



C·V·R·D

**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday,
November 17, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC**

3:00 pm

A G E N D A

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9. **NEW BUSINESS**

10. **PUBLIC/PRESS QUESTIONS**

11. **CLOSED SESSION**

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

12. **NEXT MEETING**

Tuesday, December 1, 2009

13. **ADJOURNMENT**

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

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

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

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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 3, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Dana Beatson, Planner
Warren Jones, Administrator
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included one Staff Report, one APC minutes, two items of Correspondence, and one Information item.

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

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the Minutes of the October 20, 2009, EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

Director Harrison reported that he would like to rescind the motion made at the October 20th meeting respecting Mill Bay Marina and bring forward a new motion. He stated that he met with the applicants who advised they have in fact complied with the majority of required conditions and need only a few months to complete the remainder.

It was Moved and Seconded
That the following EASC resolution passed October 20, 2009 be rescinded:
"That the request by Mill Bay Marina Residences Ltd. to extend the validity of CVRD Board Resolution No. 07-830 respecting Application No. 9-A-07DP, be denied and that Board Resolution 07-830 be rescinded."

MOTION CARRIED

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It was Moved and Seconded

That the request by Mill Bay Marina Residences Ltd. to extend the validity of CVRD Board Resolution No. 07-830 respecting Application No. 9-A-07DP, be approved, and that the applicants be given to December 31, 2009, to comply with the list of development permit conditions.

MOTION CARRIED

DELEGATIONS

D1 - Hobson

Alison Garnett, Planning Technician, presented Application No. 2-H-09ALR (Stephen Hobson) for approval to retain a second residence at 13801 Hill Road.

Mrs. Hobson, applicant, was present, and stated she had nothing further to add to the staff report.

It was Moved and Seconded

That Application No. 2-H-09ALR (Hobson) regarding a second dwelling on Lot A, District Lot 89, Oyster District, Plan 41057, be forwarded to the Agricultural Land Commission with a recommendation to approve. The ALC may wish to consider having the existing residence decommissioned when it is no longer required for farm or family use.

MOTION CARRIED

D2 - Tatachari

Balaji Tatachari, Chair, Friends of Saanich Inlet, was present regarding the Bamberton development. Mr. Tatachari cited various issues respecting concerns with the Bamberton proposal including complexity of the proposal, lack of process, and process issues. The group requested that a public meeting be held before any options are further considered by the EASC and Board, that the application be re-referred to APC for consideration, and that a public pre-hearing meeting be held.

The Chair thanked the group for their delegation.

D3 - Tennant

Director Harrison turned over the position of Chair to the Vice-Chair for the next delegation.

The Acting Chair advised that the delegation respecting Application No. 4-A-06RS (Bamberton) would be permitted extra time (20 minutes) due the size of the application.

Ross Tennant for Three Point Properties, was present regarding Application No. 4-A-06RS (Bamberton). Mr. Tennant provided a PowerPoint presentation which reviewed history, the Bamberton plan, deconstruction and remediation, water treatment, economic impact, and as well provided a summary. Mr. Tennant stated that they would like the Committee to accept the APC recommendations and move the proposal forward to the bylaw preparation stage.

000004

The Committee directed questions to the applicants.

Mike Tippet, Manager, Community and Regional Planning, and Rob Conway, Manager, reviewed their joint Staff Report respecting Application No. 4-A-06RS .

The Committee directed questions to Mr. Tippet and Mr. Conway.

It was Moved and Seconded

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

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

MOTION CARRIED

Director Harrison resumed the Chair at this point.

STAFF REPORTS

SR1 – Inwood Creek Bylaws

It was Moved and Seconded

That Amendment Bylaws for Application No. 2-E-08RS (Inwood Creek Estates) be forwarded to the Board for consideration of first and second reading ; that a public hearing be scheduled with Directors Duncan, Morrison and Iannidinardo appointed as delegates to the public hearing; and further, that the application referrals to the Ministry of Community Services, the Ministry of Transportation and Infrastructure, the Ministry of Forests, Sahtlam Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes and School District 79 be accepted.

MOTION CARRIED

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**SR2 – Medical Grow
Ops**

It was Moved and Seconded
That staff be directed to further investigate the issue respecting licensed medical grow-ops and provide a follow-up report to the EASC.

MOTION CARRIED

SR3 – Sign Bylaw

It was Moved and Seconded
That staff be directed to prepare draft amendment to CVRD Sign Bylaw No. 1095 and bring back to the EASC along with a follow-up staff report for review.

MOTION CARRIED

APC

AP1 to AP4 - Minutes

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

- Area B APC minutes of September 3, 2009
- Area F APC minutes of October 15, 2009
- Area A APC minutes of October 21, 2009
- Area A APC minutes of August 20, 2009

MOTION CARRIED

PARKS

PK1 to PK4 - Minutes

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

- Area A Parks minutes of October 15, 2009
- Area E Parks minutes of October 15, 2009
- Area I Parks minutes of October 13, 2009
- South End Parks Commission minutes of October 5, 2009

MOTION CARRIED

It was Moved and Seconded
That a report be prepared for the consideration of Electoral Area Directors A, B, C, And D which outlines the process to increase the requisition limit for “CVRD Bylaw No. 2232 – South End Parks Service (Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay), Establishment Bylaw, 2001”.

MOTION CARRIED

It was Moved and Seconded

That an amending bylaw be prepared for a naming change of "CVRD Bylaw No. 2473 – South End Parks Commission Establishment Bylaw, 2003" to rename the "South End Parks Commission" to the "South Cowichan Parks Commission", and that the amending bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

It was Moved and Seconded

That an amending bylaw be prepared for a naming change of "CVRD Bylaw No. 2232 – South End Parks Service (Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay, Establishment Bylaw, 2001" to rename the "South End Parks Service" to the "South Cowichan Parks Service", and that the amending bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

CORRESPONDENCE

C1 – Board of Variance

It was Moved and Seconded

That the resignation of Kashmir Dasanjh from the Board of Variance be accepted, and that the CVRD proceed with the appropriate process to fill the vacant Board of Variance position.

MOTION CARRIED

C2 – Grant-in-Aid

It was Moved and Seconded

That a Grant-in-Aid (Electoral Area I – Youbou/Meade Creek) in the amount of \$1800 be given to Me and You Nites Social Association, to assist with general costs and insurance for events.

MOTION CARRIED

C3 – Treaty Chapters

Director Duncan referenced the New Business item respecting Te'Mexw Treaty Association Tripartite Negotiations and reviewed the Chapters that were distributed to Committee members.

The Chapters were received as information.

NEW BUSINESS

**IN1 – Thetis Island
Minutes**

It was Moved and Seconded
That the minutes of the Thetis Island Port Commission meeting of October 9, 2009, be received and filed.

MOTION CARRIED

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 5:42 pm.

CSM1 – Minutes

It was Moved and Seconded
That the minutes of the Closed Session EASC meeting of October 20, 2009, be accepted.

MOTION CARRIED

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:43 pm.

Chair

Recording Secretary

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D1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 17, 2009

DATE: November 9, 2009 **FILE NO:** 1-G-09BE
FROM: Nino Morano, Bylaw Enforcement Officer **BYLAW NO:** 1341
SUBJECT: Unsightly Premises & Unsafe Building – Burnt Down House
10505 Maytree Road, Saltair

Recommendation:

Pursuant to the provisions of Section 73 of the Community Charter and the Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, IT IS HEREBY RESOLVED that the owners and occupiers of the respective premises set forth below are required to remedy the unsafe condition by demolishing the remains of the fire damaged house, and remove the accumulation thereon of the unsightly materials and rubbish specified or take such remedial measures as are specified:

Property Description: Lot 1, Section 3, Oyster District, Plan 14037,
PID 004 502 299

Location: 10505 Maytree Road, Saltair (Area G), B.C.

Unsafe Condition–Section 73 Community Charter: Remaining structure is unsafe.

Unsightly Accumulation – Section 725 Local Government Act and CVRD House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341: Accumulation of rubbish and burnt down house and contents.

Remedial measures: Demolish and remove the remaining structure and clean up and remove remains of the house and its contents and all other rubbish down to grade.

AND BE IT FURTHER RESOLVED that the CVRD Bylaw Enforcement Official BE AND IS HEREBY AUTHORIZED in default of such demolition and removal or remedial measures being undertaken by the owners or occupiers, within thirty (30) days of receipt of notice to do so, to carry out or have such work carried out and the expense charged to the owner or occupier. If unpaid on December 31st in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

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Purpose:

To have the Electoral Area Services Committee order demolition of remains of burnt down house and clean up of 10505 Maytree Road and authorize staff to undertake demolition and clean up if the owner fails to do so.

Financial Implications:

Contractor for demolition and clean up & some legal costs.

Interdepartmental/Agency Implications:

n/a

Background:

In July 2008 the house located at 10505 Maytree Road in Saltair was significantly damaged by fire down to the foundation. Sadly, the land owner (Roy Silvey) succumbed to his injuries incurred from this fire a short time later. In March 2009 the first complaint was lodged with this office due to the lack of progress in the cleanup of the property which consisted of the charred remains of the house. After several months of negotiating with Charlene Silvey (niece), who has been identified as the person controlling the affairs associated to this parcel, and her lawyer it has become apparent that there will likely be no progress in the foreseeable future in the clean up due mainly to financial issues. In the meantime, this office has received two (2) additional complaints from separate land owners on this matter.

In discussions with Mrs. Silvey, there seems to be no opposition to have the CVRD enter the property to demolish the remains of the house and clean up. Communication with Mrs. Silvey has been quite challenging and it appears recently she may have moved elsewhere as the last letter sent via registered mail dated October 21, 2009 was sent back and can no longer be reached via all known phone contacts. Copies of all letters have been forwarded to her lawyer and the financial institution noted on title. This letter invited Mrs. Silvey to attend this meeting to respond to this recommendation.

The state of the house is such that part of it is still standing as the foundation (made of non combustible materials) for the first storey is as high as approximately seven (7) feet. It was determined that a demolition order in addition to the unsightly premise action be sought. The building inspector has attended the site and has recommended that the remains of the house be demolished as it is unsafe. There has been no attempt to secure this site or make it safe in any way.

The Community Charter states the following:

Hazardous Conditions

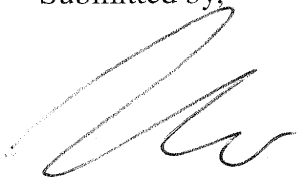
73. (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:
 - (a) a building or other structure, an erection of any kind, or a similar matter or thing;...
- (2) A council may only impose the remedial action requirement if
 - (a) the council considers that the matter or thing is in or creates an unsafe condition, or
 - (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8(3)(1)...

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The CVRD House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341 provides the following:

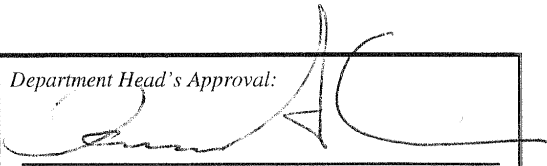
5. In default of the owner or occupier of real property removing from such property any accumulation of filth, discarded materials, rubbish, graffiti or unsightly material, the Regional District by its employees or others may enter upon the property and effect the removal or clearance at the expense of the owner or occupier defaulting and the charges for doing so, if unpaid shall be added to and form part of the taxes payable on that real property as taxes in arrears.

Submitted by,



Nino Morano,
Bylaw Enforcement Officer
Planning and Development Department

NM/ca

Department Head's Approval:

Signature

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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.

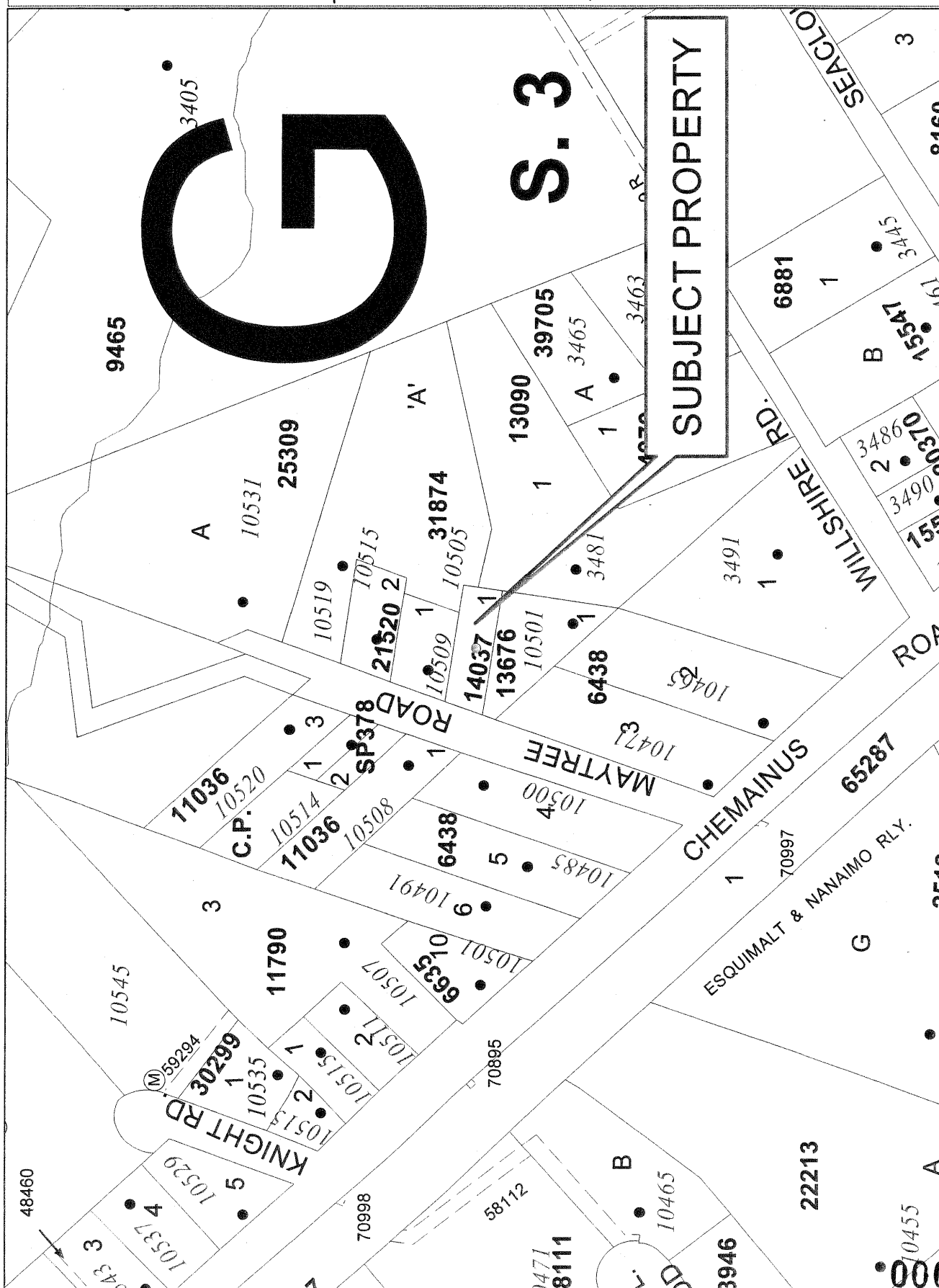
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

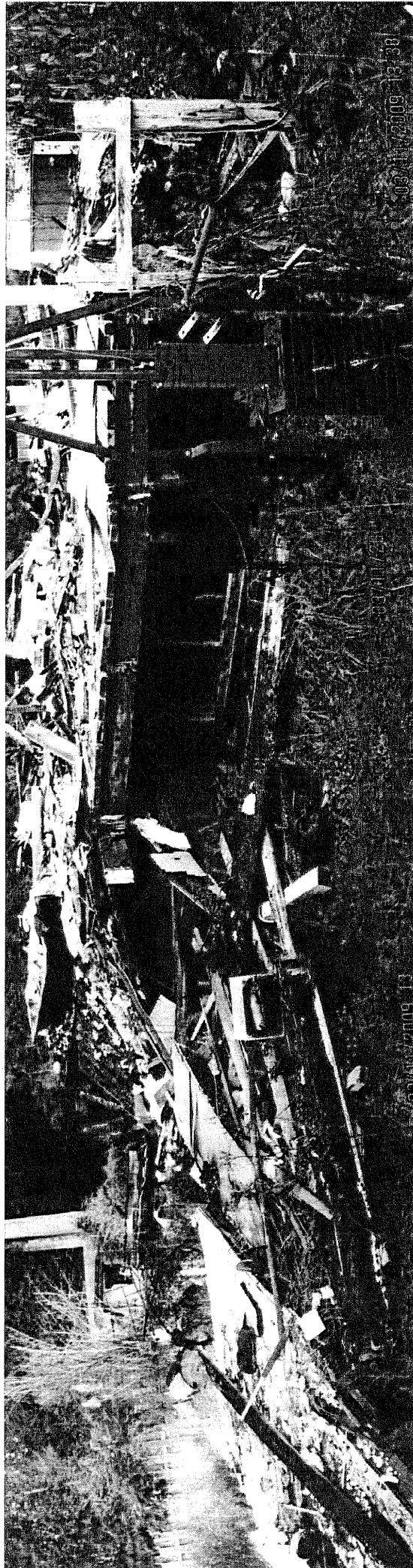
Printed: November 10, 2009



Scale: 1:1,602



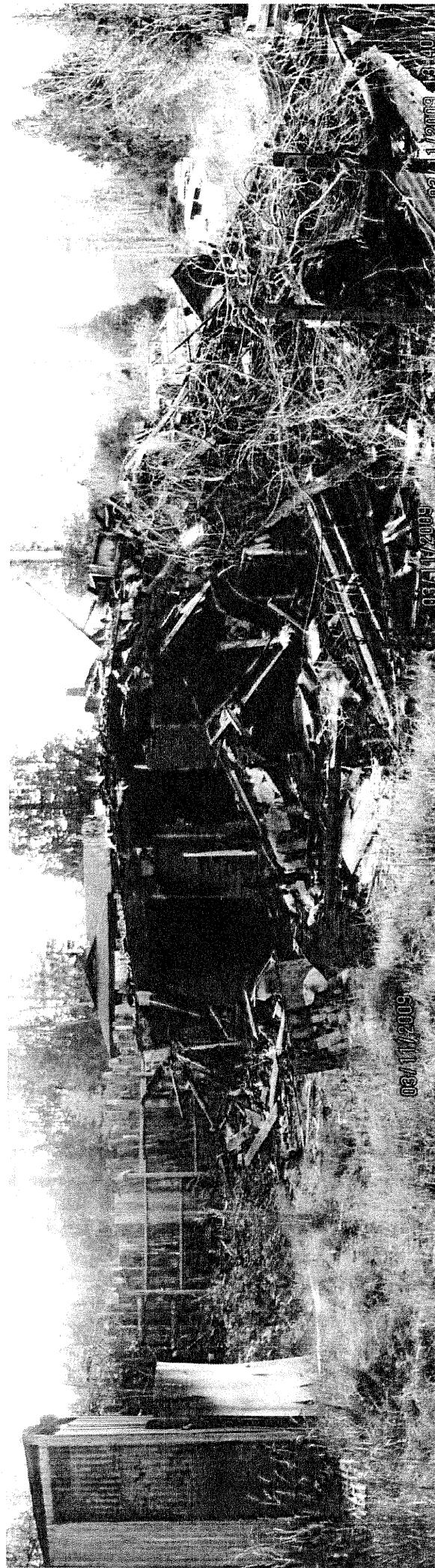
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10505 MAY 7 RE AD.

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03/11/2009

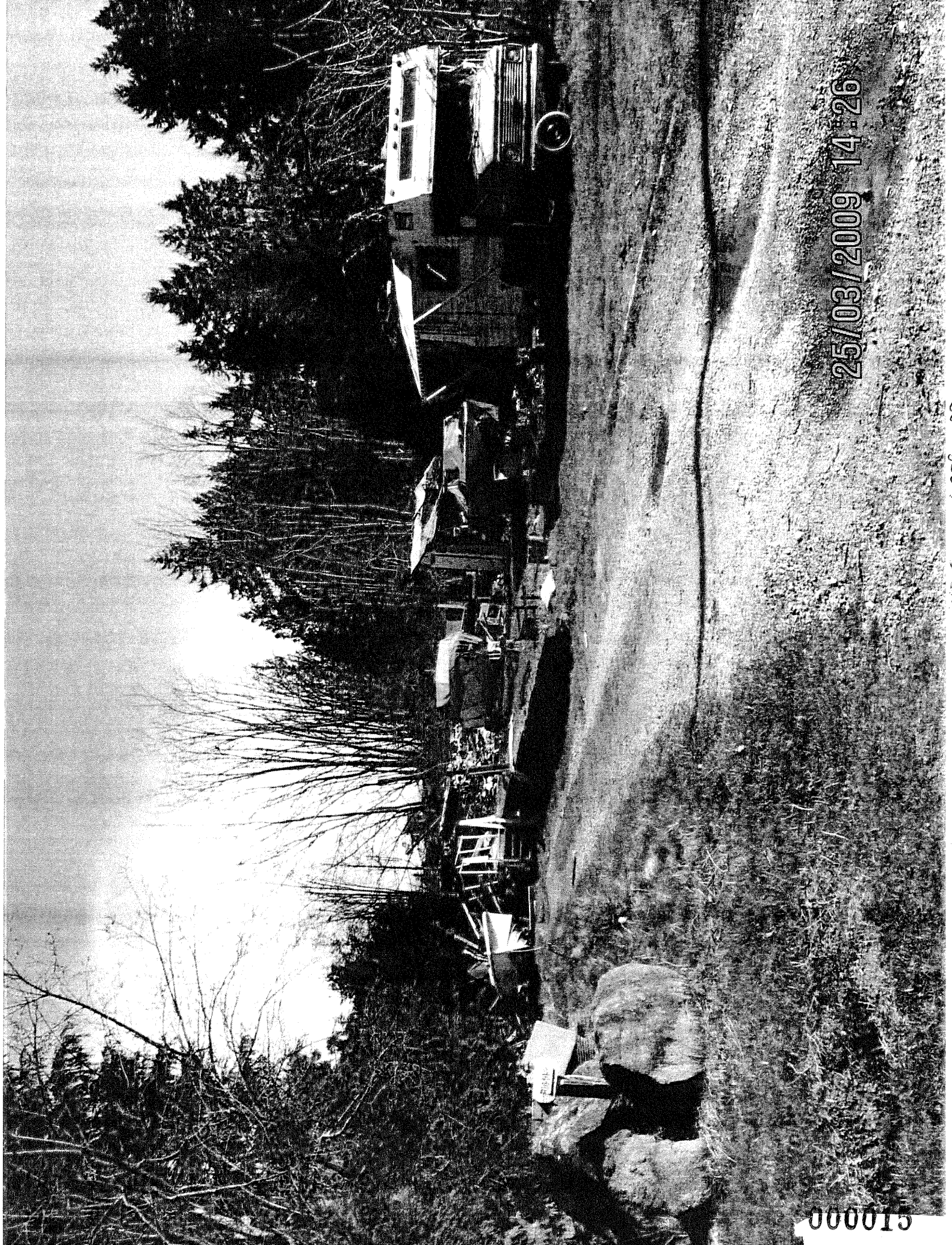
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10505 MAYNOR RD

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25/03/2009 14:26

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2009-03-25 14:26



FILE COPY

July 9, 2009

Bylaw Enforcement File: 1-G-09BE

7923 Westholme
CHEMAINUS, BC V0R1K0

Attention: Charlene Silvey

Re: 10505 Maytree Road - Unsightly Premise

This office is in receipt of complaints that you have allowed the property located at 10505 Maytree Road in Saltair to remain unsightly due to the charred remains of a burned down house for several months now. It is my understanding that you have taken control of the affairs of this property from the deceased land owner Roy Silvey. Attempts have been made to resolve this issue informally with the objective of cleaning up the property since March 2009. These attempts have resulted in no progress with the clean up. Allowing the property to remain unsightly violates provisions of the CVRD House Numbering, Unsightly Premise and Graffiti Bylaw No. 1341, 1991.

Also, information from the complainants indicates that people, likely relatives, live in the camper van parked on the property on occasion disturbing the neighborhood. The use of the camper van as a dwelling is unlawful and violates provisions of the CVRD Zoning Bylaw No. 2524, 2005, Electoral Area G – Saltair/Gulf Islands and the CVRD Noise Control Bylaw No. 1060, 1987.

Therefore, you are required to remove all remains of the burned down house and all other junk or waste from the property and cease the use of the camper van as a dwelling by August 16, 2009. Failure to do so may result in legal action and/or clean up of your property by the CVRD or agent with the costs recovered via taxation.

Sincerely,

Nino Morano,
Bylaw Enforcement Officer
Bylaw Enforcement
Planning and Development Department

NM/lag

pc: Director M. Dorey, Electoral Area G – Saltair/Gulf Islands
PO Box 896, Ladysmith BC
Brian McDaniel c/o McDaniel & Tillie
Ladysmith and District Credit Union c/o Virginia Rathwell, Retail Loans Manager

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FILE COPY

October 21, 2009

Bylaw Enforcement File: 1-G-09BE

By Registered Mail

7923 Westholme
CHEMAINUS, BC V0R 1K0

Attention: Charlene Silvey

Re: 10505 Maytree Road – Unsightly Premise

I am writing this letter to inform you that the matter of the unsightly premise located at 10505 Maytree Road will be brought before the Electoral Area Services Committee at 175 Ingram Street, Duncan on **November 17, 2009 @ 3pm**. It will be recommended at that time that the Regional District by its employees or others enter this property and remove all junk and waste including, but not limited to, the remains of the burnt down house. You are welcome to attend this meeting and discuss this matter with the members of the committee. Be advised if the committee approves the recommendation, arrangements will be made to clean up the property with all costs associated to this undertaking charged to the owner of the property and if unpaid will be added to and form part of the taxes payable on that real property as taxes in arrears.

Sincerely,

Nino Moreau,
Bylaw Enforcement Officer

NM/lag

pc: Director M. Dorey, Electoral Area G - Saltair/Gulf Islands
Brian McDaniel c/o McDaniel & Tillie
Ladysmith and District Credit Union c/o Virginia Rathwell, Retail Loans Manager

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FILE COPY

November 5, 2009

REGISTERED MAIL

File No: 1-G-09BE

7923 Westholme Road
CHEMAINUS, BC V0R 1K0

Attention: Charlene Silvey

Re: 10505 Maytree Road – Unsafe Building

I am writing this letter to inform you that in addition to the matter of an unsightly premise located at 10505 Maytree Road, the remains of the house that are still standing (including foundation) have been determined to be unsafe by the CVRD Building Inspector, as provided by Section 73 of the Community Charter. Both the unsightly premise and unsafe building matters will be brought before the Electoral Area Services Committee at 175 Ingram Street, Duncan on **November 17, 2009 at 3:00p.m.** It will be recommended at that time that the Regional District, by its employees or others, enter this property and demolish the remains of the house and remove all junk and waste including, but not limited to, the remains of the burnt down house. You are welcome to attend this meeting and discuss this matter with the members of the committee. Be advised that if the committee approves the recommendation, arrangements will be made to demolish the remainder of the house and clean up and remove all rubbish on the property. All costs associated with this undertaking will be charged to the owner of the property and, if unpaid, will be added to and form part of the taxes payable on that real property as taxes in arrears.

Sincerely,

Nino Morano
Bylaw Enforcement Officer
Planning and Development Department

NM/lz

pc: Director M. Dorey, Electoral Area G- Saltair/Gulf Islands
Brian McDaniel, McDaniel & Tillie
Virginia Rathwell, Retail Loans Manager, Ladysmith and District Credit Union

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MEMORANDUM

DATE: Nov. 5/09

FILE NO:

TO: Nino Morano, CVRD Bylaw Enforcement Officer

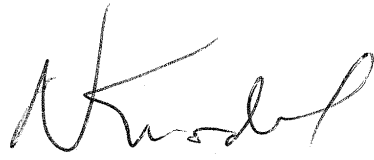
FROM: Norman Knodel RBO, CVRD Building Inspector, Area G- Saltaire

SUBJECT: 10505 Maytree Road

On Nov 4/09 I attended 10505 Maytree Road.

The residence at this address has been significantly destroyed by fire. As there has been no cleanup of the site the health and safety implications are many. No effort has been made to secure the site.

I recommend a complete cleanup of the site by heavy machinery including levelling of the site and filling in the basement. Because there are no barricades to free public access it is important that the foundation be levelled to grade. This will be to prevent injury by accidental fall into the basement.





D 2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 17, 2009

DATE: November 10, 2009 **FILE NO:** 2-I-08 DP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 2650
SUBJECT: Development Permit Application No. 2-I-08 DP
(Harvey)

Recommendation:

That development permit application 2-I-08 DP by Jan and Gary Harvey for the expansion of a single family dwelling on Lot 1, Block 4, DL 72, Cowichan Lake District, Plan 16535, be approved, subject to compliance with the measures and recommendations outlined in RAR report No. 1011.

Purpose:

To consider an application to expand an existing house, which is located within the Watercourse Protection Development Permit Area.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Location of Subject Property: 7786 Sunset Drive

Legal Description: Lot 1, Block 4, DL 72, Cowichan Lake District, Plan 16535
(PID: 004-040-171)

Date Application and Complete Documentation Received:

Original application submitted May 26, 2008. Complete documentation submitted July 29, 2009

Owner: Jan and Gary Harvey

Applicant: As above

Size of Parcel: $\pm 1022 \text{ m}^2$ (± 0.25 acres)

Existing Zoning: R-2 Suburban Residential 2 Zone

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Minimum Lot Size Under Existing Zoning: 0.4 ha if connected to community water system
2 ha if not connected to community water system

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential and forestry
South: Residential
East: Residential
West: Cowichan lake

Services:

Road Access: Sunset Drive
Water: Sunset Water system
Sewage Disposal: On-site system

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: The subject property is located on Cowichan Lake and is therefore subject to the Watercourse Protection Development Permit Area.

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

Planning Division Comments:

The subject property is an R-2 zoned residential lot located at 7786 Sunset Drive. It is approximately 1022 m² (0.25 acre) in size, and is located on the North Arm of Cowichan Lake. The applicants have been working with CVRD staff and qualified environmental professionals for the past year in order to permit an expansion and renovation of their existing house. The original plans involved a request to expand the house within the Streamside Protection and Enhancement Area (SPEA). This current proposal is considered more compliant with the Watercourse Protection Development Permit Area guidelines, as all new development is proposed *outside* the protected SPEA.

The current proposal is to replace the roof, and add a 2.4 m x 2.4 m addition to the entrance on the east side of the existing house. Re-roofing of an existing structure does not trigger the Riparian Areas Regulation; however, the proposed addition to the house entrance represents a small increase in footprint within the 30 m Riparian Assessment Area (measured from the high water mark of the lake), therefore a Watercourse Protection Development Permit is required.

In accordance with the Youbou/Meade Creek Official Community Plan Bylaw No. 2650, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction. Jackie Churchill, qualified environmental professional (QEP), has conducted a Riparian Areas Regulation (RAR) Assessment for the proposed development. A copy of RAR Report No. 1011 is attached for your reference.

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The following section will outline how the proposed development addresses the Watercourse Protection DPA guidelines.

- (a) **Retention of natural vegetation** – No vegetation will be removed as a result of the proposed development, as the site consists of lawn and gravel.
- (b) **Coverage of entire area** – The proposed addition will be located outside the 15 metre Streamside Protection and Enhancement Area (SPEA). Please see site plan on page 9 of attached RAR Report.
- (c) **Riparian area protection** – This guideline has been largely superseded by the *Riparian Areas Regulation* guidelines.
- (d) **BMP implementation for stormwater management** – The RAR Report addresses stormwater management on page 12.
- (e) **Silt and sediment control** – The RAR Report provides general recommendations to ensure that no sediment enters the SPEA or the lake during site development. See page 11.
- (f) **Imperviousness figures** – The proposed new development represents a very small increase (less than 6 m²) in impervious surface on the site.
- (g) **Floodplain** – The proposed development will be constructed above the flood construction level.
- (h) **Driveway design** – As this is redevelopment, no new driveways are required.
- (i) **Footpaths** – see above.
- (j) **Retaining walls** – There is a previously constructed retaining wall. No further construction is proposed.
- (k) **Retaining wall appearance** – See above.
- (l) **Retaining wall with fence** – See above.
- (m) **Cultural/heritage sites** – No such sites were identified.
- (n) **Pilings/floats** – No new such construction is proposed.
- (o) **Applicable only to subdivision**
- (p) **Develop with care** – The RAR Assessment Report will cover this within the Riparian Assessment Area.
- (q) **Wetlands** – There are no wetlands on site.
- (r) **Harmful Alteration Destruction of Disruption of fish habitat** – Compliance with the RAR Report will by definition prevent a HADD.

Riparian Areas Regulation Assessment Report:

The attached report by Jackie Churchill identifies a 15 metre Streamside Protection and Enhancement Area (SPEA) along the lake. The proposed development complies with the Riparian Areas Regulation in that all proposed development will be located outside the 15 metre protected area.

RAR Report No. 1011 recommends that the temporary carport structure on the north side of the property be relocated outside of the SPEA to decrease the potential of contaminants damaging the SPEA. Based on the minutes from the Area I Advisory Planning Commission, it appears that the applicants have already followed through with this recommendation, and have removed the garage structure.

Advisory Planning Commission Comments:

The Area I APC reviewed this application at their meeting on November 3, 2009, and made the following recommendation:

It was moved and seconded by Area I APC that there are no objections to 2-I-08 DP moving forward

Options:

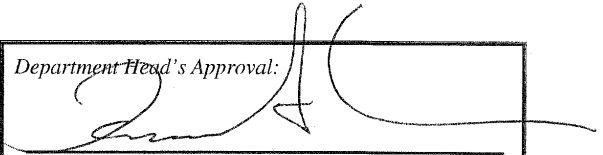
1. That application 2-I-08 DP by Jan and Gary Harvey for the expansion of a single family dwelling on Lot 1, Block 4, DL 72, Cowichan Lake District, Plan 16535, be **approved**, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1011.
2. That application 2-I-08 DP by Jan and Gary Harvey for the expansion of a single family dwelling on Lot 1, Block 4, DL 72, Cowichan Lake District, Plan 16535, be **revised**.

Option 1 is recommended.

Submitted by,



Alison Garnett
Planning Technician
Planning and Development Department

Department Head's Approval:

Signature

AG/ca

000023



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.

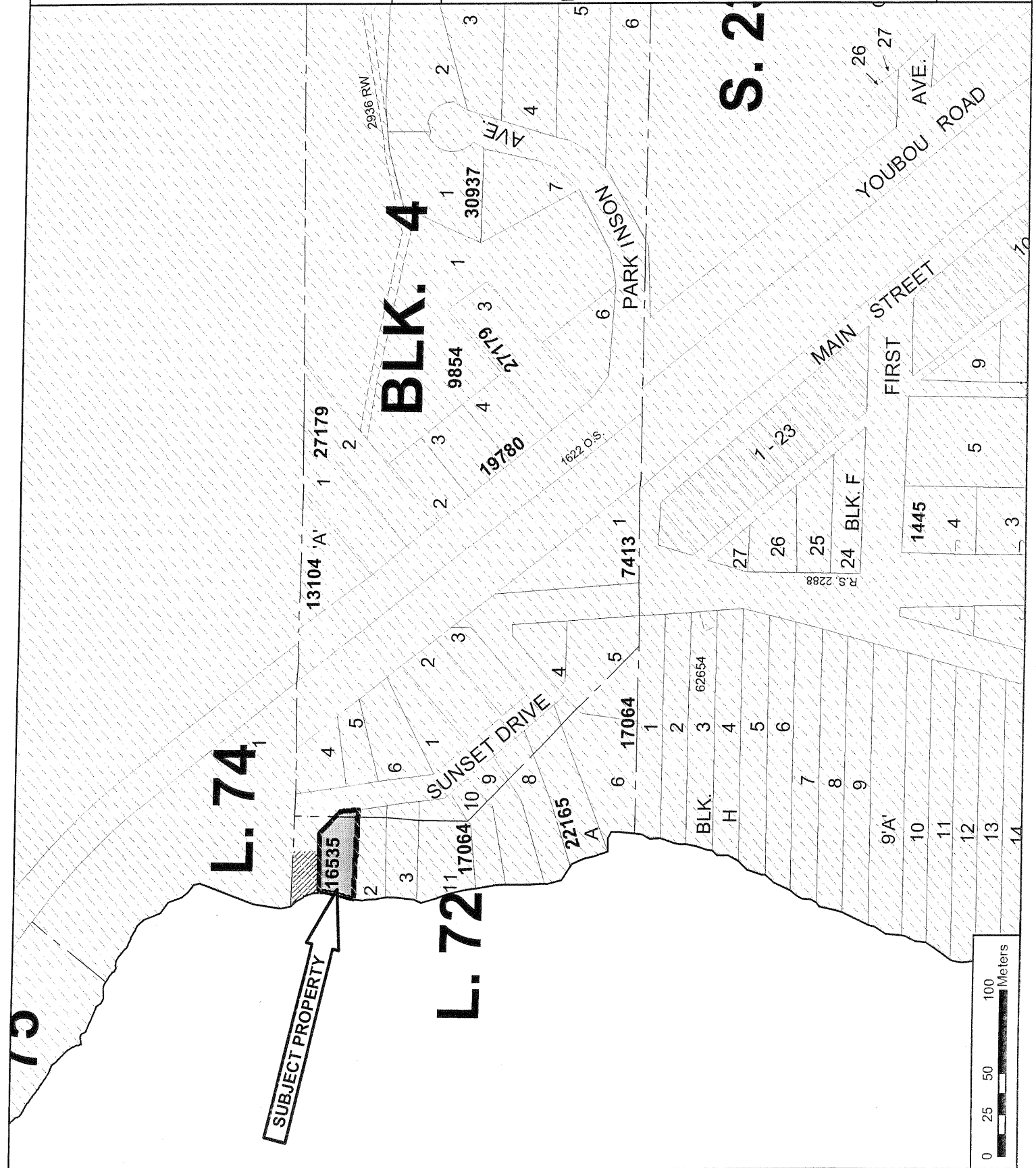
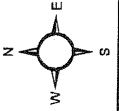
FILE: 2-1-08-DP-RAR

۲۰



Subject Property
OTHER DPA

WATERCOURSE PROTECTION DPA



000024



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-I-08 DP

DATE: November 10, 2009

TO: Gary and Jan Harvey DRAFT

ADDRESS: 1055 Parkway Drive
Brentwood Bay BC, V8M1C8

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description): Lot 1, Block 4, District Lot 72, Cowichan Lake District, Plan 16535, PID 004-040-171
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - Subject to the measures and recommendations outlined in RAR report No. 1011, by Jackie Churchill, dated July 27, 2009.
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:
 - RAR report No. 1011 by Jackie Churchill, dated July 27, 2009.
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 Development Services Department.

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

Tom Anderson, MCIP
Manager, Development Services

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date

000025

Riparian Areas Regulation: Assessment Report

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

Date July 27, 2009

I. Primary QEP Information

First Name	Jackie	Middle Name	
Last Name	Churchill		
Designation	Applied Science Technologist	Company	Madrone Environmental Services Ltd.
Registration #	25557	Email	jackie.churchill@madrone.ca
Address	1081 Canada Ave		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
		Phone #	250-746-5545

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

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

III. Developer Information

First Name	Gary and Jan	Middle Name	
Last Name	Harvey		
Company			
Phone #	250-652-9960	Email	gary_jan@shaw.ca
Address	6693 Woodsvine Lane		
City	Brentwood Bay	Postal/Zip	V8M 1A7
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.00039	Riparian Length (m)	18.4
Lot Area (ha)	0.084	Nature of Development	Redevelopment
Proposed Start Date	August 2009	Proposed End Date	August 2010

V. Location of Proposed Development

Street Address (or nearest town)	7786 Sunset Drive		
Local Government	CVRD	City	Youbou
Stream Name	Cowichan Lake		
Legal Description (PID)	017-733-821	Region	1, Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	920-257700		
Latitude	48	52	9
Longitude	124	11	14

Table of Contents for Assessment Report

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

This RAR was triggered by an application for redevelopment of the above-listed property. The plan is to replace the roof of the existing house (the property owner has indicated that this has already been approved by CVRD) and to add approximately a 2.4 x 2.4 m extension to the footprint on the east side (refer to site plan). This extension is outside of the SPEAs on the property, but inside the 30m Riparian Assessment Area.

The property proposed to be redeveloped occurs along the north arm of Cowichan Lake, in Youbou. The property consists of an existing house in the centre of the property, with a gravel driveway, native garden area and lawn from the house to the eastern property boundary. To the west of the house are a deck, lawn, a retaining wall (at the High Water Mark) and stairs leading down to the beach. The foreshore has been highly modified over the years and a dock also exists off the property. On the north side of the existing house is a temporary carport area. A ditch parallels the northern property boundary into Cowichan Lake. During the field visit (November 14, 2007), no water was found to be present in the ditch. The ditch provides very limited value for fish habitat and after personal communication with Pete Law (MOE), the ditch was determined to be non fish bearing.

Cowichan Lake represents very high fishery resource values. Cowichan Lake, the Cowichan River, and connected tributaries support a range of anadromous and resident fish species, including: chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*O. kisutch*), chum salmon (*O. keta*), steelhead and rainbow trout (*O. mykiss*), coastal cutthroat trout (*O. clarkii clarkii*) – including anadromous form, brown trout (*Salmo trutta*) – including anadromous form, bull trout (*Salvelinus confluentus*) – including anadromous form, Dolly Varden (*S. malma*) – including anadromous form, brook trout (*S. fontinalis*), and kokanee (*O. nerka*) (Fish Wizard).

Cowichan Lake also provides habitat for the red-listed Cowichan Lake lamprey (*Lampetra macrostoma*), which is entirely endemic to the lake and adjoining Mesachie lake.

The vegetation within the Riparian Assessment Area (RAA) consists of small patches of natural vegetation adjacent to the retaining wall. The tree layer in this area is made up of bigleaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), Douglas-fir (*Pseudotsuga menziesii*) and western redecdar (*Thuja plicata*). The understory consists of sword fern (*Polystichum munitum*) and salal (*Gautheria shallon*). At present, the riparian vegetation inside the property boundaries is providing limited biological function, mainly due to the historical uses of the lot and associated lack of vegetation cover.

Regarding specific on-site fish habitat values, the immediate foreshore on the property has very limited large woody debris or large boulders for refuge/security habitat.

Section 2. Results of Riparian Assessment (SPEA width)

Results of Detailed Riparian Assessment – Cowichan Lake

Refer to Chapter 3 of Assessment Methodology

Date: July 27, 2009

Description of Water bodies involved (number, type)

Lake, 1

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	N/A
Reach #	N/A

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, Jackie Churchill, A.Sc.T., 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 Gary and Jan Harvey;

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, Jackie Churchill, A.Sc.T., hereby certify that:

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

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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:	1
SPVT Type	LC SH TR
	X

Method employed if other than TR

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

Polygon No:	1			Method employed if other than TR
	LC	SH	TR	
SPVT Type				

Polygon No:				Method employed if other than TR
SPVT Type				

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	30	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
SPEA maximum	15	(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		No	
SPEA maximum		(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		No	
SPEA maximum		(For ditch use table3-7)				

I, Jackie Churchill, A.Sc.T, 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 Gary and Jan Harvey;
- 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.

Results of Detailed Riparian Assessment – Ditch

Refer to Chapter 3 of Assessment Methodology

Date: July 27, 2009

Description of Water bodies involved (number, type)

Ditch, 1

Stream	
Wetland	
Lake	
Ditch	X

Number of reaches N/A

Reach # N/A

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	1.87	2	I, Jackie Churchill, A.Sc.T., 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 <u>Gary and Jan Harvey</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	1.61		
	1.75		
	1.56		
	1.93		
downstream	1.72	2	
	1.92		
	1.51		
	1.85		
	1.96		
	2.20		
Total: minus high /low	16.17		
mean	1.80		
	R/P	C/P	S/P
Channel Type			

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, Jackie Churchill, A.Sc.T., 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>Gary and Jan Harvey</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) 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:	1		Method employed if other than TR
	LC	SH	

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

SPVT Type	X	
Polygon No:		Method employed if other than TR
SPVT Type	LC SH TR	
Polygon No:		Method employed if other than TR
SPVT Type		

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)	2							
Litter fall and insect drop ZOS (m)	2							
Shade ZOS (m) max	2	South bank	Yes		No	X		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					Manmade ditch, dug by the current property owner approximately 50 years ago.		
Ditch Fish Bearing	Yes	No	X	If non-fish bearing insert no fish bearing status report		Personal communication with Pete Law (MOE)		

SPEA maximum 2 (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		No		

SPEA maximum (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		No		

SPEA maximum (For ditch use table3-7)

I, Jackie Churchill, A.Sc.T., hereby certify that:

Form 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

- e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Gary and Jan Harvey;
- g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

The top of the ditch bank was flagged with orange "Riparian Reserve Zone" tape. A British Columbia Land Surveyor (BCLS) has surveyed the set High Water Mark for Cowichan Lake (164m elevation) and also the 15 m Streamside Protection and Enhancement Area (SPEA) from the high water mark.



PROJECT:
7786 Sunset Drive RAR Assessment

ASSESSED BY:
Jackie Churchill, M.Sc., B.I.T., A.Sc.T.

LOCATION:
Lake Cowichan, BC

CLIENT:
Gary & Jan Harvey

FIELD VISIT:
Nov. 14, 2007

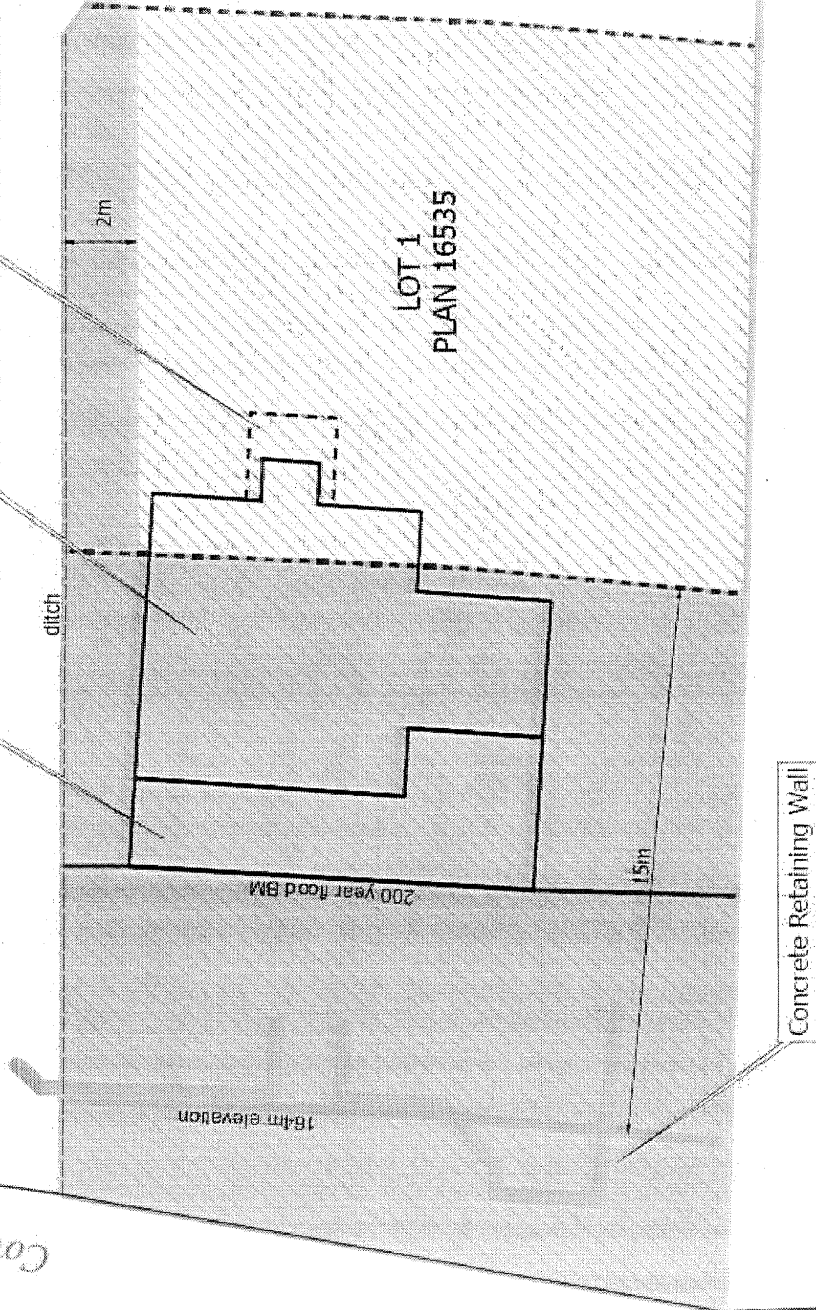
DOSSIER:
07/0452

MAP SCALE:
1:200

DRAWN BY:
Peter Berst, B.Sc.

MAPPING DATE:
July 24, 2009

Cowichan Lake



SUNSET DRIVE

LOT 1
PLAN 16535

LEGEND

- Property Boundary
- Constructed Ditch
- High Water Mark
- SPEA (15m & 2m)
- Riparian Assessment Area (30m)
- Zones of Sensitivity**
- Shade (n/a)
- Large Woody Debris (15m)
- Insect Drop / Litterfall (15m)



*All features on this map are a 1:200 scale. Features indicated in the field were located using a handheld GPS and accuracy can only be guaranteed to 15m.

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No danger trees were noted within the SPEA. Bigleaf maple, wester redcedar, Douglas-fir and red alder were found within the RAA; no snags exist.
<p>I, <u>Jackie Churchill, A.Sc.T.</u>, hereby certify that:</p> <p>i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>j) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary and Jan Harvey</u>;</p> <p>k) 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>	
2. Windthrow	Damage to trees inside the SPEA from windthrow associated with the proposed development is highly unlikely, given the fact that treed areas will not need to be cleared. The development includes replacing the roof on the existing footprint and there are no trees found within the redevelopment area.
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</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>	
3. Slope Stability	The SPEA will not be impacted by slope issues from the proposed development as the slope of the property ranges from 0-5%.
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</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>	
4. Protection of Trees	Although limited in extent, trees currently growing immediately adjacent to Cowichan Lake and within the SPEA are providing important riparian function. These trees must be retained. No harm will be caused to these trees by either the roof replacement or by adding the extension, as all development activities are located well beyond the rooting zones of the trees.
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</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>	
5. Encroachment	<p>The majority of the property (including the immediate riparian area) has been modified by years of anthropogenic activity. The property can continue to be used as it always has been, although any additional encroachment is not permitted. Activities not permitted include: construction of permanent/non permanent structures; clearing/disturbing vegetation; limbing or pruning trees (unless deemed to be "danger" trees by a qualified professional); and dumping of yard wastes.</p> <p>Under the CVRD bylaw 2755, a 1.5 m wide unpaved footpath is</p>

	<p>permitted inside the SPEA to allow access to the lake. There are already existing steps down to the beach in the centre of the retaining wall, which provide access to the foreshore and an existing dock (refer to photos).</p> <p>We recommend that the temporary carport structure on the north side of the property be relocated outside of the SPEA to decrease the potential for contamination from hydrocarbons (e.g. from spills, car washing, car maintenance etc.).</p>
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</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>	
<p>6. Sediment and Erosion Control</p>	<p>To ensure that sediment does not become transported from the area of development into the lake, it is important to implement sediment and erosion control. Excavating the footing for the extended portion of the structure will result in the exposure of bare ground. There is the potential (low likelihood) for sediment to be mobilized from the exposed area and washed down across the lawn into the lake. During and after construction, the following measures should be implemented to prevent the mobilization and transportation of sediment:</p> <ul style="list-style-type: none"> - Limiting the area to be excavated to the absolute minimum; - Ensuring that all piles of fill/excavated material are kept covered by tarps to avoid sediment mobilization during wet weather; - Retaining vegetation cover where possible, for as long as possible, to reduce erosion and mobilization of sediment; - Carrying out site preparations during the dry summer months; - Constructing a silt fence and/or a diversion ditch downslope of the site to intercept any surface run-off originating from recently exposed soils; and - Replanting or covering exposed areas as quickly as possible to minimize sediment generation.
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</u>;</p>	

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

<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>	
<p>7. Stormwater Management</p>	<p>The goal of stormwater management is to return storm flow to natural hydrological pathways, thus reducing surface run off and enhancing infiltration. The proposed development represents a small impervious footprint, which will not add significantly to the existing developed footprint. Due to the fact that the roof is being replaced, opportunities exist to install rain leaders that direct water falling on the roof into rock pit infiltrators. All stormwater from the proposed development footprint should also be directed into rockpit infiltration structures.</p>
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</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>	
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>The water level of Cowichan Lake is controlled by Catalyst Pulp & Paper. Nevertheless, Cowichan Lake represents a dynamic system that poses flooding threats to property owners living along the lakeshore. The developer should ensure that all applicable local government bylaws are adhered to regarding any future developments and the 200 year flood level of the lake. It is understood that CVRD bylaws prevent any habitable portion of a dwelling being constructed within the 200 year flood level. The specific water elevation of Cowichan Lake at the 200 year flood level is 167.33 m (refer to site plan).</p>
<p>I, <u>Jackie Churchill, A.Sc.T.</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>Gary and Jan Harvey</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>	

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 documents 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.

Specific Actions Required:

- making sure that a sediment and erosion control plan has been formulated for the site, prior to development proceeding (as per section 6 of the measures);
- completion of on-site monitoring visits throughout the construction period ;
- carrying out a site inspection at the beginning and end of construction activities to ensure that the proposed development is respecting the measures; and
- completing and submitting a post-construction monitoring report via the RAR notification system

Monitoring Schedule:

- on the first day of operations, an on site meeting will be held to discuss the proposed development plans and to ensure that the suggested measures for sediment and erosion have been implemented;
- mid-way through the development operations, the QEP will visit the site to ensure that the development is going ahead in the proper manner; and
- carrying out a final site visit following the cessation of construction activities. This final visit should take place within 1 week of the project's completion, and can be carried out before the finishing work inside the extension is completed

Communication Plan:

- the developer is responsible for contacting the QEP to schedule a site visit on the first day of operations;
- the developer will also contact the QEP mid-way through the development, to allow for the QEP to have the opportunity to assess and modify (if required) the development activities; and
- upon completion of all construction activities within the riparian assessment area (except for finishing work inside the extension), the developer will contact the QEP to allow the final site inspection to be carried out. This site inspection will form the basis of the post-construction monitoring report, which will be submitted via the notification system.

Section 6. Photos



Looking west towards the existing building, lawn and gravel driveway area. The footprint of the redeveloped structure will extend the entrance way by approximately 4m² to the east beyond the existing footprint, but outside of the SPEA. The approximate area of the extension is shown in red.



Looking west at the temporary carport area on the north side of the property.



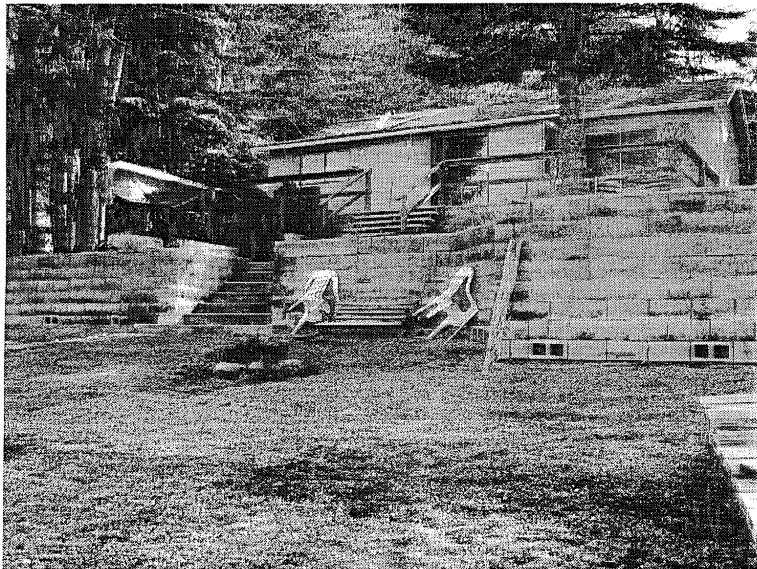
Looking north along the back of the property. Note the existing deck and retaining wall along the foreshore of Cowichan Lake.



Looking west down the ditch (considered to be non-fish bearing), which runs along the north edge of the property.



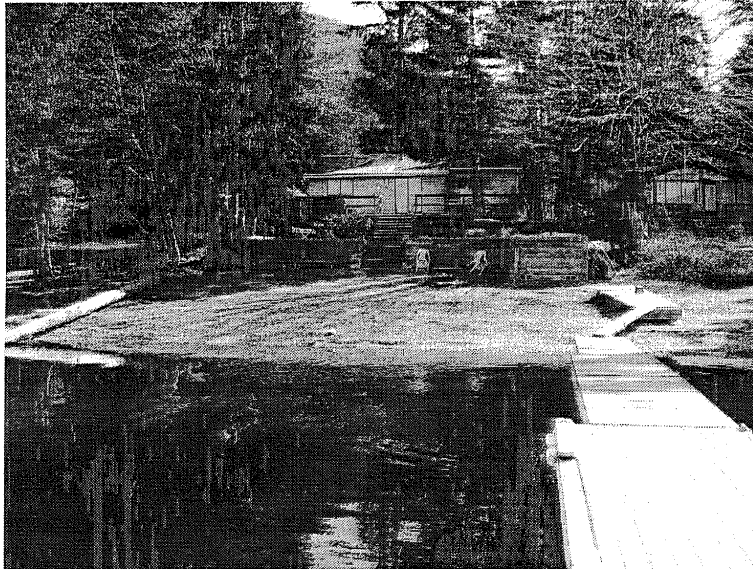
Looking southwest at where the ditch (considered to be non-fish bearing), meets the foreshore of Cowichan Lake.



Looking northeast at the foreshore of Cowichan Lake which has been heavily modified and the retaining wall and stairs existing on the property.



Existing dock on Cowichan Lake.



Looking north from the existing dock on Cowichan Lake at the property. Note the riparian vegetation present on either side of the retaining wall.

Section 7. Professional Opinion

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

Date July 27, 2009

1. I, Jackie Churchill, A.Sc.T.

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

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 the assessment of the proposal made by the developer Gary and Jan Harvey, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- 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; AND

2. As a qualified environmental professional, I hereby provide my 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.]



D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 17, 2009

DATE: November 10, 2009 **FILE NO:** 7-B-09DVP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 985
SUBJECT: Development Variance Permit Application No. 7-B-09DVP
(Scott)

Recommendation:

That the application by Frank and Lynn Scott for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to an exterior parcel line for an accessory building from 4.5 metres down to 3 metres on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan 25740, be approved, subject to the applicant providing a survey confirming compliance with the approved distance.

Purpose:

To consider an application to relax the setback of an accessory building to the side exterior parcel line.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background

Location of Subject Property: 2692 Sunny Glades Lane

Legal Description: Lot 1, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 25740, PID 002-660-300

Date Application and Complete Documentation Received: August 12th, 2009

Owner: Frank and Lynn Scott

Applicant: As above

Size of Parcel: $\pm 986 \text{ m}^2$ (0.2 ac.)

Zoning: R-3 (Suburban Residential)

Setback Permitted by Zoning: Side Exterior setback 4.5 metres (14.7 ft)

000044

Proposed Setback:

Side Exterior setback 3 metres (9.8 ft)

Existing Plan Designation: Urban ResidentialExisting Use of Property: ResidentialExisting Use of Surrounding Properties:

North: Renfrew Road
 South: Residential
 East: Sunny Glades Lane
 West: Residential

Services:

Road Access: Sunny Glades Lane
Water: Shawnigan Lake North Water System
Sewage Disposal: Onsite Septic

Agricultural Land Reserve Status: OutEnvironmentally Sensitive Areas: None identifiedArchaeological Site: None Identified**Planning Division Comments:**

The subject property is a 986 m² residential lot located at the corner of Renfrew Road and Sunny Glades Lane in Shawnigan Lake. Currently on the site is a single-family dwelling. The applicants are applying to construct a 22 m² (240 ft²) workshop on the north side of their property, and are proposing to locate it 3 metres from the property line adjacent to Renfrew Road. Zoning Bylaw No. 985 states that accessory residential use buildings must be constructed a minimum of 4.5 metres from the side exterior property line.

The subject property is below the elevation of Renfrew Road and is separated from the road by a row of trees and fence. There should therefore be no negative impact on sightlines as a result of the reduced setback. Additionally, the applicant has received a permit for a reduced setback of 3 metres to Renfrew Road from the Ministry of Transportation and Infrastructure. As shown on the attached survey plan, the proposed building is located outside the sight triangle of Renfrew Road and Sunny Glades intersection.

Surrounding Property Owner Notification and Response:

A total of sixteen (16) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. During the two week period provided for a written reply, no letters were received.

Options:

1. That the application by Frank and Lynn Scott for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to an exterior parcel line for an accessory building from 4.5 metres down to 3 metres on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan 25740, be **approved**, subject to the applicant providing a survey confirming compliance with the approved distance.
2. That the application by Frank and Lynn Scott for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to an exterior parcel line for an accessory building from 4.5 metres down to 3 metres on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan 25740, be **denied**.

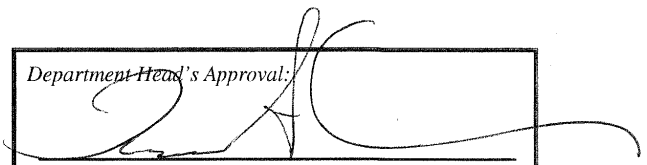
Option 1 is recommended.

Submitted by,



Alison Garnett,
Planning Technician
Planning and Development Department

AG/ca

Department Head's Approval:

Signature



Cowichan
Valley
Regional
District

000047

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.

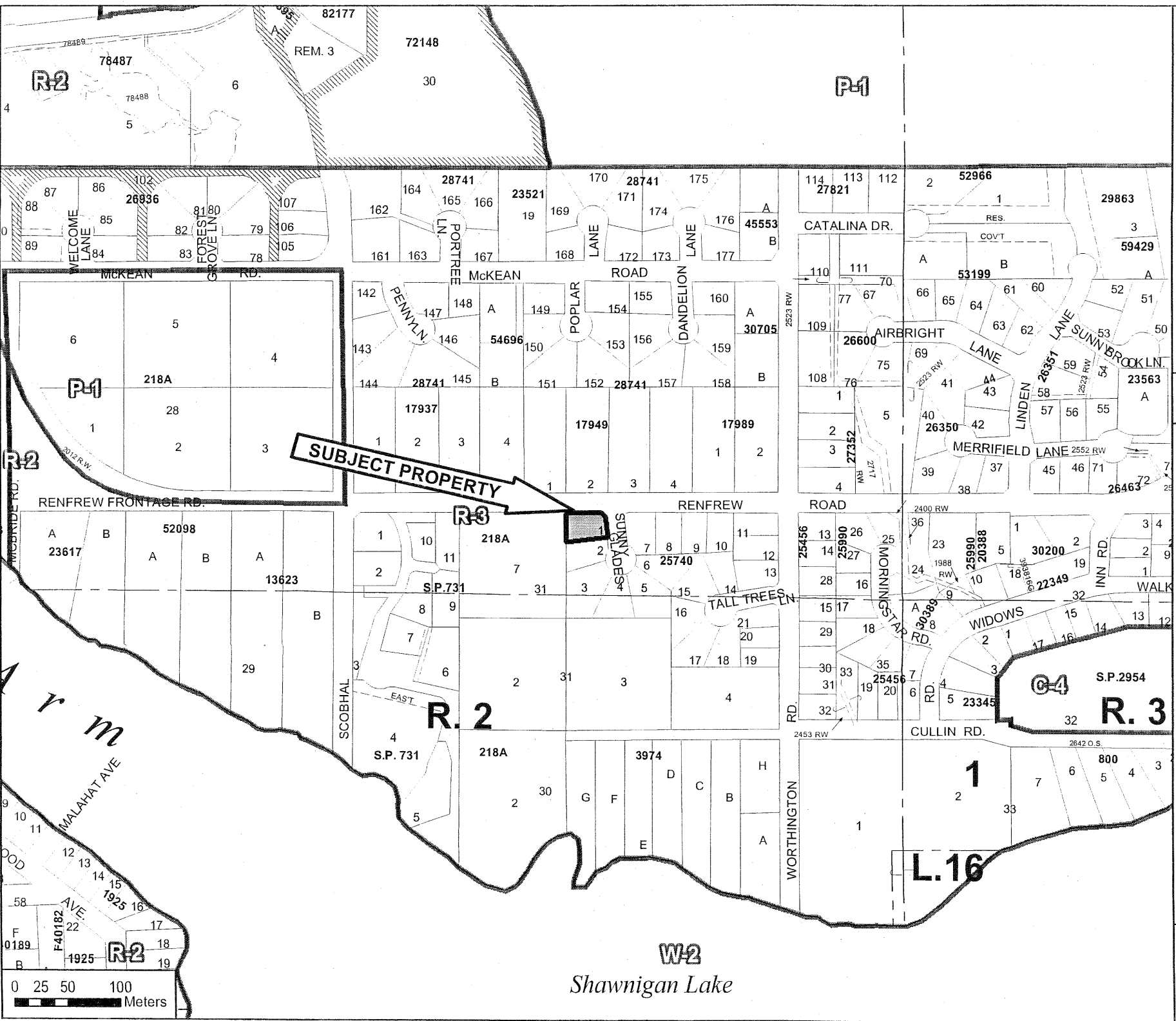
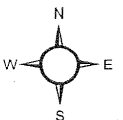
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 7-B-09-DVP

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area B

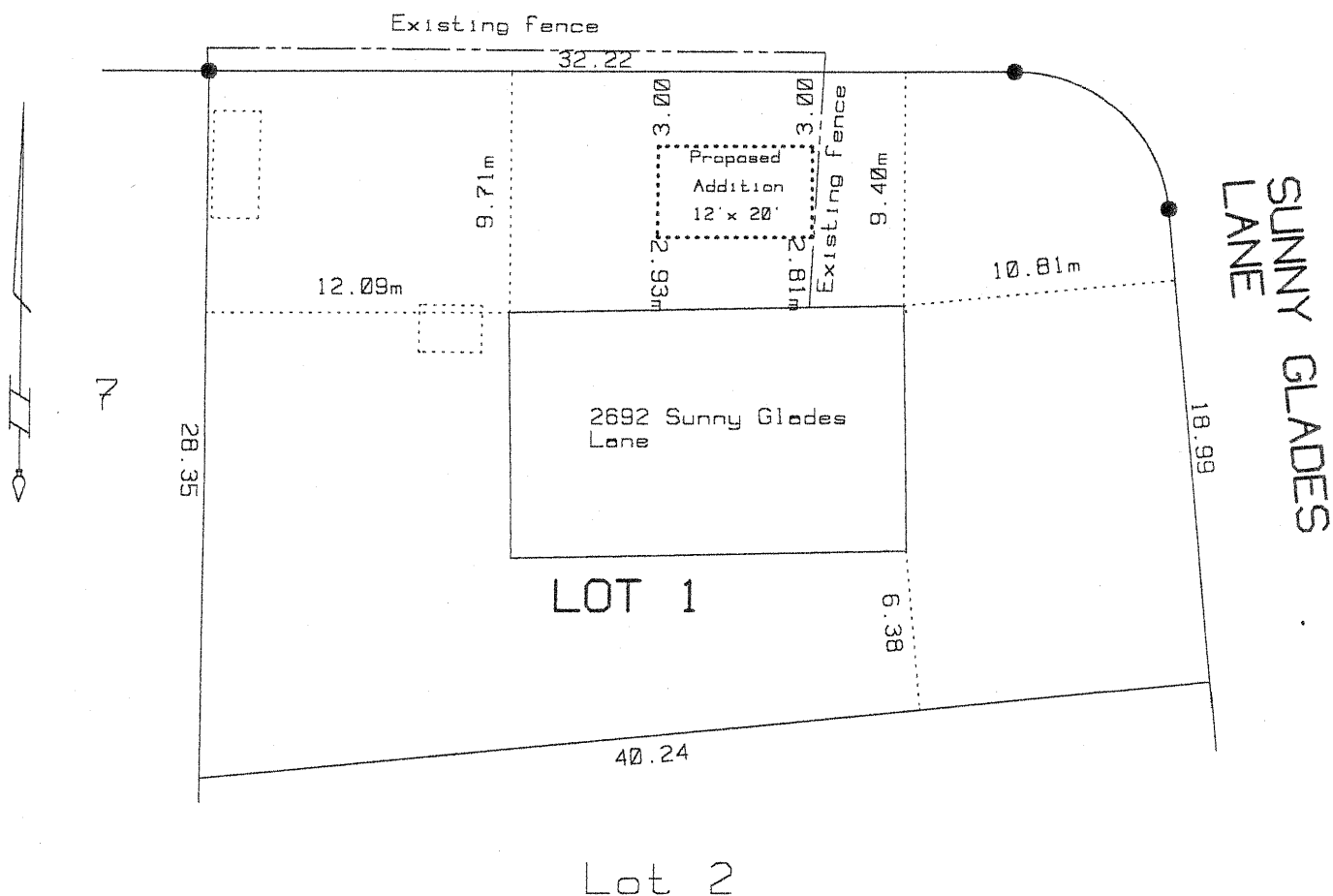


Scale 1:300 (All dimensions are in meters)

LEGEND :

● denotes iron post found

RENFREW ROAD



Oct. 19, 2009.

John C. Huff

Robin LeGerff, BC Land Surveyor
56-1751 Northgate Road,
Cobble Hill, BC V0R 1L6
Phone/fax 250-743-4912

Zone R-3 : Minimum Set-Backs		
	Principal	Accessory
Front	7.5	7.5
Side	2.6±/4.5	2.6±/1.0
Rear	4.5	4.5

000⁴.0⁵48

8.5 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-3 Zone:

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

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



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 7-B-09 DVP

DATE: November 10, 2009

TO: Frank and Lynn Scott DRAFT

ADDRESS: 2692 Sunny Glades Lane

Shawnigan Lake BC V0R 2W1

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 1, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 25740, PID 002-660-3000
3. Zoning Bylaw No. 985, applicable to Section 8.5(b)(3), is varied as follows: the setback to the exterior side parcel line for an accessory building is reduced from 4.5 metres to 3 metres, subject to the applicant providing a survey confirming compliance with the approved distance.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Survey, dated October 19, 2009
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF _____ 2009.

Tom Anderson, MCIP
Manager, Planning and Development Department

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date

000050



D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 17, 2009

Date: November 10, 2009 File No: 2-G-08RS

FROM: Rob Conway, Manager BYLAW NO: 2524
Development Services Division

SUBJECT: Rezoning Application No. 2-G-08RS (Parkinson)

Recommendation:

That Zoning Amendment Application No. 2-G-08RS (Parkinson) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Purpose:

To consider an application to amend Electoral Area "G" Official Community Plan Bylaw No. 2500 (2005) and CVRD Zoning Bylaw No. 2524 (2005), applicable to Electoral Area G – Saltair/Gulf Islands, to rezone 10755 Chemainus Road in order for it to be subdivided into two parcels.

Background:

Location of Subject Property: 10755 Chemainus Road

Legal Description: Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508 (PID 006-198-945)

Date Application and Complete Documentation Received: October 8, 2008

Owner: Keith Parkinson

Applicant: As above

Size of Parcel: 1.72 ha. (4.25 acres)

Existing Plan Designation: Suburban Residential

000051

Proposed Plan Designation: General Residential

Existing Zoning: R-2 (Suburban Residential 2)

Minimum Lot Size Under Existing Zoning: 1.0 ha. if not connected to community sewer system
0.4 ha. if connected to community sewer

Proposed Zoning: R-3 (General Residential 3)

Minimum Lot Size Under Existing Zoning: 1.0 ha. if not connected to community water system
0.4 ha. if connected to community water system
0.2 ha. if connected to community sewer and water

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential (Zoned R-2)
South: Residential (Zoned R-2)
East: Residential (Zoned R-3)
West: Residential (Zoned R-2 and C-2)

Services:

Road Access: Chemainus Road
Water: Saltair Water System
Sewage Disposal: On-site

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify environmentally sensitive areas on the subject property or on properties directly adjacent to it.

Archaeological Site: None identified.

Application Context:

The applicant applied to the Ministry of Transportation in August, 2005 to subdivide the subject property with the intention of creating a residential lot for his son and family. The application was made pursuant to Section 946 of the *Local Government Act*, which permits the subdivision of a parcel to a lot size less than the minimum required by zoning when the subdivision is for a relative. The subdivision application proposed creating a 0.52 ha. (1.28 ac.) parcel for the applicant's son and a 1.2 ha (2.96 ac.) remainder that would be retained by the applicant.

When the applicant applied for subdivision in 2005, Zoning Bylaw No. 1180 was the applicable Zoning Bylaw in Area G. This bylaw would have allowed the proposed subdivision either as a subdivision for a relative (i.e. Section 946 subdivision) or as a conventional subdivision. In November, 2005, however, the Regional Board adopted Zoning Bylaw No. 2524, which replaced Zoning Bylaw 1180. The new Zoning Bylaw included two changes that effectively precluded the applicant's ability to subdivide. Firstly, the minimum parcel size in the R-2 zone was increased from 0.4 ha (1 ac.) to 1.0 ha (2.47 ac.) for parcels not connected to a community sewer system. Secondly, Zoning Bylaw No. 2524 established a minimum size of 25 hectares (61.75 ac.) for parcels to be eligible for Section 946 subdivision. The adoption of Bylaw No. 2524 therefore removed the potential to subdivide the property as intended without a zoning amendment.

Because the subdivision application was submitted prior to adoption of Zoning Bylaw No. 2524, Section 943 of the *Local Government Act* provided the applicant protection against the zoning changes for a period of one year. Although the applicant undertook considerable work on the subdivision during this period, he was unsuccessful in completing the subdivision within 12 months of adoption of Zoning Amendment Bylaw No. 2524 due to complications encountered with obtaining approval from the Vancouver Island Health Authority for on-site sewage disposal. By the time the applicant had obtained approval from VIHA in October 2007, the 12 month protection period had expired and the applicant was no longer eligible to subdivide the parcel. Without protection of Section 943, the applicant's only option for pursuing the subdivision was to apply for rezoning.

The Proposal:

The applicant has proposed amending the zoning of the subject property from R-2 (Suburban Residential 2) to R-3 (General Residential 3). A corresponding change to the OCP is also proposed that would amend the Plan designation for the property from Suburban Residential to General Residential. Should the rezoning application be approved and the necessary amendment bylaws adopted, the applicant intends to complete the subdivision he applied for in 2005. A plan showing the proposed subdivision is attached to this report.

The proposed subdivision would create a new 0.52 ha. (1.28 ac.) lot on the north side of the subject property and a 1.2 ha. (2.96 ac.) remainder where the owner's existing home is located. In expectation of subdivision approval the applicant has already undertaken much of the work necessary for completion of the subdivision including identification of sewage disposal covenant areas on the proposed lot and remainder and construction of a sewage treatment plant on the proposed new lot. A water connection to the proposed new lot is not installed, but the Engineering and Environmental Services Department has confirmed the water system has capacity for the connection and can be provided.

Policy Context:

Official Community Plan:

The Area G Official Community Plan has two primary residential designations. The Suburban Residential designation, which applies to the rural and semi-rural parts of Saltair, and the General Residential designation, which applies to the more urban parts of the community – roughly between Clifcoe Road and Davis Lagoon.

The subject property is presently designated as Suburban Residential in the OCP. This designation is intended to ensure such areas remain semi-rural and agricultural over time. Objectives of the Suburban Residential designation are,

- a) To preserve the rural residential character of Saltair;*
- b) To ensure that there is adequate designation of land for new housing requirements;*
- c) To encourage affordable rental and special needs housing in a manner in keeping with the rural residential nature of the community;*
- d) To protect and encourage home-based businesses that are compatible with the rural setting; and*
- e) To minimize conflicts between residential development and agriculture.*

Relevant Suburban Residential policies in the OCP include:

Policy 7.2 – The minimum parcel size in the Suburban Residential Designation will not be less than 1 hectare for parcels not connected to a community sewer system, and 0.4 hectares for parcels connected to a community sewer system.

Policy 7.3 – In addition to one single family dwelling, a secondary suite may be permitted on a parcel in the Suburban Residential designation, on parcels of at least 0.4 ha. in area. The strata conversion or subdivision of secondary suites will not be permitted.

Policy 7.7 – The OCP does not support the concept of “density averaging” (the concentration of development opportunity permitted on an entire parcel onto a portion thereof) for lands in the Suburban Residential Designation.

New urban residential development in the Plan area is intended to be focused within the General Residential designation so as to avoid urban expansion into the rural and semi-rural parts of the community. Objectives of the General Residential Designation include:

- a) To preserving the rural character of Saltair by placing clear limits on urban development;*
- b) To encourage affordable rental and special needs housing in appropriate areas;*
- c) To encourage an adequate supply of land for housing requirements; and*
- d) To protect and encourage home based businesses that are in keeping with the rural residential character of the community.*

General Residential Policies in the OCP applicable to the subject application include:

Policy 8.2 – The minimum parcel size in the General Residential Designation will be:

- *1 hectare for lands not connected to a community water system or a community sewer system;*
- *0.4 hectare for lands connected to a community water system; and*
- *0.2 hectare for lands connected to a community water system and community sewer system.*

Policy 8.4 – In addition to one single family dwelling, a secondary suite may be permitted in the General Residential Designation, on parcels of at least 0.4 ha in area. The strata conversion or subdivision of secondary suites will not be permitted.

Zoning Bylaw:

Zoning Bylaw No. 2524 was adopted concurrently with OCP Bylaw No. 2500 and implements many of the objectives and policies stated in the OCP.

The Zoning Bylaw zones the subject property R-2 (Suburban Residential 2 Zone), in accordance with the OCP designation. The R-2 zone permits Single Family Dwelling as a permitted use and a Secondary Suite on parcels 0.4 ha. or larger. Other permitted uses in the zone include Restricted Agriculture, Bed and Breakfast, Home Based Business, Residential Day Care and accessory uses.

The R-3 zone requested by the applicant has the same permitted uses as the R-2 zone except Horticulture is permitted instead of Restricted Agriculture. The difference between these two uses is that Horticulture excludes farm animals, poultry and mushroom farming. The primary difference between the R-2 and R-3 zone is that R-3 has a minimum parcel size of 0.4 ha for lots connected to community water but not community sewer. Such lots in the R-2 zone have a minimum parcel size of 1 ha. A comparison of other differences between the two zones is shown on Table 1.

Table 1:

	R-2 (Suburban Residential)*	R-3 (General Residential)*
Front Parcel Line Setback	7.5 m	7.5 m
Interior Side Setback	3.0 m	3m or 10% of parcel width, whichever is less
Exterior Side Setback	4.5 m	4.5 m
Rear Parcel Line Setback	7.5 m	4.5 m
Maximum Building Height	10.0 m	7.5 m
Parcel Coverage	25%	35%

* Principal Residential Use

With respect to subdivisions for relatives, Section 3.22 of the Zoning Bylaw states:

The minimum size for a parcel that may be subdivided under Section 946 of the Local Government Act throughout Electoral Area G – Saltair shall be 25 hectares.

Advisory Planning Commission Comments:

The Area G Advisory Planning Commission reviewed this application on July 15, 2009 where it unanimously passed the following resolution:

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for proposed Lot 1.

A copy of the APC meeting minutes are attached to this report. Please note comments regarding a potential trail connection through the property.

Parks Commission and Parks and Trails Division Comments:

Staff from the Parks and Trails Division of the Parks, Recreation and Culture Department referred this application to the Area G Parks Commission on July 15, 2009. Although no written response has been received from the Parks Commission, Parks staff have noted that a 7 metre wide trail connection through this subject property connecting Stocking Creek Park to Clifcoe Road and the public beach access to the east is desirable. It was also noted that this connection is shown on the Trails Plan (Map 5) of the OCP. The applicant, however, is opposed to the trail connection as he believes it will impact the privacy and use of the land and because there is an alternate pedestrian route to the north that provides a connection between Clifcoe Road and Stocking Creek Park.

Referral Agency Comments:

This application was referred to government agencies on June 25, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Approval recommended. Approval of this rezoning application is not to be construed as approval of the proposed subdivision application.*
- Vancouver Island Health Authority – *Approval recommended. This property's soil profile etc. meet the intent of our Standards to ensure Public Health Protection. Please see attached letter.*
- Ministry of Community Services – *In addition to ensuring adequate consultation with First Nations on this proposed bylaw amendment, and to referring it to all potentially affected agencies, you may wish to consider the commitment your regional district has made by signing Climate Action Charter, specifically in the area of developing compact, complete communities.*

- CVRD Parks and Trails Division – *Comments pending*
- CVRD Engineering and Environmental Services Department – *Property is within CVRD Saltair Water System. Currently there is no community sewer system in this area. CVRD Engineering and Environment has no objection as the Saltair Water System has capacity to expand.*

Development Services Division Comments:

The subject property is located on the western boundary of the General Residential designation and R-3 zone. Expanding the General Residential Plan designation and R-3 zone could therefore be accomplished without resorting to “spot zoning”. In addition, since there is commercially zoned land on the opposite side of Chemainus Road, the General Residential designation and higher residential density permitted with the R-3 zone may be compatible with future uses on the near-by commercially zoned lands, particularly if community sewer became available in this area.

That said, most of the land on the east side of Chemainus Road is designated Suburban Residential and is zoned R-2. As the Suburban Residential designation and R-3 zoning was not applied to lands along Chemainus Road, it appears the OCP and Zoning Bylaw deliberately discouraged subdivision to lot sizes less than 1 ha. in this area, likely to maintain the rural character of Chemainus Road and to discourage additional driveway accesses. In this regard, it appears the proposed rezoning is not supported by the policies and objectives of the OCP.

The circumstances surrounding this application are, however, somewhat unique. Had the applicant not encountered problems with the Health Authority Approval, or if adoption of the Zoning Bylaw had been delayed, the proposed lot would now exist. Although the OCP and Zoning regulations now discourage the type of subdivision proposed, it is unlikely this proposal itself would compromise the objectives of the Plan. Since the applicant had initiated the subdivision prior to adoption of the OCP and Zoning Bylaw and we are not aware of other property owners in the area with similar circumstances, approval would not necessarily establish a precedent.

The APC, in reviewing this application, noted that rezoning the entire parcel to R-3 could allow the property to be subdivided into more than two parcels. Staff share a similar concern since the property is large enough to permit up to three new lots created without community sewer if the zoning amendment is granted. If community sewer were available, up to seven new parcels would be possible. Limiting the bylaw amendments to just the northern part of the property where the new lot is proposed would preclude the potential for further subdivision of the remainder without subsequent zoning amendment.

As this application proposes to create one lot, there is no requirement for park land dedication at the time of subdivision. Parks issues can, however, be considered in conjunction with the rezoning of the property and requirements for parks or trails can be conditions of zoning approval should requirements for parks or trails be determined to be in the public interest. Comments from the Parks staff noted earlier in this report and the fact that a trail connection through the

property is identified in the OCP highlight the possible trail connection as a central issue associated with this application. If the Committee considers the trail connection to be advantageous to the community, it could be made a condition of zoning approval, or, as suggested by the APC, the trail corridor could be protected and dedication made a requirement of any future subdivision of the remainder. Either option would require an appropriate covenant be prepared prior to a public hearing and registered on the property prior to adoption of amendment bylaws. Since the applicant has advised staff that they are not willing to provide a trail through the property, neither of these options appear feasible. The Committee is therefore presented with a choice of forwarding the application to the bylaw preparation stage and a public hearing without provision for a future trail, or denying the application.

Summary:

The OCP does not have policy directly supportive of this application and there are not any obvious planning-based justifications to support the application. However, there does appear to be hardship circumstances surrounding the application that may warrant the application's approval, or at least consideration of the application at a public meeting or public hearing. The situation the owner found himself in as a result of adoption of the new Area G OCP and Zoning Bylaw in 2005 is different than that of other property owners in Saltair in that Mr. Parkinson had seriously pursued subdivision prior to adoption of bylaws and has made a substantial investment in doing so. Staff does not believe the creation of one additional lot in this case will compromise the intent of the OCP, nor will it create a precedent for similar applications in the future.

Irrespective of the land use considerations, the Area G Official Community Plan does identify a future trail connection through the subject property. Provision of a public trails would provide a community benefit that could justify the requested zoning change. In the absence of a commitment from the applicant to provide a public trail, staff can find no policy support for the application and are therefore obliged to recommend denial of the application. Although applicant's hardship circumstances are compelling, such matters are better arbitrated by the CVRD Board and reside outside of the land use and community planning advice planning staff provides.

Options:

Option A:

1. That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 2-G-08RS (Parkinson) that would permit one new lot.
2. That a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Dorey, Marcotte and Iannidinardo appointed as Board delegates.
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Community Services, and the CVRD's Parks, Recreation and Culture Department and Engineering and Environmental Services Department be accepted.

Option B:

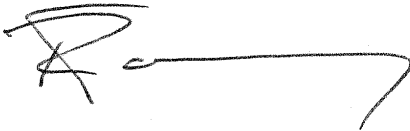
That OCP and Zoning Amendment Application No. 2-G-08RS (Parkinson) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.

Option C:

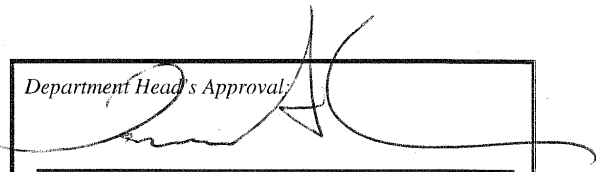
That Zoning Amendment Application No. 2-G-08RS (Parkinson) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option C is recommended.

Submitted by,



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

Department Head's Approval:	
Signature	

RC/ca
Attachments



Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
July 15, 2009

In attendance: Ted Brown, Ruth Blake, Gary Dykema, David Thomas, Director
Mel Dorey

Also in attendance: Mr. and Mrs. Keith Parkinson (applicants) and other
members and friends of the Parkinson family

The purpose of the meeting was to review Rezoning Application No. 2-G-08RS (Parkinson)

The Meeting was called to order at 8:00 p.m. by Chairman Ted Brown.

Keith Parkinson provided the Commission with background information with respect to the application, including the following points:

- The purpose of the application is to allow the subdivision of one parcel from the parent property so the applicant's son may build a house on it.
- The original subdivision request was made under the old Saltair OCP at which time both the OCP and Provincial subdivision regulations would have allowed the subdivision without the need for a rezoning of the property.
- Due to the length of time it took to secure an approved septic treatment system for the property not only had the old OCP been replaced with the current plan but the Provincial subdivision rules had changed, thus requiring a rezoning of the property.
- The Parkinson's were strongly opposed to any walkway being required through their property connecting Clifcoe Road with the Chemainus Road. Such a walkway was not possible along the north boundary of their property given the location of the septic treatment facility and a walkway between the two proposed parcels would result in an unwanted disruption between the parent's and son's homes.
- The Parkinson's also noted that, apart from creating the new lot, they had no desire to further subdivide the balance of the property.

Following questioning of the applicants and discussion, the following motion was made:

000060

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for the proposed Lot 1.

Carried Unanimously

In discussing this motion the members of the APC were of the view that the rezoning should be restricted to the proposed Lot 1 and that any broader based rezoning should only occur through a more comprehensive review of the OCP. It was recognized that this proposal could be construed as a "spot rezoning" but, given the history of the application, there was a strong consensus the rezoning should be approved in order that the additional lot could be created.

There was also considerable discussion about whether or not a walkway linking Clifcoe Road and Chemainus Road should also be required at this time. While such a walkway would provide a direct link to the Stocking Creek Park entrance at Thicke Road as well as a convenient pedestrian link from lands to the east to the commercial area on Chemainus Road it was felt that such a requirement would be overly onerous given that only one lot was being requested. However, there was discussion about protecting the opportunity to establishing such a walkway should the balance of the property be developed at some point in the future. This could be accomplished by modifying the boundaries of the proposed Lot 1 and the rezoning boundary so as to leave a small triangular piece of land in the southeast corner of the proposed Lot 1 as part of the parent parcel. The idea of placing a covenant on the parent parcel protecting this option was also discussed. It was emphasized, however, that the walkway requirement would only come into effect should the landowners choose to further develop their property.

Ted Brown
Chairman
Saltair Advisory Planning Commission



October 2, 2007

File # 01.002.26494

Cal Fradin, District Development Technician
Ministry of Transportation
3rd Floor – 2100 Labieux Road
Nanaimo, BC V9T 6E9

Dear Mr. Fradin,

**RE: Proposed subdivision for Lot A, Plan 3508, DL 12 & 31, Oyster District,
Chemainus Road, PID 006-198-945**

I have inspected this proposal to witness the soil profile and area meeting our Standard requirements. I recommend your approval and request the appropriate covenant review prior to your final approval.

If you have any questions, I can be reached at (250) 248-2044. See attached inspection plan.

Yours truly,

Glenn Gibson, CPHI(C), REHO
Land Development
Environmental Health Officer

GJG: gm

Cc: Keith Parkinson
W.R. Hutchinson, BCLS

000062

Health Protection and Environmental Services

Parksville	(250) 248-2044	Fax: (250) 248-8624	Port Alberni	(250) 724-1281	Fax: (250) 724-4376
Nanaimo	(250) 755-6215	Fax: (250) 755-3372	Courtenay	(250) 334-5450	Fax: (250) 334-5466

Harbour

W-1

Channel

Boulder
Point

~~Subject Property~~

000063

A • 6811



Cowichan
Valley
Regional
District

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various sources for internal
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reference purposes only.

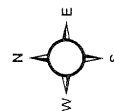
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FILE: 2-G-08-RS

Orthophoto
(2002)



000064



**Cowichan
Valley
Regional
District**

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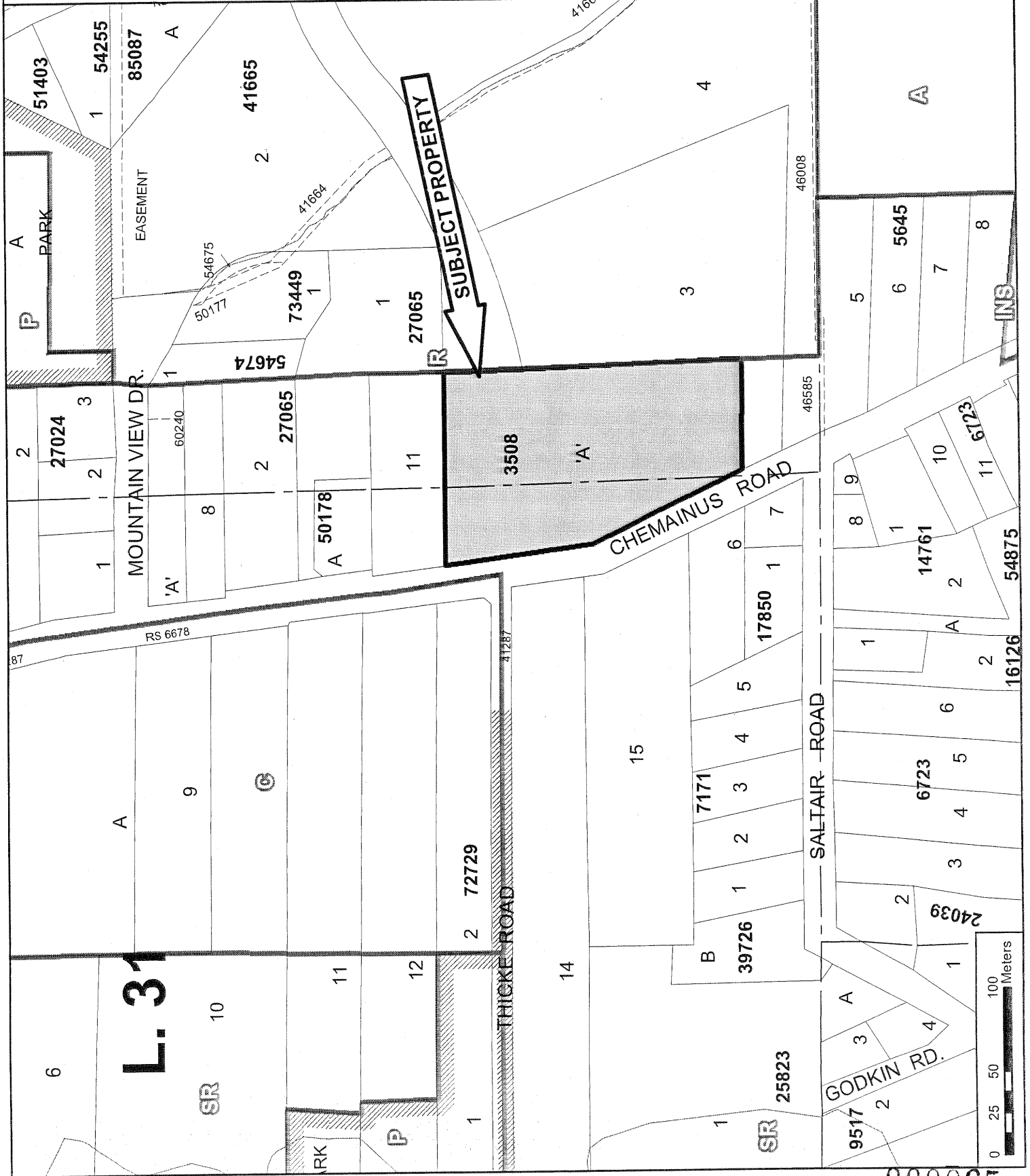
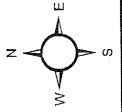
FILE: 2-G-08-RS

OCP

Legend



Subject Property
OCP Electoral Area G



000065



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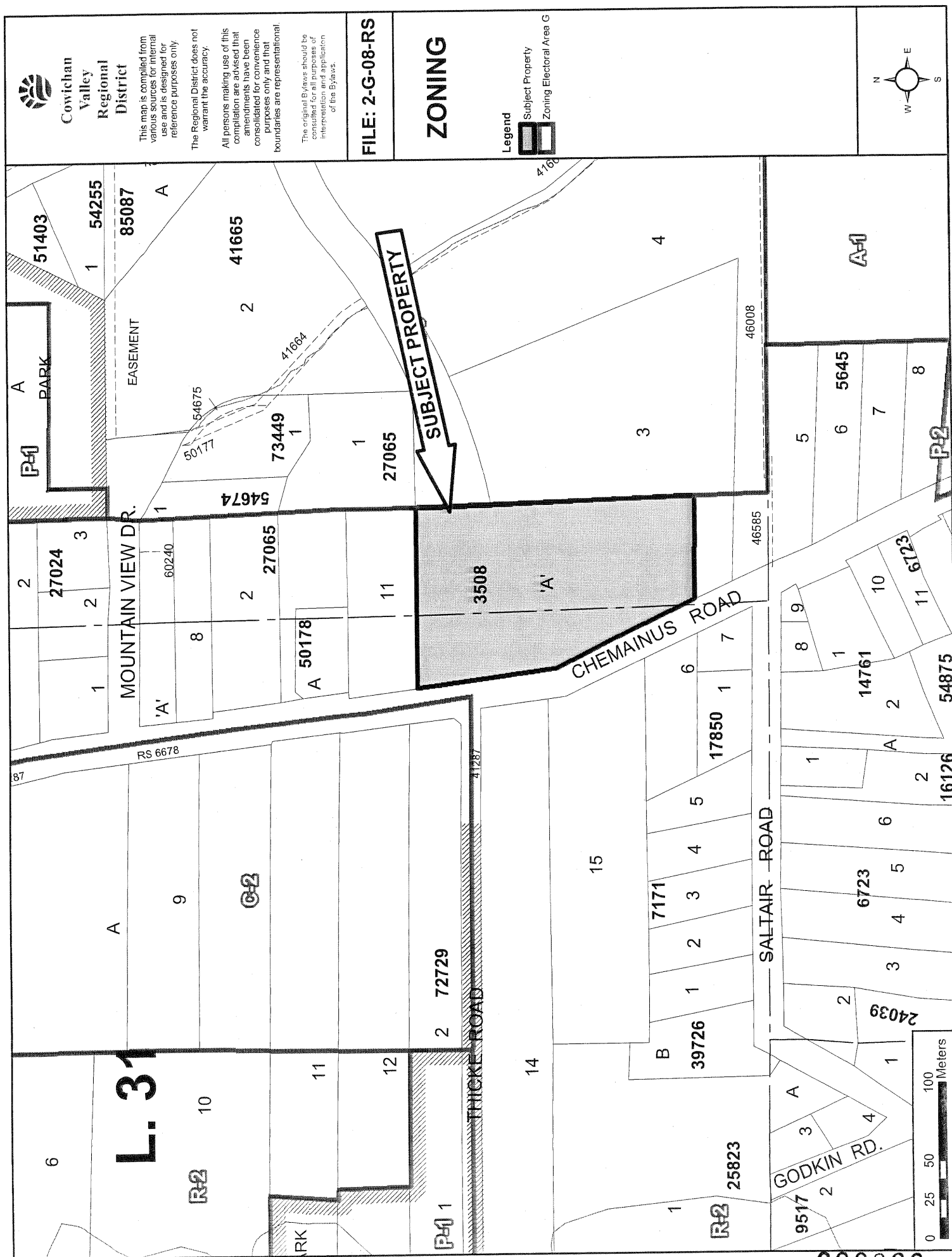
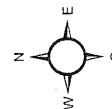
FILE: 2-G-08-RS

ZONING

Legend



Zoning Electoral Area G



000066

CHEMAINUS

REM. 1

PLAN 3508

PLAN 27065

GARAGE

PROPOSED

LOT 1
0.52 ha

PHOLE 30.0
Covenant Area
750 sq.m
#THOLE2
#THOLE4
#THOLE3

at 10m
CLIFCOE ROAD

PLAN

REMAINDER A
(DD 82676N)
AREA = 1.20 ha.

3

PLAN 41665

17.0
Covenant Area
450 sq.m
PHOLE
#THOLE6
#THOLE5

garage shop

aviary

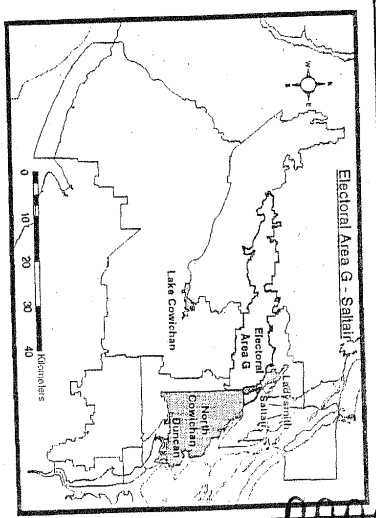
dwelling

septic tank

existing disposal field (approx)

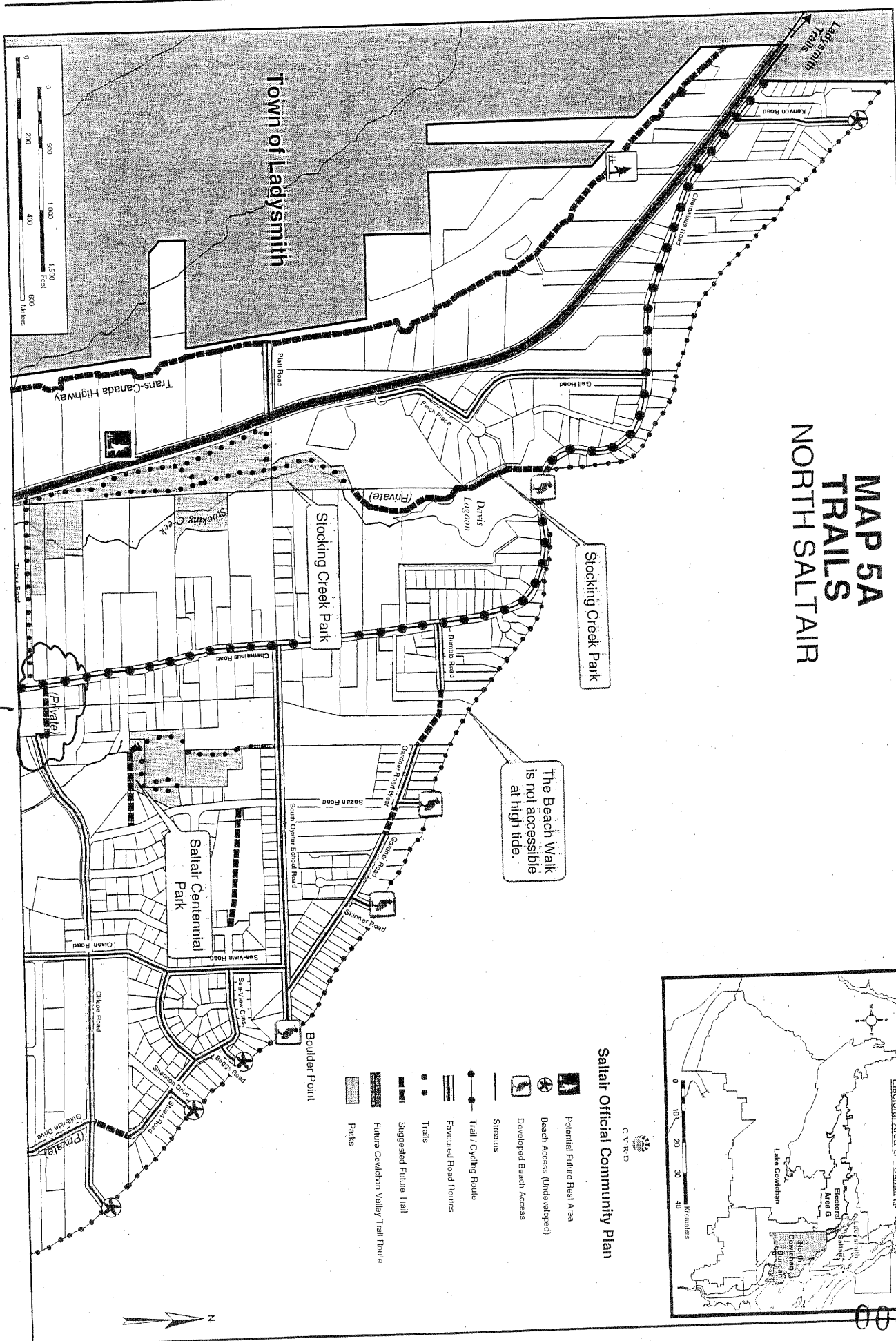
000067

MAP 5A TRAILS NORTH SALT AIR



Saltair Official Community Plan

- Potential Future Heat Area
- Beach Access (Undeveloped)
- Developed Beach Access
- Streams
- Trail / Cycling Route
- Favoured Road Routes
- Trails
- Suggested Future Trail
- Future Cowichan Valley Trail Route
- Parks



The Beach Walk is not accessible at high tide.

→ Possible Trail Connection



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 17, 2009

Date: November 10, 2009 File No: 1-D-09RS

FROM: Dana Beatson, Short Range Planner BYLAW No: 1015
Development Services Division

SUBJECT: Rezoning Application No. 1-D-09RS (Randy Kolenberg)

Recommendation:

That Application No. 1-D-09RS (Kolenberg) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Purpose:

To amend Electoral Area D – Cowichan Bay – Zoning Bylaw No. 1015 to permit a motor vehicle sales lot on the subject properties.

Background:

Location of Subject Property: Koksilah Frontage Road

Legal Description:

- Lot 4, Block 3, Section 12, Ranges 7 & 8, Quamichan District, Plan 341, except part in Plans 37415 and 1036RW (PID: 009-142-185)
- Lot 5, Block 3, Section 12, Ranges 7 & 8, Quamichan District, Plan 341, except part in Plans 37415 and 1036RW (PID: 009-142-231)
- Lot 12, Block 3, Section 12, Range 7, Quamichan District, Plan 341 (PID: 009-142-665)
- Lot 13, Block 3, Section 12, Range 7, Quamichan District, Plan 341 (PID: 009-142-673)

Date Application and Complete Documentation Received: January 23, 2009

Owners Dog House Restaurant Ltd.

Applicants Randy Kolenberg

000069

Size of Parcel: Lot 4 is $\pm 565 \text{ m}^2$
Lot 5 is $\pm 557 \text{ m}^2$
Lot 12 is $\pm 669 \text{ m}^2$
Lot 13 is $\pm 668 \text{ m}^2$

Existing Plan Designation: Commercial

Proposed Plan Designation: Commercial (same as above; no plan amendment required)

Existing Zoning: C-2 (Local Commercial)

Minimum Lot Size 1100 m^2 for parcels served by a community water and a community
Under Existing Zoning: sewer system
1675 sq. m for parcels served by a community water system only
0.8 ha for parcels neither served by a community water or community
sewer system

Proposed Zoning: C-3 (Service Commercial)

Minimum Lot Size Under Proposed Zoning: 1100 m^2 for parcels served by a community water
and a community sewer system
1675 sq. m for parcels served by a community water
system only
0.8 ha for parcels neither served by a community
water or community sewer system

Existing Use of Property: All four parcels are vacant.

Existing Use of Surrounding Properties:

North: Francis Street & Suburban Residential Lands (zoned R-2)
South: Koksilah Frontage Road & Trans Canada Highway (zoned T-1)
East: Local Commercial uses (zoned C-2) and an Agricultural Market
Use (zoned A-5)
West: Local Commercial uses (zoned C-2) and two industrial parcels
(zoned I-1)

Services:

Road Access: Francis Road & Koksilah Frontage Road
Water: The property is currently vacant and not serviced by a well or
community water system
Sewage Disposal: Eagle Heights Sewer Service

Agricultural Land Reserve Status: Outside

Contaminated Sites Regulation: Declaration signed. No schedule 2 uses were noted.

000070

Environmentally Sensitive Areas: CVRD Environmental Planning Atlas does not indicate any such features; however the subject property is located within the floodplain.

Archaeological Site: There are no confirmed archeological sites on the subject properties.

Property Context:

The subject properties are located on Koksilah Frontage Road near Christopher Road in Electoral Area D – Cowichan Bay, south of the City of Duncan. The subject properties range in size from approximately 557 m² to 668 m², are relatively flat, and are vacant.

The Christopher and Koksilah Road neighborhood is characterized by local commercial parcels that range in size from about 550 m² to 668 m². This neighborhood, including the subject property is largely designated as commercial in the Official Settlement Plan (OSP).

Suburban residential uses occupy the lands to the north and the Trans Canada Highway is located south of the site. Land to the east is occupied by a retail outlet that sells gardening supplies and an agricultural market which includes a market and gift shop. Land to the west is zoned for local commercial uses and is occupied by the Cowichan Valley Meat Market.

The Proposal:

The applicant is proposing to amend Zoning Bylaw No. 1015 by rezoning four parcels, totaling approximately 2459m² (.24 hectares or .59 acres) on Koksilah Frontage Road from C-2 (Local Commercial) to C-3 (Service Commercial) in order to permit motor vehicle sales on the properties. The applicant has informed CVRD staff that only used automobiles will be sold on-site and that an office will also be located on-site. A conceptual site plan and building scheme has been attached to this report for your reference.

According to the conceptual site plan submitted by the applicant the proposed road access for the northern portion of the site is from Francis Road and road access to the southern portion of the site is from Koksilah Frontage Road.

In terms of servicing the subject properties are not currently connected to a community water system and are located outside of the City of Duncan Water Service Area. In order to obtain community water the applicant would have to contact the City of Duncan to see if there is capacity to service the four parcels. An alternative option to community water from the City of Duncan is to have the applicant drill a well onsite. The property is in the Eagle Heights Sewer Service Area. The Duncan Volunteer Fire Department provides fire protection for this property.

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

The CVRD Environmental Planning Atlas (2000) does not identify any watercourses or environmentally sensitive areas on the subject property. During a site visit of the property in August 2009 staff noted there were no watercourses on any of the properties.

The subject properties are located in the Cowichan-Koksilah River floodplain at an elevation of approximately 7.7 metres. This mapping shows that the 200-year flood elevation is approximately 8.7 metres. The CVRD's Policy with respect to issuance of building permits within the Cowichan-Koksilah Floodplain is to issue permits below the 200-year flood level provided that a geotechnical report is completed, a "save-harmless covenant" is registered on title, and that the proposed construction does not involve a request for more than one (1) metre below the 200-year flood level. The minimum building elevation on the site is therefore approximately 7.7 metres, assuming a geotechnical engineer determines this is a safe building elevation and specifies conditions for construction, and that the required covenant is provided. Alternatively, proposed structures could be elevated above the 8.7 metre flood level.

Policy Context:

Official Settlement Plan:

The Area D Official Settlement Plan (OSP) designates the subject properties as Commercial. The OSP (p. 10) states that some of the overriding objectives of the Plan are, "*to concentrate commercial growth primarily in the vicinity of Cowichan Bay Harbour/Village*" and "*to permit the orderly development of a very limited amount of service commercial use in specific areas provided that it does reduce road safety or detract from the scenic character of the area.*"

The OSP also contains commercial policies (p. 26) that are specific to the application, they include:

Policy 8.1 – The Plan recognizes that the Koksilah/Francis Street area as one of the principal commercial nodes in the electoral area.

Policy 8.2 – Except as shown on the plan map, no further commercial designations shall be permitted on land adjacent to the Trans Canada Highway.

Policy 8.3 – Commercially or industrially zoned parcels adjacent to the Trans Canada Highway right-of-way shall be designated development permit areas to regulate landscaping, site design, exterior building design and signage.

Policy 8.6 – The Koksilah area shall be encouraged to develop primarily as a tourist recreation and local commercial area. However, a limited amount of service commercial development may be permitted.

Development Permit Process:

In accordance with OSP Policy 8.3, a Commercial/Light Industrial Development Permit Area (DPA) was established in 2008 which includes guidelines for the form and character of commercial and industrial development. All four subject properties are included within this DPA. If this application is approved the applicant will be required to meet the DPA guidelines and obtain a DP from the CVRD prior to the construction of any buildings on-site. The particulars of the site in terms of building design, rainwater management, site layout, parking, signage, landscaping and screening would be addressed at the development permit stage. It should be noted that the applicant will also need to demonstrate that the requirements of CVRD Bylaw No. 1000 and CVRD Bylaw No. 1095 have been met. CVRD Bylaw No. 1000 regulates the provision of off-street motor vehicle parking and loading, and CVRD Bylaw No. 1095 establishes sign regulations for CVRD Electoral Areas.

In reviewing the development permit guidelines in detail, the applicant's requirement to obtain a development permit is only triggered by certain activities that occur on-site. These activities include: the construction of buildings and/or structures; the construction of a driveway, road, or bridge; the alteration of land; the removal of trees and/or vegetation; and the removal or deposition of soil. The EASC should be made aware that if these activities do not occur onsite a development permit may not be required. This means, for example, that the applicant could place a used motor vehicle sales lot on the subject properties (without constructing a building) and a development permit may not be required. Another example is that if a motor vehicle sales lot was placed on the properties without any alteration of the land or removal of soil, vegetation, or trees a development permit may not be required.

Zoning:

The subject properties are presently zoned C-2 (Local Commercial) and the C-2 zone permits the following:

- (1) retail~~x~~ stores, including convenience stores and automotive parts and accessory sales, but excluding external storage of goods;
- (2) offices, banks, credit unions and other financial establishments;
- (3) restaurants, catering, including drive-in restaurants;
- (4) personal service establishments;
- (5) repair and servicing of personal and household goods and power tools, electric and electronic equipment;
- (6) bowling alley, arcade, billiard and game room;
- (7) hardware and camping supply sales, excluding storage yards;
- (8) ancillary wholesale sales and warehousing;
- (9) funeral parlours;
- (10) printing and publishing;
- (11) veterinary clinic;

- (12) parking garages and lots, bus depots;
- (13) commercial plant nurseries, horticulture, retail sales of gardening supplies and produce, ancillary outdoor storage; and
- (15) one single-family residential dwelling per parcel accessory to a use permitted in Section 9.2(a)(1) to (13) above

The applicant is proposing that the properties be rezoned to C-3. The C-3 zone permits:

- (1) motor vehicle sales, rental, servicing and repair; service station excluding auto wrecking and storage of wrecked vehicles;
- (2) retail and wholesale sale of motor vehicle parts and accessories;
- (3) retail and wholesale sale of building and camping supplies, including ancillary outdoor storage;
- (4) sale, rental or servicing of mobile homes, recreational vehicles, boats, motorcycles, farm and industrial equipment, power tools and household equipment;
- 5) parking garage and parking lot, bus depot;
- 6) commercial plant nurseries, horticulture, retail sales of gardening supplies and produce, accessory outdoor storage;
- (7) restaurants, catering, including drive-in restaurants;
- (8) office, wholesale sales and warehousing accessory to a use permitted in Section 9.3(a)(1) to
- (9) convenience store; and
- (10) one single-family residential dwelling per parcel accessory to a use permitted in Section 9.3(a)(1) to (7).

A copy of the C-2 and C-3 zones, including a complete list of permitted uses, are attached to this report.

Advisory Planning Commission Comments:

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

By a vote of 10 to 0, the members recommend that this application be turned down because it is contrary to the vision of the OCP.

Referral Agency Comments:

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

- Ministry of Transportation and Infrastructure (Victoria) – *Preliminary Approval is granted for the rezoning for one year pursuant to Section 52 (3)(a) of the Transportation Act. No objections.*
- Central Vancouver Island Health Authority – *Interests Unaffected*
- CVRD Engineering & Environment – *The lots are within Eagle Heights Sewer Service Area. No objections to this application.*

- City of Duncan (Waterworks) – *The properties are located outside of the water service area. The applicant will have to apply to see if there is capacity in the system to accommodate water servicing to the four parcels.*
- CVRD Public Safety Department – *No comment received*
- CVRD Parks and Trails Division – *No comment received*
- Cowichan Tribes – *No comment received*
- Duncan Volunteer Fire Department – *No comment received*
- Ministry of Environment – *No comment received*

Development Services Division Comments:

Land Use

The Official Settlement Plan designates the properties as Commercial and the proposed land use (i.e. motor vehicles sales) is permitted within the Commercial designation. Policy 8.1 of the OSP also recognizes the Koksilah/Francis Street area as one of the five commercial nodes within Electoral Area D.

The OSP (Policy 8.6) designates the Koksilah area as a tourist recreation and local commercial area, although it recognizes that some limited service commercial uses could be permitted. The OSP also contains commercial objectives (p.10) that discourage service commercial uses in specific locations if the use reduces road safety and detracts from the scenic character of the area. Additionally the commercial objectives indicate that commercial growth should be concentrated in the vicinity of Cowichan Bay Harbour/Village area. Because the OSP designates this area as a tourist recreation and local commercial area, the proposed service commercial use (i.e. a used automobile sales lot and office) is contrary to the OSP policies for this area and for this specific site.

Staff Comments:

The APC was not supportive of this rezoning application because they felt that the proposed use was contrary to the vision in the OSP and felt that this area could attract a higher profile tourist recreation or local commercial user and by rezoning the parcels to C-3 would obstruct this goal.

Because the proposed use is contrary to the vision outlined in the OSP and the APC was not supportive of the application Development Services Staff are recommending that this application be denied.

Options:

Option A:

That Application No. 1-D-09RS (Kolenberg) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option B:

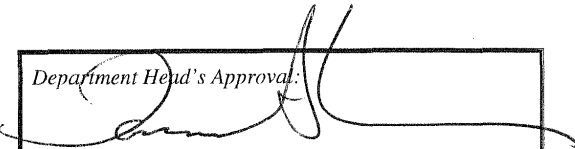
1. That staff be directed to prepare a Zoning amendment bylaw for Application No. 1-D-09RS (Kolenberg) that would permit a motor vehicle sales lot on the subject properties.
2. That a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Iannidinardo, Giles, and Cossey appointed as Board delegates.
3. That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, the CVRD's Parks, and Trails Division, CVRD Engineering and Environment Department, City of Duncan (Waterworks), Duncan Volunteer Fire Department, Cowichan Tribes, and the CVRD Public Safety Department be accepted.

Option A is recommended.

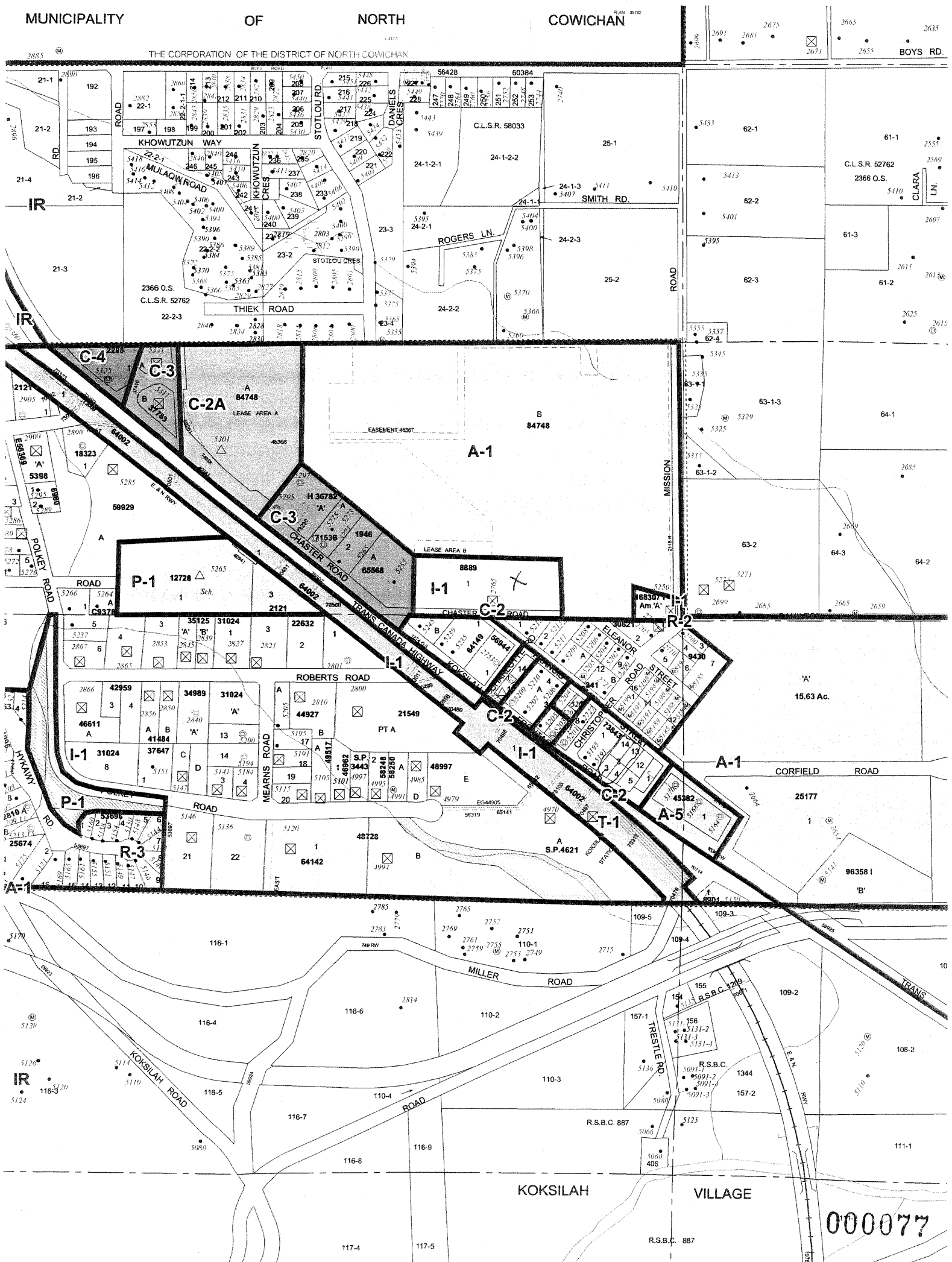
Submitted by,

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

DB/ca
Attachments

<i>Department Head's Approval:</i>  <i>Signature</i>
--

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN



000077



Cowichan
Valley
Regional
District

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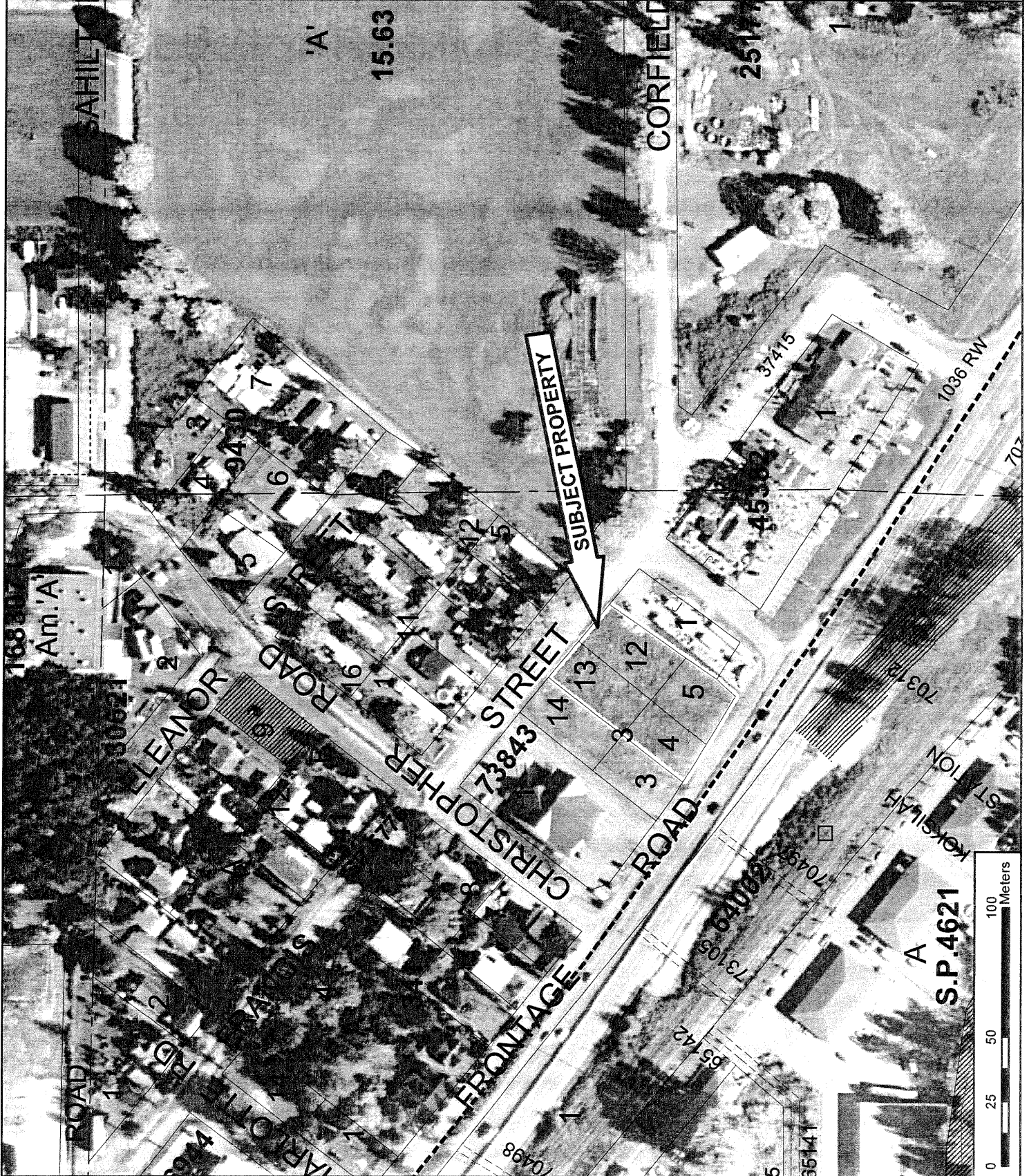
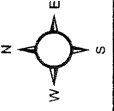
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FILE: 1-D-09-RS

Orthophoto
(2004)



000078



Cowichan
Valley
Regional
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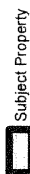
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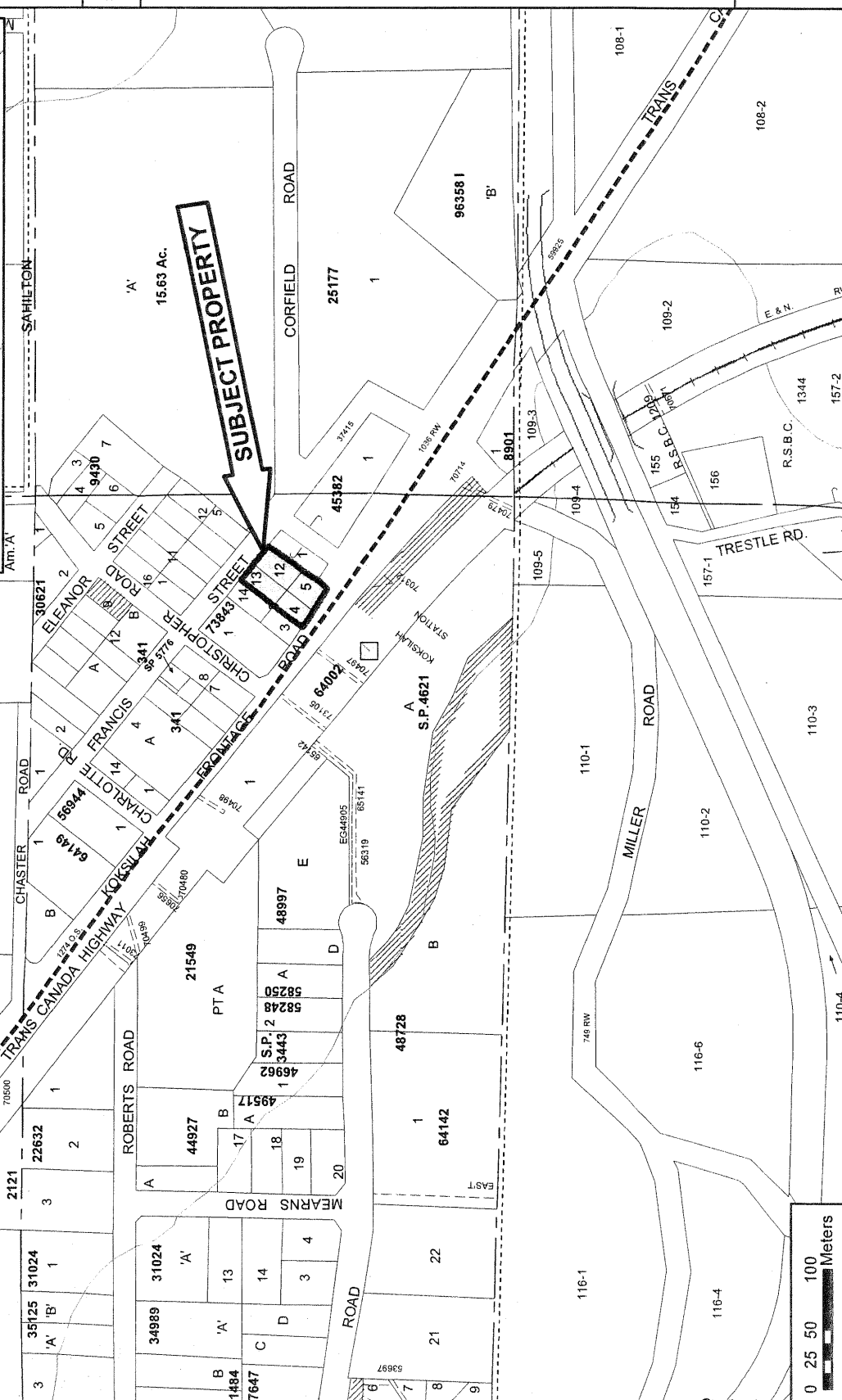
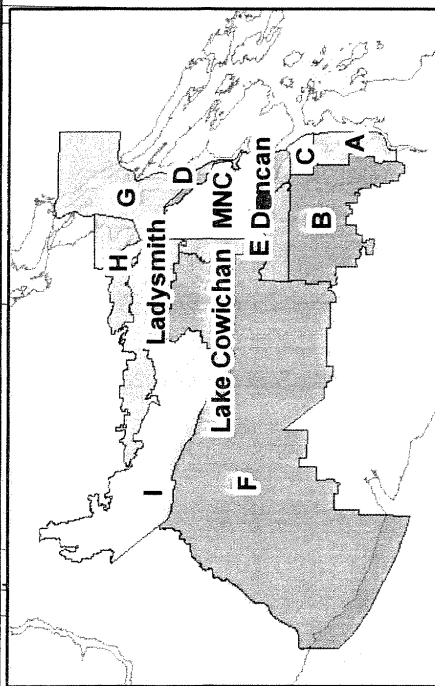
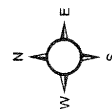
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FILE: 1-D-09-RS

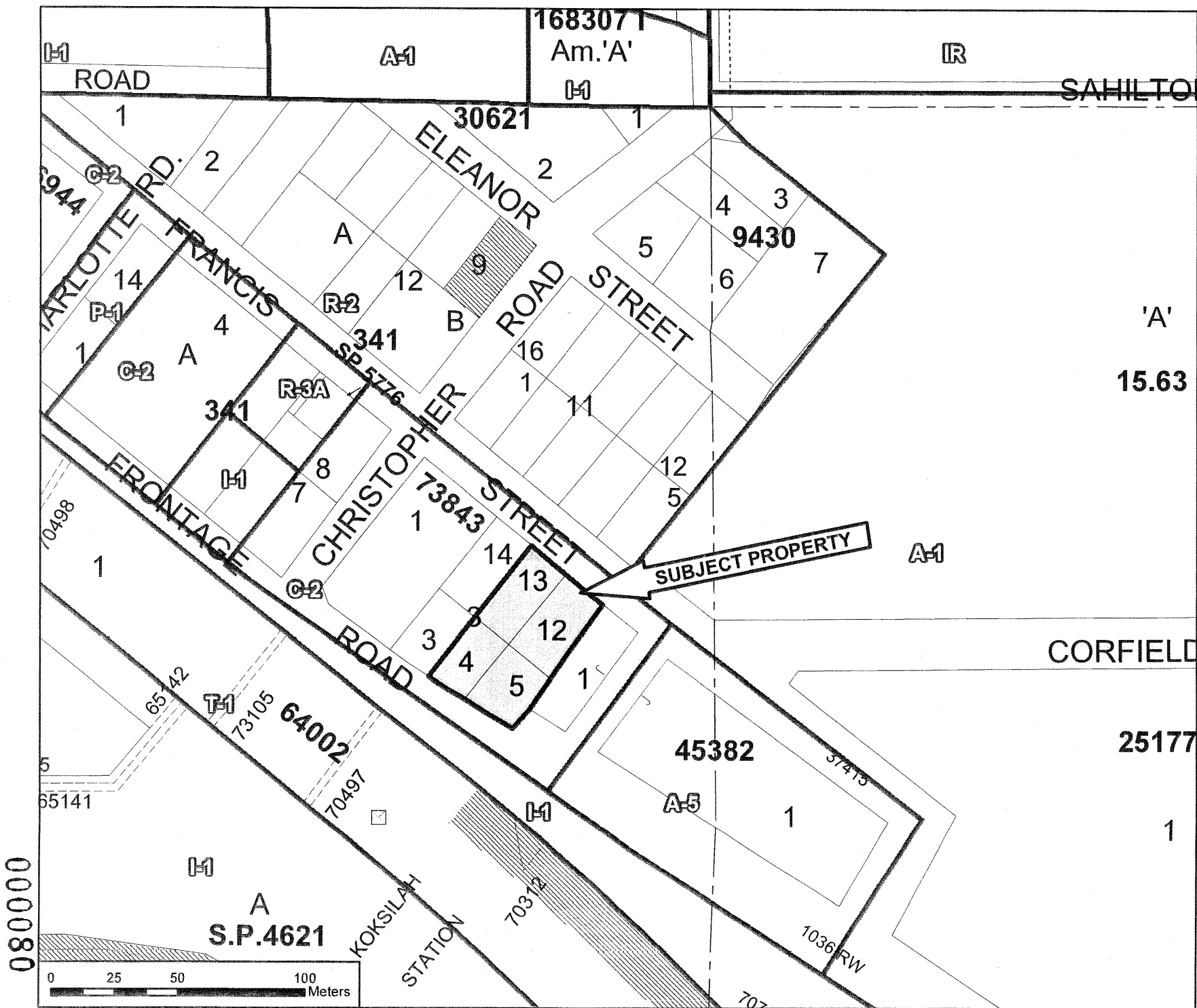
Legend



Subject Property



000079



Cowichan
Valley
Regional
District

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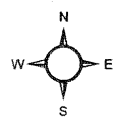
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FILE: 1-D-09-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area D





Cowichan
Valley
Regional
District

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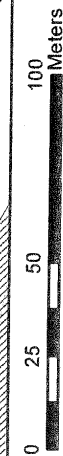
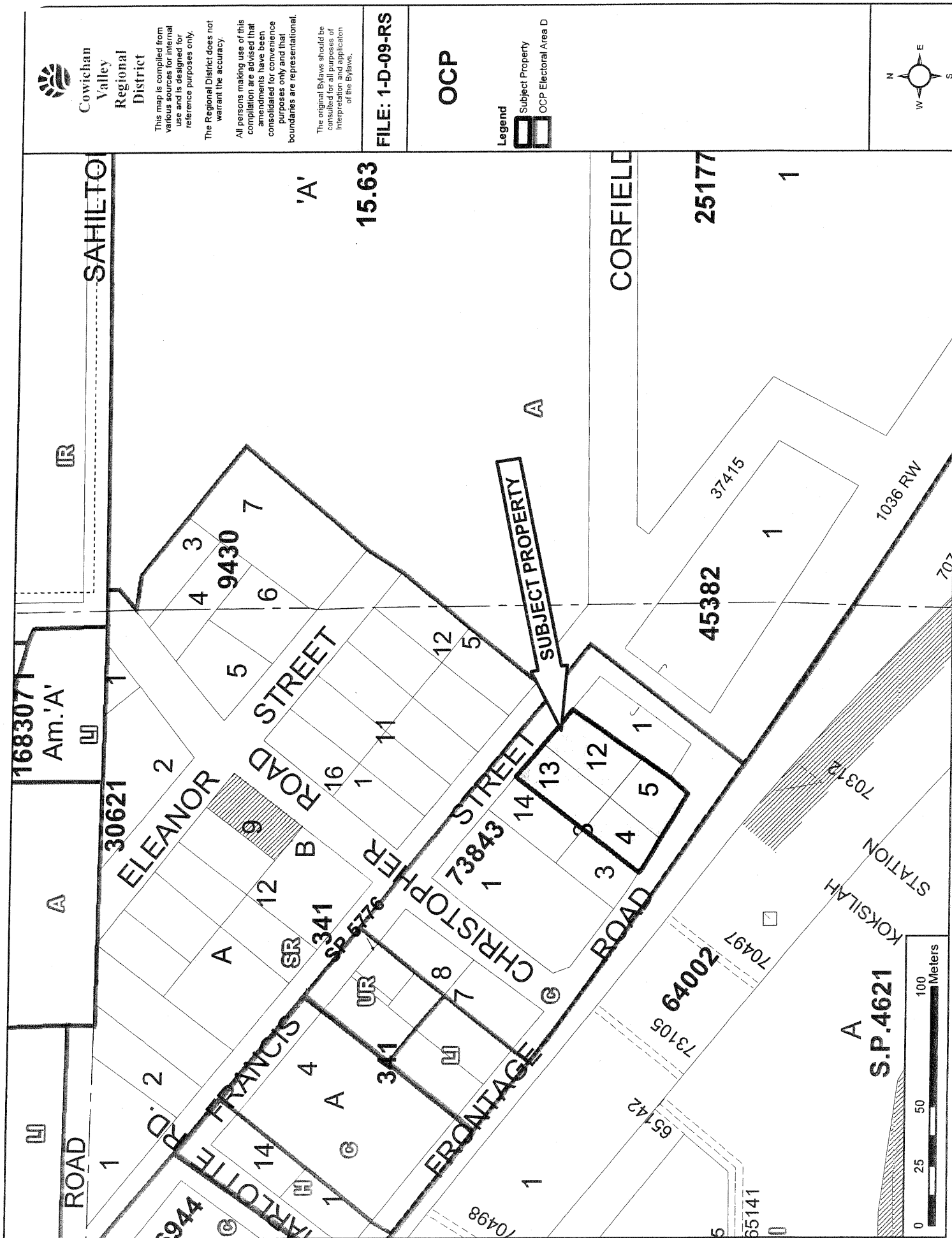
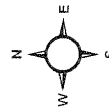
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-D-09-RS

OCP

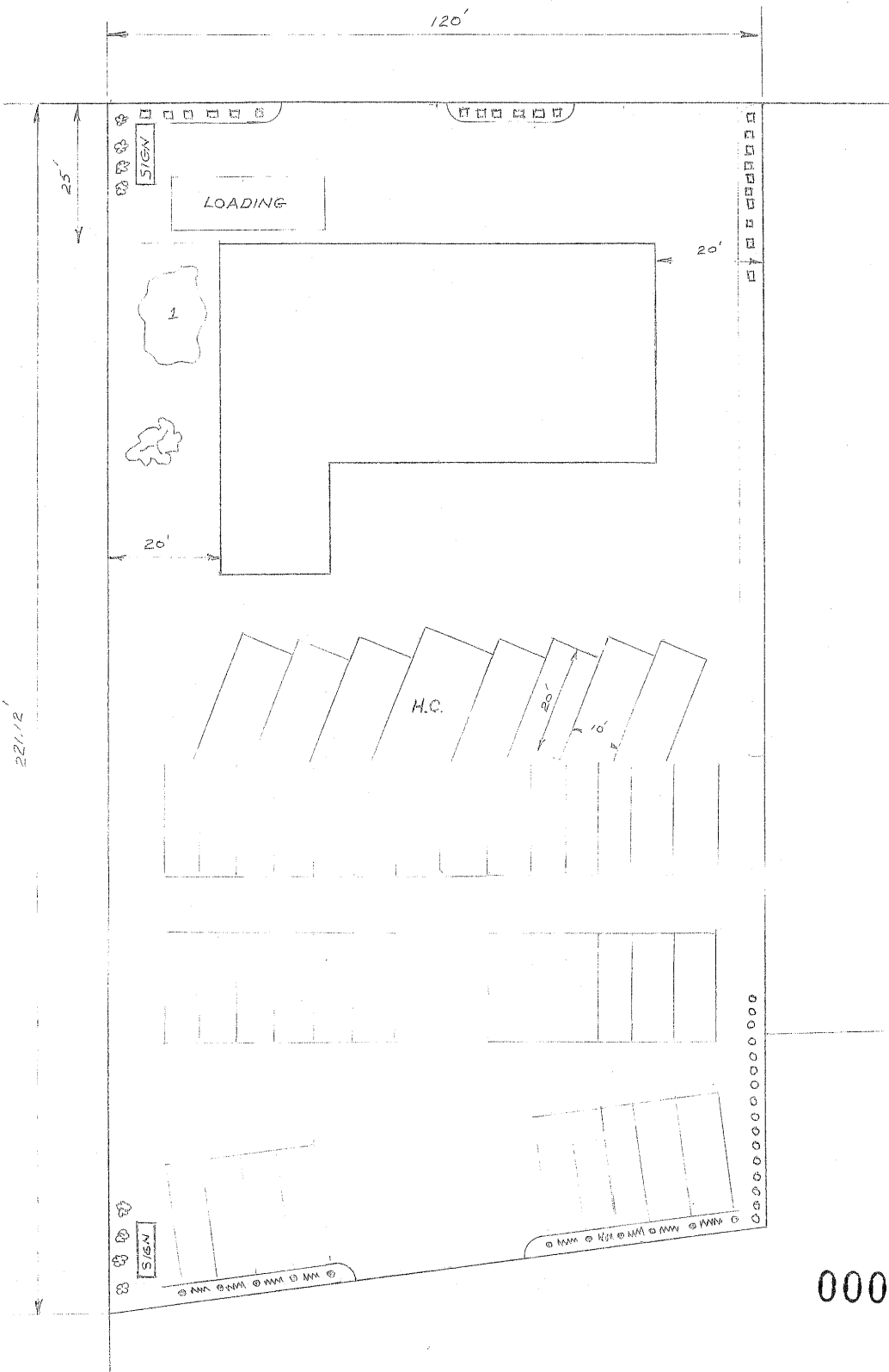
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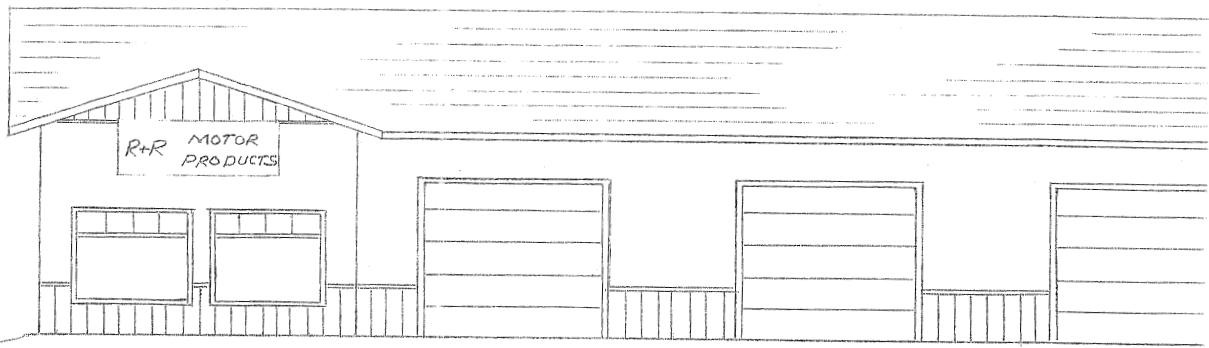
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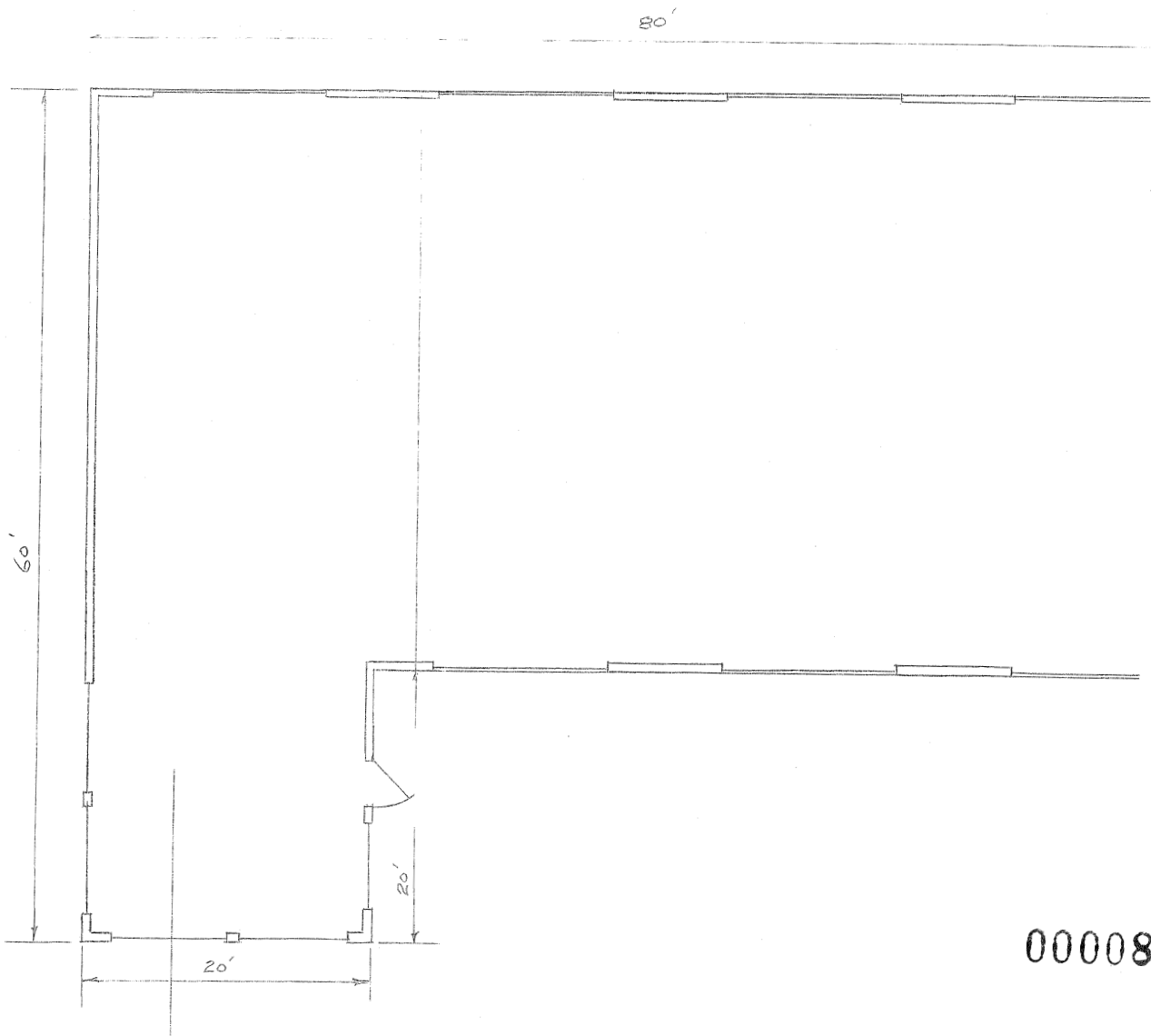
Conceptual Site Plan



000082

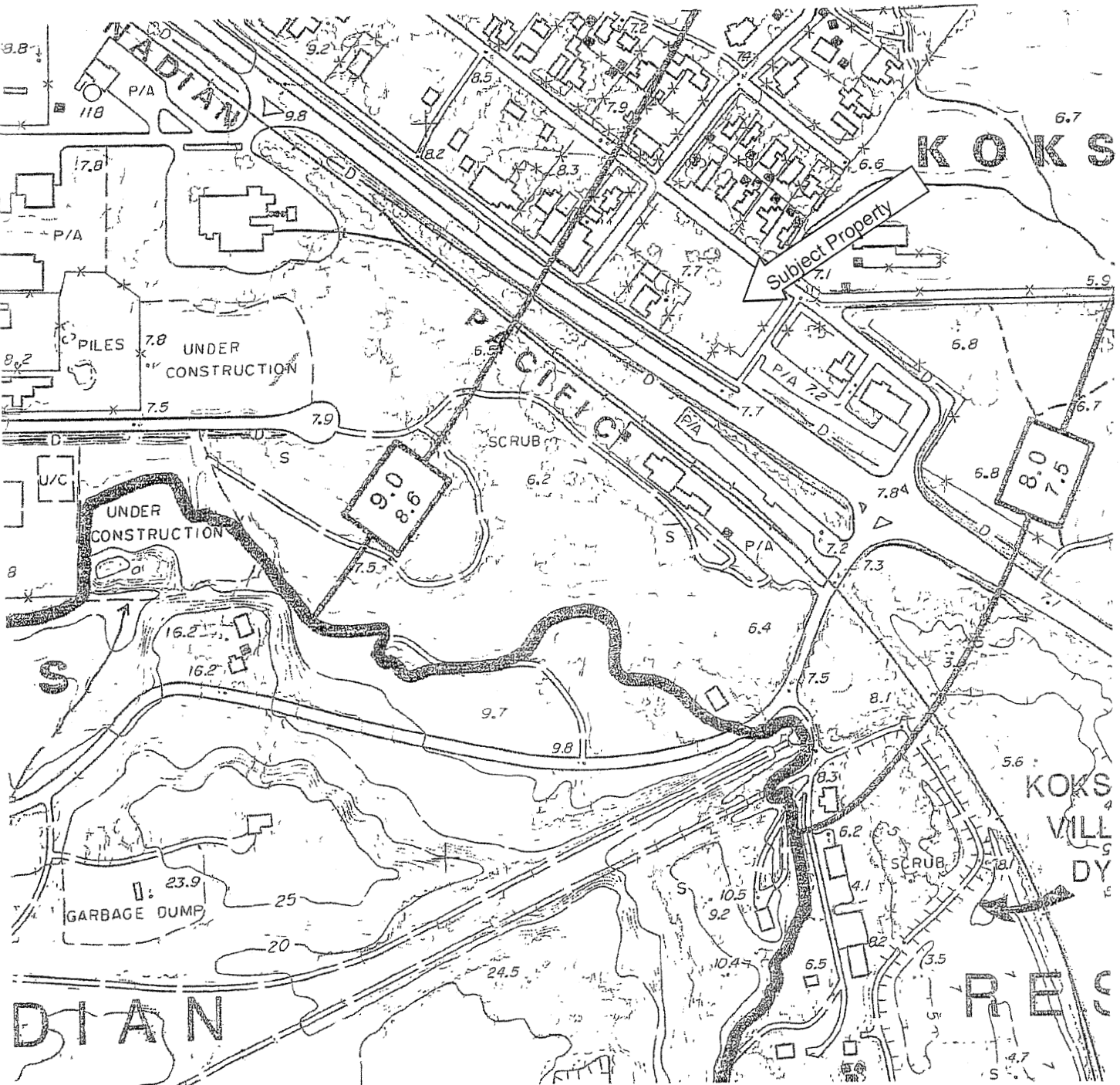


Conceptual Building Scheme



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3



000084



CVRD

**DEVELOPMENT SERVICES
POLICIES and PROCEDURES**

Title: Flood Line – Cowichan-Koksilah Floodplain ONLY

Classification: Building Permits and Inspections

Approval Date: Jan. 26, 1994

Revision Date:

PURPOSE:

To establish a policy for issuing building permits in the Cowichan-Koksilah Floodplain area.

POLICY:

That Building Inspectors be directed to issue building permits for structures below the 200 year flood line in the Cowichan-Koksilah Floodplain area **only**, subject to the following guidelines:

1. Requests for more than one (1) metre below the 200 year flood line shall not be considered or approved.
2. A Save-Harmless Covenant shall be registered on the title of the affected property.
3. Requests to locate residential buildings below the flood line shall be restricted to mobile (manufactured) homes.

D6

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

NOV. 10, 2009

NAME OF APPLICANT:

LORNE UNDERWOOD

ADDRESS OF APPLICANT:

2497D Mount Newton X Rd.

PHONE NO.:

250-665-6510

REPRESENTING:

Registered Band Member
Name of Organization

MEETING DATE:

NOV. 17, 2009

COMMITTEE/BOARD NAME:

Tsqwout Band Member

NO. ATTENDING:

3

NO. WISHING TO MAKE A PRESENTATION:

2

TOPIC TO BE PRESENTED:

- First Nations Interent Rights
and Title
- Process

NATURE OF REQUEST/CONCERN:

- Perceived lack of due process
- Out standing and unanswered
questions as per Impact
Assessment.

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

000086



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 17, 2009

DATE: November 10, 2009
FROM: Catherine Tompkins, Planner III
SUBJECT: Appointments to the South Cowichan Official Community Plan
Community Advisory Committee

Action:

That Doug Higginson be appointed to the South Cowichan OCP Steering Committee.

Purpose:

To consider the appointment of an additional person to the South Cowichan Official Community Plan Steering Committee.

Financial Implications: none

Interdepartmental/Agency Implications: none

Background:

The Director for Electoral Area A has requested that Doug Higginson be appointed to the South Cowichan Official Community Plan Steering Committee. Mr. Higginson resides in Electoral Area A.

Submitted by,

Catherine Tompkins MCIP
Planner III
Community and Regional Planning Division
Planning and Development Department

Department Head's Approval:
Signature

CT/ca

000087



SR 2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 17, 2009

DATE: November 10, 2009

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: ICF Transportation Workshops – Advisory Planning Committee

Action:

That the Committee give consideration to appointing an individual to act as the Regional District representative on the ICF Transportation Workshop Advisory Planning Committee.

Purpose:

To obtain Committee direction on designating a representative to the Island Corridor Foundation Transportation Workshop Advisory Planning Committee.

Financial Implications:

Not known.

Interdepartmental/Agency Implications:

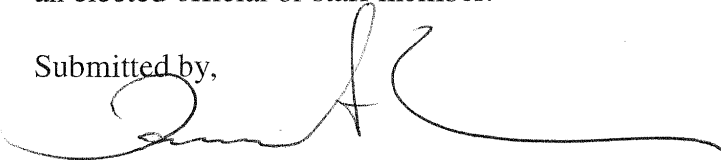
Not known.

Background:

The Island Corridor Foundation will be hosting a number of workshops in the first quarter of next year which will explore opportunities for the effective integration of rail transportation with land use planning and growth management priorities for southern Vancouver Island. The attached information outlines the format and some of the objectives of this initiative. It should be noted that the timeframe that is outlined in the attachment has been delayed and is most likely to get underway in the early part of 2010.

In speaking with the author of the letter, the representative from this Regional District could be an elected official or staff member.

Submitted by,



Tom Anderson,
General Manager
Planning and Development Department

August 10, 2009

Administrator
Cowichan Valley Regional District
wjones@cvrld.bc.ca

For the Attention of Mr. Warren Jones

Dear Mr. Jones,

RE: ICF Transportation Workshops -- Advisory Planning Committee

I am writing to enquire about interest within your community in participating on an advisory committee for the planning of a series of three workshops to be held in the mid island area during the fall of 2009. This workshop series is being developed to explore opportunities for the effective integration of rail transportation with land use planning and growth management priorities for southern Vancouver Island.

These workshops will be prepared and delivered by HB Lanarc Consultants Ltd. on behalf of the Island Corridor Foundation. Funding is provided by the Real Estate Foundation of BC. A working description of the workshops is provided in the attached document.

As background, you may be aware that two significant transportation studies have been underway on the south island since the beginning of 2009. The first, completed by BC Transit, investigates transit corridor alternatives through the Capital Regional District. The second, undertaken by MoTI, provides a review of the transportation business case for rail on southern Vancouver Island. Island Corridor Foundation believes that both of these studies have significant inter-regional impacts for all municipalities on Vancouver Island and has taken the initiative to offer these three workshops to facilitate a broad discussion of these findings.

So that these workshops can be as effective as possible we are seeking input from your community through an advisory committee to assist in the design and delivery of these events. The objective of the advisory committee would be to assist the ICF and the consulting team with development of the program and content for the regional workshops. We are hopeful that advisory committee members will provide local knowledge in terms of key land use issues and opportunities related to the corridor within their communities; knowledge of local interest groups and individuals for stakeholder involvement; as well as knowledge of appropriate local venues.

Advisory committees for each of three workshops will be comprised of approximately 5-8 people who would assist with the development with one of the following three regional workshops:

- Cowichan Valley -- Passenger Rail, Transit Oriented Design
- Alberni Valley -- Rail Freight in a Carbon Constrained World
- Oceanside -- Excursion Rail and Tourism

A description of each of these workshops is attached.

Committee Selection and Process:

Invitations are being sent by the project team to local governments and stakeholders with expertise and/or interest in at least one of the three areas. The project team will act as the selection committee and will have final input into the membership of each steering committee. Selection will be based on:

- Experience and/or knowledge of the topic
- Previous commitment to local initiatives and/or familiarity with the topic area
- Ability to represent public interest in a regional context as opposed to specific interest.
- A willingness to commit time from July 2009 thru December 2009. This will include, at minimum, attendance at monthly steering committee meetings (60-90 minutes with the option to participate via a telephone conference call), attending a regional workshop and other project-related meetings as determined by the advisory committee.
- Steering committee members may further assist the project team with additional tasks if interested and available.

A Chair for each Steering Committee will be selected at the first meeting and will be the point person for comments and questions into their particular regional workshop or interest area. It is expected that the Chair may take on extra tasks in the development of the Regional Workshop. The Chair will be responsible for reporting to the project team.

We look forward to working with you on this initiative and are hopeful that someone from your organization may have the time and interest to participate in these events.

Sincerely,

HB LANARC CONSULTANTS LTD.



Doug Backhouse

Landscape Architect, Principal

Cc: ICF Executive Director

Workshop 1 – Cowichan Valley, Nanaimo

October 2009

Extraordinary Change – Extraordinary Opportunity

Bamberton, Shawnigan, Sandstone, Wellcox, Lantzville Foothills, Sage Hills, Kensington...

...these are just a few of the development proposals that are, or will be, contemplated for central Vancouver Island. Many, many more projects both large and small will also be added to this list in the coming years. The central island is changing now and in the future and this poses a great challenge and responsibility. How can we adapt to change and create a sustainable future for our children, and their children?

In the future, energy will be more expensive and all of us will need to find ways to do more with less. Since the only by-product of energy efficiency is wealth it makes sense to look for better answers now.

The E&N rail corridor is one such opportunity. Throughout North America prosperous communities are rediscovering the value of rail, and the benefits of transit oriented design, which produces more complete communities characterized by a range of transportation choices.

This workshop is designed to showcase opportunities for communities to direct future development that can respond to the demands of expensive energy and a carbon constrained future.

*Build the transportation
you want...*

*...you won't have to wait
long to get the kind of
town suited to the future.*

*- Jeff Rubin, Why the World is About
to Get a Whole lot Smaller*

Keynote presentation – Jeff Rubin, other??

Workshop Program – etc.

000091

Workshop 2 – Alberni Valley

October 2009

The Future is Here, Today

They say “we are living in a carbon-constrained world.”

What does that mean?

To understand just one aspect of this idea, consider that emerging US law designed to respond to this new reality obliges all developed US trading partners to commit to absolute 17% GHG reductions from 2005 levels by 2020, economy-wide. US tariffs will be applied to any goods and services (not just carbon-based goods) exported to the US from regions that fail to commit to and comply with this absolute GHG reduction objective. These laws will come into effect this year.

Forestry, and industry of all types on Vancouver Island, must quickly adapt to this new market reality. Those businesses that do not have direct access to tidewater or rail infrastructure will face a significant challenge competing in the context of these emerging carbon tariffs.

On Vancouver Island we will have two choices:

- Shift away from traditional resource based industries that are unable to compete, or;
- Consider rail and port infrastructure investments that position British Columbia to compete now, and into the future.

This workshop is designed to encourage a discussion about rail infrastructure improvements that will give Island businesses, especially those in the resource sector, better access to North American and Asian markets. Rail upgrades are contemplated that will permit greater volumes of freight and will link to the North American rail network via the coastal barge service. Through this link, Vancouver Island businesses can gain access to a variety of Class One rail providers, including CP, CN, Burlington Northern Santa Fe (BNSF), and Union Pacific (UP), and to all the market that those rails serve.

With this link to North American markets, it is estimated that over the next five to eight years freight tonnage could increase to approximately 717,000 tonnes per year – representing an approximate value of \$6.9 billion (\$2007).

Keynote presentation – ??

Workshop Program – ??

Location – Alberni Valley??

Workshop 3 – Alberni Valley, Oceanside

October 2009

Inviting the World to Visit

When cruise ships visit Vancouver Island the top rated excursion destination is a ride on the Arrowsmith Explorer steam train to the McLean Mill Heritage Site. Since 1985, more than 182,000 passengers have traveled the six miles by steam trail that connects downtown Port Alberni and the McLean Mill.

This is just one small example of the opportunity to develop tourism products oriented around a sustainable rail service. The Island Corridor can become an essential part of their aboriginal community development and business development plans in the future. The plentiful, natural environment on Vancouver Island and rich cultural traditions of the Coastal Salish, Nuu-chah-nulth and Kwakwaka'wakw peoples can provide abundant opportunities for new cultural attractions and tourism. A well integrated rail service will stimulate the growth and development of First Nations businesses and communities across the Island.

Aboriginal Tourism BC's (ATBC) BluePrint Strategy, recognizes aboriginal tourism is the fastest growing sector of the tourism industry. Many First Nations are considering investments in Aboriginal tourism and the integration with passenger rail can make these businesses more attractive and sustainable. Aboriginal-owned ventures throughout Vancouver Island can benefit from the increase in tourism traffic derived from an improved passenger rail service, including the I-Hos Gallery (Comox), Quw'utsun' Cultural and Conference Centre (Duncan) and Choo Kwa Ventures (Port Alberni).

Recent investigations undertaken by MoTI help to quantify some of these rail based tourism opportunities.

This workshop is designed to review the baseline investigation and explore additional opportunities for product development, service integration and future business opportunity.

Keynote presentation – ??

Workshop Program – ??

Location – Oceanside (Parksville or Qualicum Beach)

API



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

DATE: November 3, 2009

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Vice-Chairperson George deLure at 7:00pm.

PRESENT:

Chairperson:

Vice-Chairperson: George deLure

Members: Jeff Abbott, Shawn Carlow, Erica Griffith, Gerald Thom,
Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Recording Secretary: Tara Daly

REGRETS: Kim Windecker, chairperson

GUESTS: Gary Harvey (applicant), Mike Marrs, John Karlson (arrived at 7:30pm)

AGENDA:

It was Moved and Seconded to accept the agenda as presented

CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of September 2, 2009

CARRIED

Development Permit Application 2-I-08DP (7786 Sunset Drive – Gary Harvey)

- * septic tank is located by the driveway on the top end of the property, farthest away from the lake as possible; was installed less than ten (10) years ago
- * derelict garage has been removed
- * the ditch on the property has been determined by an environmentalist as being only a ditch
- * the addition of the porch (application) is outside of SPEA with the size being 8 feet X 8 feet (64 square feet)

It was Moved and Seconded by Area I (Youbou/Meade Creek) Area Planning Commission that there are no objections to 2-I-08DP (7786 Sunset Drive – Gary Harvey) moving forward.

CARRIED

BUSINESS ARISING FROM MINUTES:

- * derelict vehicles, proximity to highways property, by-law is difficult to enforce with some restrictions being uninsured for over a year and unable to

000094

run on its own, it was noted that any uninsured vehicle cannot be on public property and that it should be able to be enforced by the local RCMP; owners not in compliance should be encouraged on a personal level rather than making a huge issue to begin with, a company is in place that will remove derelict vehicles at no cost to the owner; Director Kuhn will speak with the owners of the problem areas

- * Director Kuhn noted that there seems to be a new awareness with some residents of what is acceptable and what isn't noting the success of the Cowichan River clean-up; he also recognized the success of the recent 'Fowl Dinner' organized by the newly formed *Me N' You Nites Social Organization*
- * discussion about 'Tidy Towns' in Australia and the pride of the Maritimes in their communities was held with the Commission being asked to contemplate their involvement in promoting pride in Area I (Youbou/Meade); to be discussed further at the December APC meeting; J. Karlson noted that Lot 78 at Creekside is being cleaned up

OLD BUSINESS:

- **Poker Run** ~ J. Karlson noted the Youbou Bar & Grill are the hosts for the event, not the organizers, but are aware of problems arising such as parking on Willow Street & Coon Creek Road and noise; the boats run a circuit through the season and have restrictions in all locations, noise was not as big a problem this year as there was more enforcement with mufflers; J. Karlson agreed that parking congestion needed to be reviewed with possibly a valley system put in place for next year's event; the Water Traffic Solutions sub-committee of the Lake Stewardship organization is looking into a decibel reading device; communication and discussion are important input in local events

It was Moved and Seconded that Area I (Youbou/Meade Creek) Area Planning Commission work in conjunction with the community, participants, and John Karlson (owner of the Youbou Bar & Grill) to further improve the Poker Run event.

CARRIED

- **Plane noise** ~ Cowichan Lake is a designated practice/training area for flight instruction by Transport Canada, persistent noise from touch and go practice can be reported to the Department of Transport out of Nanaimo by quoting the number of the plane
- **Chickens** ~ Director Kuhn is still investigating
- **Coon Creek Public Access** ~ MoTH confirms it is a public access and will remain as such; the Public Access & Riparian Area sub-committee of the Lake Stewardship organization is reviewing this area around the lake, G. Thom will provide the APC with contact information and any updates

REPORTS ~ DIRECTOR KUHN:

- **Youbou Lands** ~ report is still with the Provincial Government with their focus on the Phased Development Agreement (PDA), only ten (10) year agreements have been previously approved with this one being proposed for twenty (20) years; if it returns favourably from the government it would proceed to the CVRD Board of Directors for 4th Reading and adoption allowing the development to move forward

- **Amalgamation** ~ at UBCM (Union of British Columbia Municipalities) conference held recently a delegation was informed there would be no funding the restructuring; Areas A, B, & C of the Regional District are currently going through the process looking at regional planning and its effects on all of the Electoral Areas; the Restructuring Committee will monitor the progress
- **Fireworks By-law** was backtracked somewhat, allowing fireworks if a waiver was signed; the by-law stopped sales and displays within the Regional District

NEW BUSINESS:

- J. Karlson, owner of Youbou Bar & Grill, wanted the APC to know that even though his business will be closed for six (6) months that his desire is to still participate in the community, his vision of further congealing and improving the community is similar to the APC and he offered to assist in anyway that he can
- 'The Youbounian', a local paper started by resident, Rita Baker, has currently been discontinued because of funding problems, J. Karlson offered to contact R. Baker to offer assistance
- **Election of Chairperson** was necessary because of work commitments by K. Windecker; G. deLure agreed to remain as vice-chairperson but because of health issues didn't feel he could assume the chairperson position; M. Marrs gave a personal background which included planning & development, by-law officer, building inspection, and architecture
- **Points to note** ~ members of the APC should be diligent in looking at properties coming forward for review; a group visit may be more beneficial

It was Moved and Seconded that Mike Marrs assume the position of Chairperson for Area I (Youbou/Meade Creek) for the remainder of the term.

CARRIED

ANNOUNCEMENTS:

- **Me N' You Nites** are holding a community card night on November 13, 2009 from 7pm – 9pm in the Youbou Community Hall
- **Next Meeting** December 1, 2009 at 7pm in the Youbou Upper Hall
The meeting was adjourned at 8:30pm

Meeting was adjourned at 8:30pm

/s/ Tara Daly
Secretary

000096

AP 2

RECEIVED
NOV 04 2009

-----Original Message-----

From: Jenny Searle [mailto:searle2@telus.net]

Sent: Sunday, November 01, 2009 6:17 PM

To: Calvin Slade

Cc: Lori Iannidinardo; Dan Butler

Subject: Re: Last meeting, and next meeting.

Hi Calvin ,Lori and Dan.

Thanks for the updates. Am having some type of computer problem - unable to print any attachments!! And the latest minutes... but...

Am pretty sure I will be away for most of November, therefor unable to attend any more meetings. Also, as our term runs out in November I shall not be seeking another term, though I've certainly enjoyed the meetings I've attended.

(My daughter is now full time in college and I shall be picking up the slack

with baby-sitting her 3 year old most afternoons and some evenings.) It was a pleasure meeting everyone.

Sincerely,

Jenny Searle.

000097

RD PK1

COBBLE HILL PARKS AND RECREATION COMMISSION MEETING

Monday, September 21st 2009 7:00 pm.

Arbutus Ridge Board Room

MINUTES

Present: John Krug – Chair, Richard Shaw, Bill Turner, Linden Collette, Ian Sparshu, Alan Seal, Gerry Giles, and Lynn Wilson.

Guests: Brian Farquhar, CVRD Parks and Trails Manager, Gordon Dickenson

1. Moved/seconded

That the minutes be adopted as circulated. **MOTION CARRIED**

Business arising from the minutes

The Cenotaph Project was reviewed with the Commission. It was explained the \$20,000 set aside by the Cobble Hill Parks Commission in their 2009 budget for the Cenotaph project was not available due to unexpected emergencies like the Manley Creek bridge repair and bank stabilization along with the additional costs surrounding the Environmental Consultant's Report on the old Cobble Hill Works Yard. This has resulted in a shortfall in the project's financing. It was also explained that funds would be needed for legal costs to cover the transfer of property, construction of the pathway on the Farmers Institute property, electrical work and fencing.

Moved/seconded

That the Cobble Hill Parks Commission recommend to the CVRD Board that up to \$50,000 be transferred from the Cobble Hill Parks reserve to complete additional projects slated for Cobble Hill namely, the Farmers Institute pathway, electrical work, fencing and legal costs.

MOTION CARRIED

New Business

1. The parks commission reviewed the budget materials provided by Brian Farquhar.
2. Surplus funds from each budget year go into a reserve fund maintained by the Cobble Hill Parks Commission. The purpose of the fund has been to acquire new park land as it becomes available. Brian Farquhar noted that as parks facilities age, there is an increasing need to maintain or replace them. He stated that there is an increasing need for all CVRD parks commissions to put money aside to maintain and replace existing facilities.

000098

3. Moved/seconded

That the Cobble Hill Parks Commission will maintain surplus funds at the end of each fiscal year for the purpose of maintaining and replacing existing Cobble Hill Parks properties and facilities.

MOTION CARRIED

4. Brian also noted that the parks board is looking ahead to 2011 for major projects in order to have a longer timeline for assessments, pre-approvals, community consultation, and planning. He asked if the Cobble Hill Parks Commission could plan ahead. We discussed the need for a permanent washroom facility at the base of Cobble Hill Mountain.

Director's Report

1. There is currently a work crew from a JOB Opportunity project working on park and trail maintenance in the CVRD. The crew is a partnership with Cowichan Tribes and the CVRD to manage fuel loads, improve existing trails, and construct new trails.
2. On Cobble Hill Mountain, the parks board is working with the JOB project crew to decommission some trails and remove dangerous trees.
3. The Cowichan Land Trust is interested in partnering with the Cobble Hill Parks Commission in purchasing approximately 6 acres of land near the intersection of Fisher Rd. and Telegraph Rd. This land drains into Garnett Creek and could be ecologically important to the area. Gerry, Lynn, and Linden agreed that they would meet with Cowichan Land Trust members to look at the land for possible acquisition.

The next meeting is scheduled for Thursday, October 22, 2009 at 7:00 pm.
Location to be determined.

The meeting adjourned at 9:02 pm.

Submitted by Linden Collette, Secretary

RECEIVED
C.V.R.D.

NOV 02 2009

Minutes of the regular meeting of the Area H Parks Commission held at North Oyster Community Centre on September 24, 2009.

PRESENT: Chairperson Bruce Mason, Don Pigott, Murray McNab, Brad Uytterhagen, Area H Director Mary Marcotte, Secretary Barbara Waters

ALSO PRESENT: Warren Jones, Brian Farquhar

ABSENT: Snuffy Ladret

PK 2

**APPROVAL OF
AGENDA**

IT WAS MOVED AND SECONDED

That the agenda as circulated be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

IT WAS MOVED AND SECONDED

That the minutes of the regular meeting of July 23, 2009, as circulated be adopted.

MOTION CARRIED

**CLOSED
SESSION**

IT WAS MOVED AND SECONDED

That the meeting resolve into closed session on the basis of Local Government Act Section 242.2, subsections in accordance with each agenda item.

MOTION CARRIED

IT WAS MOVED AND SECONDED

That the commission rise without report.

MOTION CARRIED

**BUSINESS
ARISING FROM
THE MINUTES**

**B1 Wiggins
Property**

Parks Commission members took note that a public hearing is scheduled for 7:00 p.m. Monday, October 5, 2009 at North Oyster Community Hall, preceded by an open house from 3:00 to 6:00 p.m. The current proposal is for the donation to the North Oyster Fire Department of one acre at the Shell Beach Road end of the property. If in the future the fire department finds that this piece of property is superfluous to their needs it would revert to the community land bank.

000100

B2 Rock Donation

A question arose as to whether the donation of 4 dumptrucks of rock does include any size rock, including gravel, as reported in the minutes of June 23. Rob Waters is to be contacted for clarification. It was confirmed that some rock could be used at Blue Heron Park, and some gravel could be used to build up the part of the trail that floods in Trillium Park. A tour of other parks to assess needs for rock or gravel would be useful.

B3 Contractor
Hourly
Rate/Picnic Tables

We have not yet located a suitable person to do the refinishing of the picnic tables and benches in Yellow Point, Blue Heron, Elliott's Beach and Raven Parks. We are looking for a contract rate rather than an hourly rate.

REPORTS:

R1:

Yellow Point Park

No report.

R2:

Blue Heron Park

This park was heavily used in the hot weather this summer, to the point where at times the adjacent private driveway was blocked. Don Pigott to follow up re: appropriate signage.

R3:

Raven Park

The contractor appears to be doing a good job of maintaining this park, which is still minimally used.

R4:

Elliott's Beach

This park is heavily used and maintenance is good except for a minor repair need to the toilet surround.

R5:

Michael Lake
Access

No report.

R6:

000101

Trillium Park

This park is very well used and appreciated by neighbours. A bear was recently sighted in the park. Parks Commission has yet to plant the trees proposed for the entrance off Chandler Road. Bruce Mason is to draft a letter to the CVRD clarifying Parks Commission expectations regarding future tree removal.

R7:

**Ladysmith Parks
and Recreation**

Brad Uytterhagen attended the recent Ladysmith meeting on behalf of Area H Parks Commission. He reported that much of the discussion focused on development of Lot 108, which used to be part of Area H and is proposed as the site of a trailer park and sports complex.

NEW BUSINESS

NB1:

**Survey of Blue
Heron Park**

Murray McNab reported that subsequent to a recent discussion with Richard Hill of Yellow Point Lodge it was agreed that it would be prudent to survey Blue Heron Park to define its boundaries. Murray McNab to follow up and report to Director Marcotte.

NEXT MEETING

Thursday, October 22, 6:30 p.m., North Oyster Community Hall.

ADJOURNMENT

**Moved
Seconded**

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:53 p.m.

Barbara Waters, Secretary
October 14, 2009



NOV 02 2009

PK 3

**MINUTES OF ELECTORAL AREA G (Saltair/Gulf Islands)
PARKS COMMISSION MEETING**

DATE: October 5th, 2009
TIME: 7:00 pm

MINUTES of the Electoral Area G Parks Commission held on the above noted date and time at the Water Board Building, Saltair, BC. Called to order by chair at 7:05 pm.

PRESENT:

Chairperson: Harry Brunt
Secretary: Jackie Rieck
Members: Norm Flinton, Tim Godau, Kelly Schellenberg, Paul Bottomley

ALSO PRESENT:

Director: Mel Dorey
Guests: Diana MacTavish (Saltair Rate Payer's Association) and Ryan Dias (CVRD)

ABSENT:

Dave Key and Glen Hammond

OTHER BUSINESS:

A representative of the Saltair Rate-Payer's Association—Diana MacTavish, requested possible funding from the Parks Commission to replace the “Map of the Saltair ” which is currently mounted on the front exterior of “Byron's Store. Their plan is to design a new professional, detailed and weather proof - Community Saltair Map. Diana will get back to the Commission with exact costs. The Rate-Payer's were also considering developing a “Brochure of Saltair” which would list: Parks, Trails, Washroom facilities, Beach Accesses and Local Home-Based Businesses. This brochure would be designed to encourage citizens of Saltair to shop locally. Ultimately, the Rate-Payer's would pick-up initial start up costs and for the second phase, local businesses would purchase advertising space to fund the Brochure. For further information or to add a local business contact Diana MacTavish at dianamac@shaw.ca or 250-245-3502

000103

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the minutes of the Area G Parks Commission meeting of October 5th, 2009 be accepted.

MOTION CARRIED

ORDER OF BUSINESS:

1. Budget Report:

Ryan Dias(CVRD) presented the "Electoral Area G 2010 Community Park Budget Planning Draft". A handout of the spreadsheet Budget Plan was explained and then discussed. Tim Godau noticed a numerical discrepancy regarding the "4% increase in the charge of doing business" which calculated instead to a "27%" increase?? Ryan to re-check figures and get back with corrections.

MOTION:

It was moved and seconded that it be recommended to transfer \$30,006 of the \$45,006 from the Operating Reserve Fund (Surplus) to "Parkland Acquisitions" and then transfer the remaining \$15,000 to the "Rainy Day Reserve Fund".

MOTION CARRIED

Ryan advised the Committee to seriously consider and choose our "TOP 3 PROJECTS FOR 2010". Several potential projects mentioned were: 1. Construction of a set of stairs down the west-side slope of Stocking Creek which would provide a safer access to the creekside. 2. Fence the cliff of the Stocking Creek waterfall viewing area. 3. Land acquisitions for connecting trails and parks.

2. Playground Update:

Ryan announced that our playground has been ordered. Installation is scheduled for November 13th, 14th and 15th. CVRD to perform site preparation and provide two carpenters. 20 volunteers would also be required. Harry Brunt to contact the owner of Mount Brenton School for temporary storage of pea gravel.

3. Doggie Bag Dispensers

Cost of each dispenser: \$40.00.

MOTION:

It was moved and seconded that it be recommended to purchase 4 Doggie Bag Dispensers. One to be installed at the north parking lot and the second at the south parking lot of Centennial Park, third dispenser at the entrance to Princess Diana Park and the fourth to be installed at the entrance of Stocking Creek Park.

MOTION CARRIED

4. Park Benches for Stocking Creek Park

Mel Dorey brought to our attention a Canadian Company based in Langley that manufactures park benches from recycled plastics and aluminum. The benches are fire resistant and prices start from \$375.00 and run up to \$1200.00. He will pass on information to Kelly Schellenberg for the purchase of two benches.

5. Recreation Fund

Recreation fund budget: \$3000 for Easter and Halloween Events, Summer Day Program wages \$9000.00. Awaiting report of Summer Camp Program.

ADJOURNMENT:

It was Moved and Seconded that the meeting be adjourned at 9:30 pm.

NEXT MEETING:

Monday, November 2nd, 2009, Water Board Building 7:00pm

000105

PK 4

From: morrison.director@shaw.ca
Sent: Thursday, November 05, 2009 1:44 PM
To: Jennifer Hughes
Subject: Fw: parks commission

Sent on the TELUS Mobility network with BlackBerry

From: Ron McKenzie <remckenzie@shaw.ca>
Date: Thu, 05 Nov 2009 13:25:10 -0800
To: Ray Wear<lumchow@shaw.ca>; <morrison.director@shaw.ca>
Subject: parks commission

Please remove me from the list of commissioners on the parks commission effectively immediately.

Ron McKenzie

RE C1



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

Financial Services Department

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

Submitted by Director Ken Cossey Area B

Grantee:

Grant Amount \$ 1000⁰⁰

NAME: FRANCES KERSEY SECONDARY SCHOOL

ADDRESS: PO BOX 279

MILL BAY BC VOR 2PO

ATTENTION: MS. NORMA WHEELER

Contact Phone No: (250) 743 6916

PURPOSE OF GRANT: _____

FINANCIAL ASSISTANCE TO A

GRADE 12 STUDENT ? LOOKING TO A POST SECONDARY EDUCATION.

REQUESTED BY: K. Cossey

Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0103-112	1000.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization

000107



FRANCES
K E L S E Y
S E C O N D A R Y S C H O O L

P.O. BOX 279 MILL BAY, BRITISH COLUMBIA, V0R 2P0 TEL (250) 743-6916 • FAX (250) 743-6915
SCHOOL DISTRICT 79 (COWICHAN VALLEY)

October 22, 2009

Cowichan Valley Regional District Electoral Area B Shawnigan Lake
Mr. Ken Cossey
Box 368
Shawnigan Lake, BC V0R 2W0

Dear Mr. Ken Cossey :

At this time, our attention is once again focused on scholarships and bursaries, which are awarded annually to our graduating students.

We take this opportunity to thank you for the steadfast support shown our students in the past. The importance of these awards increases as the cost of further education escalates. There is no doubt that this help often makes a significant difference to many individual students.

Please let us know if your organization will be able to donate to the program again this year. If so, please confirm by initialing that all information is correct or revise the attached information sheet and return it by mail or fax (250-743-6980) to Ms. Norma Wheeler by Friday, January 15, 2010.

Thank you for your support.

Sincerely,

Mr. Mike Martin
Scholarship and Bursary Chairperson

MM/njw

Encl.

000108

27 COWICHAN VALLEY REGIONAL DISTRICT ELECTORAL AREA "B" - SHAWNIGAN LAKE AWARD

1 award(s) valued at \$ 1000

1. The applicant must be residing in the Shawnigan Lake area.
2. Student must have worked very hard and shown dedication to their academic pursuits.
3. Student must have demonstrated helpfulness to other students through positive contributions to School Community life.

Applications to: Mr. M. Martin (via Ms. Wheeler - Counselling Office)

Primary Contact

Mr. Ken Cossey,
Box 368
Shawnigan Lake, BC V0R 2W0

Alternate Contact

743-1336

Special Application Form Required? No

REC C 2



CVRD

COWICHAN VALLEY REGIONAL DISTRICT Financial Services Department

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

Submitted by Director LORI IANNIDINARDO Area D

Grantee:	Grant Amount \$ <u>975.00</u>
NAME: <u>COWICHAN BAY IMPROVEMENT ASSOCIATION</u>	
ADDRESS: <u>P.O. Box 23</u>	
<u>Cowichan Bay, B.C. VORINI</u>	
Contact Phone No: <u>BRUCE STEWART (250) 746-7664</u>	
PURPOSE OF GRANT: <u>COSTS OF RECYCLING BINS</u>	
<u>AND SIGNAGE FOR USAGE</u>	
REQUESTED BY: <u>Lori L. Iannidinardo</u> Director Requesting Grant	

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0108-114	975.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

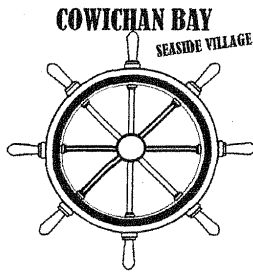
Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

000110



October 30, 2009

Bruce Stewart

President - CBIA

Lori Iannidinardo

Area D Director

Dear Lori:

As you know Cowichan Bay was recently recognized as North America's first Cittaslow Community. One of the key components of being a Cittaslow Community is recycling and recovery. Currently, there is no recycling available for visitors or businesses. We have drafted a plan. Please accept this letter as a formal request for funding from the CVRD to help us execute this plan.

We are seeking \$975 for 2010 to be used in the following manner.

Upfront costs to create 5 wooden 3 slot garbage and recycling bins in a maritime theme, complete with proper signage for usage - \$600

One half of 10 month charges from Cowichan Recyclists (\$75 per month x 10 months) = \$375

Cowichan Bay Improvement Association will pay the remainder of the maintenance charges.

For 2011 and beyond, we will be seeking \$450 for 12 month coverage.

Please confirm to me in writing if we will be able to count on CVRD support to execute this plan,

Sincerely,

Bruce Stewart

President - Cowichan Bay Improvement Association

000111