENCE** No correspondence was received.
- Dana Leitch** Ms. Leitch explained the following with regard to Temporary Use Permit Application No. 1-A-11TUP:
- September, 2011, Mark Wyatt, Agent, on behalf of Malahat Holdings applied for a Temporary Use Permit to permit rock processing on a portion of District Lot 72.
  - Processed rock from the site will be primarily used for lot development and road construction on District Lot 77 (Ocean Terrace Development site).
  - Subject property is split by the Trans Canada Highway with approximately 3.9 ha located on the west side of the Highway and approximately 45 ha located on the east side of the Highway.
  - Subject property is zoned F-1 (Primary Forestry).
  - The applicant has obtained a Mines Permit from the Province for the extraction of rock but the processing or crushing of rock is not permitted in the F-1 Zone within Electoral Area A – Mill Bay/Malahat, and therefore a Temporary Use Permit is required for the rock to be processed onsite.
  - The property is designated as Rural Resource within the South Cowichan Official Community Plan and Policy 12.23 provides direction on the issuance of Temporary Use Permits and states:  
“Within areas designated as Rural Resource (RUR), the Regional Board may, by resolution, issue a temporary use permit, in accordance with Section 921 of the *Local Government Act* and that a public meeting be held prior to the Regional Board’s issuance of a Temporary Use Permit.”
  - Proposed operation covers an area of approximately 8.0 ha on a portion of District Lot 72.



- Operation will involve excavating a large rocky knoll with the final quarry floor being located at the 122 metre contour line.
- Screening and crushing equipment and a weigh scale will be utilized.
- A temporary office and trailer will also accompany the operation.
- No permanent buildings or structures associated with this operation will be constructed on site.
- Primary access to the property will be from the Trans Canada Highway.
- Ministry of Transportation and Infrastructure has approved a separate hauling plan for the rock material to be transported along Highway No. 1.
- At the entrance of the subject property there is an access gate which will be locked for security purposes and this area will be supplemented with a rock berm to prevent unauthorized access when the site is not being utilized.
- Hours of operation are Monday to Friday, from 9:00 a.m. to 5:00 p.m., with no operations occurring on a Saturday or a Sunday.
- Visual impacts and noise stemming from the operation will be reduced through the use of a vegetated buffer, barrier and stockpiles of material.
- Water will be sprayed on access roads in order to minimize dust impacts.
- The property falls within the South Cowichan Rural Development Permit Area and Planning staff have advised the applicant that a separate application for a development permit will need to be applied for to address site specific issues such as:
  - the management and removal of invasive weeds;
  - rainwater management;
  - watercourse and wetland protection;
  - outdoor lighting; and
  - signage prior to the Board's issuance of the Temporary Use Permit.
- The applicant has submitted this information and it will be reviewed by staff and the Electoral Area Services Committee in mid June 2012.
- The Temporary Use Permit Application was referred to the Advisory Planning Commission (APC) in February 2012 and the APC unanimously recommended approval of the application.
- The Temporary Use Permit Application was reviewed by the Electoral Area Services Committee on April 3, 2012 and they recommended the application proceed to a public meeting in accordance with South Cowichan Official Community Plan Policy 12.23 and the recommendation was ratified at the April 11, 2012, CVRD Board Meeting.
- Planning staff are generally supportive of the intent of the Temporary Use Permit Application because it is felt that by producing road and construction materials within close proximity to District Lot 77, the Ocean Terrace site, the overall volume of material required to be transported and hauled long distances along the Trans Canada Highway will be reduced.
- Staff have also developed some extra conditions which have been listed on Page 5 of the EASC Staff Report and reiterated in the draft Temporary Use Permit.

Ms. Leitch concluded by stating that copies of the Draft Temporary Use Permit were available and located on the back table.

**Andy Barton**

- Which APC reviewed the Temporary Use Permit?

**Director Walker**

- Electoral Area A – Mill Bay/Malahat Advisory Planning Commission.

- APPLICANT,  
Mark Wyatt** Mark Wyatt, Agent on behalf of Malahat Holdings Ltd. was present and stated the following with regard to Application No. 1-A-11TUP.
- Displayed the location of the subject property on the wall map noting it was previously logged and that the native vegetated strip presently located along the Trans Canada Highway will be left as a buffer.
  - Gate is located at entrance of the property along the Trans Canada Highway and is presently locked but noted that it would be replaced with a stronger gate with a better locking system.
  - There will likely not be an office on the site but there will be a small shack.
  - Hydro is not required as diesel generators will be used.
  - A rock source is required to build the roads for the Ocean Terrace subdivision property located adjacent to the subject property and it makes sense to harvest those rocks from the subject property as it is located next to it.
- Director Walker** Asked for public questions or comments to be directed toward CVRD staff or the applicant.
- Andy Barton** ➤ Trucks removing rock from the subject property to the proposed Ocean Terrace subdivision will travel along the Highway?
- Mark Wyatt** ➤ Correct, rock removed from the subject property to the Ocean Terrace subdivision property will travel on the Highway.  
➤ Materials can also be sold to other sites but their primary service was for Ocean Terrace.  
➤ Confirmed the site does have access to the Highway.
- Andy Barton** ➤ Will the material be sold to other companies?
- Mark Wyatt** ➤ Yes, if the market was there they would be permitted to sell to other companies.
- Andy Barton** ➤ How long is a Temporary Use Permit?
- Mark Wyatt** ➤ Temporary Use Permit is issued for three (3) years.
- Andy Barton** ➤ How much rock will be excavated?
- Mark Wyatt** ➤ Approval has been granted for 1.1 million tons.
- Andy Barton** ➤ Will the rock be crushed?
- Mark Wyatt** ➤ That is what the Temporary Use Permit is for, as presently under the *Mines Act* they were permitted to blast and take the rock off site to another location but what was not permitted was crushing it down.  
➤ Purpose of the Temporary Use Permit was to give them the opportunity to take the big chunks and make them smaller rather than trucking the material to another site for crushing and then bringing it back to the site.
- Dana Leitch** ➤ Proposed Temporary Use Permit would allow the crushing to occur on the site.
- Andy Barton** ➤ How will the crushing be operated if there was no hydro on the site?

- Mark Wyatt** ➤ Machines run by diesel generators will carry out the crushing.
- Jennifer Young** ➤ Sees the trucks hauling rock over the Malahat all of the time.  
➤ There are two rock quarries located behind her property and hears the rock crusher running non-stop all day long and that operation is permitted to operate from 7:00 a.m. to 5:00 p.m. but noted that they start sometimes at either 5:30 a.m. or 6:00 a.m. ending whenever they felt like it.  
➤ Concerned about the hours of operation on the subject property for the Inlet Drive residents and that they were not notified by letter, as that subdivision is further away than 60 m from the subject property.
- Dana Leitch** ➤ This is a public meeting which only requires notification in the local newspapers. An official public hearing has strict *Local Government Act* regulations that must be followed.  
➤ There will be another public notification process held prior to the resolution being adopted by the Regional Board to issue the Permit.
- Jennifer Young** ➤ Hears the noise from the other quarries all day and that there was also supposed to be a buffer in place.
- Director Walker** ➤ Proposed Temporary Use Permit states the hours as 9:00 a.m. to 5:00 p.m., Monday to Friday and no weekends permitted.
- Jennifer Young** ➤ How will the hours of operation be enforced?
- Director Walker** ➤ If the Temporary Use Permit is broken there are now fines that can be issued through bylaw enforcement.
- Dana Leitch** ➤ Presently there is a vegetated strip along the Highway acting as a buffer and that is not to be removed.
- Jennifer Young** ➤ Primary use of rock is for Ocean Terrace's subdivision but they would be permitted to sell to others?
- Mark Wyatt** ➤ Correct.
- Director Walker** ➤ Also limited to tonnage as once that limit has been hit they cannot go beyond it.
- Jennifer Young** ➤ Applicant could re-apply to go beyond the permitted limit.
- Director Walker** ➤ Would also have to re-apply for the Temporary Use Permit.
- Mark Wyatt** ➤ Owns the subject property and does not want to see a big hole left in the ground nor does he want to see a new housing development located next to that.  
➤ Could re-apply to Mines for an extension but does not think it would be successful and did not think he would be granted another Temporary Use Permit.  
➤ Would not be taking any more than what he has been granted approval for.
- Andy Barton** ➤ How much of the 1.1 tons will be required for the proposed development?
- Mark Wyatt** ➤ Estimates 60-70% will be required for the development and not the full 1.1

tons.

- Jennifer Young** ➤ How many people will be employed at the quarry?
- Mark Wyatt** ➤ 3-4 people but that depended on how busy it gets.
- Jennifer Young** ➤ Local people working on site?
- Mark Wyatt** ➤ Yes, and they are also working with local contractors as they do not own the machinery.
- Andy Barton** ➤ Public meeting stage of the Temporary Use Permit process was approved at what meeting held on April 3<sup>rd</sup>?
- Dana Leitch** ➤ Electoral Area Services Committee on April 3, 2012 reviewed and approved the application to move to the Public Meeting stage which was ratified by the Regional Board on April 11, 2012.
- Andy Barton** ➤ When did the APC approve the application?
- Director Walker** ➤ The Area A APC met on February 13, 2012, and unanimously supported the application.
- Andy Barton** ➤ Is it difficult to get unanimous support?
- Director Walker** ➤ It is rare to receive unanimous support from an APC.
- Andy Barton** ➤ Do they expect it will take the full 3 years to carry out the development?
- Mark Wyatt** ➤ Yes, as under current market conditions there was not enough demand.  
➤ They need to get going on the infrastructure for the land to trigger the subdivision.  
➤ Wants to have the Temporary Use Permit in place and be ready to go prior to starting his subdivision.
- Andy Barton** ➤ How fast the development proceeds depends on the market?
- Mark Wyatt** ➤ Correct.
- Jennifer Young** ➤ Understood that presently there was a good market on the Island?
- Mark Wyatt** ➤ Presently Victoria has a bit of a market but there was not much elsewhere.
- ADJOURNMENT** Director Walker asked for public comments or questions regarding Temporary Use Permit Application No. 1-A-11TUP (Mark Wyatt/Malahat Holdings).

The Public Meeting closed at 7:23 p.m.



COWICHAN VALLEY REGIONAL DISTRICT

*DRAFT*

TEMPORARY USE PERMIT

NO: 1-A-11TUP

DATE: \_\_\_\_\_

TO: Malahat Holdings Ltd (Mark Wyatt)

ADDRESS: PO BOX 246

Mill Bay, BC, V0R 2P0

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

*District Lot 72, Malahat District, Except Those Parts In Plans 518RW And 49974 And VIP86314 (PID: 009-359-320)*

3. Authorization is hereby given for the use of the subject property for rock processing in accordance with the conditions listed in Section 4, below.
4. The use shall be carried out subject to the following conditions:
  - No operations will take place outside of the designated Temporary Use Permit Area which is limited to 8.0 ha of the subject property as shown in attached Schedule A;
  - The hours of operation will be limited to Monday through Friday from 9:00am to 5:00pm with no quarry operations occurring on Saturdays or Sundays;
  - No permanent buildings or structures associated with the mining or processing are permitted onsite;
  - The existing access to the site from the Trans Canada Highway will be gated and locked when the site is not being utilized;
  - When the quarry operation is complete, the area occupied by the rock quarry will be covered with clean fill and seeded with grass;
  - The onsite storage of explosives, fuels, lubricants or other dangerous or hazardous materials is prohibited;
  - Water will be sprayed regularly to minimize the impacts of dust on access roads;
  - Compliance with FireSmart Principles is required including regular wetting down of surrounding trees, brush and ground cover during high to extreme fire season as determined by the Coastal Fire Centre; and
  - The existing (approx 500m by 200m) vegetated buffer along the western boundary of the property along the Trans Canada Highway must be retained as shown in Schedule B.
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 – Designated Temporary Use Permit Area
  - Schedule B – Vegetated Buffer Area
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO.  
\_\_\_\_ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT  
THE \_\_\_\_ DAY OF \_\_\_\_, 2012.

\_\_\_\_\_  
Tom Anderson, MCIP  
General Manager, Planning and Development

**NOTE:** Subject to the terms of this Permit, if the holder of this Permit does not substantially start any rock processing within 3 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Temporary Use 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 MALAHAT HOLDINGS LTD. INC., other than those contained in this Permit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

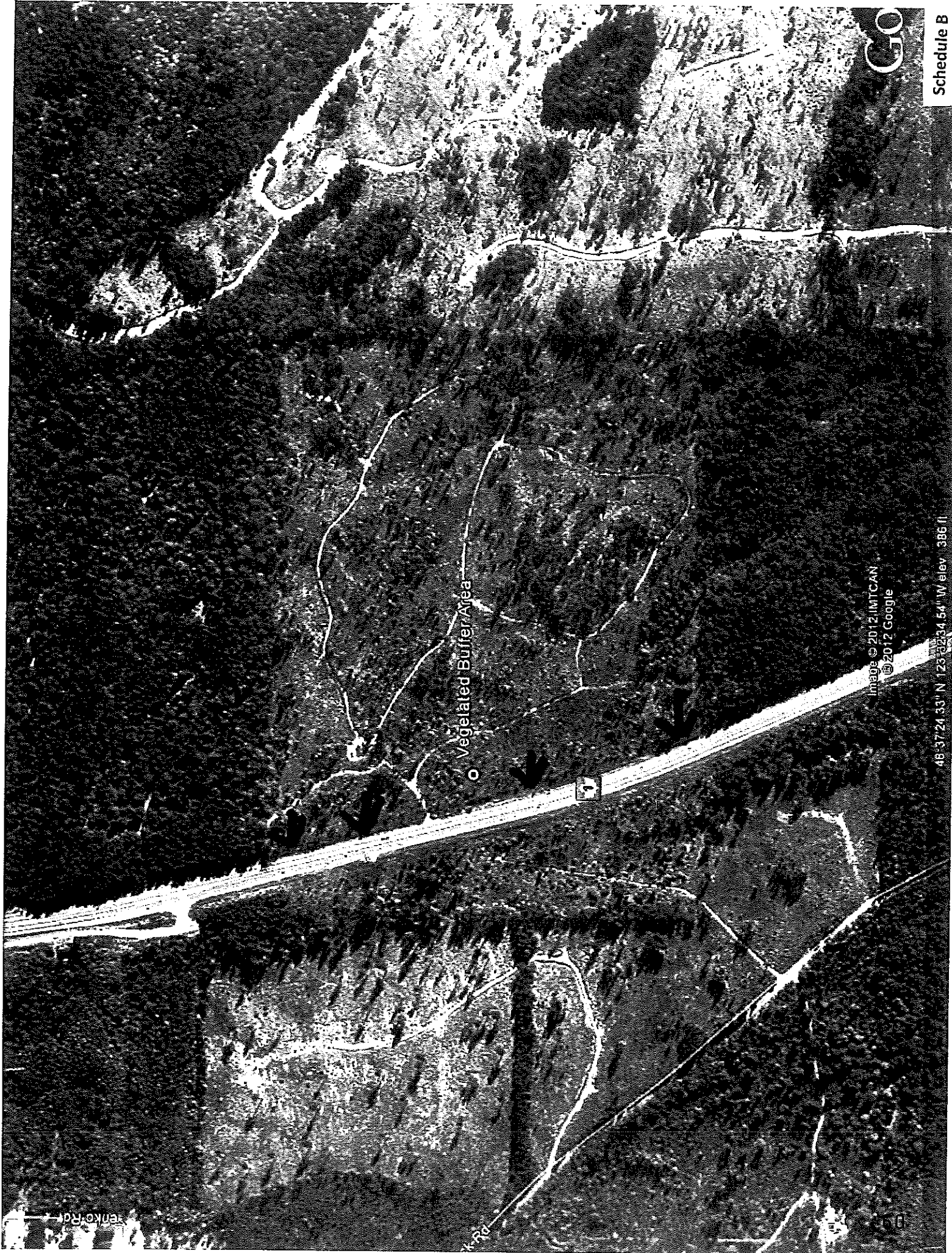
\_\_\_\_\_  
Date

8.0 ha Designated Temporary Use Permit Area

Image © 2012 INTCAN  
© 2012 Google

48°37'23.50" N 123°32'32.07" W elev. 373 ft





Vegetated Buffer Area

Image © 2012 IMTCAN  
© 2012 Google

48°37'24.33"N 123°32'34.54"W elev 386 ft

GO

Schedule B





## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 28, 2012

FILE NO: 2-A 12 DP

FROM: Dana Leitch, Planner II

BYLAW NO: 3510

SUBJECT: Application No. 2-A-12DP  
(Mark Wyatt/Malahat Holdings)

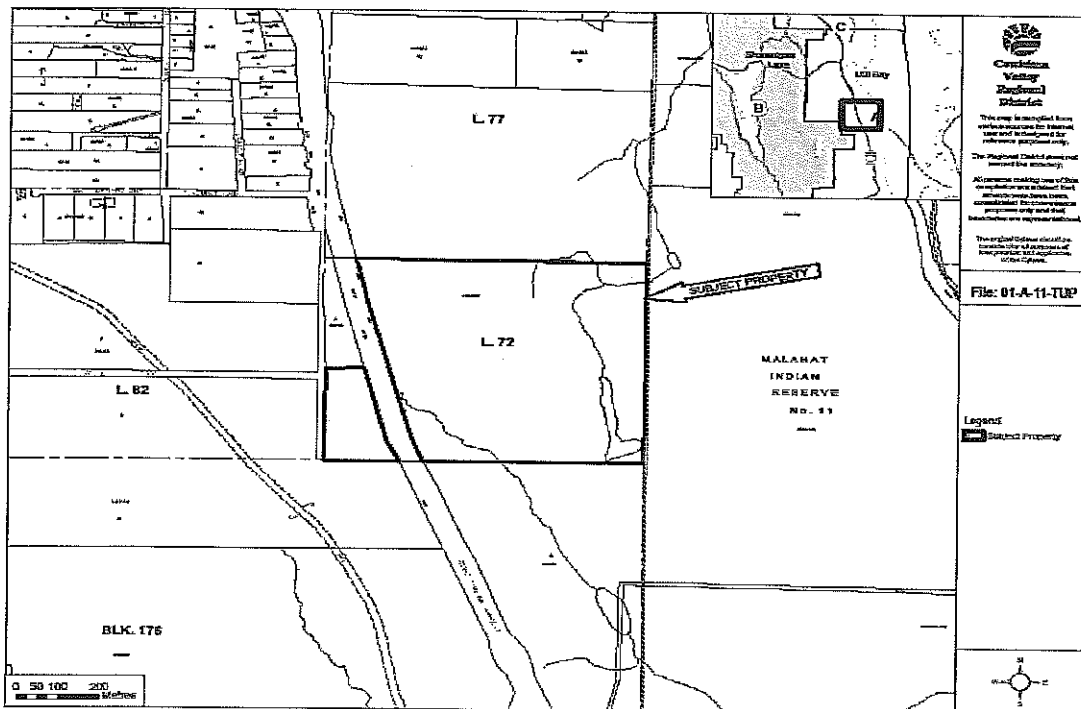
#### Recommendation/Action:

That application No. 2-A-12DP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. for District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP86314 (PID: 009-359-320) be approved subject to compliance with the Best Management Practices for Invasive Weed Species prepared by Strathcona Forestry Consulting dated February 29, 2012 and the Temporary Use Permit Report prepared by David Polster, R.P. Biologist dated April, 2012.

Relation to the Corporate Strategic Plan: N/A

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

#### Location Map:



## **Background:**

The applicant has requested a development permit for a rock processing operation on 8.0 ha of the subject property. The subject property is split by the Trans Canada Highway with approximately 3.9 ha located on the west side of the highway and approximately 45 ha located on the east side of the highway. For the Committee's reference, the applicant has applied for a Temporary Use Permit on the east side of the highway and the details of that proposal are addressed through a separate Temporary Use Permit application process (1-A-11 TUP).

This Development Permit report focuses on specific development permit guidelines relevant only to the proposed rock processing operation on the property.

Location of Subject Property: Trans Canada Highway, south of Butterfield Road, Mill Bay

Legal Description: District Lot 72, Malahat District Except Those Parts in Plans 518 RW and 49974 and VIP86314 (PID: 009-359-320)

Date Application and Complete Documentation Received: April 26, 2012

Owner: Malahat Holdings Ltd., Inc

Applicant: Mark Wyatt

Parcel Size: Approximately 48 ha

Existing Zoning: Primary Forestry (F-1)

Minimum Lot Size Under Existing Zoning: 80 hectares

Existing Plan Designation: Rural Resource

Existing Use of Property: Vacant – both sides of the subject property have been logged in the past

### Existing Use of Surrounding Properties:

North: Vacant Comprehensive Development Land (zoned CD-2)

South: Vacant Forestry Land (zoned F-1)

West: Trans Canada Highway and Vacant Forestry Land (zoned F-1)

East: Indian Reserve No. 11 (Malahat)

### Services:

Road Access: Trans Canada Highway

Water: N/a

Sewage Disposal: N/a

Drainage: N/a

Lighting: N/a

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a non-trim stream planning area with possible fish presence on the northeast and southwest portion of the property. A site visit confirmed two possible wetlands near the area where the processing is proposed.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed

### **Property Context**

The proposed rock processing operation will occupy 8.0 ha of the land on the east side of the Trans Canada Highway. This property was logged approximately 15 years ago and is now partially covered by young third growth Forest.

### **Policy Context:**

#### ***Zoning***

The zoning of the property is F-1 (Primary Forestry), which specifies a minimum parcel size of 80 ha. The zoning permits "management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards", agriculture, silviculture, horticulture, bed and breakfast accommodation, daycare, nursery school accessory to a residential use, home occupation, well as one single family dwelling and a secondary suite or small suite (detached)."

The owner has obtained a mines permit for a rock quarry operation and intends to also undertake rock processing on the property. Rock processing is not a permitted use within the F-1 Zone within Electoral Area A and a temporary use permit has been applied for to permit this use.

#### ***Development Permit Area Guidelines***

The South Cowichan Rural DPA was established for the purpose of protecting the natural environment, its ecosystems and biodiversity, and the establishment of guidelines for energy and water conservation.

The South Cowichan Rural Development Permit Area (Section 24.2 of the Official Community Plan) specifies guidelines within the following sections that apply to the proposed rock processing operation:

- General Guidelines
- Habitat Protection Area Guidelines
- Riparian Protection Guidelines (Freshwater)
- Sensitive Ecosystems Guidelines
- Environmental Protection Guidelines
- Outdoor Lighting
- Signage

#### ***General Guidelines***

The report prepared by Strathcona Forestry Consulting has not indicated that there is significant issue with invasive weed species on the subject property. However, as a general guideline, where invasive species are present they are required to be removed. Adherence to the Ministry of Environment best management practices, "*Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*", is also encouraged along with implementing the best management plans outlined on page 15 and 16 of the report written by Strathcona Forestry Consulting dated February 29, 2012.

#### ***Habitat Protection Area***

No eagle, hawk, osprey, owl, peregrine falcon or Great Blue Heron nests have been identified on the subject property; therefore these guidelines are not applicable.

### ***Riparian Protection Guidelines (Freshwater)***

David Polster, R.P. Biologist has indicated that the rock quarry will be located outside the 30 metre Riparian Areas Assessment Area. A significant buffer will be maintained between the active quarry site and local wetlands and watercourses to ensure these features are protected from any impacts.

Riparian Areas will be protected through minimizing the area on the site for rock processing. All activities associated with the rock processing will take place within the perimeter road which will minimize the potential for off-site sedimentation. Keeping soils loose will promote infiltration and reduce erosion. Care will be taken to ensure topsoil surface has a complex surface with roots, stumps and other woody debris to reduce erosion. Prompt revegetation will prevent excessive erosion.

Water flowing from road and active mining surfaces will be encouraged to infiltrate into the groundwater system. Infiltration galleries will be constructed in ditches and around the perimeter of active areas. Where active loading and stockpiling of product is undertaken a 300mm thick bed of coarse rock will be used to provide a platform that drains freely which will help to avoid the tracking of mud from the active quarry area.

### ***Sensitive Ecosystem Protection***

There are no wetlands or watercourses within 30 metres of the proposed 8.0 ha project area. The QEP's report indicates that there are three ponds on the northeast section of the subject property. Pond 1 is a seasonal creek that is damp throughout the year and drains through a culvert near the southern edge of the property. Pond 2 is a larger wetland complex and is located 135 metres from perimeter road that surrounds the proposed quarry site. One hundred and thirty-five metres will provide a significant buffer in protecting the pond/creek system. Pond 3 is a small ephemeral wetland.

The most effective protection to environmentally sensitive areas will be through minimizing the extent of the disturbed areas and revegetating the disturbed areas. Old trees will be retained (Douglas Fir and Arbutus) outside the quarry footprint. Carefully stripping and stockpiling of soil and organic materials in advance of quarry construction is recommended so that disturbance of adjacent areas is minimized. Maintaining a minimal work area and revegetating soil stockpiles and other disturbances will minimize environmental degradation. A deer proof fence will be placed around active areas to allow revegetation work to become established.

### ***Environmental Protection Guidelines***

#### ***Drainage***

With regards to the proposed rock quarry operation, the applicant has informed CVRD staff that very little top soil being removed and once it has been removed there will almost no sediment discharging into receiving watercourses. A majority of the surface water onsite will be retained within the exposed fractured bedrock material. However, in an effort to address the issue of possible discharge into ephemeral bodies, a trench will be put in place across the base the most easterly section of where the work will commence. The trenching will discharge into two connected settling ponds or roughly 10 metres in diameter and roughly 2 metres deep. At the discharge point of the second pond, silt fencing in the form of hay bales will also serve as a filter before the water runs over land to the receiving area.

#### ***Outdoor Lighting***

There is no outdoor lighting being proposed on the subject property, therefore, these guidelines are not applicable.

**Signage**

The applicant is intending to have a 8'x12' sign near the entrance to the site. However, since details of the sign are not currently available, it will be the subject of a future development permit application.

**Advisory Planning Commission Comments:**

The Electoral Area A Director elected not to send this development permit application to the APC. This development permit application was not referred to the APC, as it was felt that many of the guidelines were not applicable and it has recently received the TUP application where many of the same issues were discussed.

**Development Services Division Comments:**

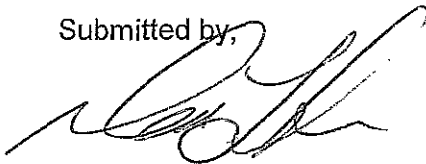
Staff recommend that the application be approved as proposed subject to adhering to the recommendations of Strathcona Forestry Consulting and David Polster, R.P. Biologist.

**Options:**

1. That application No. 2-A-12DP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. for District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) be approved subject to compliance with the Best Management Practices for Invasive Weed Species prepared by Strathcona Forestry Consulting dated February 29, 2012 and the Temporary Use Permit Report prepared by David Polster, R.P. Biologist dated April, 2012.
2. That application No. 2-A-12DP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) not be approved, and that the applicant be directed to revise the proposal.

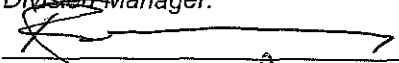
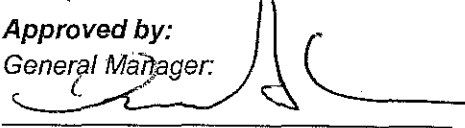
Option 1 is recommended.

Submitted by,



Dana Leitch  
Planner II  
Development Services Division  
Planning and Development Department

DL/ca

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



C.V.R.D.

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

The Cowichan Valley Regional District does not warrant the accuracy.

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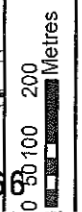
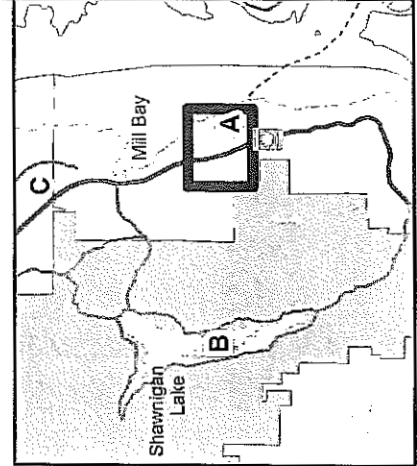
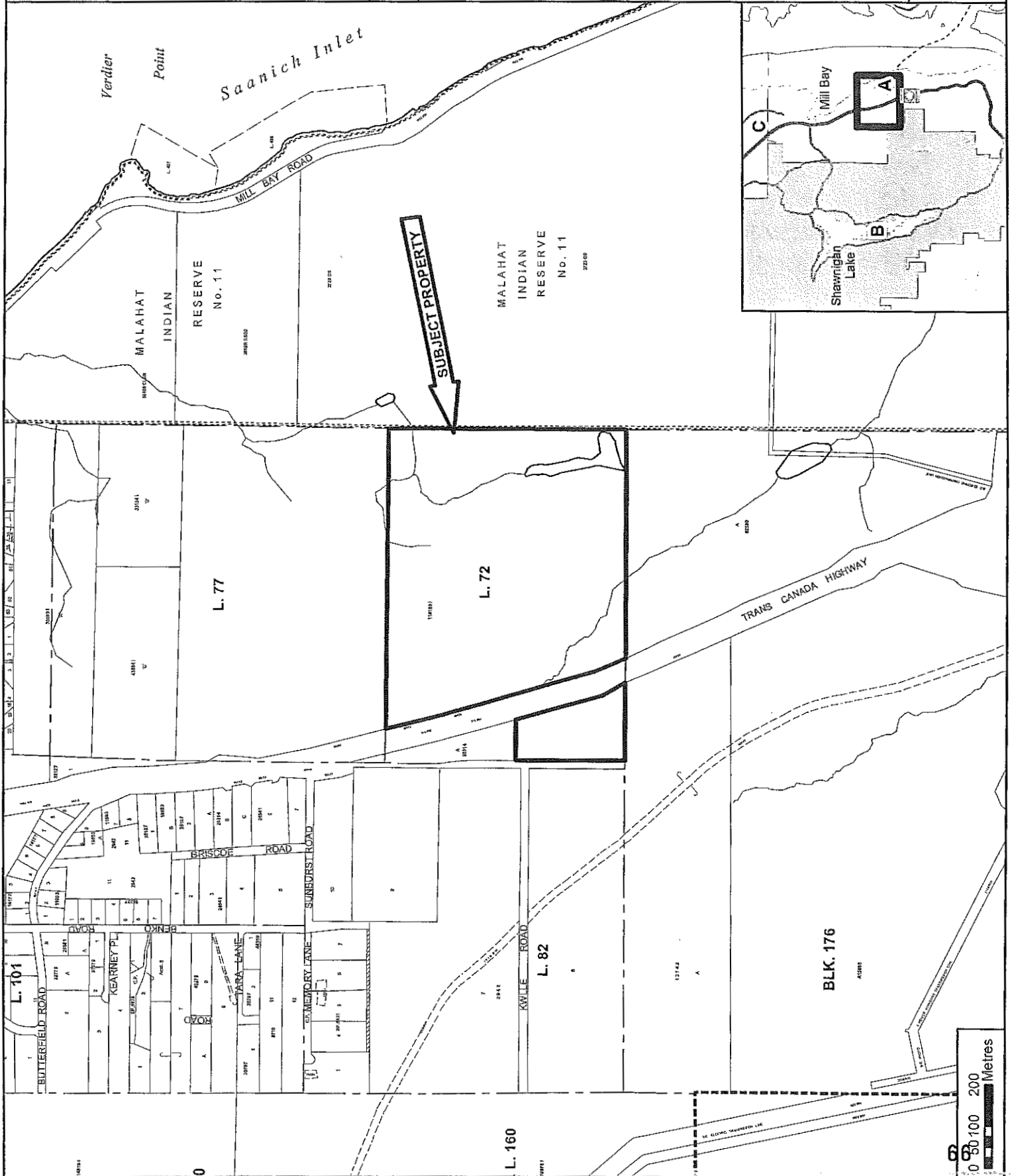
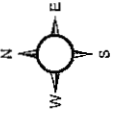
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-A-12-DP

Legend



Subject Property





C.V.R.D.

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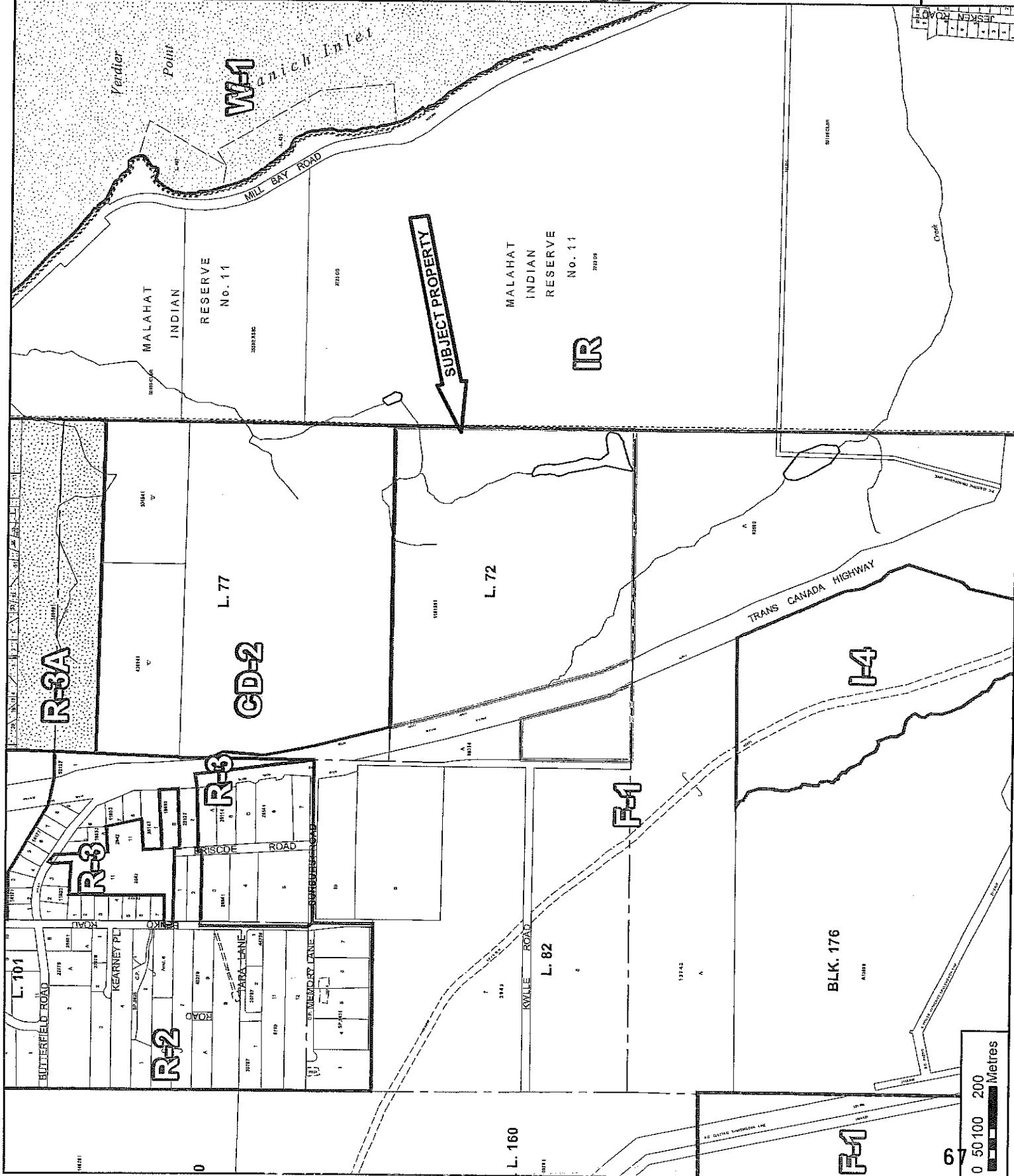
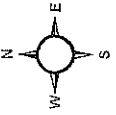
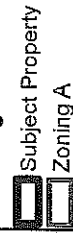
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File: 02-A-12-DP

## ZONING

### Legend



0 50 100 200 Metres



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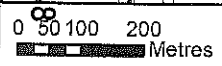
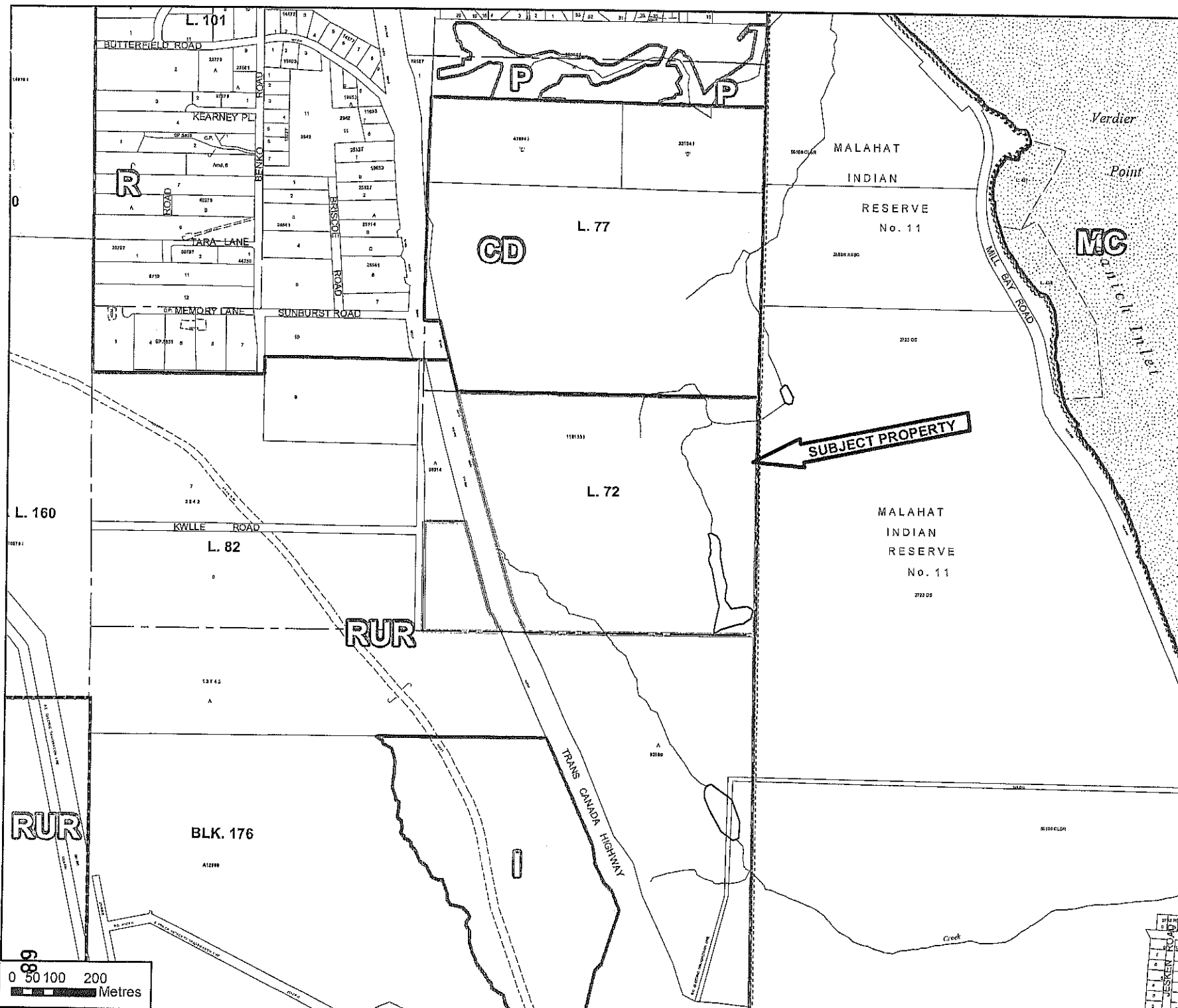
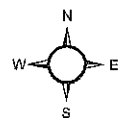
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File: 02-A-12-DP

OCP

Legend

- Subject Property
- OCP Areas ABC







C·V·R·D

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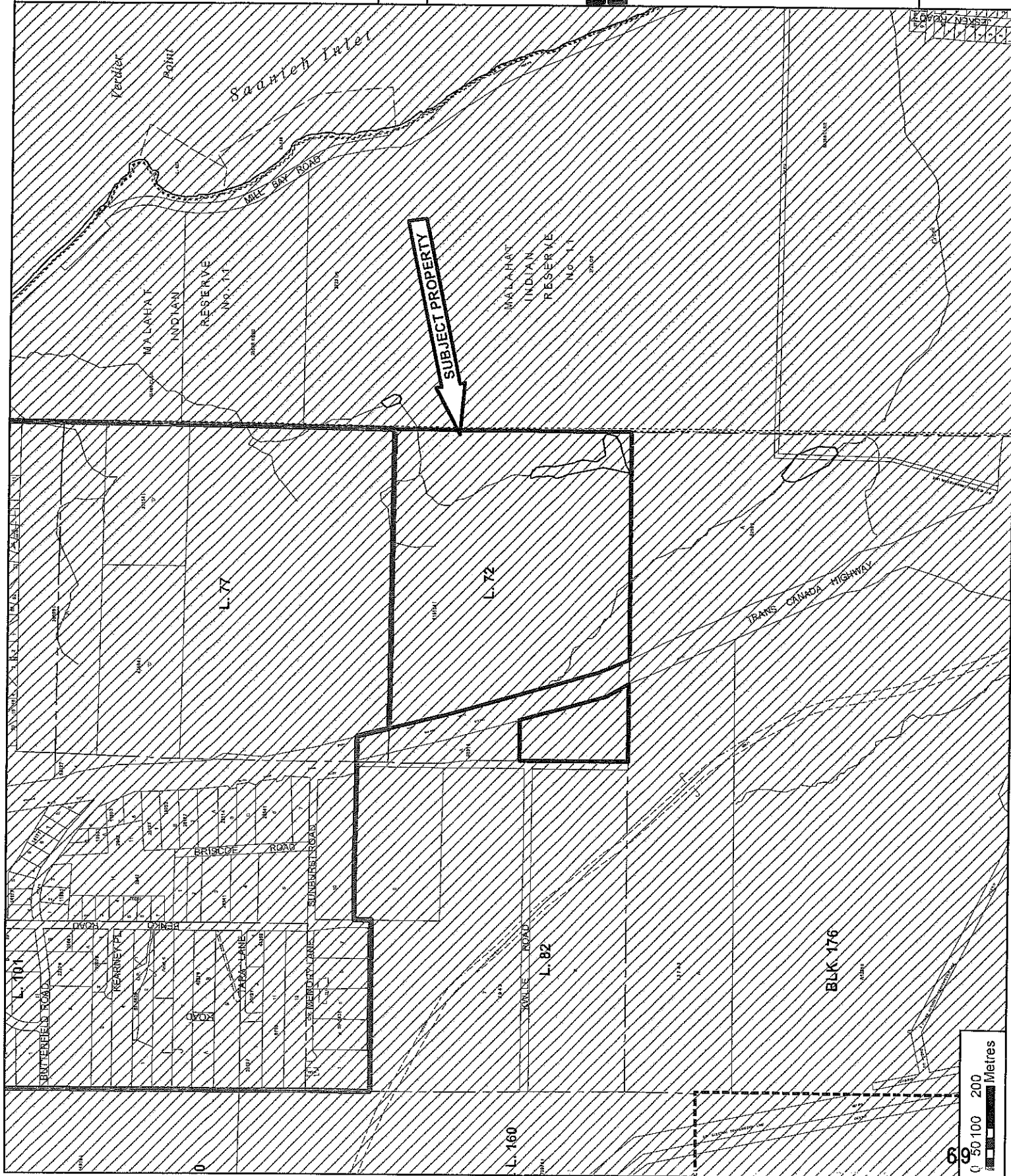
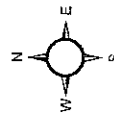
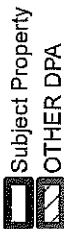
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DPA

Legend





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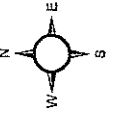
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File: 02-A-12-DP

Google Earth  
Photo (2010)





*DRAFT*

**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT**

**FILE NO: 2-A-12DP**

**DATE: MAY 28, 2012**

**REGISTERED PROPERTY OWNER(S):**

**MALAHAT HOLDINGS LTD (MARK WYATT)**

**PO BOX 246**

**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:  
**District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320)**
3. Authorization is hereby given for a rock processing operation on 8.0 ha on the eastern portion of the subject property, subject to the following:
  - Development of the subject property must be in substantial compliance with the measures and recommendations of Assessment and Best Management Practices for Invasive Weed Species at Lot 1 and Remainder of D.L. 72 (Malahat) prepared by Strathcona Forestry Consulting dated February 29, 2012 (see Schedule A).
  - Development of the subject property must be in substantial compliance with the measures and recommendations of Temporary Use Permit District Lot 72 (East of Highway) Malahat Properties Ltd prepared by David Polster, R.P. Biologist dated April, 2012 (see Schedule B).
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. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

**ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY SECTION 7(d) OF CVRD DEVELOPMENT APPLICATION AND PROCEDURES AND FEES BYLAW NO. 3275.**

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 MALAHAT HOLDINGS LTD (MARK WYATT) other than those contained in this Permit.

\_\_\_\_\_  
Owner/Agent (signature)

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**OVERVIEW REPORT DESCRIBING the  
ASSESSMENT of and  
BEST MANGEMENT PRACTICES for  
INVASIVE WEED SPECIES at  
LOT 1 and REMAINDER D.L. 72 (MALAHAT)**

**Strathcona Forestry Consulting**

*Prepared for:*  
Mark Wyatt  
PO Box 246  
Mill Bay, BC  
V0R 2P0

*As a Requirement for:*  
The Cowichan Valley Regional District

*Prepared by:*  
Strathcona Forestry Consulting



February 29, 2013



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## 1.0 EXECUTIVE SUMMARY

An overview assessment of invasive weed species at a Mill Bay property (Lot 1 and Remainder District Lot 72 - Malahat) found a low range of invasive species with a low to moderate coverage level. Of the invasive plants found in any significant amounts at the subject property, Scotch broom was most prevalent. Himalayan blackberry and thistle species were present in lesser amounts.

The subject property was partially logged approximately a decade ago by a previous owner. Unven-aged forest cover comprised of mature trees retained after logging, immature stands of conifers planted/seeded-in post-logging, and pockets of alder/maple, is expected to effectively shade out much of the broom throughout the majority of both parcels. Treatment options are provided for localized areas where invasive plant species may be expected to persist.

Recommendations provided in this report will assist the property owner in controlling invasive weed species. **Implementation of recommended "best management practices" should be sufficient to maintain and/or reduce the growth of invasive plant species at the subject property.**

Long-term control of invasive species is essential to maintain healthy ecosystems.



## 2.0 INTRODUCTION

### 2.1 Background

In accordance with the Mill Bay Village Development Permit Area Guidelines (CVRD, 2011) Mr. Mark Wyatt, property owner, D.L. 72, Malahat District, retained Strathcona Forestry Consulting to provide an overview assessment and develop a plan describing best management practices for invasive plants prior to subdivision of the smaller of two parcels comprising the subject property. Invasive plants are defined as non-native (alien) plant infestations that lead to destruction of native plant and animal habitat (Ministry of Agriculture et al, 2002).

As noted, the subject property consists of two parcels: Lot 1, a 10 acre parcel on the west side of Highway No. 1 (TransCanada Highway), and an adjoining, Remainder parcel of approximately 100 acres on the east side of Highway No. 1. (The subject property at D.L. 72 does not include those parts of D.L. 72 in plans 518RW, 49974, and VIP86314). The property owner has made application to the Cowichan Valley Regional District (CVRD) to subdivide Lot 1. According to the property owner, proposed subdivision of Lot 1 does not involve any foreseeable plans for building or development. Application has also been made for a Temporary Use Permit at Remainder District Lot 72 to allow for the development of a small rock quarry. As with Lot 1, no structural development is planned at this parcel within the foreseeable future.

This report describes vegetation and terrain features at the subject property and provides recommendations that will assist the property owner and Cowichan Valley Regional District (CVRD) to decide on strategies and treatment requirements appropriate to assessed outcomes.

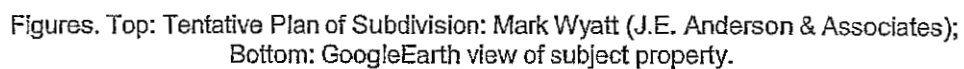
Assessment criteria were guided by the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* (2006). Listings of invasive non-native weed species in coastal British Columbia are found at websites for the Coastal Invasive Plant Species Committee <http://www.coastalinvasiveplants.com> and BC Landscape and Nursery Association <http://bclna.com>, and in the BC Ministry of Forests and Ministry of Agriculture Field Guide to Noxious and Other Selected Weeds of British Columbia (2002).

Classification of native plant species and biogeoclimatic units was based on the Ministry of Forest's Land Management Handbook Number 28 (1994), Plants of Coastal British Columbia (1994), Flora of the Pacific Northwest (1973), and Trees, Shrubs, and Flowers to Know in British Columbia and Washington (1995).

### 2.1 Location, Recent History and Description of Subject Property

The subject property straddles the TransCanada Highway approximately 3 km south of Mill Bay Village centre. Previously owned by a private forest company, the property was

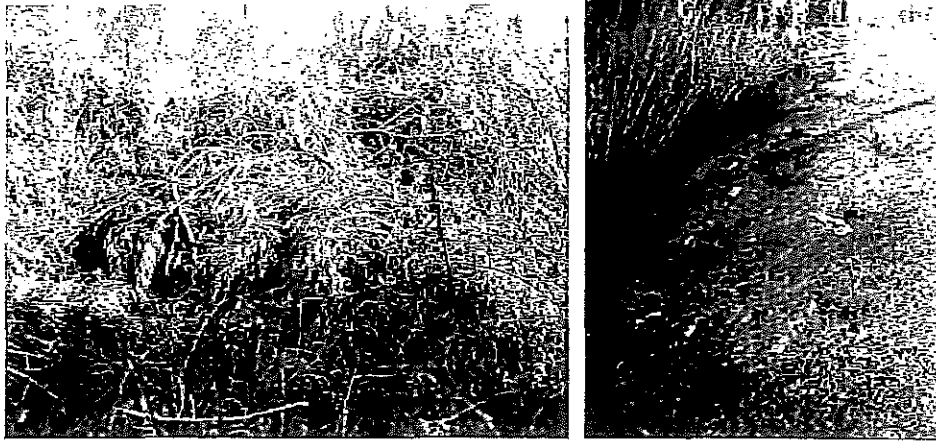


[illegible]



The smaller parcel on the western side of the highway is not accessible by vehicle. It is bordered on its upper, western boundary by an old (brushed-in) logging road. The larger parcel in the east is accessed from the highway by a locked gate leading to a network of old logging/skidder roads, many of which are now 4WD due to erosion and brushing in of alder and maple.

According to Mr. Wyatt, ongoing human disturbance is not uncommon at the subject property. Mr. Wyatt has discovered illegal cutting of arbutus trees and cedar boughs, and has confronted illegal hunters and off-road motorized vehicles. In addition, motorists regularly discard garbage along the highway right-of-way. No fires have been found at the property in recent years.



Left: cedar boughs cut at Lot 1; right: roadside litter along highway right-of-way of Lot 1.

### **2.3 Field Assessment**

Field assessment was conducted in February 2012. Access to both parcels was gained from the TransCanada Highway. Field assessment was conducted by following pre-mapped transect lines at 100-200 m intervals. Weather at the time of assessment was cool and clear.



### **3.0 Biophysical Description**

#### **3.1 Biogeoclimatic Classification**

The subject property is located in the moist maritime Coastal Douglas-fir (CDFmm) biogeoclimatic subzone. Located at lower elevations along the eastern rim of southern Vancouver Island, and including the southern Gulf Islands, the CDFmm, which is characterized by warm, dry summers and mild winters, has the mildest climate in Canada.

The CDFmm, with its Mediterranean-like climate and long growing season, represents a unique ecological region in Canada that supports many red-listed (rare and/or endangered) and blue-listed (threatened) species of plants, plant communities, and animals. As a result of human disturbance from logging, agriculture, and development pressures over the last 150 years, the CDFmm has seen an ecosystem loss of over 50% (Draft Status of Biodiversity in B.C., 2007). The Ministry of Environment Conservation Data Centre (CDC <http://www.env.gov.bc.ca/cdc>) considers 29 plant communities in the CDFmm as red-listed. It should be noted that private lands, including the subject property, account for 90% of the CDFmm (Negra et al. 2010). Private lands are generally exempt from Ministry of Forests regulations.

#### **3.2 Physical Properties**

The subject property is located in an area of moderately to strongly rolling topography. Aspect is generally easterly, with many minor variations. Soils in the area developed in gravelly sandy morainal (till) and/or colluvial deposits, overlying extrusive bedrock. Soils are between 10 and 100 cm thick over bedrock. Soils are generally well-drained; low-lying pockets of impeded drainage are also present, especially along seasonal water courses (more common in Remainder District Lot 72). Coarse fragment content is usually between 20 and 50%, with cobbles, stones, and boulders common. The usual taxonomic classification is Duric Dystric Brunisol (and/or Orthic Dystric Brunisol).

#### **3.3 Vegetation**

Vegetation at the subject property is characterized by disturbance. Second-growth forest at the property was partially logged approximately a decade ago. The subsequent third-growth forest stands are comprised of both artificial regeneration (planting) and natural regeneration (natural fill-in of coniferous and deciduous tree species). Classification of the overall forest cover is uneven-aged (more than 2 age classes). Coniferous tree species at the subject property include Douglas-fir, with lesser amounts of western redcedar, grand fir, and shore pine. Deciduous tree species at the subject property include red alder, bigleaf maple, bitter cherry, and black cottonwood. Broad-leaved tree species include arbutus.



Depending on the site type (specific ecosystem), the forest understorey consists of a variable mix of salal, Oregon-grape, sword fern, ocean-spray, trailing blackberry, Western trumpet honeysuckle, and various mosses (i.e., *Hylocomium splendens*, *Kindbergia oregana*, *Rhytidiadelphus triquetrus*).

Invasive plant species consist predominately of Scotch broom and Himalayan blackberry, with lesser amounts of thistle species. Results of invasive plant surveys are described in the next section.



## 4.0 RESULTS

### Lot 1

Approximately 7% of Lot 1 comprised compacted old right-of-way (old skidder roads), most of which was brushed in with native understorey and native tree saplings. The lowest eastern slope of Lot 1, between the power lines and the highway right-of-way, contained the highest proportion of cover by invasive shrub species (Scotch broom – 80%; Himalayan blackberry – 10%). A portion of this belt contained a ditch, occupied predominately by native salmonberry. Any areas such as those described above, where there have been varying levels of soil disturbance, are particularly vulnerable to encroachment from invasive plant species.

Moderate levels of litter were observed along the highway right-of-way. A high proportion of the litter contained cigarette boxes. This zone presents a potential fire threat during the summer fire season (April to October) when cigarettes are thrown by passing motorists into dry broom.

Vegetative cover at the remainder of Lot 1 consists of uneven-aged mixed forest with a fairly continuous understorey composed predominately of native species (salal, Oregon grape, sword fern). Discontinuous (scattered) broom is found throughout the sloping, forested hillside; clumps of broom are often found where thinner soils have precluded forest regeneration.

Survey results indicate relatively good coverage of forest cover throughout Lot 1. It is anticipated that over the next 5 years, growth of coniferous trees (and broad-leaf maple/alder) will shade out the majority of the broom. A treatment to cut and remove broom this spring from the slopes of Lot 1 would benefit the site by “accelerating” natural forest progression.

Major Invasive Plant Species at Lot 1		
Invasive Plant Species	Extent	Level of Concern
Scotch Broom	Scattered throughout, low (to moderate) coverage	Low to Moderate. Anticipate broom will be shaded out in 5-10 yrs. by developing tree canopy
Himalayan Blackberry	Mainly limited to lower slope, along highway right-of-way, and at ditch line. Discontinuous elsewhere.	Low. Anticipate blackberry along highway right-of-way will persist; other pockets of blackberry will be shaded out by developing tree canopy



**Lot 1**

Growth of regenerated conifers is generally expected to shade out low to moderate levels of broom within 5-10 years. A treatment to cut and remove broom this year would effectively accelerate the process.



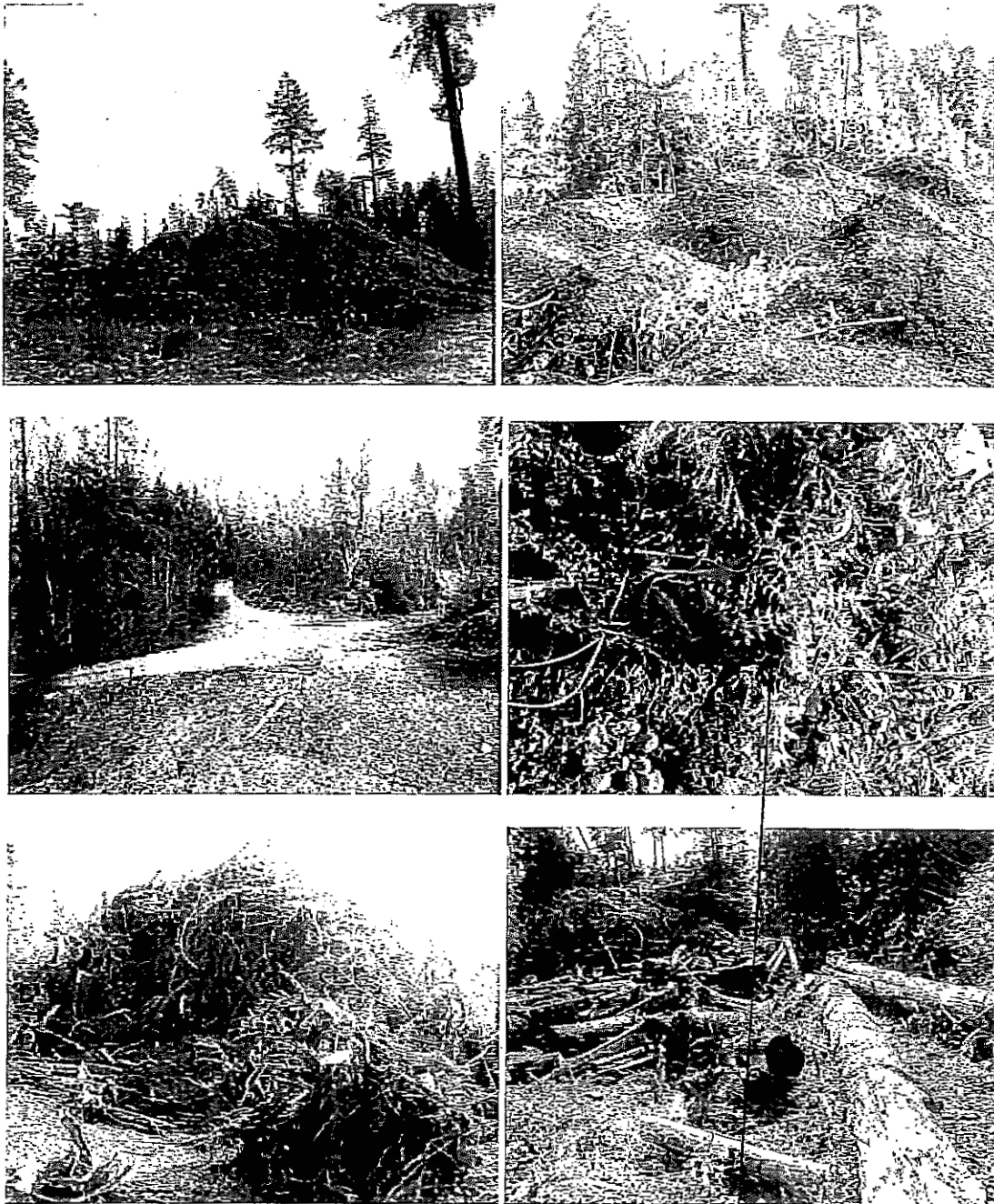
## Remainder District Lot 72

Approximately 7.5% of the Remainder Lot consists of "disturbed areas": old roads, a small abandoned rock quarry, and old slash. As noted in the results for Lot 1, disturbed areas are particularly conducive to encroachment from invasive plant species. A large new fill pile and a nearby large new pile of slash contain material excavated from the Ocean Terrace property (to the north). According to Mr. Wyatt, the newer fill material is to be re-cycled. The slash is scheduled to be burned using an air curtain burner, pending appropriate venting indices.

Old roads were moderately brushed in with red alder. Similar to Lot 1, the Remainder Lot was partially logged approximately a decade ago, resulting in uneven-aged forest cover. Several Douglas-fir veteran trees at the property were aged at over 300 years.

Small, fragmented conifer stands retained on higher ground may have been left as "Variable Retention Patches". One of these stands, located nearer the highway access gate, is scheduled to be cut in conjunction with development of the rock quarry. This small, open stand of thin, mature trees, located on poor soils on a low rise, has low merchantability. The other remnant forest stand, located on a prominent rise in the southeast portion of the property, is relatively open, with a fairly continuous understorey of salal, Oregon grape, and heavy pockets of broom. This second site has biodiversity merits.

Major Invasive Plant Species at Remainder District Lot 72		
Invasive Plant Species	Extent	Level of Concern
<b>Scotch Broom</b>	Ubiquitous throughout; clumps present on open slopes, and around edges of various water courses	Low to Moderate Anticipate broom will be shaded out of most areas in 5-10 years by developing forest canopy. Areas of new soil disturbance (i.e., edges of planned rock quarry) should be monitored for broom encroachment
<b>Himalayan Blackberry</b>	Discontinuous – scattered locations mainly near highway entrance to property, and along old roads	Low Blackberry will likely persist in areas with light exposure, but will be shaded out of majority of areas by growing forest canopy
<b>Thistle spp.</b>	Discontinuous – generally concentrated at areas with recent soil disturbance, i.e., around new fill pile	Low to Moderate Thistle can be expected to increase rapidly if areas of new soil disturbance are not promptly vegetated with control species



**Remainder District Lot 72.**

New fill pile and large slash pile scheduled for abatement using air curtain burner should be promptly revegetated to avoid encroachment by weed species. (Thistle)





**Remainder District Lot 72.**

Top left: Himalayan blackberry in red alder tree; remaining photos: broom infestation on prominent rise in central portion of property.



**Remainder District Lot 72**

Examples of "intact ecosystems": top: Douglas-fir and black cottonwood Wildlife Trees; middle: CDFmm02/01 site types; bottom: undisturbed forest floor vegetation: electrified cat's tail moss and Oregon-grape.



## 5.0. CONCLUSIONS

An overview assessment of invasive weed plant species conducted at the subject property at District Lot 72 produced the following findings:

- Of the large variety of invasive plants common in coastal British Columbia, three types were identified in any significant quantities at the subject property: Scotch broom, Himalayan blackberry, and thistle species. Of these, Scotch broom had the greatest prevalence; Himalayan blackberry was localized, and thistle species were "sporadic".
- Invasive plant species were more prevalent at Remainder District Lot 72 than at Lot 1. Minor amounts of broom are found throughout Lot 1. Himalayan blackberry was generally located within close proximity to the highway right-of-way. At Remainder District Lot 72 broom was found throughout the site, generally in low levels, and infrequently in larger clumps. Blackberry occurred in random clumps, often near ephemeral waterways and near the entrance gate. Thistle species were generally found in areas of recent soil disturbance, including the vicinity of the new fill pile; thistle may be expected to spread rapidly unless checked.
- Site types identified at Lot 1 include: CDFmm 01/04/05. Site types identified at Remainder District Lot 72 include: CDFmm 02/01/04/05/11.
- The subject property is characterized by human disturbance – logging (within last 15 years) and its associated road building activities, and more recent fill and slash piles.
- An overview regeneration survey (of conifers) conducted in conjunction with the invasive plant survey indicated that, for the most part, a combination of planted conifers (ca. 10 yrs. ago) and natural seed-in (of conifers) has resulted in fairly good distribution of coniferous forest cover throughout both Lot 1 and Remainder District Lot 72.
- As the immature conifers grow, with a concomitant spread of forest canopy, it is predicted the majority of broom at both Lot 1 and Remainder District Lot 72 will be shaded out. The exceptions are scattered open areas, where soil compaction from previous logging activities has precluded establishment of tree seedlings.



## 6.0 RECOMMENDATIONS

The “best management plans” listed below will help to ensure invasive plant species at the subject property are reduced to/maintained at, manageable levels and, where appropriate, eradicated. At such time in the future when/if the subject property is planned for structural development, it is expected that a detailed assessment would examine environmental attributes, protection of the wildfire interface, and ongoing effective control of invasive plant species.

1. Avoid unnecessary soil disturbance (i.e., bulldozing/broad-scale land clearing) at Lot 1 and Remainder District Lot 72 in order to avoid encroachment by invasive weed species. The clearing of areas other than those applied for in the Temporary Use Permit (Remainder District Lot 72) is not advised until such time as structural development is planned in order to encourage growth and spread of the forest canopy, which is generally predicted to shade out Scotch broom and Himalayan blackberry within the next 5-10 years.
2. Consider cooperating with the Ministry of Transportation and Infrastructure to regularly clean litter from highway right-of-way bordering both properties. Consider cooperating with MoTI to regularly cut broom along highway right-of-way along the eastern border of Lot 1. A high percentage of the roadside litter contains cigarette boxes; cigarettes discarded by passing motorists pose a fire threat, especially if thrown into dry, highly combustible broom during the summer fire season.
3. Continue to control access to Remainder District Lot 72 with the locked gate at the highway road entrance. As the rock quarry is developed, strive to ensure gate is locked after use on weekends and at nights.
4. Promptly revegetate (i.e., by seeding) any new areas of soil disturbance, including the relatively recent, large fill pile and the slash pile scheduled for curtain burning at Remainder District Lot 72. Revegetate with a mix of low-growing grass and/or lupines and/or clovers to prevent seed-in of broom, thistle, and other weed species. Hand-sowing is acceptable. Ideally, seeding should take place relatively early in the spring, after the last threat of frost.
5. In the spring of 2012 consider broom treatment at Lot 1, consisting of a 2-man crew for 1-2 days, in order to effectively control broom for the next 3-5+ years. (See treatment methods # 7).
6. Regularly each year (early spring or late winter), plan to control broom at promontory at Remainder District Lot 72, using a 2-man crew for 1-2 days to remove broom on the slopes beneath the open canopy of Douglas-fir and arbutus. This area, likely retained by the previous owner as a “Wildlife Tree Patch” contains a high number of snags and trees frequented by cavity-excavating and cavity-nesting birds. Regular removal of broom will help to ensure the integrity of the overstorey and native forest understorey, and in so doing, will help to maintain high biodiversity values at the area. (See treatment methods # 7).



7. **Broom treatment:** Broom treatment should take place early in the spring, or late in the fall. Treatment should take place at or before flowering, and must not take place in the summer and early fall, when the current year's seed pods have formed. Larger broom plants should be cut with below the first node, just below ground level, to discourage sprouting. Smaller broom plants may be pulled (best in wetter conditions). Any broom cut must be removed, and disposed of appropriately (i.e., piled, hauled, and trucked to a certified disposal operation). No burning of broom is permitted, as this practice may produce toxic gases. Larger broom bushes are not to be pulled from the soil, as this increases potential for further soil disturbance and exacerbates broom germination.
8. Regularly monitor levels of Scotch broom, Himalayan blackberry, and thistle species, and any other invasive plant species (i.e., broom, daphne, holly, English ivy) . Pay special attention to areas of recent soil disturbance. If necessary, treat using methods described in this report.



## 7.0 REFERENCES

- Cowichan Valley Regional District. South Cowichan OCP Bylaw 3510: Schedule A, Appendix A - Mill Bay Village Plan. 2011.
- Hitchcock, L., and A. Cronquist. Flora of the Pacific Northwest. 1973. University of Washington Press.
- Lyons, C. and B. Merilees. Trees, Shrubs and Flowers to Know in British Columbia and Washington. 1995. Lone Pine Publishing. May 10, 2010.
- Ministry of Agriculture, Food and Fisheries, and Ministry of Forests. Field Guide to Noxious and Other Selected Weeds of British Columbia. 2002.
- Ministry of Environment. Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia. March 2006.
- Ministry of Environment. East Vancouver Island and Gulf Islands Sensitive Ecosystems Inventory. 2001. [www.env.gov.bc.ca/rib/cbs/sei/vancouverisland](http://www.env.gov.bc.ca/rib/cbs/sei/vancouverisland)
- Ministry of Forests and Range. Draft Status of Biodiversity in B.C. 2007.
- Ministry of Forests. Land Management Handbook Number 28. 1994. A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region.
- Negrave, R. and D. Stewart. South Island Forest District. Silviculture Practices for Enhancing Old Forest Stand Structure in Red- and Blue-Listed Plant Communities in the CDFmm: Interim Document.
- Pojar, J and A. MacKinnon. Plants of the Pacific Northwest. 1994. Lone Pine Publishing.
- WorkSafe BC, Ministry of Forests and Range, and BC Parks. Wildlife/Danger Tree Assessor's Course Workbook. Revised August 2008.



## **8.0 LIMITATIONS**

*This report provides an assessment of invasive weed plant species. Evaluation is based on professional judgment. The investigation involved field observation and surveys. Recommended treatment pertains only to the particular site as disclosed at the time of inspection. The report was prepared considering site-specific circumstances and conditions. It is intended only for use by the client for the purpose for which it was commissioned and for use by local government regulating the activities to which it pertains.*

# TEMPORARY USE PERMIT

DISTRICT LOT 72 (EAST OF HIGHWAY)  
MALAHAT PROPERTIES LTD.

PREPARED FOR:

**Mark Wyatt**  
Malahat Properties Ltd.  
Box 246  
Mill Bay, BC, V0R 2P0



LOT 72 E OF THE TCH HAS SEVERAL SMALL PONDS AND EPHEMERAL WETLANDS. THIS PHOTOGRAPH SHOWS POND 3.

PREPARED BY:

**DAVID POLSTER, M.Sc., R.P. Bio.**  
**POLSTER ENVIRONMENTAL SERVICES LTD.**  
6015 MARY STREET  
DUNCAN, BC, V9L 2G5

APRIL, 2012



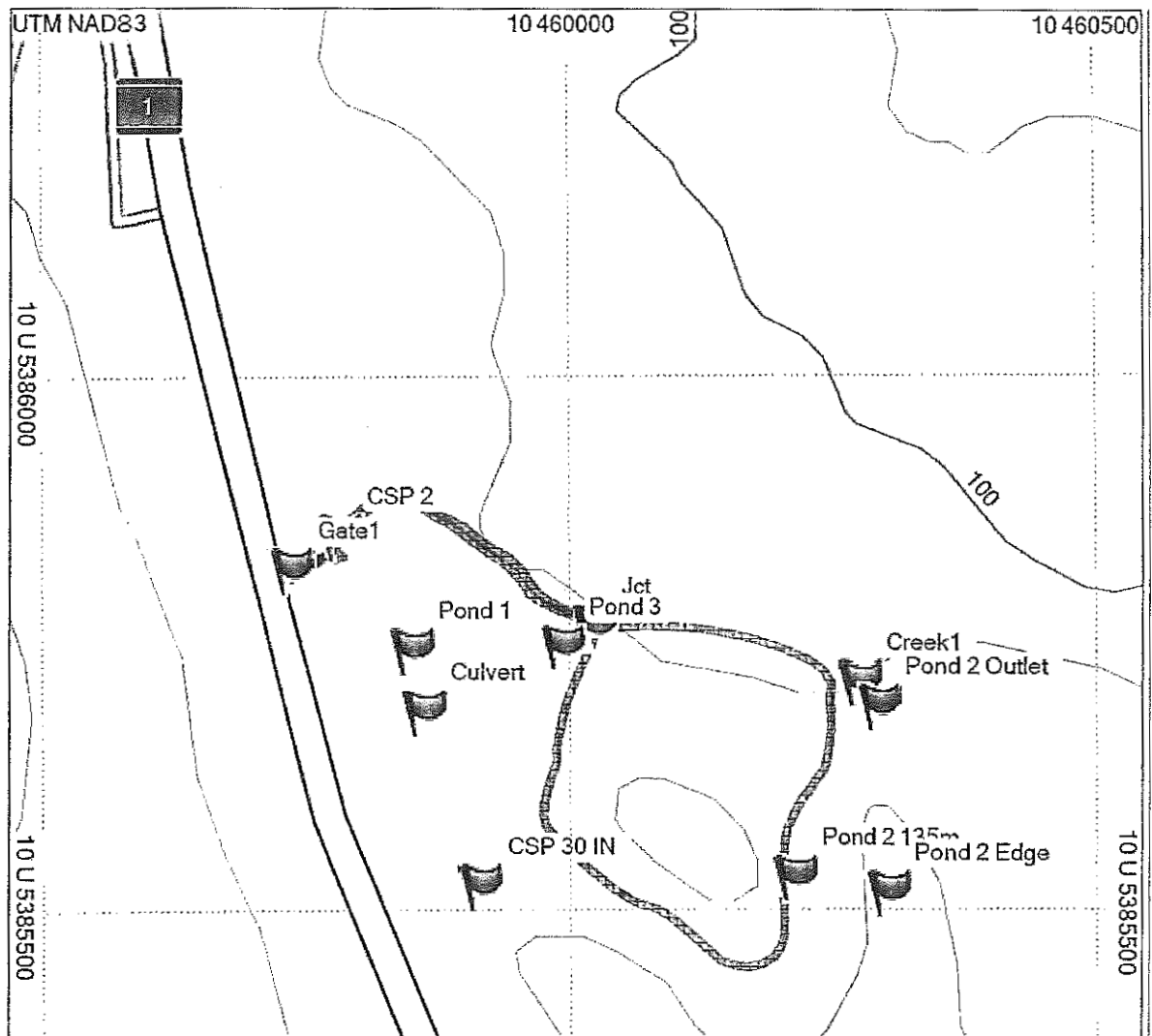
## 1.0 INTRODUCTION

Malahat Properties Ltd. proposes the development of a stone quarry on Lot 72 (East of the Trans Canada Highway). The quarry would be developed on a rock knob located near the centre of the property. Much of the quarried stone would be processed on site and used in the construction of the Ocean Terrace development on Lot 77 immediately North of Lot 72. This brief report presents an assessment of the current conditions on Lot 72, plans for development of the quarry and recommendations to minimize the ecological impacts of development. Specific details are presented to protect riparian areas; minimize erosion and sedimentation; and protect sensitive ecosystems.

Effective environmental protection starts with planning developments to avoid sensitive areas and to maintain conditions that provide protection against erosion and sedimentation. The proposed quarry has been designed to keep all disturbances within the perimeter road (Photograph 1). This will be located at least 30 m from the nearest wetland. Figure 1 shows the location of the perimeter road as well as the various wetlands and streams on the property. Maintaining a significant buffer between the active quarry area and local wetlands and watercourses will ensure that these are protected from adverse impacts associated with this development.



**Photograph 1.** Google Earth image of quarry area showing perimeter road marked in red.



**Figure 1.** Map of quarry site showing wetlands, streams and culverts (noted as CSP)

## 2.0 CURRENT CONDITIONS

The quarry site was inspected on April 9, 2012 when the map shown as Figure 1 was made. The location of wetlands and drainages reflects the winter water levels associated with the April date. With the exception of a small part of the quarry area itself, Lot 72 has been logged. Some larger Douglas-fir trees have been retained. Most of the property is vegetated by a young forest of Douglas-fir and shrubby vegetation (Photograph 2). The larger trees on the quarry knob can be seen in the Google Earth (Photograph 1) image from 2004.

The soils on the subject property are relatively coarse textured and free draining. Shallow depressions on the property are filled with water, at least seasonally. Pond 1 (Figure 1) is a wide area in a seasonal creek (non-TRIM). Pond 1 drains through a culvert near the south edge of the

property. Perennial wetland vegetation in this area suggests that the small creek / wetland system that forms the Pond 1 drainage is wet or at least damp throughout the year. A late summer inspection would confirm this assumption. Pond 2 (Figure 1 and Photograph 3) is a larger wetland complex that is shown as a pond/lake on the Official Community Plan maps from the Cowichan Valley Regional District. No testing for fish presence was conducted, but the mitigation measures described below will protect this pond / stream complex. This pond is located 135 m from the perimeter road that surrounds the quarry area providing an ample buffer to protect the pond / creek system. Pond 3, shown on the cover of this report, is a small ephemeral wetland. A Mallard duck was seen in this pond at the time of the site inspection.



**Photograph 2.** A young forest of Douglas-fir and shrubby vegetation covers most of the property. The larger trees in the background are on the rock knob where the quarry will be located.

### **3.0 DEVELOPMENT PLANS**

Plans for quarry development will entail removal of the timber and topsoil from the active mining areas prior to mining. The timber and soil will only be removed from areas being actively mined so that the extent of the disturbance at any one time can be minimized. Mining

will be conducted in two 8 m high benches with the top bench located at the 138 m elevation and the quarry floor located at the 122 m elevation.

The timber and soil will be removed from the active working area. Any merchantable timber will be salvaged and sold. Soil materials including stumps, roots and woody debris will be carefully stockpiled in an adjacent area within the perimeter road. The soil stockpile windrow will be constructed as a long mound that is built to the final elevation before adding additional material to the active end of the pile. This will allow the completed portion of the soil pile to be revegetated (discussed below) to minimize the potential for erosion and sediment generation.

Once the soil and organic matter has been removed, the rock can be drilled and blasted down to the top of the upper bench elevation in the area where the work is being conducted. The initial area cleared will be large enough to allow efficient mining, but will not extend to the entire mining area to minimize the extent of the disturbance at any one time during the life of the project. Maintaining a limited extent of disturbance to only the areas being actively mined will reduce the potential for sediment generation.



**Photograph 3.** Pond 2 is a relatively large, permanent water body that is drained by a permanent stream (inset).

## **4.0 ENVIRONMENTAL CONSIDERATIONS**

The design of the proposed quarry has been developed to provide protection of sensitive riparian areas and provide protection from off-site degradation. The following sections provide details of the measures that will be taken to protect local environmental values.

### **4.1 RIPARIAN AREAS PROTECTION**

Maintaining all activities within the perimeter road will minimize the potential for off-site sedimentation. In addition, the coarse nature of the soils and rock allows water to infiltrate readily and reduce erosion. Keeping active sites rough and loose will promote infiltration and reduce erosion. Care will be taken to ensure the topsoil windrow has a complex surface with roots, stumps and other woody debris to reduce erosion. Prompt revegetation of the completed portions of the soil windrow will prevent excessive erosion as well as ensuring soil micro-organisms are maintained in the stockpiled soil.

Pioneering woody species such as Red Alder and Willow can be used to revegetate exposed soils and the soil stockpile. Seeding with agronomic grasses and legumes should be avoided as many of these species are known to be invasive in sensitive ecosystems. Keeping soil areas rough and loose provides microsites where the seeds of pioneering species (e.g. Red Alder) can establish. Planting of Red Alder plugs is a relatively inexpensive way of ensuring effective revegetation.

Care should be taken in the development of site drainage to prevent concentration of flows. Ideally, water flowing from road and active mining surfaces will be encouraged to infiltrate into the groundwater system. Infiltration galleries can be constructed in ditches and around the perimeter of active areas such as the rock processing site. Where active loading and stockpiling of product is undertaken, a 300 mm thick bed of coarse rock (+/- 40 mm) can be used to provide a firm platform that drains freely thus avoiding tracking of mud from the active areas. Photograph 4 shows the use of this technique at a quarry in the Toba Inlet region of coastal British Columbia.

### **4.2 SENSITIVE ECOSYSTEM PROTECTION**

The most effective protection of environmentally sensitive areas will be to minimize the extent of the disturbed areas and to revegetate disturbed sites as soon as possible. The rock knob that will form the quarry (Photograph 5)

provides diversity from the surrounding Douglas-fir forest. Arbutus and other dry site species occur on this rock knoll. Minimizing the active disturbance can reduce the impact of the quarry on this ecosystem. Care will be taken to retain large old trees (Douglas-fir and Arbutus) outside of the quarry footprint. In addition, carefully stripping and stockpiling soil and organic materials in advance of quarry construction so that disturbance of adjacent areas is minimized will help prevent needless damage. Maintaining a minimal working area and revegetating soil stockpiles and other disturbances will minimize environmental degradation.



**Photograph 4.** A 300 mm layer of crushed, screened 40 mm rock can provide a firm, dry work area that prevents sediment generation.

Excessive herbivory associated with hyper-abundant deer populations may impact the revegetation efforts. Consideration should be given to establishing a deer-proof fence around the active areas to allow the revegetation work to become established.

#### **4.0 CONCLUSIONS**

The design of the Malahat Properties Ltd. quarry has been designed to minimize the extent of disturbance on the surrounding area. There are no wetlands or streams within the proposed



project area and the coarse soils and fractured rock results in limited surface drainage. No surface watercourses were found within the perimeter road system where the project will be located. The closest waterbody is the ephemeral wetland identified in this report as Pond 3. This is about 30 m from the perimeter road and will be adequately protected by this buffer. Maintaining all active mining and processing activities within the perimeter road will be the primary means of mitigating disturbance. In addition, keeping the active mining area minimized at any one time and promptly revegetating disturbances will limit any erosion and sediment generation. Simple treatments such as promptly revegetating soil stockpiles and other disturbances will ensure that the quarry development will have a minimal impact on the surrounding lands.



**Photograph 5.** The knoll where the quarry is to be established provides diversity within the surrounding Douglas-fir forests. Minimizing the extent of disturbance within this area to the active mining sites will reduce the impact of this project on this ecosystem.



R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING of June 5, 2012

DATE: May 29, 2012 FILE NO: 2-B-12 DP  
FROM: Alison Garnett, Planner I RAR/VAR  
SUBJECT: Application No. 2-B-12 DP/RAR/VAR  
(Didier)

---

#### **Recommendation/Action:**

That application No. 2-B-12 DP/RAR/VAR (Didier) on Lot 2, District lot 18, Shawnigan District, Plan 29378 be approved, which would authorize the construction of a balcony and vary the setback from a watercourse from 15 metres to 13.5 metres, subject to:

- Compliance with RAR report No. 2321, including recommended replanting and invasive plant species removal; and
- Receipt of a letter of credit in a form suitable to the CVRD, equivalent to 125% of the costs associated with replanting and invasive plant removal, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional.

**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** N/A

#### **Background:**

**Location of Subject Property:** 2294 Renfrew Road

**Legal Description:** Lot 2, District lot 18, Shawnigan District, Plan 29378

**Date Application Received:** January 4, 2012

**Owner:** Joseph Didier & Carole Didier

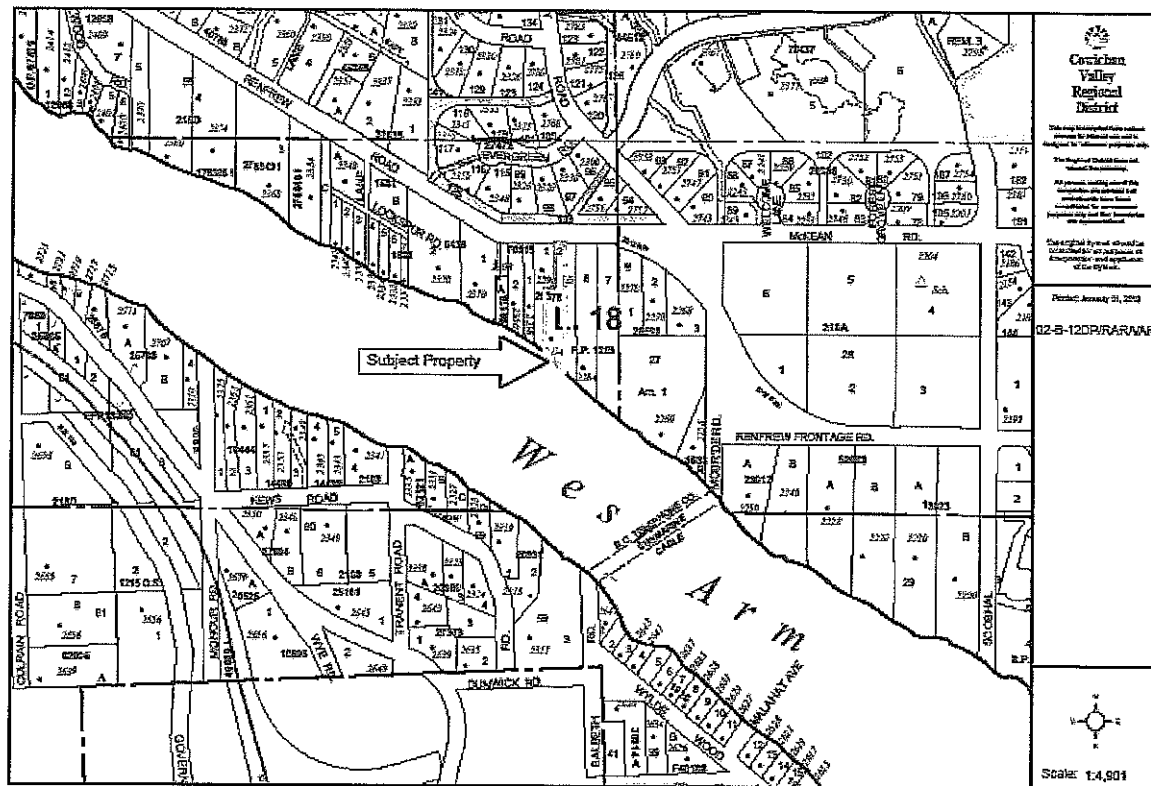
**Applicant:** Marcel Didier

**Size of Parcel:** 0.2 hectares

**Zoning:** R-2 (Suburban Residential)

**Existing Plan Designation:** Suburban Residential





Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Renfrew Road  
 South: Shawnigan Lake  
 East: Residential (R-2)  
 West: Residential (R-2)

Services:

Road Access: Renfrew Road

Water: Well

Sewage Disposal: On-site

Environmentally Sensitive

Areas: Development has occurred in the 30 metre Riparian

Archaeological Site: Assessment Area of Shawnigan Lake.  
 None Identified

### Application and Site Context:

In April 2009, CVRD Bylaw Enforcement responded to a complaint on the subject property, based on construction of a balcony that had occurred without the benefit of a building permit. Investigation of the site showed that the balcony, which is attached to the single family residence, is located 13.5 metres from the high water mark of Shawnigan Lake. The proximity of

the structure to the lake requires a development permit in compliance with the Riparian Protection Guidelines of South Cowichan Official Community Plan Bylaw No. 3510, and a variance to the 15 metre setback to a watercourse required by Zoning Bylaw No. 985.

The subject property is a 0.2 hectare parcel, located on the north side of Shawnigan Lake. There is a paved driveway, single family home and accessory building located on the property, plus a concrete retaining wall along the lake shoreline and a floating dock.

The balcony, which is partially constructed but not currently useable, is approximately 45 m<sup>2</sup> in size, and was built over an existing house foundation. There appears to have been no removal of vegetation required for its construction. If a Development Permit with Variance is issued by the CVRD, a building permit will still be required.

Riparian Areas Assessment No. 2321 by Ted Burns, qualified environmental professional (QEP), has been submitted. This assessment assigns Shawnigan Lake a 15 metre Streamside Protection and Enhancement Area (SPEA), and notes that the balcony encroaches into the SPEA by 14 m<sup>2</sup>. The report states that the impact of the balcony on the riparian area is minimal, as the balcony is built over a previously disturbed area. To compensate for the SPEA encroachment, the RAR report recommends restoration landscaping and invasive plant species removal on other portions of the SPEA.

#### **Advisory Planning Commission Comments:**

In compliance with CVRD Bylaw No. 3275 Development Application, Procedures and Fees, this application was not referred to the Advisory Planning Commission. Development Variance Permits and Development Permits applicable only to Riparian Areas Regulation guidelines do not require referral to the Advisory Planning Commission, unless otherwise directed by the EASC.

#### **Surrounding Property Owner Notification and Response:**

A total of 17 letters were mailed out or hand delivered to adjacent property owners, 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 comments have been received to date.

#### **Planning Division Comments:**

The applicable guidelines from the Shawnigan Village Development Permit Area appear to be addressed through the submission of a Riparian Areas Assessment report. In the opinion of the qualified environmental professional, the minimal impact on the riparian area resulting from the balcony encroachment into the SPEA can be mitigated by native planting and invasive species control in other portions of the SPEA.

Staff recommend that the application be approved, subject to completion of the QEP's recommendations, as noted in Option 1.

#### **Options:**

1. That application No. 2-B-12 DP/RAR/VAR (Didier) on Lot 2, District lot 18, Shawnigan District, Plan 29378 be approved, which would authorize the construction of a balcony and vary the setback from a watercourse from 15 metres to 13.5 metres, subject to:

- Compliance with RAR report No. 2321, including recommended replanting and invasive plant species removal;
  - Receipt of a letter of credit in a form suitable to the CVRD, equivalent to 125% of the costs associated with replanting and invasive plant removal, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional.
2. That application No. 2-B-12 DP/RAR/VAR (Didier) be denied and the file referred to CVRD Bylaw Enforcement.

Submitted by,

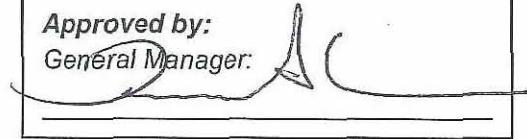


Alison Garnett, Planner I  
Development Services Division  
Planning and Development Department

AG/ca

**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.

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

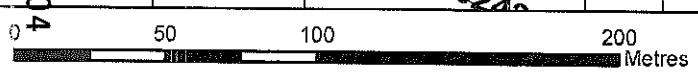
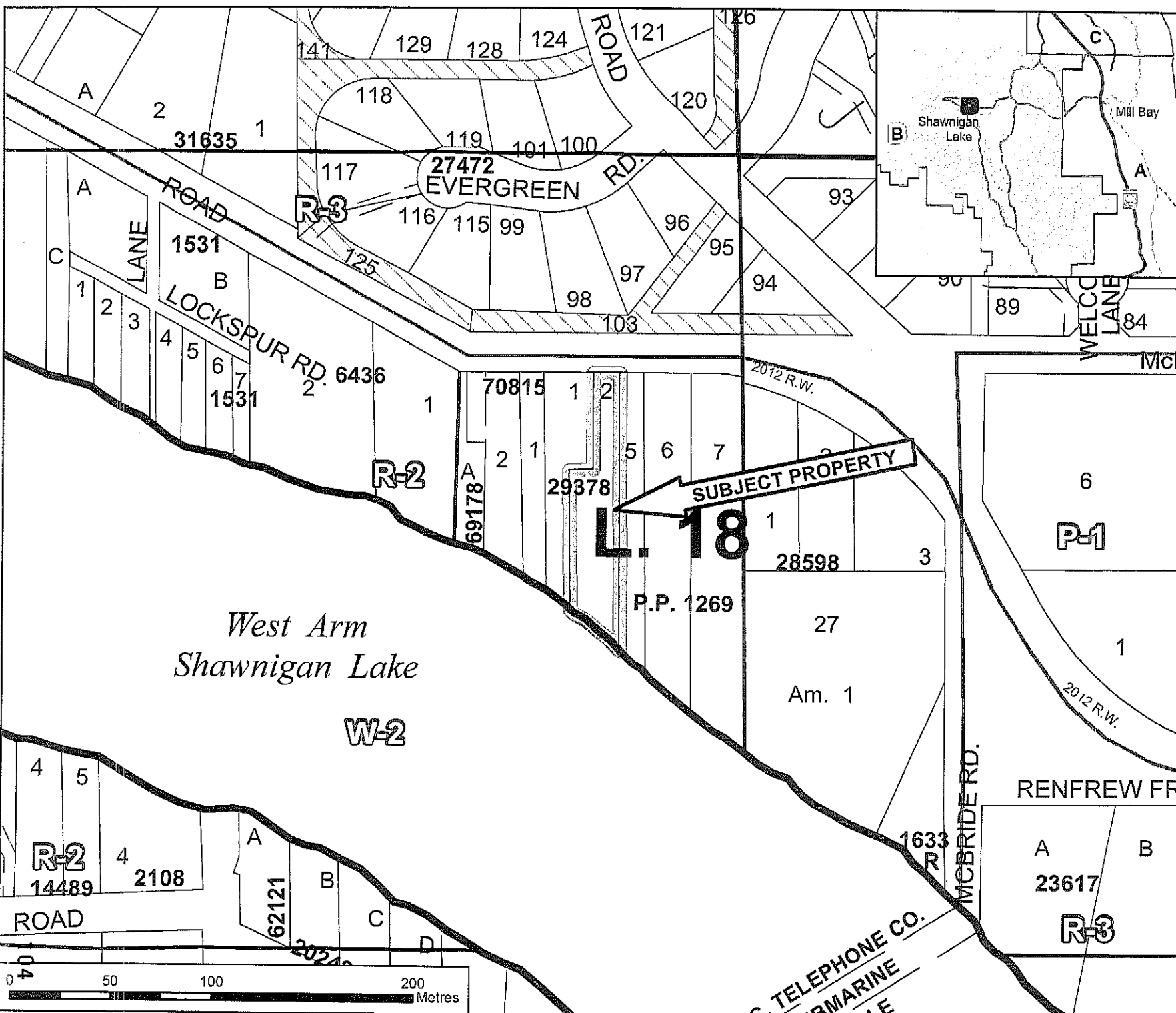
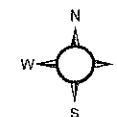
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**File: 02-B-12-DP-  
RAR-VAR**

## ZONING

### Legend

- Subject Property
- Zoning B



**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 **November 10, 2010**

*RAR Report #2321*

**I. Primary QEP Information**

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

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

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

**III. Developer Information**

First Name	Marcel		Middle Name	
Last Name	Didier			
Company				
Phone #	250-252-0226		Email	mdidier@shaw.ca
Address	2294 Renfrew Road			
City	Shawnigan Lake	Postal/Zip	V0R 2W1	
Prov/state	BC	Country	Canada	

**IV. Development Information**

Development Type	Deck		
Area of Development (ha)	.0046	Riparian Length (m)	21
Lot Area (ha)	.06	Nature of Development	New
Proposed Start Date	Nov. 30, 2010	Proposed End Date	Dec. 30, 2010

**V. Location of Proposed Development**

Street Address (or nearest town)	2294 Renfrew Road		
Local Government	Cowichan Valley Regional District	City	Shawnigan Lake
Stream Name	Shawnigan lake		
Legal Description (PID)	001-393-014	Region	Vancouver island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	920358000		
Latitude	48	39	07
Longitude	123	39	29

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

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

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

### *Fisheries Resource Values*

The property is situated on the north shore of the West Arm of Shawnigan Lake. Shawnigan Lake is a large lake by Vancouver Island standards. It covers an area of 595 ha with an elevation of 118 m and volume of 63,377, 230 cubic metres. Its perimeter is 26,920 m. maximum depth is 39 m and its mean depth is 10.67 m. TDS is 40 ppm. The lakeshore contains 31 shore zone reaches and the West Arm Reach is # 27.

Shawnigan Lake supports cutthroat and rainbow trout along with kokanee. Lake Whitefish were introduced long ago and are likely no longer present. In recent years, Smallmouth bass and Yellow Perch have been introduced and have done pretty well in the lake likely at the expense of kokanee which are said to be becoming rare since their introduction. The Mill Bay Enhancement Society moves coho salmon spawners over the falls in Lower Shawnigan Creek each fall and the fish journey upstream to spawn. Some pass into the lake and migrate up some tributaries such as Upper Shawnigan Creek. They could also utilize West Arm and McGee Creeks. It is probable that some of the fry rear in the lake. Shawnigan Lake is relatively productive by coastal lake standards and its shore zone, despite a long history of development and an increasing trend toward urbanization, is still reasonably intact and healthy.

### *Property Description and Development Proposal*

The Didier Property has been developed for years and consists of a house and garage on a flat area some 20-30 m back from the lake fronted with a landscaped yard planted with ornamental plants like Cotoneaster, St. John's Wort, Rhododendron, English Ivy and Trumpet Vine. There is a swath of more natural vegetation on the eastern side of the lot which abuts an undeveloped forest there. The yard has a slope of some 20 – 30 %. The vegetated area is followed by a gravelled flat that ends at a concrete retaining wall at the lake shore where there is a discontinuous band of riparian vegetation along the approximate 25 m riparian length of the lot. The riparian band is 2-5 m wide and consists of Sweet Gale, Pacific Ninebark, Spirea, Carex and some alder and red osier.

Marcel Didier has added a 46 m<sup>2</sup> deck to the front of the house. The deck support posts rest on the original house foundation which is 13.5 m from the lake's HWM for a distance of 9.3 m then 15 plus metres. The prescribed SPEA for this property is 15 m. The deck is therefore out of compliance for 1.5 x 9.3 m or 13.95 m<sup>2</sup>. This amount can be made up on the eastern side of the lot which is undeveloped for about the eastern 6-7 m. This east swath is also more natural than the central area. It is recommended that the EASTERN SWATH be restored to a natural state by controlling invasives (some broom plants were noted and pulled on August 19, 2010) and spot planted.



# FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Three transects were run on the property on August 19, 2010 (Tables 1 – 3). Transects begin at the high water mark which is the top of the wall.

## Transect 1: East Swath

Distance (m)	Character
0-7.5	Gravel cap on fill but light cover, soil shows through in spots and occ. salal, Nootka Rose and bracken popping through.
7.5 – 15	More regen with salal, Oregon grape, snowberry, Bald Hip Rose. Some broom starting to show. This 6.5 m swath can be restored by spot planting Saskatoon, Ocean Spray, Lupine and the species already here. Invasives need to be removed as soon as they appear.

## Transect 2: Centre

Distance (m)	Character
0-5	Gravel
5-15	Grass at start the domestic plants: St. Johns Wort, Cotoneaster, Rhodo, Ivy and Trumpet Vine. Concrete steps in the middle. Some patches of salal, Nootka Rose and bracken with a couple of maple seedlings. Deck overhang starts at 13.5 m for 9.3 m.

## Transect 3: Riparian Transect Along Front of Wall

Distance (m)	Character
0-5	Healthy riparian band On undeveloped east part of lot : Ninebark, Carex and alder 4-5 m wide
5-10.6	Band of Sweet Gale and Spirea and Red Osier
10-21	Bare wall with sand-gravel-boulders in front. Much back swash from boat wakes. Patch of natural riparian on west end.



Section 2. Results of Riparian Assessment (SPEA width)

**2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: September 10, 2010

Description of Water bodies involved (number, type)

1 lake

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

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

	Channel Width(m)	Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low mean		
	R/P	C/P S/P
Channel Type		

I, \_\_\_\_\_ (name of qualified environmental professional), hereby certify that:

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

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

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

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

**Site Potential Vegetation Type (SPVT)**

	Yes	No
SPVT Polygons		x

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

I, (Ted Burns), hereby certify that:

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

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

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

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

Polygon No:			
	LC	SH	TR
SPVT Type			x

Method employed if other than TR

Polygon No:			
	LC	SH	TR
SPVT Type			

Method employed if other than TR

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

Polygon No:   
SPVT Type:

Method employed if other than TR

**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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>15</b>	(For ditch use table3-7)				

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

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

I, (Ted Burns), hereby certify that:

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

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

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

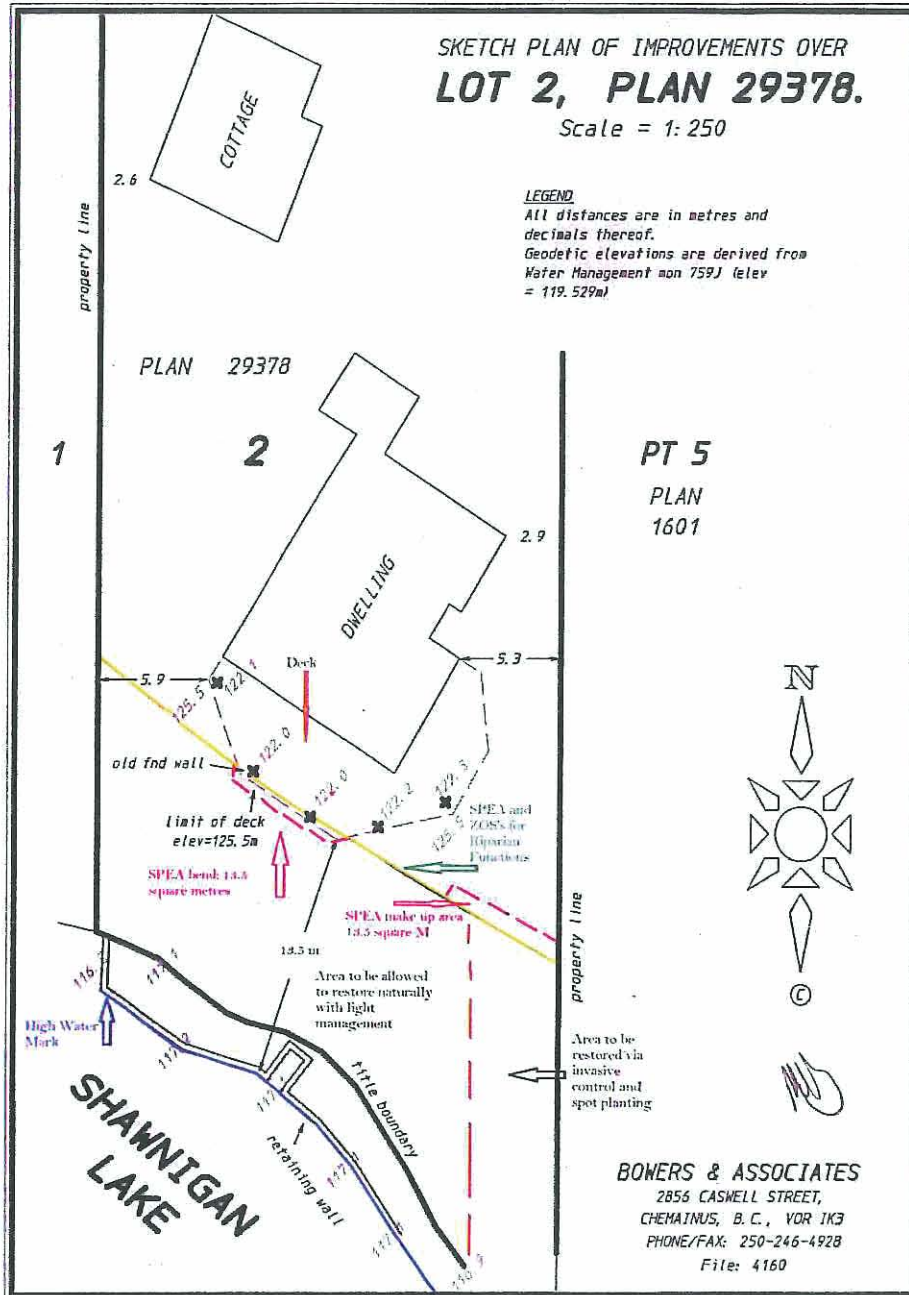
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

**Comments**

Although most of the SPEA consists of domestic vegetation, it has some habitat qualities for small wildlife – unlike a lawn. The main fish habitat detriment is a foreshore retaining wall but even it has a fair amount of vegetation in front of it. One wonders how long it will last because of strong wave slap from boat wakes. Boom sticks are present but large boat traffic is very high.

### Section 3. Site Plan

Insert jpg file below



**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.

<b>1. Danger Trees</b>	This property has been developed for many years (this RAR report was triggered by the addition of a deck). There are no danger trees within the SPEA which is mainly composed of bare ground and ornamental shrubs.
I, <u>(Ted Burns)</u> , hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Marcel Didier)</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
<b>2. Windthrow</b>	There are no trees within the SPEA. However, a few young maples and conifers are starting to show in spots.
I, <u>(Ted Burns)</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>(Marcel Didier)</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	
<b>3. Slope Stability</b>	Although the slope of the SPEA is as high as 30 %, it is very stable and no construction will occur on it.
I, <u>(Ted Burns)</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>(Marcel Didier)</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	
<b>4. Protection of Trees</b>	No trees are involved. Deck was built on original house footings.
I, <u>(Ted Burns)</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>(Marcel Didier)</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	
<b>5. Encroachment</b>	A low split rail fence will be recommended to delineate the SPEA boundary. However, there is no history of the usual encroachment issues (dumping yard waste etc.) on this property – the SPEA is the front yard.
I, <u>(Ted Burns)</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>(Marcel Didier)</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	

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

set out in the Schedule to the Riparian Areas Regulation	
<b>6. Sediment and Erosion Control</b>	Deck construction is completed except for a railing and overhead cover. No more ground work is anticipated and little was done in the first place because the deck footings were already in place.
<p>I, <u>(Ted Burns)</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>(Marcel Didier)</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>	
<b>7. Stormwater Management</b>	The deck will not influence run off
<p>I, <u>(Ted Burns)</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>(Marcel Didier)</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>	
<b>8. Floodplain Concerns (highly mobile channel)</b>	No floodplain involved
<p>I, <u>(Ted Burns)</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>(Marcel Didier)</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>	

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

**Section 5. Environmental Monitoring**

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

**Pre-Construction**

This assessment is for a deck on an existing house. The deck was started in the spring of 2009 and was stopped by the CVRD in 2010.  
Completion will consist of adding railings and an overhead cover.

**During Construction**

The site will be visited at least once during the deck completion to insure that protection measures are being adhered to.

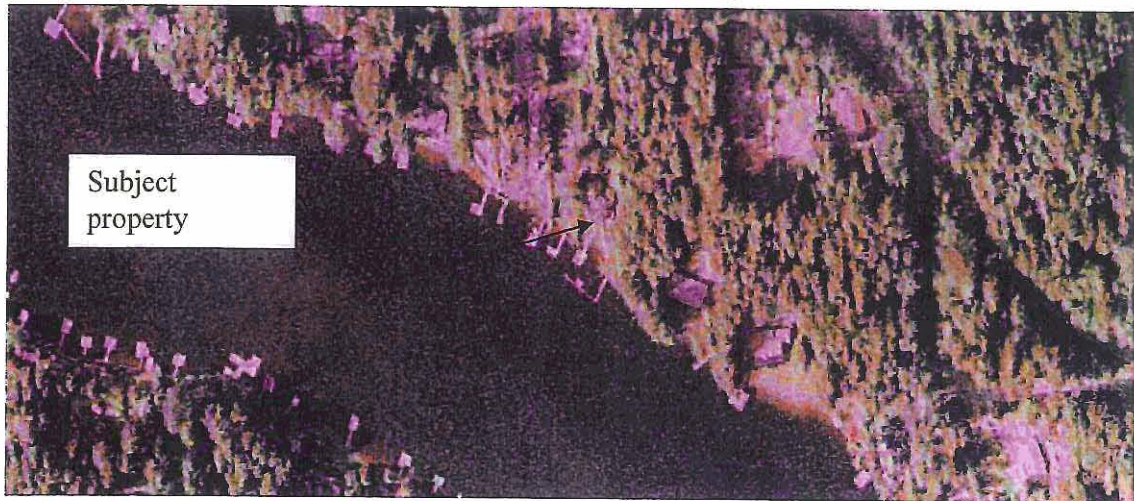
**Post Construction**

Following completion, a POST DEVELOPMENT REPORT that outlines the degree of protection compliance and any necessary restoration measures will be provided.

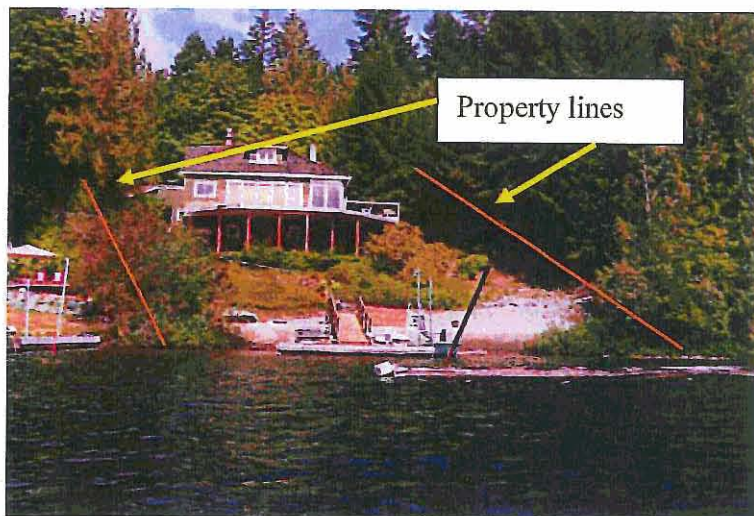


### Section 6. Photos

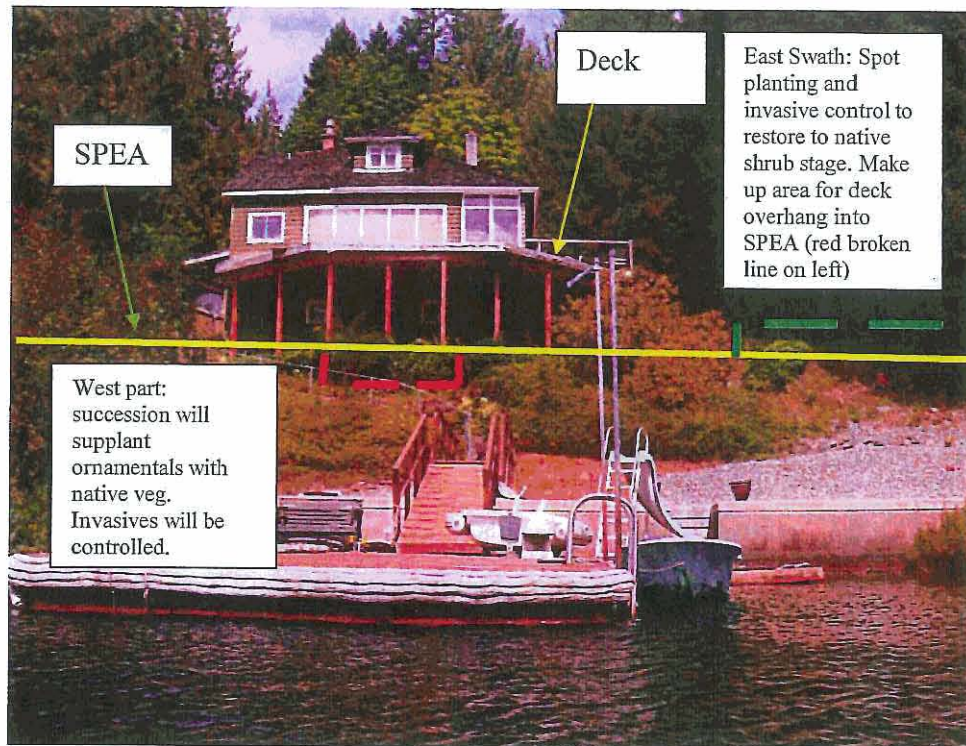
Provide a description of what the photo is depicting, and where it is is in relation to the site plan.



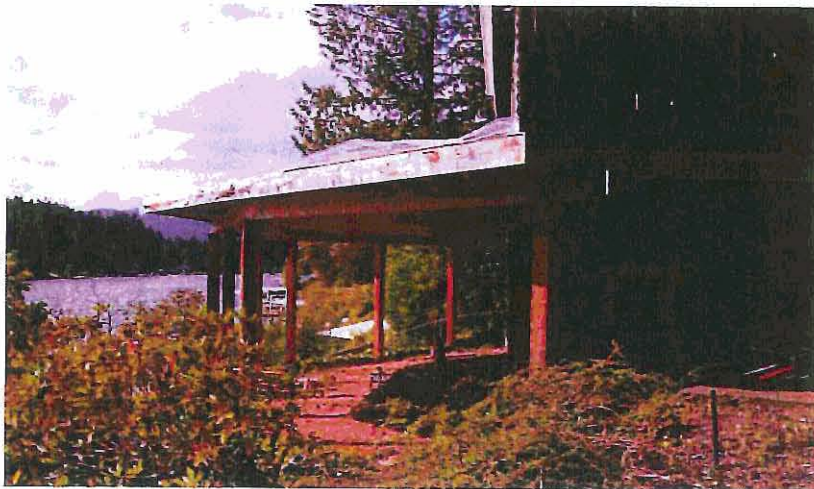
2007 SHIM Orthophoto of the Didier property and surrounding area



View of the Didier Property on the North Shore of Shawnigan Lake's West Arm with approximate property lines.



Closer view of Didier Property – August 19, 2010



Side view of deck - front footings are on original house foundation. The deck just needs rails and an overhead cover.



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



Natural riparian shore to east of property: Water lilies, Sweet Gale, Spirea, Ninebark and alders. This is Class 1 fish habitat.



Busy shore to the west of the Didier Property which is more typical of the West Arm shore zone – August 20, 2010.

## Section 7. Professional Opinion

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

Date 

November 15/2010
---------------------

#### 1. I/We Ted Burns

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

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer \_\_\_\_\_ (Marcel Didier) \_\_\_\_\_, 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.]

File Note  
Didier Property at Shawnigan Lake

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Marcel Didier owns a property on the north shore of the West Arm of Shawnigan Lake (2294 Renfrew Road). This is an established property with an older house and dock with a lakeside yard that is largely populated with ornamental plants. Mr. Didier constructed a deck on the lake side of the property sometime this summer without going thru the RAR process. He contacted me in July and I undertook a RAR assessment on August 19 and 20, 2010.

In brief, a 15 m SPEA is required but the deck has not caused any significant change to what will be designated as SPEA. The most southerly extension of the deck does overhang the SPEA by 1.5 m for a distance of about 5 m but the impact is minimal. In my opinion considering that the property is long developed and the deck did not cause any appreciable impact to what will be the SPEA, best solution for the property is the following:

- 1) For a 6.5 m swath of the property on the east side: return this lightly used portion of the lot to a natural condition via spot planting. Salal, Nootka Rose, Oregon Grape, Snowberry, Bracken and Baldhip Rose are starting to show on their own along with a trace of broom. The infill of natives should be encouraged by removing invasives like broom and blackberry and spot planting species such as Saskatoon and Ocean Spray along with Nootka and Baldhip Rose. At full succession, the land would be a second growth Douglas fir forest with a Salal – Swordfern understory. This condition is not the objective but rather a mid level succession of the shrubs mentioned above.
- 2) For the remainder of the property: simply allow native species to work their way thru the ornamentals that dominate this portion of the lot. Present plants are ground cover such as Cotoneaster and St. John's Wort along with taller plants such as Rhododendrons and Trumpet Vine. English Ivy is also present. However some salal, Nootka Rose and maple seedlings are starting to work their way thru the cover along with an occasional young cedar and, over time, the natural condition should prevail. Again, invasives should be controlled including the ivy.

Ted Burns  
Biologist  
November 10, 2010



R6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

**DATE:** May 30, 2012 **FILE NO:** 6-A-09 RS  
**FROM:** Alison Garnett, Planner I **BYLAW NO:** 3510 & 2000  
Development Services Division  
**SUBJECT:** Rezoning application 6-A-09 RS (Topping/Quek) extension request

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#### **Recommendation/Action:**

To accept the applicant's second request for application 6-A-09 RS (Topping/Quek) to be held in abeyance, until December 31, 2012.

#### **Relation to the Corporate Strategic Plan:** N/A

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

#### **Background:**

**Location:** Boulding & Benko Road, Mill Bay.

**Total Size of Parcels:** 9.6 hectares total (23.7 acres).

**Application Received:** June 1, 2009. Amended application received October 7, 2010.

**Owner(s):** Jan Van Der Have (Lot 2)  
John Walker & Lise Walker (Lot 3)  
Jan Van Der Have, John & Lisa Walker (Lot D)  
Norisa Holdings Ltd., Jan, Frank & Lynne Van Der Have & John Walker (Lot E)  
Frank, Lynne & Jan Van Der Have (Lot F)

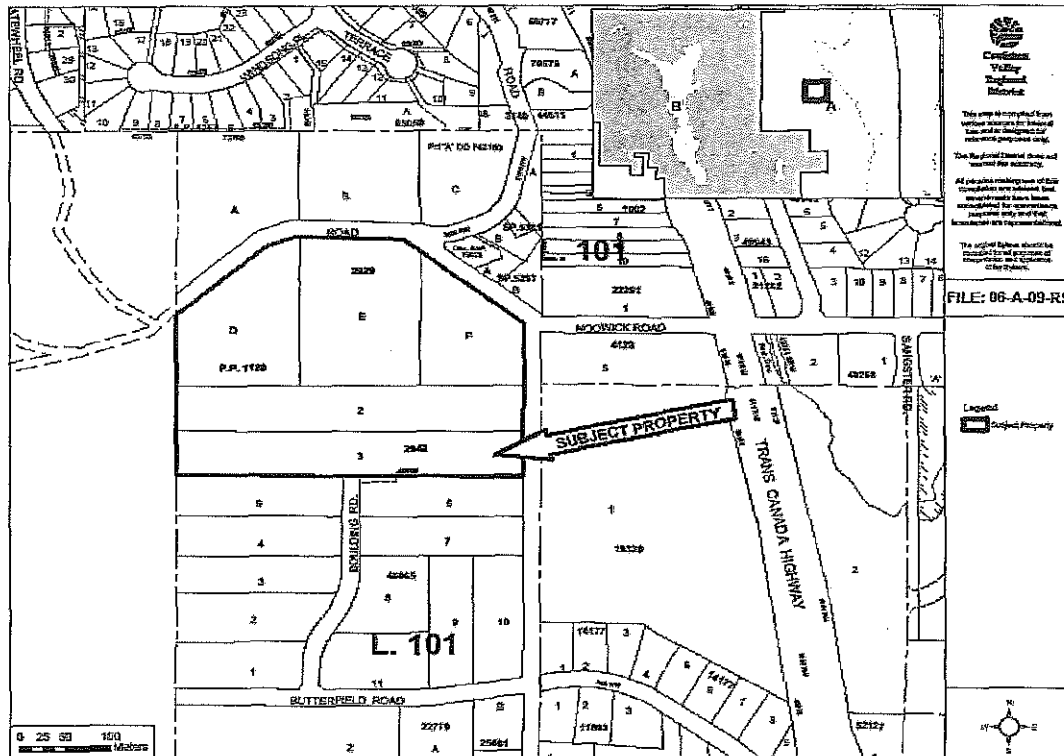
**Applicants:** Mel Topping and Angela Quek.

**Existing Use of Property:** One residence on Lot F, otherwise land is vacant and forested.

**Adjacent Properties:** North, South and East: Residential (R-2 and R-3 zone).  
West: Forestry (F-1 zone).

## Legal Description:

Lot 2, District Lot 101, Malahat District, Plan 2942 PID 005-836-697  
 Lot 3, District Lot 101, Malahat District, Plan 2942 PID 006-202-454  
 Lot D, District Lot 101, Malahat District, Plan 2929 PID 006-291-651  
 Lot E, District Lot 101, Malahat District, Plan 2929 PID 009-291-686  
 Lot F, District Lot 101, Malahat District, Plan 2929 PID 009-291-694



Road Access:	Benko Road (northern lots) and Boulding Road (southern lot)
Water:	Connection to Mill Bay Waterworks District is proposed.
Sewage Disposal:	Community sewage system is proposed.
Public Transit:	Scheduled service available at Frayne Centre.
Fire Protection:	Mill Bay Fire Service Area.
Agricultural Land Reserve Status:	The property is not located in the ALR.
Environmentally Sensitive Areas:	The CVRD Environmental Planning Atlas (2000) does not identify any environmentally sensitive areas on the subject properties, however a drainage/watercourse is found on the site, and steep slopes may exceed 30% grade.
Sensitive Ecosystem mapping:	Conservation Data Centre contains no records of a sensitive ecosystem, plant or animal on the subject property.
Contaminated Sites	Declaration pursuant to the <i>Waste Management Act</i> signed by the

Regulation:	property owner. No Schedule 2 uses noted.
Archaeological Sites:	None identified in CVRD mapping
OCP Designation:	Village Residential.
Proposed Designation:	Multi-Family Residential or new Comprehensive Residential.
Zoning Bylaw No. 1890:	R-2 Suburban Residential.
Min lot size (R-2 zone):	0.4 ha with full community service; 1 ha without.
Proposed Zoning:	R-5 Comprehensive Urban Residential
Density and unit type proposed:	Maximum density of 11 units per hectare, total of 98 units. 3 Triplexes, 4 Eightplexes and a single 57 unit condominium.
Site coverage proposed:	7%

### **Site Context**

The subject properties are located between Boulding and Benko Roads in Mill Bay. Lots 2 and 3 are long and narrow and are just over 2.0 ha (5.0 acres) in size. Lots D, E, and F range in size from 1.4 ha to 2.3 ha (3.5 ac to 5.7 ac). The combined area of all 5 lots is approximately 9.6 hectares (23.7 acres). All five subject properties are vegetated and treed and slope from higher to lower elevations from their southern boundaries to their northern boundaries. Steep slopes are located along the southeastern edge of Lot 3 and along the northern section of Lot E. Staff also noted a watercourse located on Lot 2 and a large wetland located on the northern half of Lot F.

The subject lands are located on the periphery of the Village Containment Boundary (VCB). The Benko, Boulding, and Butterfield Road area is designated Village Residential in OCP Bylaw No. 3510 and is characterized by large suburban single family residential parcels that range in size from 0.1 ha to 2.5 ha (.25 – 6.0 ac). A number of the larger parcels in the surrounding area have been rezoned to R-3 (Urban Residential) and are in the process of being subdivided; however, the majority of parcels in the immediate area remain zoned R-2. Lands to the west of the subject properties are within the Rural Resource designation, are outside the VCB, and are intended for long term resource use under the OCP. The distance to Mill Bay Centre from the subject properties is approximately 2 km, and 0.7 km to Frayne Centre.

### **Proposal Overview**

#### **Overview**

A conceptual site plan is attached to this report which provides a site layout and drawings of the proposed 98-unit comprehensive multifamily development. The following table summarizes the unit types and sizes:

<b>Building Type</b>	<b>Number of Buildings</b>	<b>Size of Units</b>	<b>Height</b>	<b>Total units of this type</b>	<b>Footprint per building</b>
Triplex	three	232 m <sup>2</sup> (2500 ft <sup>2</sup> )	2 storey 7.5 m max	9	543 m <sup>2</sup> 5,850 ft <sup>2</sup>
Eightplex	four	130 m <sup>2</sup> (1400 ft <sup>2</sup> )	4 storey 15 m max	32	668 m <sup>2</sup> 7,200 ft <sup>2</sup>
Condo	one	102 m <sup>2</sup> - 130 m <sup>2</sup> (1100ft <sup>2</sup> - 1400ft <sup>2</sup> )	4 - 5 stories 15 m max	57	2461 m <sup>2</sup> 26,500 ft <sup>2</sup>

### ***Transportation***

The eight proposed buildings are distributed throughout the site, and would be connected internally by a private strata road. The application proposes two vehicle access points from Benko Road, to the north-west and east of the subject lands. The portion of Benko Road where these driveways are proposed are currently dedicated roadways, but not fully constructed. A strata road connecting to Boulding Road would provide emergency access to the south, but not public vehicle access.

The Cowichan Valley Commuter bus service is available at Frayne Centre, along with park and ride facilities which are at maximum capacity. Also, Route 15 of the Regional Transit System stops at Frayne Centre for scheduled service.

The applicants intend to complete traffic studies and conduct a transit masterplan for the project.

### ***Water and Sewer Servicing***

OCP Bylaw No. 3510 policy requires new development to be connected to approved community water and sewer systems. The Mill Bay Waterworks service area boundary lies north of the subject properties and the applicants have submitted a request for a boundary extension as well as a feasibility study. Sentinel Ridge Sewer System is the primary community sewer service in this area and is located to the southeast of the site. Alternatively, the developer could construct a separate treatment system to the standards specified in the South End Liquid Waste Management Plan, and request the CVRD Engineering & Environment Department to assume ownership. The number of proposed units in this application meets the requirements for a separate community system.

The applicants are proposing further discussions with the CVRD and Mill Bay Waterworks with respect to water and sewer services provided to the proposed development.

### ***Public Safety and Fire Protection***

The subject properties are in the Mill Bay Fire Service Area, and fire protection is provided by the Mill Bay Volunteer Fire Department. CVRD Public Safety Department's comments are attached to this report, and raise issues which the applicants are encouraged to address, namely, the steep topography's implication for emergency vehicle access, and concern for protecting the proposed development from hazardous conditions.

### ***Park Dedication***

The applicant has not proposed any parkland dedication with the application, although they have indicated that "greenspace" will be retained on the site, and public access across private property may be considered. If the proposed zoning amendment is granted and the land is subdivided, 5% parkland dedication or cash-in-lieu will be required, in accordance with Section 941 of the *Local Government Act*.

The applicants have initiated discussions with the CVRD Parks and Trails Division regarding parkland dedication requirements and community amenity contributions.

#### ***Environmentally Sensitive Areas and Hazard Lands***

The CVRD Environmental Planning Atlas (2000) does not identify any watercourses or environmentally sensitive areas on the subject property. However, during a site visit of the property in December 2009, staff noted a watercourse located on Lot 2 and a large wetland located on the northern half of Lot F. A Qualified Environmental Professional (QEP) could provide detailed information on environmentally sensitive areas, with respect to location and types of watercourses, wetlands and other sensitive ecosystems and habitats occurring on the site. This information can then be used to determine site layout and locations of buildings and roads in an effort to mitigate impact on the natural environment.

The topographical survey of the subject lands reveals steep slopes, some with a grade over 30% in areas where buildings or roads are proposed. The attached plans show that significant grading and site alterations are planned, in particular the retaining wall between the triplexes and condominium building. If this application proceeds, the applicants may be required to identify all lands that exceed 25% grade and are subject to erosion or landslide, in accordance with Natural Environment policies contained in OCP Bylaw No. 3510. Furthermore, geotechnical studies may be required at future review stages to ensure development is safe from natural hazards.

The attached plans also indicate that the grade of the proposed road on the west side of the development is 16%. The Ministry of Transportation and Infrastructure's road design standards set a maximum grade of 8% for public roads, which may be increased to 10% in short road sections.

#### ***Sustainability Measures***

While acknowledging that multi-family housing is generally considered a more efficient use of the land base than single family development, the growing expectation of the CVRD and community are for developments to exceed current standards and regulations, including but not limited to use of renewable energy sources, water conservation and rainwater management, and energy efficient building design. At this stage in the application, no information has been submitted with respect to plans for promoting energy conservation or meeting the OCP's greenhouse gas reduction targets in this proposed development.

#### **Official Community Plan Bylaw No. 3510 Policy Context**

##### ***General Mill Bay Plan Policies***

*Policy 3.1 The Mill Bay Village area will remain a compact, seaside community, distinctly rural in nature. Although new urban development is not permitted outside of the Village Containment Boundary (VCB), rural densities are permitted within. Densities will generally be more rural toward the edge of the VCB.*

General Mill Bay Plan policy 3.5 states that when an application is received to rezone land in Mill Bay Village, the Regional Board may consider applying amenity zoning, whereby the land density may be increased based on the provision of amenities which enhance the character of Mill Bay Village in accordance with Section 8- Social Sustainability of the main OCP document. Furthermore, policy 3.6 allows for density bonus zones, whereby an additional density may be permitted on a parcel, in exchange for amenities that enhance the Mill Bay Village area.



### ***Village Residential Designation Policies***

The subject properties are currently designated Village Residential, which is characterized by single family residential uses, and eligible for R-2 or R-3 zoning. Policy 4.1.3 states that parcels on the peripheral areas of the village will be zoned R-2, and will be subject to a minimum parcel size requirement of 1 ha for parcels not serviced by a community water and sewer systems, and 0.4 ha for parcels serviced by a community water system only or a community water and sewer system.

Policy 4.1.10 establishes criteria for considering applications to rezone land from R-2 to R-3, which includes but is not limited to the following: the land does not adjoin agricultural lands or forest lands; community amenities are provided in accordance with Social Sustainability policies; public trails are proposed as an integral component of the development; and a neighbourhood plan is prepared.

### ***Multi-Family Residential Designation Policies***

*Policy 4.2.2 The Multi-Family Residential Designation (MF), at the time of OCP adoption, accommodates two parcels, including the Lions Cove Development, north of Bayview Centre, and a townhouse development adjacent to Francis Kelsey school. Lands designated as Multi-Family Residential (MF) are suitable for a multiple family form of housing such as apartments, townhouses, seniors care homes and semi-detached housing units.*

*Policy 4.2.7 Development in the Multi-Family Residential Designation (MF) will maintain and promote the unique heritage and rural character of Mill Bay Village, and are subject to the guidelines within the Mill Bay Village Development Permit Area in Section 11 of this Plan.*

Other Multi-Family Residential policies state that creation of community gardens, dedication of pedestrian trails, and preservation of important natural environment features and sensitive areas will be key features of such development.

### ***Community Water Services Policies***

*Policy 20.2 In the Mill Bay Village area, connection to the Mill Bay Waterworks Improvement District water system, or a CVRD water system, as shown on Schedule C-1A, will be a prerequisite for subdivision, rezoning or a development permit.*

Further, the subject lands are identified on OCP Schedule C-1A to be within a proposed Mill Bay Waterworks expansion area.

### ***Liquid Wastewater Management Policies***

*Policy 21.9 In the Mill Bay Village area, connection to a community sewer system as shown on Schedule C-2A will be a requirement for subdivision and rezoning.*

However, the subject lands are not identified on Schedule C-2A as being in an existing or proposed sewer expansion area. Policy 21.2 states that areas not shown as either existing service areas or potential expansion areas will not be connected to such services, except in cases where a health risk has been identified, or an environmental health risk has been identified.

### ***Zoning***

The applicant is proposing a new multiple family residential zone for the subject properties that would permit a maximum density of 11 units per hectare, to be accommodated through a mix of housing types. Proposed parcel coverage is 7% of the site, and maximum height limits are 7.5 metres for the triplex units and 15 metres for all other buildings.

It is worth comparing the density of this proposal to other multi-family zones found in Zoning Bylaw No. 2000: the CD-2 zone (Ocean Terrace) permits 8 units/ha and 40% parcel coverage; 35 units/ha and 40% parcel coverage is permitted in the RM-2 zone (Lion's Cove), and 62 units/ha and 40% parcel coverage in the CD-1 zone (Stonebridge).

The development potential of the subject lands in the existing R-2 zone, with connection to a community water system, is approximately 24 single family residential parcels. If the applicant is unsuccessful in securing a connection to a community water system, the resulting minimum parcel size of 1 ha would yield a maximum of 8 lots.

**Development Permit Area: Mill Bay Village DPA**

The subject properties are within the Mill Bay Village Development Permit Area, and would be subject to the following guidelines: building design; landscaping rainwater management and environmental protection; outdoor lighting; parking, vehicle access and pedestrian; riparian protection; signage; and subdivision.

**Advisory Planning Commission**

The Electoral Area A APC reviewed this application in September 13, 2011 and recommended that this application not be approved, and further that a neighbourhood plan and traffic study be completed.

However, the CVRD Board has agreed that this application should be re-referred to the APC following the submission of the revised application that the applicants are currently working on.

**Referral Agency Comments**

This application was referred to government agencies on August 11, 2011. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – 1) *Rat Lake Road to Benko Road and intersection of same would need to be constructed and paved to MOTI standards.* 2) *A traffic impact study is required. Study to address all intersection movements, especially left in from TCH and left onto TCH.*
- School District No. 79 - *Interests unaffected*
- Mill Bay Waterworks District – *The area of proposed development and zoning change is currently outside of the Mill Bay Waterworks District boundary, and therefore outside our jurisdiction.*
- Vancouver Island Health Authority – *The proposed developments are to connect to a new or existing community water and sewage system.*
- CVRD Engineering and Environmental Services Department – *CVRD Engineering and Environmental Services is prepared to own and operate a community sewer system for this subdivision. We suggest that the owners secure capacity in an existing sewer treatment plant early in their development stage or proceed with the necessary engineering and environmental assessment of lands if they intend to building their own system*
- CVRD Parks, Recreation and Culture Department – *This application has not yet been referred to the Area A Parks Commission*
- BC Transit – *From a transportation and sustainability perspective, BC Transit does not encourage multifamily development in this location. BC Transit does not support this development as proposed. (see full comments in attached memo)*
- CVRD Public Safety Department – *See attached memo*
- Cowichan Tribes- *No comments received*
- Malahat First Nation- *No comments received.*
- Mill Bay Volunteer Fire Department- *No comments received.*

- RCMP Detachment, Shawnigan Lake – No comments received.

### **Planning and Development Comments:**

At the November 1<sup>st</sup>, 2011 EASC meeting, the Committee accepted the applicants request to hold this application in abeyance for approximately 6 months, to allow time to complete traffic, transit and engineering studies, further discussions with CVRD departments and service providers (water, sewer and fire protection), and consult the community.

Recently, we have received a second extension request, until December 31, 2012. Please see the attached letter from the applicant.

This application was received in 2009, and has not yet been presented to the EASC with options to proceed with drafting bylaw amendments or denying the application. For this reason we wish to advise that this application is somewhat speculative in terms of compliance with the South Cowichan Official Community Plan. Although multifamily housing is generally supported, as it represents an alternative and more efficient housing form, the subject lands are on the periphery of the Village Containment Boundary and adjacent to Rural Resource designated lands, and therefore not identified as an ideal location for multifamily development. Furthermore, the subject lands are not identified on the OCP's Sewer Servicing Map to be within a service expansion area. Approval of this application would therefore require an amendment to the Mill Bay Village Containment Sewer Service Area Map (Schedule C-2A). The applicants have been advised of the above comments, and have elected to proceed with studies and public meetings to strengthen their application.

Once the revised application has been received, planning staff will prepare a report for a second review by the Mill Bay/Malahat Advisory Planning Commission.

### **Recommendations/Options:**

#### **Option A**

To accept the applicant's second request for application 6-A-09 RS (Topping/Quek) to be held in abeyance, until December 31, 2012.

#### **Option B**

For this application to be presented at an upcoming EASC meeting, with options provided to proceed with bylaw amendments or deny the application with partial refund of fees.

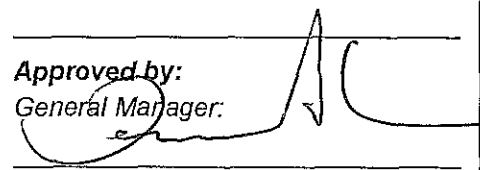
Option A is recommended.

Submitted by,



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

AG/ca

<p><b>Reviewed by:</b> Division Manager:</p> <hr/> <p><b>Approved by:</b> General Manager:</p> 
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# 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.

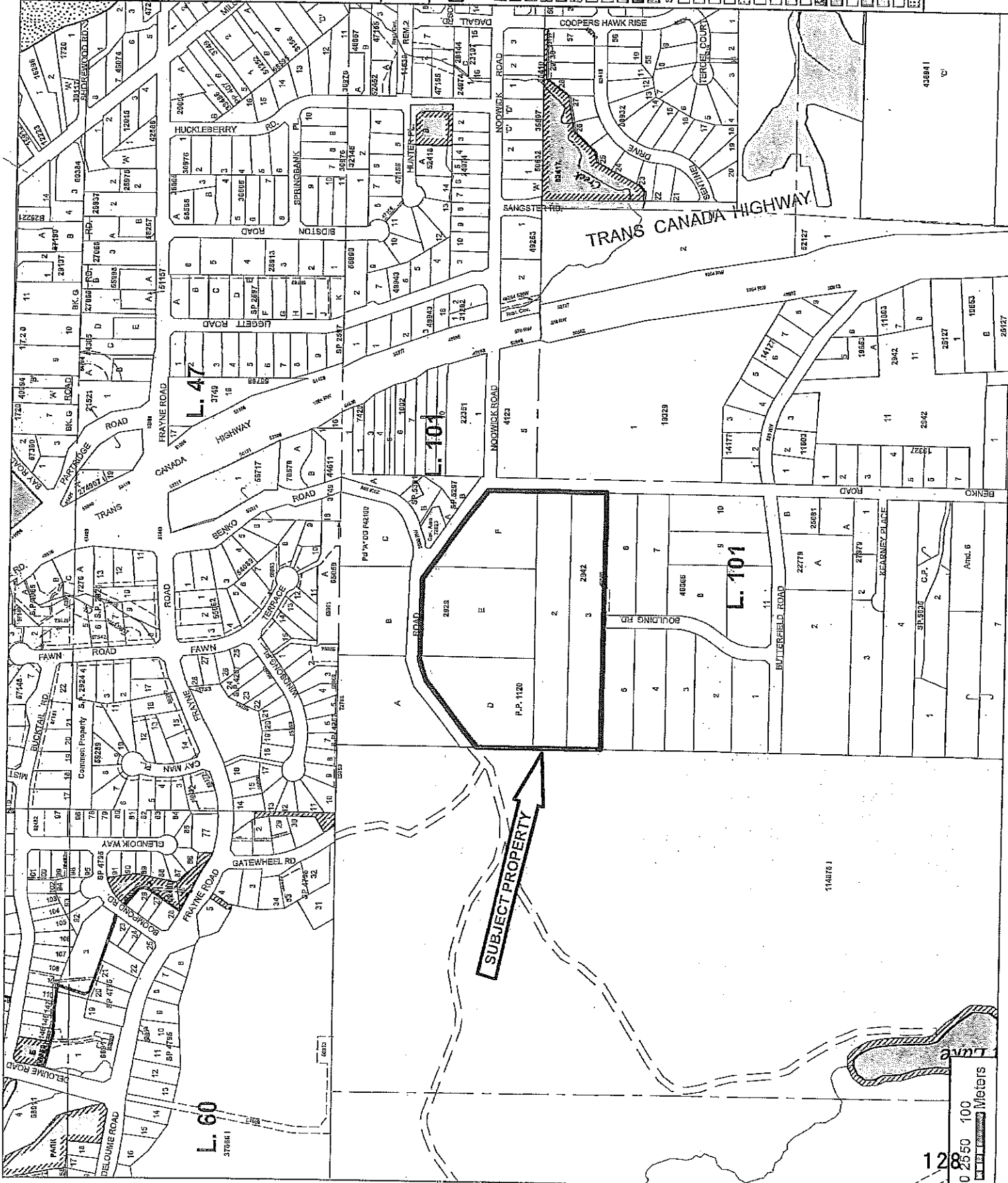
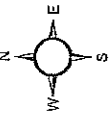
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 06-A-09-RS

## Legend

Subject Property  
Official Community Plan - A,B,C  
Village Inlets

- Village Residential
- Village Suburban Residential
- Multi Family Residential
- Mixed Use Residential
- Mixed Use Comprehensive
- Future Development
- Ocean Terrace Comprehensive
- Village Commercial
- Service Commercial
- Mixed Use Commercial
- Parks and Institutional
- South Cowichan Rural
- Agriculture
- Rural Resource
- Community Land Stewardship
- Rural Residential
- River Corridor Residential
- Rural Community Residential
- Comprehensive Residential
- Manufactured Home Park
- General Commercial
- Highway Commercial
- Tourist Commercial
- Industrial
- Parks and Institutional
- Transportation
- Water Conservation
- Marine Conservation



## AYPQ ARCHITECTURE

13270 Doole Road  
Ladysmith, British Columbia  
Canada V9G 1G6  
tel 250 245-7555 fax 7565  
www.aypqarchitecture.com

May 01, 2012

Rob Conway, Manager Development Services  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L1N8

Re: Request to extend Application to December 31, 2012  
Application: RZ Lot 2 & 3, Plan 2942; & Lots D, E & F, Pln 2929, all within DL 101, Malahat Dist.

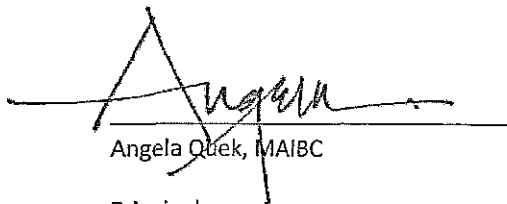
Dear Mr. Conway,

With respect to this application progress, last year's elections and holidays taken by various parties involved in the overall application have pushed the timeline for this project into the later part of this year.

Therefore, at this time, we would like to request an extension for this project to the end of this 2012 year so as to allow engineering and MBWD assessments to be carried out, public information meetings to be held in the community and the re-zoning process proceed to completion.

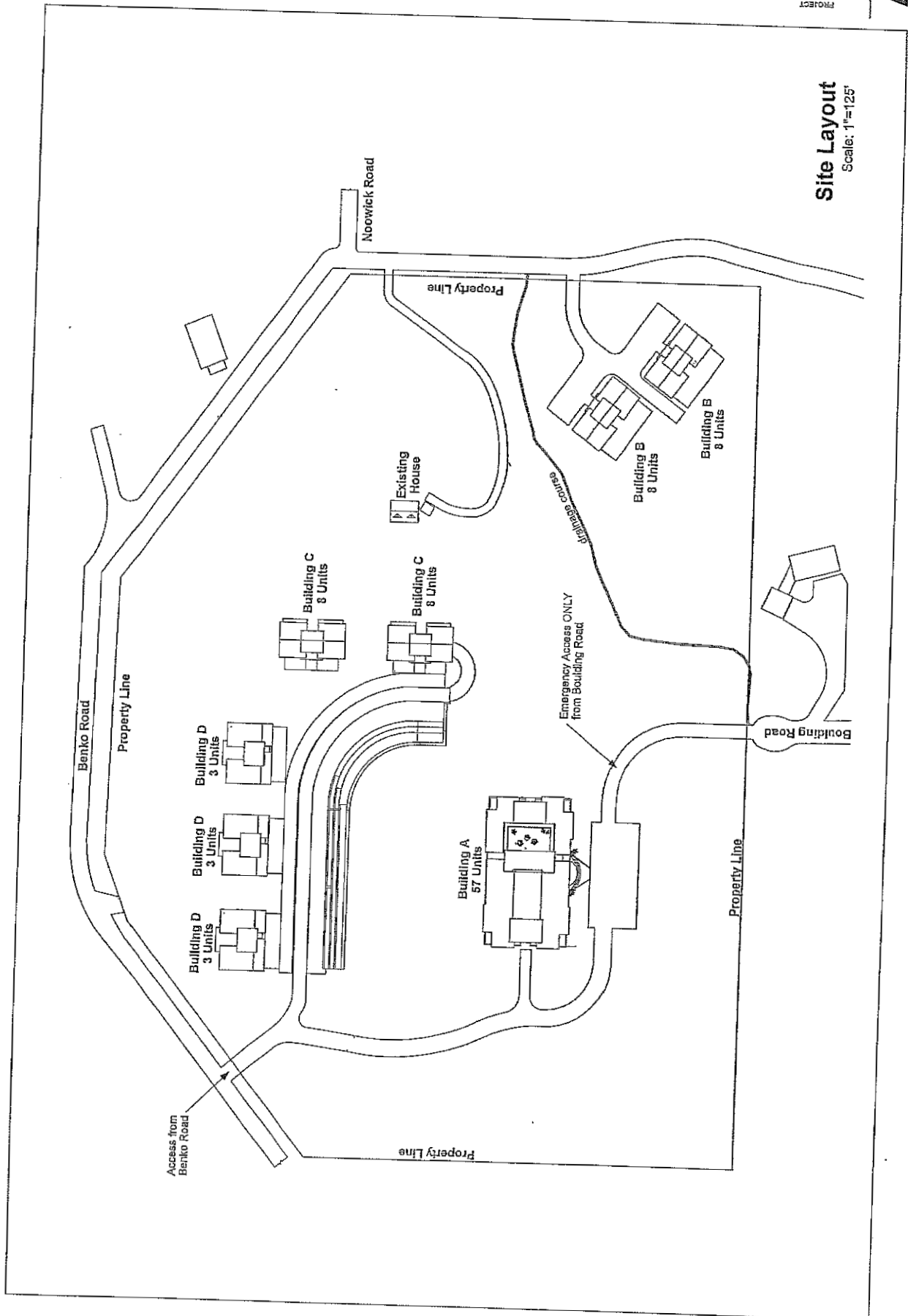
From this point onwards, we do not anticipate any further delays.

We thank you in advance for your consideration, and  
with kind regards,

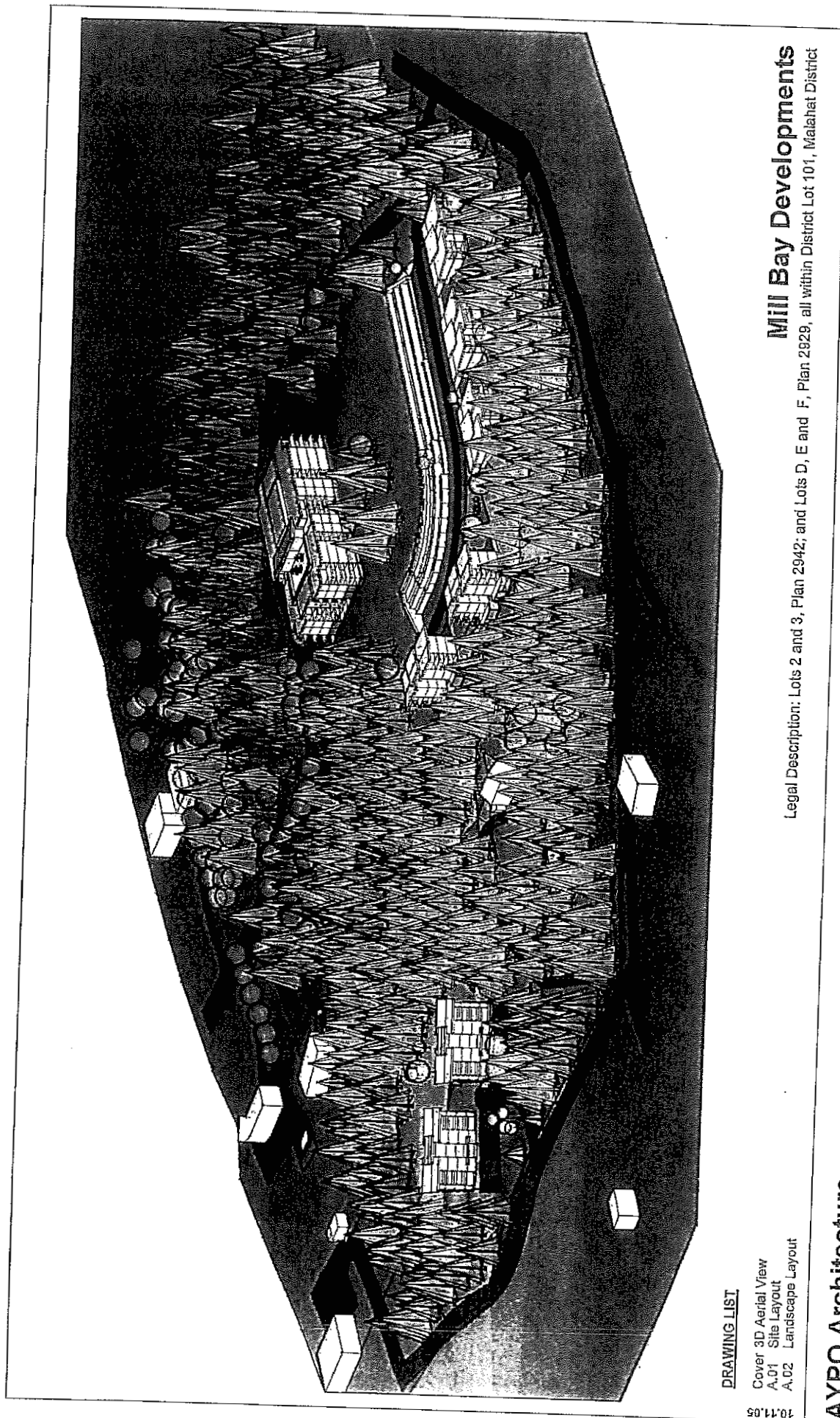


Angela Quek, MAIBC  
Principal  
AYPQ Architecture

Cc Mike Walker, Director Electoral A (mwalker@cprd.bc.ca)







# **DRAWING LIST**

Cover 3D Aerial View  
A.01 Site Layout  
A.02 Landscape Layout

10.11.05

**Mill Bay Developments**  
Legal Description: Lots 2 and 3, Plan 2942; and Lots D, E and F, Plan 2929, all within District Lot 101, Malahat District

**AYPQ Architecture**  
19270 Deels Road, Ladysmith, B.C. Canada V9G1G6  
T:250.243.1556 F:765 E:info@ayparchitecture.com



C.V.R.D

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 25, 2012

FILE No: 5160-20

FROM: Ann Kjerulf, MCIP, Planner III  
Community and Regional Planning Division

BYLAW No:

SUBJECT: Cobble Hill Commons Housing Project

#### Recommendation/Action:

It is recommended,

1. That staff undertake a housing needs assessment and associated community engagement program in relation to the Cobble Hill Commons site with the assistance of a professional planning consultant and in cooperation with a project advisory committee; and
2. That Lois Turner, John Krug, Linden Collette, Roger Painter, Judith Blakeston and Rosemary Allen be appointed to the Cobble Hill Commons project advisory committee.

#### Relation to the Corporate Strategic Plan:

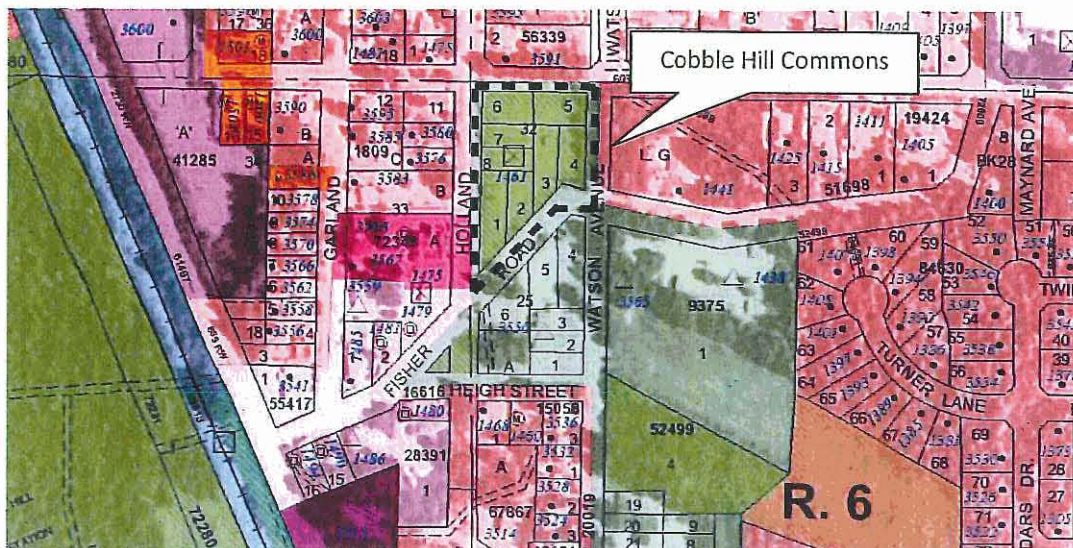
The Corporate Strategic Plan Vision is that "*The Cowichan Region, celebrates diversity and will be the most livable and healthy community in Canada.*" "*Establish well coordinated land use plans and policies*" and "*Establish sustainable communities*" are two key objectives of the Plan. The proposed Cobble Hill Commons Housing Project supports these objectives.

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

Earlier this year, the CVRD received a 2012 Age-friendly Community Grant from the Union of BC Municipalities in the amount of \$20,000. This funding is expected to accommodate the initial phase of the Cobble Hill Commons Housing project, which involves completing a needs assessment and undertaking an associated community engagement process.

#### Location :

The Cobble Hill Commons site is located at 1461 Fisher Road in Cobble Hill Village (shown below). The site, owned by the CVRD, is zoned P-1 (Parks and Institutional) and has a total area of 0.66 ha.





### **Background:**

The Cobble Hill Commons site is a former Ministry of Transportation and Infrastructure public works yard, recently acquired by the CVRD. It has been envisioned that a portion of the site will be developed for seniors housing and the remainder maintained as community open space. A preliminary community consultation process undertaken by the Young Seniors Action Group (YSAG) in 2011 resulted in a concept design for Cobble Hill Commons, as shown below. The concept is a mixed use development with ground-level commercial uses and housing above. Due to the slope of the site, housing units could be accessed at grade from Fairfield Road along the north of the site, and commercial units could be accessed at grade from the south-facing park area fronting Fisher Road. Revenue from commercial tenancies was considered as a mechanism for funding the development of Cobble Hill Commons.



### **Discussion:**

The Cobble Hill Commons site is intended to accommodate a mixed use development including seniors housing, commercial and other complementary uses, and community open space. Some preliminary work has been undertaken to confirm these basic elements however further work is required to develop a more comprehensive plan and subsequently, to determine the feasibility of the project and eventually to construct it.

At this stage, Community & Regional Planning staff would like to undertake a needs assessment study focused on active seniors within the community who would like to transition from single detached homes to an independent, multi-unit seniors development, with opportunities for social inclusion and convenient access to local shops, facilities, and services. The study would specifically involve:

- Determining the needs and preferences of seniors with respect to housing size, configuration, and accessibility features; and complementary on-site uses, amenities and services;

- Examining the functional relationship between Cobble Hill Commons and Cobble Hill Village to assess the availability of services, facilities, shops and amenities that are important to seniors and the status of necessary infrastructure to allow seniors to move throughout the Village Area (e.g. transportation stops, sidewalks, pathways). The assessment may include recommendations concerning necessary improvements to existing infrastructure, inclusive design features to enhance accessibility and better integrate senior citizens into the social fabric of the Village Area, and opportunities to make Cobble Hill Village a more age-friendly place; and
- Developing an implementation strategy which outlines the strategic partnerships, funding mechanisms and overall process to move the project from design concept to implementation.

The study will involve a comprehensive community engagement process, with assistance from an external planning consultant with expertise in housing planning, under the guidance of a citizen-based project advisory committee. The CVRD has received grant funding to cover the costs involved with obtaining consulting services. Furthermore, Lois Turner, John Krug, Linden Collette, Roger Painter, Judith Blakeston and Rosemary Allen have been identified as potential advisory committee members.

It is expected that the project advisory committee will guide and evaluate the project through to completion. Community workshops, charettes, social media, household mailouts, and other community engagement techniques will be utilized to achieve a broad level of participation.

Notably, regional district governments and small rural communities, in particular, often find it difficult to provide a high level of service with respect to facilitating housing, facilities and support services for seniors. Challenges include the lack of funding and the lack of staff resources or knowledge within the government or non-government sectors. This project attempts to harness the considerable local knowledge of Cobble Hill Village from the perspective of seniors and others with the assistance of an external consultant who has expertise in the performing age-friendly and seniors needs assessments and in engaging communities in such activities, in order to move towards implementation of a desperately needed community asset. If the Cobble Hill Commons housing project is ultimately successful, it could serve as a model for other small rural communities who face similar challenges.

#### **Conclusion:**

This project will assist Cobble Hill in becoming a more inclusive, age-friendly community by guiding the development of appropriate housing for independent senior citizens who are still active and able to care for themselves but do not want the burden of maintaining a single detached home. Additionally, the placement of a residential facility for seniors at the heart of Cobble Hill Village, in association with complementary uses and community amenities, will ensure that seniors remain an integral group of citizens within the community. The needs assessment will outline the way forward to project implementation including potential partnerships and funding mechanisms.

#### **Options:**

##### **OPTION A:**

That staff undertake a housing needs assessment and associated community engagement program in relation to the Cobble Hill Commons site with the assistance of a professional planning consultant and in cooperation with a project advisory committee; and that Lois Turner, John Krug, Linden Collette, Roger Painter, Judith Blakeston and Rosemary Allen be appointed to the Cobble Hill Commons project advisory committee.

**OPTION B:**

That staff not undertake a housing needs assessment and associated community engagement program relation to the Cobble Hill Commons site.

Submitted by,



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

AK/ca

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



R8

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 28, 2012 FILE NO: 1-A-11RS  
FROM: Rob Conway, Manager BYLAW NO:  
SUBJECT: Referrals to Oceanview Improvement District

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#### Recommendation/Action:

For information.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

On April 11, 2012 the Board adopted Bylaw Nos. 3511 and 3498. These bylaws rezoned part of the Bamberton lands for business park and light industrial use. Prior to adoption of the bylaws, the owners registered covenants against the subject land that secured developer commitments and addressed issues that arose during the rezoning process. One of the covenants established water protection measures for development the I-3A zoned area of the site. This covenant established development criteria for water protection and a requirement for an assessment of potential impacts on ground and surface water by a qualified professional. The water protection covenant was intended to address concerns of the Oceanview Improvement District (OID) and other downstream water users about water quantity and quality impacts associated with development on the Bamberton lands.

Following adoption of the bylaws, representatives of the Oceanview Improvement District contacted CVRD staff to discuss the covenant. Among the points discussed was a request to have future technical reports that are provided to the CVRD as a condition of the covenant referred to the OID.

#### Staff Comments:

The covenant does not have any provision for the formal referral of technical reports to third parties and any comments received from third parties could not influence development approvals issued by the Regional District. However, a courtesy referral of the technical reports to the OID may help to maintain good relations and would hopefully re-assure the OID that the covenant obligations are being followed as development occurs. For these reasons staff are supportive of the OID's request.

A draft letter to the OID is attached that outlines a qualified commitment to refer technical reports to the OID. If the EASC has no objection to the letter and proposed approach, staff will forward the letter to the OID as drafted.

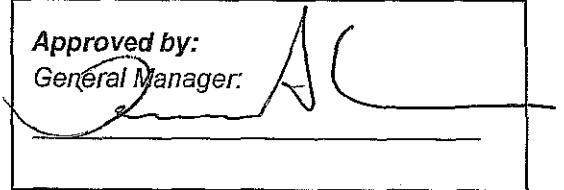
Submitted by,



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

RC/ca

Approved by:  
General Manager:



June 5, 2012

File: 1-A-11RS

Greg Farley  
Chairperson, Oceanview Improvement District  
C/O Secretary, 1757 Prospect Road  
Mill Bay, B.C., V0R 2P4

Dear Mr. Farley

**Re: Water Protection Covenant – Bamberton Lands**

On April 11, 2012, the CVRD Board adopted Bylaw No. 3511 and 3498, which rezoned part of the Bamberton Lands for business park and light industrial use. Prior to adoption of the bylaws, covenants were registered against the lands that established obligations and requirements for development of the rezoned lands. One of the covenants, the Water Protection Covenant, establishes development requirements for the I-3A zoned area and requires submission of a report prepared by a qualified professional to assess potential impacts of development on ground water and Johns Creek before development occurs. I have attached a copy of this covenant for your information and reference.

I recently discussed the Water Protection Covenant with one Oceanview Improvement District (OID) trustee and a resident and have received a request to refer assessment reports received as a requirement of the covenant to the OID.

The covenant does not contain any provision for review or approval of the required assessment reports from the OID. However, the CVRD is agreeable to forwarding a copy of the report to the OID for information purposes as requested, provided it is understood that the OID would not have a role in the review and acceptance of the report. We also must qualify this commitment by advising that the CVRD is subject to the *Freedom of Information and Protection of Privacy Act* and any information released through this office is subject to that legislation.

Lastly, since the referral of technical reports to the OID is not a part of the formal development review process, there is a risk that the referral step could be missed. We intend to establish a procedure to refer assessment reports to the OID as part of our development review process on the Bamberton Lands, but we can only commit to making a best effort to refer the documents.

I trust this letter adequately outlines our intentions. Should you have any questions regarding this letter or future development of the Bamberton Lands, please contact me at your convenience.

Yours Truly,

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

pc: Director M. Walker  
Enclosures





R9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: March 28, 2012 FILE NO:  
FROM: Rob Conway, Manager BYLAW NO:  
SUBJECT: Commercial Uses in Area E Parks and Institutional (P-1) Zone

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#### Recommendation/Action:

1. That staff be directed to prepare a report and draft zoning amendment bylaw to explicitly exclude "crematorium" as a permitted use in the P-1 Zone of the Area E Zoning Bylaw;
2. That the issue of commercial uses in the P-1 zone be considered during the upcoming review of the Cowichan-Koksilah Official Community Plan and Area E Zoning Bylaw.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: Unknown

#### Background:

At the Electoral Area Service Committee meeting of May 15, 2012, staff was directed to prepare a report regarding the removal of commercial uses from Parks and Institutional (P-1) Zone of Area E Zoning Bylaw No. 1840. This report describes options for removing commercial uses from the P-1 zone and highlights some of the implications and considerations of doing so.

#### Policy Context:

##### Official Community Plan:

The Cowichan-Koksilah Official Community Plan (Bylaw No. 1490) permits parks and institutional use within all OCP designations, but states, "The final determination of where a park or institutional use will be located is a function of land being available, the type of use it is, (and) the area of population it will serve."

The OCP identifies four principal types of institutional uses. The first two types, (1) facility oriented uses such as schools, churches, fire halls and community halls; and (2) parks and recreational uses, are generally supported within all OCP land use categories. The remaining two types of institutional uses, (3) private, outdoor recreation uses such as archery, gun and flying clubs; and (4) private institutional uses such as private schools and senior citizen homes may also be permitted within any land use designation, but should be more selectively chosen so as to minimize potential public nuisance.



Parks and Institutional policies within the OCP support some limited commercial use within the parks and institutional zones. Uses such as daycares, private schools and seniors homes are institutional uses supported by the Plan that could be operated commercially or "for profit". The OCP also provides some support for limited commercial uses on former school sites in the following policy:

*Policy 11.3.6*

*The Regional District may be prepared to consider adding permitted land uses, such as limited commercial, to the Parks and Institutional zones that apply to school sites, so long as these uses would be complementary to the principal institutional uses.*

Zoning Bylaw:

Zoning Bylaw No. 1840 currently has three "P" zones, as summarized in Table 1.

**Table 1**

Zone:	Permitted Uses:
Parks and Institutional (P-1)	<ul style="list-style-type: none"> <li>• assembly;</li> <li>• civic use, transportation facility including airport;</li> <li>• ecological reserve, public park, greenbelt;</li> <li>• institution, religious facility;</li> <li>• personal care facility;</li> <li>• public care facility;</li> <li>• public botanical garden;</li> <li>• public school, private school including boarding facilities and accessory staff accommodation;</li> <li>• one single family dwelling per parcel accessory to an above principal use.</li> </ul>
River Corridor Conservation (P-2)	<ul style="list-style-type: none"> <li>• public trails, nature interpretation;</li> <li>• natural preserve, ecological reserve, public park, greenbelt.</li> </ul>
Outdoor Recreation (P-3)	<ul style="list-style-type: none"> <li>• outdoor recreation;</li> <li>• restaurant or licensed premises accessory to an outdoor recreation use;</li> <li>• one single family dwelling per parcel accessory to an outdoor recreation use.</li> </ul>

Definitions of P-1 uses include the following:

"assembly" means the gathering of persons for charitable, civic, cultural, educational, entertainment, political, recreational or religious purposes;

"civic use" means a use providing for government functions and services; includes federal, provincial, regional and municipal offices, public schools, colleges, public hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, courts of law, highways, waterworks and facilities and sewage facilities, and does not include jails, prisons, halfway houses and similar uses;

"institution" includes and arena, armoury, cemetery, college, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park,

playground, police station, public art gallery, public museum, school, stadium or public swimming pool;

“*personal care*” means a community care facility developed in accordance with the Community Care Facility Act and amendments thereto, or a hospital developed in accordance with the Hospital Act and amendments thereto;

“*religious facility*” means an assembly building used for public worship;

The P-1 zone primarily permits uses that are community-oriented and that are typically operated by government, religious, charitable or not-for-profit organizations. However, the zone does not explicitly preclude commercial activity and some of the uses permitted with the zone could be conducted for-profit, or could entail commercial activity as a principal or accessory use.

Zoning Bylaw No. 1840 defines “commerce” as, “the selling, servicing and repair of goods or, the provision of services and commercial office functions that are carried on for the purpose of earning income”. As any permitted use that involves the generation could be considered a commercial use, many of the uses currently permitted in the P-1 zone could be considered commercial, or at least to have an element of commercial or potential commercial use. Examples include schools, transportation facilities, personal care facilities, botanical gardens, art galleries and swimming pools.

### **Legal Considerations:**

#### **Zoning for Use versus User:**

Section 903 of the *Local Government Act* authorizes local governments to regulate and prohibit “uses” within a zone. The Act provides broad powers in this regard, but the authority does not extend to the regulation of “users”. Zoning regulation that discriminates between public and private use, or similarly between commercial and non-commercial uses, would not likely be upheld if challenged. Bill Buholzer, in his reference book *BC Planning Law and Practice*, commented on this issue:

In land use terms, it is often hard to see why planners wish to make a distinction between “public” and “private” uses of land; what is the difference in land use impacts, for example, between a municipally-owned hockey rink and one owned by a private corporation on which the municipality rent ice time or public use? What is the difference between a municipal office building and a building in which a contractor engaged by a municipality delivers local government services? The distinctions are becoming even more blurred as these types of municipal services are delivered through “public-private partnerships” in which the ownership and operation of facilities is shared. Thus, for both practical and legal reasons, distinctions of this type should be critically examined when zoning bylaws are enacted or revised.<sup>1</sup>

#### **“Public Uses” and Compensation:**

The *Local Government Act* (s. 312 and s. 914) requires local governments to compensate land owners when a zoning bylaw restricts the use of land to only a public use. Any amendment to the P-1 zone that removes all “private” uses from the zone would likely require compensation to affected property owners.

---

<sup>1</sup> William Buholzer, *British Columbia Planning Law and Practice*, Lexis Nexis Canada Inc., Section 7.120.

**P-1 Zoned Property in Area E:**

Twenty seven P-1 zone properties have been identified in Area E. Table 2 list of these properties, and maps showing the property locations are provided in Schedule 1.

**Table 2**

<b>Reference #</b>	<b>Identified Use:</b>
1.	Sandy Pool Park
2.	Sandy Pool Park
3.	Don's Road Park
4.	East Indian Crematorium
5.	Vacant (rural residential?)
6.	Sahtlam Fire Hall
7.	Glenora Riverside Park
8.	Glenora Riverside Park
9.	Former Glenora School
10.	Glenora Hall
11.	Glenora Ball Fields
12.	Eagles Hall
13.	Fircrest Residential Care Facility
14.	Koksilah School
15.	Koksilah School
16.	Maplewood Park
17.	Forested Park (Langtry Road)
18.	Fairbridge Chapel
19.	Bright Angel Park
20.	Bright Angel Park
21.	Bright Angel Park
22.	Bright Angel Park
23.	St. Andrews Church
24.	Jack Fleetwood Memorial Park
25.	Former Cowichan Station School ("The Hub")
26.	Former Cowichan Station School Field
27.	Sunrise Waldorf School

Properties that are currently zoned P-1 that have an existing or potential use that could or potentially could be considered to have some level of commercial use include the East Indian Crematorium (4), Glenora Hall (10), Eagles Hall (12), Fircrest Residential Care Facility (13), Fairbridge Chapel (18); The Hub (25) and the Sunrise Waldorf School (27).

**Staff Comments:**

There are a few approaches that could be taken for reducing the potential for commercial activity on P-1 zoned property. Options are described below, along with staff comments.

1. **Amend P-1 zone to explicitly prohibit commercial use**

The P-1 zone could be amended to add a condition of use to the zone that would state, "no commercial activity shall be permitted in the P-1 zone". However, such an amendment may require payment of compensation. It could also be successfully challenged if deemed by a court to be regulating users of land rather than land use. Should the Committee prefer this option, it is recommended that legal advice be obtained prior to drafting of amendment bylaws.

## 2. Selectively remove or modify uses in the P-1 zone

A more defensible approach to removing commercial uses from the P-1 zone is to remove uses from the zone that are considered problematic or potentially problematic. For example, if the Committee is concerned about facilities in P-1 zones being rented for music events because of noise disturbance, the P-1 zone could be amended to remove "assembly" as a permitted use. The down side of this approach is that it would likely remove non-commercial uses that may be desired.

It is not clear to staff that there are currently any uses occurring in the P-1 zone that are problematic, other than the crematorium that is operating on Cowichan Lake Road (property #4 on Table 2). Should the Committee wish to address this issue, a more direct approach would be to amend the P-1 zone to explicitly prohibit crematorium or to limit the extent of the use.

If the Committee is aware of other commercial uses in the P-1 zone that are considered problematic, these could be addressed in a similar fashion.

## 3. Defer P-1 amendments to Area E OCP and Zoning Bylaw review.

A comprehensive review of the Area E OCP and Zoning Bylaw is expected to commence within a year. Community consultation and an examination of land use policies and zoning regulations would be best accomplished through this process. Unless there is an immediate issue to be addressed, staff would recommend that changes to the P-1 zone be examined in the context of the pending review.

### Summary:

The preferred option largely depends on the risk to the Area E community of maintaining P-1 zoning in its current form. Staff is aware of community concerns with the crematorium facility and given that there is some uncertainty as to the legality of the use, we recommend proceeding with a bylaw amendment that would limit further expansion. However, as there is no known issue with commercial activity on other P-1 zoned property, staff recommend that any broad amendment to the P-1 zone be deferred to the pending OCP and Zoning Bylaw review. Any comprehensive prohibition of commercial activity in the P-1 could significantly impact land use rights on multiple properties and may result in unintended consequences and potential legal challenge, and should therefore involve community and property owner consultation.

### Options:

#### Option 1

That staff be directed to obtain legal advice as to how Zoning Bylaw No. 1840 could be amended to remove all commercial use from the P-1 zone without exposing the Regional District compensation claims and the risk of successful legal challenge.

#### Option 2

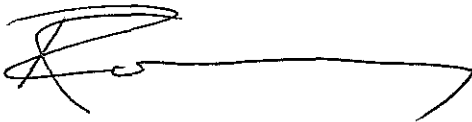
1. That staff be directed to prepare a report and draft zoning amendment bylaw to explicitly exclude "crematorium" as a permitted use in the P-1 Zone of the Area E Zoning Bylaw;
2. That the issue of commercial uses in the P-1 zone be considered during the upcoming review of the Cowichan-Koksilah OCP and Area E Zoning Bylaw.

Option 3

That consideration of amendments to Bylaw No. 1840 to remove commercial uses from the P-1 zone be deferred to the upcoming review of the Cowichan-Koksilah Official Community Plan and Area E Zoning Bylaw.

Option 2 is recommended.

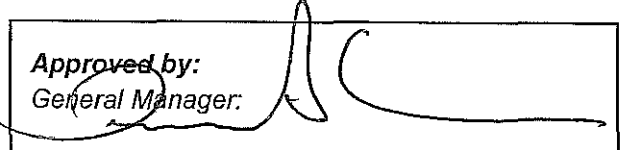
Submitted by,



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

Attached – Schedule 1

RC/ca

<p><b>Approved by:</b> <b>General Manager:</b></p>  <hr/>
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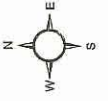
This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

All persons making use of this map should be aware that amendments have been consolidated for convenience purposes only and that boundaries are representational.

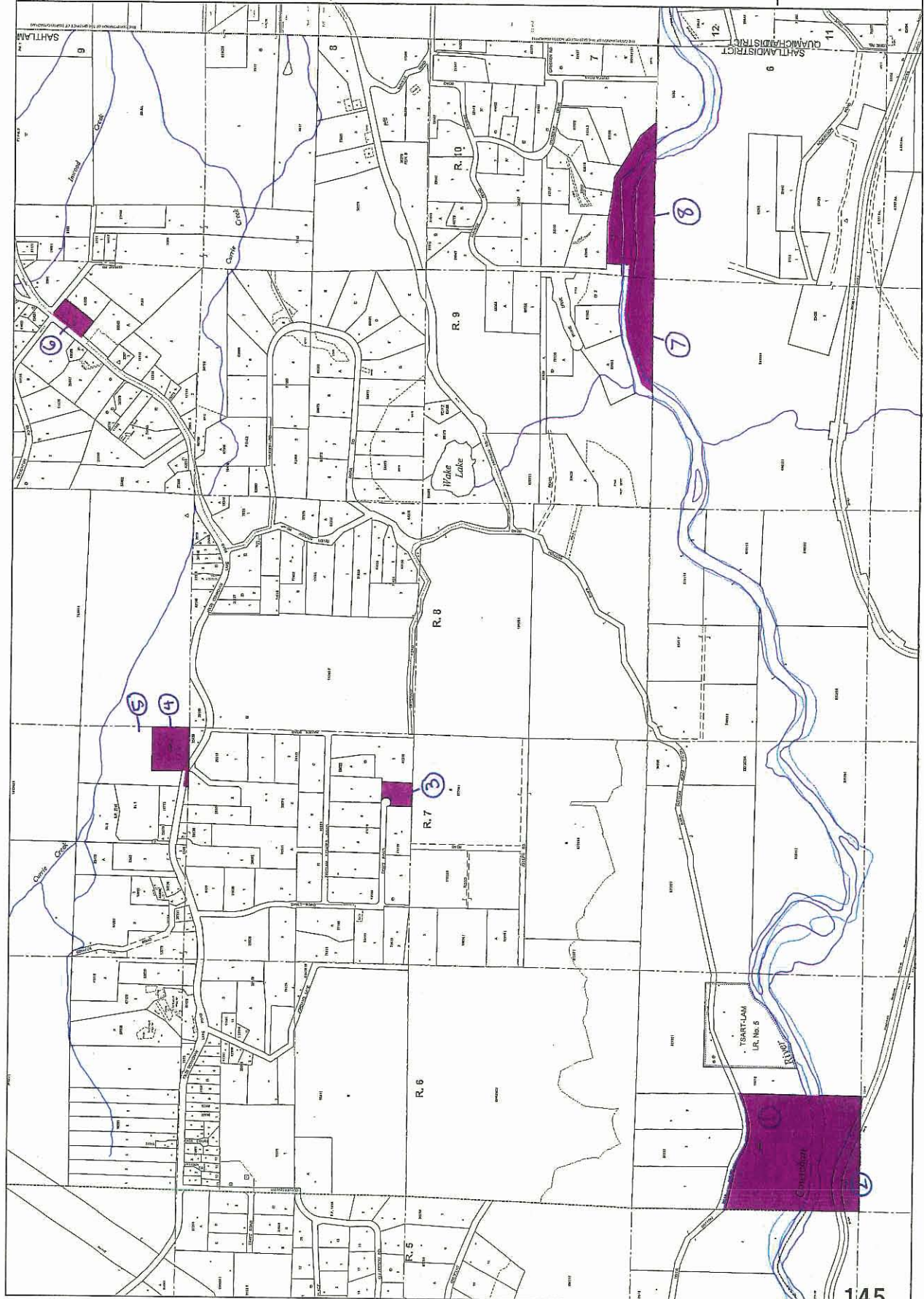
**The original Bylaws should be consulted for the correct interpretation and application of the Bylaws.**

Printed: May 17, 2012

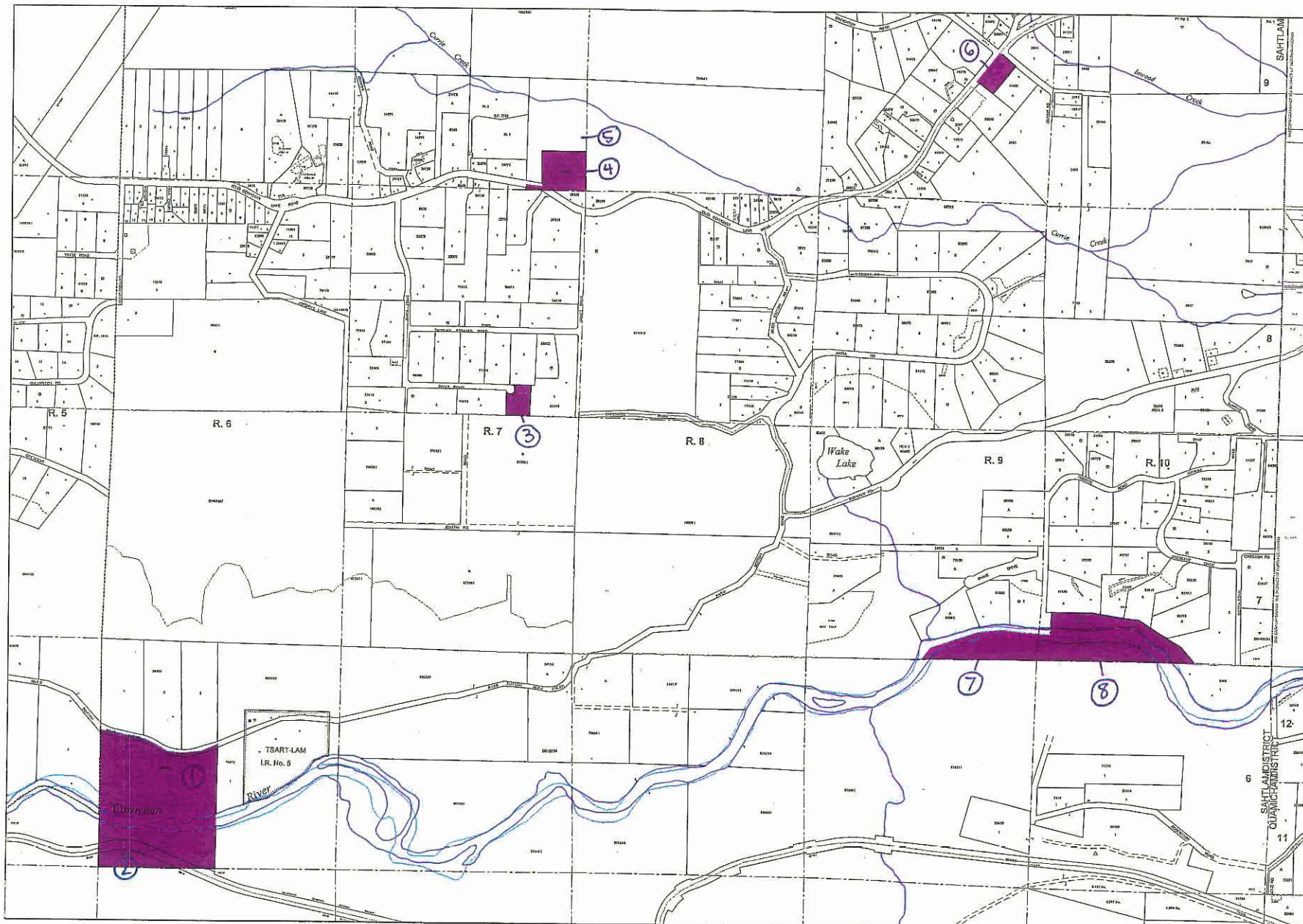
# SCHEDULE 1



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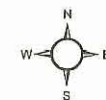
This map is compiled from various sources for internal use and is designed for reference purposes only.

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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.**

Printed: May 17, 2012



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# Cowichan Valley Regional District

This map is compiled from various sources for reference use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

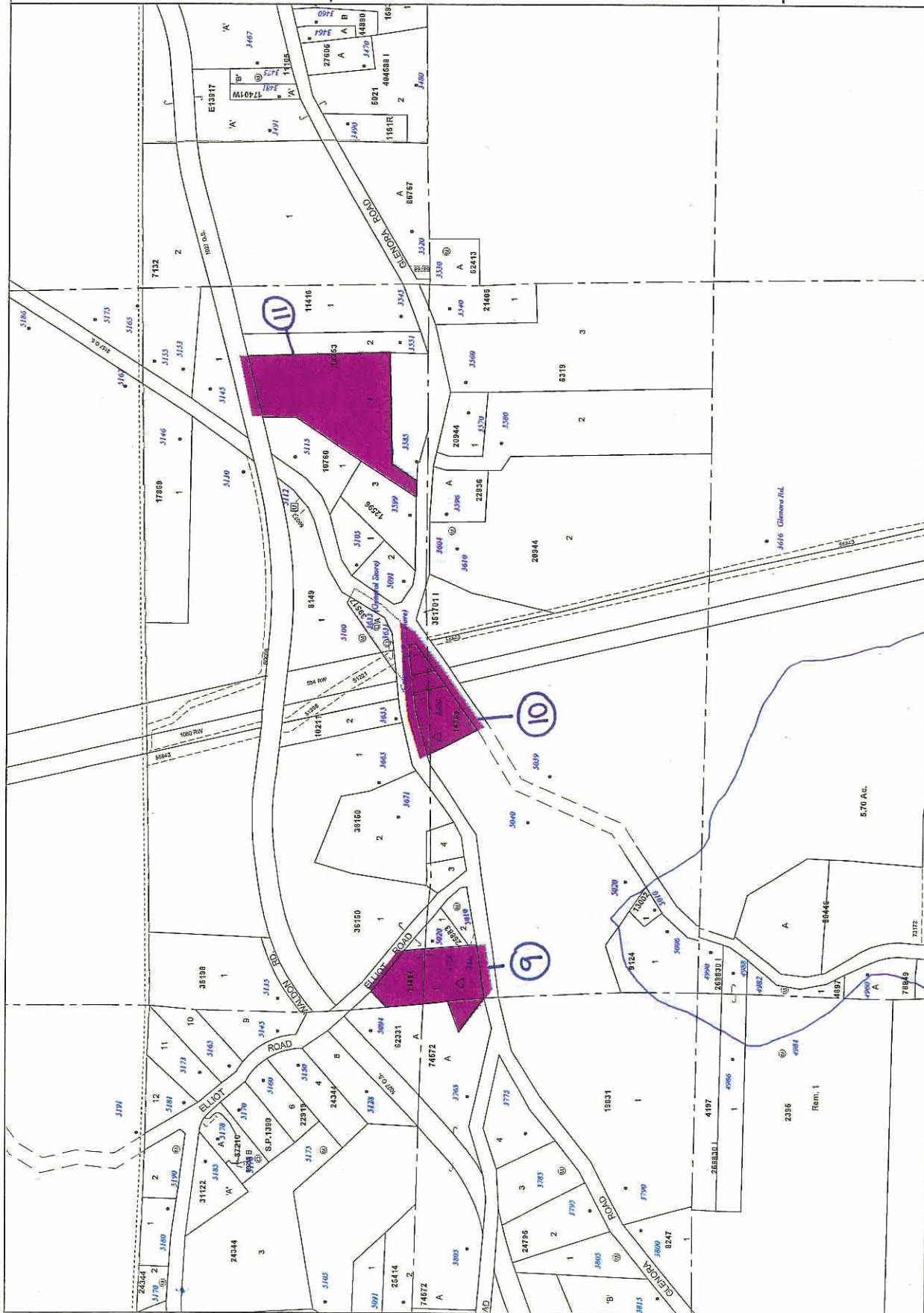
All because making use of this compilation are advised that amendments have been considered for convenience purposes only and that boundaries are approximate.

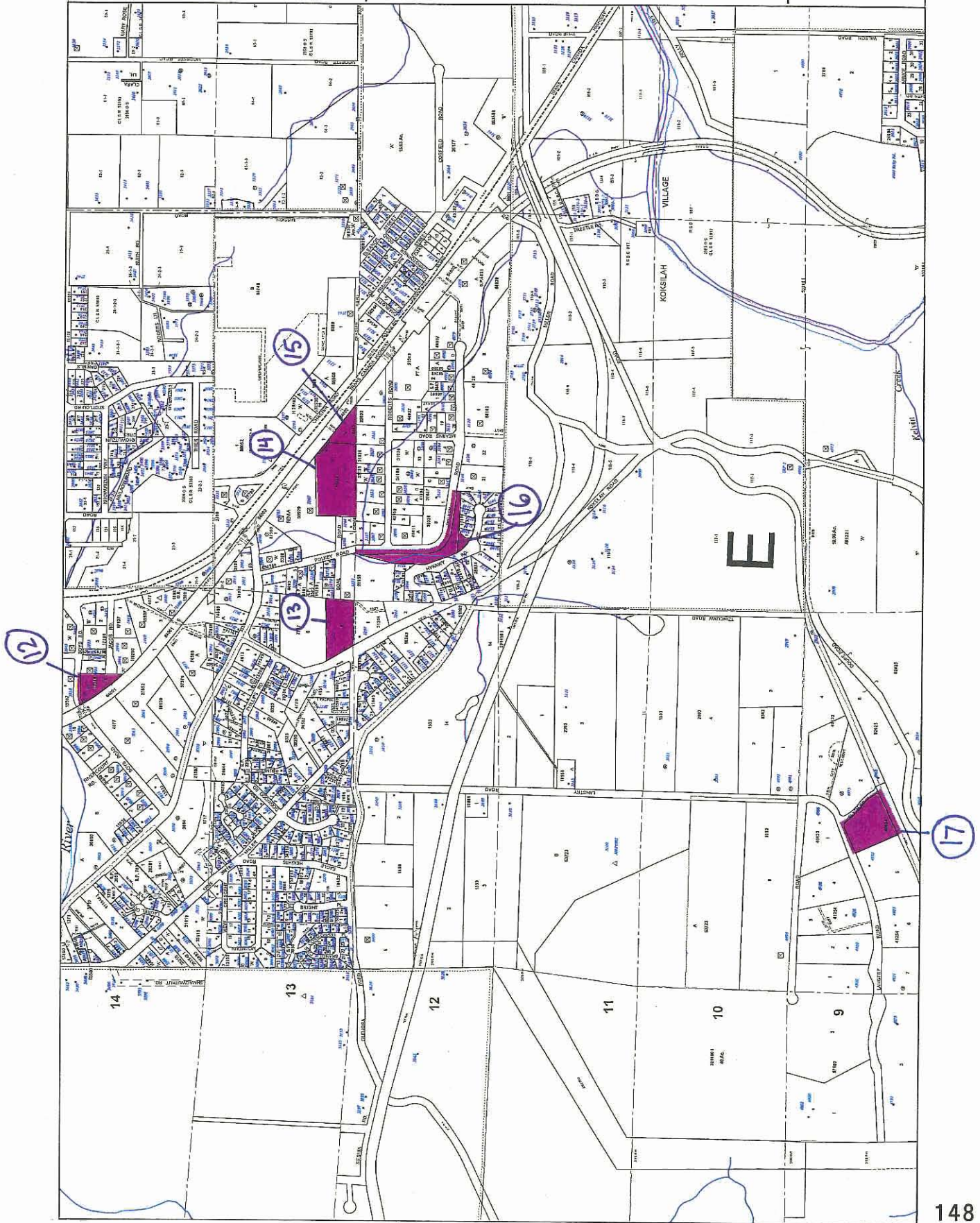
**This original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.**

Printed: May 17, 2012



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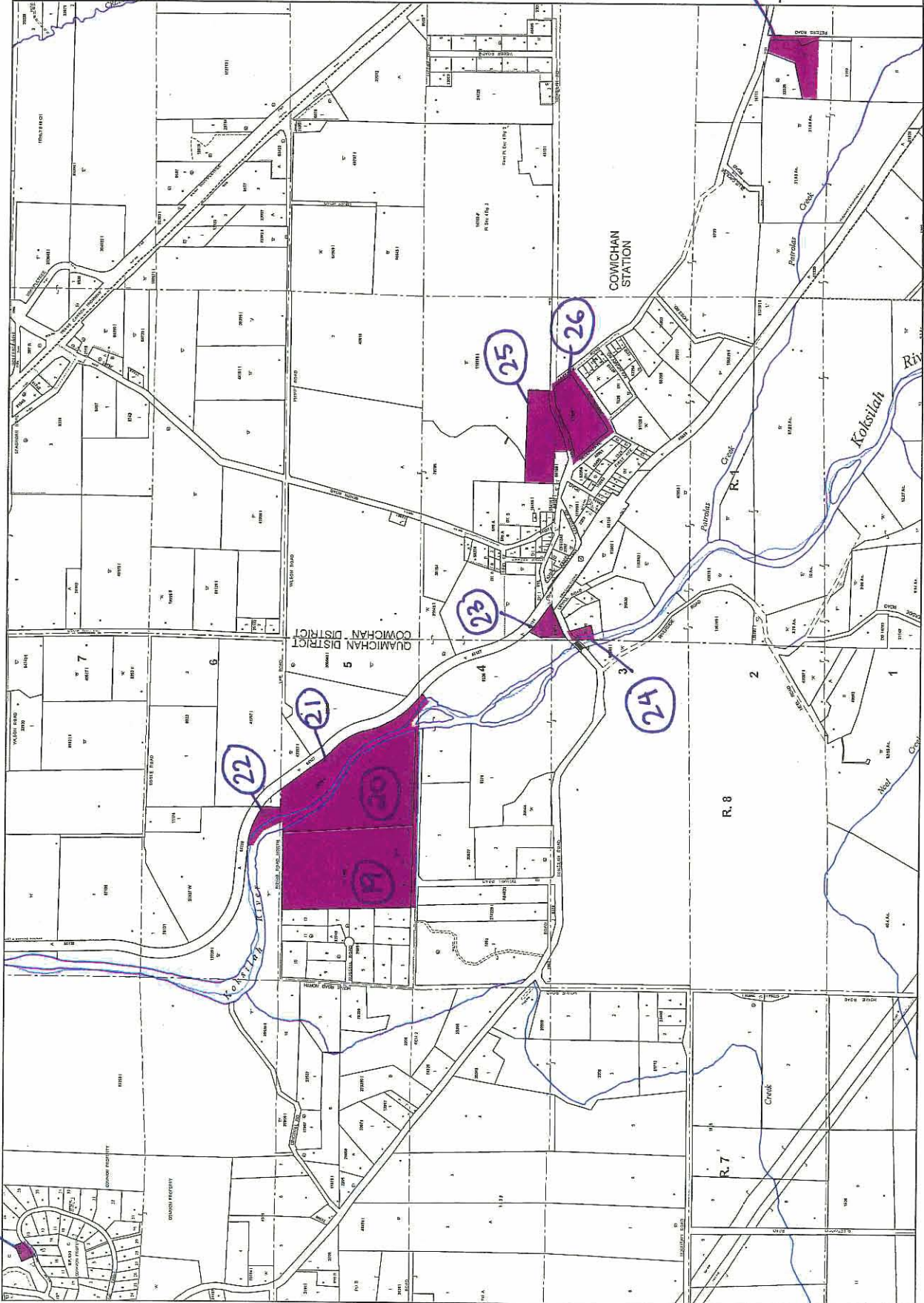
This map is compiled from various sources and is not intended to be used for legal purposes only.  
The Regional District does not warrant the accuracy.  
All persons making use of this compilation are advised that the boundaries shown are for convenience purposes only and that boundaries are representational.

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

Printed: May 17, 2012



Scale: 1:10,261





R10

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 5, 2012

DATE: May 29, 2012

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: The Paperless Movement

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#### **Recommendation/Action:**

Direction from the Committee is requested.

#### **Relation to the Corporate Strategic Plan:**

Under Service Excellence, the Strategic Action indicates that we will "Utilize technology to improve efficiency and enhance service."

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

While there will be a savings in operational costs, specific amounts are not known.

#### **Background:**

We may be some way away from becoming a paperless organization, however, there may be opportunities to inch our way to starting that process. The Planning and Development Department forwards approximately 1000 copies per year of all types of correspondence, referrals, etc. to Directors for information. In an effort to reduce the paper-flow, would the Committee be amenable to allowing all copies to be forwarded digitally from this point on?

Submitted by,

A handwritten signature in black ink, appearing to be "Tom R. Anderson", written over a horizontal line.

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca

INI



CVRD

**MINUTES OF ELECTORAL AREA I (YUBOU/MEADE CREEK)  
PARKS COMMISSION MEETING**

**DATE:** May 8, 2012

**TIME:** 7:00 pm

**MINUTES** of the Area I (Youbou/Meade Creek) Parks Commission meeting held on the above noted date and time at Youbou Lanes, Youbou BC. Called to order by Chairperson Marcia Stewart at 7:03 pm.

**PRESENT:**

Chairperson: Marcia Stewart  
Vice-Chairperson: Gerald Thom  
Members: Dave Charney, Dan Nickel

**ALSO PRESENT:**

Director: Pat Weaver  
Recording Secretary: Tara Daly

**REGRETS:**

Gillian Scott, Ken Wilde

**AGENDA:**

It was moved and seconded that the agenda be amended with the addition of a Closed Session item in accordance with the *Community Charter* Part 4, Division 3, Section 90 and that the agenda, as amended, be approved.

**MOTION CARRIED**

**MINUTES:**

It was moved and seconded that the minutes of April 10, 2012 be accepted as circulated.

**MOTION CARRIED**

**BUSINESS ARISING OUT OF THE MINUTES:**

- Safety Audit – CVRD staff will have a report for the June meeting
- M. Stewart will contact Vicki Marrs re: July 1<sup>st</sup> festivities at Arbutus Park

**CORRESPONDENCE:**

None

**AREA DIRECTOR REPORT ~ DIRECTOR P. WEAVER**

- Attended the fundraiser at the Youbou Church

- Reported that resident Ted Leischner is concerned with some noxious weeds in his area and is willing to help clear them out; G. Thom will contact
- Evelyn Hunter, a recently new resident, is interesting in becoming involved with the area
- Look for an update write-up in the Gazette next week from Director Weaver
- A program for dust control through Youbou will be announced on May 15<sup>th</sup>
- Two critical intersection streetlights will be installed on Deer Road
- Shades will be installed on two or three lights in the Cedar Road area to help with light shining directly into homes
- Still working on the intersection of Youbou Road and Meade Creek Road

Commission members comments:

- It was suggested that the CVRD Building Inspector should do a walkabout in the area of 9176 Meade Creek Road specifically checking for light installation on the beach and possible renovations/building without permits
- G. Thom thanked Director Weaver for the \$500 grant-in-aid for the Cowichan Lake & River Stewardship Society to help with informative signage

**COWICHAN LAKE RECREATION ~ LINDA BLATCHFORD, MANAGER**

- Spring Programs have had some good registrations so are running but there have been some cancellations due to low numbers
- The Spring Bazaar in Youbou scheduled for May 10<sup>th</sup> was cancelled because of low registration for tables
- The Youbou Regatta will be on August 11<sup>th</sup> and L. Blatchford is again asking for volunteers to help with set-up/clean-up and in the concession; G. Thom and wife, Caroline, D. Nickel (truck, if he still has it), D. Charney (if he is here), M. Stewart, and Director Weaver all expressed interest in helping out – Director Weaver noted that she has asked that the Cowichan Lake float be in the parade
- Lake Days dance is June 9<sup>th</sup>; \$15/person featuring a Video Dance Party
- Me 'n' You Nites Society has cancelled all the dates they had booked in the Youbou Hall; they are looking for more people to help with the organizing; Lois Gage is the contact person for anyone who is interested
- Ice in the arena will be removed May 14<sup>th</sup> with Dry Floor activities starting at that time; the Roller Derby Girls Team will move to the arena from the Youbou Hall while the ice is out

**CHAIRPERSON REPORT ~ M. STEWART**

None

**CVRD REPORT ~ RYAN LENDRUM**

- Nantree Park – float will be repaired by the end of May
- Little League Park – outfield fencing has been repaired
- Summer Crew will be working on the trails of Bald Mountain, Marble Bay Park, and Price Park

**~ RYAN DIAS**

- Maintenance Contractor has started the season; washrooms in the parks have been cleaned and are open (G. Thom noted the washrooms at Mile 77 Park have been very well cleaned)
- The Gas Tax funding grant money went to Bright Angel Park in Electoral Area E; Area I was not successful

- There is \$16 000 in the maintenance budget – hydro pole at Arbutus Park needs to be replaced (Director Weaver will investigate why the Parks Commission has to pay for the replacement) and the irrigation at Little League Park needs work

**OLD BUSINESS:**

1. R. Dias needs to finalize details of the Safety Audit with staff
2. The land swap in Price Park is close to completion; Area I Parks will be paying the costs of the survey and legal fees although members remembered the deal to be split 50/50 between the land owner and Area I Parks
3. CVRD Staff will be going forward with brushing out of the beaches in Price Park first sending Section 9 notification to the Ministry of Environment

**NEW BUSINESS:**

1. M. Stewart will write a letter to BPOE (Elks) asking for a donation towards improvements at Arbutus Park; she will gather information focusing on children
2. Park walkabout on May 22, meeting at 9am at Arbutus Park for any members who are interested

**8:03 PM**

**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.**

**MOTION CARRIED**

**It was moved and seconded that the Commission rise without report.**

**MOTION CARRIED**

**ADJOURNMENT:**

The meeting was adjourned at 8:05 pm



IN2

**CVRD AREA F PARKS ADVISORY COMMITTEE  
MAY 2012 MINUTES**

**Called to Order** at 1900 hours. David Lowther in the Chair.

**Present:** Bill Bakkan, David Darling, David Lowther, Ian Morrison, Brian Peters, Thor Repstock, and Katherine Worsley.

**MSC:** to approve the Agenda.

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

**REPORTS:**

**Central Park:** Concerns regarding dead cottonwood tree on the south side of park. It is a hazard to residents and the home within proximity.

**MSC:** Refer to staff to investigate the dead cottonwood tree for appropriate action.

**CENTRAL BEACH:** The beach where gravel was placed last year looks good however still requires at least another 10 yards of gravel to resurface the beach.

**MSC:** to accept Report.

**MSC:** complete beach resurfacing when lake water levels drops to near summer time levels and to be included in CVRD work plan.

**UNFINISHED BUSINESS:**

**Wild Flower Reserve:**

**MSC:** To pursue M.O.T manager to improve safe parking for Wild Flower Reserve on South Shore Road.

**NEW BUSINESS:**

**Mayo Lake Park:** condition of sign. It has also been noticed that weed whacking of blackberry bushes and weeds has been done in Mayo Lake Park. It is unknown as to who put this to task.

**MSC:** direct staff to contact Cowichan Valley Fish & Game to address the condition of sign, as well include that Area Director ask staff re-progress OCTOBER 2011.

**Meetings:** are the 1<sup>st</sup> Thursday of the month, it has been suggested that meetings are alternated every quarter to allow for shared meeting in other facilities of Area as well to allow for other tax payers opportunity to join meetings. Suggestion is that the next meeting be held at the Cowichan Lake Recreation Sports Arena meeting room.

**ADJOURNMENT:**

**MSC:** to adjourn at 19:40

IN 3

**Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Comm Meeting, held on May 17, 2012, at the Glenora Community Hall**

---

**Present:** Frank McCorkell, Chair, Ron Smith, Paul Slade, Irene Evans, Larry Whetstone, Howard Heyd, Director Loren Duncan, Patty John, Tanya Soroka, CVRD Parks and Trails Planner, and Pat Munroe

**Call to Order:** The meeting was called to order at 7:05 p.m.

**Minutes:**

The Commission reviewed the April 26<sup>th</sup>, 2012 minutes. The Chairman asked for the Commission members' feelings or willingness to establishment of a special reserve fund for the construction of the bridge across the Cowichan River. This project has been discussed for a number of years and was raised by Commission member Mike Lees at the last meeting. After the general discussion the following resolution was recommended

That the CVRD create a special reserve fund for the construction of a bridge across the Cowichan River linking the Glenora and Sahtlam areas.

The Commission also requested that staff provide a break down of donations that have been received from the public in 2011 and so far in 2012 and the location of the allocation within the Area E Parks and Recreation budget.

**Business Arising:**

**1. Picnic Tables:** There are 2 tables finished as of this week and another 2 will be constructed and ready for shipment in mid June. The next order of 4 will not be started until approximately September.

**2. Web Site:** Tanya Soroka mentioned she oversees the web site featuring the many parks and trails and indicated that new maps and updates were being done. There is a specific uniformed format that is being followed but she indicated that additional park information could be added such as a park brochure as a PDF download. The Commission requested that a small sticker be added to the Trails Head Park kiosk sign as it still indicates that the Kinsol Trestle is closed. This would be better than replacing the entire sign at this point in time.

**3. Property Subdivision:** The Commission requested staff undertake the necessary work as outlined in the February 16<sup>th</sup>, 2012 In-Camera meeting minutes—point 4.

**New Business**

**1. Summer Students:** The students have not started working on the parks within Area E.

**2. Miller Road BC Transit Request:** The Commission requested more information on the proposal by BC Transit before making any recommendation. It was pointed out that it was the only rest stop for the travelling public between Nanoose Bay and Victoria on that side of the Island Highway. They also wanted to know if it was going to be simply a pick up/drop off location for the local Cowichan Valley transit service or was it going to become a park and ride for the commuter service to Victoria. The Commission also asked staff to look into the ownership of the rest stop property so a recommendation can be made at the next Commission meeting.

At this point the meeting moved into closed session.

Minutes of the Area E Parks and Recreation Commission Meeting of May 17, 2012 continued

**3. Community Appreciation Cookout:** The Commission will be holding an afternoon barbeque at the Trails Head Park on September 16<sup>th</sup>, 2012.

**Next Meeting:** The next meeting will be at the call of the Chair.

**Adjournment:** The meeting adjourned at 9:50 p.m.

IN 4

Minutes of the Cobble Hill Parks & Recreation Meeting held at 7 p.m. on May 22, 2012 in the Youth Hall on Watson Avenue.

Those present: Annie Ingraham, Dennis Cage, Alan Seal, Al Garside, Gord Dickenson, Jennifer Symons, Lynn Wilson, Ruth Koehn and Chair John Krug. Bill Turner joined the meeting at 8:25 p.m. Also present Director Gerry Giles along with guests Ansel Koehn and Ender McDuff.

The meeting was called to order by Chair John Krug at 7:10 p.m.

Moved/second

that the agenda be adopted as presented.

MOTION CARRIED

Moved/second

that the minutes of April 26<sup>th</sup> 2012 be adopted as distributed.

MOTION CARRIED

Old Business:

1. A discussion was held on the bike park. Ansel and Ender are users of this space and they brought up several points regarding the bike park along with the modifications they would like to see made there. In their view the park is neither well used nor well set up at this time. They will help to design a park that would meet the needs of most riders and still present an interesting space for young people. It was agreed a meeting would be arranged with Dan Brown, Matthuw Ronald Jones, John Krug and park users. The young men left the meeting at this 7:55 p.m.
2. SIMBS status was updated. It is hoped the agreement is ready to go to their AGM in June.
3. Jennifer agreed to check the light at Gallier Park to see if it is on a timer and pointing downward.
4. It was reported that the ALC has not made a decision made on the Galliers Road property.
5. Several items arose during the discussion on the Cobble Hill Common.
  - An update was provided on the sign kiosk design and cost. Ruth Koehn left the meeting. After considerable discussion it was.

Moved/Second

that the timber frame design and quote from Timberguides Design & Build in the amount of \$4,350.00 plus taxes and without base be accepted.

MOTION CARRIED

- An update was provided on the Age Friendly Grant and the study being done. Study members are: John Krug, Rosemary Allen, Judith Blakeston, Roger Painter, Linden Collette and Lois Turner. Ruth Koehn returned to the meeting.
  - Seeding the Holland Avenue berm was discussed at length. To have 3" of material blown on with fertilizer and seed is \$3,540 plus taxes. We will need to ensure water is available. A group of parks members will meet on site tomorrow, May 23<sup>rd</sup> at 5:30 p.m. to review whether to plant grass or ground cover on the berm.
6. The cedar from South Cowichan Rotary was viewed and it is suitable for rails/posts. Do we have a use for it is the question.

7. There was no report from Bill on the entrances to the Train Station and Quarry Nature Park.

New Business:

8. Signage at the Cobble Hill Common was discussed. There seemingly is a conflict between the please keep off the newly planted grass sign and the CVRD's park sign rules which would indicate the park is open for business.
9. An update was provided on the mural at the Telus building. We can pursue the mural idea or another possibility is to mount the Evergreen sign on the side of the building. John will follow up with John Hodgins.
10. Dog park users have requested the installation of a less dusty base for the dog park. The dust created by dogs playing is quite heavy and uncomfortable for both four and two legged users. John visited the park and conducted a spot survey of some of those in the dog park who indicated the following:
  - Don't use pea gravel as it is hard to clean and bacteria grows in it
  - Pea gravel would not be mobility friendly... those with cane or wheel chair would have trouble navigating
  - Familiar with different bases but this one is as good as you are going to get but you could add a couple of more inches to the interior and that will keep the dust down
  - Water was turned on far too late in the year.

Jennifer indicated the complaints vary with each user group and if a solution can be found to this problem it would be appreciated.

Dennis suggested that 3/8 minus stone base be used for the middle of the dog park. This product is available from GT Excavating.

Moved/Second

that staff arrange for the installation of an isolation valve to separate the dog park water from the irrigation for the train station park.

MOTION CARRIED

11. Each member is to get their volunteer hours to John Krug for recording.

The Director provided a brief report.

The meeting adjourned at 9:11 p.m.

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John Krug, Chair



# MEMORANDUM

**DATE:** May 17, 2012


**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 APRIL 2012

There were 40 Building Permits and 1 Demolition Permit(s) issued during the month of April, 2012 with a total value of \$ 5,101,402.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	17,000			693,000	108,440		9	22	818,440	5,161,860
"B"				1,226,772	171,060		12	28	1,397,832	2,956,301
"C"				169,930	26,000		4	12	195,930	728,115
"D"					35,420		2	12	35,420	796,610
"E"					85,120		2	16	85,120	1,037,695
"F"				823,060	102,200		5	6	925,260	1,000,260
"G"				982,620			3	8	982,620	1,764,380
"H"				244,330	1,000		3	7	245,330	658,960
"I"					415,450		1	8	415,450	1,551,230
Total	\$ 17,000	\$ -	\$ -	\$ 4,139,712	\$ 944,690	\$ -	41	119	\$ 5,101,402	\$ 15,655,411

  
B. Duncan, RBO  
Manager, Inspections and Enforcement Division  
Planning and Development Department

BD/db

**NOTE:** For a comparison of New Housing Starts from 2009 to 2012, see page 2  
For a comparison of Total Number of Building Permits from 2009 to 2012, see page 3

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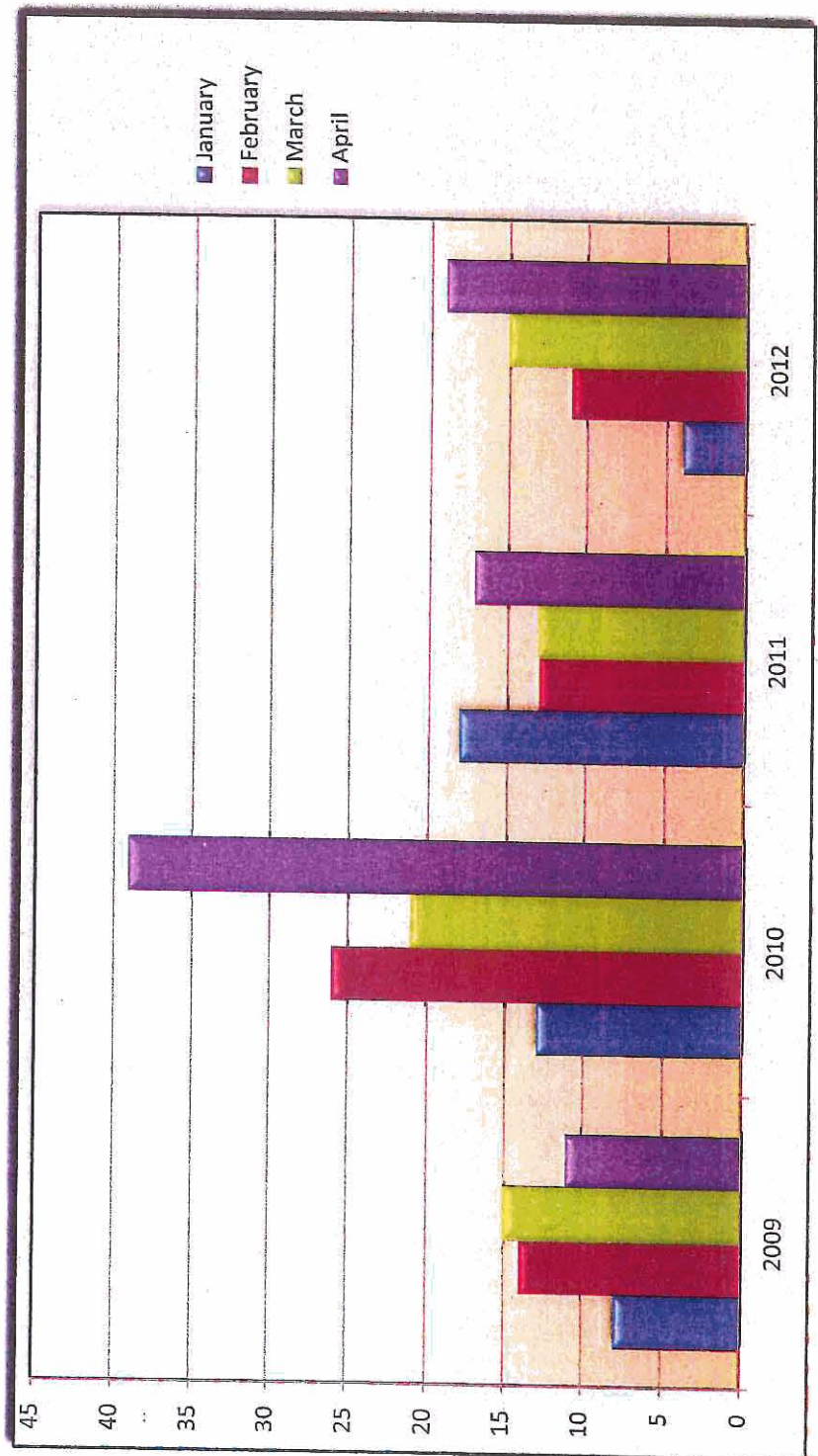




CVRD

Total of New Housing Starts

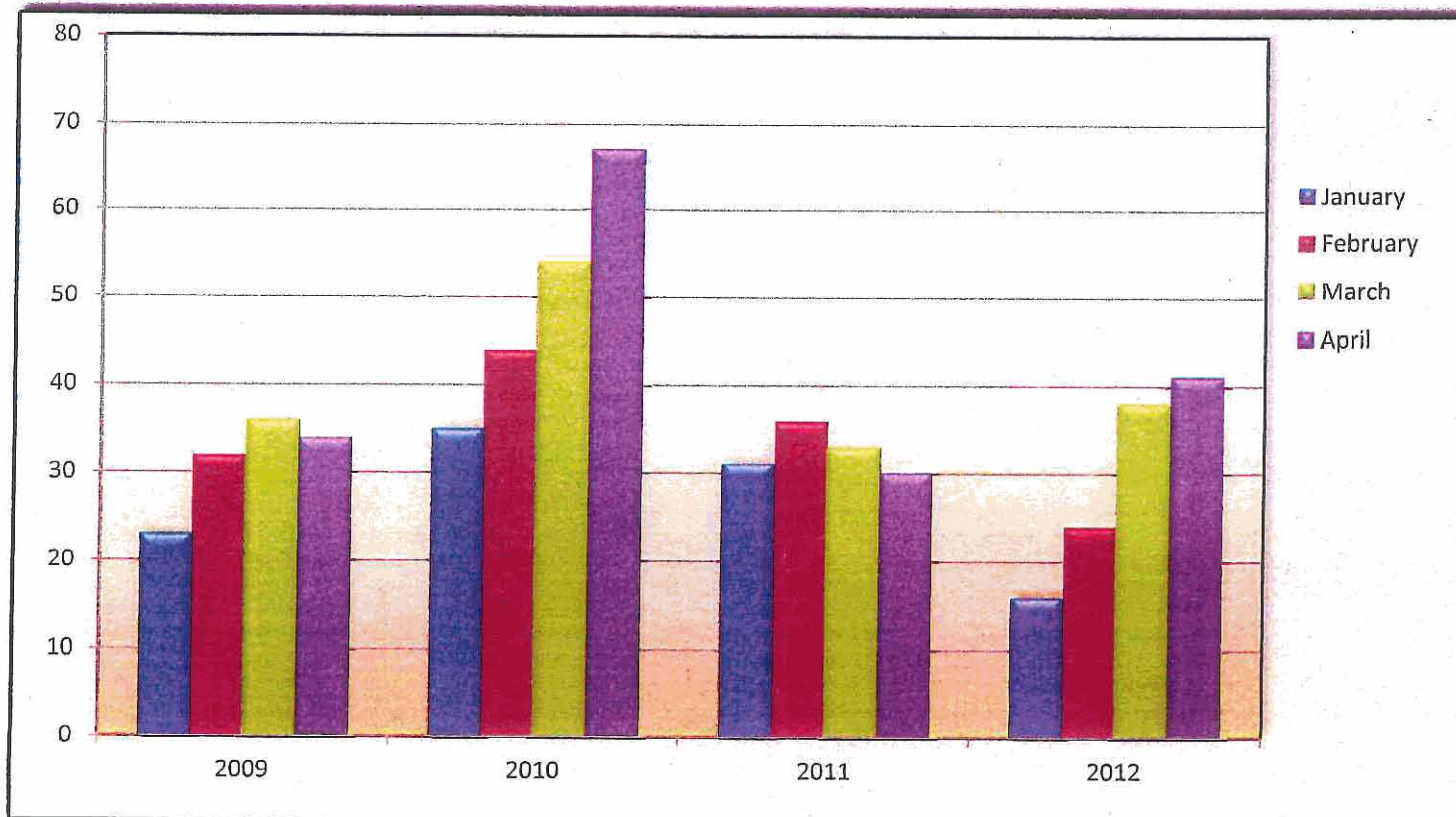
	2009	2010	2011	2012
January	8	13	18	4
February	14	26	13	11
March	15	21	13	15
April	11	39	17	19
<b>YTD Totals</b>	<b>48</b>	<b>99</b>	<b>61</b>	<b>49</b>



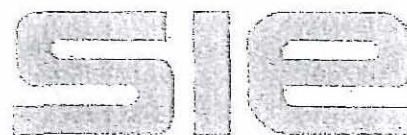


### Total Building Permits Issued

	2009	2010	2011	2012
January	23	35	31	16
February	32	44	36	24
March	36	54	33	38
April	34	67	30	41
YTD Totals	125	200	130	119



ING



South Islands Environmental  
2684 Courtney Way  
Shawnigan Lake, BC V0R 2W2  
250.812.6614 sienvironmental@shaw.ca

26 March 2012  
File No.: VI12-05

Don Mann Excavating Ltd.  
4098 Lockside Drive  
Victoria, BC  
V8X 2C8

Attention: Monty Fitz

RE: Environmental Services - Chemical Characterization of Soil  
Horse Creek Property, Shawnigan Lake Road, Shawnigan Lake, BC

#### INTRODUCTION

Don Mann Excavating Ltd. (Don Mann) retained South Island Environmental (SIE) to conduct a Soil Quality Assessment (SQA) of soil located at the above-referenced site. Levelton understands that the SQA is required by the CVRD as part of a Development Permit application.

The SQA was undertaken to determine chemical concentrations of soil samples collected from two fill stockpiles located near the on-site creek. The chemical characterization included the collection and analysis of six (6) soil samples from the two stockpiles located at the Horse Creek property. The field work was completed on 8 March 2012. It is SIE's understanding that the fill material originated from a road widening project in View Royal and that the material is mostly comprised of native brown silty clay. Soil chemistry was compared to applicable Ministry of Environment (MOE) Contaminated Sites Regulation (CSR) standards.

#### SCOPE OF WORK

The scope of work was as follows:

- Collection and analysis of six (6) soil samples from the stockpiled soil for screening of potential contaminants; these included extractable petroleum hydrocarbons (EPHs) and metals;
- Ensure quality control and quality assurance for sampling and analytical program;

- Submission of soil samples to an MOE-approved laboratory for chemical analysis; and
- Preparation of a letter report that summarizes the results and findings.

#### **QUALITY CONTROL/QUALITY ASSURANCE**

**Quality Control/Quality Assurance:** In order to provide confidence in the data obtained, a Quality Control/Quality Assurance (QA/QC) component was included in the sampling program. The field QA/QC component is summarized below. The laboratory had its own internal QA/QC program, which is briefly summarized below.

**Field QA/QC:** New nitrile gloves were used for each sample collected. All sample containers were provided by the laboratory (clean and sterile), and were appropriate for the parameters analysed. All sample containers were labelled with their respective sampling location, date and project number. Samples were kept cool by storing and transporting them in a cooler with ice.

**Laboratory QA/QC:** Routine QA/QC by the project laboratory was undertaken and includes the following for every 10 samples: analytical method blank, laboratory duplicate, spike blank and matrix blank.

#### **REGULATORY FRAMEWORK**

The Potential Contaminants of Concern (PCOCs) at the site were compared to current standards contained in the CSR, B.C. Reg. 375/96, including amendments up to B.C. Reg. 343/2008, January 1, 2009. Based on the CSR regulation, the following represent the standards that have been used in the evaluation of analytical data presented in this report:

CSR Urban Park Land Use (PL) soil standards;

- Site specific factors include: Intake of contaminated soil; Toxicity to soil invertebrates and plants; Groundwater flow to surface water used by freshwater and marine aquatic life.

#### **METHODOLOGY**

On 8 March 2012, SIE conducted soil sampling to characterize samples collected from two stockpiles of fill on the property. A total of three (3) test pits (TP1, TP2, TP3) were completed along the leading edge of the stockpiles (i.e. creek side). The maximum depth of the test pits was 4.6m below top of ground. The soil samples collected (TP1Sa1, TP1Sa2, TP2Sa1, TP2Sa2, TP3Sa1, TP3Sa2) exhibited no hydrocarbon odours or staining and were generally comprised of a mix of brown sand, silt and clay with trace cobbles. The top 150mm was comprised of sand and gravel that served as a wearing surface and also to minimize sedimentation and surface run-off. It was also noted that the creek side slopes of the stockpiles were covered in vegetation.

Samples were retained in laboratory prepared glass jars, which were labelled and stored in an



insulated cooler, packed in ice. Chain-of-custody protocol was followed during transportation and handling of the samples. The chain-of-custody record included such information as: project name, shippers name, destination shipped to, sampling location point, field ID number, date and time collected, sample type and analysis requested. The samples were subsequently transported to CARO Analytical Services (CARO) of Richmond, BC for chemical analysis. Copies of the chain-of-custody record are attached.

### ANALYTICAL RESULTS

Soil samples TP1Sa1, TP1Sa2, TP2Sa1, TP2Sa2, TP3Sa1 and TP3Sa2 were forwarded to CARO for EPHs and metals analysis. The results of the chemical analyses are summarized in Table 1. A copy of the analytical chemistry report is attached for reference.

TABLE 1: SOIL CHEMISTRY - EPHs and Metals Results (ppm)							
Parameter	Sample ID						CSR PL
	TP1Sa1	TP1Sa2	TP2Sa1	TP2Sa2	TP3Sa1	TP3Sa2	
EPHs(C <sub>10</sub> -C <sub>19</sub> )	<250	<250	<250	<250	<250	<250	1000*
EPHs(C <sub>19</sub> -C <sub>31</sub> )	<250	<250	<250	<250	<250	<250	1000*
pH	7.6	7.8	7.6	7.1	7.6	7.5	n.s.
Antimony	0.3	0.3	0.3	0.3	0.3	0.2	20
Arsenic	4.7	5.7	6.8	5.2	5.7	3.9	15
Barium	81.2	110	89.8	95.7	84.7	95.2	400
Beryllium	0.2	0.2	0.2	0.2	0.2	0.2	4
Boron	3.6	4.3	4.8	4.0	5.2	3.5	n.s.
Cadmium	0.11	0.05	0.10	0.11	0.09	0.11	2.5
Chromium	31.1	32.1	35.0	32.1	39.0	27.9	60
Cobalt	12.5	10.8	11.6	11.5	13.2	10.8	50
Copper	51.4	30.0	38.8	34.2	41.9	29.4	150
Lead	38.8	9.1	8.1	29.2	7.1	11.1	500
Manganese	550	1040	474	462	483	345	1800
Mercury	0.12	0.06	0.07	0.06	0.05	<0.05	15
Molybdenum	0.5	0.6	0.3	0.5	0.4	0.4	10
Nickel	26.0	35.3	30.3	26.7	33.1	21.4	100
Selenium	0.9	1.1	1.2	1.1	1.0	1.1	3
Silver	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	20
Thallium	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	n.s.
Tin	0.9	0.8	0.6	0.6	0.5	0.6	50
Uranium	0.3	0.3	0.4	0.4	0.4	0.4	n.s.
Vanadium	63.5	57.2	62.3	57.3	62.9	53.2	200
Zinc	55.3	41.8	48.9	48.4	49.2	43.1	450

**Notes:**

- all concentrations in milligrams per dry kilogram (ppm - parts per million)
- < - indicates less than the laboratory detection limit
- EPHs - extractable petroleum hydrocarbons
- \* - compared to CSR LEPH and HEPH standards
- CSR PL - Contaminated Sites Regulation Urban Park Land use standards

The results of the analysis indicated that all constituents were below the laboratory detection limits or well below the applicable CSR standards. Based on the findings of the chemical characterization of soil from the two stockpiles at the Horse Creek property, it is SIE's opinion that the fill material poses a low environmental risk to the environment.

#### CLOSURE

The findings of this investigation are based on the interpretation of data obtained at site-specific locations and analytical tests pertaining specifically to oil/petroleum derivatives and metals. Evaluation and conclusions do not preclude the existence of chemical substances other than those identified herein. Hence, this report should be used for information purposes only and should not be regarded as a certification of the actual chemical character of the site as a whole.

This report has been prepared by South Island Environmental (SIE) exclusively for Don Mann Excavating Ltd., and is intended to provide an assessment of the potential for the presence of contamination in the soil samples collected. The conclusions made in this report reflect SIE's best judgment in light of the information available at the time of preparation. No other warranty, expressed or implied, is made. Any use which a third party makes of this report, or any reliance on or decisions to be made or actions based on it, are the responsibility of such third parties. SIE accepts no responsibility for damages, if any, suffered by a third party as a result of decisions made or actions based on this report. The standard limitations of this report are attached.

Respectfully submitted,

#### SOUTH ISLAND ENVIRONMENTAL

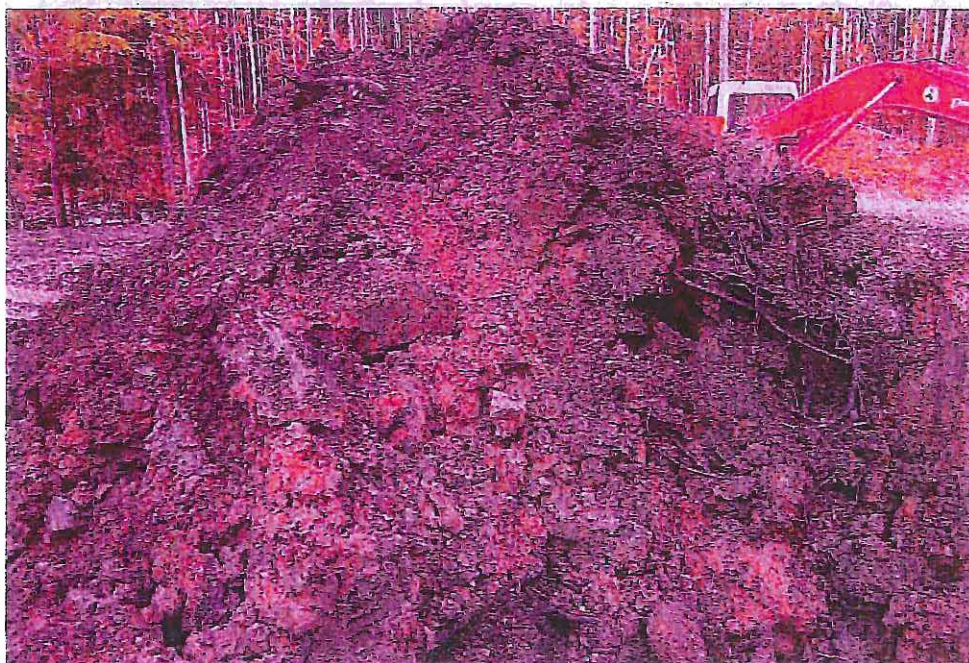
Per:   
Eric Gauvin, P.Eng.  
Senior Environmental Engineer

Attachments: Report Photos  
Chain-of-custody record  
Analytical Chemistry Report  
Standard Limitations





Photograph 1: Photo showing the area of test pit TP1. Photo taken from the southeast looking toward the northwest.



Photograph 2: Photo showing excavated fill from test pit TP1. Photo taken from the northeast looking toward the southwest.



PROJECT:

CHEMICAL CHARACTERIZATION OF SOIL  
HORSE CREEK, SHAWNIGAN LAKE ROAD, SHAWNIGAN LAKE, BC

TITLE:

SITE PHOTOGRAPHS

CLIENT:

DON MANN EXCAVATING LTD.

FILE NO.: VI12-05

DATE: MARCH 2012

COMPLETED BY: EG

PAGE NO.: 1/1



CLIENT NAME: S/E

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ PROV: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

CONTACT: Eric G. SAMPLER: EG

TEL: 250-812-6614 FAX: \_\_\_\_\_

REPORTING: SAME AS PREVIOUS (PROJECT) ☒ NEW/CHANGED ☐

MAIL COPY ( REPORT ☐ INVOICE ☐ ) Other ☐: \_\_\_\_\_EMAIL PDF ☐ INVOICE ☐ EDD ☐ \_\_\_\_\_

NAME/EMAIL: \_\_\_\_\_

NAME/EMAIL: \_\_\_\_\_

Turn-Around Time  
1 Day\* ☐ 2 Day\* ☐  
3 Day\* ☐ Routine (4-7 Days) ☒  
Other\* \_\_\_\_\_

**\*Contact Lab To Confirm  
Surcharge Will Apply**

[illegible]

APPLICABLE REGULATORY LIMITS

☐ CANADIAN DRINKING WATER QUALITY GUIDELINES  
☐ BC DRINKING WATER PROTECTION ACT/REG.  
☐ BCMOE CSR (RL CL IL)  
☐ CCME ☐ ALBERTA TIER I ☐ ALBERTA TIER II  
☐ OTHER: \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**

PAYMENT

☐ CHEQUE

☐ CREDIT

☐ DEBIT

☐ CASH

☐ INVOICE

SAMPLE RECEIPT TEMP: \_\_\_\_\_ °C  
Work Order # \_\_\_\_\_  
CUSTODY SEAL INTACT ☐ Y ☐ N ☐ NA



## CERTIFICATE OF ANALYSIS



<b>CLIENT</b>	South Island Environmental 2684 Courtney Way Shawnigan Lake BC V0R 2W2	TEL	(250) 812-6614
		FAX	N/A
<b>ATTENTION</b>	Eric Gauvin		
<b>RECEIVED / TEMP</b>	Mar-09-12 14:30 / 10.0 °C	<b>WORK ORDER</b>	CC20224
<b>REPORTED</b>	Mar-16-12	<b>PROJECT</b>	VI12-05
<b>COC #(s)</b>	37016	<b>PROJECT INFO</b>	Horse Creek

### General Comments:

CARO Analytical Services employs methods which are based on those found in "Standard Methods for the Examination of Water and Wastewater", 21st Edition, 2005, published by the American Public Health Association (APHA); US EPA protocols found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW846", 3rd Edition; protocols published by the British Columbia Ministry of Environment (BCMOE); and/or CCME Canada-wide Standard Reference methods.

Methods not described in these publications are conducted according to procedures accepted by appropriate regulatory agencies, and/or are done in accordance with recognized professional standards using accepted testing methodologies and quality control efforts except where otherwise agreed to by the client.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety. CARO is not responsible for any loss or damage resulting directly or indirectly from error or omission in the conduct of testing. Liability is limited to the cost of analysis. Samples will be disposed of 30 days after the test report has been issued unless otherwise agreed to in writing.

- All solids results are reported on a dry weight basis unless otherwise noted
- Units:
  - mg/kg = milligrams per kilogram, equivalent to parts per million (ppm)
  - mg/L = milligrams per litre, equivalent to parts per million (ppm)
  - ug/L = micrograms per litre, equivalent to parts per billion (ppb)
  - ug/g = micrograms per gram, equivalent to parts per million (ppm)
  - ug/m3 = micrograms per cubic meter of air
- "RDL" Reported detection limit
- "<" Less than reported detection limit
- "AO" Aesthetic objective
- "MAC" Maximum acceptable concentration (health-related guideline)
- "LAB" RMD = Richmond location, KEL = Kelowna location, EDM = Edmonton location, SUB = Subcontracted

Please contact CARO if more information is needed or to provide feedback on our services.

### CARO Analytical Services

Final Review Per:

Paul Thandi, B.Sc., PChem For Patrick Novak, B.Sc., PChem  
Vice President, Corporate Services

### Locations:

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17225 109 Avenue  
Edmonton, AB T5S 1H7  
Tel: 780-489-9100 Fax: 780-489-9700

[www.caro.ca](http://www.caro.ca)

# SAMPLE DATA



CLIENT  
PROJECT

South Island Environmental  
VI12-05

WORK ORDER #  
REPORTED

CC20224  
Mar-16-12

Analyte	Result	RDL	Units	Prepared	Analyzed	Notes
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## General Parameters

TP1Sa1 (CC20224-01) Matrix: Soil Sampled: Mar-08-12 10:00

Moisture	14.0	0.1	%	Mar-12-12	Mar-14-12	
pH	7.6	0.1	pH units	Mar-12-12	Mar-12-12	

TP1Sa2 (CC20224-02) Matrix: Soil Sampled: Mar-08-12 10:00

Moisture	18.1	0.1	%	Mar-12-12	Mar-14-12	
pH	7.8	0.1	pH units	Mar-12-12	Mar-12-12	

TP2Sa1 (CC20224-03) Matrix: Soil Sampled: Mar-08-12 10:00

Moisture	21.4	0.1	%	Mar-12-12	Mar-14-12	
pH	7.6	0.1	pH units	Mar-12-12	Mar-12-12	

TP2Sa2 (CC20224-04) Matrix: Soil Sampled: Mar-08-12 10:00

Moisture	18.1	0.1	%	Mar-12-12	Mar-14-12	
pH	7.1	0.1	pH units	Mar-12-12	Mar-12-12	

TP3Sa1 (CC20224-05) Matrix: Soil Sampled: Mar-08-12 10:00

Moisture	15.5	0.1	%	Mar-12-12	Mar-14-12	
pH	7.6	0.1	pH units	Mar-12-12	Mar-12-12	

TP3Sa2 (CC20224-06) Matrix: Soil Sampled: Mar-08-12 10:00

Moisture	11.8	0.1	%	Mar-12-12	Mar-14-12	
pH	7.5	0.1	pH units	Mar-12-12	Mar-12-12	

## Strong Acid Leachable Metals

TP1Sa1 (CC20224-01) Matrix: Soil Sampled: Mar-08-12 10:00

Antimony	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Arsenic	4.7	0.4	ug/g	Mar-12-12	Mar-13-12	
Barium	81.2	1.0	ug/g	Mar-12-12	Mar-13-12	
Beryllium	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Boron	3.6	2.0	ug/g	Mar-12-12	Mar-13-12	
Cadmium	0.11	0.04	ug/g	Mar-12-12	Mar-13-12	
Chromium	31.1	1.0	ug/g	Mar-12-12	Mar-13-12	
Cobalt	12.5	0.1	ug/g	Mar-12-12	Mar-13-12	
Copper	51.4	0.2	ug/g	Mar-12-12	Mar-13-12	
Lead	38.8	0.2	ug/g	Mar-12-12	Mar-13-12	
Manganese	550	0.4	ug/g	Mar-12-12	Mar-13-12	
Mercury	0.12	0.05	ug/g	Mar-12-12	Mar-13-12	
Molybdenum	0.5	0.1	ug/g	Mar-12-12	Mar-13-12	
Nickel	26.0	0.4	ug/g	Mar-12-12	Mar-13-12	
Selenium	0.9	0.5	ug/g	Mar-12-12	Mar-13-12	
Silver	< 0.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Thallium	< 0.1	0.1	ug/g	Mar-12-12	Mar-13-12	
Tin	0.9	0.2	ug/g	Mar-12-12	Mar-13-12	
Uranium	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Vanadium	63.5	0.4	ug/g	Mar-12-12	Mar-13-12	
Zinc	55.3	2.0	ug/g	Mar-12-12	Mar-13-12	

# SAMPLE DATA



CLIENT  
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South Island Environmental  
VI12-05

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REPORTED

CC20224  
Mar-16-12

Analyte	Result	RDL	Units	Prepared	Analyzed	Notes
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## Strong Acid Leachable Metals, Continued

TP1Sa2 (CC20224-02) Matrix: Soil Sampled: Mar-08-12 10:00

Antimony	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Arsenic	5.7	0.4	ug/g	Mar-12-12	Mar-13-12	
Barium	110	1.0	ug/g	Mar-12-12	Mar-13-12	
Beryllium	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Boron	4.3	2.0	ug/g	Mar-12-12	Mar-13-12	
Cadmium	0.05	0.04	ug/g	Mar-12-12	Mar-13-12	
Chromium	32.1	1.0	ug/g	Mar-12-12	Mar-13-12	
Cobalt	10.8	0.1	ug/g	Mar-12-12	Mar-13-12	
Copper	30.0	0.2	ug/g	Mar-12-12	Mar-13-12	
Lead	9.1	0.2	ug/g	Mar-12-12	Mar-13-12	
Manganese	1040	0.4	ug/g	Mar-12-12	Mar-13-12	
Mercury	0.06	0.05	ug/g	Mar-12-12	Mar-13-12	
Molybdenum	0.6	0.1	ug/g	Mar-12-12	Mar-13-12	
Nickel	35.3	0.4	ug/g	Mar-12-12	Mar-13-12	
Selenium	1.1	0.5	ug/g	Mar-12-12	Mar-13-12	
Silver	< 0.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Thallium	< 0.1	0.1	ug/g	Mar-12-12	Mar-13-12	
Tin	0.8	0.2	ug/g	Mar-12-12	Mar-13-12	
Uranium	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Vanadium	57.2	0.4	ug/g	Mar-12-12	Mar-13-12	
Zinc	41.8	2.0	ug/g	Mar-12-12	Mar-13-12	

TP2Sa1 (CC20224-03) Matrix: Soil Sampled: Mar-08-12 10:00

Antimony	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Arsenic	6.8	0.4	ug/g	Mar-12-12	Mar-13-12	
Barium	89.8	1.0	ug/g	Mar-12-12	Mar-13-12	
Beryllium	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Boron	4.8	2.0	ug/g	Mar-12-12	Mar-13-12	
Cadmium	0.10	0.04	ug/g	Mar-12-12	Mar-13-12	
Chromium	35.0	1.0	ug/g	Mar-12-12	Mar-13-12	
Cobalt	11.6	0.1	ug/g	Mar-12-12	Mar-13-12	
Copper	38.8	0.2	ug/g	Mar-12-12	Mar-13-12	
Lead	8.1	0.2	ug/g	Mar-12-12	Mar-13-12	
Manganese	474	0.4	ug/g	Mar-12-12	Mar-13-12	
Mercury	0.07	0.05	ug/g	Mar-12-12	Mar-13-12	
Molybdenum	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Nickel	30.3	0.4	ug/g	Mar-12-12	Mar-13-12	
Selenium	1.2	0.5	ug/g	Mar-12-12	Mar-13-12	
Silver	< 0.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Thallium	< 0.1	0.1	ug/g	Mar-12-12	Mar-13-12	
Tin	0.6	0.2	ug/g	Mar-12-12	Mar-13-12	
Uranium	0.4	0.1	ug/g	Mar-12-12	Mar-13-12	
Vanadium	62.3	0.4	ug/g	Mar-12-12	Mar-13-12	
Zinc	48.9	2.0	ug/g	Mar-12-12	Mar-13-12	

TP2Sa2 (CC20224-04) Matrix: Soil Sampled: Mar-08-12 10:00

Antimony	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
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# SAMPLE DATA



CLIENT  
PROJECT

South Island Environmental  
VI12-05

WORK ORDER #  
REPORTED

CC20224  
Mar-16-12

Analyte	Result	RDL	Units	Prepared	Analyzed	Notes
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## Strong Acid Leachable Metals, Continued

TP2Sa2 (CC20224-04) Matrix: Soil Sampled: Mar-08-12 10:00, Continued

Arsenic	5.2	0.4	ug/g	Mar-12-12	Mar-13-12	
Barium	95.7	1.0	ug/g	Mar-12-12	Mar-13-12	
Beryllium	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Boron	4.0	2.0	ug/g	Mar-12-12	Mar-13-12	
Cadmium	0.11	0.04	ug/g	Mar-12-12	Mar-13-12	
Chromium	32.1	1.0	ug/g	Mar-12-12	Mar-13-12	
Cobalt	11.5	0.1	ug/g	Mar-12-12	Mar-13-12	
Copper	34.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Lead	29.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Manganese	462	0.4	ug/g	Mar-12-12	Mar-13-12	
Mercury	0.06	0.05	ug/g	Mar-12-12	Mar-13-12	
Molybdenum	0.5	0.1	ug/g	Mar-12-12	Mar-13-12	
Nickel	26.7	0.4	ug/g	Mar-12-12	Mar-13-12	
Selenium	1.1	0.5	ug/g	Mar-12-12	Mar-13-12	
Silver	< 0.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Thallium	< 0.1	0.1	ug/g	Mar-12-12	Mar-13-12	
Tin	0.6	0.2	ug/g	Mar-12-12	Mar-13-12	
Uranium	0.4	0.1	ug/g	Mar-12-12	Mar-13-12	
Vanadium	57.3	0.4	ug/g	Mar-12-12	Mar-13-12	
Zinc	48.4	2.0	ug/g	Mar-12-12	Mar-13-12	

TP3Sa1 (CC20224-05) Matrix: Soil Sampled: Mar-08-12 10:00

Antimony	0.3	0.1	ug/g	Mar-12-12	Mar-13-12	
Arsenic	5.7	0.4	ug/g	Mar-12-12	Mar-13-12	
Barium	84.7	1.0	ug/g	Mar-12-12	Mar-13-12	
Beryllium	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Boron	5.2	2.0	ug/g	Mar-12-12	Mar-13-12	
Cadmium	0.09	0.04	ug/g	Mar-12-12	Mar-13-12	
Chromium	39.0	1.0	ug/g	Mar-12-12	Mar-13-12	
Cobalt	13.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Copper	41.9	0.2	ug/g	Mar-12-12	Mar-13-12	
Lead	7.1	0.2	ug/g	Mar-12-12	Mar-13-12	
Manganese	483	0.4	ug/g	Mar-12-12	Mar-13-12	
Mercury	0.05	0.05	ug/g	Mar-12-12	Mar-13-12	
Molybdenum	0.4	0.1	ug/g	Mar-12-12	Mar-13-12	
Nickel	33.1	0.4	ug/g	Mar-12-12	Mar-13-12	
Selenium	1.0	0.5	ug/g	Mar-12-12	Mar-13-12	
Silver	< 0.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Thallium	< 0.1	0.1	ug/g	Mar-12-12	Mar-13-12	
Tin	0.5	0.2	ug/g	Mar-12-12	Mar-13-12	
Uranium	0.4	0.1	ug/g	Mar-12-12	Mar-13-12	
Vanadium	62.9	0.4	ug/g	Mar-12-12	Mar-13-12	
Zinc	49.2	2.0	ug/g	Mar-12-12	Mar-13-12	

TP3Sa2 (CC20224-06) Matrix: Soil Sampled: Mar-08-12 10:00

Antimony	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Arsenic	3.9	0.4	ug/g	Mar-12-12	Mar-13-12	

# SAMPLE DATA



CLIENT South Island Environmental  
PROJECT VI12-05

WORK ORDER # CC20224  
REPORTED Mar-16-12

Analyte	Result	RDL	Units	Prepared	Analyzed	Notes
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## Strong Acid Leachable Metals, Continued

TP3Sa2 (CC20224-06) Matrix: Soil Sampled: Mar-08-12 10:00, Continued

Barium	95.2	1.0	ug/g	Mar-12-12	Mar-13-12	
Beryllium	0.2	0.1	ug/g	Mar-12-12	Mar-13-12	
Boron	3.5	2.0	ug/g	Mar-12-12	Mar-13-12	
Cadmium	0.11	0.04	ug/g	Mar-12-12	Mar-13-12	
Chromium	27.9	1.0	ug/g	Mar-12-12	Mar-13-12	
Cobalt	10.8	0.1	ug/g	Mar-12-12	Mar-13-12	
Copper	29.4	0.2	ug/g	Mar-12-12	Mar-13-12	
Lead	11.1	0.2	ug/g	Mar-12-12	Mar-13-12	
Manganese	345	0.4	ug/g	Mar-12-12	Mar-13-12	
Mercury	< 0.05	0.05	ug/g	Mar-12-12	Mar-13-12	
Molybdenum	0.4	0.1	ug/g	Mar-12-12	Mar-13-12	
Nickel	21.4	0.4	ug/g	Mar-12-12	Mar-13-12	
Selenium	1.1	0.5	ug/g	Mar-12-12	Mar-13-12	
Silver	< 0.2	0.2	ug/g	Mar-12-12	Mar-13-12	
Thallium	< 0.1	0.1	ug/g	Mar-12-12	Mar-13-12	
Tin	0.6	0.2	ug/g	Mar-12-12	Mar-13-12	
Uranium	0.4	0.1	ug/g	Mar-12-12	Mar-13-12	
Vanadium	53.2	0.4	ug/g	Mar-12-12	Mar-13-12	
Zinc	43.1	2.0	ug/g	Mar-12-12	Mar-13-12	

## Aggregate Organic Parameters

TP1Sa1 (CC20224-01) Matrix: Soil Sampled: Mar-08-12 10:00

EPHs (10-19)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	
EPHs (19-32)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	

TP1Sa2 (CC20224-02) Matrix: Soil Sampled: Mar-08-12 10:00

EPHs (10-19)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	
EPHs (19-32)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	

TP2Sa1 (CC20224-03) Matrix: Soil Sampled: Mar-08-12 10:00

EPHs (10-19)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	
EPHs (19-32)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	

TP2Sa2 (CC20224-04) Matrix: Soil Sampled: Mar-08-12 10:00

EPHs (10-19)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	
EPHs (19-32)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	

TP3Sa1 (CC20224-05) Matrix: Soil Sampled: Mar-08-12 10:00

EPHs (10-19)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	
EPHs (19-32)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	

TP3Sa2 (CC20224-06) Matrix: Soil Sampled: Mar-08-12 10:00

EPHs (10-19)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	
EPHs (19-32)	< 250	250	mg/kg dry	Mar-12-12	Mar-13-12	

**ANALYSIS / REPORT INFORMATION**

**CLIENT** South Island Environmental  
**PROJECT** VI12-05

**WORK ORDER #** CC20224  
**REPORTED** Mar-16-12

Analysis Description	Method Reference(s) (* = modified from)		LAB
	Preparation	Analysis	
EPH in Soil	EPA 3570 *	BCMOE	RMD
Dry Weight (moisture)	N/A	ASTM D2216	RMD
pH in Soil (1:2 Soil/Water)	N/A	APHA 4500-H+	RMD
Strong Acid Leachable Metals	SALM V.2 (BCMOE)	EPA 6020A	RMD



## QUALITY CONTROL DATA



CLIENT  
PROJECT

South Island Environmental  
VI12-05

WORK ORDER #  
REPORTED

CC20224  
Mar-16-12

The following section reports quality control (QC) data that is associated with your sample data. Groups of samples are prepared in "batches" and analyzed in conjunction with quality control samples that ensure your data is of the highest quality. Common QC types include:

- Method Blank (BLK): Laboratory reagent water is carried through sample preparation and analysis steps. Method Blanks indicate that results are free from contamination, i.e. not biased high from sources such as the sample container or the laboratory environment
- Duplicate (Dup): Preparation and analysis of a replicate aliquot of a sample. Duplicates provide a measure of the analytical method's precision, i.e. how reproducible a result is. Duplicates are only reported if they are associated with your sample data.
- Blank Spike (BS): A known amount of standard is carried through sample preparation and analysis steps. Blank Spikes, also known as laboratory control samples (LCS), are prepared from a different source of standard than used for the calibration. They ensure that the calibration is acceptable (i.e. not biased high or low) and also provide a measure of the analytical method's accuracy (i.e. closeness of the result to a target value).

▪ Standard Reference Material (SRM): A material of similar matrix to the samples, externally certified for the parameter(s) listed. Standard Materials ensure that the preparation steps in the method are adequate to achieve acceptable recoveries of the parameter(s) tested for.

Reference

Each QC type is analyzed at a 5-10% frequency, i.e. one blank/duplicate/spike for every 10 samples. For all types of QC, the specified recovery (% Rec) and relative percent difference (RPD) limits are derived from long-term method performance averages and/or prescribed by the reference method.

Analyte	Result	Reporting Limit Units	Spike Level	Source Result	% REC Limits	% RPD Limit	Notes
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### Aggregate Organic Parameters, Batch B2C0126

Blank (B2C0126-BLK1)		Prepared: Mar-12-12, Analyzed: Mar-13-12					
EPHs (10-19)	< 250	250 mg/kg wet					
EPHs (19-32)	< 250	250 mg/kg wet					
Duplicate (B2C0126-DUP1)		Source: CC20224-06		Prepared: Mar-12-12, Analyzed: Mar-13-12			
EPHs (10-19)	< 250	250 mg/kg dry		< 250		40	
EPHs (19-32)	< 250	250 mg/kg dry		< 250		40	
Reference (B2C0126-SRM2)		Prepared: Mar-12-12, Analyzed: Mar-13-12					
EPHs (10-19)	3490	250 mg/kg wet	3020	116	62-132		
EPHs (19-32)	5170	250 mg/kg wet	4330	119	65-133		

### General Parameters, Batch B2C0210

Duplicate (B2C0210-DUP2)		Source: CC20224-04		Prepared: Mar-12-12, Analyzed: Mar-12-12			
pH	6.9	0.1 pH units		7.1		2	5
Reference (B2C0210-SRM1)		Prepared: Mar-12-12, Analyzed: Mar-12-12					
pH	6.7	0.1 pH units	6.56	102	90-115		
Reference (B2C0210-SRM2)		Prepared: Mar-12-12, Analyzed: Mar-12-12					
pH	6.7	0.1 pH units	6.56	102	90-115		

### Strong Acid Leachable Metals, Batch B2C0200

Blank (B2C0200-BLK1)		Prepared: Mar-12-12, Analyzed: Mar-13-12					
Antimony	< 0.1	0.1 ug/g					
Arsenic	< 0.4	0.4 ug/g					
Barium	< 1.0	1.0 ug/g					
Beryllium	< 0.1	0.1 ug/g					
Boron	< 2.0	2.0 ug/g					
Cadmium	< 0.04	0.04 ug/g					
Chromium	< 1.0	1.0 ug/g					
Cobalt	< 0.1	0.1 ug/g					
Copper	< 0.2	0.2 ug/g					
Lead	< 0.2	0.2 ug/g					
Manganese	< 0.4	0.4 ug/g					
Mercury	< 0.05	0.05 ug/g					
Molybdenum	< 0.1	0.1 ug/g					
Nickel	< 0.4	0.4 ug/g					
Selenium	< 0.5	0.5 ug/g					
Silver	< 0.2	0.2 ug/g					
Thallium	< 0.1	0.1 ug/g					

# QUALITY CONTROL DATA



CLIENT  
PROJECT

South Island Environmental  
VI12-05

WORK ORDER #  
REPORTED

CC20224  
Mar-16-12

Analyte	Result	Reporting Limit Units	Spike Level	Source Result	% REC	% REC Limits	% RPD	% RPD Limit	Notes
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## Strong Acid Leachable Metals, Batch B2C0200, Continued

### Blank (B2C0200-BLK1), Continued

Prepared: Mar-12-12, Analyzed: Mar-13-12

Tin	< 0.2	0.2 ug/g
Uranium	< 0.1	0.1 ug/g
Vanadium	< 0.4	0.4 ug/g
Zinc	< 2.0	2.0 ug/g

### Blank (B2C0200-BLK2)

Prepared: Mar-12-12, Analyzed: Mar-13-12

Antimony	< 0.1	0.1 ug/g
Arsenic	< 0.4	0.4 ug/g
Barium	< 1.0	1.0 ug/g
Beryllium	< 0.1	0.1 ug/g
Boron	< 2.0	2.0 ug/g
Cadmium	< 0.04	0.04 ug/g
Chromium	< 1.0	1.0 ug/g
Cobalt	< 0.1	0.1 ug/g
Copper	< 0.2	0.2 ug/g
Lead	< 0.2	0.2 ug/g
Manganese	< 0.4	0.4 ug/g
Mercury	< 0.05	0.05 ug/g
Molybdenum	< 0.1	0.1 ug/g
Nickel	< 0.4	0.4 ug/g
Selenium	< 0.5	0.5 ug/g
Silver	< 0.2	0.2 ug/g
Thallium	< 0.1	0.1 ug/g
Tin	< 0.2	0.2 ug/g
Uranium	< 0.1	0.1 ug/g
Vanadium	< 0.4	0.4 ug/g
Zinc	2.0	2.0 ug/g

### Duplicate (B2C0200-DUP2)

Source: CC20224-02

Prepared: Mar-12-12, Analyzed: Mar-13-12

Antimony	0.3	0.1 ug/g	0.3		40
Arsenic	6.3	0.4 ug/g	5.7	9	30
Barium	118	1.0 ug/g	110	7	30
Beryllium	0.2	0.1 ug/g	0.2		40
Boron	4.2	2.0 ug/g	4.3		30
Cadmium	0.06	0.04 ug/g	0.05		30
Chromium	30.6	1.0 ug/g	32.1	5	30
Cobalt	13.1	0.1 ug/g	10.8	19	30
Copper	31.3	0.2 ug/g	30.0	4	30
Lead	8.7	0.2 ug/g	9.1	4	40
Manganese	1210	0.4 ug/g	1040	15	30
Mercury	0.06	0.05 ug/g	0.06		40
Molybdenum	0.5	0.1 ug/g	0.6	27	40
Nickel	36.9	0.4 ug/g	35.3	4	30
Selenium	1.0	0.5 ug/g	1.1		30
Silver	< 0.2	0.2 ug/g	< 0.2		40
Thallium	< 0.1	0.1 ug/g	< 0.1		30
Tin	0.7	0.2 ug/g	0.8		40
Uranium	0.3	0.1 ug/g	0.3		30
Vanadium	59.0	0.4 ug/g	57.2	3	30
Zinc	42.9	2.0 ug/g	41.8	2	30

### Reference (B2C0200-SRM1)

Prepared: Mar-12-12, Analyzed: Mar-13-12

Antimony	9.7	0.1 ug/g	7.30	133	62-158
Arsenic	25.6	0.4 ug/g	23.2	110	83-112
Barium	302	1.0 ug/g	294	103	61-128
Beryllium	0.3	0.1 ug/g	0.410	64	57-141
Boron	45.4	2.0 ug/g	38.0	120	57-139
Cadmium	2.34	0.04 ug/g	1.98	118	76-123
Chromium	42.3	1.0 ug/g	48.0	88	88-118
Cobalt	7.6	0.1 ug/g	8.75	87	87-113
Copper	263	0.2 ug/g	296	89	89-115
Lead	177	0.2 ug/g	166	106	85-115
Manganese	224	0.4 ug/g	253	89	88-114
Mercury	3.16	0.05 ug/g	2.88	110	65-144
Molybdenum	5.3	0.1 ug/g	4.57	115	83-126

# QUALITY CONTROL DATA



CLIENT  
PROJECT

South Island Environmental  
VI12-05

WORK ORDER #  
REPORTED

CC20224  
Mar-16-12

Analyte	Result	Reporting Limit Units	Spike Level	Source Result	% REC Limits	% RPD Limit	Notes
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## Strong Acid Leachable Metals, Batch B2C0200, Continued

Reference (B2C0200-SRM1), Continued

Prepared: Mar-12-12, Analyzed: Mar-13-12

Nickel	28.4	0.4 ug/g	31.6	90	90-112
Selenium	1.6	0.5 ug/g	1.02	156	64-157
Silver	1.11	0.2 ug/g	1.17	95	60-111
Thallium	0.4	0.1 ug/g	0.450	93	79-102
Tin	21.3	0.2 ug/g	19.1	111	74-123
Uranium	1.5	0.1 ug/g	1.64	89	75-105
Vanadium	62.7	0.4 ug/g	74.4	84	83-124
Zinc	288	2.0 ug/g	337	86	86-118

Reference (B2C0200-SRM2)

Prepared: Mar-12-12, Analyzed: Mar-13-12

Antimony	9.9	0.1 ug/g	7.30	136	62-158
Arsenic	25.7	0.4 ug/g	23.2	111	83-112
Barium	296	1.0 ug/g	294	101	61-128
Beryllium	0.3	0.1 ug/g	0.410	64	57-141
Boron	43.6	2.0 ug/g	38.0	115	57-139
Cadmium	2.49	0.04 ug/g	1.98	126	76-128
Chromium	42.7	1.0 ug/g	48.0	89	88-118
Cobalt	7.7	0.1 ug/g	8.75	88	87-113
Copper	271	0.2 ug/g	296	92	89-115
Lead	178	0.2 ug/g	166	107	85-115
Manganese	226	0.4 ug/g	253	89	88-114
Mercury	3.28	0.05 ug/g	2.88	114	65-144
Molybdenum	5.3	0.1 ug/g	4.57	116	83-126
Nickel	28.4	0.4 ug/g	31.6	90	90-112
Selenium	1.6	0.5 ug/g	1.02	153	64-157
Silver	1.21	0.2 ug/g	1.17	103	60-111
Thallium	0.4	0.1 ug/g	0.450	95	79-102
Tin	20.9	0.2 ug/g	19.1	110	74-123
Uranium	1.5	0.1 ug/g	1.64	91	75-105
Vanadium	64.3	0.4 ug/g	74.4	86	83-124
Zinc	292	2.0 ug/g	337	87	86-118

# INVOICE

## CARO Analytical Services



South Island Environmental  
2684 Courtney Way  
Shawnigan Lake, BC V0R 2W2

Invoice #: IC1200733  
Invoice Date: Mar-16-12

Attention: Eric Gauvin

Analysis / Description	Quantity	Unit Cost	% Sur / Disc	Extended Cost
<b>Work Order: CC20224</b> Project: VI12-05; Project Info: Horse Creek; Received: Mar-09-12				
EPH in Soil	6	\$50.00		\$360.00
SALM Metals + pH (CSR Sched. 4/5/7/10)	6	\$65.00		\$390.00
Subtotal:				\$750.00
HST @ 12%:				\$90.00
<b>TOTAL:</b>				<b>\$840.00</b>
Payment Due Date:				<b>Apr-16-12</b>

PLEASE RETURN ONE COPY OF INVOICE WITH PAYMENT TO:

HST/GST# R100821255

CARO Analytical Services

120 - 12791 Clarke Place, Richmond, BC V6V 2H9 ~ TEL: (604) 279-1499 ~ FAX: (604) 279-1599 ~ Email richmond@caro.ca

Alternatively, Payment may be made electronically (EFT):

Bank Account #: 1092-162 Bank #: 001 Transit #: 07210 SWIFT #: BOFMCAM2

Please email EFT remittance advice to payments@caro.ca

2% per month (26.82% per annum) charged on invoices over 30 Days



### STANDARD LIMITATIONS

1. The findings and conclusions documented in this report have been prepared for specific application to this project and have been developed in a manner consistent with that level of care normally exercised by environmental professionals currently practicing under similar conditions in the area.
2. The findings of this report are based solely on data collected on site during this remediation program and on the conditions of the site during the completion of the work. SIE has relied on good faith on information provided by individuals and sources noted in the report. No other warranty, expressed or implied, is made.
3. If new information is developed in future work that affects the conclusions of this report, SIE should be contacted to re-evaluate the conclusions of this report and provide amendments as required.
4. The service provided by SIE in completing this report is intended to assist the client in a business decision. The liability of the site is not transferred to SIE as a result of such services, and SIE does not make recommendation regarding the purchase, sale, or investment in the property.